

Original Paper

Secularism and Religion in the U.S Public Schools: A Brief History and the Impact of the Courts

Jaime Grinberg

Montclair State University, NJ, USA

E-mail: grinbergj@montclair.edu

Abstract

This paper traces historical and contemporary cases in which courts have ruled on matters about U.S. public schools and the boundaries of religious interference. The U.S. Constitution has neither adopted an official religion nor established a separation of church and state, thereby endorsing a secular legal ethos. However, schools have historically been public spaces for contention, testing such boundaries. A discussion of the impact of rulings and their practical implementation is contextualized to demonstrate that secularism and religion are not binary opposites. Secularism serves to protect both laicism and religion; thus, it has prompted murky interpretations and the need for legal interventions, which have shifted at times depending on the context.

Keywords: U.S. Public Schools, Religion, Secularism, U.S. Courts

Introduction

This article examines the relationship among religion, secularism, and public education in the United States. Given the apparently secularist mandate of the U.S. Constitution, which establishes a separation between religion and public institutions, how has this relationship with public schools historically functioned, and how does it operate to the present? Moreover, how is it that despite such a seemingly clear distinction, there are still so many cases in which religion interferes and is allowed to cross the boundaries of separation in school life? What mechanisms are in place to contain perceived violations of the separation? What are the arguments in the cases that justify interference?

Secularism and religion in U.S. public education are not in a state of binary opposition. In this context, secularism refers not only to a separation between state and religion, but also to protecting laicist individuals (those who do not believe or practice religion) from being discriminated against. Also, in the context of the U.S. Constitution and laws, organized religions and religious individuals who practice a particular faith and worship according to their beliefs are protected. These individual protections are relevant to understanding how the separation operates in school policy practices, daily routines, and curricular content.

While the U.S. Constitution mandates a separation of church and state, this boundary has been continually tested through legal battles, curricular disputes, and political and ideological differences manifested in cultural terms, including the legal shift following the Supreme Court decision regarding the use of public vouchers for religious private schools. Furthermore, secularism and religion in American public schools coexist and depend on one another. Secularism and religion play a balancing role in defending each other by regulating each other despite the constitutional but murky separation of religion and state. Both play a role in school life, including curricular struggles, resources, rituals, ceremonies, acts, and facilities. The Supreme Court has played a crucial regulatory role in defending individual student rights and, nowadays, parents' rights. In this context, secularism acts as a neutral mediator designed to prevent the government from controlling faith while stopping any single religion from dominating public life. Ultimately, the tensions surrounding instructional content and taxpayer funding will persist as courts and public opinion continue to redefine these boundaries. Throughout this paper, numerous examples of legal cases are discussed, and their implications are analyzed.

The Constitutional Base

Every morning, in classrooms across the United States, students stand, face the flag, and recite the Pledge of Allegiance. Students promise loyalty to "one Nation under God, indivisible, with liberty and justice for all." This daily school ritual presents a relevant tension. If the U.S. Constitution establishes a separation between church and state, then the reference to God as a central component of the pledge presents a tension in a daily school ritual. The answer, as historians know, is that it was not always there; the phrase "under God" was added only in 1954, a product of a specific Cold War context (Spring, 2002; Zimmerman, 2022).

This fact opens the door to one of the most complex, challenging, and revealing aspects in American schools' history. To understand these complex relationships, it is necessary to examine the legal conception of the separation of state and religion. Such an idea is reflected in the American Constitution. Article 6 (1789) establishes that "no religious test shall ever be required as a qualification for any public office or trust in the United States." This prevented the government from discriminating against individuals based on their religious beliefs in public service. Second, the First Amendment (1791) declares that "Congress will not make any law regarding the establishment of a religion, or that prohibits the free exercise of it." This created two complementary protections: the government could not create a national church (the Establishment Clause), nor could it stop people from practicing their faith (Devito, 2024; Grinberg, 2024b).

The founders' perspective was complex. On the one hand, many were guided by Christian moral values and believed that fundamental rights derived from god (Glanzer, 1998). They designed a system of secularism to act as a neutral balancing mechanism (Grinberg, 2026). Crucially, in the American framework, secularism is not an ideology, as it is in countries like France or Uruguay, but rather a regulatory mechanism designed to protect both the government and religious groups from one another. In other words, it does not legally privilege one group over another or provide specific funds to support any religious institution (Diaz, 2026). The reason is that, in the US, this separation benefits the state and is also compatible with religion, as the state cannot interfere in religious affairs.

The First Amendment issues a dual mandate regarding the role of religion in American life. As discussed previously, the Establishment Clause has been interpreted to prohibit the government from creating an official church or favoring one religion over another (Black, 2024). As well, the Free Exercise Clause forbids Congress from "prohibiting the free exercise thereof." This was designed to protect individuals' rights to practice their faith. These two mandates create a challenging balancing act for government and the courts: the state cannot establish religion, yet it must not interfere with individuals' right to practice it (Glanzer, 1998).

The principle of a secular state is further reinforced by Article 6 of the Constitution (1789), because of the statement that "no religious test shall ever be required as a Qualification to any Office or public Trust under the United States." Together, these articles form the basis of American secularism—a framework that is non-religious but not anti-religious. Hence, protecting the government from religious influence and, similarly, protecting religious institutions from government influence. This model contrasts sharply with the concept of *laicism*, prevalent in countries like France, which more actively opposes clericalism and seeks to replace religious values with secular ones in the public sphere (Estrade, 2026; Spektorowski, 2026). The U.S. model, by design, creates a neutral, not hostile, public square, a crucial distinction for understanding why religious expression remains a potent force in American schools.

