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HERE, THERE, EVERYWHERE: A Survey of the State of Yoga in K-12 Schools in The United States Today

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HERE, THERE, EVERYWHERE:
A Survey of the State of Yoga in K-12 Schools in The United States Today

by

Jake Jacobs

A thesis presented to the

Faculty of Department of
Yoga Studies
Loyola Marymount University

In partial fulfillment of the
Requirements for the Degree
Master of Arts in Yoga Studies

May 2015
Presented to
Ana Madery Funes and Christopher K. Chapple
YGST 696

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INTRODUCTION:

At some level it's hard to believe that at the same time that a Christian couple in Encinitas California are suing a school district to halt the teaching of yoga in the local elementary schools, it appears that not only is yoga entering into widespread acceptance in the realms of professional and collegiate athletics, has become standard practice in the corporate world of Silicon Valley and now the academic world with the 2013 establishment of the Master of Arts in Yoga Studies program at Loyola Marymount University (LMU) in Los Angeles. Yoga studios in select parts of the USA are almost as ubiquitous as Starbucks, and more to the point of this paper, yoga has permeated K-12 schools from far and wide, in areas that you would expect e.g. San Francisco and New York City to the unexpected such as Pittsburgh, Atlanta and surprisingly, my hometown, Mt. Vernon, NY.

This project is focused on ascertaining the current status of yoga training for students and staff in primary and secondary education both public and private in the United States. It will examine four different arenas relevant to the efficacy of yoga training in the educational setting and the possibility of infusing the same in schools throughout the nation. The first is a review of where yoga has already seeped into the educational process. And it has, in a totally diffuse and decentralized way. Secondly, I will examine the corpus of documented research studies on the effectiveness of yoga training on both staff and students in grades K through 12 schools, which is impressively existent although tending to have small segment samples and limited focus.

Dumbfounding to a few, but rather expected by yoga practitioners, almost all the research gives yoga in schools a thumbs up. Next, I will examine various curriculums that are being used in schools today and/or proposed by or offered by different entities for use in schools and training offered to both schoolteachers and yoga teachers toward this end, which are also scattered and separated. I will examine the potential legal issues that may arise when yoga is implanted in a school including the issue of injuries, mental health concerns and the more significant constitutional question, whether the teaching of yoga violates the prohibition on teaching or advocating religion in public schools. This issue was recently considered by the California Court of Appeal (4th District), which issued it's ruling in favor of an elementary school yoga program on April 3, 2015. I will conclude with suggestions for how we proceed from here to encourage the implementation of yoga instruction throughout the United States.

YOGA IN SCHOOLS TODAY:

In searching the Internet for yoga in K-12 schools, it became apparent that yoga programs already exist in a wide range of places and forms through the US. I provide a sampling of what already exists.

East Palo Alto, California:

In East Palo Alto California, the Ravenswood School District will soon implement yoga (and mindfulness) as a regular part of the curriculum for all of their 3400 students. This is the result of a new partnership with the Sonima Foundation, which will provide the curriculum.¹ Additionally, 700 3rd through 5th graders will participate in a 4-

¹ The role of Sonima Foundation in K-12 education will be will be discussed in the section on curriculum.

year study being conducted the Stanford University School of Medicine that will study and analyze the effect of the Sonima Foundation's curriculum in the areas of stress, coping skills, physical health and socio-emotional development. The program was officially launched in January 2015 with many luminaries in attendance. Gina Sudaria, the principal of Costello Elementary School where the launch happened told the crowd, which included California LT. Governor Gavin Newsome and Oakland Raiders defensive end Justin Tuck: "As an educator, I see firsthand the impact that health and wellness have on our student's ability to learn and thrive." All schools in the district will make yoga part of their regular program with some having already started. The study is helmed by Dr. Victor Carrion, who works at the Stanford Child Adolescent Psychiatry Clinic, under the auspices of the Stanford University School of Medicine's Early Life Stress and Pediatric Anxiety program (ELSPAP) at the Lucille Packard Children's Hospital located on the main Stanford campus in Palo Alto.²

Glenbrook, Illinois:

Beginning in 2013 yoga has been taught in after school classes to athletes at Glenbrook (IL) High School by yoga instructor Debbie Woods who is also the wellness coordinator for the school district. Students were taught several yoga movements and breathing and visualization techniques in order to better balance their bodies and thus avoid injury. Woods noted that athletes tend to over develop certain parts of their body, e.g., baseball pitchers put emphasis on the arms and shoulders leaving weakness in the

² Kadvany, Elena *Ravenswood school district to integrate mindfulness, yoga into regular curriculum* in the Palo Alto Weekly January 22, 2015 accessed on March 25, 2015 at paloaltoonline.com/news/2015/01/22/.

underutilized parts of their bodies, which are then subject to injury.³ Woods stated, “They use only one side and there’s an imbalance. With yoga we’re trying to get more balance throughout the body to both sides.” Thus, there is an emphasis on strengthen the core muscles of the abdomen and hips. Woods noted “ Core strength is important for everything we do. It’s where muscular energy is.” And it yoga aids scholastic performance too; junior basketball player Brian Fillipiak stated that yoga helped him in his studies to ace a physics exam; “ It was the breathing, I believe. It helped me relax and I got an A on the test.”⁴

Portland, Oregon:

At Wilson High in Portland, Oregon, students can enroll in a year-long class meant to ease their anxiety and depression and to prevent or reduce violence. Three times a week for 90 minutes, they practice a mix of yoga, sitting and walking meditation, breathing, and visualization. They are also required to journal and to try to learn to listen without judgment.⁵ All are based on the current “in” modality, mindfulness. The school’s principal, Bruce Chatard, explained why such programs are needed:

High school is the hardest period of time for kids. You’ve got emotional changes, hormonal changes, all the social pressures. It’s also the onset of mental illness for some kids, depression hits, and there’s the pressure of

³ A personal aside. As most in baseball know one pitches primarily with the legs and torso driving forward and the arm follows.

⁴ Shields, Todd glenview.suntimes.com/2014/10/08/yoga-glenbrook-athletes-breath-stretch-visualize-2/ accessed March 24,2015.

⁵ Ibid.

college and sports. All these things kids do is overwhelming without a strategy to deal with it.⁶

The program was developed by Caverly Morgan, who trained at a Zen Buddhist monastery for eight years, and Allyson Copacino, who is experienced in teaching yoga to children. It started as an after-school program; following a student suicide hundreds of students signed up in part due to the lack of resources for dealing with students' emotional and mental needs. In response thereto, the school made the training part of the official curriculum and it became a for-credit class. Pediatric psychologists at Oregon Health & Science University are studying the impact of the program on students. A similar school year program is being offered at nearby Rosemary Anderson High, which serves students who were expelled or dropped out or are otherwise at risk. The Principal there noted that the program “ helps students build capacity to problem solve.”⁷ One junior noted that the class helps alleviate her tendency to have panic attacks, stating, “This class helps bring more attention to my breath and overcome that. I’m less stressed out and able to better cope with stress.”⁸

Atlanta and Decatur:

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

In 2011, Chelsea A. Jackson⁹ started teaching yoga to her 3rd grade students at a Title 1 school¹⁰ in Atlanta, Georgia after she found that her own yoga practice had helped her manage stress, improve her fitness, and self-confidence. She taught her students breathing techniques and a few simple yoga poses. The effects quickly proved to be better than expected; student attention spans increased, conflicts were reduced and the children learned to resolve them peacefully among themselves. The students requested time to breath before exams, which proved remarkably successful. Her students' scores on standardized testing were among the highest in the school even though she did not teach to the test. Jackson, who received her PhD. in Educational Studies from Emory University in 2014¹¹, found benefits accrues from teaching yoga to K-12 student including:

Fewer fights and arguments among students;

Better decision making by students;

Increased self-awareness and self-esteem;

Improved concentration and retention of learning material; and

More efficient use of class time.¹²

⁹ An interview with Ms. Jackson will be published in the June 2015 issue of Yoga Journal. She is also the cover model for this issue. YogaJournal.com accessed May 8, 2015.

