

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

To: Interested Persons
Date: November 2019
From: A. Eric Johnston
Re: Yoga in Alabama Public Schools

In 1993, a provision was put in the *Alabama Administrative Code* (“ACC”) that prohibited the teaching or exercise of yoga in public schools. See, AL ADC 290-040-040-.02. Without passing on the validity of “yoga,” it was accurately defined as “a Hindu philosophy and method of religious training in which Eastern meditation and contemplation are joined with physical exercises, allegedly to facilitate the development of body-mind-spirit.”

In mid-2018, the Alabama State Department of Education (“ALSDE”) received a communication from Rajad Zed, President of the Universal Society of Hinduism requesting that the prohibition of teaching yoga in public schools end. According to AL.com, he explained yoga is “a methodical effort to attain perfection, through the control of the different elements of human nature, physical and psychical.” On September 13, 2018, SLI wrote the School Board explaining an establishment of religion violation would occur if the prohibition was rescinded. See, October 2018 SLI Educational Update.

Subsequently, a proposed ACC provision attempted to remove the “spiritual” aspects of yoga and make it a physical exercise. On February 13, 2019, SLI again wrote the School Board noting the proposal on the School Board agenda was to amend the ACC provision to permit the teaching of yoga. The School Board took no action.

In the 2019 regular legislative session, HB449 was filed as a legislative bill to permit the teaching of yoga in Alabama public schools. We called for a public hearing. Clete Hux of Apologetics Resource Council provided oral testimony to the House Education Policy Committee on the reality of yoga as a religion. Testimony in support of the bill was from a number of yoga instructors, all of whom emphasized the mental aspects of yoga.

SLI testified that the very testimony of the advocates of the bill demonstrated that yoga is more than a physical exercise, but involves exercises of the mind techniques, including spiritual. That is true because yoga is a religion. We explained to the committee that to permit the exercise of yoga in public schools would definitely impact the minds of impressionable children leading them to believe that with the imprimatur of the state, yoga is acceptable. SCOTUS has repeatedly prohibited in Establishment Clause cases a state’s seal of approval on religious activities in public schools. As we know, Bible reading, prayer and all types of religious activities have been removed from public schools. Why then is it permissible for yoga, a religious exercise, to be permitted?

There has been a significant amount of public commentary about this. Unfortunately, many uninformed doctish commentators have taken to the editorial byways to condemn our efforts to keep yoga from being taught in public schools. They fail to understand the complexities of religion and the impact that spiritual activity has on people, particularly children. In addition to the very good information provided by the Apologetics Resource Council, Bob Waldrip at Crosswinds Foundation has provided an in-depth analysis of yoga as a religion. See, crosswindsfoundation.org/wp-content/uploads/2019/10/08-August-Vol-12-1-8x11.pdf or you can visit www.crosswindsfoundation.org.

Of course, there is no question that yoga is religion. Also, there is no question that it is a widely practiced activity in colleges, by adults, and in many other places. It is a relaxation technique for many. Testimony has been provided for how it helps physically and psychologically in other ways. None of that changes the fact, however, that yoga is an important part of Hinduism and other far Eastern religion. It is a gateway to spiritual activity. We simply cannot permit, even in the face of all the well-meaning advocates, school children to be exposed to the possibilities of that gateway being opened into their minds. It is a complex and difficult subject that can be argued at many levels. We expect the arguments to continue, including another legislative bill to be introduced in the 2020 regular session of the Alabama Legislature.

SLI will continue to oppose this establishment of religion in Alabama public schools. We will continue to provide legal support to those organizations and individuals who know the dangers of spiritual, mental and emotional conflict as a result of evil cloaked in innocent efforts by some well-meaning, but misinformed adults, and by those with pernicious motives who know the truth of this charade.

Just as the practice of Christianity is not permitted in public schools, the practice of Hinduism, Islam, Judaism, or any other “ism” is not permitted in public schools. On the other hand, the Federal Equal Access Act of 1984, 20 U.S.C. § 4071, permits Bible clubs and other religious activities in public secondary schools, which would include yoga. However, there are statutory and constitutional requirements for the manner in which those activities may be permitted. That law is constructed in such a way to avoid state approval of religious activities.

If you have students in a public school and yoga is being practiced, bring the ACC provision to local officials’ attention. If you need assistance, please call on SLI. We are glad to provide legal advice free of charge.