



Legislation Text

File #: Res 1736-2013, Version: *

Res. No. 1736

Resolution calling upon the Chancellor of the New York City Department of Education to institute a daily moment of silence in all New York City public schools.

By Council Members Fidler, Williams, Oddo, Cabrera, Gonzalez, Halloran, Greenfield, Eugene, Gentile, Koo, Richards, Wills, King and Ulrich

Whereas, Current New York State Education Law allows school districts to institute a moment of silence in public schools at the opening of every school day; and

Whereas, This moment of silence is not intended to be, and shall not be conducted as, a religious service or exercise; and

Whereas, Silent meditation in the public schools has continuously been the subject of vigorous litigation; and

Whereas, In 1984, the United States (U.S.) Supreme Court ruled in *Wallace v. Jaffree* that state statutes requiring school prayer are unconstitutional; and

Whereas, Meanwhile, several Federal Circuit Courts, having jurisdiction over other states, have upheld state statutes allowing silent meditation in schools; and

Whereas, However, all of the Federal Circuit Courts are not in agreement; and

Whereas, In 2011, the U.S. Supreme Court declined to hear a case involving the issue of a moment of silence in schools; and

Whereas, It is unclear how Federal Courts having jurisdiction over New York City would rule on this issue if challenged; and

Whereas, A moment of silence could be used as time for students to relax, reflect, pray or meditate; and

Whereas, School days are often hectic and children could benefit from this time in various ways; and

Whereas, In a February 27, 2012 article in Psychology Today entitled *A Moment of Silence: A Simple Way to Improve Schools/Safety*, author Izzy Kalman presents the idea that a moment of silence could improve the school environment by promoting self-control and setting a positive tone for the school day of both students and school staff; and

Whereas, Several schools in New York City have implemented a moment of silence in their respective school environments and have reported that some students have even improved academic performance since its implementation; and

Whereas, A daily moment of silence could help foster a positive environment for students and thereby improve their well-being in school; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Chancellor of the New York City Department of Education to institute a daily moment of silence in all New York City public schools.

JP/AES
LS 4344
4/23/13