

Lesson 2

Religious Freedoms in Public Schools

Rationale

Religious freedom is a sensitive, but critical, subject in developing an understanding of the rights of U.S. citizens. The purpose of this lesson is to encourage critical thinking skills and open-minded thinking with regard to religious freedom and the tensions that exist around this Constitutional right. Students will focus on their own constitutional rights as they relate to religious freedom in public schools.

[NOTE: The issue of the proper role of religion in the public schools continues to be the subject of great controversy. School faculty and staff, parents and students—as well as lawyers and judges—wrestle with these questions every day. ADL believes deeply and profoundly in the importance of preserving and safeguarding freedom of religion in our increasingly pluralistic nation. Consequently, we believe that government should neither advance nor inhibit religion, and that religious activity must be kept out of the public schools. This position is not one of hostility towards religion; rather, it reflects a profound respect for religious freedom and recognition of the extraordinary diversity of religions represented by the students in our public schools.

It is recommended that educators read ADL's *Religion in the Public Schools* (www.adl.org/education/resources/tools-and-strategies/religion-in-public-schools)—particularly the chapters focused on specific examples of the intersection of religion and public schools—prior to conducting this lesson.]

Objectives

- Students will understand the Establishment Clause and the Free Exercise Clause of the U.S. Constitution.
- Students will identify and learn about their constitutional right of religious freedom within the public school setting.
- Students will research and present information about one area relating to religious freedom.

Age Range

Grades 9–12

Time

2 or 3 class periods

Requirements

Handouts and Resources:

- [First Amendment: Freedom of Religion](#)
- [Freedom of Religion Clauses](#)
- [Prayer in Public Schools](#) (one for each student per small group)
- [Teaching Religion in Public Schools](#) (one for each student per small group)
- [Student Religious Clubs in Public Schools](#) (one for each student per small group)
- [Student Distribution of Religious Material in Public Schools](#) (one for each student per small group)

Other Material:

- Smart board/board and markers, pens and pencils
- (Optional) Computer with Internet access and LCD projector or smart board

Advanced Preparation

- Reproduce handouts as directed above.

Key Words

Advocacy
Denigrate
Denomination
Endorse/Endorsement
Inhibit
Meditation
Monogamy
Neutrality
Non-denominational
Parochial
Polygamy
Promote
Sectarian
Secular

- Either write the text from *First Amendment: Freedom of Religion* on the board or prepare as a PowerPoint slide to be projected.
- Review the information in the *Freedom of Religion Clauses* handout. (*Optional:* Distribute a copy to each student.)
- Make enough copies of the *Prayer in Public Schools*, *Teaching Religion in Public Schools*, *Student Religious Clubs in Public Schools* and *Student Distribution of Religious Material in Public Schools* handouts so that each student in an assigned group receives the appropriate handout for their group (see Part II #3).

Techniques and Skills

Analyzing material, interpreting art, large-group discussion, presenting, small-group work

Procedures

Part I

1. Begin this lesson by having students indicate (by a show of hands, for example) whether they think the following statements are “true” or “false.” Conduct this activity as a large group.

NOTE: As with other parts of the Constitution, there are many gray areas when it comes to the topic of freedom of religion. For several of the statements below, the answer can be both “true” and “false,” depending on the circumstances.

- The First Amendment applies to students in public secondary schools. (True)
 - Students may share their religious faith on public school grounds. (True only if it is done outside of the classroom in a non-disruptive, non-harassing way that does not interfere with other students’ rights.)
 - Public schools can allow students to observe a “moment of silence.” (False when the purpose is to promote prayer: The U. S. Supreme Court struck down a statute requiring a moment of silence that students could use for silent prayer or meditation because it was enacted for the purpose of advancing religion. The Supreme Court has not determined if a moment of silence can ever be constitutional.)
 - Students can form religious clubs in secondary public schools. (True only if the schools are public schools and allow students to have other extracurricular clubs)
 - Teachers and other school employees in public secondary schools can begin the day by reading a non-denominational prayer. (False)
 - It is constitutional to teach about religion in public schools. (True: This is different from practicing religion, which is considered unconstitutional.)
 - It is legal for students to pray in public schools. (True: Students have the right to engage in voluntary individual prayer that is not coercive and does not substantially disrupt the school’s educational mission and activities. However, vocal denominational or nondenominational prayer and ceremonial reading from the *Bible* are unconstitutional practices in the public school.)
2. If students are surprised by particular answers, ask them where they think they got the ideas that led them to their beliefs. Use this short dialogue to increase curiosity about religious freedom in public schools. If applicable, share that these questions reveal that all too often misinformation, mythology and confusion guide people’s understanding of religious freedom in public schools. Inform students that this lesson will begin to clear up some of the misinformation regarding religious freedom.
 3. Display the text from [First Amendment: Freedom of Religion](#) on the board or a screen, and highlight the phrase “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” Inform students that this part of the First Amendment focuses on the freedom of religion. Clarify that there are two parts to the freedom of religion: the Establishment Clause and the Free Exercise Clause.
 4. Provide information about the above clauses using the [Freedom of Religion Clauses](#) handout (which may be distributed to students if desired).
 5. Clarify for students that the word “government” in these clauses refers to public schools as opposed to private, parochial or other independent or religious schools. Add that administrators, teachers, specialists and other school staff who are employed at public schools represent the school and therefore are part of the “government.”

