

Instruction

Assemblies and Ceremonies ¹

Assemblies must be approved by the Superintendent or designee and be consistent with the District's educational objectives.

The District shall not endorse or otherwise promote invocations, benedictions, and group prayers at any school assembly, ceremony, or other school-sponsored activity. ²

LEGAL REF.: Lee v. Weisman, 505 U.S. 577 (1992).
Santa Fe Independent Sch. Dist. v. Doe, 530 U.S. 290 (2000).
Jones v. Clear Creek Independent Sch. Dist., 930 F.2d 416 (5th Cir. 1991), *cert. granted, judgement vacated*, 505 U.S. 1215 (1992), *remand*, 977 F.2d 963, *reh'g denied*, 983 F.2d 234 (5th Cir. 1992), and *cert. denied*, 508 U.S. 967 (1993).

CROSS REF.: 6:70 (Teaching About Religion), 6:80 (Teaching About Controversial Issues)

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State or federal law controls this policy's content.

² School-sponsored prayers or invocations at athletic events, graduation, and performances violate the First Amendment to the U.S. Constitution. Lee v. Weisman, 505 U.S. 577 (1992). Even permitting students to deliver a "brief invocation and/or message" as part of pre-game ceremonies at football games is unconstitutional when the district retains control of the message's content. Santa Fe Independent Sch. Dist. v. Doe, 530 U.S. 290 (2000), and Workman v. Greenwood Cmty. Sch. Corp., 2010 WL 1780043 (S.D.Ind. 2010). Using a student-led message to solemnize a school event is problematic, especially when the student-led message was historically a prayer or when the purpose is to solemnize an athletic event as opposed to an event like graduation. However, the Supreme Court denied review of the Fifth Circuit Court of Appeals decision affirming a school board's policy that allowed nonsectarian and nonproselytizing student-led prayer during graduation ceremonies. Jones v. Clear Creek Independent Sch. Dist., 508 U.S. 967(1993), *cert. denied*. In that case, high school seniors were permitted to choose student volunteers to deliver nonsectarian, nonproselytizing invocation at graduation ceremonies. The following is the policy upheld in that case:

1. The use of an invocation and/or benediction at the high school graduation exercise shall rest within the discretion of the graduating senior class, with the advice and counsel of the senior class principal [class sponsor];
2. The invocation and benediction, if used, shall be given by a student volunteer; and
3. Consistent with the principle of equal liberty of conscience, the invocation and benediction shall be nonsectarian and nonproselytizing in nature.

A board should consult its attorney before adopting such a policy.