

Do Teachers Need Stronger Religious Freedom Protections? Let Us Know What You Think

On May 4, as part of the observance of the National Day of Prayer, President Trump signed a helpful proclamation declaring:

*Religion is not merely an intellectual exercise, but also a practical one that demands action in the world. Even the many prisoners around the world who are persecuted for their faith can pray privately in their cells. **But our Constitution demands more: the freedom to practice one's faith publicly.***

To support this proclamation with action, on the same day President Trump also promulgated an **executive order** intended to strengthen religious freedom in our nation.

The Trump executive order:

1. Directs all agencies of the federal government to “vigorously enforce federal law’s robust protections for religious freedom.”
2. Restrains the Department of the Treasury which houses the Internal Revenue Service (IRS) from threatening churches with loss of their tax-exempt status for speaking about political issues – including commenting on individuals running for office – if they are not speaking as a part of a political campaign. This should reverse the chilling effect that some feel the IRS has had on freedom of speech from the pulpit since Congress passed the **Johnson Amendment** in 1954.
3. Directs the Secretary of Labor, and the Secretary of Health and Human Services to, “consider issuing amended regulations, consistent with applicable law, to address conscience-based objections to the preventive-care mandate promulgated under section 300gg-13(a)(4) of title 42, United States Code.” The suggested regulations would blunt enforcement of provisions of the Affordable Health Care Act (also known as Obama Care) that require employers – even religious institutions – to offer health care to employees that would provide abortion inducing drugs as a contraceptive measure.
4. Permits the Attorney General to, “as appropriate, issue guidance interpreting religious liberty protections in federal law” for all agencies of the federal government.

While some conservatives feel the executive order **should have gone much farther**, the final provision is very general, and could be used by Attorney General Jeff Sessions, a strong advocate of religious freedom, to impact the policies and procedures of numerous federal agencies perhaps including the US Department of Education (ED).

In two previous instances ED issued very specific guidance letters to school districts explaining the religious liberties of students and teachers. The first was issued under the **Clinton**

administration in 1998 and the second by the [George W. Bush administration in 2003](#). While neither of these letters carry the force of law, they serve as very helpful guides for both teachers and school districts trying to navigate religious liberty issues. Much of the specific guidance that CEAI provides teacher about religious freedom in the schools is based on these letters, so they do make a difference. The basic freedoms articulated and explained in detail in these letters include:

- **Public school students** when acting alone may not be prohibited by schools from expressing their religious beliefs in a non-disruptive manner which includes students attempting politely to evangelize other students, engaging in student led prayer at student organized events, and organizing student led clubs and extracurricular events that espouse religious beliefs.
- **Public school employees** may share their religious views with other staff and pray with other staff during their free time. But the guidance makes it clear that employees may not endorse or condone religious doctrine or coerce students to participate in any religious activities, when they are acting in their role as a teacher, a school administrator or school staff member. This clearly prohibits teachers from leading or encouraging prayer, religious instruction or other religious activities during the instructional day.
- **Public school facilities** both within and outside of the instructional day may be used by churches or students for religious activities, if the facilities may be accessed by all faiths on an equal basis and students are not coerced to participate.

CEAI has many publications available at the online [resource center](#) that explain these freedoms in more detail. The best overview is [A Teachers Guide to Religion in the Public Schools](#).

Do you feel that these basic protections are enough, or should we request further guidance for schools?

The purpose behind additional protections would be to promote the fullest possible exercise of the First Amendment by both students and teachers. The First Amendment states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

This is not to say that the Lord needs for us to have legal protections in place to spread the Gospel. From Daniel's trial in the lion's den, and Jesus Christ's suffering and death on the cross, to the martyrdom of Stephen for his faith in Jesus, Scripture is full of examples that teach us that the Gospel thrives and spreads like wildfire during persecution. The point is rather that our culture would be blessed by cultivating the ability for everyone to speak freely about their faith and for students to learn to listen to the viewpoints of others and respond respectfully based on their own faith even when they strenuously disagree.

To get you started thinking about this, here are a couple areas that may need clarification:

- Should it be made clear that all teachers have a right to express their personal religious viewpoints on controversial issues, such as same sex marriage or transgender student restroom usage, in social media or any forum, public or private, that students are not required to attend?
- Should teachers be free to **briefly** express their own personal doubts, faith based or otherwise, about popularly accepted scientific theories such as macro evolution, the human impact on global warming and the age of the earth if they explain clearly and without bias the more accepted viewpoint and do not try to convince students that the position espoused by the school curriculum is not correct.

What do you think? Have you seen schools squelch freedom of religion of either students or teachers? Have there been times when you have been intimidated by the schools from speaking freely outside of class about your faith? Or, do you think that the way the First Amendment has been implemented in the schools has been sufficient and there is no need for Congress or the Attorney General to provide further direction and guidance? Please let us hear your stories and your thoughts on this by emailing John Mitchell - jmitchell@ceai.org.

And don't forget to pray for the President and other national leaders

Charles Garriott, author of, "*Prayers for Trump – Petitions for the 45th President,*" recommends this prayer that the President will grow in his reverence to the Lord:

Our Father and King of kings, Your Word informs us that there is only one Lord and Savior. There is one ruler of all. We acknowledge that you alone are sovereign over this world and universe. You are to receive our honor. You place all those in positions of authority in our nation and world. Help us to see what you see and give us the grace to accept, respect and honor President Trump.

You have granted our president his office for your glory. We pray that in every way he would acknowledge your presence as a gift. May he long for your Word and desire to think and live by it. We pray that he would daily experience your grace and mercy as he carries out his role as our head of state. Protect Vice President Mike Pence and all the members of the Trump administration from harm and deception. May they serve you and the United States of America well.

CEAI is interested in your thoughts. Personal comments may be addressed to the author at JMitchell@ceai.org. John Mitchell is the Washington, DC Area Director for Christian Educators Association International.