

LEARNING

THE BOSTON SUNDAY GLOBE • JULY 2, 1995

Guidelines documented on religion in schools

By Margaret Combs
SPECIAL TO THE GLOBE

Nearly three dozen political and religious groups from the far right to the far left have released a document they hope will clarify the sorts of prayer and religious expression that are — and are not — allowed in the classroom.

"This is the first time a group as wide as this has gotten together and agreed on what can be done in schools," says Marc Stern, a lawyer with the American Jewish Congress who drafted the document. Stern says the report, called "Religion in Public Schools: A Joint Statement of Current Law," is rare in declaring common ground among religious liberals and conservatives.

Religious conservatives, Stern says, "have their list of horror stories about how kids are being punished for wearing religious messages on

T-shirts or simply typing 'Jesus' on the computer. And on our side, we have coaches forcing kids to pray before games.

"Well, we think all of it is wrong, and now we've said so."

The document was signed by representatives of 35

organizations spanning the entire conservative-to-liberal spectrum of politics and religious practice, including the National Association of Evangelicals and the Christian Legal Society on the right, the more moderate National Council of Churches and, on the left, the American Civil Liberties Union.

Initial feedback from educators appears to be positive.

Issues pertaining to the teaching and practicing of religion in school have become increasingly prominent and controversial in recent years. Last week, the US Supreme Court lifted a ban on student-led graduation prayers in several Western states. Although the court did not address the larger issue of school prayer, the justices overturned a 9th US Circuit Court of Appeals ruling that prohibited student-led prayers in the circuit's nine states.

The authors of "Religion in Public Schools" sought to spell out what is allowed under federal law. Among the issues addressed are student prayer, which the authors say can occur quietly in class, in the hallways or before and after school but is subject to other rules of speech in those areas; graduation prayer, which they say cannot be mandated or organized by school officials; and religious attire. For example, T-shirts with religious messages cannot be singled out for suppression, according to the authors, nor can yarmulkes or head scarves.

The report also maintains that in the teaching of values, schools may teach honesty, good citizenship, respect for the rights and freedoms of others, tolerance and moral conviction. Also, as long as students have the right to be excused from class, they may also teach sexual abstinence and contraception.

As for teaching about religions, the authors say schools cannot teach religion per se, but the law does allow teaching the history of religion, comparative religion and the Bible as literature. Creationism, they say, can be taught in history

RELIGION, Page 33

Religious groups agree on guidelines

for expression in school

■ RELIGION

Continued from Page 31

or social studies but not as scientific fact.

The expression of a student's religious beliefs in a school assignment, according to the report, is permissible, although the student's writing must be judged by ordinary academic standards of substance, relevance and grammar. The distribution of religious literature is allowable, the authors say, but is subject to restrictions imposed on all other nonschool literature.

"There are some administrators who have been unclear on what the law allows," says Mark Pelavin, director of the Washington office of the American Jewish Congress, "and others have taken a hard line against religious expression because they are afraid of litigation. They don't want their budgets eaten up by lawsuits from both the right and the left, so being safe has meant not allowing anything at all in schools."

This hard line, however, not only has

failed to ward off litigation, but is causing its own litany of lawsuits concerning students' religious liberty. One such case was recently settled in Renton, Wash., a suburb of Seattle, where a school refused student requests to organize a Bible club. After going to the Supreme Court twice, the school lost the case.

According to signatories of "Religion in Public Schools," legal cases such as the one in Renton are unnecessary because the right of students to organize Bible clubs - as long as the school allows all other clubs - already is protected under federal law.

"Since 1984, the Equal Access Act has established that students who wish to gather and discuss their Bible in a group have the right to do so if other clubs are allowed," says Steve McFarland, director of the Center for Law and Religious Freedom of the Christian Legal Society, which signed the document. The hope of McFarland and other supporters is that the document not only will cut down on needless litigation for schools

but also serve to inform the school prayer debate in religious and political arenas.

"We thought, if a dialogue is going to take place, it should be based on fact not fancy," says Forest Montgomery, a lawyer with the National Association of Evangelicals.

While it is still early to gauge how widely the document will be read and how it will be received, initial feedback from educators appears to be positive. About 1,500 copies have been disseminated to educators and attorneys through a variety of educational organizations.

"For the most part, our people are uncomfortable dealing with these issues and will welcome a document to clarify it," says Nick Penning, policy specialist for the American Association of School Administrators in Virginia.

Also supportive of the document is August Steinhilber, general counsel of the National Association of School Boards, although he urges school officials not to use the information it contains without consulting law-

yers.

"This is a good legal document," says Steinhilber, speaking from the NASB offices in Virginia. "But I wouldn't want laymen making interpretations of what they can and cannot legally do." For this reason, Steinhilber said, he is distributing the document only to school board attorneys.

Rhoda Schneider, general counsel for the Massachusetts Department of Education, has read the document and believes it could be valuable to state educators. Although Massachusetts schools have not encountered the number or intensity of religious disputes as have other states, Schneider says her office gets calls from school officials asking for guidance on commencement prayer and on excusing students for religious holidays.

"This document is accessible, readable and is a clear and accurate statement of the law, written in ways that will be very helpful to school administrators," says Schneider, who plans to discuss with the state education commissioner the possibility of distributing

the document to superintendents and principals across the state.

Not everyone is satisfied with the report, however. In a memo published in the April issue of the Christian-based World Magazine, Michael Whitehead, general counsel of the Southern Baptist Convention Christian Life Commission, which did not sign the document, criticized the report for attracting more liberal signatories than conservative.

Nevertheless, representatives from the two most conservative groups who did elect to sign - the Christian Legal Society and the National Association of Evangelicals - say they do not regret their decision to support the document.

"Our only regret is that our allies in the struggle for religious equality are unwilling to see the value in this document," says McFarland of the Christian Legal Society. "It has the potential for eliminating hundreds of lawsuits and thousands of instances of educators suppressing students' rights. That's worth taking the political heat."