

School Holidays? Prayers?

Summary: Holidays are one source of anxiety for school administrators seeking to define appropriate policies around religion. Questions include: Who should get time off and when? What music should be performed during holiday celebrations? How should holidays be marked (or not)? Student prayer poses another problem; even if the school does not sanction prayer, student-led prayers might exclude or alienate students of minority religions.

Since the early 1960s, the United States Supreme Court has prohibited state-sponsored religious activities in public schools. The Court's decisions, however, have not eliminated disputes involving religion and education, especially as students generally have a right to express their religious beliefs in a non-disruptive manner. The increased religious diversity in the United States over the last half-century has made these issues even more complex. Two areas—religious holidays and expression, especially prayer—continue to generate conflict.

The “December Dilemma” annually brings to light the issue of public schools and religious holidays as the massive force of American commercial culture mobilizes for Christmas and public schools face the question of whether their districts should acknowledge major religious holidays. If so, whose religious holidays? Even in December, there are many holidays—Hanukkah, the Jewish festival of lights, Bodhi Day or the Buddha's Enlightenment Day, and Kwanzaa, the African American festival of lights and harvest. What should a school in multireligious America do? Can holidays be opportunities for education, yet not celebrated devotionally? Many remember a time, before the Supreme Court decisions of the 1960s, when a Christmas pageant and a crèche in the public school seemed as American as apple pie. Not so today.

In the small village of Benson, Vermont, for example, a Jewish family expressed concern about Christmas decorations at the local primary school. To their knowledge, the family's younger son was the only Jewish student at the school and they felt that the decorations—which were made as part of a class activity—made him feel excluded. Fearing backlash against their son, the family expressly asked the school to wait until the holiday season had passed and simply revise the activity in future years. The principal, however, unilaterally decided to remove the decorations and send them home with the students. The principal's decision caused a firestorm of criticism from other parents, tearing the

community apart, and resulted in the young boy bearing the brunt of organized ostracism at school. Eventually, he had to transfer to a private school.

Seasonal concerts have become another manifestation of the “December Dilemma” as objections to exclusively or even predominantly Christian music mount. A Jewish student at West High School in Salt Lake City, Utah, filed a prominent lawsuit in the late 1990s, objecting to the repeated pattern of concert programs containing nothing but devotional Christian songs. As the student explained:

It made me feel like a second-class citizen in my own choir, because all we were singing was religious Christian music. It wasn't even pieces that were world-renowned like Handel's 'Messiah' or the 'Hallelujah Chorus.' It made me sad that the teacher didn't really take into consideration that there were non-Christians in the choir. It made those of us who aren't of the majority feel left out.

Adding music from other religious traditions does not necessarily solve the problem either. In December 2011, three elementary schools in Greendale, Wisconsin, planned to include a Hindu song in their seasonal concerts. According to Tom Tolan of the *Milwaukee Journal Sentinel*, “the song, Raghupati Raghava Raja Ram, was a favorite of Mahatma Gandhi, sung on his famous Salt March to the sea.” After various parents complained, the school district ultimately removed the song (which made reference to Sita, Rama, God, and Allah), from the program. Fox News reported a similar incident in February 2012 when a high school student in Grand Junction, Colorado, refused to sing a Muslim song because the lyrics included the phrase “there is no truth except Allah.” In explaining his decision to leave the school choir, the student said, “I don't want to come across as a bigot or a racist, but I really don't feel that it is appropriate for students in a public high school to be singing an Islamic worship song.” A spokesman for the district defended the song selection, arguing it was not chosen as an endorsement or promotion of a particular religion but rather “because its rhythms and other qualities would provide an opportunity to exhibit the musical talent and skills of the group in competition.”

Today, many schools recognize a wide variety of religious holidays throughout the year, extending the conversation well beyond December. In his *San Jose Mercury News* article, “Religious Holidays Making a Comeback in the Public Schools,” Dave O'Brian reported that the schools within the Berryessa Union School District in California recognize Christmas and Hanukkah, as well as Kwanzaa and Bodhi Day. Throughout the year, the school also acknowledges the holidays of students from

Vietnam, Cambodia, India, Mexico, Iran and El Salvador. The superintendent said, “We feel we should operate from a premise of inclusion, rather than exclusion. It is important for our children to be exposed to all areas within our cultural diversity.”

As with seasonal concerts, simple recognition of multiple traditions does not always resolve the challenges of religious holidays in public schools. Although schools generally are required to permit students to observe religious holidays without penalty, missing class can have adverse academic consequences, especially for recent immigrants and second-language learners. For many schools, demographics dictate certain decisions, including when to close for a religious holiday. Without a critical mass of students and staff, holding school can be economically impracticable if not functionally impossible. Thus, in addition to Christmas, schools with a high percentage of Catholic students or staff might close on Good Friday, and schools with a high percentage of Jewish students or staff might close on Yom Kippur, Passover and Rosh Hashanah. As the representation of other religious groups has grown, some schools have closed on additional days such as Eid al-Fitr and Eid al-Adha in districts with a high number of Muslim students. Dearborn, Michigan, where about half of the students in public schools are Muslim, is a prominent example.

The decision to include additional days off in the school calendar need not depend on demographics alone. In 2011, the Cambridge, Massachusetts schools decided to close school on either Eid al-Fitr or Eid al-Adha, whichever fell during the school year. Cambridge schools already closed for Yom Kippur or Rosh Hashanah, as well as for Christmas and Good Friday. Concern for equal recognition—not demographics—drove this decision. In his memo to the school committee, the superintendent wrote, “There is no question that the world is becoming more pluralistic and we should use this occasion to take concrete action to promote the spirit of pluralism, inclusion and social justice.”