This constitutional blueprint for separation, however, clashed with the very different reality of life inside America's first public schools. The Supreme Court decision in *Carson v Makin* (2022) highlights the tension between religious engagement and the constitutional implications of secular governance for the nation's public schools. In it, the U.S. Supreme Court ruled that the state of Maine could not prohibit the use of public funds for tuition at private religious schools; doing so would constitute a discriminatory restriction. This delicate balance, mandated by the First Amendment, has been a source of legal, political, and cultural friction since the inception of public education.

School Practices and Contexts

Despite the separation of state and religion, this legal principle is, in the context of school practice, amorphous and, in the absence of clear guidelines, has given rise to interpretations that, over time, place, and case, have produced different legal rulings. (Kastle, 1983; Spring, 2008; Zimmerman, 2022). An example of religious influence in schools is the previously mentioned case of the "loyalty oath," which has included, since 1954, the words "under god." The following is the text of this oath: "I swear allegiance to the Flag of the United States of America and to the Republic it represents, one Nation under God, indivisible, with liberty and justice for all" (4 U.S.C. § 4, 2011).

However, while there is an explicit constitutional right to religious freedom, there is no constitutional right to education. Amendment 10 implies that this responsibility is shared by the state and local governments at the community or municipal level by establishing that all rights and responsibilities not delegated to the national government reside in each state of the union (U.S. Const. amend. X). No article, clause, or amendment explicitly refers to education. The United States is a federal government with a separation of powers among the executive, legislative (two chambers: representatives and senators), and judicial branches. Rights not granted or contemplated by the federal constitution may or should be stipulated in the state constitution.

Each state has an education committee that oversees schooling. Through their education departments, the states provide subject standards, certify teachers, and grant various permits. The state provides funds based on municipalities' financial needs or on programs they seek to advance. Some federal funds are awarded for specific programs and federal reforms with incentives, as in the cases of the federal elementary and secondary education laws (ESEA) or the law of "no child left behind" (NCLB) (Grinberg, 2002; Murray & Frank, 2019).

Each municipality collects property taxes and derives its education expenditures from municipal elections. Each municipality may elect the municipal education committee, which may negotiate with unions, elect school authorities, and define the curriculum (within state parameters). Consequently, local policies, the state constitution, state and local courts, and school districts all play an essential role in how they are interpreted and implemented. This is also the case because states determine state budgets, and, for schooling, these budgets are combined with local property taxes in nearly every state in the union. This creates much more local and municipal influence as property owners, as well as other lawful registered residents, also vote for school budgets and elect mayors, and in almost all municipalities and districts, they also vote directly for the education commissions that oversee everything about each school district, including the selection of superintendents of education, they supervise the curriculum, and negotiate the contracts of the teaching staff, non-teaching staff, and many other associated expenses, such as teaching materials, professional development of the teaching staff, or transportation expenses, for example. This gives enormous power to the local level and, in a way, to the state, which comprises locally elected legislators (Grinberg, 2002).

This explanation is relevant because it helps understand why, in many situations involving more homogeneous communities, it is taken for granted that religious aspects can be tangentially incorporated into daily practice without transgressing the law, even when they are pushed to their limits. Being a decentralized system based on local and state (province) control, each state (50 at present) has its own constitution and its executive (governor), legislative, and judicial branches. There are federal laws with jurisdiction, federal prosecutors and judges in different regions, and appeals chambers. However, this complex system interprets the laws in political and cultural contexts and within a system of legal precedents to judge the merits in cases of conflict (Grinberg, 2002).

Christian experience and schools. Public education in the United States is not a right guaranteed by the federal Constitution, as previously discussed (Grinberg, 2024a). Despite organizational and legal decentralization, the school system remains a powerful state instrument for fostering a sense of belonging, loyalty, and integration among its students, regardless of their individual identities and backgrounds.

The public school system is a socialization mechanism that has served as the primary public institution through which state ideologies are normalized and manifested in the curriculum and pedagogy

(Grinberg, 2024a; Grinberg & Weiss, 2019; Spring, 2008). Schooling changes across historical moments in response to current agendas. Therefore, it has political, economic, educational, ideological, and legal implications. The idea was to create a "common" system of public schools. They are common because everyone attends, regardless of social class, race, ethnicity, language, religion, or gender; that is, they are an inalienable and equal right for all. Common symbolizes access for all to a high-quality curriculum. Common because it is free and compulsory (Grinberg & Birnbaum, 2022; Grinberg, 2009a, 2009b; Kastle, 1983; Spring, 2008). In the historical context, the following question must be considered: Who would be willing to pay higher taxes after a war of independence caused by excessive taxation?

To consider possible explanations when answering this question, religious and ideological aspects must be considered, including tensions and contradictions, the importance of Biblical influence, and the belief that the nascent union of states symbolized redemption when considering the new Jerusalem, that is, the rebirth of divine destiny and the light that would guide the movement for freedom and justice, which in any case would find itself in contradiction with political and legal practices for several decades. However, in the debate over religious influence on the development of the Constitution, Jacobs and Dilazio (2016) claim that, based on public statements by the system's founders and the Constitution, the US was founded as a Christian nation.

