

Students' Rights

Religion and Religious Practice

Civil rights laws prohibit discrimination and discriminatory harassment on the basis of religion in K–12 public schools.

Discrimination is the unfair or unequal treatment or harassment of a person or group because they are part of a defined group, known as a protected class. **Religion and creed** are protected classes under Washington law.¹

Discriminatory harassment is harassment based on a **protected class**. It can take many forms, such as threats, name-calling, derogatory jokes, physical assault, or other conduct that is physically threatening, harmful, or humiliating.

Protection from Discrimination Based on Religion

Public schools must protect students from religious discrimination and harassment, including discrimination and harassment based on a student's religious background, beliefs, dress, and expression. Religion and creed are protected classes under Washington law.

Religious Accommodations

The First Amendment to the U.S. Constitution prohibits the government from establishing religion and protects religious exercise and religious expression from unwarranted government interference and discrimination.

Public schools must take reasonable steps to accommodate a student's religious beliefs or practices, unless that accommodation would create an undue hardship. Undue hardship is a term that means the accommodation is costly, compromises safety, or infringes on the rights of other students or employees.

Religious accommodations could include:

- Excusing absences for religious observances or activities
- Providing alternative assignments with similar learning goals
- Waiving dress code or school uniform requirements that conflict with a student's religious beliefs or practices. For example, a school might waive a rule to allow a student to wear a head cover, jewelry, religious object, beard, or hair of a certain length.

Released time for religious Instruction (RTRI)

In some communities, students have the option to participate in Released Time for Religious Instruction (RTRI). The decision to participate is made locally, in alignment with local school district policies.

School districts are allowed, but not required, to permit students to participate in RTRI programs. While these programs typically occur during school hours, they occur during non-instructional time; meet off-school grounds; require parent permission for the child to leave campus (supervised by other adults); and operate without school funding. School districts should follow their local policies regarding student attendance and removal or release of students from school.

¹ Chapter 28A.642 RCW, <http://app.leg.wa.gov/rcw/default.aspx?cite=28A.642>. Chapter 28A.640 RCW, <http://apps.leg.wa.gov/rcw/default.aspx?cite=28A.640>. Chapter 49.60 RCW, <http://app.leg.wa.gov/rcw/default.aspx?cite=49.60>.



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While school districts may not discriminate based on religion, districts are not obligated to ensure release-time organizations have access to students.

If anyone believes harassment or discrimination or based on religion is occurring in schools related to RTRI programs—for example, bullying conduct related to a student's participation or non-participation in the program—they may file a complaint with their school district. Information about this process is available on OSPI's Complaints & Concerns about Discrimination webpage.

Discriminatory Harassment Based on Religion

Harassment based on religion is a form of discrimination prohibited in Washington public schools. Schools must take steps to protect students from discriminatory harassment.

School staff must investigate possible discriminatory harassment—as soon as they know or reasonably should know—even if a parent or student does not file a formal complaint.

If an investigation reveals that harassing conduct created a hostile environment, staff must act quickly to stop the behavior and put an end to the hostile environment.

The school must:

1. Address any effects discriminatory harassment had on the student at school, **AND**
2. Make sure that harassing conduct does not happen again.

Find more information about discriminatory harassment, guidelines for district policy and practice, and related resources, www.k12.wa.us/equity.

Religious Expression at School

The First Amendment of the United States Constitution protects a student's rights to freedom of religion and freedom of expression.

Students who choose to express their religious beliefs at school are permitted to:

- Express these beliefs at school, in homework, and in school assignments
- Pray or study religious materials during recess, lunch, and other non-instructional time, such as before or after school
- Pray or discuss religion with other students during the school day in the same way that students can engage in other conversations with students, as long as it is not disruptive and does not infringe on the rights of other students

Common Religious Holidays

Many students end up missing school and important school events in order to honor their religious practices. For this reason, OSPI encourages districts not to schedule significant school events on major religious holidays. Schools that plan around major religious holidays convey to all students that they are a meaningful part of their school communities and that their religious traditions matter.

[Common Religious and Public Holidays Calendars](#)



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Teaching about Religion

The United States Constitution prohibits public schools from endorsing or preferring one religion over another and from endorsing religion over non-religion.

Neutral. Objective. Balanced.

Public schools are permitted to teach students about the world's religions as long as this instruction serves an educational purpose, such as the role of religion in history and society. Teachers should present the material in a neutral, objective, and balanced way.

In general, public schools are allowed to use music, art, drama, or literature with religious themes. For example, students might play religious music as part of an academic study of music and music history. However, schools should not use such music to promote religion.

Public schools must not impose or promote religious beliefs. Public school employees, including coaches, are not permitted to lead prayers or encourage students to pray. School employees must not encourage or invite students to participate in, or refrain from, religious activities.

Resolve Concerns or Disagreements

A discussion with your school principal, or civil rights compliance coordinator at the school district, is often the best first step to address your concerns or disagreements about discrimination and work toward a solution.

- **Focus on the facts** related to discrimination and harassment, as you understand them, AND
- Let the principal or coordinator know **what you want them to do to resolve the problem**

Find contact information for your district's civil rights compliance coordinator here, www.k12.wa.us/Equity/ContactList.aspx. You also have the option to file a formal complaint.

Formal Complaints — Discrimination and Discriminatory Harassment

If you believe your child is experiencing discrimination or discriminatory harassment based on religion or religious practice, you can file a formal complaint.

- On the Equity and Civil Rights website, www.k12.wa.us/Equity/Families, find information about how to file a formal complaint and follow the steps.
- Contact the U.S. Department of Education, Office for Civil Rights at 206-607-1600 (TDD: 1-800-877-8339), or visit the website, www.ed.gov/ocr.
- Contact the Washington State Human Rights Commission at 1-800-233-3247 (TTY: 1-800-300-7525), or visit the website, www.hum.wa.gov.



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Learn More. Ask Questions. Get Help.

Equity and Civil Rights Office at the Office of Superintendent of Public Instruction

360-725-6162 | TTY: (360) 664-3631 | equity@k12.wa.us | www.k12.wa.us/equity

For the Civil Rights Compliance Coordinator in your district, visit:

www.k12.wa.us/Equity/ContactList.aspx

Find more information about discrimination and harassment based on religion and creed, guidelines for district policy and practice, and related resources,

www.k12.wa.us/Equity/ReligionInSchools/default.aspx.

Federal Guidance

[Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools](#) (U.S. Department of Education)

[Prayer and Religious Expression at Public Schools: FAQ](#) (U.S. Department of Education)

[Shared Ancestry or Ethnic Characteristics](#) (OCR)

This document outlines rights and responsibilities under state and federal civil rights laws. You may have additional rights under other laws. This information is for informational purposes only—not to provide legal advice. For legal advice specific to the facts and circumstances of your individual situation, please contact an attorney.

OSPI provides equal access to all programs and services without discrimination based on sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, disability, or the use of a trained dog guide or service animal by a person with a disability. Questions and complaints of alleged discrimination should be directed to the Equity and Civil Rights Director at (360) 725-6162/TTY: (360) 664-3631; or P.O. Box 47200, Olympia, WA 98504-7200; or equity@k12.wa.us.

