

# **Where Do You Stand: Critical Conversations about Religion in Public Schools**



The College at Brockport's 12<sup>th</sup> Annual Diversity Conference  
"Building Community through Diversity" SPIRITUALITY, STATE AND POLITICS  
Thursday, September 20, 2012

Presented by: Sara Kelly and Jessica Newby





# WHO WE ARE

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## ▶ Sara Kelly

- ▶ Assistant Director, Residential Life/ Learning Communities
- ▶ Class of '07 and '08

## ▶ Jessica Newby

- ▶ Intern, Residential Life/ Learning Communities
- ▶ Resident Assistant, Residential Life/Learning Communities
  - ▶ Teachers of Tomorrow Living Learning Community
- ▶ Math major, Adolescence Generalist Education Program

## ▶ Disclaimer



# WHERE DO YOU STAND?

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## STAND UP IF...

- ▶ You have been judged because of your views
- ▶ You have ever felt like your views and/values were different than the majority around you
- ▶ You have ever been judged or misunderstood because of your religion
- ▶ You didn't feel comfortable expressing your religion in a school setting
- ▶ You have ever felt religiously discriminated against in a public school setting



# WHERE DO THEY STAND?

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- ▶ **Girls refuses to say Pledge of Allegiance**

- ▶ <http://www.youtube.com/watch?v=BIliS3flt-c>

- ▶ **Engel v. Vitale (1962)**

- ▶ <http://www.youtube.com/watch?v=KKB45t7KNk8>

- ▶ **Board of Education of Westside Community Schools v. Mergens (1990)**

- ▶ [http://www.youtube.com/watch?v=7I4\\_0IVbfIY](http://www.youtube.com/watch?v=7I4_0IVbfIY)

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# RELIGION IN PUBLIC SCHOOLS LAW

Joint Statement of Current Law on Religion in the Public Schools | American Civil Liberties Union. *American Civil Liberties Union (ACLU)*. Retrieved September 13, 2012, from <http://www.aclu.org/religion-belief/joint-statement-current-law-religion-public-schools>

# ESTABLISHMENT CLAUSE

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- ▶ **Church-state separation:** The establishment clause of 1st Amendment of the U.S. constitution, as interpreted by the courts, requires that public school teachers, principals, and boards be religiously neutral.
- ▶ This means that schools:
  - ▶ May not promote a particular religion
  - ▶ May not promote religion in general as superior to secularism
  - ▶ They may not promote secularism.
  - ▶ They may not be antagonistic to either religion or secularism
  - ▶ They must neither advance nor inhibit religion or secularism.



# EQUAL ACCESS ACT

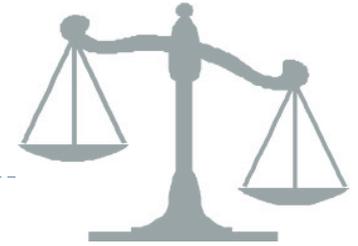
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- ▶ Student religious clubs in secondary schools must be permitted to meet and to have equal access to campus media to announce their meetings, if a school receives federal funds and permits any student non-curricular club to meet during non-instructional time.
- ▶ A non-curricular club is any club not related directly to a subject taught or soon-to-be taught in the school.

# FREE EXERCISE CLAUSE

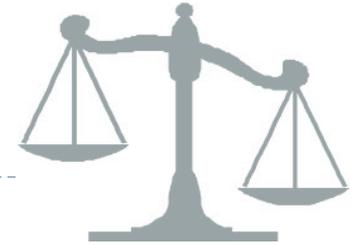
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- ▶ Students can pray in school, if they are not disrupting normal activities.
- ▶ Students can be released from class for ritual prayer or leave school early for religious instruction.
- ▶ School staff and students can wear religious symbols. Staff items cannot contain proselytizing messages, like “I love Allah and you should too.”
- ▶ A teacher may not refuse to teach a portion of the approved curriculum on religious grounds.
- ▶ The Free Exercise Clause is commonly combined with the First Amendment Free Speech Clause to combat “viewpoint discrimination.” Religious speech cannot be treated differently simply because of the subject.