Nevertheless, this ideology destined for redemption and progress becomes the mission of creating a third metaphorical Jerusalem temple around a constitution that regulates state relations, based on a contradictory combination of religious Puritanism and European Enlightenment, based on the progress and belief in the power of scientific knowledge, rationality as a political, economic, and judicial guide, considering religion as an inalienable right in a Protestant Christian nation, but with supposed tolerance of other beliefs when establishing the right to exercise freedom of worship (Sarna, 2021). This conceptualization, as asserted in articles and constitutional amendments, rests on the premise that natural rights derive from God's rights, according to the founders' reasoning (Barker, 2012). Furthermore, Hall (2011) argues that, after demonstrating that Christian ideas were among the central intellectual influences on the Founders, religious freedom and Church-State relations at the time of the Founding were central. Hall (2011) argues that, from the perspective of the authors of the national constitution, religious freedom is a right that should be protected, and that the national government should not establish a church. Although the United States did not have a Christian foundation in the sense of creating a theocracy, its leaders were guided by Christian moral values. It should be noted that the system was developed to be comfortable not only for Christians but also for members of other religions because by legally proclaiming the separation of state and religion, it gives space to public secularism, not as a religious alternative, but as a civil alternative that serves as a measure to regulate the potential invasion of the state on religions and of religions on the state (Grinberg, 2024b).

Therefore, this separation of religion and state, without an official religion, is not a secular model; it is not formed in antagonism to religion and its institutions, but precisely to guarantee religious freedom without favoring any specific group. In other words, it does not legally privilege one group over another or provide specific funds to support any religious institution. The reason is that, in the US, this separation benefits the state and is also compatible with religion, as the state cannot interfere in religious affairs.

Still, despite the constitutional separation established in Article 6 and the First Amendment, as discussed earlier, the signifier "god" is used as a sine qua non of public culture. For example, bills (money) bear the inscription "we trust in god." In schools, a prayer of promise or commitment to the flag is recited as a symbol of national unity and justice for all, without divisions, 'under god'; however, individuals have the right not to recite. Why is the word "god" and its symbolism used so freely? Because it is often misinterpreted as a concept or deity, "god" is more than a linguistic and metaphorical signifier; it does not favor any religion. It is assumed that there is a cultural agreement that God is universally accepted in a hegemonic way, denoting unity, without considering the alienation or marginalization of secular groups or secular individuals, which could be problematic. Consequently, to avoid potential cultural marginalization and legal implications, individuals have the right not to recite the Pledge of Allegiance, including its "God" clause. However, the use of "money" does not provide a parallel option. It should be noted that religious symbols also appear in most courts, as with

the posting of the Ten Commandments, for example, in the form of sculptures on the walls (Zimmerman, 2022). Notably, despite the alleged division, federal funds are awarded to private religious institutions, such as universities and hospitals affiliated with religious organizations, for programs, projects, services, and research (Mondale, 2002).

Curricular history. Despite the constitutional ideal of separation, the "common schools" of the late 1700s and early 1800s were anything but religiously neutral. The curriculum was heavily infused with Christian religious symbols and Protestant moralizing (Spring, 2002). This influence was evident in both the content taught and the manner in which students were disciplined. Early educational materials were deeply intertwined with religion. For example, exercises used to teach students spelling and reading often included biblical passages. Also, discipline was frequently connected to religious doctrine. Classroom management techniques often aimed to instill in students a fear of spending eternity in hell as a primary motivator for good behavior (Mondale, 2002).

This Protestant-dominated environment created friction as the nation's population grew more diverse. In the 1840s, a major conflict erupted with the arrival of Catholic immigrants. Textbooks of the era often portrayed Catholics negatively, while using the Protestant King James Version of the Bible was common, but created vigorous objections. The first significant challenge to this Protestant hegemony arose with the wave of 19th-century immigration, particularly the arrival of Irish Catholics. This tension manifested clearly in conflicts over textbooks' content and school budgets in cities such as New York and Philadelphia (Mondale, 2002). During the New York City Debates of 1840, Bishop John Hughes articulated the Catholic community's frustration, stating, "We are unwilling to pay taxes for the purpose of destroying our religion in the minds of our children"(cited in Barshinger, 2015, para. 12). The public-school system's refusal to accommodate Catholic concerns was a primary catalyst for the development of an independent Catholic school system in the United States. This early clash over textbooks and funding set a precedent for legal battles, in which the courts defined the boundaries of religion in public education (Mondale, 2002; Grinberg, 2026).

The notion of a secular public school is a relatively modern development. Early American public schools were not neutral on matters of faith; instead, they were profoundly shaped by a dominant, if nondenominational, Protestant Christian ethos (Kastle, 1977). Understanding this history is crucial to appreciating the legal and social conflicts that emerged as the nation became more religiously diverse.

The case of schools for Native Americans. During Reconstruction in the 19th century, after the Civil War and the victory in most wars with Native Americans or through territorial-control treaties, amid the growth of zones and regions designated for the settlement of towns originally within the so-called reservations, an educational alternative emerged and gained traction. These were boarding schools where Aboriginal girls, boys, and adolescents lived during the school year, often including the summer months, and studied subjects taught in Common schools at the time. However, they were governed not by regional committees or states in which these boarding schools were located, but by a federal authority under the Office of Indian Affairs in the federal district of the city of Washington, with regional agencies dependent on the central office (Adams, 1995). In these schools, practical subjects were also taught, such as sewing for women or carpentry for men. However, these schools also served as socializers for the dominant Christian and Anglo cultures. Furthermore, the historian Joel Spring (2021) argues that this was a process of deculturalization of the "indigenous" and that the Christianization of the students was an almost savage form of "desulfurization" beyond benevolent colonization. This complex, tragic story requires much more discussion than is beyond the scope of this chapter (Grinberg, 2024a; Grinberg & Weisz, 2019); nevertheless, it exemplifies the hegemony of Christian beliefs in school practices, which, in turn, demonstrates the nebulous interpretation of the constitution, until challenged in court, in which secularism potentially can prevent abuse.

