



Book	Ogdensburg City School District
Section	5000 Students
Title	STUDENT RELIGIOUS EXPRESSION
Code	5040
Status	First Reading
Last Reviewed	February 3, 2026

☐ Required

☐ Local

☒ Notice

It is the policy of the Board of Education to not prevent, or otherwise deny student participation in, constitutionally protected prayer in the district's schools, consistent with guidance issued by the U.S. Secretary of Education, and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution. The district protects students' rights to freedom of expression and freedom of religious exercise in school. The district must also balance those rights with its duty to address religion in a neutral manner. All students have the right (and for those of compulsory education age, the duty) to attend school. The district promotes an educational climate where religious practices and beliefs are neither compelled nor prohibited for students. The district will consult with its school attorney for clarification on the application of this policy to individual situations, as needed. Generally, students will not be permitted to express themselves in a manner which constitutes discrimination or harassment against other students.

This policy supersedes any other Board policy that might be inconsistent with it.

I. Prayer

Prayer During Non-Instructional Time

Students may privately express themselves in accordance with their religious beliefs, for example by reading religious materials, saying prayers before meals, and worshiping or studying religious materials, either alone or with other students during non-instructional time (such as recess and meals), to the same extent that they may engage in nonreligious activities, as long as such activities do not disrupt the educational process of the school.

II. Other Religious Expression

Distribution of Religious Literature and Information

Students have a right to distribute religious literature to their schoolmates on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities. The district may impose the same reasonable time, place, and manner or other constitutional restrictions on distribution of religious literature as are placed on non-school literature generally, but will not single out religious literature for special regulation. See policy 5225, Student Personal Expression.

Dress Code

The district's dress code is included as part of the Code of Conduct. The dress code will not single out religious attire in general, or attire of a particular religion, for prohibition or regulation. If the district makes exceptions to the dress code for nonreligious reasons, it will also make exceptions for religious reasons, absent a compelling

interest. Students may display religious messages on items of clothing to the same extent that they are permitted to display other comparable messages. Religious messages will not be singled out for suppression, but rather are subject to the same rules as generally apply to comparable messages.

Excusals from School for Religious Observance and Education

Parental requests to excuse students from school to accommodate religious needs will not be given less favorable treatment than parental requests for excusal for nonreligious needs. The district will not encourage nor discourage such absences, nor penalize students for them. Allowing student absence for religious observance and instruction is required under Education Law §3210 and Commissioner's regulations 8 NYCRR §109.2, upon written request by the parent/guardian. Students must make up any work missed. See policy 5100, Student Attendance. Students may be released for religious instruction for up to one hour each week.

III. Student Religious Groups and the Equal Access Act

Under the federal Equal Access Act, secondary school student religious activities are accorded the same access to federally-funded public secondary school facilities as are student secular activities. Student religious groups have the same right to access school facilities as enjoyed by other comparable non-religious groups. If the district creates a "limited open forum" (i.e., provides an opportunity for one or more non-curriculum related student groups to meet on school grounds during non-instructional time), it will not refuse access or discriminate based on religious, political, philosophical, or other non-curriculum related students groups to meet on school property during non-instructional time.

Such access includes use of school media – including the public address system, the school newspaper, and the school bulletin board – to announce their meetings on the same terms as other non-curriculum related students groups.

Cross-ref:

5100, Student Attendance
5210, Student Organizations
5225, Student Personal Expression
9101, Employee Religious Expression

Ref:

20 USC § 7904
Equal Access Act, 20 U.S.C. §§4071-4074
Education Law §§10-18 (Dignity for All Student Act)
Hsu v. Roslyn Union Free School District, 85 F.3d 839 (2d Cir.), cert. denied, 519 U.S. 1040 (1996)
Tinker v. Des Moines Indep. Community School District, 393 U.S. 503 (1969)
School Dist. of Abington Township, Pa. v. Schempp, 374 U.S. 203 (1963)
Engel v. Vitale, 370 U.S. 421 (1962)
Karen B. v. Treen, 653 F.2d 897 (5th Cir. 1982), aff'd, 455 U.S. 913 (1982)
Wallace v. Jaffree, 472 U.S. 38 (1985)
Santa Fe Independent School Dist. v. Doe, 530 U.S. 290 (2000)
Lee v. Weisman, 505 U.S. 577 (1992)
Lamb's Chapel v. Center Moriches Union Free School Dist., 508 U.S. 384 (1993)
Marsh v. Chambers, 463 U.S. 783 (1983)
Guidance in Constitutionally Protected Prayer in Public Elementary and Secondary Schools (2023), U.S. Department of Education, http://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html

Adoption date: