



Constitution in the Classroom Lesson Plan

Separation of Church and State and the U.S. Constitution

Elementary School

Learning Objectives:

- (1) The separation of church and state means that religion and government are independent of each other. The principle has been a pillar of American democracy since the country's founding.
- (2) Church-state separation protects both the government and religious freedom.
- (3) The First Amendment of the U.S. Constitution includes the Establishment Clause and the Free Exercise Clause.
 - The Establishment Clause states that the government cannot have an official religion or sponsor religious activities and must be neutral towards religion.
 - The Free Exercise Clause states that the government cannot either reward or restrict an individual's religious beliefs or lack thereof.

Lesson Length: 45-60 minutes

Supplies: Lesson Plan, slides and projector/smartboard or whiteboard

Age Group: 4th grade – 5th grade

About Constitution in the Classroom

Lawyers, law students, and educators have a valuable resource to share with students: knowledge and appreciation of the Constitution. Constitution in the Classroom brings ACS members into high school, middle school or elementary classrooms to raise awareness of fundamental constitutional principles and excite young minds about their constitutional rights and responsibilities.

About the American Constitution Society for Law and Policy

The American Constitution Society (ACS) believes that law should be a force to improve the lives of all people. ACS works for positive change by shaping debate on vitally important legal and constitutional issues through development and promotion of high-impact ideas to opinion leaders and the media; by building networks of lawyers, law students, judges and policymakers dedicated to those ideas; and by countering the activist conservative legal movement that has sought to erode our enduring

constitutional values. By bringing together powerful, relevant ideas and passionate, talented people, ACS makes a difference in the constitutional, legal and public policy debates that shape our democracy.

About Americans United for Separation of Church and State

Americans United for Separation of Church and State is the only organization dedicated solely to defending the separation of church and state. We are the shield protecting the foundational American principle of freedom of religion—including the right to believe or not believe—for all. The separation of church and state affects so many of the issues we all care about: public education, LGBTQ+ equality, reproductive freedom, civil rights, real religious freedom and protecting our democracy. Church-state separation frees all of us to come together as equals and build a stronger democracy.

Lesson Plan

Introductions

1. Kick off question: What are lawyers for?
Take a few answers from the audience. Then explain that lawyers can do lots of different things and transition to introductions.
2. Teacher Introductions:
 - a. Briefly describe your legal work and share why you decided to become a lawyer.
 - b. Describe the educational path to become a lawyer.

U.S. Constitution Overview (1-3 mins)

1. **Ask:** What is the Constitution? [Take responses from one or two students.]
Answer: The U.S. Constitution is the set of rules for how the government works. It created the federal government's organization/structure and defines what the government can and can't do.
2. An amendment is the way the Constitution is updated, and the U.S. Constitution has been amended many times.
 - a. **Ask:** How many amendments are there to the U.S. Constitution? A: 27
3. The Bill of Rights is the name for the first ten amendments that were passed together soon after the Constitution was ratified. The Bill of Rights limits what the government can do, and these limits protect people's civil liberties.

What is the Separation of Church and State? (10-15 mins)

1. **What does the concept mean?**
 - a. **Explain:** Church and state separation means that the government and religion operate independently and should not be combined. In the United States, people have the freedom to believe in the religion of their choice, interpret their religion as they see fit, or have no religion at all. The government cannot favor religion or a specific religion (politically, financially, or with other benefits). And no one can be required to profess a certain faith to serve in government.

