

EDUCATIONAL PROJECT

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School and Prayer: An Administrator's Decision

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Abstract

A great administrator communicates with the community, faculty, parents, and students, leads with confidence, makes difficult decisions, and continues to stay current with education laws.

Throughout the duration of the Educational Administration Certification Program, including practicum hours, students were taught how to guide and be prepared for various situations that inevitably arose in school districts. Students learned through both a diverse program that covered procedure, decision making and legal implication, and from personal experiences, how to be a great administrator. This educational project, will be using all the tools taught to future administrators and discuss the importance of legal and administrative decision making, focusing on school and prayer.

This educational project will investigate and discuss three school and prayer court cases and their rulings. Using the courts cases and outcomes, scenarios involving school and prayer will be created and discussed with the guidance of the Educational Administration Certification Program. Each scenario will discuss how a future administrator utilizes the knowledge from research, practicum hours, and classroom experiences gained throughout the entire administrative program to make a decisive and informed decision.

Creating this educational project will show the effectiveness of the Educational Administrative Certification Program. The quality tools that were given to aspiring administrators during the program will be used in the assignment to show how an effective leader informs oneself and makes appropriate decisions based on facts to benefit the administrator and school district.

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Chapter One

Introduction

“She made me do it!” is a common expression used by students of all ages in order to try to escape a situation in which they do not want to get in trouble. An adult will almost always respond with a question about whether the other person (she) truly forced the guilty student into participating in such an activity. This is where the multiple definitions and connotations of the word force becomes explained. However, teachers sometimes need to be reminded that force isn't always a physical concept. Students can feel that they are being forced to do an activity that they do not want to complete in a classroom. For many students, this may simply be homework. Although some students don't want to complete their homework or read their independent reading book, the consequence of failing to do this results in a poor grade. In an indirect way, this is a form of “force.” However, not all activities or ideas taught in a classroom can be or should be followed by a negative consequence if the student does not want to participate. Religion and school prayer have made teachers and administrators around the country pay closer attention to the government definition of “force”.

Separation of church and state is a commonly known phrase in American society, especially public schools. The First Amendment of the Constitution allows for all people to choose their personal religious views and openly and actively demonstrate those practices. Two very important aspects of this are the Endorsement Clause and the Coercion Clause. It is against the First Amendment for the government to endorse, in any way, a specific religion. It is also a violation of the First Amendment to coerce an individual to partake in any religious activities.

Statement of the Problem

When faced with situations involving prayer in schools, how should a school administrator handle the situations based on legal implications?

Method and Procedures

The brief review of the specifics of the First Amendment was conducted. A review of literature relating to previous school situations involving school prayer and the Supreme Court proceedings, decisions, and dissenting opinions were conducted. The findings were studied. Hypothetical situations were created similar to, but not exactly like, the original school situations. Resolutions and actions were suggested based on the findings of the hypothetical situations.

Chapter 2

Chapter Two: Three Landmark Supreme Court Cases Involving School Prayer

With the idea that the First Amendment allows for all people to choose their personal religious views, and it is a violation of the First Amendment for the government to establish a religion or mandate anyone to participate in religious activities. Public schools are often criticized for not separating religion from education. Three landmark Supreme Court cases dealing with school prayer: *Wallace v. Jaffree*, *Lee v. Weismann*, and *Santa Fe Independent School v. Doe* have set several precedents ranging from a moment of silence in the classroom to praying at football games. All of these cases look closely at whether or not an individual is being coerced into participating in a religious activity or if the state/government is in any way establishing a specific religion. These two ideas are the basis for all three cases, and understanding how the court interprets the Endorsement Clause and Coercion Clause is essential for an administrator.

Wallace v. Jaffree

Hypothetical situation #1

Every day the third graders begin their day with calendar events, class announcements, the Pledge of Allegiance, and lastly a moment of silence. All fifteen students have a part in the calendar and class announcement activities. Once these are completed, all fifteen students stand and say the Pledge of Allegiance. When this is done, all fifteen students remain standing and have a moment of silence. Mrs. Dankert, the new third grade teacher, announces this moment of silence every day. She reminds the students daily that they need to be silent and that they may use this time as they wish, even to pray. Leslie, a new student in the class, asks her parents at dinner how to pray. She tells them about the daily routine, and that Mrs. Dankert tells them they

can pray. Leslie's dad is furious. He calls the administrator of Leslie's school immediately the next morning demanding the daily moment of silence to be stopped.

