

## Encounter in the Public Schools

*Summary: Public schools must respond to the needs of their increasingly multireligious student bodies while following legal regulations on the place of religion in schools: accommodating but not endorsing religious expression. Several governmental and advocacy organizations, including President Clinton's Department of Education, have attempted to clarify the role of religion in the public schools, although confusion and occasional conflict are ongoing.*

No place is the impact of America's new religious reality felt more forcefully than in the public schools. According to the 2010 U.S. Religious Landscape Survey by the Pew Forum on Religion and Public Life, the United States is on the verge of becoming a minority Protestant nation, with Protestant and Catholic practitioners decreasing, Muslim, Hindu, and Buddhist immigrants increasing, and with religious diversity among youth skyrocketing (for example, only four in ten young Americans are Protestant, whereas more than six in ten Americans aged 70 or older are Protestant today). Given these demographic shifts among immigrant families and American youth, cultural and religious diversity is now part of school systems everywhere. As was the case with earlier waves of immigrants in the 19th and early 20th centuries, the public schools have had a special role as mediating institutions. The challenge is even greater today as public schools are the front line for encounter in a society that now includes Muslims and Hindus, Jains and Zoroastrians, Jews, Christians, and Buddhists.

With an increasingly multireligious America, the sometimes divisive discussion of school curriculum issues, holiday observances, and classroom prayer has taken on new dimensions. Those who believe that God has been expelled from the public schools and would advocate classroom prayer and graduation prayers now have to contend not only with court rulings, but with another complex question: Whose prayer should it be in a school where Christians, Jews, Muslims, Buddhists, and secular humanists may all be part of the student body?

All of these issues must be viewed in light of this new multi-religious reality. Guidelines for negotiating the role of religion in public schools are urgently needed. There is much misunderstanding among educators, parents, and students as to the public policy with regard to religion and the schools. Responding to these needs, in the summer of 1995, President Clinton directed the Department of Education to articulate clearly the principles that now govern religious expression and the teaching of religion in the public schools. The resulting document, "Religious Expression in Public Schools," is

known today as a historic clarification of the law as it relates to some of the most contested issues in America. In 2003, the United States Department of Education released a fresh set of guidelines, “Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools.” Like its 1995 predecessor, the 2003 text reaffirms that the Constitution protects private religious observance in a public school setting, but forbids government-mandated religious observance in those same public schools. However, Department of Education material is sometimes unable to address the practical questions of religious life in public schools.

For example, one of the hundreds of communities struggling with these issues is the city of Dallas, where more than 157,000 schoolchildren include Muslims, Jews, Hindus, Sikhs, Jains, Vietnamese and Laotian Buddhists, and Christians of dozens of denominations. When the Dallas Independent School District decided to take on the question of how to address the thorny issues of religion and public education, it called upon a wide variety of communities of faith for guidance. Thus was born the Religious Community Task Force, whose collaboration with the school board shaped responses to some of the many questions, new and old.

The resulting policies of the Dallas Independent School District gave guidelines on seemingly small but crucial issues. For example, religious symbols such as the cross, the Star of David, or the Buddha can be used for teaching, but not for decoration or devotional purposes. The scriptures of the world may be studied in an academic, but not devotional way. Any such materials presented in an academic context should represent a variety of religions. Religious music can certainly be used as part of a program or concert, but any such program or concert containing the religious music of only one faith would be out of place.

In approach, Dallas was working within the guidelines on church and state that have gradually been clarified by decisions of the U.S. Supreme Court. While the First Amendment guarantees that the state will not “establish” religion nor prohibit the “free exercise” of religion, not until the 1960s did the Supreme Court clarify how some school-sponsored religious activities had crossed the line. In 1962, the Supreme Court ruled that a school-sponsored prayer—written for school use by the regents of the New York State Board of Education—was unconstitutional (*Engel v. Vitale*). In a related 1963 decision, the Court ruled that in-school Bible reading for devotional purposes was also unconstitutional (*Abington v. Schempp*).

In these decisions, the Court also made clear that a knowledge of the religious traditions that shape the world's cultures is an essential part of education, and that the Bible may certainly be studied for "its literary and historic qualities" as part of a class. Justice Clark wrote in the majority opinion of *Abington v. Schempp*: "It might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization." In other words, teaching about religion is appropriate, but religious teaching or any form of religious advocacy is not.

These decisions were made before the impact of the "new immigration" beginning in the 1960s and 1970s. Today, with American Hindu, Sikh, and Muslim students in the public schools, understanding the difference between teaching about religion and religious teaching or advocacy is even more essential. Along with the Department of Education, numerous religious, political, and educational groups have issued clear guidelines that sum up the difference.

For example, in 1988, a group of seventeen educational and religious organizations produced a statement on "Religion in the Public School Curriculum," including the following distinctions:

- The school's approach to religion is academic, not devotional.
- The school may strive for student awareness of religions, but should not press for student acceptance of any one religion.
- The school may expose students to a diversity of religious views, but may not impose any particular view.
- The school may inform the student about various beliefs, but should not seek to conform him or her to any particular belief.

About the same time, Americans United for the Separation of Church and State published a statement on "God and the Public Schools" responding to charges by many that God had been expelled from America's public schools, the Bible excluded from the curriculum, and the "religion" of secular humanism established as the reigning faith. The statement lists in clear, concise form what schools may and may not do. For example, they may offer objective instruction in comparative religions, but may not require or encourage students to recite prayers. And they may not teach a "religion of secularism" any more than they may teach a theistic religion.

In 1995, a consensus document affirmed by some seventeen religious, legal, and educational organizations offers some ground rules for debate on these hotly contested issues. Published by the Freedom Forum's nonpartisan First Amendment Center, "Religious Liberty, Public Education, and the Future of American Democracy" addresses the importance of America's nationwide discussion on religion and the public schools and suggests "civic ground rules" within which conflicting views should be addressed. "Conflict and debate are vital to democracy," they write, "[y]et, if controversies about public education are to advance the best interests of the nation, then how we debate, and not only what we debate, is critical."

More recently, the First Amendment Center has published several additional pamphlets including: "Finding Common Ground: A First Amendment Guide to Religion and Public Schools," which includes sample school policies; "A Parent's Guide to Religion in the Public Schools," which was co-sponsored by the National PTA and provides advice on how to discuss contentious issues involving religion and the schools; and, in 2008, "A Teacher's Guide to Religion in the Public Schools," which answers questions ranging from the proper study of religion to the accommodation of religious beliefs and practices and received the endorsement of 19 educational and religious organizations.