

Policy

CEREMONIES AND OBSERVANCES

The morning opening exercises will include the pledge of allegiance. Those students who have religious or conscientious objections may be excused from participating, but must not disrupt the exercises.

Appropriate recognition shall be given in all schools on the last school day preceding (or the following Monday in the case of Constitution Day and Citizenship Day if September 17th falls on a Sunday):

- A. Martin Luther King Jr.'s Birthday;
- B. Lincoln's Birthday;
- C. Washington's Birthday;
- D. Memorial Day;
- E. Constitution Day and Citizenship Day (Sept. 17);
- F. Columbus Day;
- G. Veterans' Day;
- H. Thanksgiving Day.

Suitable exercises are also required by law in all New Jersey public schools in observance of Flag Day (June 14, day of adoption the American flag by the Continental Congress in 1777), Arbor Day (last Friday in April), and Commodore John Barry Day (September 13th). The board authorizes the chief school administrator to conduct school observances in commemoration of other persons and events of special historical significance.

Students shall be encouraged to develop and/or take part in events and activities in connection with special "days", "weeks" or "months" proclaimed by the nation, state or community.

Holidays and special events may be recognized in the school so long as such recognition respects the rights and feelings of others and is consistent with law.

Songs and customs which have come to us from the various elements of our national population may be used to broaden our students' awareness of the many elements that make up our American culture.

The board shall not prevent, or otherwise deny participation in, constitutionally protected prayer in any district school, consistent with guidance issued by the United States Department of Education and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution.

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NJSBA Review/Update: January 2019
Readopted: December 11, 2019

Key Words

CEREMONIES AND OBSERVANCES (continued)

Ceremonies and Observances, Holidays, Patriotic Exercises

Legal References:

<u>N.J.S.A.</u> 18A:36-3	Display of and salute to flag; pledge of allegiance
<u>N.J.S.A.</u> 18A:36-4	Period of silence (unconstitutional)
<u>N.J.S.A.</u> 18A:36-6	Observance of Flag Day
<u>N.J.S.A.</u> 18A:36-7 through -9	Designation of Arbor Day ...
<u>N.J.S.A.</u> 18A:36-10 through -12	Designation of Commodore Barry Day ...
<u>N.J.S.A.</u> 18A:36-13	Patriotic exercises preceding holidays

U.S.C.A. Const. Amends. 1, 14

Every Student Succeeds Act of 2015, P. L. 114-95, 20 U.S.C.A. 6301 et seq.

P.L. 108-447 (December 2004) requires all educational institutions that receive Federal funds for fiscal year to hold an educational program on The United States Constitution on September 17, designated "Constitution Day and Citizenship Day."

West Virginia Bd. of Ed. v. Barnette, 319 U.S. 624 (1943)

Holden v. Elizabeth Board of Education, 46 N.J. 281 (1966)

Lipp v. Morris, 579 F. 2d 834 (1978) (3rd Cir.)

May v. Cooperman, C.A., 780 F. 2d 240 (1985)

Karcher v. May, 484 U.S. 72 (1987)

Lee v. Weisman, 505 U.S. 577 (1992)

American Civil Liberties Union v. Blackhorse Pike Regional Board of Education, 84 F. 3d 1471 (3rd cir. 1996)

Santa Fe Indep. School District v. Doe, 120 S. Ct. 2266 (June 19, 2000)

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, United States Department of Education, February 7, 2003

Possible

Cross References:

*5114	Suspension and expulsion
*5127	Commencement activities
*5131	Conduct/discipline
*6141.2	Recognition of religious beliefs and customs

*Indicates policy is included in the Critical Policy Reference Manual.