



YOU BE THE JUDGE

Religion and Public Education

The following situations involve religion and public education. For each, determine whether the establishment clause, the free exercise clause, or both are involved. Then decide whether the government's action violates the First Amendment to the Constitution. Be sure to give reasons for your answers.

- a. A high school student who has been deaf since birth asks his school district to pay for a sign language interpreter to accompany him to classes at a local religious school. A federal law requires school districts to provide for the education of all children with disabilities. The school district (which had provided the student with an interpreter while he attended the public school) refuses to pay.
- b. A state law authorizes a one-minute period of silence in all public schools "for meditation or voluntary prayer."
- c. A group of high school students requests permission from the school principal to form a prayer club. The group agrees to follow the rules required of all student clubs at the school, which include meeting twice a week at the beginning of the school day during an activity period. A faculty member volunteers to supervise the group. The principal refuses the group's request.
- d. A public high school coach gathers his players together before a game and leads them in a brief prayer. One of the players tells the coach he is uncomfortable with the prayer. The coach tells him that it is acceptable for him either to say nothing or to leave the room while the prayer is being said.
- e. Eid al-Fitr is an important religious holiday that Muslims celebrate in the days following Ramadan. Muslim students stay home from



A Muslim holiday celebration

- f. school during the holiday. Unaware of the holiday, a public school system schedules standardized testing during that time.
- f. In a science class, the instructor teaches about the theory of evolution. A student is concerned that evolution contradicts the Biblical story she has learned in church and from her family. Her mother asks that the science teacher also provide a lesson on creationism in order to provide balance.
- g. In December, a group of students set up a Christmas tree in the hallway outside the main office of their school. The tree and ornaments are purchased using donations from students and their families. No money from the school's budget was used. Most students who attend the school celebrate Christmas.
- h. A school district has a "no hats in school" rule to help keep outsiders out of the schools. A Jewish student wants to wear a yarmulke and a Muslim student wants to wear a hijab (headscarf) as part of their religious practices.