Ultimately, the importance of this story lies in the fact that the Christianization of the students constituted an interference with and a violation of this supposed separation. This process violated constitutional principles by favoring certain religions, by having public prayer led by school employees, and by imposing and indoctrinating students in a religion foreign to those they practiced at home (Adams, 1998; Grinberg, 2024a; Spring, 2021). The need for the courts to rule became apparent if such practices were to be challenged and eradicated, although this did not occur in this case at that

time.

The Court's Role

Because the U.S. has no national school curriculum and no single federal law that clearly defines the separation of church and state in schools, legal disputes have been the main arena for interpreting this constitutional principle. Over the decades, a series of landmark Supreme Court cases has drawn and redrawn the lines (Spring, 2008; Grinberg, 2026).

In two cases, the Supreme Court established a core doctrine. In *Engle v. Vitale* (1962), the Court addressed a 22-word non-denominational prayer recommended by the New York Board of Regents. The Court's ruling was clear: the government has no authority to compose official prayers for students to recite. Shortly thereafter, in *Abington v. Schempp* (1963), the Court solidified the principle that the school, as a state institution, may neither advance nor inhibit religion. The tension between scientific and religious explanations of human origins has been a recurring conflict. Following a famous trial in Tennessee in 1925, the Supreme Court issued two decisive rulings. In *Epperson v. Arkansas* (1968), the Court held that states may not prohibit the teaching of evolution in public schools, striking down a law that criminalized its teaching. Decades later, in *Edwards v. Aguillard* (1987), the Court decided that requiring schools to teach creationism alongside evolution is unconstitutional because it is an attempt to promote a specific religion.

To help courts navigate these complex issues, the Supreme Court established a critical tool in *Lemon v. Kurtzman* (1971). In 1971, the Court attempted to articulate a unifying standard of review for Establishment Clause cases. The case arose from state laws in Pennsylvania and Rhode Island that used public funds to reimburse church-affiliated schools for the costs of teaching secular subjects. To determine the constitutionality of such laws, the Court established a three-pronged standard that became known as the "Lemon test," which asks the following questions:

1. Does the action have a secular purpose?
2. Does the action advance or inhibit religion?
3. Does the action unduly confuse the government with religion?

For decades, this test served as the primary judicial tool for analyzing cases involving potential "excessive entanglement" between government and religion, and it provided a three-part framework for determining whether a government action violated the separation of church and state.

The Supreme Court has played a crucial regulatory role in interpreting the separation of church and state, particularly with respect to individual student rights and public-school policies. Over the past century, the Court has developed, refined, and, in some cases, discarded key legal tests and doctrines that have profoundly shaped the educational landscape. The 1960s saw a series of landmark decisions that sharply limited religious activities initiated and sponsored by public schools. In *Engle v. Vitale* (1962), the Court addressed a 22-word nondenominational prayer drafted by the New York Board of Regents for recitation in schools. The Court ruled that this practice violated the Establishment Clause, establishing the clear principle that government has "no business drafting formal prayers for any segment of its population." This principle was reinforced and expanded the following year in *Abington School District v. Schempp* (1963), which extended the prohibition to school-mandated Bible readings, thereby further solidifying the wall of separation between church and state in public education.

While the Court prohibited state-sponsored religion, it also carved out exceptions for certain forms of public aid that flow to students attending religious schools. Under the "Student Benefit Doctrine," government action is permissible if its primary effect is to benefit the student rather than the religious institution. This legal theory has justified a range of programs and policies: (a) transportation subsidies for students attending private religious schools (*Everton v. Board*, 1947); (b) permission for students to leave campus during the school day for off-site religious instruction (*Zorach v. Clauson*, 1952); (c) funding for specific student needs under federal laws like the Elementary and Secondary Education Act of 1965 (Mondale, 2002; Spring, 2008); and (d) subsidized services such as diagnostic testing and therapeutic instruction on the premises of religious schools (*Walman v. Walter*, 1977; *Agostini v. Felton*, 1997).

The new interpretations. In 2022, the Supreme Court signaled a jurisprudential shift, moving away from the Lemon test framework toward a more accommodationist stance grounded in school-practice precedents. In *Kennedy v. Bremerton School District* (2022), the Court's majority upheld a public-school football coach's right to pray on the field after games. In the majority opinion, the Court explicitly criticized the Lemon test as no longer relevant in the present social context.

Additionally, in the 2022 Maine voucher case, already discussed, the Court reasoned that denying families a publicly funded voucher for a nearby religious school—when no secular public option is available—constitutes religious discrimination. This ruling is a practical application of the Court's move toward accommodation; it affirms that when a state provides a public benefit, it cannot disqualify religious institutions from participating on the basis of their spiritual character, a logic rooted in historical practices of including religious options in public benefit programs. Furthermore, in another case decided this past year, *Mahmoud v. Taylor* (2025), the U.S. Supreme Court held, 6-3, that parents in Montgomery County, Maryland, have the right to opt their children out of public-school lessons that use LGBTQ+-themed books. The decision holds that removing the opt-out option would impede parents' religious rights. This lawsuit was filed in 2023 by a group of Muslim, Catholic, and Ukrainian Orthodox parents, who were opposed to Montgomery County Public Schools (MCPS) teaching books that included queer and transgender characters in early childhood and elementary school classrooms without parents' choice to opt out of having their children participate in such lessons. The schools argued the books were part of an inclusive curriculum. The parents argued that forcing their children to participate in and be exposed to such materials violated their First Amendment right to the free exercise of religion.

