

The Relationship Between Religion and Public Schools in the United States: An Introductory Brief

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ABSTRACT

The United States of America (USA) has no official religion, and its constitution establishes a separation between state and religion. Hence, public schools should maintain such a separation in their relationship to religion. However, historically, legally, and politically, this has been difficult, contentious, challenging, and complicated. Secularism has served as a balance to protect schools from religious intrusion and religion to keep the state from influence and control at bay. This paper briefly explains the seemingly watershed moment created by the US Supreme Court ruling enabling families in the state of Maine to obtain subsidies in the form of school vouchers to be applied toward tuition in religious private schools, thus breaking a legal tradition of denying public funds for their use for tuition covering of educational institutions sponsored by religious organizations. This paper introduces different dimensions for analyzing these relationships and explains a few legal and educational developments, legal rulings, and students' rights.

Keywords: Public Schools, US Supreme Court, Separation of State and Religion, History of Religion and Schools

INTRODUCTION

The United States of America (USA) has no official religion, and its constitution establishes a separation between state and religion. Article 6, 1789, of the national constitution, states that "no religious test shall ever be required as a qualification for any public office or trust in the United States." Furthermore, the First Amendment, 1791, states, "Congress will not make any law regarding the establishment of a religion, or that prohibits the free exercise of it." In this context, secularism exists as a form of protection for religions because it offers a "neutral" alternative. It does not favor any religion; it would be a moderating option.

In June 2022, the US Supreme Court decided that financial support through the voucher system, which is like a check from the state to be used as payment to private schools, students, and their families for paying religious private school fees, was discriminatory because the voucher can be used at a non-religious private school (Hutchinson, 2022). Therefore, this means that it decided to allow the use of public money in the state of Maine to pay fees for private schools of religious denominations, declaring that the law of that state that prohibited the use of those funds was discriminatory. One wonders how the US Supreme Court interpreted the Maine case as implicitly granting the right to use these public funds earmarked for use in religious schools. The following pages provide an overview to help understand this legal decision that ultimately impacts the balance of separation between state and religion. For this, historical and legal

background is provided, as well as an analysis of the role of secularism as an ideological regulator in the case of the United States of America. In this context, an analysis of the different reasons and spheres of the function of religion vis-a-vis legal cases, political aspects, and tensions in the content of the school curriculum, including educational policies and economic and budgetary aspects.

CONTEXTS

The United States is a federal government system with a separation of powers (executive, legislative with two chambers, representatives and senators, and judicial). Public education in the United States is not a right granted in the federal constitution. Each municipality collects property taxes and derives its expenditures for education based on municipal elections.

The public school is a system of socialization that has served as the primary public institution where the normalization of state ideologies is implemented and manifested in the curriculum and pedagogy (Grinberg & Weiss, 2019; Spring, 2008). Schooling changes at different historical moments, responding 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, it is an inalienable and equal right for all. Common symbolizes access for all to a high-quality curriculum for all. Common because it is free and compulsory (Grinberg & Birnbaum, 2022; Grinberg, 2009a, 2009b; Kastle, 1983; Spring, 2008). In addition, an official religion can be expensive. In the historical conjuncture, the following question must be considered: Who wants to pay more taxes after a war of independence caused by excess taxes?

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 about religious influence on the development of the Constitution, Jacobs and Dilazio (2016) claim that, based on public statements by the founders of the system and the Constitution, the US was founded as a Christian nation.

Nevertheless, this messianic ideology destined for redemption and progress becomes the mission of creating a third metaphorical 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, the prevalence of Kantian 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. This conceptualization, manifested in articles and constitutional amendments, comes from the idea that natural rights derive from God's rights, according to the founders' reasoning (Barker, 2012). Furthermore, Hall's (2011) work states that after showing that Christian ideas were one of the central intellectual influences on the Founders, he analyzes religious freedom and Church-State relations at the time of the Founding. 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 create an established 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.

