

Classroom Commandments

An Overview of the Law on Religion in Schools

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The First Amendment's Establishment Clause

- 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.



School-Sponsored Prayer

- “Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country.”
- Supreme Court ruled that this prayer in a public school violated the Establishment Clause

Engel v. Vitale, 370 U.S. 421 (1962)



School-Sponsored Prayer

- “At least ten verses from the Holy Bible shall be read, without comment, at the opening of each public school day on each school day. Any child shall be excused from such Bible reading, or attending such Bible reading, upon the written request of his parent or guardian.”
- Declaring unconstitutional devotional Bible reading and recitation of the Lord’s Prayer in public schools.

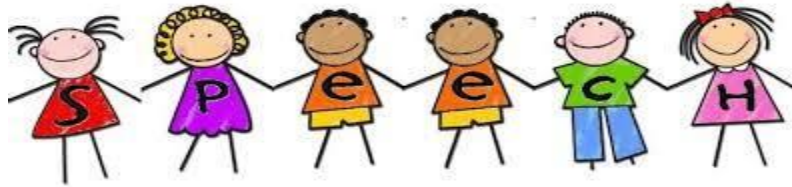
Abington School District v. Schempp, 374 U.S. 203 (1963)



School-Sponsored Prayer

- Striking down a school policy that authorized students to vote on whether to have a prayer at high school football games.
- “There is a crucial difference between *government* speech endorsing religion, which the Establishment Clause forbids, and *private* speech endorsing religion, which the Establishment Clause protects. *Id.* at 302.

Abington School District v. Schempp, 374 U.S. 203 (1963)



School-Sponsored Prayer

- 11th Circuit reiterated that school districts are prohibited “from taking affirmative steps to create a vehicle for prayer to be delivered at a school function.”
- *Chandler* held that “[s]o long as the prayer is *genuinely student-initiated*, and not the product of any school policy which actively or surreptitiously encourages it, the speech is private and is protected.”

Chandler v. Siegelman, 230 F.3d 1313 (11th Cir. 2000)



School-Sponsored Prayer

- Kennedy was fired as a high school football coach after he knelt at midfield after games to pray.
- The Supreme Court held that the Free Exercise and Free Speech Clause of the First Amendment protect an individual engaging in a personal religious observance from government reprisal.
- The Constitution neither mandates nor permits the government to suppress such religious expression.

Kennedy v. Bremerton School District, 597 U.S. 507 (2022)



Bible Club and Other On-Campus Gatherings

In the *Mergens* case in 1990, students sued the school board after it denied their request to form a Christian club that would have the same privileges and meet on the same terms and conditions as other student groups, except that it would have no faculty sponsor, citing the denial violated the Equal Access Act. The Court held that the Equal Access Act does not on its face contravene the Establishment Clause.

Bd. of Westside Community Schools v. Mergens, 496 U.S. 226 (1990)



Recent Guidance on Prayer in School

In May 2023, the U.S. Department of Education released updated guidance on constitutional protections for prayer and religious expression in public elementary and secondary schools.

Section 8524(a) of the Elementary and Secondary Education Act of 1965 requires that an LEA must annually certify in writing that it has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary and secondary schools.

A public school and its officials may not prescribe prayers to be recited by students or by school authorities.

Reasonable rules of order on student speech and activities may be imposed as long as they do not discriminate for being religiously motivated.

Recent Case Law: Funding for Religious Charter Schools

On May 22, the Supreme Court handed down a 4-4 ruling in Oklahoma Charter School Board v. Drummond, affirming the decision that authorizing religious charter schools violates the Oklahoma state constitution, the state charter school state, and the U.S. Constitution.



Currently Pending Before the Supreme Court

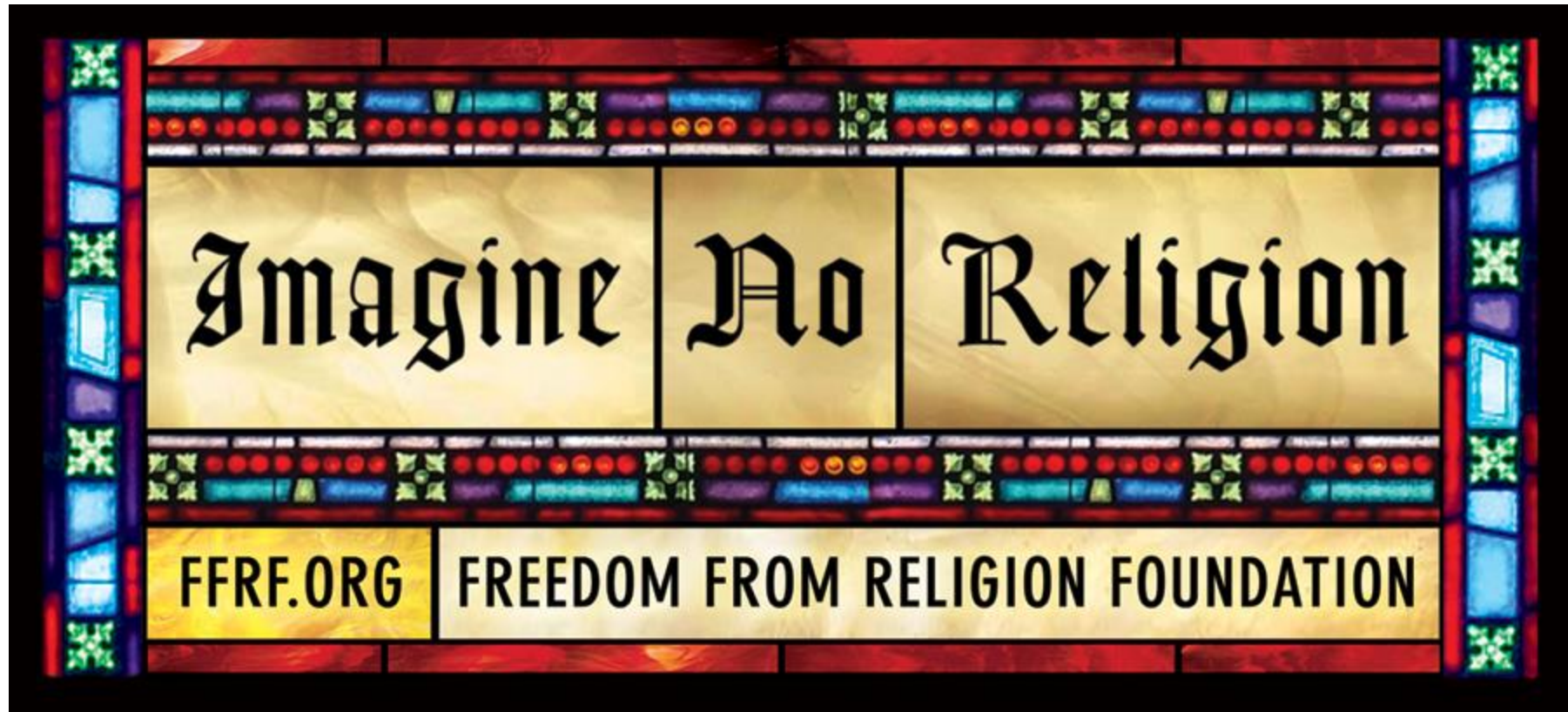
- *Mahmoud v. Taylor* – whether public schools burden parents' religious exercise when they compel elementary school children to participate in instruction on gender and sexuality against their parents' religious convictions and without notice or opportunity to opt out



