**The Case for Moral Instruction**

Moral instruction has represented an important component of public education since the birth of this nation. The Northwest Ordinance of 1787, the first federal law addressing education, required new territories admitted to the Union to recognize that *“religion,* ***morality****, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.*” Morality represents a necessary leg to support the 3-legged stool of education.

Building upon this emphasis, in 1832 Abraham Lincoln wrote that he desired "to see a time when education, and by its means, **morality**, sobriety, enterprise and industry, shall become much more general than at present." Even Horace Mann, a nineteenth-century advocate for public schools, recognized the need for moral instruction to counter “the dark host of private vices and public crimes, which now embitter domestic peace and stain the civilization of the age." No doubt building on these sentiments, the *McGuffey Readers* became popular textbooks during the nineteenth and early twentieth centuries with stories and lessons on morality. Thus, from the outset, our public schools necessarily and naturally included a deep fabric of moral instruction.

Kentucky also has long recognized the importance of moral instruction in public education. For example, KRS 158.6451 seeks to ensure that students will “become self-sufficient individuals of good **character** exhibiting the qualities of altruism, citizenship, courtesy, hard work, honesty, human worth, justice, knowledge, patriotism, respect, responsibility, and self-discipline.” KRS 158.005 defines such "character education" as instruction that improves “the ability of students to make **moral** and ethical decisions in their lives.”

I doubt that anyone would deny that current challenges facing our youth heighten the need for moral instruction today. In 2003, a report from the national *Commission on Children* *at Risk* acknowledged that children in our nation are experiencing deteriorating mental health evidenced by increasing rates of conduct disorders, suicide ideation, and other serious mental health problems.[[1]](#footnote-1) As a result, the Commission proposed *authoritative communities* to develop nurturing environments that would include morality and spirituality for child well-being. While the family represents the foundational *authoritative community* for children, certainly our public schools can contribute to addressing children at risk by including moral instruction.

Thankfully, in its 2025 session Kentucky General Assembly recognized the need to address serious issues in public schools with steps such as traceable communications systems (SB 181), restricting cell phone use during instructional time (HB 280), and by acknowledging the importance of moral instruction (SB 19). These efforts amplify the undeniable condition of public schools and the need for more – not less – moral instruction. These efforts also demonstrate the General Assembly’s sensitivity to issues of concern for the citizens they represent.

**The True Meaning of *Separation of Church and State***

Notwithstanding an undeniable need for moral instruction, some people oppose released time moral instruction by expressing misguided notions about “separation of church and state.” Many of those opponents suggest that *separation of church and state* means that our public schools must thoroughly cleanse themselves of any reference or acknowledgement of religion. Some people even continue to vocalize the misguided idea that the Supreme Court actually removed the Bible from schools in the 1960s, although that perspective represents a misguided understanding of the law. As a parent of a student who had the opportunity to take a *Bible as Literature* class in high school, I’m glad that such a misguided view of the relationship between schools and religion does not represent reality under the history and tradition of the First Amendment. In the specific Supreme Court case often referenced, the Court actually said the following:

*[I]t might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. 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.[[2]](#footnote-2)*

More directly on point regarding concerns about *separation of church and state* is the following clarification from the Supreme Court:

*The Court has sometimes described the Religion Clauses as erecting a “wall” between church and state . . . . The concept of a “wall” of separation is a useful figure of speech probably deriving from views of Thomas Jefferson. The metaphor has served as a reminder that the Establishment Clause forbids an established church or anything approaching it. But the metaphor itself is not a wholly accurate description of the practical aspects of the relationship that in fact exists between church and state. . . . No significant segment of our society, and no institution within it, can exist in a vacuum or in total or absolute isolation from all the other parts, much less from government. “It has never been thought either possible or desirable to enforce a regime of total separation. . . .”* ***Nor does the Constitution require complete separation of church and state; it affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any****. . . (emphasis added).[[3]](#footnote-3)*

The law is clear, public schools are not religion free zones and, as schools for the *public*, they must accommodate the religious freedoms of those they serve.

**The Case for Released Time Moral Instruction**

One thing is undeniable in communities across the Commonwealth, parents in Kentucky recognize the importance of moral instruction. As a result, their local school boards have an obligation to consider parents’ requests and thoughtfully and legally accommodate moral instruction.

Nearly one hundred years ago, the Supreme Court acknowledged that “the child is not the mere creature of the State.”[[4]](#footnote-4) Rather, the Constitution protects the fundamental right of parents to direct the care, upbringing, and education of their children.[[5]](#footnote-5) Just this year, the Supreme Court further explained that the right of parents to direct the religious upbringing of their children “is not merely a right to teach religion in the confines of one’s own home. Rather, it extends to the choices that parents wish to make for their children outside the home,” including in public school.[[6]](#footnote-6) The Court further explained that parents cannot be forced to choose between the benefits of public school and religious freedom, meaning that schools cannot force parents to leave public school for homeschool or private school simply to enjoy the religious freedoms the First Amendment protects.

Specifically regarding parents’ choice to participate in released time programming for their children, the Supreme Court has given clear instruction about the law. In that regard, the Supreme Court wrote:

*We are a religious people whose institutions presuppose a Supreme Being. We guarantee the freedom to worship as one chooses. We make room for as wide a 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 according to the zeal of its adherents and the appeal of its dogma. 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. To hold that it may not would be to find in the Constitution a requirement that the government show a callous indifference to religious groups. That would be preferring those who believe in no religion over those who do believe.[[7]](#footnote-7)*

Accordingly, the Supreme Court has made clear that released time programs do not violate the Establishment Clause and do not violate any notion of *separation of church and state*. Moreover, important for ongoing consideration on the local level, the Supreme Court explained that even though a “program may be unwise and improvident from an educational or a community viewpoint,” it is not the role of the law to examine the “wisdom of the system, its efficiency from an educational point of view, and the political considerations which have motivated its adoption or rejection in some communities. Those matters are of no concern” when viewing the legal right of released time programming.[[8]](#footnote-8) As the Court further explained, the concept of *separation of church and state* cannot be weaponized to suggest that “public institutions can make no adjustments of their schedules to accommodate the religious needs of the people. We cannot read into the Bill of Rights such a philosophy of hostility to religion.”[[9]](#footnote-9)

In today’s cultural climate, no reasonable rationale exists for a school to neglect moral instruction. Likewise, no reasonable, much less legal, rationale exists for a school board to discriminate against released time programs simply because a program teaches morality from a religious perspective. Certainly some in our communities may oppose the nuances of a particular program, and some may have a better one in mind, but that’s precisely why we have the First Amendment and the freedom of choice in released time, to protect our freedoms in a diverse and pluralistic society.

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1. Institute for American Values, *Hardwired to Connect: The New Scientific Case for Authoritative Communities* (2003), 5. [↑](#footnote-ref-1)
2. # *Abington School District v. Schempp*, 374 U.S. 203, 225 (1963).

   [↑](#footnote-ref-2)
3. *Lynch v. Donnely*, 465 U.S. 668, 673 (1984). [↑](#footnote-ref-3)
4. *Pierce v. Society of Sisters*, 268 U.S. 510 (1925). [↑](#footnote-ref-4)
5. *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997). [↑](#footnote-ref-5)
6. *Mahmoud v. Taylor*, 606 U.S. \_\_\_ (2025). [↑](#footnote-ref-6)
7. # *Zorach v. Clauson*, 343 U.S. 306, 314 (1952).

   [↑](#footnote-ref-7)
8. *Zorach*, 343 U.S. at 310. [↑](#footnote-ref-8)
9. *Zorach*, 343 U.S. at 315. [↑](#footnote-ref-9)