According to Samuels (2025), Justice Alito wrote that these books were designed to introduce values and beliefs that were contrary to those of the parents. The significance of the ruling rests in the decision that the school district's requirement that all students participate in all curricular activities, including when these books were read and discussed in class, undermined the children's healthy religious growth. Consequently, future curricular guidelines, standards, and lessons in K-12 schools could be significantly affected by this Supreme Court ruling, which gives parents the power to challenge the content taught in public schools in the US.

The constitutional principles and judicial precedents explored previously manifest in tangible, often heated conflicts in the daily life of American public schools. These disagreements directly impact the responsibilities and decisions of educators, students, and administrators as they navigate the fine line between religious freedom and secular education. Persistent debates over curriculum content remain a central battleground. This includes the historical conflict over the teaching of evolution versus creationism, as well as contemporary "cultural wars" surrounding topics such as sex education and the study of race and history, including references to institutionalized racist practices in school access and opportunities (Grinberg, 2024a; Spring, 2021).

As discussed in the above cases, schools are often tasked with balancing the Establishment Clause's prohibition on state-sponsored religion with individuals' Free Exercise and Free Speech rights. School choice mechanisms, particularly vouchers, carry significant political and financial implications. Critics point to the high cost of vouchers and their potential to divert public funds from an already strained public school system. The Supreme Court's 2022 decision in Maine has amplified this debate by affirming the use of public vouchers for tuition at religious schools. Public attitudes help contextualize how some of these court decisions are inserted in a particular milieu, a political, ideological, cultural, and social historical conjecture.

Public Opinion and Political Polarization. The intensity of the church-state debate in education cannot be fully understood without examining the underlying public opinion and political alignments that define it. In modern America, religiosity and secularism have become key determinants of the nation's political divisions, directly shaping the stakes of school-based conflicts. Public opinion data reveals a country that is, overall, religious—with 64% identifying as Christian in 2020 and 50% believing the U.S. must be a "Christian" country—yet deeply divided along political lines. Data on belief in God starkly illustrate this tendency of ideological divide. According to The Pew Research Center (2021), 94% of people who self-identify as politically conservative report they believe in god, while 92% of

Republican Party members also affirm their belief in god. For Democratic Party members, the percentage of those who believe in god drops to 72%, and left liberals report that 62% of them maintain such a belief. The trend indicates that 68% of younger adults believe in God.

According to Gallup (2021), a majority (55%) of Americans favor the separation of church and state, while a substantial portion (45%) considers the U.S. a "Christian" country. This ideological divide, where 94% of conservatives but only 62% of liberals report belief in God, directly fuels the intensity of school-based conflicts. Debates over vouchers, curriculum, and prayer are not merely policy disagreements; they are proxy battles in a larger culture war over the nation's identity, waged by deeply committed, and religiously distinct, political constituencies.

Given these public attitudes and beliefs, practical solutions respond not to what is ideal, but to what is possible within the boundaries of court rulings and secular practice.

The practical solutions. In a practical sense, federal educational projects, such as the one initiated by both houses of Congress and supported by the main political parties, the Democrats and the Republicans, the federal No Child Left Behind Act (2002), among other educational provisions, also include the right to pray in school as an inalienable right of the student. However, it should be clarified that the law was not promulgated as an obligation for the school, nor as a school practice directed by the school, but granted the right to conduct prayers for individual students or groups, and only stipulates the need for the school to provide some space, do not specify, for that practice as long as it does not conflict with the regular and daily activities of the institution. That is, during a long recess, before or after school, or during lunch or other free time, in a private place such as an empty classroom, an unused assembly room, or a library, it should be given space to pray (Grinberg, 2026).

For example, in New Jersey, a minute of silence is observed during the school day to allow students to pray or, if they do not pray, to meditate or reflect. This practical solution respects the student's individual rights while not violating the separation of religion and schooling. It is not a manifestation of secularism, but it also respects non-believing students by giving them the right to choose what to do in silence. This pattern of practical solutions also has political dimensions, and although it cannot be generalized to the whole country, different ways of adapting these practices can be observed (Spring, 2008).

One case, again in the state of New Jersey, is that in Jersey City, a space dedicated to prayer for Muslim students was created in some schools, to accommodate a large number of Islamic practicing students, and justifies paying particular attention to those religious needs. In this way, these students can maintain and respect the tradition that obliges them to pray several times a day (five) and carry out some of those prayers at school according to the established schedules and in a safe, private, and accessible place. At the same time, it serves the city's Muslim community politically by aligning with the school district, thereby meeting a need at low cost and without major legal complications (Grinberg, 2026). This is due to the legal precedent established in Board of Education of Westside Community Schools (Nebraska) v. Mergens (1990), which challenged the right to establish a Bible study group within the school. It should be noted that the Bible can be taught as a literary text in literature classes, but not as a religious text. The study group could meet outside the regular school instructional hours.

Moreover, additional cases in New Jersey and New York point to the blurred boundary between religion and schooling. Most school districts close their schools on Good Friday and on Yom Kippur and Rosh Hashanah (Jewish observances), on Eid al-Fitr and Ashura (Muslim observances), and on Diwali (Hindu, Sikh, and some Buddhist observances). Because? On the one hand, one explanation for this phenomenon is respect for diverse communities in some districts with high percentages of members who maintain these religious observances; on the other hand, it is also a pragmatic solution. The practical reason is that, even if there were classes in these districts, those days of religious observance would have high rates of student absenteeism (Grinberg, 2026). Maintaining lessons or projects in classrooms with few students would be challenging, and they would simply entertain the youth. This would mean that teachers should repeat the same lessons when all students are present. It is also practical because, in several of these districts, teachers and principals observe religious holidays. If the school is open, it would mean hiring a large number of substitute teachers, which would be a senseless budgetary expense given the student absenteeism and the inability to provide content

instruction. These pragmatic solutions confer political capital on districts by avoiding conflicts with parents, the community, and religious leaders. Costs and budget constraints shape the implementation of practical solutions in school life.