¹⁰ Title 1 refers to schools that have a high percentage of at-risk children and students from low-income families. These schools receive supplemental funding from the Federal Government.

¹¹ Chelsealovesyoga.com accessed March 24, 2015.

¹² Tolerance.org/magazine/number-42-fall-2012/feature/yoga-public-schools accessed March 20, 2015.

Nearby, at Fernbank elementary school in Decatur Georgia, fourth-grade teacher Elizabeth Beckwith used yoga, based on teaching materials from Yoga Kids International¹³, based in Indiana. She explained how yoga helped calm her kids and hopefully increase their retention finding it particularly effective to energize her students when used midday:

They get energized when they're supposed to be energized. It just gives them a little tweak to their day so that they are not just sitting at their desk. It's a fun way for them to think about things.¹⁴

Yoga has been instituted throughout this suburban Atlanta school, which covers students from kindergarten through 5th grade, since 2005. In addition to being used in classrooms, it is also incorporated into physical education (PE) and helps to instill discipline and focus according to PE teacher Katie Bashor. One of Beckwith's students noted that the yoga drills helped her concentrate, "It makes me feel calm, relaxed and it gets all the stress out of me."¹⁵ School guidance counselor June Neal has seen a measurable difference among the students. "We've seen an improvement in test scores and test-taking skills because their stress level is decreased after yoga." Neal countered the criticism that is sometimes aimed at the school for taking time away from daily lessons to stretch and meditate. "An elementary school is more than reading, writing and arithmetic," says Neal.

¹³ An Internet search on May 8, 2015 for Yoga Kids International found Yoga Kids International, Inc. based in New Buffalo, Michigan. Discussed inroad.

¹⁴ Cnn.com/2007/HEALTH/diet.fitness/10/08/hm.kids.yoga/index.html accessed March 20, 2015.

¹⁵ Ibid.

"You do need some down time, you do need some way to express yourself and to reduce anxiety that comes along with being in school."¹⁶

Milwaukee, Wisconsin:

In Milwaukee, WI, in 2010, Susan Solvang, executive Director of K-12 Yoga in Milwaukee, began a two-year pilot project at Cass Street School with more than 350 K-8 students who were taught (mindful) breathing techniques and basic yoga poses in classes conducted twice a week. The results in just the first year, the 2010-11 school year, were remarkable; Classroom disruptions, disorderly conduct and fights were cut by significantly more than 50%.¹⁷

Waynesboro, Virginia:

Waynesboro, Virginia high school teacher Ellie Laliberte implemented a yoga break of between 3 and 7 minutes about mid way into her 90-minute English classes. Students' comments reveal that it took some time for them to adjust to this new idea. "At first, it was just really weird," senior Destiny Dolin, said. "We were embarrassed to do it, didn't want to participate. As the semester went on, it was just fun and refreshing. We look forward to it every class." "It's like you are starting class over," said senior Matt Gordon. "It's kind of relaxing." Zac Becker, a senior on the varsity football team, has experienced yoga helping in multiple ways on the field. "Playing football, I never pulled any [muscle]. I was stretching during the day. I feel like that helped."¹⁸

Pittsburgh/Woodland Hills, Pennsylvania:

¹⁶ Ibid.

¹⁷ Tolerance.org, supra.

¹⁸ dailyprogress.com/newsvirginian/news/local/english-class-learns-yoga-along-the-way/article_8ba33ac2-8fbd-11e4-a074-37f43c4e57c4.html

In the Woodland Hills (PA) school district located in a suburb of Pittsburgh a 2 - year professional development pilot program was recently instituted to teach teachers yoga and mindfulness tools for teachers to use on their own, and with children in the classroom. Supported by a \$100, 000 grant from the Heinz Foundation, the programs primary focus is on teacher wellness, and on helping to change the behavioral climate of the district. One teacher noted the positive affects on student behavior after trying few simple yoga exercises with her class:

It was well worth the time spent, because there were some students who never talk to other students and complain about being lonely, but were deeply involved with other students and enjoyed themselves. There were other kids who would never have spoken to their partners, but they worked together, and worked well. I am really glad we took the time we did, because I think it created a greater environment for my class.¹⁹

Greenfield and Pacific Grove, California:

In a small town in California's Central Valley yoga and meditation is being taught to elementary school students as early as kindergarten. Ms. Segobia, a kindergarten teacher at Mary Chapa Literacy and Technology Academy in Greenfield, CA revealed the positive results she has witnessed:

It calms them down. They know what they're here to do and helps them learn, helps them focus and calm down.²⁰

These anecdotal findings have been supported by a study conducted by the Oakland-based Mindful Schools, which, found that students participating in their five-week course

¹⁹ Gaydod, Monica, *Surprising Results with Yoga in Schools Training*, Yogainschools.org.

²⁰ Salinas, Claudia Melendez, *Mindfulness in the schools catches on*, in Monterey Herald. 02/06/15. montereyherald.com/social-affairs/20150206/mindfulness-in-the-schools-catches-onby, Accessed April 13, 2015.

showed a decrease in stress, and improvement in paying attention, self-control, classroom participation and respect for others.²¹

Moira Mahr, a sixth-grade English teacher at Pacific Grove (CA) Middle School, located on the Monterrey Peninsula south of San Francisco, began meditating with her students after 9/11 and has continued to this day. Mahr expressed the purpose she saw in the practice and how her students have reacted:

It's really about releasing stress anxiety and let's look ahead, what can be a goal for the week. It makes a difference for the kids. If I'm out on a Monday, (the students) are extremely anxious to do the meditation when I come back on Tuesday. I know they really like it.²²

San Francisco, California:

After moving to San Francisco, Erin Wilson, who had taught yoga in New York City to at-risk students at a continuation high school, started a program to bring yoga and wellness programs to 12 schools following a 2012 pilot program at Mission High School in San Francisco. Wilson noted that she was “just blown away at how transformative the practice is in their lives.” She reported that in New York there was improved grade performance and that a number of participating students were accepted to college. She also found that the students were “much more receptive to the practice of yoga than many adults are.” She outlined how a typical one-hour class is conducted:

We have a full curriculum we move through that also weaves in different health and wellness topics. We also really work to build community in the class and have the students interact with each other in a positive way and create an environment of support in the yoga classroom. We always start off class in a circle with a check-in; students will share one word to describe how they're feeling that day or they'll describe their energy level. ... Then, whatever the theme is for the day—say the theme is using your breath to reduce stress—we'll

²¹ Ibid.

