



Dear Superintendent \_\_\_\_\_:

I am pleased to share ACLU-TN's Briefing Paper: "Know Your Rights: Religion in Public Schools – A Guide for Administrators and Teachers."

One of the most hotly disputed – and most frequently misunderstood – issues is the role of religion in public schools. The airwaves are filled with rhetoric suggesting that ACLU and the United States Supreme Court have taken prayer, God or religion out of the public schools when the ACLU actually defends students' right to pray in school as long as they don't disrupt the school day. However, the ACLU does not support public school-sponsored or endorsed religious activities because religious education of children should be directed by parents, families and religious communities – not the public schools.

In an attempt to clear up some of this confusion, ACLU-TN has prepared this brochure to provide public school administrators and teachers with constitutionally sound guidelines regarding religious activities in public schools.

The Establishment Clause of the First Amendment prohibits government from encouraging ("establishing") religion in any way. The U.S. Supreme Court has long held that this basic provision of our Constitution forbids school-sponsored prayers, even when:

- Prayers are voluntary or students have the option of being excused [*School District Of Abington Township v. Schempp* (1963), *Engel v. Vitale* (1962)];
- Students vote in favor of holding prayers in conjunction with school events [*Santa Fe Independent School District v. Doe* (2000)].
- Prayers are nonsectarian or non-proselytizing [*Lee v. Weisman* (1992)].
- Students are asked to observe a moment of silence for the purpose of praying in their own manner [*Wallace v. Jaffree* (1985)].

The purpose of the First Amendment is not to prohibit religious expression, but to preserve the freedom to worship or not as one chooses. Accordingly, the Free Exercise Clause of the First Amendment protects students' rights to:

- Pray in school, as long as they do not disrupt educational activities or compel others to pray along with them.
- Organize religious clubs and groups, as long as 1) activities take place during non-school hours; 2) school officials aren't involved in running the group; and 3) any school facilities that are used are made equally available to all student groups.

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I hope the enclosed paper is helpful. Please reproduce and share it with your school staff and students. I welcome any questions or comments you may have and can be reached at 615-320-7142.

Wishing you a productive school year,

Hedy Weinberg  
Executive Director