This approach, however, has its limits. In 2009, when the New York City Council proposed to close city schools for Eid al-Fitr and Eid al-Adha, Mayor Michael Bloomberg vetoed the plan. If schools closed on these holidays, where would the city draw the line? Demographics, Bloomberg insisted, should dictate when schools close. Some school districts have begun to eliminate days off for all religious holidays altogether—except for Christmas, which some argue is semi-secular—reasoning that this is the most equitable response to increasing religious diversity.

Prayer in public schools is another source of persistent conflict that raises fundamental issues of pluralism. Although the United States Supreme Court banned daily school prayer in *Engel v. Vitale* (1962), the decision did not end disputes over prayer in public schools. Some schools continued to sponsor devotional prayers while others discouraged any form of religious expression. There were obvious questions: Should a Catholic child in Utah hear a Mormon prayer in school? Should a Muslim student in Atlanta be asked to listen to a Christian prayer or a Christian student to participate in a Muslim or Hindu one? The school prayer controversy has aroused concern among many people, including those of minority traditions and those who claim no religious tradition. Some organizations, like the Buddhist Churches of America, have issued a statement on the topic. The BCA has argued that “allowing any form of prayer in schools and public institutions would create a state sanction of a type of religion which believes in prayer and ‘the Supreme Being,’ would have the effect of establishing a national religion and, therefore, would be an assault on the religious freedom of Buddhists.”

In an attempt to provide some clarity, the Department of Education released guidelines in 1995 on religious expression and education. As President Clinton explained, “some Americans have been denied the right to express their religion, and that has to stop.” Schools, he contended, were never intended to be “religion-free zones.” While learning about religion is essential and expression of students’ personal convictions is permitted, both the president and the Department of Education made clear the presence of a firm line between student expression and school advocacy of a particular religion.

Graduation ceremonies are proof that the distinction between school-sponsored and student-initiated religious expression may seem clear in theory, but is not always so in practice. Although school officials may not offer a prayer or invite an outside speaker to offer one, they generally are not responsible for prayers initiated by student speakers. What constitutes a student-initiated prayer, however, is subject to dispute. Is a graduation prayer student-initiated if school officials know in advance that the student speaker plans to offer the prayer? What if the school lets the students vote in advance? If so, must the vote be unanimous? A high school in Stanford, Kentucky, for example, traditionally included a student-led prayer at graduation, but cancelled the prayer in 2013 when six students objected. The senior class president, however, unilaterally included a Judeo-Christian prayer in his speech. He received a standing ovation.

Another example of the lack of clarity between state-sponsored and student-initiated prayers arises in the context of athletic events. In *Santa Fe Independent School District v. Doe* (2000), the United States Supreme Court held that prayers offered over a stadium public address system before high school football games were unconstitutional. The majority concluded that the prayers appeared to be endorsed by the school, even if they were student-initiated and student-led. More recently, a state court in Texas ruled that high school cheerleaders in Kountze, Texas may include Bible verses on paper banners they created for football players to run through before games. As reported by Manny Fernandez of the *New York Times*, the banners contained religious messages, including Bible verses such as Hebrews 12:1, “And let us run with endurance the race God has set before us.” The cheerleaders filed suit after school district officials ordered them to stop including religious messages on the banners. As with *Santa Fe Independent School District*, a critical question is whether the banners are simply student-initiated speech or appear to be endorsed by the school. Although the cheerleaders initially prevailed in the state trial court, the school district appealed the decision.

Schools generally have to accommodate student religious expression that is not disruptive, but the degree of permissible accommodation is not always clear. Schools, for example, must allow individual students to pray silently, such as before a meal or test, but do they have to give students release time to pray? Various districts, for example, release observant Muslim students from class to pray or modify their daily schedule to accommodate prayers during lunch or other breaks. Some see such accommodations as the improper school-sponsorship of prayer, especially if the school designates a specific place for the students to pray rather than allowing them to simply use, for instance, an open classroom.

What about other ways in which schools are asked to accommodate religious belief? The cafeteria is one challenge, where vegetarian food is increasingly requested for Hindu and Jain students, among others. But there are other requests, too. In 1992, the Islamic Society of North America issued a brochure, “You Have a Muslim Child in Your School,” that spells out some of the basics of Islam for school teachers and administrators. It also details the range of expectations Muslim parents have, and hope that the school will respect. Muslim students should not be required to sit next to the opposite sex in the classroom, to participate in swimming or dancing classes, to participate in co-educational physical education classes, or to participate in any event or activity related to Christmas, Easter, Halloween, or Valentine’s Day. How should schools respond?

Fifty years have passed since the United States Supreme Court first ruled state-sponsored devotional activities in public schools unconstitutional; however, issues surrounding religious holidays and expression remain on the agenda of America's schools. Despite—or perhaps in light of—continued conflict, multiple sources of guidance exist for students and parents, teachers and administrators, clergy, and legislators—all of whom have an interest and perspective in these issues. *Finding Common Ground: A First Amendment Guide to Religion and Public Schools* by Charles C. Haynes and Oliver Thomas, published in 2007 by the First Amendment Center, is one extensive overview of these questions and resources.