

**I. Policy Statement**

The Board of Education recognizes the diversity of traditions represented among the staff and students of the Howard County Public School System (HCPSS) and the value such diversity adds to the educational program. The Board respects the religious practices and observances of students and employees and is committed to providing reasonable accommodations for religious obligations.

**II. Purpose**

The purpose of this policy is to set forth provisions concerning the exercise and expression of religious practices and observances by students and employees in the HCPSS.

**III. Definitions**

Within the context of this policy, the following definitions apply:

- A. Lawful Absence – A student absence for any portion of the day as defined in COMAR 13A.08.01.03 and in accordance with the provisions in Policy 9010 Attendance.
- B. Parent – Any one of the following, recognized as the adult(s) legally responsible for the student:
  - 1. Biological Parent – A natural parent whose parental rights have not been terminated.
  - 2. Adoptive Parent – A person who has legally adopted the student and whose parental rights have not been terminated.
  - 3. Custodian – A person or agency appointed by the court as the legal custodian of the student and granted parental rights and responsibilities.
  - 4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and responsibilities.
  - 5. Caregiver – An adult resident of Howard County who exercises care, custody or control over the student, but who is neither the biological parent nor legal guardian, as long as the person satisfies the requirements of the Education Article, §7-101 (c) (Informal Kinship Care).

6. Foster Parent – An adult approved to care for a child who has been placed in their home by a state agency or a licensed child placement agency as provided by the Family Law Article, §5-507.
- C. Religion – A recognized system of belief or worship encompassing the nature of a deity and/or reality and the relationship of human beings to that deity and/or reality.
- D. Religious Holiday – Significant traditional and customary day of religious observance, excluding regular weekly prayer, services, or practices.
- E. Religious Obligation – Traditional and customary practice required of adherents to a religion.

#### **IV. Standards**

- A. A student absence for observation of a religious holiday is considered a lawful absence subject to the provisions of Policy 9010 Attendance.
- B. A student with a documented religious obligation that cannot be fulfilled except during the school day may receive a reasonable accommodation to meet that obligation.
- C. The essential curriculum, as defined by COMAR, cannot be waived for religious reasons except as provided in Maryland law and regulation.
- D. Pursuant to the Federal Equal Access Act, students in secondary schools may form religious clubs. Student-initiated religious clubs will not be sponsored by schools but will be afforded the same treatment as other extra-curricular student groups that meet during non-instructional time.
- E. When students are not engaged in instruction or school-related activities, they may voluntarily pray individually or in groups and discuss their religious views, as long as such behavior is not disruptive or coercive.
- F. Within the provisions of Policy 9210 Student Dress Code, students may wear attire as an expression of their religious practice.
- G. School officials will not mandate or organize prayer at graduation, nor organize religious baccalaureate ceremonies. If a school generally opens its facilities to private groups, it must make its facilities available on the same terms to organizers of privately sponsored religious baccalaureate services. A school will not extend preferential treatment to baccalaureate ceremonies and will disclaim official endorsement of such ceremonies.
- H. Regular morning exercises at schools may include a daily moment of silence, pursuant to state law.

- I. Employee absence due to observance of a religious holiday or fulfillment of a documented religious obligation when schools and/or offices are open will follow procedures in Policy 7110 Annual Leave for Administrative Personnel, and the appropriate negotiated agreement.
- J. As government employees, employees of the HCPSS are subject to the Establishment Clause of the First Amendment and thus required to be neutral concerning religion whether carrying out their duties or exercising their rights related to voluntary religious practices and freedom of speech.
- K. The contents of this policy will be communicated annually to all students, parents, employees, and the community.

## **V. Responsibilities**

- A. The Superintendent/Designee will disseminate the standards in this policy to all students, employees, and parents.
- B. The Superintendent/Designee will determine whether a system of belief or worship is recognized as a religion for the purposes of this policy.

## **VI. Delegation of Authority**

The Superintendent is authorized to develop procedures for the implementation of this policy.