²² Ibid.

introduce [that]. And then the students will immediately go into a yoga practice. ... Some breathing exercises to help students calm their minds and focus. And then they'll move through various yoga postures. ... Class usually ends with a little breathing exercise, a moment of a mindfulness exercise, and we end with a closing circle, so the students will hold hands and we do a 'pass the pulse.' We squeeze your neighbor's hand and they squeeze their neighbor's hand, so the pulse goes all the way around the circle. And we'll end by sharing one word to describe how they feel at the end of class.

Wilson also found a unique way to raise money for her yoga in schools program, aggregating over \$31,000 in a little more than a month through the crowd-funding source Indiegogo.com.²³

Positive results are reported from Visitacion Valley Middle School in San Francisco, CA, where a meditation program was implemented in an attempt to improve student learning and behavior. When Principal James Dierke first arrived at the school it had the highest absentee rate, the highest suspension rate, the highest teacher turnover rate and the lowest academic achievement rate in the San Francisco School District. The neighborhood had the second highest crime rate in San Francisco and about 85% of the kids were from homes of poverty. To implement the program he and his staff were taught meditation and how to lead a practice. Then he put in to effect the "Quiet Time"²⁴, program in their 6th and 7th grade classes, where students meditated for 15 minutes a day. Principal Dierke detailed the impressive results. The classes that participated in the meditation program had fewer suspensions, better attendance (98.3%) and higher levels of academic achievement. Visitacion Valley Middle School went from one of the highest suspending schools to one of the lowest. One-fifth of graduating 8th graders were

²³ Rapada, Manuel, *This Yoga in-Schools Program Just Raised \$31, 000 in Crowdfunding*, <http://magazine.good.is/articles/yoga-in-schools>

²⁴ Created by the David Lynch Foundation.

accepted into Lowell High School, one of the top performing high schools in the United States. Students are not the only ones benefiting from the Quiet Time. Since the program was implemented, the teacher attrition rate at Visitation Valley MS went from about half to virtually nil.²⁵

Los Angeles, California:

Ten years ago, yoga infiltrating schools was a hot topic as evidenced by a Yoga Journal article by Laura Shin from the summer 2004 issue.²⁶ After noting that yoga is easier to institute in private rather than public school due to available funding and church/state issues²⁷ she explained the success in moving the concept forward with insight from Leah Kalish, director of YogaEd, one organization bringing yoga to schools. Kalish noted the change that had occurred in instituting yoga in schools:

Just getting into a school a few years ago was a big deal. Now we have conversations at the district level. That's the shift.²⁸

According to Kalish, cautious interest by schools turns into full-fledged demand, once the schools get a taste of how helpful yoga can be. By that time, mid 2004, Yoga Ed had conducted trainings for 700 schoolteachers in California. The result according to Kalish is that instead of needing to pay more outside teachers to come in and teach yoga, these training a have allowed the schools to “Utiliz[e] the teachers that the school already

²⁵ meditationplex.com/meditation-benefits/meditation-boosts-student-performance-san-francisco-school/

²⁶ Shin, Laura, *Yoga Goes to School: It used to be one school at a time. Now it's district by district.* in LA Yoga July/August 2004 Volume 3/Number 4. Accessed on March 17, 2015.

²⁷ The legal parameters that apply to public schools will be fully discussed below.

²⁸ Shin, supra

has.... making yoga as everyday as math.”²⁹ Shin noted that studies have proven that having an entire curriculum based on yoga is very effective, citing the positive results from a California State University, Los Angeles study of yoga curriculum at charter school in South Central LA.³⁰ But Shin also noted that unfortunately public schools tend to not have enough funding to support these programs.³¹

Additionally I have personal knowledge from various people regarding the teaching of yoga in K-12 schools in the Los Angeles Metro area. According to the Athletic Director at Palisades Charter High School a Los Angeles Unified School District site in Pacific Palisades, yoga has been taught as an elective physical education class for the past 8 years. A friend of mine, Matty Whitmore, told me he has been teaching yoga for the last two school years at Crossroads, a private school in Santa Monica. Another friend told me his 7th grade daughter is taking yoga at her school, Windward, a private school in the Mar Vista section of Los Angeles. Chris Chapple, PhD., the founder and director of the Yoga Studies Program at LMU, informed me that the Westridge School for Girls, a private school in Pasadena, employs a full-time yoga teacher. The school’s website confirms that yoga is part of their physical and emotional wellness program.³²

RESEARCH:

²⁹ Ibid.

³⁰ To be discussed in the research section of this paper.

³¹ Shin, *supra*

³² westridge.org/page.cfm?p=730 accessed May 11, 2015.

As noted in the introduction many studies have been conducted regarding the effectiveness of teaching yoga in K-12 schools in many areas including behavior, physical and mental health and academic performance. The studies are mostly localized to a specific school, have small number of participants, often lack control groups and thus are statistically weak. Yet they all exhibit positive results in at least some areas of student and teacher benefit. I review some of the most noteworthy studies.

According to a pilot study in the April *Journal of Developmental & Behavioral Pediatrics*, the official journal of the Society for Developmental and Behavioral Pediatrics, yoga classes have positive psychological effects for high school students. The lead author of the study is Jessica Noggle, PhD, of Brigham and Women's Hospital, Harvard Medical School, Boston, who noted that mental health disorders commonly develop in the teenage years, and that her findings indicate "Yoga may serve a preventive role in adolescent mental health."³³ In this study, fifty-one 11th- and 12th-grade students registered for physical education (PE) at a Massachusetts high school were randomly assigned to yoga or regular PE classes. (Two-thirds were assigned to yoga.) Based on Kripalu yoga, the classes consisted of physical yoga postures together with breathing exercises, relaxation, and meditation. Students in the comparison group received regular PE classes. Students completed a battery of psychosocial tests before and after the ten-week yoga program. In addition to tests of mood and tension/anxiety, both groups completed tests assessing the development of self-regulatory skills -- such as resilience, control of anger expression, and mindfulness. The students taking yoga classes had better

³³ *Yoga shows psychological benefits for high-school students* in Science Daily, April 4, 2012. ScienceDaily.com/releases/2012/04/04101824 accessed March 20, 2015.

scores on several of the psychological tests. Students in the regular PE classes tended to have increased scores for mood problems and anxiety, those taking yoga classes stayed the same or showed improvement. Negative emotions also worsened in students taking regular PE, while improving in those taking yoga. (There was no difference in a test of positive emotions.) However, the tests of self-regulatory skills were not significantly different between groups. Although attendance was only moderate, the students rated yoga fairly high -- nearly three-fourths said they would like to continue taking yoga classes.³⁴

An interesting study that focuses on the perceptions and attitudes toward yoga instruction in the classroom was conducted by a teacher of third-grade students in a small rural town in Maine. Third-graders were taught yoga by a certified instructor in the classroom for a period of 10 weeks. There were 3 different sample groups, the students, the faculty and the families of the students. At the end of the 10-week long instruction period, the participants completed surveys aimed at eliciting personal outcomes, areas of impact and independent use of yoga by the student's. The findings of the study revealed that the community at large in the small rural town considered the yoga instruction to be a "beneficial learning experience that yields positive academic, social and emotional effects."³⁵ Almost all of the third-graders reported that yoga made them feel safer and supported in the classroom, a majority (71%) used yoga breathing throughout the day while faculty members reported that the students were actually using yoga breathing at a

³⁴ Ibid.

