

Midway Star Academy RELIGIOUS ACCOMMODATION POLICY

Number: 614

Adopted:

Revised: 12/15/2023

I. PURPOSE

Midway Star Academy does not endorse a religion over non-religion or one particular religious faith over another. Midway Star Academy provides religious accommodations that accords equal treatment of and access to all religions. This policy in no way reinforces the categorical assurances set forth in the Midway Star Academy Assurances Policy (Number 100).

II. GENERAL STATEMENT OF POLICY

Midway Star Academy shall provide equal treatment of and access to all religions; to safeguard the protections afforded to individuals under the Free Exercise Clause of the United States Constitution, Art. I sec. 16, of the Minnesota Constitution, the Minnesota Human Rights Act (Minn. Stat. §363A et. seq.) and case law, statutes, rules and regulations applicable to the free exercise of religion (“free exercise rights”).

III. RELIGIOUS ACCOMMODATION

- A. All activities of the school are religiously neutral in that they neither foster religion nor preclude it.
- B. Midway Star Academy is committed to legal accommodation of a student’s right to free exercise of religion.
- C. Midway Star Academy shall remain free from activities that could involve religious coercion. When functioning as a teacher or administrator, Midway Star Academy’ staff shall not encourage or discourage student religious or anti-religious activity and may not engage in religious activities with students at the school. Midway Star Academy’ administrators and staff shall have an obligation to ensure that students who are not inclined to participate are not coerced in any way by fellow students who are participating. Midway Star Academy’ administrators and staff cannot promote or participate in such events in their official capacities, although Midway Star Academy’ administrators and staff may be present to monitor the event for compliance with school rules.
- D. At Midway Star Academy, students may be taught *about* religion, but school teachers may not “teach religion” in the sense that the teacher is engaging in preaching or proselytizing activity. Teaching about religion is permitted if it furthers a genuine secular program of education, is presented objectively, and does not have the effect of endorsing, advancing or inhibiting religion.
- E. Students at Midway Star Academy have the right to engage in religious activities during the school day so long as those activities do not interfere with the rights of others and so long as students conform to the rules that normally apply to any given setting. Students have the right to pray individually or to pray in groups and/or engage in religious discussions during the school day when they are not engaged in school activities and instruction, subject to the same rules of order as apply to other student speech. Prayer or other religious discussion shall not interfere with the rights of others. Students may participate in religious activities before or after school on the same terms as apply to participation in non-curriculum activities on the school premises.

- F. Midway Star Academy has adopted a general dress code for its students. Individual students may be exempt from these dress code rules if the administration determines that an accommodation is necessary to protect the student's free exercise rights. The dress code policy shall not be implemented in a way that restricts opportunities to participate in school activities. Midway Star Academy's dress code policy is not intended to, and shall not be implemented in a way that promotes a particular religion or particular religious customs.
- G. Midway Star Academy shall ensure that students are not discriminated against in violation of the Board's policy on Harassment and Violence.
- H. In accordance with Minn. Stat. §124D.10 subd. 8(d) as it incorporates Minn. Stat. §120A.22 subd. 12(3), Midway Star Academy shall provide release time for religious instruction.
1. The period approved for such release time shall not exceed in the aggregate three hours in any week.
 2. In order to receive approval for such release time, a parent, guardian, or other person having control of a child, who wishes the child be released to receive religious instruction, may apply to any member of the board, a truant officer, the school's executive director to have the child excused from attendance for such instruction.
 3. The religious instruction must be conducted and maintained by some church, or association of churches or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof.
 4. The school providing religious instruction must be conducted and maintained in a place other than a public school building, and it must not, in whole or in part, be conducted and maintained at public expense. A student, however, may be absent from school on such days as the student attends upon instruction according to the ordinances of some church.
 5. School officials shall neither encourage nor discourage students from utilizing the provisions of this release time policy.
 6. School officials shall not allow religious instruction by outsiders on school premises during the day.

IV. DEVELOPMENT OF APPLICABLE PROCEDURES

Midway Star Academy's Administration shall recommend procedures to handle requests under this current policy and will present them to the Board for its consideration. Upon approval by the Board, such procedures shall be an addendum to this policy.

Legal Reference

42 U.S.C. § 2000cc-1(a).

Minn. Stat. §363A

Minn. Stat. §124D.10 subd. 8(d)

Minn. Stat. §120A.22 subd. 12(3)

Elk Grove Unified School District v. Newdow, 542 U.S. 1 (2004)

Souhair Khatib v County of Orange (2011)