Therefore, this separation of religion and state, without official religion, is not a secular or secular model; it is not formed as antagonism or against religion and its institutions, but precisely to grant religious freedom without favoring any specific group. In other words, without legally privileging one group over another or providing specific funds to support any particular religious institution. The reason is that, in the US, this separation is good for the state, and it is also suitable for religion because the state cannot interfere in its affairs. Paradoxically, today, religion tries to ingest the state.

However, despite the constitutional separation established in Article 6 and in the First Amendment, the signifier "god" is used as a *sine qua non* of public culture: for example, bills (money) carry 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 and symbolism god used freely? Because it is probably erroneously interpreted that god as a concept, as a deity, is more than a linguistic and metaphorical signifier, it does not favor any religion in particular. In other words, 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 people or secular individuals. This is why individuals have the right not to recite the pledge to the flag and its symbolism in the version using the word god, although the use of money does not give a parallel option. It should be noted that religious symbols also appear in most courts, as is the case with the Ten Commandments in the form of sculptures, for example, on the walls of the courts. Moreover, despite the alleged division discussed, federal funds are awarded for programs, projects, services, and research to private religious institutions, such as universities and hospitals belonging to religious organizations.

Practice

Despite the separation of state and religion, in practice, this legal principle is amorphous and, with the lack of clear guidelines, gives rise to interpretations that, through time, places, and cases, have produced different legal rulings and interpretations. (Kastle, 1983; Zimmerman, 2022). An example of religious influence in schools is the previously mentioned case of what is recited every morning in schools, 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."

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 state and local at the community or municipal level by establishing that all rights and responsibilities not

established in the national constitution reside in each state of the union. No article, clause, or amendment explicitly refers to education. Rights not granted or contemplated in the federal constitution can 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 some funds based on the financial needs of municipalities or on programs they are interested in moving forward. 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 student will be abandoned" (NCLB) (Murray & Frank, 2019).

Each municipality collects property taxes and derives its expenditures for education based on municipal elections. Each municipality has the power to elect the municipal education committee, which has the power to negotiate with unions, elect school authorities, and define the curriculum (but 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, which, in the case of schooling, are combined with local property taxes in nearly every state in the union. This creates much more local and municipal influence as property owners 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 pertaining to each school district, including the selection of superintendents of education, they supervise the curriculum, and also 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 to understand why, in many situations when there are more homogeneous communities, it is taken for granted that religious aspects can be tangentially added to daily practice without transgressing the law but taking it to its 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 a political and cultural context and in a system of legal precedents to judge merits in case of conflicts.

HISTORICAL PRECEDENTS

There is not and never was a national school curriculum because the responsibility of the educational systems is not national but local and state. The only circumstances in which the federal government can influence is when established budgets accompany laws enacted at the national level on educational issues to provide resources and funds to states and school districts to implement those projects. For example, under President LB Johnson, with national legislation on elementary and secondary education, and in conjunction with national civil rights legislation, significant amounts were awarded to those states and districts that implemented racial desegregation in their schools. In other words, they had to demonstrate that they had implemented desegregation to receive funds. This meant a sea change from racial inclusion and

leveling of physical facilities and other resources for those schools in those states (Grinberg, 2009b). There is also no national legislation to clearly indicate the separation between religion and the school as a public institution (Spring, 2002, 2006). Therefore, the interpretation of this separation is discussed with certain liberties at local levels, and this, in turn, has created legal disputes, which are resolved in the courts and which, in some instances that we will give as an example later in this essay, have reached the supreme court of justice at the national level after decisions of local or state courts were appealed.

Curricular materials in late 18th century and the beginning of the 19th century, reflected Christian religious content (Grinberg, 2009b). For example, materials used to learn to spell letters and words served to present biblical passages, and classroom management techniques emphasized consequences grounded on developing the fear of spending eternity in hell among students (Grinberg, 2009a). These curricular antecedents point to the fact that the separation of school and religion has not been immediate, but rather that it has gone through a long, slow path, with advances and setbacks that continue to manifest themselves in contemporary times. For example, in the nascent public schools, the curriculum was based on Christian Reform religious symbols and Protestant moral content in the late 1700s and early 1800s (Kastle, 1983). The argument was that the educational agendas of any sect were not followed and that everyone read the same bible (James' version). In the 1840s, textbooks portrayed Catholics with disparagement and discrimination, primarily Irish immigrants, as in the cases of New York City and Philadelphia schools. Faced with this, the Catholic religious leadership filed a lawsuit against the schools, and public debates arose about these problems in which they argued that public funds were utilized to influence children's minds against their religion (Grinberg, 2009b).