³⁵ Bogard, Jenn, *What are the perceptions and attitudes of my school community concerning the instruction of yoga in the classroom?* Wyoga4classrooms.com/pdf/JennBogard-ActionResearch-Yoga.pdf. accessed May 8, 2015.

higher rate and 29% of the students said they used yoga poses outside of the classroom. All of the families surveyed indicated that they were in favor of yoga instruction during the school day.

In another study connected to Brigham and Women's, 121 11th and 12th grade students ages 15 to 19 (71 girls and 50 boys) comprising 7 different classes in a rural Massachusetts secondary school were enrolled in an 11 weeks study. The school had a 90% white student body demographic and a 17% low-income population. Participants were randomly assigned by class to a regular physical education group (46) or to a yoga group (74). Participants in the yoga intervention attended two to three yoga sessions per week of either 30 or 40 minutes. Yoga instruction was based on a modified version of the Yoga Ed program for secondary schools. The yoga sessions included simple yoga postures, breathing exercises, visualization, and games with an emphasis on fun and relaxation and minimizing risk without unduly complex or physically athletic or demanding techniques. An important component of the program also includes development and training in the cognitive skills of mindfulness and self-awareness and a yoga-based psychological and philosophical attitude. Each of the yoga instructors underwent a formal Yoga Ed training course and had completed a general 200-hour yoga teacher-training program in the Kripalu yoga style. The typical Yoga Ed sessions were structured to include a 5-min initial relaxation, a 5-min warm-up, 15 min of yoga poses, and a 5-min closing relaxation (times were extended for the 40-min sessions). Breathing techniques were incorporated during the initial relaxation and throughout the sessions. Each of the sessions had a theme or talking point that was discussed by the instructor during the session including the following: yoga philosophy and methodology (postures,

breathing, relaxation, meditation, awareness), non-violence, mind–body interactions and aware-ness, body systems, stress management, emotional intelligence, self-talk and critical voice, contentment, discipline, decision making, values and principles, commitment, and acceptance. The baseline studies revealed no significant difference between the two groups of students. The results showed that the older group had a slight increase in the resilience while the PE students (control group) had a significant decrease. Anger control improved slightly in the yoga group but there was a significant decrease of anger control and the control group with similar results on testing of fatigue/inertia. The authors of the study noted that there were significant limitations to the study including the fact that it was conducted in a fairly racially and economically homogenous school, was conducted only for one semester and that the outcomes may have been affected by end of term exams stress.³⁶

A 2013 study by the national Center for Biotechnology Information (NCBI), a division of the National Institute for Health of the department of health and human services of the United States government studied 98 children between 8 and 13 years of age who were evenly and randomly assigned to a yoga class or a regular physical education class. The students in the yoga class practiced for 45 min. per day 5 days per week while the students assigned to the regular PE class jobs in place, performed rapid repetitive movements and participated in relay races or games for the same period of time. The he groups were assessed at the end of 3 months. The most significant finding was that the yoga students reported higher levels of self-esteem and balance declined in

³⁶ Khalsa, S. B., Hickey-Schultz, L., Cohen, D., Steiner, N., & Cope, S. (2012). *Evaluation of the mental health benefits of yoga in a secondary school: A preliminary randomized controlled trial*. *Journal of Behavioral Health Services and Research*, 39, 80-90.

the physical education group.³⁷

The results of instituting yoga instruction in the 4th and 5th grade at Heatherwood elementary school in Boulder Colorado from 2004 to 2007 revealed a marked decrease in aggressive behavior including bullying as well as significant increases in the ability to focus on teacher and school assignments as well as homework and a reduction in fidgeting, headaches and sleep problems. The results also showed an increase in the student's ability to control anger and a decrease in aggressive behavior by students towards other students with a marked reduction in those students reporting that they acted as a Bully.³⁸

Jennifer Cohen Harper is the director of Little Flower Yoga a program that brings yoga to New York City schools. Most of these programs provide a 45 min. yoga class at least once per week with class-size ranging from 10 to 20 students . In 2007 she conducted a small survey study at one of their program sites in Harlem in which 64 students, 7 teachers and 14 parents completed surveys that revealed, with very few exceptions, students love the classes and teachers found it beneficial. She found that:

Teachers who had initially been hesitant to embrace the program noted that their students loved attending and that they seemed more cooperative and happier on the days they had yoga classes.³⁹

The study was repeated in June 2010 at 2 other schools where kindergarten through third-grade students had received a full year of yoga program. 94 surveys from 2nd and 3rd

³⁷ ncbi.nlm.nih.gov/pmc/articles/PMC3826528/

³⁸ calmingkidsyoga.org/StudyResults.html

³⁹ Harper, J. C. (2010). Teaching Yoga in Urban Elementary Schools. *International Journal of Yoga Therapy*. Vol. 20, 99, 101.

grade children again provided positive feedback.⁴⁰

An earlier 2003 study conducted by California State University, Los Angeles investigated yoga instruction and student outcome variables at The Accelerated School located in South Central Los Angeles. This involved the initial application of the YogaEd curriculum at The Accelerated School, a K-8 charter school, in South Los Angeles, where the ethnic distribution is 62 percent Hispanic and 36 percent African American. The study lasted 12 months and examined 252 elementary school students who participated in a yoga curriculum for 60 minutes per week and an additional 153 middle school students who participated in yoga for 120 minutes per week. The students who participated in the program exhibited a 20 percent improvement in positive feelings about themselves. Participation in yoga class decreased bad behavior among students, which was measured by school discipline referrals. In addition, participation in yoga improved physical fitness test scores on flexibility, upper body strength, and aerobic capacity. Finally, students' academic performance (grade point average scores) also improved. Yoga was not found to improve students' attitude towards school or attendance in this magnet school, which already had an attendance rate of 97 to 98 percent (Slovacek, Tucker, & Pantoja, 2003).⁴¹

A study of the effectiveness of teaching yoga to elementary school students in the Encinitas, CA Unified School District during the 2012-2013 school year by the Center for education policy and law at the University of San Diego. The study surveyed 700 3rd to

⁴⁰ Ibid. 101.

⁴¹ Tummers, N. (2005). Yoga for Your Students. *A Journal for Physical and Sport Educators*, 19 (2), 35-37.

6th grade students who participated in yoga classes in school.⁴² The students were surveyed at the beginning, middle and end of the school year. The study was designed to answer three research questions to determine whether student attendance, physical fitness and ability to self regulate was related to the amount of time students practice yoga in school, the degree to which students like doing yoga in school and the students evaluation of the quality of their yoga experience. Teachers and parents were also surveyed, school principals and district leaders were interviewed and parents, teachers and the yoga instructors took part in focus groups. The results of this study were mixed. In general students reported enjoying taking yoga in school, with girls more positive overall than boys. There was some evidence that the 5th graders who participated in yoga classes for the whole school year showed improvement on state physical exam scores compared those students who participated for only half the school year and interestingly that the students who were less physically fit enjoyed the yoga classes more than those who were considered more physically fit. While teachers and administrators reported to improve student behavior academic performance and emotional wellness this was not supported by the survey of the students, who reported that bullying was still on an issue at their schools. Although there was some initial evidence of improved student attendance in school, when analyzed by general absenteeism on a school-by-school basis it appeared that yoga had little effect on attendance. One positive note was that both teachers and parents reported that some students were practicing yoga outside of the classroom. There are also some severe limitations to the validity of the study. Student response rates varied from and acceptable 55.9% on the initial survey at the beginning of the school year but.