6. Ask students if they can think of public school controversies related to religion. Students may respond with examples like the teaching of the *Bible* as a religious truth instead of as a form of literature, and students being allowed to wear religious clothing such as a hijab (head scarf worn by Muslim women and girls) or a (Jewish) Star of David. Ask the class to explain how their examples demonstrate neutrality or a lack of neutrality regarding religion in public schools.

Part II

1. Tell students that they are going to explore some controversies surrounding religious liberty in public secondary schools.
2. Divide the class into four groups by asking students to choose one of the following four topics—prayer, teaching religion, student religious clubs and students distributing religious material in public schools. Ensure that each group has approximately the same number of students, and ask for volunteers to change groups if necessary.
3. Distribute to each student a copy of the corresponding handouts—[Prayer in Public Schools](#), [Teaching Religion in Public Schools](#), [Student Religious Clubs in Public Schools](#), and [Student Distribution of Religious Material in Public Schools](#), depending on group assignment.
4. Instruct students to read the text on their handout and work collaboratively to answer the questions that follow. Instruct them to prepare a brief group presentation summarizing their responses, which they will share later and to use visuals (such as photos, artwork, or artifacts) to help illustrate their responses. Allow students to work for the remainder of the class period.

Optional: If possible, provide students access to the Internet so they may do supplementary research on their topic.

5. At the start of the next class, have small groups deliver their presentations. Allow a brief question-and-answer session after each presentation.
6. Conclude the lesson by having students respond “true” or “false” in response to the statements below. (This can be done aloud as a large group or students can individually record their responses if you wish to assess comprehension of concepts explored in this lesson). Ask students why they responded true or false for each statement, and reinforce the principles underpinning the Establishment and Free Exercise Clauses where appropriate.
 - Students can “meet at the flag pole” and pray together before school begins. (**True:** It must be student-initiated and student-led. To prevent any constitutional violation, schools must ensure that there is no actual or perceived endorsement by school administrators, teachers or other school officials. This means that school personnel may be present to monitor the event for compliance with school rules, but cannot promote or participate in the event. Schools must also ensure that students who are not inclined to participate in the event are not coerced by fellow students to participate.)
 - Students can form a religious club in school and share their faith with their peers. (**True** only in a public secondary school, not in an elementary school; only when other extracurricular clubs are allowed; and only when students share their beliefs in a non-harassing non-coercive manner and outside of the classroom setting.)
 - A teacher may lead a bible study during lunch. (**False**)
 - Public schools cannot allow students to observe a “moment of silence.” (**True:** The U. S. Supreme Court struck down a statute requiring a moment of silence which students could use for silent prayer or meditation because it was enacted for the purpose of advancing religion. The Supreme Court has not determined if a moment of silence can ever be constitutional.)
 - If there are other non-curricular clubs at public secondary school, you can form a club based on your faith as well. (**True** only if a school provides an opportunity for one or more extracurricular groups to meet on school property outside of instructional/class time; clubs must be student-initiated and student-led, with very limited opportunities for outside involvement.)
 - People are perpetuating a myth when they say they want prayer put back into public schools. (**True:** Private, voluntary, personal, non-disruptive prayer has always been allowed in public schools.)
 - It is okay if a priest, rabbi or preacher comes to school and leads a prayer at a graduation. (**False**)
 - It is legal for students to pray in school. (**True:** Students have the right to engage in voluntary individual prayer that is not coercive and does not substantially disrupt the school’s educational mission and activities. However, vocal denominational or nondenominational prayer and ceremonial reading from the Bible are unconstitutional practices in

the public school. A school district's policy of permitting student-led, student-initiated prayer before football games in unconstitutional. It is also unconstitutional for a school official, including a coach, to initiate or lead a team in prayer.)

