

The Bible And Kindergartners

by Jonathan P. Riba

The issue of religion in public schools is very contentious and often finds its way into the courts. Recently, this firm was successful in defeating a claim alleging a school district violated the Constitution when a Principal requested that a student's parent not read a Bible passage to her son's kindergarten class. See Memorandum and Order at 31, *Busch v. Marple Newtown School District*, No. 2:05-cv-02094-RBS (E.D.Pa. May 31, 2007).¹

In the above case, the Plaintiff's son was a kindergarten student in the District. Part of his social studies curriculum included a unit of study known as "All About Me." The purpose of "All About Me" was for students to identify individual interests, to share them with others, and to recognize differences as well as learn ways to resolve any conflicts that occur because of those differences.

On October 15, 2004, Plaintiff, a devout Christian, arrived at her son's classroom to participate in "All About Me" week. As her son's favorite book was the Bible, to help demonstrate the interests of her son to his class, Plaintiff intended to read to the entire kindergarten class a passage from Psalm 118. However, the Principal of the school requested that Plaintiff not read from the Bible as doing so would be a violation of applicable law and a violation of the separation of church and state. As a result, Plaintiff did not read the Bible passage and later sued the District in Federal Court under the theory that the District's actions violated her right to free speech, religious freedom, and to equal protection of the laws.

In dismissing Plaintiff's claims, the U.S. District Court held that "the school acted appropriately in preventing the Bible reading because it was justifiably concerned that the public school would be perceived as endorsing speech that promoted a religious viewpoint, a violation of the Establishment Clause." The Court went on to say that "the school's actions did not have the effect of advancing or inhibiting religion but merely sought to avoid a constitutional violation."

Although the holding in this case offers school administrators some useful guidance, as the Court specifically discussed in its opinion, with regard to what is considered permissible cultural or religious expression compared to what is considered impermissible religious promotion, the answer is dependent on the facts of each individual case. To that end, one must take into account the identity of the speaker, the context of the speech, the age of the listeners, and the way in which the religious content is delivered and likely to be heard. As stated above, applying those factors to the facts of this case, the Court ruled that the District acted appropriately by requesting that the Plaintiff not read from the Bible to a classroom full of impressionable young children.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.

¹ The Honorable R. Barclay Surrick's opinion was appealed to the United States Court of Appeals for the Third Circuit and the matter is currently pending.