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August 20, 2012

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Protecting Students' Right to Freedom of Religion

New ACLU of Montana publication guides officials through legal complexities of religious freedom in public schools

HELENA, MT — Freedom of religion is one of our most cherished rights. The First Amendment protects that right in two ways. It ensures that we are freely able to practice the religion of our choice and it prohibits government from establishing a religion and forcing us to participate.

School children are especially vulnerable to abuses of this right – often from well-intentioned people who are trying to do the right thing, but don't fully understand the law. To help school officials navigate these issues and how they apply to real world situations, the ACLU of Montana has published a new guide for educators.

"Protecting Religious Liberty in Public Schools: A School Official's Guide" covers what is legal and what is not in terms of prayer in school, dress codes, celebrating holidays, student religious clubs, teaching about religion and more. The ACLU of Montana has mailed it to principals at public schools across the state in anticipation of the new school year.

"We want to partner with educators in making sure that students' right to religious freedom is protected and upheld," says ACLU of Montana Executive Director Scott Crichton. "We know that these issues can be complex when it comes to the school setting. That's why we published this guide and included realistic scenarios – to help educators understand the stances the U.S. Supreme Court has taken on religious freedom in public schools."

Public schools must keep three fundamental First Amendment clauses in mind:

The Establishment Clause: "Congress shall make no law respecting an establishment of religion..." This clause prohibits public schools from endorsing or encouraging religion in any way.

The Free Exercise Clause: "Congress shall make no law... prohibiting the free exercise [of religion]." This clause ensures that students are free to exercise their own religious beliefs without governmental interference.

The Free Speech Clause: "Congress shall make no law... abridging the freedom of speech." This means that students are free to express their religious views at school, within certain guidelines.

Together these clauses protect students from having religion imposed upon them by school administrators and teachers, while at the same time ensuring they can freely practice and express their own religious views.

The full text of the guide as well as links to one-minute podcasts about U.S. Supreme Court cases that pertain to religious freedom in public schools and other resources are available online at www.aclumontana.org.

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