# STUDENT PRAYERS

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- ▶ Students have the right to pray individually or in groups or to discuss their religious views with their peers so long as they are not disruptive.
- ▶ Students have the right to read their respective scriptures, say grace before meals, pray before tests, and discuss religion with other willing student listeners.
- ▶ In the classroom, students have the right to pray quietly except when required to be actively engaged in school activities
- ▶ In informal settings, such as in the halls, students may pray either audibly or silently, as long as they are not being disruptive
- ▶ **However, the right to engage in voluntary prayer does not include, for example, the right to have a captive audience listen or to compel other students to participate.**

# HIGH COURT CASES

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- ▶ A 1971 case called *Lemon v. Kurtzman* remains the leading case on the Establishment Clause and continues to guide the courts in deciding when a school district's action violates the First Amendment.
- ▶ Courts ask a series of three questions in this order:
  - ▶ *Does it have a secular (non-religious) purpose?*
  - ▶ *Does it advance or inhibit religion?*
  - ▶ *Does it cause excessive entanglement with religion?*
- ▶ Each question is a hurdle to be crossed. If the answer to the first question is yes, then the case proceeds. The Court's answer to the second and third questions must be no. If the answer is wrong at any stage, then usually an “establishment of religion” is found and the district loses.

# HIGH COURT CASES CNTD.

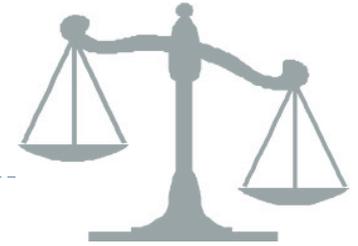
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- ▶ *Abington School District v. Schempp* (1963). This case struck down a Pennsylvania statute that required bible reading at the start of the school day.
- ▶ *Board of Education of Westside Community Schools v. Mergens* (1990). The Court determined in this case that the Equal Access Act (requiring schools to let religious student clubs in secondary schools meet on campus) does not violate the Establishment Clause, but acts to protect student religious and political speech against discrimination.
- ▶ *Engel v. Vitale* (1962). This case held that school districts could not require students to say a nonsectarian prayer.
- ▶ *Santa Fe Ind. Sch. Dist. v. Doe*, (2000). This case decided that a school district policy that allows and encourages student-initiated prayer, at high school football games, over the school's public address system, by a speaker representing the student body, violates the Establishment Clause.
- ▶ *Stone v. Graham* (1980). This case held that a Kentucky law requiring the posting of the 10 Commandments in every public school classroom was unconstitutional because it did not have a secular purpose.

# HIGH COURT CASES CNTD.

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- ▶ **Among the issues that have reached the High Court:**
  - ▶ Can a school district allow students to conduct prayers over the loudspeaker and before kickoff at a varsity football game? (No)
  - ▶ Does a religious student club get the same rights and privileges as other student clubs? (Yes)
  - ▶ Is a school district required to give equal access to an outside organizations that provide after-school religious instruction to young children? (Yes)
  - ▶ Is a moment of silence really a cloaking device for prayer? (Sometimes)
  - ▶ Are the words “under God” in the pledge of allegiance unconstitutional in schools? (Undecided)

# CONDITIONS IN PUBLIC SCHOOLS

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- ▶ Are public school settings religiously friendly for Muslims who have to pray at specific times of the day?
- ▶ Religious expression: what religiously affiliated holidays public schools have off for compared to when they remain in school
- ▶ Your ideas?
  
- ▶ UB gets different religious holidays off from classes due to the difference in religious population. Do you think this affects some students' decision on where to attend college? Is this fair?

# REMEMBERING 9/11

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- ▶ College students, especially upperclassmen, are the youngest generation that most vividly remember 9/11
  - ▶ What connection do you see between 9/11 and our society?
  - ▶ How do you think the media has portrayed Muslims post-9/11?
  - ▶ How do you think public schools were affected by this?
- ▶ WWII & Japanese



# TAKEAWAY

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- ▶ In what ways do you see religious expression at Brockport?
- ▶ How are we going to make Brockport a more inclusive community?
- ▶ How do you plan on being inclusive in your future job or career role?

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Questions & Comments?

Thank you for attending!

