

Secretary's Letter on Constitutionally Protected Prayer in Public Elementary and Secondary Schools

FEBRUARY 7, 2003

Dear Colleague:

As part of the implementation of the No Child Left Behind Act of 2001 (NCLB), I am issuing guidance today on constitutionally protected prayer in public elementary and secondary schools. The purpose of this guidance is to provide State educational agencies (SEAs), local educational agencies (LEAs) and the public with information on this important topic. The guidance also sets forth and explains the responsibilities of SEAs and LEAs with respect to this aspect of the NCLB Act. Most significantly, as a condition of receiving funds under the Elementary and Secondary Education Act (ESEA), an LEA must certify in writing to its SEA that it has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public schools as set forth in this guidance.

The guidance clarifies the rights of students to pray in public schools. As stated in the guidance, "...the First Amendment forbids religious activity that is sponsored by the government but protects religious activity that is initiated by private individuals" such as students. Therefore, "[a]mong other things, students may read their Bibles or other scriptures, say grace before meals, and pray or study religious materials with fellow students during recess, the lunch hour, or other noninstructional time to the same extent that they may engage in nonreligious activities." Public schools should not be hostile to the religious rights of their students and their families.

At the same time, school officials may not "compel students to participate in prayer or other religious activities." Nor may teachers, school administrators and other school employees, when acting in their official capacities as representatives of the state, encourage or discourage prayer, or participate in such activities with students.

In these challenging times, it is more important than ever to recognize the freedoms we have. I hope that this guidance can contribute to a common understanding of the meaning of the First Amendment in the public school setting. I encourage you to distribute this guidance widely in your community and to discuss its contents and importance with school administrators, teachers, parents, and students.

Sincerely,

Rod Paige