Extension Activities

- Ask students to write an essay on Norman Rockwell's "Freedom to Worship," originally published in *The Saturday Evening Post* in 1943 (see www.nrm.org/?s=freedom+of+worship). This painting was the second installment of Rockwell's famous "Four Freedoms" series, which were inspired by the words of President Franklin Delano Roosevelt in a speech to the U. S. Congress in 1941: "...In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms...." Students' essays should explore how Rockwell artistically illustrated the freedom of religion, and answer the following questions: Who is represented in the painting? Who is not? Why do you think Rockwell chose these individuals? If you were to paint it today, what faiths might you include?
- Ask students to respond to the two political cartoons regarding freedom of religion and the public school in the [Two Cartoonists' Thoughts about Freedom of Religion and Public Schools](#) handout.
- As a culminating activity to the study of religious freedom, ask students to answer the question, "What does religious freedom mean to you?," through a response to the painting, "Freedom of Worship" by Howard Koslow. Students may write a narrative essay, poetry or create a visual work of art. An image of the painting and guiding questions can be found in the [Howard Koslow's "Freedom of Worship"](#) handout.

First Amendment: Freedom of Religion

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.

Freedom of Religion Clauses

Establishment Clause

Congress shall make no law respecting an establishment of religion...

The Establishment Clause is understood to mean that government must remain neutral when it comes to religion.

- That means that government cannot endorse—or appear to endorse—any religion or any religious practice.
- It also means that government cannot appear to disapprove of religion either.
- Furthermore, government cannot give the impression that it endorses religious belief over non-belief or any particular belief over other beliefs.

In order for a policy or law to be considered acceptable under the Establishment Clause, the U.S. Supreme Court came up with three questions that must be answered “yes” (from *Lemon v. Kurtzmann*, 403 U.S. 602, 1971):

- Does the policy in question have a secular purpose?
- Will the policy in question have a primary effect which neither advances nor inhibits religion?
- Does the policy in question avoid entangling government and religion?

Free Exercise Clause

Congress shall make no law...prohibiting the free exercise thereof...

The Free Exercise Clause is understood to mean that government cannot prevent someone from practicing his or her own religion.

- That means that government cannot regulate how to practice your religion and punish the expression of religious doctrine.
- There are exceptions to this clause—if a law or policy is passed that applies to everyone but interferes with the practice of a particular religion, an individual may not be able challenge the law or policy based on this clause. For example, some people claim that their religious beliefs mandate polygamy (marriage to more than one person at the same time). But, in 1879, the U.S. Supreme Court said that the federal law that outlaws polygamy is a general law that applies to everyone and does not violate the Free Exercise Clause. Therefore, the law against polygamy overrides this specific religious belief.

Prayer in Public Schools

“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.”

Background Information

As long as there are math tests, there will be prayer in schools. A broad range of religious activity is permissible in public schools. The Supreme Court has never outlawed the right of an individual student to pray in school. Students are free to pray alone and, at certain times of the day, in groups—as long as the prayers are student-led and not disruptive—and as long as they don’t infringe upon the rights of others. The Constitution does not protect organized school prayer, mandatory *Bible* reading, or other situations in which students are compelled or pressured to participate.

Scenarios

1. Organized Prayer in School

In 1959, the parents of ten students in a New York school district challenged the constitutionality of a New York state policy that required students to begin each day with a non-denominational prayer that had been drafted by the State Board of Regents. The parents said this type of mandatory prayer violated the Establishment Clause. The Court agreed with the parents that school officials cannot endorse a particular religion by requiring devotional religious exercises during the school day. Teachers and school employees may not participate or lead student religious clubs, because, as agents of the state, that would be considered government-sponsored religion. The 1984 Equal Access Act states that employees of secondary (9–12th grade) schools can be present at student-led religious meetings that occur during non-curricular periods of the day—but only in a non-participatory manner.