⁴² This constitutes the largest student population that has been studied to date regarding the effectiveness of yoga in the classroom

an unacceptable 21.2% on the 2nd survey at the midyear point and a marginally acceptable 38.2% on the third survey at the end of the school year. This results in a response rate of less than half of the eligible student population. The response rate from teachers was considered uniformly poor except for a 4th year and survey where the response rate was in excess of 50 percent. The response rate for parents was so uniformly low, below 10 percent, that it is statistically useless. Additionally, number of yoga classes taken by students varied greatly both on a weekly basis, on the length of the yoga classes and because the program was a half-year in some schools and a full year and others.⁴³

A fairly recent (2012) article in the International Journal of Yoga Therapy reviewed 12 studies on the effectiveness for yoga and meditation programs in schools.⁴⁴

This article reached the same conclusion as I have:

Although the effects of participating in school-based yoga programs appeared to be beneficial for the most part, methodological limitations, including lack of randomization, small samples, limited detail regarding the intervention, and statistical ambiguities curtailed the ability to provide definitive conclusions or recommendations. Findings speak to the need for greater methodological rigor and increased understanding of the mechanisms of success for school-based yoga interventions.

Positive effects were also detected for typically developing children in a variety of dimensions. Participation in a yoga program was associated with decreased body dissatisfaction, anxiety, and negative behavior and increased perceived self-concept and emotional balance. Inner city children evidenced reductions in cognitive disturbances, such as rumination and intrusive thoughts, and decreased emotional and physical arousal and impulsivity following a mindfulness intervention.

⁴³ [lib.sandiego.edu/soles/documents/EUSD Yoga Student Effects 2012-13 Formattedforwebsite.pdf](http://lib.sandiego.edu/soles/documents/EUSD_Yoga_Student_Effects_2012-13_Formattedforwebsite.pdf) accessed May 8, 2015.

⁴⁴ Serwacki, M.L., & Cook-Cottone, C. (2012). *Yoga in the schools: a systematic review of the Literature*. International Journal of Yoga Therapy, vol. 22, 101-109.

Although generally supportive, the empirical evidence for the utility of using yoga instruction in educational settings is inconclusive. A lack of methodological and statistical rigor, small sample sizes, absence of systematic randomization, and a high degree of variability between intervention methods undermine our ability to evaluate the effects of yoga for a particular population.⁴⁵

The review concluded with recommendations for researchers in the field.

Future research must assess both the concurrent and longitudinal effects of receiving yoga instruction in the classroom by using randomized controlled that trial include a multitrait, multimethod assessment strategy. These interventions require greater standardization and explanation and must account for factors such as adherence, attrition, and treatment fidelity. Dosage—length of classes, frequency of sessions, and duration require examination. The unique contributions of the various components of yoga programs (i.e., breath work, postures, relaxation techniques, and meditation) and differences between methods of yoga instruction (e.g., Hatha, Ashtanga, Anusara, Iyengar, Bikram) also require consideration. And last, future studies must address the question of which types of school-based programs are developmentally appropriate, for whom, and under what conditions. Yoga in school settings must involve the support of stakeholders such as parents, teachers, administrators, and, most important, children. This can be accomplished only in the presence of sound empirical research that proves yoga instruction to be a cost-effective, pragmatic, and beneficial tool in the academic setting and beyond.⁴⁶

CURRICULUMS AND TEACHER TRAINING:

Training for school teachers to teach yoga in their classrooms and for yoga teachers to teach school children in the classroom are as scattered and separated as the various locales in which yoga is being taught throughout the United States. These include both for-profit and nonprofit and entities, some of which are really just one persons business. I will briefly review the programs I have discovered.

Possibly one of the oldest is YogaEd, founded in 1999 at a charter school in the south-central section of Los Angeles, CA. (See the chapter on research on the

⁴⁵ Ibid. 101.

⁴⁶ Ibid. 107.

effectiveness of this program in a 2003 Study by researchers from Cal State Los Angeles.) YogaED was founded by Tara Guber, a long time yoga practitioner and philanthropist. YogaEd Offers training for schoolteachers as well as yoga teachers who would like to teach in the school environment. The company offers separate trainings for elementary school (pre-K through 5th grade) and separate trainings for teenage students as well as little as specialized training for “at risk” students and special needs students. Additionally they offer various educational/tools for teachers including manuals, lesson plans and asana charts for children (ages 3-12) and adolescents (13 and up), all at very reasonable prices.⁴⁷

Leah Kalish, who previously spent 9 years as program director of Yoga Ed, founded another company that provides yoga, movement and mindfulness resources for early childhood education. Her company, Move with Me Yoga Adventures, offers schoolteachers training and resources for the implementation of movement and mindfulness in the classroom. The company’s program incorporates storytelling, yoga, creative movement, self-regulation and cooperative play for use in elementary school classrooms. The company also offers a “Movement and Mindfulness Curriculum, a 30 week program that integrates stories exercise and self regulation to build fitness focus and learning readiness for pre-K through grade 1. This includes the flashcards, posters, DVDs and an accompanying manual that is sizable cost of \$400. Professional development and staff training for schools is offered through various trainers in Los Angeles, Pittsburgh, the Washington DC Metro area, Orange County California, Tulsa Oklahoma and Pittsford New York. Complete weekend trainings are offered at various

⁴⁷ YogaEd.com accessed May 8, 2015.

times and places throughout the US.⁴⁸

The Sonima Foundation (formerly called the Pattabhi Jois Foundation) is a 501 C (3) tax qualified nonprofit organization that partners with schools to provide yoga-based health and wellness programs in schools. Sonima also provides funding for the institution of their programs in some schools including the Encinitas school district to which they provided in excess of \$500,000. They also support research into the effectiveness of their programs and yoga in general in K-12 schools. Included in the research they support are the previously referenced studies by the University of San Diego on the program in the Encinitas, CA school district and the current program being conducted by Stanford University school of medicine in the Ravenswood school district in East Palo Alto, California. The curriculum provided by Sonima Foundation has three primary areas of focus: yoga-based movement exercises, mindfulness practices based primarily on the use of the breath and nutrition education. The programs they provide are separated into 3 different age/class categories: K-2, 3-5, and 6 to 12. Sample lesson plans are provided free on their website⁴⁹ and include postural sequences with pictures. In addition to the Encinitas Ravenswood school districts, The Sonima curriculum is being implemented in 26 elementary schools in the Houston TX Independent school system, eight schools from elementary through high school in the New York City, primarily schools in Harlem, two schools in Florida, two schools in the Cajon Valley School District (San Diego County, CA) and in the Monarch School in San Diego, a K-12 school for students who are homeless, at risk of being homeless or affected by homelessness. Is

⁴⁸ move-with-me.com accessed May 8, 2015.