Those debates initiated by religious issues in schools led to budgetary issues and the distribution of resources. The school system leaders decided to eliminate these texts to avoid dividing the budget among different religious and ethnic groups so that each had its own school. The bishop, however, used the circumstances to further his agenda of creating a system of independent Catholic schools, which was successful. What it did not achieve was that public funds were granted for that system of Catholic schools that continue to function today.

Another example where the limits of separation were tested was the case of the science teaching curriculum, where both in 1925 and in 1987, the content of this curriculum was debated and litigated in some districts with the idea of teaching creationism as an explanation of as existence arises and eradicate the theory of Darwinian evolution in the teaching of scientific subjects. In the 1920s, some religious fundamentalists charged that teaching evolution was destroying people's faith in God and the Bible (Spring, 2008; Zimmerman, 2022). The 1925 trial in Dayton, Tennessee, centered on the question of whether the theory of evolution should be taught in public schools since creationism was required by law to be taught. In 1967, Tennessee repealed the law decades later, leaving teachers free to teach Darwin's theories without breaking the law. In the case of *Epperson v. Arkansas*, 393 US 97, In 1968, the Supreme Court unanimously struck down an Arkansas law that criminalized teaching evolution in public schools. In 1987 the case of *Edwards v Aguillard*, it was decided that teaching creationism in public schools is unconstitutional because it attempts to promote a particular religion.

The curriculum discussion from a religiosity agenda is more than a spiritual agenda or one of beliefs and ideologies. Legal discussions and maneuvers are also an arena of conflict to take political advantage and even to win local and national elections, using the discourse and motive of "cultural" wars to mobilize the vote and gain access to control funds and resources, but, above all, political influence (Spring, 2002). This was seen in the recent victory for the governorship of the state of Virginia in November 2021, where a former Democratic governor lost to the Republican candidate, who led an argument inciting the curricular fight against the lack of influence of families due to school control at the hands of academic elites and atheist and secular circles. Although it was not the only campaign argument, this line of political propaganda had its desired effect by attacking educational programs that contemplated explaining history in race relations using critical race theory. Also, this line of mobilization using the curricular theme and with contempt for what is taught in the schools supposedly occupied by these left-wing secular agents referred, for example, to the selection of books to read in the classroom, to sexual education, to the controversies related to the definition of gender and family, and again to the lack of inclusion of creationism in science, now defined as intelligent design.

This use of curricular content for political debate has served politicians in advancing their political ambitions, including onto the national scene, and given them a platform for notoriety. During election times, these issues tend to mobilize the voters. In other words, the agenda of religiosity against secularity at the school level is linked to political interests of a national nature in the struggle to control agendas, power, and resources, as well as control the judicial and legislative powers.

The Case of Schools for Native Americans

During the times of reconstruction after the Civil War in the 19th century, and after winning most of the wars with the Native Americans or negotiating territorial control treaties and the growth of zones and regions destined for the settlement of towns originally in the so-called reservations, an educational alternative arose that took development. These were boarding schools where aboriginal girls, boys, and adolescents lived during the school year, often including summers, and studied subjects taught in Common schools at the time but governed not by regional committees or states where these boarding schools resided but depended on a federal authority governed under the office of Indian affairs in the federal district of the city of Washington, with regional agencies dependent on the central (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, 2009b; Grinberg & Weisz, 2019).

However, the importance of this story here centers on the fact that the Christianization of the students was an interference and 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 the ones they practiced at home. In a certain way, it reminds us of the institution of the "encomienda," not

only for physical control but also for that process of evangelization aimed at being a form of emotional, intellectual, and spiritual power and control to favor a ruling class over a dominated class; a hegemonic control through the use of religion (Grinberg & Weisz, 2019).

