

## RELIGIOUS EXPRESSION IN PUBLIC SCHOOLS

*This circular will remain in effect unless rescinded or superseded by a subsequent version.*

Massachusetts General Laws chapter 71, section 82, sets forth the law regarding the right of students to freedom of expression in public schools. Freedom of expression must be balanced with any disruption or disorder caused to the school. Issues related specifically to *religious expression* in public schools involve constantly developing concepts and questions of constitutional law. Therefore, staff members are strongly encouraged to bring specific questions of religious expression to the Office of Legal Advisor, 617-635-9320.

Some general principles include:

- Freedom of expression of individuals or groups of students includes the right to express their views through speech, symbols, peaceable and planned assembly, and written publications.
- Although the First Amendment forbids religious activity that is sponsored by the government, it protects religious activity initiated by private individuals that is non-disruptive, including student prayer before meals or during non-instructional time. Such non-disruptive religious activity may also include speakers at student assemblies, extracurricular events, or graduation

ceremonies who are selected on the basis of genuinely neutral, evenhanded criteria and who retain control over the content of their expression. Under such circumstances, school officials may make neutral disclaimers that the speech is the speaker's view and not of the school.

- Teachers, administrators, and other school employees who, when acting in their official capacities, are acting as agents of the state and must not encourage, discourage, or participate in prayer or other religious expression. (Note: this does not include the Pledge of Allegiance, which is not considered religious expression; see Supt. Circular LGL-18.)
- School officials may not compel students to participate in prayer or other religious activities.

**For more information about this circular, contact:**

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