

Congregational Advocacy Statement Against Religiously Infused Curriculum in Public Schools in Grades K-5

BACKGROUND

Beginning in 2009, Texas law permitted the teaching of the Old Testament and New Testament in elective courses in grades 9 and above (Education Code 28.011(a)). In addition, the legislation authorized an enrichment curriculum for grades K-12 that included “religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature” (Education Code 28.002 (2)(G)).

Fast forward to 2023, when the Legislature passed HB 1605 that required the State Board of Education (SBOE) to create a new process for approving curriculum (all curriculum, not just curriculum with religious elements) and set out monetary incentives for school districts that use curriculum approved under this new system. In accordance with that authority, the State Board of Education (SBOE) over the summer posted the proposed new curriculum for grades K-5 in English Language Arts and Reading that contains many Bible stories and biblical references. Public comments were solicited over the summer and a public hearing was held before the SBOE on September 10, 2024. At the hearing, many voices were heard both against and in favor of the curriculum and not all comments addressed the religious aspects of the curriculum. The SBOE voted to approve the curriculum by a vote of 8-7 on November 22.

The advocacy team has provided an additional voice representing Temple’s Jewish community of 2,500-plus families against the religious material in the curriculum on the basis that it is inappropriate for young children and is not religiously neutral in its inclusion of the stories in the curriculum, thus giving favor to Christianity .

It’s important to note that school districts will not be required to use the curriculum. However, the state has provided a school district a per-student monetary incentive to adopt it. The incentive is probably \$20 per student (to cover printing costs), but there have been some reports that it could be as much as \$60 per student. So, for instance, in DISD with about 61,000 students in grades K-5 it could mean an additional \$1.2 million or possibly \$3.6 million if the curriculum is adopted.

OUR JEWISH VALUES

Education of the young is commanded in our sacred texts as far back as Deuteronomy where God instructs parents to teach their children in the laws God set forth to the Jewish people (Deuteronomy 6:5-9). Jewish law also demands that the community take responsibility to educate children in recognition that a child should not suffer the consequences of being uneducated if he/she is orphaned or if the parents fail to carry out this duty. While these texts originally applied to a duty to Jewish children, Judaism’s command to do justice and repair the world (*tikkun olam*) would demand a universal application to educate all children, Jew or gentile. From these interpretations of biblical text, the foundation for a public education system was established. And the Reform Jewish Movement unconditionally supports public education as necessary to maintain a democracy. In 2001, the URJ wisely noted that “... public schools take the poor, and the handicapped, the abused and the foster children, the Christian and the Muslim, the Roman Catholic and the Jew. They do more in a day than most institutions do in a lifetime.”

STATEMENT IN OPPOSITION TO RELIGIOUSLY-INFUSED CURRICULUM

THE RELIGIOUS CONTENT IN THIS CURRICULUM IS NOT NEUTRAL AND FAVORS CHRISTIANITY

Teaching about religion in public school will pass constitutional muster if it does not entangle the government with religious belief, is neutral by not favoring one religion over another, and is presented objectively. The religious aspects of this curriculum taken as a whole does not meet this standard. For instance, the use of the word “Bible” in most instances is only referring to the Christian Bible. With some exception, the Hebrew Bible is referred to as the “Hebrew Scriptures” or the Old Testament. Semantically, this gives the Christian Bible greater status than the Hebrew Bible. In addition, when Christian Bible stories are presented, the text many times intimates that the story is factual, rather than a core belief. For instance, the Fifth Grade curriculum covers the Renaissance period. As part of the study, Leonardo Da Vinci’s painting, *The Last Supper*, is introduced. The teacher’s guide instructs the teacher to explain that the story depicted in the painting comes from the Bible in Matthew 26: 20-25 and concerns Jesus’ premonition of his betrayal, death, and resurrection, core beliefs of Christianity. But the material is presented as historical fact, not as Christian belief. In our view, this is subtle teaching of religion, not teaching about religion. Older children may be able to distinguish what is fact from what is belief, but younger children may just believe that this was a factual historic event.

Second graders in their unit on “Fighting for a Cause” learn about historical figures who stood up to oppose slavery (William Penn, William Wilburforce), segregation (Martin Luther King, Jr., Rosa Parks, Jackie Robinson) and fair treatment for migrant farm workers (Cesar Chavez) and others as well. Also included are two chapters from the “Hebrew Scriptures” telling the story of Queen Esther. The way this story is told is inaccurate. This unit demonstrating the courage it takes to stand up for what is right could easily be taught without the Biblical story and have the same impact on morality and positive values.

In the kindergarten curriculum, following the Goldilocks and the Three Bears story and discussion, the curriculum delves into the Golden Rule— “Do unto others as you would have them do unto you”. Teaching about the golden rule is important and certainly adds to the moral development of children. But here, the first attribution for the rule is from Jesus’ Sermon on the Mount. Later, in another chapter, there is discussion of how the Golden Rule is also in the Book of Leviticus as “Love Thy Neighbor as Thy Self”, followed by the Good Samaritan story in the New Testament. There is a brief recognition that Islam and Hindu religions also have their own version of the golden rule, but no passages are given, and the clear emphasis is on the Christian and Jewish concepts of treating others with respect and care.

