

## Back-to-school basics: public schools are not Sunday schools<sup>1</sup>.

By Max Schlenker, ACLU\*, September 5, 2023

As public-school students return to classrooms for the new school year, some could face an unexpected test: religious indoctrination.

Thanks to various state laws enacted during the 2023 legislative session, some schools could try to impose official prayer, proselytizing, or other religious messages on students. But even if state law purports<sup>2</sup> to allow these activities, the Establishment Clause of the First Amendment to the U.S. Constitution does not. Public schools are not Sunday schools, and we'll be watching to make sure it stays that way.

Among the top offenders we have our eye on is Texas. Although state lawmakers narrowly failed to enact a bill requiring the display of the Ten Commandments in public-school classrooms, they succeeded in passing a law that authorizes public school districts to employ, or accept as volunteers, chaplains who will “provide support, services, and programs for students.” In a letter sent to every school board<sup>3</sup> throughout Texas, we warned officials that “permitting volunteers to act as chaplains and proselytize students in public schools — let alone employing them — would violate the First Amendment.”

Another state we're monitoring is Idaho, where lawmakers passed a bill purporting to allow any public school employee to “pray at any time he is otherwise free to engage in personal conversations or other personal conduct.” Under this broad provision, a teacher could try to claim a right to kneel in prayer in front of students as they file in<sup>4</sup> for homeroom<sup>5</sup> or while they're taking an exam, as long as the teacher would be permitted to send personal texts or read a book during that same period.

Unfortunately, Idaho is not alone. Kentucky enacted a similar measure in March of this year, and North Dakota lawmakers considered a comparable law. While the North Dakota legislation did not pass, it could be re-introduced in the next legislative session. These and other recent measures aiming to inject officially sponsored religion into public schools are no doubt inspired by the Supreme Court's 2022 ruling in *Kennedy v. Bremerton*, which upheld<sup>6</sup> the right of a public school football coach to pray at the 50-yard-line<sup>7</sup> after games. Idaho even dubbed<sup>8</sup> its teacher-prayer statute “Coach Kennedy's Law.”

But despite state lawmakers' wishes to the contrary, *Kennedy* did not authorize the broad promotion of prayer or religion by public school staff. The Supreme Court was clear about the limits of the ruling. Coach Kennedy's prayers were quiet and private and not endorsed by the school. They fell outside his official responsibilities, did not involve or coerce students, and were not conducted in the presence of a captive audience. All of these

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<sup>1</sup> **Sunday school** : catéchisme (→ étude de la Bible dispensée dans les églises de dimanche)

<sup>2</sup> **To purport** : prétendre (= to claim)

<sup>3</sup> **School board** : conseil scolaire (chargé de réguler les affaires scolaires dans un district, un peu comme une académie ou un Rectorat en France, mais à une échelle plus locale).

<sup>4</sup> **To file in** : entrer en file indienne

<sup>5</sup> **Homeroom** : salle de classe (où on fait l'appel le matin et où on donne les infos principales de la journée)

<sup>6</sup> **To uphold, upheld, upheld** : confirmer, maintenir

<sup>7</sup> **50-yard-line** : ligne des 50 mètres (qui marque le milieu d'un terrain de football américain)

<sup>8</sup> **To dub, dubbed** : surnommer

factors were essential to the court's ruling in *Kennedy*, and employee prayers that do not share these features remain unconstitutional.

As frustrating as the *Kennedy* decision was, it did not give public school officials free rein<sup>9</sup> to promote their religious beliefs and practices to students. To the extent that lawmakers or public school officials in Texas, Idaho, Kentucky, or North Dakota — or any other state — mistakenly believe otherwise, we're putting them on notice<sup>10</sup>: Students still have the constitutional right to a public education free from religious indoctrination and discrimination. It's that basic. (524 words)

ACLU= American Civil Liberties Union → *association américaine de défense des libertés civiles*. Sa mission est de défendre et préserver les droits et libertés individuelles garanties à chaque personne par la Constitution et les lois des États-Unis ». Ses moyens d'actions sont les poursuites judiciaires, le lobbying législatif et l'éducation civile communautaire. Les actions qu'elle a intentées ont souvent fait évoluer le droit constitutionnel.

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## COMPREHENSION.

What is the main idea conveyed by the author of the article? In what context was this article written? What does it say about the part played by religion in US schools?

## TRANSLATION (Version)

Translate from the beginning of the text down to “*during that same period.*”

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<sup>9</sup> Free rein : *champ libre*

<sup>10</sup> To put s.o. on notice: *avertir qqn, le mettre en demeure*