



Written by [Raven Clabough](#) on September 17, 2011

## School Closed for Teaching Secular Bible Course

Fox News [explains](#): "At issue is the Nampa Classical Academy, a charter school, founded by Moffett in 2009. One year later, Idaho's Board of Education shut the school down, citing its use of "religious texts" inside classrooms. Moffett says he only used the texts to teach history and is now suing the Board in federal court.



"[The Bible] is so much more," said Moffett. "It's a primary source of history. It's a primary teaching source of actually people who lived during the time period."

According to Moffett's lawyer, David Cortman, the Board of Education's actions are a blatant violation of the U.S. Constitution.

The establishment clause of the First Amendment of the U.S. Constitution states that "Congress shall make no law ... respecting an establishment of religion." However, the courts have ruled, based on their interpretation of the 14th Amendment, that the prohibition against Congress establishing a religion applies not only to Congress but to the states, including public schools. The courts have also stretched the establishment clause to the extent that "an establishment of religion" includes even the saying of a nondenominational prayer in a public school classroom. When the Founding Fathers prohibited Congress from establishing a religion, their intent was to prevent the national government from establishing a state-sponsored religion along the lines of the Church of England. The oft-heard phrase "separation of church and state" is found nowhere in the Constitution.

But the issue regarding the constitutionality of the Bible reading that took place at the Moffett Nampa Classical Academy is not over whether Bible reading per se constitutes an establishment of religion; it is over whether using the Bible for secular purposes is unconstitutional.

"I suspect the Supreme Court is going to eventually write the final book of this case," said Cortman. "The Supreme Court of the United States has held for decades now that it is Constitutionally permissible to objectively teach the Bible in public schools for history or comparative literature."

That was Moffett's goal. However, the Idaho Board of Education defended its position that Moffett was in violation of the school's position on religious texts: "Use of any religious texts within Idaho's classrooms, would likely violate the Idaho State's Constitution."

However, the Idaho State Constitution is specific about teaching religious doctrine in school, not necessarily utilizing religious texts. Title IX reads, "No Sectarian or religious tenants or doctrines shall ever be taught in the public schools."

Cortman contends that "this is a misrepresentation" of the state's Constitution.

As Moffett is now suing the Board in federal court, Cortman is confident that they will win. "We feel we



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are on very firm ground on this one," he said.

There is some judicial precedence in favor of Moffett's case. In *McCollum v. Board of Education*, Justice Robert Jackson wrote, "One can hardly respect the system of education that would leave the student wholly ignorant of the currents of religious thought that move the world society for ... which he is being prepared."

In the 1963 *Abington Township School District v. Schempp* decision, the majority opinion indicated that exemptions for secular study of Scripture ought to be made. "Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment," wrote Justice Tom C. Clark.

Marc Stern, general counsel for the American Jewish Congress, contends, "It is beyond question that it is possible to teach a course about the Bible that is constitutional."

As [reported](#) by *Time* magazine, there has been an increase in the number of schools that teach the Bible in purely secular terms. *Time* observed that the number of public school courses on the Bible were rising in popularity. In 2007, *Time* wrote:

Last year Georgia became the first state in memory to offer funds for high school electives on the Old and New Testaments using the Bible as the core text. Similar funding was discussed in several other legislatures, although the initiatives did not become law. Meanwhile, two privately produced curriculums crafted specifically to pass church-state muster are competing for use in individual schools nationwide. Combined, they are employed in 460 districts in at least 37 states. The numbers are modest, but their publishers expect them to soar. The smaller of the two went into operation just last year but is already into its second 10,000-copy printing, has expressions of interest from a thousand new districts this year and expects many more. The larger publisher claims to be roughly doubling the number of districts it adds each year. These new curriculums plus polls suggesting that over 60% of Americans favor secular teaching about the Bible.

At the New Braunfels High School in Texas, a Bible literacy class proved to be very popular, and a number of students ranging from Christians to atheists signed up for the course. Student Rachel Williams indicated that she signed up for the course in order to be able to engage in more sophisticated, educational discussion of religion.

"If somebody is going to carry on a sophisticated conversation with me," said Williams, "I would rather know what they're talking about than look like a moron or fight my way through it."

Stephen Prothero, chair of the Boston University religion department, in his book *Religious Literacy*, argued in favor of Bible literacy courses. "In the late '70s, [students] knew nothing about religion, and it didn't matter. But then religion rushed into the public square. What purpose could it possibly serve for citizens to be ignorant of all that? The new consensus for secular Bible study argues that knowledge of it is essential to being a full-fledged, well-rounded citizen."

Arguments in favor of teaching Bible literacy courses indicate that such courses would help make sense of the ideas and the rhetoric that helped drive American history, as well as aid students in understanding certain themes and symbols in class literature.

Whether Cortman and Moffett will be successful in court remains to be seen, but the case certainly underscores a lack of unanimity on whether the Bible can be approached on a purely secular level and whether there is a place for it as literature in the classroom.



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