



MONTGOMERY COUNTY BOARD OF EDUCATION

850 Hungerford Drive ♦ Room 123 ♦ Rockville, Maryland 20850



Bill: Senate Bill 267
Title: Voluntary Nonsectarian Prayer at School-Sponsored Student Events
Committee: Education, Health, and Environmental Affairs
Date: February 3, 2016
Position: **NO POSITION**
Contact: Michael Durso, President, Montgomery County Board of Education

The Montgomery County Board of Education has not yet officially voted on Senate Bill 267 but the Board has the following concerns:

This bill would require a county board of education to allow nonsectarian, student-initiated voluntary prayer during mandatory and voluntary school-sponsored student events, including assemblies, athletic events, graduation and commencement ceremonies, and any other school-sponsored events. Furthermore, the language of the bill fails to define “event” so could also even include all other school sponsored events such as cheerleading, debate team, and a science club, just to name just a few. This broad scope appears to conflict with the extensive body of law, including decisions of the United States Supreme Court, on the topic of prayer at school. In a number of contexts identified in the proposed bill, courts have held that student-led prayer is unconstitutional.

This proposed bill would create tension between controlling federal law under the United States Constitution and inconsistent state law, which would present challenges for school districts in terms of compliance and litigation risk. In any event, state legislation on this subject is unnecessary insofar as school districts, such as Montgomery County Public Schools (MCPS), are well-versed in applying pertinent provisions of constitutional law.

At the beginning of the 2015–2016 school year, MCPS issued a publication, *Guidelines for Respecting Religious Diversity*, as part of our commitment to promoting respect and appreciation for the religions, beliefs, and customs of our diverse student population. The guidelines include sections on prayer at school and religion in school assemblies and concerts, which were carefully developed to ensure they are faithful to governing law on these matters. For instance, the guidelines state: “While students may exercise their right to pray during the school day or school-related activities, they may not compel, harass, or pressure others at school to participate in or listen to a prayer, sermon, or other religious activity. For instance, student-led prayer broadcast to all classes over the school’s public announcement system would be impermissible.”

On behalf of my colleagues on the Board of Education, thank you for your consideration.