- b. **Define the terms:**
 - (i) “Church” means houses of worship. It refers to religion generally, not just those activities in a church or other house of worship.
 - (ii) “State” is a fancy way of saying government. It means all government—local, state, and national.
2. **What type of government does it apply to?**
- a. **Ask:** What are examples of state, local, and national government that you use every day?
 - b. **Examples:** public schools (but not private schools!, remember only government actors), libraries, public parks and arts, public transportation, government buildings, police, etc.
 - c. So! The rules about religion in these spaces are different than they are for private individuals, organizations, or businesses.
3. **Where does the separation of church and state come from?**
- a. **Ask:** Where does the separation of church and state come from? Take responses from one or two students.
 - b. **Answer:** The concept is embedded in the U.S. Constitution
 - c. When the United States was formed, it was established as a **secular democracy**. At the time, a secular democracy was unique (an American original), but since then, many countries have adopted this form of government.
 - i. Secular means not based on religion.
 - ii. Democracy means people vote to elect the government.
 - d. What does this mean in practice?
 The government is empowered by the people, not empowered by a deity or a higher power. The country and its laws are guided by the U.S. Constitution, not by the rules of religion or a leader’s religion. While government leaders can be, and often are, religious in their personal lives, their religion does not become the law.
 - e. The phrase “separation of church and state” summarizes the philosophy of a secular democracy and U.S. Constitution’s religious freedom clauses in the First Amendment and the prohibition on religious tests.
 - i. The metaphor can be traced to Thomas Jefferson and a letter he wrote in 1802 to the Danbury Baptists, describing the First Amendment as “building a wall of separation between Church & State.”
 - ii. Similar language has since been used in many Supreme Court cases and by lawmakers to talk about the principles of the religion clauses in the First Amendment.

4. The Religion Clauses of the First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

- a. Display the First Amendment (using [slides](#) or write on the board) and read it out loud.
- b. Note that there are two separate clauses.
- c. The First Amendment limits where the government can make/enforce laws. Other people might make rules that you follow (like parents, religious leaders, or a principal at a private school).
- d. Underline Establishment Clause - **Ask:** what does it mean to “make no law respecting an establishment of religion”?
 - i. The government cannot create an “established” (official) religion.
 - ii. The government cannot specifically sponsor religious activity, especially by directly funding religious endeavors.
 - iii. The government must be neutral toward religion and among religious sects in its laws and decision-making. Note, it can be hard to decide what is neutral.
- e. Underline Free Exercise Clause - **Ask:** What does it mean to “prohibit the free exercise” of religion?
 - i. The government cannot regulate, prohibit, or reward the *belief* in any specific religion or nonreligion.
 - ii. You can believe what you want.
 - For example, the government cannot make it illegal to believe the Sabbath is on Saturday instead of Sunday.
 - For example, the government cannot make it illegal to believe that eating meat is a sin.
 - iii. While beliefs cannot be regulated, religious actions can be regulated, within limits, especially if the law is neutral. Neutral means a law applies to everyone the same way. For example, if your religion requires murder, laws prohibiting murder still apply to you.

Why was the separation of church and state important to the Founders?

Why is it today? (10 mins)

1. History

- a. At the time the United States of America was founded, most countries were monarchies (ruled by a king or queen) with religion playing a central role—sometimes, the church was the government. These rulers were believed to be granted the right to rule from God/higher power, and they controlled religion with few limits on their power.
 - i. Great Britain was a monarchy, and the British King was the head of the government and also the head of the Church of England.

- b. The United States fought the American Revolutionary War to gain independence from the Kingdom of Great Britain. The Founders did not want to replicate the problems from the country that they had just fought to leave, and one of the biggest reasons that colonists had originally immigrated from England and other countries was forced religion. [NOTE: In 2026, the United States is celebrating the 250th anniversary of the Declaration of Independence. The Constitution was not ratified until 1788 (12 years later).]
 - c. England was a Protestant nation and people had to conform to that particular type of Protestantism to avoid persecution. Other countries in Europe also persecuted different religions.
 - i. Persecuted means that if a person's beliefs or religion differed from the King/monarchy, and they were not allowed to follow their religion, jailed, denied rights, or even killed.
 - ii. People immigrated from England and other countries to the Americas to avoid religious persecution. These immigrants settled in the thirteen colonies, which later became the United States.
 - d. Europe was plagued by religious wars in the preceding centuries, and the Founders wanted to avoid those destabilizing conflicts.
 - e. The new country was grounded in the principles of liberty and justice. By intentionally removing government and religious entanglement, they were building a country to live up to ideals of individual liberty and justice.
 - f. From a practical standpoint, the new country and its Founders would not have been able to agree on a national religion. The Founders and the new country's population were religiously diverse. Colonist examples: Puritans had established Massachusetts, Quakers had settled in Pennsylvania, Catholics had immigrated to Maryland, and Anglicans had settled in Virginia. By ensuring that, in the United States, individuals had the right to practice their religion in the way the individual chose and that the government did not fund religion, the Founders were protecting all religions and avoiding a wedge that had caused many other countries' conflicts.
2. **Small group discussion [7-10 mins]**

Have students break into groups of 3-4 based on where they're sitting. Ask the question (included in the slides), and give about 5 minutes to answer. Circulate as groups discuss and help prod them along. If students' teachers are in the room, it would be great if they could help with this. Regroup and ask students to share what they discussed.

