

Myth/Fact Sheet

Myth #1: *Students are not allowed to sing religious Christmas carols in public schools.*

Fact: During school activities, such as choir, Christmas programs, and other events in public schools, students can sing such carols without offending the U.S. Constitution. Courts may look to whether the school has a secular purpose for initiating religious expression; for example, advancing students' knowledge of society's cultural and religious heritage and the opportunity for students to perform a full range of music, poetry, and drama.

Myth #2: *It is unconstitutional for school officials to refer to a school break as a "Christmas Holiday."*

Fact: The Supreme Court has acknowledged the government's long-standing recognition of holidays with religious significance, such as Christmas. Congress has proclaimed Christmas to be a legal public holiday.

Myth #3: *It is unconstitutional for public schools to close on religious holidays, such as Christmas and Good Friday.*

Fact: The Establishment Clause doesn't prohibit state officials from choosing a religious day as the day for a legal holiday.

Myth #4: *Public schools have to recognize all religious holidays if they recognize Christmas.*

Fact: A school that has a holiday coinciding with a religious holiday must do so for secular purposes, but that does not impose a legal duty on the school to recognize every other religious holiday.

Myth #5: *It is constitutional for public schools to ban teachers and students from saying Merry Christmas.*

Fact: The Supreme Court has stated that teachers and students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Guidelines issued by U.S. Secretary of Education Riley (under President Clinton) state "students therefore have the same right to engage in...religious discussion during the school day as they do to engage in other comparable activity." Teachers have the right to greet students with the words Merry Christmas, in spite of their role as agents of the state. Saying a simple greeting that people commonly use in December does not violate the Establishment Clause. (A teacher would have to use his/her

authority to promote religion to students in order to violate the Establishment Clause.)

Myth #6: *Public schools cannot have students study the religious origins of Christmas and read the biblical accounts of the birth of Christ.*

Fact: The Supreme Court has stated that “the Bible may constitutionally be used in an appropriate study of history, civilization, ethics, comparative religion, or the like.” The term “study” has been defined to include more than mere classroom instruction; public performance may be a legitimate part of secular study.

Myth #7: *Public schools cannot display religious symbols.*

Fact: The display of a nativity scene is constitutional if it is displayed for legitimate secular purposes, such as to celebrate the holiday and to depict the origins of the holiday. If a public school is concerned, it is free to display a nativity scene among other forms of religious and secular seasonal expression.

Myth #8: *Students do not have a constitutional right to be exempt from activities with a religious component.*

Fact: Without penalty, students can opt out of activities (such as a Christmas program or a concert with a religious song) that conflict with the individual beliefs of the students or their parents. The school may not force “any person to participate in an activity that offends his religious or nonreligious beliefs.” A student’s objection to a school activity containing religion does not empower the student to censor the expression or block the activity. The student can opt out but cannot silence others. This is the standard for other matters as well. For example, students are allowed to opt out of reciting the Pledge of Allegiance.