There are many other religious stories weaved throughout the curriculum. The stories blur the lines between fact and religious belief and are unnecessary to teach morality and the importance of being a good person.

RELIGIOUS TEXTS ARE NOT SUFFICIENTLY INCLUSIVE OF OTHER MAJOR RELIGIONS

As noted above, there is insufficient inclusion of other faith traditions. The Pew Research Center last conducted its Religious Landscape Study in 2014 and reported that the top five religions in the United States were Christianity, Judaism, Islam, Buddhism, and Hinduism. Yet there are only scant references to the latter three and no religious texts cited that would demonstrate how their religions follow similar ethics. And, it wouldn't have been difficult for the curriculum to add in those religious texts. Such additions would have helped to balance the stories and morals being taught to show that other religions have similar doctrines.

ACADEMIC STUDY OF THE BIBLE OR WORLD RELIGIONS IS BEST TAUGHT AS AN ELECTIVE IN LATER GRADES:

Texas law already authorizes the academic teaching of the Old and New Testament as an elective to older students in grades 9 and above. The statute itself makes clear that the course “shall not endorse, favor, or promote, or disfavor, or show hostility toward, any particular religion or non-religious faith or religious perspective”. Education Code 28.011 (d). Interestingly, the law that authorized the teaching of religious literature including the Hebrew Scriptures (Old Testament), and New Testament to younger children has no such admonition.

Teaching how religion has influenced history, art, and literature is important, but teaching it to young children through a public school lens is difficult, if not impossible, needle to thread due to children's lack of maturity and experience with their own religious upbringing. The religious parts of this curriculum do not thread that needle. It also has great potential to undermine parents' rights to raise their children in the religion of their choosing.

PUBLIC SCHOOL TEACHERS ARE NOT RELIGIOUS EDUCATORS:

Most public school teachers are not trained to teach religion generally, and even more importantly not trained on how to teach religious text in a public school without running afoul of the First Amendment and Federal and state law. If this curriculum is approved, school districts adopting it would have to ensure that teachers receive extensive training on how to teach the material and how to handle class discussion on the meaning of the material presented to such young children, especially given the diverse student population with a wide variety religious faith and non-faith. Interestingly, with regard to high school elective courses in the Old and New Testaments, Texas law encourages hiring teachers that have minors in religion or biblical studies in addition to certifications in language arts, social studies or history at the grade level the course is being taught. It also requires the teacher to successfully complete staff development training specific to teachers of Bible courses (Texas Education Code 28.011 (f)). No such training is required for teachers using a Biblically infused curriculum in grades K-5. Moreover, when the Legislature passed HB 1605, they added a new provision in the Education law that gives teachers immunity from disciplinary actions brought against them alleging violations of the First Amendment as long as they establish that they followed the SBOE approved curriculum with fidelity (Education Code 22.05125).

FIRST AMENDMENT ISSUES PRESENTED BY THIS CURRICULUM

There is little doubt that if this curriculum is approved by SBOE and adopted by a school district there will be litigation on whether this curriculum violates the First Amendment. First Amendment law is complicated and case specific. However, for purposes of our immediate advocacy before the SBOE and potentially before local school boards, we would argue against the approval of this curriculum on the basis that the religious content is inappropriate for young children, is not inclusive of other world religions, favors Christianity, and does not provide for training teachers to teach the religious aspects of the curriculum.

It's important to note that over the past few years, the Supreme Court has taken a new look on the court's interpretations of the First Amendment especially regarding the scope of the establishment clause, the free exercise clause, the free speech clause and the interrelationships between them. We believe this curriculum is just part of a wider effort to instill more religion into public

schools and to help private religious schools financially. With the Texas Legislative session only a few months away, we expect that there will be further legislation that will touch on First Amendment issues involving religion in public schools. We hope to come back to the Board with a broader discussion of religious freedom advocacy in the near future.

CONCLUSION

For the foregoing reasons, the advocacy committee believes the proposed curriculum with its religious content should not be approved by the SBOE. We therefore would like to have Temple Emanu-El go on record to object to the curriculum by submitting its comments to the elected members of the SBOE. If the curriculum is approved, we would like to be able to advocate to the local school districts against adoption of this curriculum and potentially other religiously infused curricula that may seek SBOE approval in the future.

Temple has many families whose children attend public school and will be impacted if this curriculum is approved and adopted. The non-religious content in the curriculum provides ample moral values for young children to master. Adding a layer of religious content is unnecessary and potentially violates the Constitution's prohibition against the government's entanglement with religion.

Approved by the Temple Emanu-El Board of Trustees, October 15, 2024