

***HARRIS v. JOINT SCHOOL DISTRICT NO. 241, 821 F. Supp. 638, 83
Ed. LAW Rptr. 129 (D. IDAHO 1993)***

Facts

Joint School District No. 241 had a policy which allowed senior students to vote to determine whether to include prayer at their graduation. This policy was challenged by Phyllis Harris on behalf of herself and her three children. She alleged the inclusion of prayer at public high school graduation ceremonies violated the Establishment of Religion Clause of the First Amendment. That clause prohibits the state or any of its actors, in this case a school district, from establishing a religion.

Harris asserted that the principal and school board members preside over the ceremonies and introduce the persons delivering the prayers. She claimed that this involvement impermissibly connects the schools and religion.

She claimed the fact that students vote on the prayers is irrelevant. The longstanding tradition of prayer at graduation ceremonies creates pressure to continue the practice. She also argues that a minority of students opposed to prayer could never have their feelings respected. Finally, she maintains that students may feel pressure to approve the prayers because they believe the faculty supports it.

Issue

When students have the authority to plan the ceremony, do prayers at public graduation ceremonies violate the First Amendment prohibition against the establishment of religion?

Decision

No. The court concentrated its analysis on one issue, whether school personnel directed and controlled the prayers as had been found improper in *Lee v. Weisman*. The court compared this case to that of *Jones v. Clear Creek*, 977 F.2d 968 (5th Cir, 1992). *Jones* concluded that student-planned, student-delivered prayer withstood constitutional challenge as no state actor was implicated. The involvement of school personnel merely accommodated the students' choice. Accordingly, the court found that the policy of the Joint School District No. 241 did not violate the Establishment Clause of the First Amendment.