

Shielding the Youth: Implementing Mindful Meditation in Public Schools to Reduce the Rising Rates of Suicide and Depression Amongst Children, Teens and Young Adults

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Notes

SHIELDING THE YOUTH: IMPLEMENTING MINDFUL MEDITATION IN PUBLIC SCHOOLS TO REDUCE RISING RATES OF SUICIDE AND DEPRESSION AMONGST CHILDREN, TEENS, AND YOUNG ADULTS

I. INTRODUCTION

The modern world is a place where children as young as eight years old commit suicide.¹ The reasons for children committing suicide are derived not only from a child's imagination or personal knowledge but also via inspiration from the internet and other people.² Inspiration for young children to commit suicide can be further understood through a study indicating that children who had a parent or relative commit suicide were more likely to commit suicide themselves.³ Ultimately, statistics and studies indicate that exterior factors, such as the internet and other people, expose vulnerable children to the existence of suicide, which in turn gives children knowledge regarding how to end their suffering.⁴

¹ See Anne Saker, *Gabriel Taye's Parents Sue CPS, Blame School Bullying for 8-Year-Old's Suicide*, ENQUIRER (Aug. 7, 2017), <https://www.cincinnati.com/story/news/2017/08/07/gabriel-parents-sue-school-blame-bullying-8-year-olds-suicide/543829001/> [<https://perma.cc/C2ZA-TCMP>] (noting the occurrence of an eight-year-old child committing suicide). Children even as young as five years old have taken their own lives. See Jason Hanna, *Suicides under Age 13: One Every 5 Days*, CNN (Aug. 14, 2017), <https://www.cnn.com/2017/08/14/health/child-suicides/index.html> [<https://perma.cc/4GAW-6CSE>].

² See Marilyn A. Mendoza, *Why Do Young Children Commit Suicide?*, PSYCHOL. TODAY (Nov. 12, 2018), <https://www.psychologytoday.com/us/blog/understanding-grief/201811/why-do-young-children-commit-suicide> [<https://perma.cc/Q2US-H2XC>] (explaining that children may obtain the idea to commit suicide from other people or the internet).

³ See *id.* (emphasizing the role relatives play in incepting the idea of suicide into the minds of children).

⁴ This does not even delve into other non-internet-related factors, like a child's family life at home and what he or she is exposed to. See Mendoza, *supra* note 2 (stating the reasons and influences for a child to commit suicide). See also Brian Thompson, *NJ Girl Who Killed Herself Saw Story about Another Child's Suicide: Sources*, NBCNY (Dec. 12, 2017), <https://www.nbcnewyork.com/news/local/New-Jersey-Eight-Year-Old-Girl-Suicide-Found-Hanging-in-Bedroom-463736763.html> [<https://perma.cc/KUM5-C9HK>] (highlighting the internet as a means through which children can obtain suicidal ideas).

Such was the case for eight-year-old Imani McCray, who made the decision to hang herself.⁵ Many parties close to the investigation of her death believed that she may have been influenced and inspired by the suicide of ten-year-old Ashawnty Davis, which Imani McCray learned about from the internet.⁶ A similar situation arose for eight-year-old Gabriel Taye, who was bullied to the point that he hung himself with a necktie; his mother later found his body.⁷ These examples exemplify two of many instances of children taking their lives, confirming that something needs to be done to mitigate the current trend of rising suicide rates amongst young children.⁸ This is further evident through current data indicating that every five days since 1999 a child under thirteen has taken his or her life.⁹

It is difficult to understand why a child as young as eight would take his or her life because most people never have such thoughts at a young age.¹⁰ While individuals can be told the reasons or find potential causes for these tragedies, understanding how an eight-year-old is driven to suicide provides little peace of mind.¹¹ This near-absence of peace of mind is understandable, considering the rates of suicide and depression for children and teens are increasing.¹²

Insulation from the darker side of humanity does not exist in the information age, where the internet supplies sufficient examples of suicide to provide inspiration for those who may be undergoing emotional or mental turmoil.¹³ Nevertheless, Imani McCray did not take her life only due to internet inspiration because bullying was a likely cause and often

⁵ See Thompson, *supra* note 4 (indicating that Imani's death was likely facilitated by access to the internet, which provided adequate instruction to individuals on how to commit suicide).

⁶ *Id.*

⁷ See Hanna, *supra* note 1 (emphasizing that child suicide occurs in more than merely a few isolated incidents).

⁸ See *supra* text accompanying notes 1–7 (highlighting that the two examples of suicide are tragedies, and society must help prevent such atrocities from occurring).

⁹ See Hanna, *supra* note 1 (emphasizing that child suicide is significantly more commonplace than generally understood).

¹⁰ See Mendoza, *supra* note 2.

¹¹ *Id.*

¹² See sources cited *infra* notes 17 & 35 and accompanying text (indicating that rising rates of depression and suicide for teens reaffirms the point that understanding the problem is just one step in a long line of steps toward providing a solution).