Following the Money

While the principle of not funding religious institutions with public money seemed clear, the courts carved out a major exception based on the "student benefit theory." This doctrine holds that government aid is permissible so long as it benefits the student directly rather than the religious institution itself. This theory has been applied in several key areas, such as in transportation, when in *Everson v. Board of Education* (1947), the Supreme Court held that public funds may be used to provide student transportation to religious schools, on the ground that the benefit is the child's safety, not the school's religious mission. It also applies to schools' special services, as in *Walman v. Walter* (1977), which held that public funds may support services for students with disabilities, including special-needs diagnoses, therapy, and state-mandated testing for students attending religious schools. Both transportation and special education services are highly expensive budgetary items for school districts and states.

Furthermore, in 2022, a Supreme Court decision dramatically reshaped this landscape. The Court ruled that the state of Maine could not prohibit families from using state-funded school vouchers at religious schools. The reasoning was that in rural areas with few educational options, denying vouchers for religious schools was a form of discrimination against families of faith. This ruling has profound economic implications. In 2019, private schools served 10% of the total student body, or approximately 5 million students, of whom over 3 million were in religious schools (U.S. Department of Education, 2023). If vouchers are extended to all these students, the number of students served by public budgets could increase substantially. This could force public school systems to implement "drastic service reductions" to accommodate the substantial new expense, thereby linking these complex legal debates directly to the practical realities of school funding and political battles today (Grinberg, 2024b).

Who pays what and to whom? Let us revisit the Supreme Court's decision in *Carson v. Makin* (2022), the case in which the State of Maine sued to challenge the right to use state vouchers to help pay religious schools' tuition, which indicates a pragmatic interpretation that extends beyond the principle of separation of church and state (Hutchinson, 2022). In the Supreme Court of Justice's interpretation, this was necessary because distances in rural areas to access public schools are very long. In winter weather with storms and snow accumulation, riding a school bus for an hour or more is a hardship. Since Maine cannot open additional public schools in these rural areas, and if it did, they would have very few students, such a solution would be inefficient and ineffective. A practical solution for the students is to attend schools that are geographically closer and more accessible. Although these nearby schools for some students may be private and independent and are secular, and the State of Maine decided to grant a voucher to the family of the students to attend these schools, the State felt that this voucher could not be given to them for being used in a religious school, because the state did not want to violate the constitutional separation. However, the Supreme Court found this policy erroneous because it would discriminate by denying families the option to enroll their children in public or secular private schools. Therefore, to benefit the student and mitigate potential discrimination, the decision was that if the nearest school is private and religious, the family could receive the voucher and use it to pay the school's fees.

Of course, this sets a legal precedent that will be tested again in other cases from other states with similar situations, and perhaps this decision will be transplanted to other cases involving the use of state funds for fees at religious schools beyond the issues of distance and inconvenience or transportation security. Nevertheless, if vouchers can be used to pay private, religious, or secular school fees, education budgets can be sustained only through drastic reductions in services. The reason is that the number of students served under these budgets would grow exponentially, as families in these schools would take advantage of the ability to use funds they previously lacked. According to the National Center for Educational Statistics (NCES, 2022), in 2019, 10% of the country's total student body at primary, middle, and secondary levels were enrolled in private schools, most of them religious, and in these circumstances, they should pay for something that currently the districts and states do not do. The NCES (2022) reported that approximately 5,000,000 students were enrolled across

approximately 35,000 private schools, with more than 3,000,000 students enrolled in approximately 13,500 religious schools. There is concerted opposition, including teachers' unions, to the possibility of extending voucher use at all levels, and much of this campaign focuses on defending the secular rationale for schooling and the separation between religion and schooling. In New York, Boston, and Philadelphia, politicians are reminded of the importance of secularizing schooling when tensions arise over which states and school districts may incur costs. Then, they remember to separate religion and school (Grinberg & Weisz, 2019); however, this is possible only to the extent that the separation does not deprive individuals or groups of their right to religious freedom.

Circular Argument. To understand the tensions in the relationship and implementation of the barrier between schooling and religion, a "circular" argument is presented: Secularism functions as "religion" and therefore imposes a peculiar social perspective on other alternatives, not in coexistence, but as a dominant ideology in the daily habits and practices of schooling. So, this implementation entails that the political forces interested in erasing those limits and regulations see secularity as a problematic ideological entity because it would impede the advancement of religious interests and access to resources, funds, and practices in which religion as such, particularly the Christian one, can function hegemonically.

Consequently, to maintain the constitutional spirit, secularism must operate within the legal and practical framework of schooling as a mechanism of control, not to eliminate religion but to prevent any religion from being privileged or imposed. Because of secularism's moderating role, no religious institution benefits from resources and funds directed exclusively to students' interests. In the case of US schools, secularism is not an ideology, as it would seem in France or Uruguay, but rather a regulatory and balancing mechanism, or a mediator, to avoid abuse and privilege. Of course, the most relevant limitation is how courts would rule in different cases, with interpretations sometimes influenced by ideological principles with religious roots.

Conclusions

The relationship between religion and the American public school system is not static, but a dynamic balance continually renegotiated through judicial interpretation, political struggle, and cultural change. As this analysis has shown, the Supreme Court has recently shifted from a strict separationist posture toward one that is more accommodating of religious expression and participation in public programs. This shift ensures that the line between church and state will remain a site of contention for the foreseeable future.