⁴⁹ sonimafoundation.org/sonima-approach/curriculum/

unclear whether Sonima is providing training for teaching yoga in schools or supplying teachers to schools as they did in Encinitas. One interesting tidbit regarding the Sonima Foundation is that there is no reference to Pattabhi Jois or Ashtanga yoga on their website or any of their current materials. I'm assuming that this change in their public face was a reaction to the lawsuit involving the teaching of yoga in the Encinitas Unified School District, which will be fully examined in the legal issues section of this paper.

The Kripalu Center for Yoga and Health in Stockbridge Massachusetts is another 501C (3) qualified nonprofit that provides training for teaching yoga classes in K-12 schools and trains yoga teachers who have completed a 200 hour or greater yoga teacher training through a yoga alliance certified program. The Kripalu website does not indicate a specific curriculum that is followed by the teachers who are trained through the Kripalu Yoga in Schools (KYIS) program nor did they indicate on their website which schools are using Kripalu trained teachers of yoga.⁵⁰

Yoga Kids International, Inc. was founded by Marsha Wenig in 1991 and claims to be the first company to provide tools and training for children.⁵¹ They produce DVDs, CDs, books and games for use in teaching yoga to children. The company offers a number of Yoga Alliance training programs for teaching children. In 2006 they launched the "YogaKids Tools for Schools" program for ages 5 to 12. They assert that they "provide educators with tools to educate the 'whole child.'"⁵² The tools include yoga

⁵⁰ kripalu.org/be_a_part_of_kripalu/812 accessed May 11, 2015.

⁵¹ The validity of the claim to be the first company in this field is unverified. However, I have yet to find any company or person that claims to have been providing tools and training for teaching yoga to children in the US prior to 1991.

⁵² yogakids.com/about-yogakids/

pose cards, a DVD for Yoga in the Classroom and another specifically for physical education and a book that “includes special yoga routines to cover a multitude of common situations (such as calming down, getting ready for a test, or even riding in a car), as well as advice on the benefits and techniques of yoga for children with autism, cerebral palsy, Down's syndrome, ADD, and ADHD.” The complete Tools for Schools Classroom Bundle is currently available at a sale price of \$139.⁵³ However, unlike YogaED and Move with Me they do not provide lessons plans.

There are a number of different companies operating as sole proprietorships who are involved in either providing yoga training in schools and/or providing training for teaching yoga in schools and in some cases also curriculum. One is Jennifer Cohen Harper, who is referred to previously regarding the two studies she conducted in New York City schools for her program had been instituted. Ms. Harper’s company, Little Flower Yoga⁵⁴ provides Yoga Alliance Certified Training for teaching yoga and mindfulness to children ages 3 to 18 both inside and outside the classroom environment throughout the US. In addition to providing teachers and programs for schools in New York City, she conducts after school yoga programs for children in Pelham and Peekskill, NY. These classes are broken up into 4 different age groups, 3-5, 6-9, 9-12 and 12+. She also recently published a book *Little Flower Yoga for Kids*⁵⁵ and is co-editor of volume 1 of the Best Practices for Yoga in Schools White Book created by the Yoga Service

⁵³ yogakids.com/shop/tools-for-schools-classroom-bundle/

⁵⁴ littlefloweryoga.com accessed May7, 2015.

⁵⁵ Harper, Jennifer Cohen, *Little Flower Yoga for Kids: A Yoga and Mindfulness Program to Help Your Child Improve Attention and Emotional Balance*, Oakland, CA: New Harbinger Publications, Inc., 2013.

Counsel which is connected with the Omega Institute in Rhinebeck, NY, and based on the collaborative efforts of a group of 23 researchers, school teachers and yoga teachers which took place at the Omega Institute in the summer of 2014. It is expected to be released in the fall of 2015 and another such conferences taking place in May 2015 with the intent to release a 2nd volume of the “White Book”⁵⁶

Lisa Flynn founded Yoga 4 Classrooms (Y4C) based in Dover, New Hampshire in 2007. Y4C furnishes “evidence-informed yoga and mindfulness education to children, as well as training for professionals who support their well-being.” The Y4C curriculum:

features 67 yoga and mindfulness-based activities, divided into six categories: Let’s Breathe, At Your Desk, Stand Strong, Loosen Up, Imagination Vacation, and Be Well. Each activity includes illustrated instructions, discussion points, sub-activities, and educational tie-ins, for a total of more than 200 beneficial classroom practices.⁵⁷

The activities were specially chosen for their suitability for the typical classroom space and schedule and can be simple and sustainably implemented in a variety of contexts. That means all activities can be done standing beside or sitting at desks, while bodies remain off the floor, away from dirt, germs and chemicals. Y4C includes a mix of yoga postures, brain boosting movements, breath exercises, visualizations, mindfulness activities, creative movement and community-building games. Wellness, positive psychology and character-building discussion points such as the power of positive thinking, nutrition, and being a peacemaker are included in the curriculum.

Y4C also provides 6 hour Professional Development Workshops for K-12 teachers, administrators, Counselors etc. at a cost of \$180. Following the workshop,

⁵⁶ yogaservicecouncil.org/best-practices-series accessed May 7, 2015.

⁵⁷ yoga4classrooms.com/about-yoga-4-classrooms

teachers can have a Y4C trainer teach in their classroom through their residency program, which enables the teachers to then be able to conduct the yoga sessions, thereafter.

Residency is for 10 or 18 weeks with 30-minute classes in elementary school and 45-minute classes in middle and high school. Classes are taught from one to three times per week at the schools' discretion. Y4C also conducts training yoga teachers who want to participate in the residency program.⁵⁸ Financial details were not provided. Yoga Pose cards are sold for \$32 through Amazon.com.⁵⁹

Sarah Herrington is another sole proprietor who trains schoolteachers and yoga teachers how to teach yoga to youth in the classroom environment. In 2008 Ms. Herrington was hired to be a full-time teacher of yoga at an all girls charter school populated primarily by African-American and Hispanic children from low-income families, located on the Lower East Side of Manhattan, New York City. For three years she taught yoga at this elementary school 5 days a week, with separate classes being established in each grade level from kindergarten to 5th grade until funding for her position ran out. In direct communication with Ms. Herrington by e-mail and a phone interview she emphasized that her experience teaching in a public school taught her the need for in-depth lesson plans and curriculums, a point she emphasizes in her trainings particularly to the yoga teachers who attend her OM Schooled Teacher Trainings.⁶⁰ She noted that her trainings are populated almost equally by yoga teachers who are interested in teaching in schools but not credentialed school teachers and teachers from all school

⁵⁸ yoga4classrooms.com/classroom-residency

⁵⁹ yoga4classrooms.com/activity-card-deck

⁶⁰ om-schooled.com

levels who are interested in learning more about teaching yoga and bringing it into their classroom. Additionally, a few parents of school-age children have attended her trainings. A published writer and a graduate of the English and Creative Writing Program at NYU, Sarah also holds a Masters of fine arts in creative writing from Lesley University in Cambridge, MA. Her background of teaching in schools, combined with her prior yoga training and education led her to write a recently published book entitled, **OM Schooled**: a guide to teaching kids yoga in real-world schools.⁶¹ The book begins with the story of her own personal journey into yoga to happening on the opportunity to teach yoga in an elementary school; she then proceeds to discuss the basics of creating class structure including sets of postures broken up into those for beginners, intermediates and the more advanced as well as the necessity for adapting lesson plans to the appropriate grade level. She includes a short chapter for some simple, practices that the teachers themselves can use for their own health and well-being and concludes with a sample lesson plan and a list of resources that include appropriate music for kids yoga class and yoga books for kids.

