



Dear Director:

As the school year begins, I want to share with you ACLU-TN's "Know Your Rights: Religion in Public Schools." This briefing paper highlights the religious freedom issues that public school administrators and educators most often encounter in their school systems.

The United States is one of the most religiously diverse nations in the world. Our rich tapestry of faith is, at least in part, because of our freedom to believe (or not believe) which is protected under the First Amendment of the Bill of Rights to the U.S. Constitution. The founders believed in the importance of religion and recognized that both religion and government are at their best when they are kept insulated from one another. One of the ways we maintain this insulation is by making sure that public schools – which are part of our government – neither advance nor inhibit religion.

The First Amendment to the U.S. Constitution contains three important clauses that protect individuals from government interference with their religious beliefs:

- The **Establishment Clause** says that "Congress shall make no law respecting an establishment of religion..." This clause prohibits public schools and their employees from endorsing or encouraging religion in any way.
- The **Free Exercise Clause** says that "Congress shall make no law....prohibiting the free exercise (of religion)." This clause ensures that students are free to exercise their religious beliefs free from government coercion or interference as long as they do not disrupt educational activities.
- Finally, the **Free Speech Clause** says that "Congress shall make no law....abridging the freedom of speech." This clause means that school officials are required to allow students to express their religious beliefs, within certain guidelines.

Each of these provisions applies to and governs the conduct of all public schools and their staff in Tennessee.

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While these rules may seem clear and straightforward, educators often struggle to understand how these requirements interrelate and how they apply to specific circumstances. This is especially true when the majority of students and community members belong to the same faith tradition. Often school systems conclude that the school's treatment of religion should favor the majority's interest, just as our democracy decides political representation. However, this is not the case. While majority votes govern our elections, a counterbalancing principle ensures that the power of even a democratic majority must be limited to ensure individual rights. The First Amendment to the Bill of Rights protects these minority rights as they relate to religious activities in public schools.

I hope the enclosed materials are helpful. Please reproduce and share with your principals and teachers. I also welcome any questions or comments that you may have and can be reached at hedy@aclu-tn.org.

Wishing you a productive, healthy and happy school year!

Hedy Weinberg
Executive Director