

DENIAL OF "RELEASE TIME" CHALLENGED SUCCESSFULLY

When the Catholic League learned that students in a Long Island public school were not being accommodated to attend religious instruction, it sent a letter directly to the superintendent of schools. Here is what the letter said.

December 2, 1996

Dr. Herman A. Sirois
Superintendent, Levittown Public Schools
Abbey Lane
Levittown, New York 11756

Dear Dr. Sirois:

It has been brought to my attention that the 7th grade students enrolled in chorus at Wisdom Lane School have been forced to choose between attending the Winter Concert on a night that regularly schedules religious instruction at a nearby Catholic school and missing their religion class. I find this troubling for many reasons.

In 1952, the Supreme Court in *Zorach v. Clauson*, explicitly endorsed the "release time" program in New York State that allowed Catholic students who attend public schools to be released early from class so as to attend religious instruction. The majority opinion of the court, written by Justice William O. Douglas, said in part:

"We are a religious people whose institutions presuppose a Supreme Being. We guarantee the freedom to worship as one chooses. We make room for a wide variety of beliefs and creeds as the spiritual needs of man deem necessary. We sponsor an attitude on the part of government that shows no partiality to any one group and that lets each flourish.... When the state

encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs.”

It would seem, then, that a request made in October to switch the dates of the Winter Concert from Thursday night to say, Wednesday, was a reasonable exercise of this right (if this had been done, and a switch was made between the 6th grade students and the 7th grade students, then no one would have been adversely affected). But the request was denied by the chorus teacher.

Even worse, this same teacher contacted the local Catholic school and was told that students were allowed to miss two classes and remain in good standing, from which she decided that the Wisdom Lane Catholic students could afford to miss a class so as to attend the Winter Concert. In addition, the chorus teacher gave the students who couldn't attend the concert a report to do in lieu of their absence. When this issue was brought to the attention of the Vice Principal, no relief was given.

It is too late to correct this matter this year. But it is not too late to take initiatives that will avoid any such occurrence in the future. Obviously, “release time,” like all constitutional rights, is not an absolute right, and no one is claiming that virtually any invocation of this right must be respected by public school officials. But given the clear letter of the law to “accommodate the spiritual needs of students” by “adjusting the schedule of public events to sectarian needs,” it seems judicious to allow reasonable requests—such as this one—to be honored.

Please let me know your thoughts on this matter.

Sincerely,

William A. Donohue, Ph.D.

President

We are pleased with the outcome. On December 9, Herman Sirois wrote to Dr. Donohue explaining that "the incident to which you refer was an isolated one, and one which does not reflect district policy. To the contrary, the Levittown School District has provided its students with generous flexibility in the scheduling of and attendance at school events vis-a-vis individual religious obligations, including extensive provisions for early release for religious instruction."

The league expects that it will not have to revisit this issue with this particular school district next year.