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Special Education Practicum
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Chapter 2 Case Studies

Teachers and Devotional Activities

You are a principal of a vibrant school located in an industrial city of 300,000 people. It has been reported that a group of your teachers are holding devotional activities in the teacher's lounge during their break.

1. How do you respond to this news?

- a. This is a right of the teachers to gather and have a devotion *only* involving willing teachers. This is protected under the Free Speech Clause, so long as it doesn't involve students or take place anywhere where students could hear (p 46).

2. Is it permissible for teachers to hold devotional activities during school hours on school premises? Why? Why not?

- a. It is permissible though preferred they do it either before or after school (p 46). It is preferred that it takes place before or after school because this significantly decreases the risk of students overhearing the conversations.

3. What action, if any, would you take?

- a. If anything, I might ask them to do this devotional before or after school. Or, just remind them to make sure no other students are hearing them.

4. How do you think the courts would view this practice in the context of the Establishment Clause?

- a. According to the textbook, an issue like this only got taken to court once, because another teacher was bothered by the group. The courts of Indiana held that teachers should **not** be allowed to use the school building for **anything** related to religion. However, further down the page, it says again that the first amendment and the free speech clause should give teachers some protection in this case.

5. How do you think the courts would view your decision?

- a. I believe that the decision of the courts would largely depend on the state in which this trial took place. I believe some southern states would be more inclined to allow the teachers to pray, while other northern states might not. Because no Supreme Court Case has set a precedent for this (p 46), it is hard to say what they might do. In this scenario, since the location is an industrial city, I think the courts would not allow the teachers to gather and pray.

6. What is the basis for your response?

- a. The basis for my response is the Free Speech Clause and the Lemon Test. These teachers are not involving students in any way. They are all adults whose rights are protected under the free speech clause. Their actions do not cause any entanglement with the school either.

Jean Riley is the principal of a small elementary school in a metropolitan school district. One of her best teachers asked her first-graders to make a poster depicting things for which they were thankful. One student made a poster expressing thanks for Jesus. Posters were displayed in the school's hallway. The student's poster was removed but later returned in a less prominent place. The next year, the student was chosen to read a story to the class. The student selected an adaptation of a biblical story.

- 1. Should the student be permitted to read his biblical story? Why or why not?**
 - a. According to previous court cases, the only reason the bible should ever be permitted in public schools is when it serves a secular purpose. So, a history lesson about all religions, including the bible is a valid thing. In a different case regarding the painting of a mural, the courts held that the Principal had the final say in what should be permitted on the mural because of what the painting of the cross might mean for others. It could be taken as a school endorsed belief even when it isn't.
 - 2. What is the legal issue surrounding both the poster and the biblical story?**
 - a. The legal issue surrounding the poster is that it might make the school look affirming of the one religion *even* if it's not. Same with the biblical story. Of course not all students in the class are Christian. So if the student gets to stand in front and read the bible to the class, it could seem like the student is forcing one type of religion onto students who **do not want** to hear it. However, in a different court case regarding student led prayer, the court allowed it because it was not school sponsored, and denying the student the ability to pray would have violated their first-amendment rights.
 - 3. What legal risks does the school incur (if any) if it permits both of these activities?**
 - a. If the school permits both of these activities, some parents might sue for the school forcing religious stories onto their children involuntarily. There is definitely an element of entanglement (specifically with the student reading a bible passage to the class).
 - 4. What legal risks does the school incur if it denies both of these practices?**
 - a. If the school does not allow the student to do this, they could be sued by the student parents for denying them her first amendment right to freedom of speech.
 - 5. How would the courts likely rule on this case? Provide a rationale for your response.**
 - a. I believe the courts would allow for the student to read the bible. I think because it was a student led decision, it is easily seen that there was no violation of coercion here. In another case the court ruled "that the use of the Bible as a historical, literary, ethical, or philosophical document is permissible if a secular purpose is clearly served," (p 20). In this case, the student was reading it as a literary passage. Therefore, I believe the courts would allow it.
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