

# MAINE STATE LEGISLATURE

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*Program of instruction in school  
Education independent teaching*

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April 26, 1978

Martin A. Neptune, Chairman  
Steering Committee  
Indian Island School Evaluation Committee  
112 Oak Hill Street  
Old Town, Maine 04468

Re: Religious Instruction for the Indian Island School

Dear Mr. Neptune:

This responds to your letter of April 3, 1978, by which you request our opinion as to whether the United States Supreme Court bans on teaching of religion in public schools apply to the Indian Island school.

Your letter states the following facts:

"The students in grades 1-6 are being taught the Catholic religion for 30 minutes of each school day. During this period, students not of the Catholic faith leave the classroom at their parent's request and spend this time in the gym reading, coloring, etc."

Based on the facts you have provided, I believe that the United States Supreme Court rulings which ban religious instruction in the public schools would apply to the Indian Island school. The Indian Island school is a public school financed by the State of Maine. Thus it is a public agency. Further, the school committee on Indian Island is governed by the general laws dealing with education in the same manner as any other school committee or board of directors in the State. 22 M.R.S.A. § 4719.

Our office generally discussed the question of public school religious exercises, prayer, Bible reading, and other such matters in an opinion dated February 4, 1976. That opinion is attached for your information. That opinion cites United States Supreme Court cases which:

- ban prayer in schools even if the prayer attempts to achieve denominational neutrality, Engal v. Vitale, 370 U.S. 421 (1962).
- prohibit releasing students from school time to participate in religious activities when the religious activities are to occur on school premises, Illinois ex rel. McCollum v. Board of Education, 333 U.S. 203 (1948).


- prohibit Bible reading, without comment, as a classroom activity with individuals being excused on request, School District of Abington Twp., Pa. v. Schemp, 374 U.S. 203 (1963)

The religious activities you indicate are undertaken in the Indian Island school, direct religious instruction in a specific faith in a school classroom, with students excused where their parents desire that they be excused, appears to be a greater involvement of the public school in religious instruction than any of the activities which the Supreme Court found to violate the Establishment Clause of the First Amendment of the United States Constitution.

Accordingly, it would be my view that the Supreme Court decisions apply to the activities which you describe occur in the Indian Island school.

I hope this information is helpful.

Sincerely,

  
JOSEPH E. BRENNAN  
Attorney General

DGA:jg

cc: Governor James B. Longley  
H. Sawin Millett, Jr., Commissioner of Education  
Edward Dicenso, Superintendent of Schools  
Wally Buschmann, Assistant Attorney General