

APPENDIX F

HISTORY
SOCIAL SCIENCE
FRAMEWORK

FOR CALIFORNIA PUBLIC SCHOOLS
Kindergarten Through Grade Twelve

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APPENDIX F

Religion and History–Social Science Education

The role of religion in the curriculum, the observance of holidays, and the selection of instructional materials in public schools are some of the most challenging and controversial aspects of teaching history–social science. This appendix provides guidelines for educators and the community about how to address these issues in a manner that is constitutionally and academically appropriate.

Even before approaching the sequenced course of study, history–social science teachers need to ask themselves if they are prepared to discuss the role of religion in world and U.S. history. The history–social science classroom needs to be a place for the study of historical developments that includes understanding how religious beliefs and values affected historical figures. The overall goal is to build understanding and respect for the constitutionally protected rights that the U.S. has agreed to uphold so that people live peacefully despite their differences.

As the framework content makes evident, much of history, art, music, literature, and contemporary life are unintelligible without an understanding of the major religious ideas and influences that have shaped the world’s cultures and events. This appendix is designed to overcome uncertainty about best practices in dealing with religious topics and issues.

Support for Educators

In keeping with the focus of the *History–Social Science Framework*, educators must remember that as a member of a public institution charged with the role of nurturing the next generation of citizens, they have the responsibility to model for students the constitutional principles of justice, fairness, and rule of law. The American civic agreement found in the Constitution, particularly in its First Amendment, provides the tool for negotiating consensus on how to live with the deepest social and cultural differences. The words from the First Amendment should be the hallmark of every social studies classroom:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;

This process of consensus development around constitutional principles in support of educators who are trying to deal with religious liberty and diversity issues effectively is well underway. The First Amendment Center has published several civic-based consensus documents to guide schools and the communities in the development of religion-related policy and practice. Endorsed by religious, legal, and educational organizations representing widely divergent perspectives, these consensus statements have been distributed to school districts across the nation by the U.S. Department of Education to address many of the issues that have resulted in conflict and litigation.

The fundamental idea in the consensus documents and related court decisions is that public schools may not promote or inhibit religion. Schools must be places where religion and religious convictions, as well as nonbelief, are treated with fairness and respect. Schools demonstrate fairness when they ensure that the curriculum includes study about religion, where appropriate, as an important part of a complete education.

Guidelines for Teaching About Religion

The suggestions for dealing with religion provided below are grounded in the principles of *rights*, *responsibilities*, and *respect*. Americans' civic agreement as a nation is based on the idea that all people are born with the right to freedom of conscience. As a civic agency and one with the primary role in educating the next generation of citizens, the school has the responsibility to protect that right for all

students and parents. This is best achieved by establishing an atmosphere of respect for differences of belief and culture in all aspects of school organization and instructional practice.

The primary manner in which schools establish a climate of respect for religious differences is by clearly distinguishing between teaching *about* religion and indoctrinating students or advocating religion. The following guidelines are recommended approaches to achieve this end:

1. The school’s approach to religion is academic, not devotional.
2. The school may strive for student awareness of religion in historical and contemporary societies, but it may not press for student acceptance of any one religion.
3. The school may include study about religion as part of the history–social science curriculum, but it may not sponsor the practice of religion.
4. The school may expose students to a diversity of religious views in their studies, but it may not impose any particular view.
5. The school may educate about all religions but may not promote or denigrate any religion.
6. The school may inform students about various beliefs, but it should not seek to conform students to any particular belief.

These guidelines, in part derived from a series of Supreme Court interpretations of the First Amendment, are a useful tool for educational decision making. They reflect the requirements in the California Constitution and the *Education Code*. If schools are neither to inculcate nor inhibit religion, both the curriculum and instructional materials and the teachers or presenters guiding their interpretation must be neutral and balanced. Belief or nonbelief and religions should be studied in the history–social science classroom as they naturally occur in the curriculum: as part of the chronology and themes of instruction; to explain a reference in a literature selection; or as background on a religiously influenced work of art or music. A good rule of thumb for teaching topics related to religion is to make sure that they are firmly grounded in the curriculum required by the California frameworks and content standards.

Religious texts, leaders, and events should be examined by using the same academic rigor and history–social science analysis skills applied to other topics. Classroom methodologies must not include religious role-playing activities or simulations of rituals or devotional acts. Students may be asked to compare religious ideas and practices but never to rank them by importance or quality. Instructional language should avoid absolutes such as “all Buddhists believe . . .” and instead use attribution such as “some Mahayana Buddhists in India practice . . .” In all cases, educators need to avoid “we”/“they” language and selective allocation of emphasis that imply evaluative preference for one belief over another.

