HOT TOPICS: Prayer... The Church, the State, and the Public Schools

By: Pat Epstein

Addressing prayer in public schools is complicated and often feels like navigating a mine-field. Should a concern arise at your school, it is important to take the time to investigate the applicable law, secure accurate information, and arm yourself with the facts. Here are some key points to get you started:

- Public schools, as extensions of the government, may neither promote nor prohibit religious belief or nonbelief. Until the 1960s, religious practices, particularly those observed by the country’s Christian majority, remained a part of public life and often included mandatory daily prayers, Bible readings, and devotional exercises in public schools. However, beginning in the 1960s and continuing into the 21st Century, the Supreme Court has consistently ruled that public schools must remain strictly neutral and neither endorse nor oppose religion. This includes school-sponsored prayer. [Engel v. Vitale (1962); Abington Township School District v. Schempp (1963); Wallace v. Jaffree (1985)]

- “Students do not shed their constitutional rights when they enter the school house gate.” [Tinker v. Des Moines (1969)] Students retain their rights to express themselves, including their right to pray individually, in groups, or to discuss their religious views with their peers as long as they...
THE DNA of a SCHOOL DISTRICT
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School districts must adhere to a myriad of legislative mandates and the educational code derived from those mandates; therefore, most are structured very similarly. It’s like your children: they have the same “structural” DNA, but that DNA manifests itself slightly differently in each. Districts take on their own personalities based on their size, resources (financial and human), and leadership. And they all welcome parental involvement and community partnerships.

From help in the classroom to chairing a major school bond election or providing a cadre of tutors (as some businesses do), school districts require parent and community involvement if they are to succeed at providing the highest quality education possible. That places the onus “on us” to show up and work. It is up to us to determine our level of involvement, explore opportunities, inform ourselves about the issues in our districts, and to be proactive rather than reactive.

Over the next few months, PEI will develop and share a “road-map” to school district anatomy, including steps for initiating and sustaining parent leadership at all district levels. We would welcome information specific to your districts, and your ideas and suggestions.

Our contact information is below to the right.

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HOT TOPICS: Prayer in School
are not disruptive (underline added). To prevent students from engaging in these non-disruptive activities would violate both their free exercise of religion and free-speech rights. This is the case law that pertains to “See You at the Pole” prayer activities, students gathering to pray during non-curricular hours, etc. [Tinker, (1969); Westside Community Schools v. Mergens (1990)]

**HOWEVER, the right to engage in voluntary prayer does not include the right to hold an audience “captive” for that prayer or to compel other students to participate.** This applies to “school-sponsored prayer at school sponsored events”, e.g., at football games, graduations, etc., or during the curricular hours at school. The key phrase here is “school-sponsored”, and how that phrase is both applied and interpreted. In *Santa Fe v. Jane Doe, et. al.* (2000), the Supreme Court held that a school may not ask students to lead prayers over the public address system before football games; however, things can become more complicated with graduations. The Court noted that when a school retains control over the location, schedule, and content of the student’s message, that message “…carries the imprimatur of the school”. But, what happens when a district relinquishes that control? More on that in our spring newsletter, as we approach graduation season. [Lee v. Weisman (1992) and *Santa Fe* (2000)]

The opportunity always exists for Jewish parents to impact how religion is presented and practiced in our public schools. By having accurate information and approaching the situation as a partner with the school district rather than an adversary, you have the opportunity to become your district’s “go-to” parent when serious issues do arise. If you have a concern or question, feel free to contact PEI or your local JCRC to help guide you through the process.

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**PARENT NETWORK**
the TEKS. PEI identified qualified candidates to serve on panels and assisted them with TEA’s application process. Based on PEI’s work with the SBOE and our nominees for the review panels, we are confident that accuracy about Jews, Judaism, and Israel will be a priority.

**YOUR ROLE**
Once the SBOE has completed its work, and the social studies textbooks have been placed on TEA’s approved list, school districts will begin their own review and selections. At that time, PEI will provide the parents in our network with our textbook recommendations so they are prepared to participate locally.

PEI is currently researching the textbook selection process in the major Texas school districts. We would also appreciate receiving any information you may have, so we can share it statewide.

We look forward to collaborating with you on this important work.

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**RESEARCH and RESOURCES**
PEI offers students, parents, and educators accurate, high quality materials, resources, and lesson plans for teaching about Jews, Judaism, Israel, and Jewish impact on Western Civilization. Please share this information with the social studies teachers in your schools. All resources and materials are free and may be accessed at:

www.pei-jcrccdallas.org
www.icsresources.org

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