What Liability Could We Face for School-Sponsored Prayer?



How to Deal with the Freedom from Religion Foundation?



Same Question Every Time:

**DOES IT VIOLATE THE
ESTABLISHMENT
CLAUSE?**

(Yes or No)

Question 1

Local radio host speaks at high school graduation ceremony and gives an opening prayer.



Question 2

Teacher leads prayer in classroom each morning.



Question 3

**Coach individually prays on field after game;
no student participation required.**



Question 4

School prohibits student-led Islamic prayer group from meeting on campus (even though other clubs are allowed to meet on campus, including a Bible Club).



Question 5

School district terminates teacher for Facebook post promoting Satanism.



Question 6



School district terminates assistant principal for disciplining students through corporal punishment, in violation of Board policy, in the name of Biblical principles.

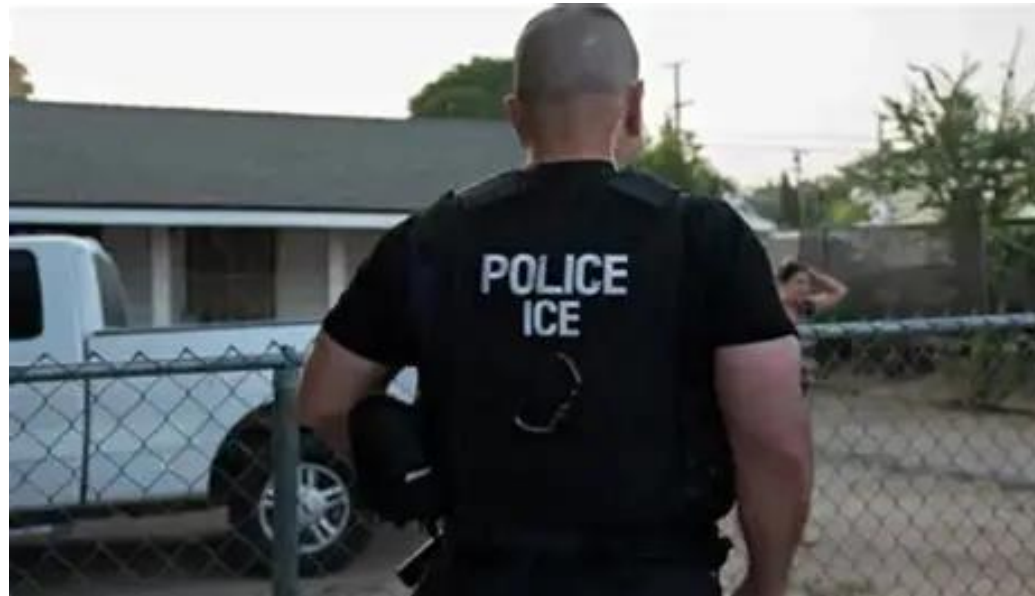
Question 7

School district disciplines teacher for soliciting donations from students for church-based mission trip.



Question 8

School board disciplines central office receptionist for denying entry/notifying no one when ICE agent appears at front desk, in the name of her religious beliefs.



Question 9

School board denies parent request to opt out of sexuality curriculum that includes LGBTQ subject matter, despite parents' religious beliefs



A man in a blue jumpsuit is seated at a wooden table, looking directly at the camera. He is wearing a black belt and has wires connected to his chest. On the table in front of him are various electronic components, including a breadboard and a small circuit board. To his left, another person is seated, focused on working with electronic equipment. The background is a cluttered workshop or laboratory with shelves filled with various items. The entire scene is overlaid with a semi-transparent red filter.

FINAL ROUND

Bradley

Final Round



How many people attend the Florabama's annual mullet toss, during which a dead fish is thrown from Florida over the state line into Alabama?

A correct answer (or, if no one gets it, the closest to the correct answer without going over) will get 50 extra points.