How does the separation of church and state support equality and liberty?

Activity: Take a Stand (20 minutes)

Activity instructions:

1. One side of the room is “agree” and the other side of the room is “disagree.” Students will be asked questions and to move to the side of the room that matches their answer. It’s a sliding scale—they can stand in the middle!
[Other option: Give students sticky notes and ask them to post them under a sliding scale of agree or disagree.]
2. After each question, ask students in different parts of the room to explain their views.
3. Then, explain how the law applies.
4. Note, the [slides](#) include the prompts and animations for the answers.

Scenarios 1: School prayer

A public school hosts a mandatory weekly assembly that begins with a principal-led prayer. Is this constitutional?

Answer: No. School-sponsored prayer violates both the Establishment Clause and potentially the Free Exercise Clause. The government (here, the school) is supporting religion, in violation of the Establishment Clause. It coerces students into participating in a religion that is not their own.

- Case law: *Engel v. Vitale*, 370 U.S. 421 (1962) (holding that a non-denominational prayer prepared by school authorities and prescribed for use in public classrooms as a part of a daily devotional program was unconstitutional); *Abington School District v. Schempp*, 374 U.S. 203 (1963) (holding a Pennsylvania state law that required public schools to start the school day by reading bible verses and reciting the Lord’s Prayer was unconstitutional).
- Optional Follow-ups:
 - Does it matter that there is no punishment for not praying?
A: No. The Establishment Clause does not require coercion. Probably not for the Free Exercise Clause, if the prayer is still “coercive”. Note that in both *Engel* and *Abington*, the school prayers were unconstitutional even when students were not required to participate.
 - Would it matter if the prayer was student-led?
A: It depends—student-led prayer is often okay, but if it is happening during the assembly, it might be more of a legal issue since the school is organizing it.
 - Can a public school prohibit a student from praying on their own or with other students?
A: As a general matter, no. The Free Exercise Clause protects students’ right to pray. Schools can regulate activities, including prayer, to make sure it is not disruptive. These rules should apply to everyone the same way.

Scenario 2: Religious Displays in School

A state government passes a law that would require public elementary schools in the state to display a 12x18 inch poster of the Ten Commandments. Is this law constitutional?

Answer: No. This violates the Establishment Clause. It provides government support for a specific religion and favors a specific religion/religious interpretation.

- Case law: *Stone v. Graham*, 449 U.S. 39 (1980) (holding a Kentucky law requiring public school classrooms display a poster with the 10 Commandments violated the Establishment Clause).
- Optional follow-up:
 - Does it matter if the posters are donated (not purchased with taxpayer funds)?
A: No, it would still be the government supporting one religious interpretation.
 - What if the statute did not require schools to display the poster but said the school could display the poster?
A: No, it would still be the government (a public school) supporting one religious interpretation.

Scenario 3: Religious beliefs and public health

Religious beliefs: During the outbreak of a dangerous airborne disease, a public library requires people to wear a face mask when inside the building to prevent the spread of the disease. A person's religious beliefs say they should not cover their face. Is it constitutional for the library to require the person to wear a face mask?

Answer: Yes, this is allowed. The rule is neutral, meaning it applies to everyone the same way, not focused on a belief. There are limits to free expression. For example, the expression of one person's religious beliefs can't endanger or harm other people.

- Follow-up question: What factors are at play here? Explain that, in general, religion cannot be used to harm other people under the law. But how do personal liberties weigh in?

Scenario 4: Religious Beliefs and discrimination

A linen shop owner has religious beliefs that make them not want to sell tablecloths to same-sex couples for their weddings, in violation of the state's antidiscrimination laws. Does the shop owner need sell the tablecloths to the couple?

Answer: Yes. The shop owner probably needs to serve the couple. Even though the Free Exercise Clause protects religious practice generally, religious actors still must follow the law.

