

Category: **STUDENTS**

Issued: 6/29/09

Number: **A-630**

Subject: RELIGIOUS ACCOMMODATION OF STUDENTS

Page: 1 of 1

SUMMARY OF CHANGES

This regulation supersedes Chancellor's Regulation A-630 dated February 19, 2003.

It sets forth the procedures governing the release of students for religious education. It also sets forth guidelines and procedures for schools to follow in handling requests for accommodation of religious observances and practices.

Changes:

- The regulation has been reformatted.
- Parents are responsible for obtaining a report of their children's released time attendance for each semester from the religious institution and give it to the principal no later than the last day of school for that semester.

ABSTRACT

This regulation sets forth the guidelines, rules, and procedures governing the release of students for religious education and the provision of reasonable accommodations for religious observances and practices. It supersedes Chancellor's Regulation A-630 dated February 19, 2003. All building administrators and staff should familiarize themselves with this regulation.

I. INTRODUCTION

Students may not be discriminated against on the basis of their religion, and schools must make reasonable accommodations for students to be able to exercise their religious rights. At the same time, schools must be mindful of the constitutional prohibition against government endorsement of or unnecessary entanglement with religious activities. This regulation sets forth guidelines for schools to follow in addressing requests for accommodation of students' released time for religious education/instruction, observances, and practices. These rules apply to all students and religious practices equally.

A. Released Time for Religious Education/Instruction

In accordance with the Regulations of the New York State Commissioner of Education (CR 109.2), the New York City Department of Education has designated the last hour of the instructional day on Wednesdays for "released time" for religious instruction/education.

The absence of an authorized student from school during school hours to attend a program of religious instruction/education outside the school building and grounds will be excused. The program of religious instruction must be maintained and operated by or under the control of a duly constituted religious body.

1. Parent* responsibilities:

- a. Each parent requesting released time for the purpose of religious instruction must submit a signed written authorization for the release of their child from school and a copy of the student's registration in the religious instruction program. The signed written authorization must identify the religious institution and location at which the instruction will be provided.
- b. Parents must notify school personnel when they withdraw their children from released time programs.
- c. Parent must make alternate arrangements when school sessions are abbreviated and students are dismissed early.
- d. Parents must obtain a report of their children's released time attendance for each semester from the religious institution and give it to the principal no later than the last day of school for that semester.

2. School Responsibilities:

Schools shall:

- a. upon receipt of a signed written authorization and a copy of the student's registration in the religious instruction program in accordance with Section I.A.1.a above from the parent, release the student for the last hour of the instructional day on Wednesdays, to participate in a program of religious instruction. The signed authorization and student registration in the religious instruction program are to be kept on file at the school.

* The term "parent," whenever used in this regulation, shall mean the student's parent(s) or guardian(s), or any person(s) or agency in a parental or custodial relationship to the student, or the student, if he/she is an emancipated minor or has reached 18 years of age.

- b. institute a system for reminding pupils and teachers that released time dismissal is approaching. Such dismissal shall take place in accordance with regularly established school policies. School officials must make every effort to ensure prompt dismissal.
- c. not unreasonably exclude children who attend released time programs for religious instruction from participation in after school programs by reason of late arrival from their religious instruction programs.
- d. not penalize students academically for attendance at released time for religious instruction.
- e. plan carefully for those students who do not participate in the released time program, and must ensure that educationally significant programs are provided for them.
- f. not be responsible for ensuring the attendance of students at the released time programs. Public school personnel shall not respond to inquiries regarding the absence of students from religious instruction, and shall make available no information regarding the student, except as permitted by Chancellor's Regulation A-820.
- g. ensure that solicitation of students for participation in released time programs for religious instruction does not take place on or near school facilities. Furthermore, no announcements of any kind regarding released time programs will be made in school.
- h. maintain attendance reports of pupils enrolled in released time programs filed with the school at the end of each semester pursuant to Section I.A.1.d above.

B. Religious Accommodations

1. Requests for accommodation of religious observances and practices must be submitted in writing to the appropriate school personnel. Such requests should be submitted well enough in advance to allow the school to make appropriate arrangements and scheduling adjustments, where reasonable.
2. Each request for an accommodation must be assessed individually by the school and handled in a sensitive manner. School personnel shall make a good faith effort to accommodate such requests, with due consideration given to the law, the responsibility and policies of the Department of Education, and the educational program of the school and of the individual student. Parents have a correlative duty to cooperate in reaching an accommodation.
3. Religious observance outside the school building and grounds
 - a. Upon receipt of a written request to allow time off for religious observance outside the school building and grounds, individual student schedules should be adjusted where reasonable and educationally feasible. Any decisions allowing students time off for religious observance during regular school hours are to be made by the school principal. Factors to be considered include but are not limited to:
 - i. the amount of time being requested;
 - ii. the duration of the accommodation being requested;
 - iii. the impact on the individual student's schedule, e.g., what classes will be missed;
 - iv. whether the missed class time can be made up; and/or
 - v. whether an accommodation would result in the student receiving less than the required amount of instruction.

- b. Students who are absent for religious observance on days on which tests are administered by outside testing organizations should be informed of the alternate dates offered by the testing organizations for religious observers.
 - c. Appropriate attendance records shall also be maintained. Students, who observe the religious holy days recognized by the New York State Commissioner of Education or other holy days not recognized on the calendar distributed annually, may be excused based on a parent's request in writing prior to the date of observance. Teachers must mark the student absent and enter reason code "05" (Religious/Cultural Observance) into the ATS system in accordance with Chancellor's Regulation A-210.
4. Prayer
Students who wish to pray on school property may do so individually provided they are not disruptive or interfere with the orderly operation of the school program. To avoid the appearance of support of any particular religion or other entanglement, schools may not set aside rooms or designate special areas for student prayer. It is also improper for school officials to organize, promote, lead, or otherwise participate in such prayer. Note: High school students do have the right to form religious clubs and meet and pray during non-instructional time in accordance with the Equal Access Act, Chancellor's Regulation A-601, and individual school procedures.
 5. Fasting
Students who fast should be allowed to sit separately in the cafeteria if they so desire.
 6. Record Keeping
Schools must ensure that accurate records are maintained concerning accommodations made for religious observance. These records should include requests for accommodation, accommodations made, and reasons for granting or denying accommodation.

II. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone:
212-374-6095

The Office of Mandated Responsibilities
N.Y.C. Department of Education
52 Chambers Street
New York, NY 10007

Fax:
212-374-5751