BACKGROUND IN THE COURTS

Over time, certain principles based on the use of the records of court decisions and the reasons for these verdicts have been established so that courts may use them in future litigation cases related to the separation of public schools and religion. For example, the Lemon test was one of the most relevant cases that developed this protocol background to inform legal verdicts. This protocol is in reference to the case of *Lemon v. Kurtzman* of 1971, in which the courts judged using the legal concept of “excessive entanglement.” *Lemon v. Kurtzman*'s case arose because the states of Pennsylvania and Rhode Island enacted laws that allowed reimbursement to church-affiliated schools, covering expenses such as teacher salaries and the costs of textbooks and other instructional materials financed with money collected from taxes, which are public funds. As educational costs rose rapidly, subjecting parochial schools to ever more significant budget constraints, states offered financial assistance programs in an effort to ensure the quality of education in church-affiliated schools. (Pacelle Jr., 2009). This resulted in the ruling that these assistance programs violated the separation between religion and schooling by excessive entanglement (McGovern, 2009). To meet this test, courts should answer the following questions: Does the action have a secular purpose? Does action advance or inhibit religion? Does the action excessively confuse the government with religion?

Following this line of questions and answers in each case, it would also be considered whether the measures, actions, or programs would impact individual rights or the well-being and rights of the student. This is known as the student-benefit doctrine, which seeks to answer whether the action benefits the student, not the school or religion. For example, should the school district or the state subsidize transportation for students in religious private schools? It is considered that school transportation is a student's right, and therefore, not subsidizing it would be a violation of the student's right. In *Everton v. Board* (1947), the right to pay for transportation to a private religious school was disputed. In *Walman v. Walter* (1977) and *Agostini v. Felton* (1997), the courts ruled that some services could be subsidized with public money in religious private schools – is the “student benefit theory” in which, for example, state testing, diagnosis of special needs, therapy for individual students, and instructional programs for “disadvantaged” students are financed with public money (McGovern, 2009). This is not legally considered a violation of the separation but a benefit service to the student that does not benefit the religious institution. This doctrine impacted the provisions in federal law that provide funds for particular needs of students attending private, secular, and religious schools, such as the previously mentioned Elementary and Secondary Education Act, ESEA, 1965, and the No Pupil Left Behind Act. Back, NCLB, 1999.

In 1959, a group of parents in New Hyde Park, New York, filed a lawsuit arguing that the school district's creation of an ecumenical prayer violated the First Amendment of the Constitution, known as the case of *Engle v. Vitale*. This case involved the recitation for school functions of a 22-word non-denominational prayer recommended to school districts by the New York Board of Regents: “Almighty God, we acknowledge our dependence on you, and we pray your blessings upon us, our parents, our teachers, and our country.” The Court ruled that the constitutional prohibition of laws establishing religion meant that the government did not have

to compose formal prayers for any segment of its population to repeat in a government-sponsored religious program (Hudson Jr., 2009; Spring, 2008).

However, in defending the right of a public-school football coach to offer postgame prayers at midfield in *Kennedy vs. Bremerton School District* in 2022, Judge Neil Gorsuch (whose opinion is joined five other justices) argued that the court had long ago abandoned the Lemon test, which it criticized as being too abstract and ahistorical, for an approach that emphasized "reference to historical practices and understandings," indeed the Lemon test it has no relevance. Three dissenting justices, led by Justice Sotomayor, believed that the three-part Lemon test should continue to be helpful.

It should be noted that before 1962, it was expected to have a collective prayer at school events, but after the already mentioned case of *Engle v. Vitale* (NY) and another case, that of *Abbington v. Schempp* (PA), the courts considered the background under the magnifying glass of constitutional issues and, in a few words, it was established that the school, as such, can neither advance religion nor inhibit it, that is, the school cannot, as an institution, initiate or participate in religious acts and the prayer criteria should consider who "leads" this prayer considering Amendment 14 on the violation of personal rights. This means that the coach, a teacher, or other employee of the public school system may not initiate or lead a prayer of a religious nature, even if it is an ecumenical prayer (Glanzer, 1983). Nevertheless, if a group of students leads that prayer, that would be a right that the student has, and preventing it would violate the 14th Amendment because the personal right would be violated.

