



the Policy Page

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Public Education, Private Faith

Religious sentiments intersect with virtually every area of school life. How can board members and administrators successfully navigate this thin, fine line?

If there is a never-ending story, it is that religious believers and public schools are a volatile mix.

Pick just about any district in the country, and superintendents and board members can share stories about tussles with citizens who want to infuse the school environment with a more religious flavor – usually reflecting their own personal beliefs.

This column is intended as a quick primer on public education and private faith.

The U.S. Constitution's First Amendment "religion clauses" are 16 words that contain a double caution. The first part prohibits government entities (including taxpayer-funded public schools) from *establishing* religion, meaning granting favorable treatment. The other clause gives citizens the right to *freely exercise* religious convictions.

What results is the kind of pull and tug that the Founders intended. When writing the Constitution, framers were understandably wary. Given the need for freedom, it was important for individuals to have a legal right to worship as they please, and equally important for government to have a legal obligation to remain at arm's distance from any single religion or religious matters in general.

Since then, the U.S. Supreme Court has been of little help, issuing decisions that seem contradictory and creating fine-point distinctions that make school leaders cringe. Even school attorneys have difficulty predicting how the courts will react in a particular situation.

Perhaps that means the pendulum is constantly being adjusted for balance. Or, put another way, it means the expectations and standards for school officials keep shifting.

As the calendar moves toward another holiday season, the annual issues will inevitably arise. For instance, the religious motivation of the Pilgrims is practically a "must" classroom discussion if students are to gain a historical perspective about Thanksgiving. How do teachers talk about a particular religion without appearing to endorse it?

December brings Christmas and Hanukkah. Accompanying them are religious symbols, religious songs, time off for students and staff, classroom visits by Santa – and reoccurring questions about the way in which the holidays are taught.

The issue of how closely schools align with religion is nothing less than a battle for the minds, hearts, and eternal souls of students. Children are impressionable. They are viewed by adults as the future. By shaping their thoughts and directing their values, the theory goes, one can change the world for years hence.

A nation of believers

According to estimates by scholars, the United States is home to more than 2,000 religions and approximately 400,000 churches, synagogues, and mosques. The potential for chaos is staggering.

What makes it difficult for K-12 administrators and policy makers is that religious sentiments intersect with virtually every area of school life. Curriculum decisions about certain textbooks or the teaching of family life education can be fraught with problems. So can classroom assignments in which a child chooses to reveal his or her religion.

Restricting prayer before sporting events or holding competitions on Fridays or weekends can raise issues of accommodation. And free speech demands of students who proselytize in the hallways or distribute flyers also can breed confrontation.

Generally, conflicts fall into three broad categories:

■ **Inside acts:** Occurrences within school buildings that stem from the actions of students or staff. For example: Passing out faith-based literature, starting a student religious club, or wearing clothing and symbols that mark one's denomination.

■ **Outsider access:** Efforts by external groups seeking access to students so they can spread religious messages. Or outside organizations that wish to use school facilities for worship.

■ **Curriculum concerns:** Flare-ups over such matters as intelligent design (the theory that an "intelligent cause" is the best explanation for the complexity of life), or a full-semester high school course on the Bible.

Complicating matters even further is another part of the First Amendment – the Free Speech Clause. Recently, courts have been citing free speech principles as a reason for permitting a closer tie between religion and schools. On a case-by-case basis, federal judges have been warning public officials to treat all speech the same, without discriminating against the category of religious speech.

That often means that outward religious expression cannot be suppressed, even when countered with the fear of violating the Establishment Clause. In essence, the Establishment Clause is outnumbered 2-to-1 by the Free Exercise and Free Speech doctrines.

Walking a fine line

As superintendents, administrators, and school board members make decisions and policy choices, they must do so with an eye toward litigation. National organizations on both sides are all too eager to file legal challenges. For instance, in November 2005, the Alliance Defense Fund, a Christian legal group based in Scottsdale, Ariz., proclaimed that – without charging a fee – its 800 cooperating attorneys would defend against “improper attempts to censor the celebration of Christmas in school...”

On the other hand, schools have to guard against seeming to endorse a particular religious belief. Two key questions for policymakers to ask are: 1) How far can students or school staff go in making their beliefs known? and 2) When do school officials go too far in seeming to endorse religion or coerce impressionable students?

The hot spots:

■ **Academic calendar and religious holidays:** A year ago, Michigan’s state-scheduled exams coincided with the Muslim holy days of Ramadan and Jewish holy days of Rosh Hashanah and Yom Kippur. Requests to close school for religious holidays will also force tough decisions.

■ **School-sponsored speech:** In October 2004, a federal appeals court sided with a Florida school district (*Bannon v. School District of Palm Beach County*), saying officials were right to remove a student’s religious message from a mural she painted for the school beautification project. It looked as if the school had endorsed the message.

■ **Subtle religious inculcation:** Intelligent design, posting of the Ten Commandments, and “clergy in the classroom” programs all fit within this category.

■ **Student group and outside group access:** In a November 2005 opinion, the U.S. Court of Appeals for the 2nd Circuit ruled that New York City could not prevent an outside group from using schools as a house of worship if other religious uses were allowed. (*Bronx Household of Faith v. Board of Education of the City of New York*). Relying on First Amendment free speech, the court found that the city was discriminating against church groups because of their religious perspective.

■ **Expressions of faith by staff members:** Faculty advisers to religious clubs. Technology issues, such as employees who place religious taglines at the end of e-mails.

■ **Class assignments:** As long as the religious aspects meet assignment requirements, no

problem. The challenge: when work will be displayed, or the student uses a class speech to preach to a captive audience. The bottom line is that superintendents and school board members must strive to be fair. Religious beliefs and religious believers cannot receive special praise. Nor can religion be sidelined. School lawyers can help. Beyond that, it is a judgment call – with potential lawsuits hanging in the balance.

Policy questions to consider

■ Are your principals and teachers – the frontline staff – well trained in the basic tenets of how expressions of faith can be limited or permitted in a school setting?

■ Are you aware of the most activist groups in your community and on what subjects they might have launched religious-based lawsuits in the past?

■ Do you evenly enforce the free expression portion of the First Amendment, allowing students to wear crosses and religious T-shirts, and speak their mind in nondisruptive ways?

■ Is your excused absence policy broad enough to include time during the day to pray or time off for a religious holiday that falls on a regular school day?

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