LEGAL ISSUES:

The primary legal issue that affects the ability to institute yoga programs in primary and secondary education is one that applies only to public schools as it arises from the general Constitutional principle commonly known as separation of church and state. Thus, I begin with a review of this constitutional concept that starts with the 1st amendment to the U.S. Constitution, which was ratified by the states in 1791. Included in

⁶¹ Herrington, Sarah, *OM Schooled: a guide to teaching kids yoga in real-world schools*, San Marcos, CA: Addriya, 2012.

the First Amendment, among other civil liberties, is the establishment clause and related free exercise clause regarding religion, which states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.⁶²

The authors of the First Amendment drafted the Establishment Clause to address the problem of government sponsorship and support of religious activity and the Free Exercise clause to prevent the states from denying religious freedom to anyone.

The Free Exercise clause prohibits the federal government from interfering with individual religious beliefs. The Establishment Clause precludes the government from enacting laws aiding any religion or establishing an official state religion. Originally the establishment clause was considered to apply only to the federal government and in the early years of the United States, several of the states did establish official state religion. Surprisingly it was not until 1940 that the Supreme Court held that the establishment clause also applied to the individual states through the due process clause of the 14th amendment.⁶³ Since that time, the courts have interpreted the Establishment Clause to effectuate the separation of church and state on both the national and state levels of government. The Supreme Court has defined the meaning of the Establishment Clause in cases dealing with public financial assistance to church-related institutions, primarily parochial schools, and religious practices in the public schools. The Court has developed a three-pronged test to determine whether a statute violates the Establishment Clause. According to that test, a statute is valid as long as it has a secular purpose; its primary effect neither advances nor inhibits religion; and it is not excessively entangled with

⁶² US Constitution, 1st amendment.

⁶³ Cite 1940 and 47 cases

religion. Because this three-pronged test was established in *Lemon v. Kurtzman*, 403 U.S. 602, 91 S. Ct. 2105, 29 L. Ed. 2d 745 (1971), it has come to be known as the Lemon test. Although the Supreme Court adhered to the Lemon test for several decades, since the 1990s, it has been slowly moving away from that test without having expressly rejected it.⁶⁴

Although the First Amendment only refers to Congress, the U.S. Supreme Court has held that the Fourteenth Amendment makes the Free Exercise and Establishment Clauses also binding on states (*Cantwell v. Connecticut*, 310 U.S. 296, 60 S. Ct. 900, 84 L. Ed. 1213 [1940], and *Everson v. Board of Education*, 330 U.S. 1, 67 S. Ct. 504, 91 L. Ed. 711 [1947], respectively). Some examples of how the courts held dealt with the church state issue in public schools include the following to be constitutional and not in violation of the Establishment Clause:

A release-time program where religious instruction is given off-campus held constitutional. *Zorach v. Clauson* (U.S. 1952) ;

State setting aside a time for students for silent meditation alone does not violate constitution. *Brown v. Gwinnet County School District* (11th Circuit Court of Appeals, 1997);

Yoga classes taught by a Sikh priest who wore a turban and the traditional long Sikh beard did not violate the constitutional principle of separation of church and stating " 'although the presenter was dressed in a turban and wore the beard of a Sikh minister, he did not in his yoga exercise presentation advance any religious concepts or ideas.'" *Altman v. Bedford Central School Dist.* (2d Cir. 2001) 245 F. 3d 49.

⁶⁴ In 2014 the Supreme inn a 5-4 decision upheld the right of a town board to open public meetings with a “sectarian prayer” by a “chaplain of the month” who was almost always Christian. IN her dissenting opinion, Justice Elena Kagan said that the town’s practices could not be reconciled “with the First Amendment’s promise that every citizen, irrespective of her religion, owns an equal share in her government.” *Town of Greece v Galloway*, 572 US___, 2014.

It should also be noted that the Establishment Clause applies “not only to official condonement of a particular religion or religious belief, but also to official disapproval or hostility toward religion” and government neutrality toward religion and non-religion is mandated. *C.F. v. Capistrano Unified School District* (9th Circuit Court of Appeals, 2011).⁶⁵

The most recent case to examine the issue of teaching yoga in public schools in light of the establishment clause arose out of the establishment of a yoga program in the elementary schools in Encinitas, California funded by Pattabhi Jois Foundation. The results of that case upheld the particular program that was instituted in the nine elementary schools of the Encinitas school district to be secular in nature. An examination of the Court of Appeals decision, which relied heavily on the statement of fact provided by the trial judge⁶⁶, is instructive toward the overriding issues that yoga in public schools may experience with respect to claims of violation of the principles of separation of church and state that may yet arise elsewhere in the US. It should be noted, that this Court of Appeals decision is established law/precedent only in that part of the State of California under the jurisdiction of the 4th Appellate District, which covers San Diego and Imperial counties. Thus, it is conceivable for another trial court in the state of California, not in those counties, to rule differently under the same set of facts upon which the 4th district court of appeals decision was based. This ruling has no legal

⁶⁵ calschoollaw.com/religious-establishment.html accessed May 8, 2015.

⁶⁶ Because the underlying case involved a petition for writ of mandate and a complaint for injunctive and declaratory relief, there was no right to a jury as only equitable relief was sought, and as in the norm in these cases, the matter was tried before a single Superior Court judge who acted as Trier of Fact as well as interpreter of the law

authority anywhere else in the country. I would imagine that in more conservative leaning states such as Mississippi or Alabama and opposing decision might be not only possible but also likely.

The Encinitas case, *Sedlock V Baird*⁶⁷, (Timothy Baird was named as the Superintendent of the Encinitas School District) was initiated by Stephen and Jennifer Sedlock, the parents of 2 children who attended elementary school in the Encinitas cool district, with support from the Pacific Justice Institute, the church state counsel and the world faith foundation. They claimed that the Ashtanga yoga program instituted by the district violated various religious freedom provisions of the California Constitution, which we will see later, is essentially seen as having the same legal ramifications as the establishment and free exercise clauses of the First Amendment to the U.S. Constitution.

The California Constitution states in applicable part:

ARTICLE I DECLARATION OF RIGHTS

SEC. 4. Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall make no law respecting an establishment of religion.

A person is not incompetent to be a witness or juror because of his or her opinions on religious beliefs.