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. Secularity would become the enemy; precisely, as previously stated, secularity must function in the legal and practical framework of schooling as a control entity, not to eliminate religion but to prevent a particular religion from being privileged or imposed. Also, no religion institutionally benefits from resources and funds that must be directed exclusively to the student's interest, as we previously stated in the discussion of the criteria and legal background.

In other words, in this discussion framework, secularism is not an ideology as it would seem to be in the case of France or Uruguay, but rather as a regulatory and balancing mechanism or as a mediator to avoid abuse and privilege. Of course, the most relevant limitation, we believe, is how the courts would rule in different cases, interpreting the law according to how each court decides to judge, sometimes influenced by ideological principles with religious roots.

EDUCATIONAL PRACTICES AND POLICIES

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 Student Dropout" (NCLB) law mentioned above, among other educational and budgetary provisions, I 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 some free time, in a private place such as an empty classroom, an unused assembly room, or in a library, for example, it should be given space to pray, usually in private.

For example, in the state of New Jersey, a minute of silence is provided during the school day to allow students to pray silently or, if not pray, to use the minute to meditate or reflect. This practical solution respects the student's individual rights but does not violate 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 the 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, which in some schools have high percentages 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 politically for the city's Muslim community to ally with the school district by filling a need at little cost and without major legal problems. This is so because of the legal precedent to justify this practice found in the case of *Westside Schools, Nebraska, v. Mergens*, 1985, which disputed 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 historical or religious text.

Moreover, there are more cases in New Jersey that point to the blurred border of the separation of religion and schooling, where secularism does not hold sway. Most school districts close their schools on Good Friday and also on Yom Kippur and Rosh Hashanah (Jewish observances), on Eid al-Fitr and Ashura (Muslim observances), and 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 student absenteeism. Maintaining lessons or projects in classrooms with few students would be challenging, and they would simply entertain the youth. This would mean teachers should teach the same lessons again when all students are present. It is also practical because in several of these districts, the teachers and principals themselves observe religious holidays, and it would mean, if the school is open, that they would need to hire a large number of substitute teachers, which would be a senseless budgetary expense if there were practically no they would give lessons. These programmatic solutions give districts political capital by avoiding conflicts with parents, community, and religious leaders.

Economic Dimension

Who pays what and to whom? The decision of the Supreme Court in the case of the state of Maine for the vouchers to be used as a form of payment of fees for religious schools using state funds indicates a pragmatic interpretation going beyond the principle of separation of religion and schooling (Hutchinson, 2022). In the interpretation of the Supreme Court of Justice, this is necessary because the distances in rural areas to access a public school are very long. In winter weather with storms and snow accumulation, having to go on a school bus for an hour or more is a grievance. Since Maine cannot open more public schools in these rural areas, and if it does, they would have very few students, making this an inefficient and ineffective project, 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 since it would then discriminate by not giving choice to families that do not reside near a public school or a secular private school. Therefore, to benefit the student and neutralize likely discrimination, the decision was that if the nearest school is private and religious, the family could receive the voucher and use it to pay fees at that nearest school.

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 of using state funds for fees in religious schools beyond the issue of distance and inconvenience or transportation security. Nevertheless, if the vouchers can be used to pay private, religious, or secular school fees, education budgets can only be sustained with drastic service reductions. The reason is that the number of students served with the budgets would grow exponentially as the families of the students in these schools would take advantage of being able to use these funds to which they did not previously have access. 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 approximately 5,000,000 students in some 35,000 private schools, with more than 3,000,000 students in some 13,500 religious' schools. There is concerted opposition, including teachers' unions, actively opposing the possibility of extending the use of vouchers at all levels, and much of this campaign focuses on defending the secular motive of schooling and the separation between religion and schooling. It would seem that, as in the past, in the case of schools in New York, Boston, and Philadelphia, politicians are reminded of the importance of the secularization of schooling when there is tension in which states and school districts it can cost money. Then, they remember to separate religion and school (Grinberg & Weisz, 2019); however, with a limitation, this is possible as long as this separation does not mean depriving the individual or groups of their right to religious freedom.

