

OPINION
43-106

October 25, 1943 (OPINION)

SCHOOLS

RE: Reading Bible permitted without comment

Your letter of October 19th addressed to the Attorney General has been referred to the undersigned for attention and reply.

You desire our opinion upon the following questions:

1. Do the laws of the state of North Dakota permit the teaching of the Bible in the public schools?

Answer: Section 1388 of the Compiled Laws of North Dakota for 1913 provides that:

"The Bible shall not be deemed a sectarian book. It shall not be excluded from any public school. It may be at the option of the teacher be read in school without sectarian comment, not to exceed ten minutes daily. No pupils shall be required to read it or to be present in the schoolroom during the reading thereof, contrary to the wishes of his parents or guardians or other person having him in charge."

2. Do the laws of the state of North Dakota permit the teaching of the Bible in the public schools by a religious Sister, provided she follows the Syllabus approved by the state of North Dakota, and there is no attempt to teach a particular religion?

Answer: A person who has the necessary educational qualifications required by the laws of this state, may teach in the public schools thereof regardless of the religious denomination or sect to which she may belong. A religious Sister may teach in the public schools of this state, if she has the necessary qualifications, provided, of course, that she does not attempt to teach any particular branch of religion.

3. Is the superintendent obliged by law to dismiss the pupils for the course in religion, or may the course be given in a room of the school? It is understood that the course is open to any and all pupils.

Answer: Religious instruction may not be given in the public schools of this state during school hours. However, when the school buildings are not used for school purposes, a school board may permit the use thereof for religious purposes, provided equal consideration is given to all denominations.

ALVIN C. STRUTZ
Attorney General