Resolution:

In this situation, Leslie's dad has a right to be upset. According to *Wallace v. Jaffree*, the school district "deviates from its duty to maintain absolute neutrality toward religion" (Wallace, 1985). By Mrs. Dankert reminding the students daily that they may pray during the daily moment of silence, she is in essence endorsing religion. It does not have to be a specific religion, but she is endorsing the idea of religion. However, Leslie's dad wants to stop the moment of silence altogether. He makes the argument that Leslie is being forced to participate in this activity. The school district makes the argument that Leslie is free to do what she wishes during this moment of silence. The only expectation is that she remains quiet. She is not being forced to pray, as the class is not praying aloud. While this may be true, the court deemed in *Wallace v. Jaffree* that given Leslie's impressionable age and the idea that a teacher is respected and almost idolized to children of that age, Leslie may feel as though she is being forced to take part in praying even though she feels uncomfortable with it (Wallace, 1985). If all fifteen students are participating, Leslie may feel that she also has to fit in. The court also stated that children at a young age do not have the ability to distinguish what their beliefs are and why these beliefs exist (Wallace, 1985). The overall classroom setting deems authority which would make Leslie believe her actions need to follow her teachers.

The question is then raised about whether the moment of silence should exist at all. The answer from the court in *Wallace v. Jaffree* is that the moment of silence is allowable in the public school setting (Wallace, 1985). However, several stipulations must be followed. In no way can the school district or teacher suggest that students pray during the moment of silence. If

a student asks a teacher if they can pray, the teacher may tell the student yes. As long as this question is not a daily routine. Since students are expected to be present in the classroom during the morning activities, the moment of silence should not last more than one minute. Students also need to have the option to sit down if they wish and not do anything for the duration of the silence. However, the teacher may require all students to remain silent.

Action:

In this instance, the administrator will discuss the appropriate wording for the moment of silence with his staff. The moment of silence will not be removed, despite Leslie's dad's objection. All students will be informed of the freedom they have during this time.

Lee v. Weisman

Hypothetical situation #2:

A new administrator is preparing for the end of year graduation ceremony. The secretary hands him a binder of previous years' plans for the ceremony. He notices that one of the local Catholic priests gave invocation and benediction prayers as part of the formal ceremony. He asks the secretary about last year's ceremony, and she says this has been happening at the middle and high school ceremonies for the past five years. After some thought, the administrator decides to abolish the five year tradition and not invite a local clergyman to offer prayers at this year's ceremony. He informs the student body president of this decision and is met with much disapproval. The next morning the district was inundated with calls from angry parents and citizens about the departure from the traditional graduation ceremony, demanding that the tradition be upheld.

Resolution:

In this situation, the administrator was correct in putting an end to the tradition of local clergymen offering prayers at high school graduation. The traditional practice violates the Establishment Clause of the First Amendment, meaning the school is trying to establish religion. As in the previous situation, it doesn't mean the district is establishing a specific religion, but the idea of religion is being established. The location of the ceremony is not the only consideration in the district's involvement. This is obviously a school function overseen by school officials and teachers. The graduates are also sitting together in a group. An angry parent may argue that a student is not required to attend the ceremony or forced to listen to the clergyman's words. "Even those students who object the religious exercise, their attendance and participation in the state-sponsored religious activity are fair and a real sense obligatory though the school district does require attendance as a condition for receipt of the diploma" (Lee, 1992). Justice Kennedy states in the deciding opinion, "It is apparent that the student is not free to absent herself from the graduation exercises in any real sense of the term voluntary" (Lee, 1992). This would be a violation of the Coercion Clause of the First Amendment. "Since in our society and culture high school graduation is one of life's most significant occasions, a student is expected to attend" (Lee, 1992). As far as the argument that a student doesn't have to listen or believe what is being said, Justice Kennedy understands that learning to endure ideas that one doesn't believe or find appropriate is part of living in society. He says, "By the time they are seniors, high school students no doubt had been required to attend classes and assemblies and to complete assignments exposing them to ideas they find distasteful or immoral or absurd or all of these" (Lee, 1992). Even though he agrees that high school students should be able to decide their beliefs for themselves, he also says, "This argument cannot prevail" (Lee, 1992). The main point

is that the government, in this case the school district, cannot be a participant in religious expression. However, if a clergyman could deliver a prayer that pertained to all beliefs without offending anyone, would that be allowable? If the administrator gives the clergyman directions for the content of the prayer to avoid divisive sectarianism, could this tradition continue? In the case *Lee v. Weisman*, both sides of the court agreed that by the district giving directions for the content of the prayer to avoid divisive sectarianism, they acted in good faith (Lee, 1992).