PUBLIC OPINION AND TRENDS

Undoubtedly, public opinion on issues of religion and state may influence how courts and politicians interpret the separation of religion and schooling in the future, and secularity's role as a social and legal regulator and facilitator plays a leading role. Surveys and contemporary opinions carried out by Pew (2021) and Gallup (2021) research suggest that 45% of the

population considers the US to be a "Christian" country. The Pew Research Center (2021) reports that, in 2020, 64% of the population identified as Christian, while only 17% of the population said they did not believe in God. The following figure shows us the changes in belief in God from 1945 to 2020. There has been a significant decline, especially in the last decade, even though the percentage of total believers remains very high compared to non-believers.

When looking at where the decline occurs, reports indicate that these groups include left liberals (62%), young adults (68%), and members of the Democratic party (72%). On the other hand, belief in God is high among conservatives (94%) and members of the Republican party (92%). This reflects that religiosity and secularism are determining factors in the political divisions in the US. It must also be considered that the percentage of the population that defines itself as having no political affiliation grew from 5% in the 1970s to 30% of adults in 2022 (Pew Research Center, 2021).

However, it is very relevant to this discussion to understand that 55% of those interviewed in a representative sample of the population in this country that we are analyzing favor the separation of state and religion. In comparison, 12% do not have an opinion on the matter, and 18% have mixed positions (Pew Research Center, 2021).

Considering the background discussed in this essay, and given the current demographic, political, legal, and religious conditions, we believe that, without wanting to prophesy and predict the future, these are probably the trends:

1. a balance of coexistence and coincidence between schooling and religion will continue.
2. Given the nebulousness of the legal limits, conflicts will continue to be a constant.
3. Resolutions of conflicts can be pendular according to the contexts and circumstances.
4. The impact on curricular and pedagogical aspects will probably be limited.
5. Secularism will continue to serve as a regulator to prevent the dominance of any religion, and this will be despite the attempts to build secularity as a regime of truth that would function as a religion in the sense of producing truths and hegemony.

CONCLUSION

Despite the constitutional principles of separation of religion and state, public schools in the United States have presented a challenging arena for struggle about the level of separation and entanglement between religion and American public schools. Historically, the boundaries of separation have been murky and influenced by political and economic dimensions of influence, in addition to the legalities associated with schools, students' rights, and religious involvement in public institutions.

Secularism has served as a balance in such a relationship to protect schools as a public institution from religious influence and to protect religion from public political pressures and influence. However, the interests and rights of the individual, in the case of the schools, would be the rights of the students take precedence over such separation, as illustrated in this paper through exploring different dimensions and jurisprudence related to the permeable boundaries of such separation.

The precedents discussed in this paper insinuate that the relationship between religion and public schools in the US (a) was and will continue to be complex despite the constitutional

separation of religion and state and (b) that such a relationship will not drastically and dramatically alter the balance because public schools need to keep autonomy from religious influence and for religious institutions to maintain at a bay the potential threat of intrusion or, worst, control by the state. However, public opinion, legal challenges, politics, and the US Supreme Court rulings will continue to shape the relationship.

References

- Adams, D.W. (1995). *Education for extinction: American Indians and the boarding school experience, 1875–1928*. Lawrence: University of Kansas Press.
- Barker, R.S. (2012). Natural Law and the United States Constitution. *The Reviews of Metaphysics*, 66(1), 105–130.
- 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. & 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 Global Contexts of Education: What Every Novice Teacher Needs to Know* (pp. 75–94). IA: Kendall-Hunt.
- 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, TM (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.
- McGovern, G. (2009). Lemon vs. Kurtzman I (1971). in *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 global contexts in education* (pp. 95–107). IA: Kendall-Hunt.
- National Center for Education Statistics (2022). <https://nces.ed.gov/fastfacts/>

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 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/>

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 edition)*. NJ: Routledge.

Zimmerman, J. (2022). *Whose America? Culture wars in the public schools (2nd edition)*. Chicago: University of Chicago Press.