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3 **Religious Neutrality: Constitutional Freedom in Public Schools**
4 **Policy Series: 4000 Curriculum, Instruction, and Assessment**

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6 **Policy No. 4340**
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9 **Purpose**

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11 The purpose of this policy is to affirm and protect the constitutional rights and religious freedoms
12 of students, employees, and members of the public within the district's schools and programs in
13 accordance with the United States Constitution, the Utah Constitution, and applicable federal
14 and state law. The district is committed to maintaining a learning environment that neither
15 promotes nor inhibits religion and that respects the rights of individuals to express sincerely held
16 religious beliefs, engage in protected speech, and exercise other constitutional freedoms in a
17 lawful and nondisruptive manner. This policy is intended to provide guidance regarding the
18 appropriate balance between individual rights and the district's obligation to maintain neutrality,
19 ensure equal access, preserve instructional integrity, and provide a safe and inclusive
20 educational environment for all students.
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23 **Constitutional Freedom in Public Schools**

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25 Any school in Provo City School District, in accordance with State Office of Education policy,
26 may undertake any instructional activity, performance or display which includes examination of
27 or presentations about religion, political or religious thought or expression, or the influence
28 thereof on music, art, literature, law, politics, history or any other element of the curriculum,
29 including the comparative study of religions, provided it is designed to achieve secular
30 educational objectives included within the context of a course or activity and conducted in
31 accordance with applicable rules of the district.
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33 No aspect of cultural heritage, political theory, moral theory, or societal value shall be either
34 included within or excluded from school curricula for the primary reason that it affirms, ignores,
35 or denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm
36 or supreme being.
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38 American history and heritage documents may not be excluded from study or censored due to
39 their religious or cultural nature.
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Religious Neutrality

Provo City School District school officials and employees may not use their positions to endorse, promote, or disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint. District schools may not sponsor prayer or religious devotionals.

Participation Waivers

A student may refrain from participation in any aspect of school that violates a religious belief or right of conscience of the student. A student's parent may waive the student's participation in any aspect of school that violates the student's or the student's parent's religious belief or right of conscience. A student may not be penalized or discriminated against for refraining from participation due to the student or student's parent's religious belief or right of conscience. A student may not be required or incentivized to affirm or deny the religious belief or right of conscience of the student or the student's parent.

When a student refrains from participation, the school shall promptly notify the student's parent **unless the student is emancipated**. The school may elect one of the following options: 1) To waive the participation requirement; 2) To provide a reasonable alternative to the requirement that does not violate the student's or the student's parent's religious belief or right of conscience but may not require the student or student's parent to explain, defend, or justify the religious belief or right of conscience.

~~If a parent with legal custody or other legal guardian of a student, or if a secondary student, determines that the student's participation in a portion of the curriculum or in an activity would require the student to affirm or deny a religious belief or right of conscience or engage or refrain from engaging in a practice forbidden or required in the exercise of a religious right or right of conscience, the parent/guardian or secondary student may request either (1) a waiver of the requirement to participate or (2) a reasonable alternative that requires reasonably equivalent performance by the student of the secular objectives of the curriculum or activity in question.~~

~~If a student makes a request under the above paragraph for a waiver or a reasonable alternative, the school administration shall promptly notify the student's parent or guardian that such a request has been made, including the substantive nature of the portion of the curriculum or activity for which the student requests a waiver or alternative.~~

~~The Principal, in consultation with the student's teacher, and after consulting with the student and the student's parents, shall notify the student and the student's parent/guardian of the Principal's decision. The school may elect one of the following options: 1) To waive the participation requirement; 2) To provide a reasonable alternative to the requirement; or, 3) To notify the requesting party that the participation is required. If the school determines that~~

85 participation is required, the school shall ensure that any limitation on student expression,
86 practice or conduct shall be by the least restrictive means necessary to satisfy the school's
87 interest in fulfilling curriculum objectives, or that the limitation satisfies another specifically
88 identified compelling governmental interest.

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90 **Expressions of Belief**

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92 Expression of personal beliefs by a student participating in school-directed curricula or activities
93 may not be prohibited or penalized unless the expression unreasonably interferes with order or
94 discipline, threatens the well-being of persons or property, or violates concepts of civility or
95 propriety appropriate to the school setting. [Limitations on student expression, practice, or
96 conduct shall be by the least restrictive means necessary to satisfy the school's interests or to
97 satisfy another specifically identified compelling governmental interest.](#) Teachers and principals
98 will safeguard opportunities for all students to safely share their beliefs in appropriate ways.

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101 **Expressions of Belief During Discretionary Time**

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103 Free expression of voluntary religious practice or freedom of speech by students during
104 discretionary time, (non-instructional time during which a student is free to pursue personal
105 interests), shall not be denied unless: 1) The conduct unreasonably interferes with the ability of
106 school officials to maintain order and discipline; 2) Unreasonably endangers persons or
107 property; or, 3) Violates concepts of civility or propriety appropriate to the school setting. Any
108 limitation under this section on student expression, practice, or conduct shall be by the least
109 restrictive means necessary to satisfy the school's interests in fulfilling curriculum objectives or
110 to satisfy another specifically identified compelling governmental interest.

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114 **Legal References**

115 [Utah Code § 53G-10-202\(1\) \(2025\)](#)

116 [Utah Code § 53G-10-206 \(2024\)](#)

117 [Utah Code § 53G-10-202\(2\) \(2025\)](#)

118 [Utah Admin. Rules R277-475-3\(4\) \(August 7, 2024\)](#)

119 [Utah Code § 53G-10-202\(3\), \(4\) \(2025\)](#)

120 [Utah Code § 53G-10-205 \(2023\)](#)

121 [Utah Code § 53G-10-203\(1\), \(3\) \(2023\)](#)

122 [Utah Code § 53G-10-203\(2\), \(3\) \(2023\)](#)

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125 **Board Approved:** October 14, 2014

126 Revised:

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