

AN EDUCATIONAL UPDATE FROM
THE SOUTHEAST LAW INSTITUTE™, INC.

To: Interested Persons
Date: September 2019
From: A. Eric Johnston
Re: The Bible as an Elective Course in Alabama Public Schools

In this past legislative session, the Alabama Legislature passed Alabama Act 219-508 (“Act”). It permits public schools to offer elective courses in grades 6-12 for the secular study of the Bible. The Act authorizes a social studies course of the Hebrew scriptures of the Old Testament and of the Greek scriptures of the New Testament. It allows study of the Bible, but not as a religious document. The State Board of Education is instructed by the Act to adopt rules concerning this teaching.

Elective courses may be taught on Bible characters, poetry and narratives useful to understanding history, contemporary society and culture, including art, music, social mores, oration and public policy. The purpose is to familiarize students with contents of the Bible and religious history and its influence on law, history, government, literature, art, music, customs, morals, values and cultures. The teacher must maintain religious neutrality and accommodate the diverse religious views, traditions and perspectives of students in the school. The course may not endorse, favor, promote, disfavor, or show hostility toward any religion. Religious artifacts, monuments, symbols, *etcetera*, may be displayed in conjunctive with the course of study. No teacher may be required to teach such course. In other words, the objective is to teach the Bible without any teaching of its religious meaning.

The Bible is a recognized valuable, influential and widely read book, notwithstanding that it incorporates two of the world’s great religions. We think the interest in promoting the Bible for the stated reasons is important, particularly for students who do not regularly attend a church or synagogue and would otherwise have very little information or knowledge about the Bible.

On that basis, SLI has long supported the teaching of the Bible in public schools. For a number of years, we have provided assistance to the National Council for Bible Curriculum in Public Schools. In states including Arkansas, Georgia, Iowa, Kentucky, New Mexico, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, and Texas, we have prepared legal analysis and presented testimony before many committees for the purposes of explaining the constitutionality of the teaching of Bible for the secular purposes. In 1963, the SCOTUS case of *School District of Abington Township v. Schempp* held that the Bible could be “presented objectively as a part of a secular program of education.” The constitutional constraints stated there must be followed, otherwise it is a violation of the Establishment Clause and prohibited.

In 2008, we presented testimony to the Alabama State Textbook Committee on the teaching of the Bible using a well-known and widely used textbook, *The Bible in History and Literature*. That textbook was adopted by the Alabama State Textbook Committee to be used in an elective course. Depending on the time, there have been as many as 230 public schools in Alabama teaching about the Bible with this textbook.

Consequently, you may ask why was this new Act necessary? We asked that same question of knowledgeable legislators, but the answer we generally received was that the sponsors of the bill had it as a priority and really wanted it passed. While we expressed our concern, we did not actively speak against the bill and generally reserved our comments. Our main fear was that there would be misunderstanding and abuse of such a law that would actually diminish the ability of the Bible to be taught in this fashion. Nevertheless, the Act became law and on July 31, 2019, the State Department of Education issued guidance to Alabama public schools.

But as you might expect, the very first news about application of the new law finds controversy which could be a deterrent to constitutional and proper teaching of the Bible in public schools. It was reported on August 8, 2019, that Morgan County public schools would offer a course, “Survey of the Bible,” with dual enrollment online with a Christian college from North Carolina, Piedmont International University. Immediately, the Freedom from Religion Foundation, a constant harasser of Alabama public schools on religious issues, took exception. It seems clear to us that a public school enlisting the aid of a religious school to present the Bible under the Act is asking for a lawsuit and will result in a bad precedent for public schools in Alabama. Public schools will be wary of entering into the fray. We hope the reports are not altogether correct and we hope the Morgan County public schools will comply with the requirements of the Act and the Constitution. We also hope this will not threaten the otherwise constitutional teaching about the Bible in Alabama’s public schools.

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