2. Moment of Silence

In 1981, the Alabama legislature modified a statute that had allowed for a moment of silence for the purpose of “meditation.” The new statute stated that the moment of silence was for the purpose of “meditation and prayer.” The sponsor of the legislation publicly claimed that the sole purpose of this change was to bring prayer back into school. The Jaffree family challenged this law, and the Supreme Court ruled that a moment of silence is unconstitutional if its explicit purpose is to promote prayer. Truly voluntary moments of silence are permitted in school, but the school can’t require it for religious purposes.

3. Graduation Prayer

In Rhode Island, public schools traditionally invited local clergy to participate in middle school and high school graduation ceremonies. The clergy were provided with nondenominational prayer guidelines. In 1989, the father of a student at Nathan Bishop Middle School sued the school claiming that a rabbi-led non-denominational prayer at the middle school graduation was a violation of the Establishment Clause. The Supreme Court held that schools can’t promote religious exercise directly or through an invited guest at graduation ceremonies. The Court held that the prayer at graduation represents “a state-sponsored and state-directed religious exercise in a public school.” Prayers at graduation put indirect pressure on students to participate in a state-sponsored religious practice. The Supreme Court has made it clear that prayers organized or sponsored at a public school event, even when delivered by a student, violate the First Amendment.

Resource

For more information on prayer in schools, scenarios and terminology, see “Prayer in Public Schools” from ADL’s *Religion in the Public Schools* at www.adl.org/education/resources/tools-and-strategies/religion-in-public-schools.

Teaching Religion in Public Schools

“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.”

Background Information

The academic study of religion is allowed in public schools, but there is a fine line between introduction to religions and teaching someone to accept a particular religious belief uncritically. A comparative religion class, for example, may be designed to increase students’ awareness of different religions, but may not denigrate certain religions or promote acceptance of one religion over another. Schools can inform students about a variety of religious beliefs, but cannot encourage students to conform to them.

Scenario

In the 1950’s, Pennsylvania law required that ten verses from the *Bible* be read, without comment, at the beginning of each school day. Students could be excused from this requirement upon written request from a parent or guardian. Two families objected, because this practice conflicted with their own religious beliefs. They sued the school district, claiming that this *Bible* reading violated the Establishment Clause. In a landmark 1963 case, *Abington v. Schempp*, the Court ruled that state-sponsored devotional *Bible* readings in public schools are unconstitutional. Unlike comparative study of religion (which is permissible), the purpose of the *Bible* readings was found to be the advancement of religion, a violation of the Establishment Clause of the First Amendment. The Court determined that the voluntary nature of the religious exercise (allowing students to be excused from participating) did not lessen the seriousness of the violation.

Teacher-led classroom discussions about religion must be neutral—neither advancing nor inhibiting religion generally or any particular religion. Instruction about religion must be fair and objective, neither encouraging nor insulting religion in general or specific religious groups particularly. There is a difference between “teaching religion” and “teaching about religion.”

Resources

For more information on teaching religion in schools, scenarios and terminology, see “Religion in the Curriculum” and “Teaching about Religious Holidays” from the ADL’s *Religion in the Public Schools* www.adl.org/education/resources/tools-and-strategies/religion-in-public-schools.

Summary Questions

Answer these questions and prepare a brief group presentation summarizing your group’s responses, using visuals (such as photos, artwork, or artifacts) to help illustrate your responses.

1. What are three main points that you think fellow students need to know about teaching religion in public schools?

2. Describe an example in your community of a controversy around teaching religion in schools. How was it resolved? In your opinion, do you think it was resolved in accordance with the First Amendment? If necessary, ask your classmates, teachers, adults in your community, or search the archives of your local newspaper at the library or online.

Student Religious Clubs in Public Schools

“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.”

Background Information

Students are allowed to form religious clubs in a public secondary school (high school) if the school allows other extracurricular (non-curriculum-related) clubs. The 1984 Equal Access Act (EAA) passed by Congress made it unlawful for any public secondary school that accepts federal funds to discriminate against any students who wish to conduct a meeting within a limited open forum on the basis of the religious, political, philosophical or other orientation of the groups. The EAA does not define “secondary school.” Rather, a secondary school is usually defined by state statute or regulation, and it typically means grades 9–12.

Scenario

A student named Bridget Mergens wanted to start a Christian club at Westside High School in Nebraska within the realm of the same privileges and meeting terms as other Westside student clubs. The school administration cited the Establishment Clause and denied Bridget’s request. She filed a lawsuit arguing that the EAA required the school to allow her request to form a Christian club. In June 1990, the Court ruled that allowing student religious clubs to meet on the same basis as other student-initiated clubs is equal treatment—not an endorsement of religion. The EAA, said the Court, does not violate the Establishment Clause.

