

RELIGIOUS CLUBS IN SCHOOL

GUIDELINES FOR SCHOOL DISTRICTS



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Religious Clubs in School: Guidelines for School Districts

What do the Equal Access Act and rulings from the U.S. Supreme Court require from Elementary and Secondary School Officials?

This pamphlet provides educators and parents with some guidelines for addressing the very complex issue of the use of school facilities by religious clubs or groups. **Educators and parents are encouraged to call their local ADL regional office to discuss these matters further.**

While the questions that may arise can be difficult, the underlying principle is fairly simple: a school district must never, in whatever it does, appear to endorse or disapprove of religion. Of course, what “endorsement” or “disapproval” means in practice depends heavily on the context of the activity at issue. As an educator or a parent, you must constantly ask yourself: would the average person think, from looking at what the school is doing, that the school is communicating a message in favor of or against religion? If the answer to this question is yes, then the activity is impermissible.

The Basics

Elementary Schools

During school hours: A religious club or organization must not meet at the school.

After school hours: A religious club or organization may meet at the school under the following circumstances:

- A. The group may meet only if the school allows other outside clubs or organizations to meet at the same time.
- B. The school must assume the duty of ensuring that it does not appear to be endorsing or disapproving of religion.
- C. The school district must proactively work to prevent even the perception that it may be endorsing the club's religious activity. In *Good News Club v. Milford Central School*, 533 U.S. 98 (2001), the U.S. Supreme Court found no perceived endorsement of a religious club's activities because the club meetings were not held in elementary school classrooms, the instructors were not school teachers, the students ranged in age, and the children who attended the club had obtained signed permission slips from their parents.
- D. The school may not allow the club or organization to solicit students, unless it allows all groups to do so. If the school allows such solicitation, it must make sure that no proselytizing or religious message is part of the communication.
- E. A school district must take extra care to make sure that students from minority religions are not teased or made to feel unwelcome or left out merely because they choose not to attend a religious club meeting.

Secondary Schools

During school hours: A religious group may meet only if it otherwise complies with the Equal Access Act. That is to say, if the school allows non-curriculum related clubs (e.g., a service club), the school must allow religious clubs, **but only if they are student-run, student-initiated clubs that meet during non-curriculum time.** There may be no faculty or outside control over the group (beyond maintaining routine order and control).

After school hours: An outside religious club or organization may meet in the school under the following circumstances:

- A. If the group is student-initiated and student-run, it may meet pursuant to the Equal Access Act.
- B. Otherwise, the same rules as for elementary schools will be in effect (see especially §C, above).

Sample Scenarios

These examples highlight a few of the many questions that ADL has received on the subject of religious clubs in school. Again, school officials and parents are welcome to contact the ADL office in their region for guidance.

1. An elementary school has a policy of not letting any outside organizations rent space on campus during the week. However, the school does rent space to a soccer league to practice on Saturdays and to a homeowners group on Sundays. A local religious group has applied for permission to meet on campus on Wednesday afternoons. Does the school have to allow the group to meet?

No. The school district does not allow other groups to meet at that time, so it is not required to allow this club to meet. However, the school district may have to allow the religious club to meet on the weekends, because that is when it allows the other clubs to meet.

2. A high school allows student-organized, student-led non-curriculum related clubs to meet before and after the school day, but does not allow other groups to use the school. A local religious organization wants to meet on campus after-school. While students will attend the club, the club will be run by a local religious leader. Must the school allow this club to meet?

No. Since the school does not allow outside groups, it is not required to allow this one. However, since it allows student-organized, student-led non-curriculum related clubs to meet, it would have to allow a student-organized, student-led religious group to meet.

3. A high school allows non-curriculum related student-organized, student-led clubs to meet before and after the school day. A very controversial club has been proposed by a student, and many in the community are opposed to this club's meeting. What are the school's options?

Under any circumstance, a school may prohibit clubs and organizations that are contrary to the educational mission of the school or present a danger to the health and safety of a school. This is a very high standard: a school district may not bar a student club merely because the school or the community disagrees with its message, even if they disagree strongly. Should the District so elect, it can ban all such non-curriculum related clubs (such as service clubs) including this one.

4. Several groups currently use an elementary school campus immediately after the school day, including a computer club, a karate class, and a Cub Scouts chapter. A religious group wants to begin meeting on campus every Tuesday at the same time. Does the school have to allow the religious club to meet?

Yes. So long as the district has opened its doors to outside organizations (such as the Cub Scouts), the school must allow the religious club to use its facilities. However, the school must proactively ensure that it does not endorse or disapprove of the activity. The school district should take extra care to make certain that students from minority religions are not teased or made to feel unwelcome or left out merely because they do not attend the meetings.

5. A religious club wants to meet in an elementary school. The club's leader, a minister, would like to make a brief announcement at an assembly concerning the club and would like the school to include a permission slip in its regular "Tuesday Folder," a weekly communication with parents. What should the school do?

The minister may make the announcement only if (a) other after-school organizations' leaders are permitted to do so, (b) her message contains no religious or proselytizing themes and (c) the school takes steps to ensure that it is not endorsing the minister's message. To ensure that the school is not endorsing the minister's message, it may wish to make an explicit statement to that effect and it may wish to have the minister speak only when other groups are making their announcements. The school can also require permission slips from parents. However, if the school distributes or collects permission slips, it must be careful not to involve itself in, or endorse the religious activities of, the club.

6. A school allows the posting of notices inviting students to attend after school meetings of non-curriculum related organizations and clubs. What limits may the school place on the posting of such notices?

The school can require that a staff-person review and approve all notices before they are posted, and the school may limit the time, place and manner for distribution of the notices. For example, the school may require that notices be posted only within a particular display case or on a specific wall, and require that each notice bear a stamp indicating it has been approved for posting. To ensure that it is not endorsing the religious message of the poster, schools may use a disclaimer on the notice or at the location where all notices are posted. Schoolteachers should not be directly, personally involved in the distribution of flyers and outsiders may never distribute such invitations on school property during school hours.

For more information or assistance in dealing with this issue, please contact your Regional Anti-Defamation League Office or see our web site, www.adl.org.