At the same time that schools and educators may not advocate or denigrate a religion (a violation of the Establishment Clause of the First Amendment), students are free to express their religious or nonreligious ideas and beliefs as part of the Free Exercise Clause of the First Amendment. Students who respond to class assignments with an appropriately related religious perspective or response should be graded according to the same criteria as applied to all other students. Also, students may not be required to attend school functions or perform patriotic ceremonies if those acts would unduly burden their beliefs. In limited cases, students may request and be provided with alternative assignments.

To support teachers in making constitutionally and academically sound decisions and provide a venue for community members to pursue a redress of grievances peacefully and rationally, school boards throughout California have developed policies and procedures related to religion and public education. It is important that new and continuing teachers and administrators are fully briefed on these policies and procedures so that mistakes that sometimes occur from oversight or confusion can be avoided.

Religious liberty issues are sometimes complex and have significant case law attached to their interpretation. The nonpartisan, nonprofit First Amendment Center (<http://www.firstamendmentcenter.org/>) publication, *Finding Common Ground: A First Amendment Guide to Religion and Public Schools*, written by Charles Haynes and Oliver Thomas, includes copies of all of the consensus documents mentioned above as well as essential legal and background information for educators. It is available online at the First Amendment Center Web site as well as in print form. The California County Superintendents Educational Services Association and the First Amendment Center have partnered to provide resources

and in-service opportunities to California educators through the California Three Rs (Rights, Responsibilities, and Respect) Project. The California Three Rs Project publishes a quarterly bulletin on hot topics related to religion and schools that is available online at its Web site (<http://ca3rsproject.org/>).

Legal Parameters of Religion in Public Schools

The First Amendment of the U.S. Constitution, the California Constitution, and the California *Education Code* articulate the principles and the legal framework to guide the process of determining how to address teaching about religion and the religious needs and perspectives of students and parents. One of the most important elements of the process for the community and educators to remember is that when they serve an instructional or leadership role with students, they are representatives of government and, therefore, subject to constitutional restrictions on religious activity that were applied to states through the Fourteenth Amendment. In addition they are subject to the California Constitution and the California *Education Code*. The pertinent laws related to religion and public education include the following:

U.S. Constitution, First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;

California State Constitution

ARTICLE 1: Declaration of Rights

SEC. 4. Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall make no law respecting an establishment of religion.

ARTICLE 9: Education

SEC. 8. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational

doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.

Education Code

PART 1. General Provisions: Chapter 2. Educational Equity

220. No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid.

233.5. (a) Each teacher shall endeavor to impress upon the minds of the pupils the principles of morality, truth, justice, patriotism, and a true comprehension of the rights, duties, and dignity of American citizenship, and the meaning of equality and human dignity, including the promotion of harmonious relations . . .

PART 28. General Instructional Programs

51500. A teacher shall not give instruction and a school district shall not sponsor any activity that promotes a discriminatory bias on the basis of race or ethnicity, gender, religion, disability, nationality, or sexual orientation, or because of a characteristic listed in Section 220.

51501. The state board and any governing board shall not adopt any textbooks or other instructional materials for use in the public schools that contain any matter reflecting adversely upon persons on the basis of their race or ethnicity, gender, religion, disability, nationality, or sexual orientation, or because of a characteristic listed in Section 220.

51511. Nothing in this code shall be construed to prevent, or exclude from the public schools, references to religion or references to or the use of religious literature, dance, music, theatre, and visual arts or other things having a religious significance when such references or uses do not constitute instruction in religious principles or aid to any religious sect, church, creed, or sectarian purpose and when such references or uses are incidental to or illustrative of matters properly included in the course of study.

51513. No test, questionnaire, survey, or examination containing any questions about the pupil's personal beliefs or practices in sex, family life, morality, and religion, or any questions about the pupil's parents' or guardians' beliefs and practices in sex, family life, morality, and religion, shall be administered to any pupil in kindergarten or grades 1 to 12, inclusive, unless the parent or guardian of the pupil . . . gives written permission for the pupil to take this test, questionnaire, survey, or examination.

Conclusion

Though at first glance it may appear challenging, teaching about religion and its influence on history and culture is fascinating and motivating for students. Doing so with the First Amendment as a foundation is one of the most important things that schools can do to build a generation of Americans who understand enough about the ideas and values of others that they can continue to promulgate a society that protects rights and respectful interactions among its peoples.