ARTICLE 16 PUBLIC FINANCE

SEC. 5. Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation for any religious creed,

⁶⁷ 4th District Case # D064888.

church, or sectarian purpose whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 3 of Article XVI.⁶⁸

The California Supreme Court has held that "the protection against the establishment of religion embedded in the California Constitution "does not" create broader protections than those of the First Amendment [of the United State Constitution]." Further, "the California concept of a 'law respecting an establishment of religion' ([Cal. Const.,] art. I, § 4) coincides with the intent and purpose of the First Amendment establishment clause."⁶⁹ This means in essence that although the Sedlock's asserted the California Constitution as the basis for their claims, federal law is dispositive and "Federal cases... supply guidance for interpreting [the establishment clause of the state constitution]."⁷⁰

The US Supreme Court has adopted a three-part test to determine whether a government practice violates the establishment clause of the First Amendment.⁷¹ The Court held that for government program to constitutional in accordance with the establishment clause:

- (1) the government program must have "a secular legislative purpose";
- (2) the program's "principal or primary effect must be one that neither advances nor inhibits religion"; and
- (3) the program "must not foster 'an excessive government entanglement with religion."

Commonly known as the *Lemon* test and not applied in every establishment clause case,

⁶⁸ Article XVI Sec. 3 allows public funding for hospital construction, aid to orphans and abandon children and disability benefits.

⁶⁹ East Bay Asian Local Development Corp. v. State of California (2000) 24 Cal.4th 693, 718.

⁷⁰ Sands v. Morongo Unified School Dist. (1991) 53 Cal.3d 863, 883

⁷¹ Lemon v. Kurtzman (1971) 403 U.S. 602

it has never been overruled and was applied by the trial court and the Court of Appeals in the Sedlock case. This then raised the additional factor of how the court is to rule when there is a mix of fact and law inherent to the underlying question. In 1994, the California Supreme Court, restating earlier precedent, outlined the appropriate standard of review to be applied in cases in which an appellant's claim raised a mixed question of law and fact:

'There are three steps involved in deciding a mixed fact/law question. The first step is the establishment of basic, primary or historical facts. The second is the selection of the applicable law. The third is the application of law to the facts. All trial court determinations are subject to appellate review. Questions of fact are reviewed by giving deference to the trial court's decision. Questions of law are reviewed under a nondeferential standard, affording plenary review. [Citation.] However, as to the third step, the application of law to fact . . . ' [I]f . . . the question requires us to consider legal concepts in the mix of fact and law and to exercise judgment about the values that animate legal principles, then the concerns of judicial administration will favor the appellate court, and the question should be classified as one of law and reviewed de novo.'⁷²

In the instant matter (Sedlock), the Court of Appeal deferred to the trial court's factual findings but applied the de novo (fresh look) standard with respect to the applicable law while applying the trial court's findings thereto, to determine if the Encinitas school districts yoga program violated the establishment clause of the state constitution. The Court held that the Encinitas yoga program was totally secular and did not violate the concept of Separation of Church and State inherent in the Establishment Clause.

For those supporting the implementation of yoga in public schools, it is important to understand that the Court of Appeals decision is precedent at best only in the 4th Appellate District of California which covers the counties of San Diego, Imperial, Riverside, San Bernardino, Inyo and Orange. As it was issued by District One of said court it may only be applicable to San Diego and Imperial counties. Thus, in another

⁷² East Bay, supra, 800-801.

Division of the same court or in a different Court of Appeals District a different decision might be reached based on the same trial court record. Regardless, the decision applies to a specific yoga program, scrubbed of any connection to Hinduism, Sanskrit and spiritual or philosophical content, in a specific school district. Everywhere yoga programs are challenged on the basis of violating the establishment Clause there will be a different set of facts and a different judge ruling on the validity of the program. At the trial court level, judges are usually part of the local community and may be influenced by local mores, ways of life that might be less friendly to the notion of yoga in the schools than those of the people in Encinitas and San Diego County. To ensure the likelihood of defending a yoga in schools program against an establishment clause challenge, I suggest following the model of the Encinitas program. What started out with potential religious overtones was restructured and any and all association to any religious or spiritual concept was stripped to the extent that not even commonly known Sanskrit terms for poses (not asanas) were allowed. I have yet to discover, however, any objections to the terms mindfulness or mindful meditation, although I'm sure if they called it vipassana, the Buddhist meditation practice from which mindful meditation came, there would be outcries from the religious right.

I'll briefly mention two other areas of concern that may lead to legal action or issues when yoga is taught in any school, public or private, although I have not seen anything regarding existing law or case history specific to yoga in schools. The first is the risk of injury; it is not inconceivable to be injured in a yoga asana class nor is it inconceivable that the parents of a child so injured would make a personal injury claim against the teacher and the school on the grounds of the negligent instruction of the

teacher or the negligent hiring of an unqualified yoga teacher. Usually the school should have insurance to cover any such claims but it would be wise to be sure. The second issue that might arise involves the possibility that pranayama, particularly kapalabhati/ breath of fire, and meditation, might trigger mental health issues including panic attacks. Again I found no documentation of this problem but I do not think the possibility should be ruled out.

GOING FORWARD:

It is clear from my research to date that yoga has been and continues to be put into effect in K-12 schools throughout the US. Unfortunately, the documentation of this development is somewhat scarce and the process of discovering the myriad places throughout the country where you got has entered that it school system appears to be a difficult and labor intensive task. The research both qualified and anecdotal seems to make evident that introducing yoga and meditation into both primary and secondary schools is highly beneficial in many different areas including but not limited to student conduct, students 'self-esteem and reduction of stress for both students and teachers. There is even evidence that teachers who were hesitant because of time constraints found yoga in the classroom was timesaving because of the associated reduction in classroom disruptions as well as increased student focus and performance. Additionally, once instituted, parents and the local community almost universally applaud yoga in the schoolroom. However, the research has severe limitations. A sizable segment of the research is merely anecdotal, lacking sufficient scientific controls and very localized often down to a single classroom. The peer-reviewed research itself often lack a properly identified control group and primarily are confined to small and often statistically

insignificant numbers of participants. There appears also to be a dearth of long-term studies, although at least one has been started. While not as burdensome as the determination of where yoga is being taught, researching the effects of yoga from both and total reports and formal studies, it is still a time-consuming task.

The crux of the problem is rooted in the nature of yoga itself, both in India and the Western world. It is diverse and to a great extent disconnected. This is evident, not only in the nature and places in which yoga is being taught but also in the array of entities that offer curriculums and train people to teach yoga in the classroom setting. I liken yoga teachers to rabbis and imams in their heterogeneity. I suspect there are more registered yoga teachers in the United States than the combined total of rabbis and imams in the world. There is a multiplicity of yoga styles being taught, differences in the description of the yogic path in the classic texts and diffuse opinions as to what yoga is an even who owns yoga.⁷³

My answer to this conundrum is to reverse the process. Instead of looking for the information that is out in the world's library, I propose bringing the information to one place. While I appreciate the non-hierarchical diversity of opinion regarding yoga, to be effective in advancing the cause of introducing yoga into the K-12 school system a center or library to house evidence of the existence of such yoga programs, the studies of the benefits, and the curriculums and trainings that are available, is needed. I further propose that such a center, focused on the study and advancement of yoga in the K-12 education system nationally, be located in the Yoga Studies Department of Loyola MaryMount University in coordination with its Education Department. Why LMU and not for

⁷³ According to Indian Prime Minister Nahendra Modi, they do.

example Kripalu, which has already held a conference on the subject? As the first program of its kind in the United States, it has the distinct authority of a distinguished institution of higher learning combined with the scholarly yogic insights, integrity, celebrity and rolodex of its founder, Christopher Key Chapple.⁷⁴

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