## **VII. References**

- A. Legal
  - United States Constitution as Amended, First Amendment
  - Equal Access Act, (20 U.S.C. § 4071-74)
  - United States Internal Revenue Code (26 USC Section 501(c) (3))
  - The Annotated Code of Maryland, Education Article, Section 7-103 (Required School Days and Holidays)
  - The Annotated Code of Maryland, Education Article, Section 7-104 (Daily Period of Silent Meditation)
  - COMAR 13A.01.04.03, School Safety
  - COMAR 13A.04.18.01 Comprehensive Health Education Instructional Programs for Grades Prekindergarten–12
  - COMAR 13A.08.01.03, Lawful Absence
  - COMAR 13A.08.01.04, Unlawful Absence
  - COMAR 13A.08.01.05, Student Attendance Policy
  - COMAR 13A.08.01.09, Student Organizations
- B. Other Board Policies
  - Policy 7110 Annual Leave for Administrative Personnel
  - Policy 8010 Grading and Reporting: Pre-kindergarten Through Grade 8

Policy 8020 Grading and Reporting: High School  
Policy 8050 Teaching of Controversial Issues  
Policy 8070 Religion and Religious Materials  
Policy 9000 Student Residency, Eligibility, Enrollment, and Assignment  
Policy 9010 Attendance  
Policy 9020 Students' Rights and Responsibilities  
Policy 9210 Student Dress Code

C. Relevant Data Sources

D. Other

HCPSS Circular: Religious Observances  
Maryland Public Secondary Schools Athletic Association Memorandum: NFHS  
Uniform Standards, March 21, 2017

### **VIII. History**

ADOPTED: July 10, 1970

REVIEWED:

MODIFIED: August 14, 2014

REVISED: September 13, 1990

December 13, 1990

August 24, 1995

September 20, 2007

April 10, 2018

EFFECTIVE: July 1, 2018

**RELIGIOUS OBSERVANCES**

Effective: July 1, 2018

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- I. The Howard County Public School System (HCPSS) will communicate the contents of the policy annually in the Student & Parent Handbook and post current guidelines and procedures on the school system's website.
- II. Principals will receive annual written notification of the standards and implementation procedures of this policy. Additionally, staff will receive annual notification of the religious holy days and their associated observance timeframes.
- III. In accordance with Standard A. of this policy and Policy 9010, student absence for observance of a religious holiday is considered lawful. In order to make up any work missed during their absence, students, teachers, and administrators will comply with the provisions of policies:  
  
8010 Grading and Reporting: Pre-kindergarten Through Grade 8  
8020 Grading and Reporting: High School  
9010 Attendance
- IV. In accordance with Standard B. of this policy, parents/students may request an accommodation to meet a religious obligation that cannot be fulfilled except during the school day. The procedure below will be followed:
  - A. A written request to the principal/designee documenting the need for such accommodation must be made by the parent(s). Whenever possible, this request will be made at the beginning of the school year.
  - B. The principal/designee will forward such requests to the Office of Equity Assurance/designee (OEA). The OEA/designee will review the request; consult with parents, employees, and others as needed; and make a determination regarding accommodations.
  - C. If the approved reasonable accommodation includes excusal from class or school, the absence will be a legal absence for purposes of attendance and making up missed work.
- V. In accordance with Standard C. of this policy, the essential curriculum cannot be waived for religious reasons. COMAR 13A.04.18.01.F5.G2 provides an exception for Family Life and Human Sexuality and HIV/AIDS instructional units which are part of the Health Education Program curriculum.

- VI. Student-initiated religious clubs are considered non-school sponsored clubs. In order to conduct meetings on school property during non-instructional hours, such clubs must first apply for and obtain approval from the principal/designee and have an employee in attendance in a supervisory, but non-participatory, capacity.
- VII. Students may wear attire as an expression of their religious practice in accordance with the provisions of Policy 9210 Student Dress Code. Reasonable accommodations will be made for students who request to wear or not to wear certain clothes for religious reasons (e.g., gym clothes). Requests for accommodations will be made to the school principal/designee.
- VIII. In accordance with Standard H:
- A. As per the Annotated Code of Maryland, Education Article, Section 7-104, parameters for a moment of silence are as follows:
1. Will last approximately one minute in duration.
  2. Used for silent meditation or silent reading.
  3. During this period, an individual may silently read holy scripture or pray.
- B. A principal:
1. May implement a moment of silence schoolwide.
  2. May include a moment of silence during morning exercises.
  3. Cannot prohibit a daily moment of silence in any individual classroom immediately following morning exercises.
- C. An individual teacher:
1. Will abide by the schoolwide moment of silence, if implemented by the principal.
  2. May include a moment of silence in his/her classroom following the morning exercises, if not implemented schoolwide.

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