Ultimately, while laws can be changed by political majorities in legislatures and executive branches, the ultimate arbiter of these profound constitutional questions remains the Constitution itself, as interpreted by the Supreme Court of each historical moment. At the local level, however, many school districts navigate these tensions with pragmatic solutions rather than strict legal interpretations.

- a) **A Moment of Silence:** In New Jersey, schools provide a moment of silence each day. This respects a student's right to pray silently without the school leading a religious ceremony, while also allowing nonreligious students to reflect.
- b) **Dedicated Prayer Spaces:** To accommodate the needs of a large Muslim student population, some schools in Jersey City have created dedicated prayer rooms. This practical solution is grounded in the legal precedent of *Westside Schools, Nebraska, v. Mergens (1985)*, which affirmed students' rights to form religious groups, such as Bible studies, on school grounds.
- c) **Closing for Religious Holidays:** Many districts with diverse populations close for major religious holidays, such as Yom Kippur, Eid al-Fitr, and Diwali. This is often a practical decision driven by high rates of student and teacher absenteeism on those days, which would make instruction ineffective.

The argument was that secularism and religion, in the case of American Public Schools, are not in a binary oppositional relationship; rather, they coexist and depend on one another. Secularism and religion play a balancing role in defending each other by regulating each other despite the constitutional but murky separation of religion and state. Both play a role in school life, including curricular struggles, resources, rituals, ceremonies, acts, and facilities. The Supreme Court has played a

crucial regulatory role in defending individual student rights and, nowadays, parents' rights. This blend of political conflict, practical compromise, and divided public opinion ensures that the debate over religion and schools remains a dynamic and unresolved feature of American life.

For stakeholders navigating this terrain, five future trajectories emerge as critical focal points:

- 1) Continued Coexistence: A complex balance between schooling and religion will persist, with neither entirely displacing the other.
- 2) Constant Conflict: Given the ambiguity of legal limits, conflicts over curriculum, funding, and religious expression will remain a persistent feature of the educational landscape.
- 3) Pendular Resolutions: The outcomes of these conflicts will likely oscillate, influenced by changing political contexts and the courts' judicial philosophies.
- 4) Limited Curricular Impact: Despite the intensity of public debate, the direct impact of these conflicts on core day-to-day curricular and pedagogical practices will probably be limited.
- 5) Secularism as Regulator: The principle of secularism will continue to serve a crucial regulatory function, preventing the dominance of any single religion and preserving a space for religious pluralism. In this ongoing negotiation, secularism plays the unique role of a referee. It is the constitutional mechanism designed to balance two competing but equally important goals: protecting every individual's right to religious freedom while preventing any single religion from being sponsored or privileged by the state.

References

- 4 U.S.C. § 4 - *Pledge of allegiance to the flag; manner of delivery*. (2011). <https://www.govinfo.gov/app/details/USCODE-2011-title4/USCODE-2011-title4-chap1-sec4>.
- Adams, D.W. (1995). *Education for extinction: American Indians and the boarding school experience, 1875–1928*. Lawrence: University of Kansas Press.
- Agostini v. Felton (1997). Oyez, www.oyez.org/cases/1996/96-552
- Barker, R.S. (2012). Natural Law and the United States Constitution. *The Reviews of Metaphysics*, 66(1), 105–130.
- Bashinger, D. (2015). American Evangelicalism and Education. In *Perspectives*, April 21. <https://www.exploringchurchhistory.com/p/american-evangelicalism-and-education-perspectives>
- Black, D. (2024). White Christian nationalism has no place in politics. *Indianapolis Business Journal*, 45(22),
- Board of Education of Westside Community Schools v. Mergens By and Through Mergens. (1990). Oyez, www.oyez.org/cases/1989/88-1597
- Carson v. Makin (2022). Oyez, www.oyez.org/cases/2021/20-1088
- Díaz, A. (2026, forthcoming). La laicidad y su significado en el campo educativo. In Andrea Díaz (Ed.), *Laicidad* (12–34). Montevideo: Fondo de Cultura Universitaria, UDLR Press.
- Devito, S. (2024). Anti-abortion Statutes As Religious Beliefs. *The American University Journal of Gender, Social Policy & the Law*, 32(1), 151–181.
- Estrade, L.E. (2026, forthcoming). Que Dios te ayude. Un acercamiento a las religiones, la prisión y la seguridad en Francia. In Andrea Diaz (Ed.), *Laicidad* (138–151). Montevideo: Fondo de Cultura Universitaria, UDLR Press.
- Edwards v. Aguillard (1987). Oyez, www.oyez.org/cases/1986/85-1513
- Epperson v. Arkansas (1968). Oyez, www.oyez.org/cases/1968/7
- Everson v. Board of Education of the Township of Ewing (1947). Oyez, www.oyez.org/cases/1940-1955/330us1

