**Religion and the Public Schools**

\*What is the First Amendment and how does it apply to public schools? ( in regards to religion)

The First Amendment to the U.S. Constitution states, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are

citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;

nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” 14th Amendment

**Outline**

-Reynolds vs United States 1879 -> U.S. Supreme Court invoked Thomas Jefferson’s “a wall of separation between church and state”

-Cantwell vs Connecticut -> creation of 14th Amendment

-14th Amendment makes the 1st Amendment applicable to state

-The only exception was a religious-test provision that prohibited states from imposing religious tests for federal offices. This provision became the last clause of Article VI of the Constitution.

1st Amendment Clauses:

-The Establishment Clause prohibits the state from passing laws that aid a religion or show preference for one religion over another; The intent of the Establishment Clause was

clearly enunciated in the famous Everson case,

-Free Exercise Clause prohibits the state from interfering with individual religious freedoms. This means that the state can neither aid nor inhibit religion—it must adhere to the principle of neutrality.

-The courts have used the Endorsement and Coercion Tests in some instances to

gain a clearer interpretation of the Establishment Clause of the First Amendment.

-Lynch vs Donally

**School-Sponsored Prayer**

-Representative Ernest Istook of Oklahoma indicated that he introduced a fifty-two-word “Religious Freedom Amendment” before Congress. <- harmful impact on minority religions

-The U.S. Supreme Court first addressed prayer in public schools in the famous Engle case.

-under the No Child Left Behind Act, school districts are required to certify in writing to their state agencies that no local district policy prevents or denies participation in constitutionally protected prayer in their public schools.This requirement is a condition to the receipt of NCLB funds.

**School-Sponsored Bible Reading**

-Abington School District v. Schempp involved a challenge regarding the validity of a Pennsylva-

nia state statute that required the reading of ten verses of the Bible without comment at the opening of each school day.

 -the use of the Bible as a historical, literary, ethical, or philosophical document is permissible if a secular purpose is clearly served.

-Murray v. Curlett, challenged the actual practice of daily Bible reading in the schools of Baltimore, Maryland.

**Silent Prayer and Meditation**

-The U.S. Supreme Court, in 1985, responded to the silent meditation and prayer issue by their

ruling in Wallace v. Jaffree.

-The courts have used the Endorsement and Coercion Tests in some instances to

gain a clearer interpretation of the Establishment Clause of the First Amendment.

-Lynch vs Donally

**Prayer at School Events**

 **Student-Led Prayer at Public School Events**

-In the aftermath of the Eleventh Circuit ruling, what are the implications? Although this ruling affects only public schools in Alabama,Florida, and Georgia, it means that in those states, at least for now, school valedictorians, regardless of their belief or faith, may voluntarily pray at graduation ceremonies. It also allows student athletes to voluntarily engage in prayer at an athletic contest as long as school officials remain completely neutral.

**Prayer at Athletic Contests**

-When public schools allow prayer to be offered at school events, they are placing the weight and influence of the school in support of a religious activity—an impermissible accommodation to religion and an obvious violation of the Establishment Clause.

-Jager case

-Declaratory Relief

-applied the Lemon Test to determine whether the invocations violated the Establishment Clause,

**Voluntary Prayer at Commencement Exercises**

-the constitutionality of prayer in public schools was seriously challenged in 1962 in the landmark Engel v. Vitale case

-The Supreme Court’s position in Jones v. Clear Creek Independent School District, however, may provide an opportunity for communities to decide if they wish to have students assume the decision-making role.

**Landmark Rulings**

-Under the Lemon Test, a state practice that is challenged as unconstitutional must meet the criteria that it has a secular purpose, that its practices neither advance nor inhibit religion, and that it does not foster excessive entanglement between the state and religion.
**Impact of Ruling**

-Fifth Circuit ruling affects only Texas, Louisiana, and Mississippi.

-Student-initiated prayer may involve an individual student or a group of students. Examples include student-initiated prayer during club meetings; daily, weekly, or monthly prayer around the flagpole; before, during or after school; offering grace before a meal in the cafeteria; or silent prayer in class prior to taking an exam.

**Prayer at School Board Meetings**

-School boards that open their meetings with prayer are violating the Constitution’s First Amendment Establishment Clause.

**Prayer at Legislative Meetings**

-Prayer at school board meetings violates the Establishment Clause, creates excessive entanglement, and cannot be justified on the basis that such meetings are similar to legislative sessions rather than school events.