If a secondary school has a limited open forum—a policy allowing public high school students to meet for voluntary student-initiated activities unrelated directly to the instruction program—then it cannot ban a particular club on the basis of religious, political, philosophical, or other content. In other words, if a public school provides an opportunity for one or more non-curriculum-related groups (such as the chess club) to meet on school property during non-instructional time (such as after school), then all students can take advantage of that opportunity. The EAA mandates that clubs must be student-initiated and student-led, with very limited opportunities for outside involvement.

Resources

For more information on religious clubs, scenarios and terminology, see “Student-Initiated Religious Clubs” from ADL’s *Religion in the Public Schools* at www.adl.org/education/resources/tools-and-strategies/religion-in-public-schools.

Summary Questions

Answer these questions and prepare a brief group presentation summarizing your group’s responses, using visuals (such as photos, artwork, or artifacts) to help illustrate your responses.

1. What are three main points that you think fellow students need to know about student religious clubs in public secondary schools?

2. Describe an example in your community of a controversy around student initiation of religious clubs in schools. How was it resolved? In your opinion, do you think it was resolved in accordance with the First Amendment? If necessary, ask your classmates, teachers, adults in your community, or search the archives of your local newspaper at the library or online.

Student Distribution of Religious Material in Public Schools

“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.”

Background Information

Students have a limited right to distribute religious and non-religious materials within public schools based on the type of school activity. Within school-sponsored activities students can share materials that are reasonably relevant to a legitimate educational concern. Outside of school-sponsored activities, a school can prohibit distribution of materials that substantially disrupts the school or invades the rights of others.

Scenario

Charles Hamilton, a fifth grade student at Benjamin Franklin Elementary School, brought 35 copies of a pamphlet entitled “Good Fun” to school. The pamphlet, prepared by an evangelical organization, contained crossword puzzles, word searches and comic strips. The theme running through “Good Fun” was the power of religion and the evils of secularism. Charles gave out his copies of “Good Fun” during lunch to the students who were waiting in the cafeteria line. Jonathan Freeman, a fourth grade student, accepted the pamphlet and played through the puzzles that evening. When Jonathan’s mother realized that the pamphlet was religious material of a proselytizing nature, she called the principal of Benjamin Franklin Elementary School seeking an explanation. The principal had no knowledge that Charles had distributed “Good Fun” and agreed with Mrs. Freeman that the matter had to be looked into and resolved.

The school is required to allow Charles to distribute “Good Fun” subject to certain time, place and manner restrictions designed to prevent disruption to the educational process and to prevent disruption of the rights and well-being of fellow students. Such content-neutral regulations typically provide that materials may only be distributed during certain times of the day and from designated locales.

Resources

For more information on sharing religious information in schools, scenarios and terminology, see “Distribution of Religious Materials by Students” from ADL’s *Religion in the Public Schools* at www.adl.org/education/resources/tools-and-strategies/religion-in-public-schools.

Summary Questions

Answer these questions and prepare a brief group presentation summarizing your group’s responses, using visuals (such as photos, artwork, or artifacts) to help illustrate your responses.

1. What are three main points that you think fellow students need to know about distributing religious material in public schools?

2. Describe an example in your community of a controversy around the distribution of material about religion or involved religious related content in schools. How was it resolved? In your opinion, do you think it was resolved in accordance with the First Amendment? If necessary, ask your classmates, teachers, adults in your community, or search the archives of your local newspaper at the library or online.

Two Cartoonists' Thoughts about Freedom of Religion in Public Schools

What do these two political cartoons have to do with freedom of religion and public schools?



Howard Koslow's "Freedom of Worship"



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As a culminating activity to the study of religious freedom, write an essay in response to the question, "What does religious freedom mean to you?" As you consider this question, think about the painting, "Freedom of Worship," by artist Howard Koslow and comment on the artist's representation of religious freedom. Use the following questions to aid you in reflecting on the painting:

- What do you think the artist's message is in this piece?
- How does he communicate his message?
- What faiths are represented? Why?
- What faiths are not represented? Why?
- Does it matter visually to you which place of worship is in the front or back? Why?
- What might it communicate if one place of worship is in the front or back?
- Would you have painted this scene differently? How so?