- Gallup (2021). How Religious are Americans?
<https://news.gallup.com/poll/358364/religious-americans.aspx>
- Glanzer, P. (1998). Religion in public schools. *Phi Delta Kappan*, 80(3), 219–222.
- Grinberg, J. (2002). An introduction to the education systems in the United States of America. In M. Narodowski, M. Nores, & M. Andrada (Eds.) *New trends in educational policies: State, market, and school* (pp. 335–362). Buenos Aires: Garnica.
- Grinberg, J. (2009a). The foundations of a public school System. In J. Price, & J. Grinberg (Eds.), *A brief history of American schools: Selected documents* (pp. 3–9). IA: Kendall-Hunt.
- Grinberg, J. (2009b). From the margin to the center: Comments on historical precedents regarding access and inclusion in the public schools of the United States. In *Education*, 32(1), 7–15.
- Grinberg, J. (2024a). The Relationship Between Religion and Public Schools in the United States: An Introductory Brief. In *Advances in Social Sciences Research Journal*, 11(3), 385–397.
- Grinberg, J. (2024b). Americanization, schools, and educators. *Advances in Social Sciences and Management*, 2(7), 74–88.
- Grinberg, J. & Birnbaum, T. (2022). Understanding the Relationship Between Social Class and Schools in the USA: Introductory Notes. In *Pathways to Research*. MA: EBSCO.
<https://www.pathways2research.com/print/pdf/node/20101>
- Grinberg, J. & Weisz, J. (2019). Becoming American Through the Eyes of Public Education: Understanding the Context of Americanization in Public Schools. In D. Schwarzer & J. Grinberg (Eds.), *Understanding Glocal Contexts of Education: What Every Novice Teacher Needs to Know* (pp. 75–94). IA: Kendall-Hunt.
- Grinberg, J. (2026, forthcoming). Secularidad y Religión en el Caso de las Escuelas Públicas de los Estados Unidos (EE. UU.). In Andrea Diaz (Ed.) *Laicidad* (216–237). Montevideo: Fondo de Cultura Universitaria, UDLR Press.
- Hall, M.D. (2011). Did America Have a Christian Founding? *Heritage Lectures*, (1186), pp. 1–15.
- Hudson Jr., D. (2009). Engel vs. Vitale, in the First Amendment Encyclopedia.
<https://www.mtsu.edu/first-amendment/article/665/engel-v-vitale>
- Hutchinson, S. (2022). High Court ruling brings still altered legal landscape for school choice. In *The Hechinger Report*.
<https://hechingerreport.org/supreme-court-ruling-brings-an-altered-legal-landscape-for-school-choice/>
- Jacobs, W., & DiLascio, T. M. (2016). Point: The United States Is a Christian Nation. In *Points of View: Christianity in the US*, 2.
- Kastle, C. (1983). *Pillars of the Republic: Common schools and American society, 1780-1860*. New York: Hill and Wang.
- Kennedy v. Bremerton School District (2022). Oyez, www.oyez.org/cases/2021/21-418
- Lemon v. Kurtzman (1971). Oyez, www.oyez.org/cases/1970/89
- Mahmoud v. Taylor (2025). Oyez, www.oyez.org/cases/2024/24-297
- McGovern, G. (2009). Lemon vs. Kurtzman I (1971). *The First Amendment Encyclopedia*.
<https://www.mtsu.edu:8443/first-amendment/article/437/lemon-v-kurtzman-i>
- Murray & Frank (2019). Looking back to understand the current context of school funding. In D. Schwarzer, & J. Grinberg (Eds.), *Understanding glocal contexts in education* (pp. 95–107). IA: Kendall-Hunt.
- Mondale, S. (2002). *School: The Story of American Public Education*. Beacon Press.

- National Center for Education Statistics (2022). <https://nces.ed.gov/fastfacts/>
- No Child Left Behind Act of 2001, Pub. L. No. 107-110, § 101, 115 Stat. 1425 (2002). <https://www.govinfo.gov/content/pkg/PLAW-107publ110/pdf/PLAW-107publ110.pdf>
- Pacelle Jr., R. (2009). Lemon test. In *The First Amendment Encyclopedia*. <https://www.mtsu.edu:8443/first-amendment/article/834/lemon-test>
- Pew Research Center (2021). *In the U.S., Far More Support Than Oppose Separation of Church and State*. <https://www.pewresearch.org/religion/2021/10/28/in-u-s-far-more-support-than-oppose-separation-of-church-and-state/>
- Samuels, C. (2025). Everyday lessons in K-12 schools could be affected by the Supreme Court ruling. *The Hechinger Report*, June. <https://hechingerreport.org/supreme-court-ruling-could-have-widespread-impact-on-school-curricula/>
- Sarna J. (2021). *Coming to Terms with America: Essays on Jewish History, Religion, and Culture*. PA: The Jewish Publication Society.
- School District of Abington Township, Pennsylvania v. Schempp (1963). Oyez, www.oyez.org/cases/1962/142
- Spektorowski, A. (2026, forthcoming). Laicidad e identidad. Europa frente al desafío del islam. In Andrea Diaz (Ed.), *Laicidad* (159–178). Montevideo: Fondo de Cultura Universitaria, UDLR Press.
- Spring, J. (2002). *Political agendas for education: From the religious right to the Green Party*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Spring, J. (2008). *The American School: From the Puritans to No Child Left Behind*. NY: McGraw-Hill.
- Spring, J. (2021). *Deculturalization and the struggle for Equality: A Brief History of the Education of Dominated Cultures in the United States* (9th ed.). NJ: Routledge.
- U.S. Constitution. (1789). Article VI.
- U.S. Const. (1791) amendment I.
- U.S. Const. (1791) amendment X.
- U.S. Department of Education, National Center for Education Statistics. (2023). Report on the Condition of Education 2023 (NCES 2023-144). <https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2023144rev>
- Wolman v. Walters (1977). Oyez, www.oyez.org/cases/1976/76-496
- Zimmerman, J. (2022). *Whose America? Culture Wars in Public Schools* (2nd ed.). Chicago: University of Chicago Press.
- Zorach v. Clauson (1952). Oyez, www.oyez.org/cases/1940-1955/343us306