



Bring Your Bible To School Day

INTRODUCTION

The Bible continues to be recognized as not only a source of faith and veneration for more than a billion people worldwide, but as the single most significant piece of literature in Western Civilization. Since the mid-20th Century, the Bible's role in schools has been much debated, and legal decisions about it have often been misunderstood. In an effort to restore appropriate recognition, Bring Your Bible to School Day (BYBTSD) launched in 2014 and occurs every October to encourage students who want to express their faith but often feel intimidated when seeking to do so at school. This memo will very briefly address students' rights relative to BYBTS. For specific advice, students and their parents should contact Pacific Justice Institute (PJI) at www.PJI.org.

LEGAL DISCUSSION

The role of faith, and the Bible specifically, in shaping America is well documented. As one court observed, "We are a religious people whose institutions presuppose a Supreme Being." *Zorach v. Clauson*, 343 U.S. 308, 314 (1952). The federal courts of appeal have noted that subjects such as history, art, and literature could hardly be taught without addressing the influence of the Bible and religion. *Florey v. Sioux Falls Sch. Dist.*, 619 F.2d 1311 (8th Cir. 1980); *Bauchman v. West High School*, 132 F.3d 542 (10th Cir. 1997). Even California, often thought to be a bastion of secularism, has approved of referencing the Bible and religion in schools. Cal. Ed. Code Section 51511.¹

The rights of students individually to express their faith and participate in BYBTS are even stronger. The Supreme Court has long emphasized, in the public school context and elsewhere, that there is a crucial difference between the government's endorsement of or favoritism toward religion, which is sharply restricted, and an individual's own religious expression, which is strongly protected by the First Amendment. *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98 (2001).

There is sometimes an overreaction to the mere presence of a Bible in school, because of the Supreme Court's 1963 decision declaring Bible reading in schools to be unconstitutional. *Sch. Dist. Of Abington Twp. v. Schempp*, 374 U.S. 203 (1963). But the Supreme Court was limiting official use of the Bible as a devotional exercise, not other readings from the Bible by teachers as

¹ "Nothing in this code shall be construed to prevent, or exclude from the public schools, references to religion or references to or the use of religious literature, dance, music, theatre, and visual arts or other things having a religious significance when such references or uses do not constitute instruction in religious principles or aid to any religious sect, church, creed, or sectarian purpose and when such references or uses are incidental to or illustrative of matters properly included in the course of study."

literature, and certainly not reading from the Bible by students on their own time. Students may also join together, either formally as a Bible club, or informally during non-instructional time, to study the Bible together. *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990); *Good News Club*; 28 U.S.C. 4071 (Equal Access Act).

On Bring Your Bible to School Day, and every other school day for that matter, students should be free to carry, display, read from, and study their Bibles together to the same degree that they would be allowed to read from other books during, say lunchtime or other non-instructional time. Fifty years ago, the Supreme Court announced in the famous Vietnam War protest case, *Tinker v. Des Moines Cmty. Indep. Sch. Dist.*, 393 U.S. 503 (1969), that students do not shed their constitutional rights at the schoolhouse gates. This remains just as true today. In fact, some states like California have created even greater rights for students by statute than what the Supreme Court has said is protected by the Constitution. Cal. Ed. Code Section 48907.

CONCLUSION

In spite of these clear decisions, students' religious rights are still sometimes violated. PJI has successfully defended in federal court the rights of students who have been illegally punished for bringing the Bible to school or sharing Bible verses. If you ever find yourself facing discipline just for expressing your faith, on BYBTS or any other day, please give PJI a call right away through our main phone number, 916-857-6900, or send a request through our website, www.PJI.org.