However, Justice Kennedy remarks, "Now, we are asked to recognize the existence of a practice of non-sectarian prayer, a prayer within the embrace of what is known as the Judeo-Christian tradition, a prayer which is more acceptable than the one which, for example, makes explicit references to the God of Israel or to Jesus Christ or to a Patron Saint, but we could not do so" (Lee, 1992). So in essence, a clergyman cannot be invited to a graduation ceremony to deliver prayer because it is against the Establishment Clause of the First Amendment.

Action:

Despite the opposition from parents and members of the community, the administrator made the correct decision to change the ceremony tradition. The administrator may want to collaborate with the district and student body to invite another member of the community to offer the graduates sound advice about their future, avoiding the religious aspect.

Santa Fe Independent School v. Doe

Hypothetical situation #3:

For each home basketball game, the student president of the Pep Club says a prayer before the National Anthem is sung. A Jewish family challenged this practice as violating the Establishment Clause of the First Amendment. The district decided to change the practice, involving two student elections. The first election decided that the prayer should still continue at

home basketball games, and the second election determined which student would deliver this prayer. The Jewish family still challenged the validity of this policy.

Resolution:

In this situation, there are two slightly different practices that are in question. The first practice is the fact that a prayer is being said to the entire audience at a public school basketball game. In the case *Santa Fe Independent School v. Doe*, the court used the previous case, *Lee v. Weisman*, as precedent (Santa Fe, 2000). As stated earlier, *Lee v. Weisman* determined that prayer at a public school graduation ceremony violated the Establishment Clause of the First Amendment. The case *Santa Fe Independent School District v. Doe* “involves student prayer at a different type of school function” (Santa Fe, 2000). It is safe to use the case of *Lee vs. Weisman* as a precedent to include any type of school function.

This brings the second practice into question. One might challenge that the prayer practice before the National Anthem is not a violation of the First Amendment because the prayers are private speech rather than public speech. Since it has been determined that the prayers were authorized by district policy, take place on district property at a district-sponsored event, it is not deemed a public forum (Santa Fe, 2000). Also within this is the question of the elected student that delivers the prayers. In the case *Santa Fe Independent School v. Doe*, the court saw issue with only one student, the same student, delivering the prayer all season, “Moreover, the selection system does not create a forum for a private student speech because it provides insufficient safeguards for diverse student views” (Santa Fe, 2000). This election process does not allow the minority population to have their views heard, making the majority view the only view heard.

If the *Lee v. Weisman* case is used as a precedent, one may argue the Coercion Clause

that was debated is slightly different at a basketball game than at a graduation ceremony. One might argue that someone who was dissatisfied with the message or the entire process does not need to be present. However, in the Santa Fe v. Doe case, Justice Kennedy writes, "This argument overlooks the importance to many students of attending and participating in popular extra-curricular activities that are part of the complete educational experience" (Santa Fe, 2000).

Action:

The district and administrator should cease the practice of prayer before the National Anthem. If something is needed or wanted, a moment of silence may be appropriate. However, the specific stipulations discussed earlier from the case Wallace v. Jaffree must be followed.

Chapter 3

IV. Conclusions

The Coercion Clause and the Endorsement Clause are two rules in determining whether a classroom or school policy regarding religion is in violation of the First Amendment. These are the most important clauses for a school administrator to understand and interpret when faced with a situation involving school prayer. Even more importantly, it is important for a school administrator to be able to interpret these clauses and pass on the information to his or her staff members to prevent situations involving school prayer from arising within the district.

The Coercion Clause determines whether someone is being forced to participate in an activity. The idea of coercion is not limited to someone being mandated by force to participate. In the previous cases, the idea of coercion was also an idea that was implied or part of society or an experience. These slight differences in the definition of coercion are important for a school administrator.

The Endorsement Clause determines whether the government is endorsing or promoting a specific religion. Even though public school districts are not the government per se, school districts do represent the government in these instances. Equal opportunities are required. This not only involves the content being presented, but also the person or persons delivering the content.

These three court cases have helped set precedents for similar current and future cases. Knowing the logistics involved with these cases is essential to keep an administrator aware of what policies and practices involving religion in school are acceptable.

V. References

The Oyez Project, *Wallace v. Jaffree*, 472 U.S. 38 (1985) available at: http://oyez.org/cases/1980-1989/1984/1984_83_812 (last visited Thursday, October 14, 2010).

The Oyez Project, *Lee v. Weisman*, 505 U.S. 577 (1992) available at: http://oyez.org/cases/1990-1999/1991_90_1014 (last visited Thursday, October 14, 2010).

The Oyez Project, *Santa Fe Independent School Dist v. Doe*, 530 U.S. 290 (2000) available at: http://oyez.org/cases/1990-1999/1999/1999_99_62 (last visited Thursday, October 14, 2010).