

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF EDUCATION
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Informational

To: Division Superintendents
Public School Principals

From: Jo Lynne DeMary
Superintendent of Public Instruction

Subject: Minute of Silence

During the recent legislative session, § 22.1-203 of the *Code of Virginia* was amended to require a minute of silence at the opening of each school day. See attached copy. The law takes effect July 1, 2000. This memorandum is to provide guidance on the administration of the new law.¹

The General Assembly recognized that, in today's hectic society, all too few of our citizens are able to experience a moment of quiet reflection before plunging headlong into the day's activities, and that our young citizens are particularly affected. This legislation reflects the view that our young, and society as a whole, would be well served if students were afforded a moment of quiet reflection at the beginning of each day. Accordingly, the new statute states the following:

In order that the right of every pupil to the free exercise of religion be guaranteed within the schools and that the freedom of each individual pupil be subject to the least possible pressure from the Commonwealth either to engage in, or to refrain from, religious observance on school grounds, the school board of each school division shall establish the daily observance of one minute of silence in each classroom of the division.

¹ For questions about religious expression *outside* of the minute of silence, please see *Guidelines Concerning Religious Activity in Public Schools* promulgated by the Virginia Board of Education in 1995. Copies are available from this Office.

During such one-minute period of silence, the teacher responsible for each classroom shall take care that all pupils remain seated and silent and make no distracting display to the end that each pupil may, in the exercise of his or her individual choice, meditate, pray, or engage in any other silent activity which does not interfere with, distract, or impede other pupils in the like exercise of individual choice.

Code of Virginia § 22.1-203.

It is recommended that a copy of the new law be sent home with students at the beginning of each school year so that both parents and students may be informed about what the law allows and does not allow. It is important to caution teachers and administrators not to suggest or imply that students should or should not use that time for prayer. If a student asks, a teacher should advise a student that if the student desires to have a silent prayer, he or she may do so. The statute specifically says "minute of silence." This clearly precludes students using the occasion to pray audibly or otherwise speak, singly or in unison. Teachers and administrators must not allow or tolerate any coercion or overbearing by some students to force others to engage in or refrain from prayer or any other permitted activity. This time is not intended to be and shall not be conducted as a religious service or exercise, but considered as an opportunity for a moment of silent reflection on the anticipated activities of the day.

One appropriate format for conducting the daily minute of silence would be as follows:

"As we begin another day, let us pause for a moment of silence."

■ Quiet for 60 seconds -

The law was also amended to require the Office of the Attorney General to provide legal defense to any public school division sued for implementing the act. Should you have any questions about the act, or how it should be implemented in our public schools, please contact Deputy Attorney General Ashley L. Taylor, Jr. at (804) 786-4072, who will serve as liaison to the Office of the Attorney General on these issues.