- During the Civil Rights movement, courts rejected claims from some business owners who claimed that their religion required racial segregation.
- Note: If the law targets religion (*Masterpiece*) or if there are free speech issues at play (*303 Creative*) the business owner may be able to get an exemption from the law.

Conclusion (5 min.)

Ask students to share their takeaways from today. Why is the separation of church and state challenging? Why is it important?

Acknowledgement

This lesson plan was developed by Americans United for the Separation of Church and State in collaboration with the American Constitution Society.

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Supplemental Materials

Teaching Tools

- [Separation of Church and State Slides](#)
- [Freedom of Religion | iCivics](#) Video (consider playing in class or encourage the teacher to play before your visit.)

Common Questions

1. If church and state are supposed to be separate, why:
 - Pledge of Allegiance says “one nation, under god”?
 - Money is printed with “In God We Trust”?
 - National Motto of “In God We Trust”?
 - Swear in witnesses and elected officials with a bible?

These practices are modern additions, mainly from the 1950s during the Cold War and the McCarthy-era Red Scare as a way to distinguish the U.S. from communism. For example, the National motto was created by Pres. Eisenhower in 1956. “In God We Trust” was added to paper money in 1955 and to coins in 1938. The Pledge of Allegiance was written in 1892, “under God” was added in 1954. See, <https://www.au.org/the-latest/articles/in-god-we-trust-founders-1950s/>

Elected officials do not have to swear their oath of office on a Bible and many instead use other religious texts, the U.S. Constitution, or, in the case of President Theodore Roosevelt, nothing. The President’s Oath of Office is the only oath included in the U.S. Constitution (Article II, Section 1), and it does not include the language “So help me God.”

Before testifying in court, witnesses typically swear to tell the truth. Some jurisdictions end the oath with the phrase “So help me God,” but it isn’t required in the Constitution. All jurisdictions also offer an affirmation as an alternative that many religious and non-religious people opt to use.

Also, from a legal standpoint, many of these practices are considered “ceremonial deism.” This means that courts have decided their use is so common, and so commonly practiced without any genuine religious significance, that their use does not necessarily violate the Establishment Clause.

2. Where else does the U.S. Constitution mention religion or god?

Other than the First Amendment, religion makes one other appearance in the U.S. Constitution. Article VI states that “no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.” There are no other references to religion, a religious figure, or god elsewhere in the U.S. Constitution.

3. Are morality and religion the same thing?

No. Morality is much broader and refers to principles distinguishing right from wrong. Religion is just one source of moral principles.

Usually, religious beliefs are characterized by faith-based assertions about the world, life and death, and also morality. Religion typically includes commands or principles that adherents must follow. Organized religion is the easiest to identify, as there are often common texts, shared houses of worship, and similar rules followed by all members of the community. Many religions have a god or gods, or other spiritual beings that are worshipped. But a belief system doesn't need to specifically have any one of these elements to be a religion. The exact beliefs and practices can be individualized. There is not a fixed legal definition of religion, but courts have looked, for example, to the role a belief system plays in a person's life, and whether it's similar to the role "traditionally" occupied by a "supreme being."

Helpful documents and resources:

- U.S. Constitution
- [Freedom of Religion | iCivics](#) Video
- Virginia Statute for Religious Freedom (1786), <https://www.monticello.org/research-education/thomas-jefferson-encyclopedia/virginia-statute-religious-freedom/>. Drafted by Thomas Jefferson and passed by efforts led by James Madison, this precursor to the First Amendment's religious clauses enshrined the rights of Virginians to worship as they choose and not to have to financially support a church (directly or indirectly through taxes).
- The Virginia Declaration of Rights (adopted 1776), <https://www.archives.gov/founding-docs/virginia-declaration-of-rights>. Drafted by George Mason, Thomas Jefferson drew on the document when drafting the Declaration of Independence, and many of the rights were later incorporated into the Bill of Rights. Note that while Section XVI speaks to free exercise of religion, the Bill of Rights offers greater limits to government and protections for religious plurality.
- James Madison's Memorial and Remonstrance against Religious Assessments, [ca. 20 June] 1785, <https://founders.archives.gov/documents/Madison/01-08-02-0163>.
- Jefferson's Letter to the Danbury Baptists, Jan. 1, 1802, <https://www.loc.gov/loc/lcib/9806/danpre.html> ("building a wall of separation between Church & State").

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