¹³ See Aris Folley, *8-Year-Old Imani McCray May Have Hung Herself after Seeing Report of Another Girl's Suicide*, AOL (Dec. 13, 2017), <https://www.aol.com/article/news/2017/12/13/8-year-old-imani-mccray-may-have-hung-herself-after-seeing-report-of-another-girls-suicide/23306555/> [<https://perma.cc/77KX-AX6J>] (explaining the internet's role in negatively influencing children).

is a factor in instances of child suicide.¹⁴ As a result, these examples illuminate and emphasize the stark truth that young children and teens are exposed to and influenced by terrible tragedies at the touch of a button.¹⁵ Children are exposed, wholesale, to the worst of humanity, and children going through emotional turmoil are provided examples on the internet of ways to end their suffering.¹⁶

These anecdotes are not isolated incidents, and studies show that depression and suicide are on the rise for children aged twelve to seventeen and fifteen to twenty-four.¹⁷ Furthermore, a study also indicated that school shootings are on the rise, with approximately one occurring every week in 2018.¹⁸ Because these studies offer evidence of increased rates of depression, suicide, and the likelihood of depression and suicide in the future, the question shifts to what schools can do, beyond bullying prevention programs, censorship, and counseling, to

¹⁴ See *id.* (establishing the potential role bullying played in Imani McCray's suicide). See also Mendoza, *supra* note 2 (emphasizing the role bullying plays in causing suicide).

¹⁵ See Folley, *supra* note 13 (underlining the harsh realities that children are exposed to on the internet and how this exposure can negatively affect them).

¹⁶ See *id.* (concluding that the internet provides the most emotional, vulnerable children with options and awareness of the means to end his or her own life).

¹⁷ See Staff, *Depression is on the Rise in the U.S., Especially Among Young Teens*, COLUMBIA (Oct. 30, 2017), <https://www.mailman.columbia.edu/public-health-now/news/depression-rise-us-especially-among-young-teens> [<https://perma.cc/L4VZ-9Z7D>] [hereinafter Staff, *Depression is on the Rise in the U.S.*] (establishing that depression is increasing amongst ages twelve to seventeen more than any other group). See generally A. H. Weinberger et al., *Trends in Depression Prevalence in the USA from 2005 to 2015: Widening Disparities in Vulnerable Groups*, CAMBRIDGE UNIV. PRESS (Oct. 12, 2017), <https://www.cambridge.org/core/journals/psychological-medicine/article/trends-in-depression-prevalence-in-the-usa-from-2005-to-2015-widening-disparities-in-vulnerable-groups/8A2904A85BB1F4436102DB78E3854E35> [<https://perma.cc/YR2B-IHCZN>] (revealing depression is on the rise amongst children and teens aged twelve to seventeen). See *infra* note 35 and accompanying text (establishing the age group for which suicide rates are increasing).

¹⁸ See Saeed Ahmed & Christina Walker, *There Has Been, On Average, 1 School Shooting Every Week This Year*, CNN (May 25, 2018), <https://www.cnn.com/2018/03/02/us/school-shootings-2018-list-trnd/index.html> [<https://perma.cc/9JAP-HHAK>] (showing how common school shootings were in 2018). See also Staff, *Rapid Rise in Mass School Shootings in the United States, Study Shows*, SCI. DAILY (Apr. 19, 2018), <https://www.sciencedaily.com/releases/2018/04/180419131025.htm> [<https://perma.cc/R5L4-2GUU>] (emphasizing the significant increase in mass school shootings in the United States). The study also interestingly noted that, "More people have died or been injured in mass school shootings in the US in the past 18 years than in the entire 20th century." *Id.* For conclusions regarding the trends of mass shootings in the United States, see generally Antonis Katsiyannis et al., *Historical Examination of United States Intentional Mass School Shootings in the 20th and 21st Centuries: Implications for Students, Schools, and Society*, J. CHILD & FAM. STUD. (Apr. 2018), https://www.researchgate.net/publication/324617091_Historical_Examination_of_United_States_Intentional_Mass_School_Shootings_in_the_20th_and_21st_Centuries_Implications_for_Students_Schools_and_Society [<https://perma.cc/PP69-SZ3W>] (explaining that current rates of mass shootings are worthy of the label "epidemic").

mitigate and reduce rates of depression, suicide, and school shootings for teens and children.¹⁹

The solution proposed regards legislation adopting or encouraging mindful meditation in public schools. Mindful meditation is simply when a person takes time to sit and relax, with the general goal of focusing on one's own breathing in the present moment, as opposed to focusing on the myriad of wants, thoughts, fears, desires, and worries that naturally pervade people's minds.²⁰ Furthermore, mindful meditation is scientifically proven to reduce anxiety, stress, and depression in people of all ages.²¹ With depression and suicide rates rising, mindful meditation may be able to aid in the battle for the mental and emotional health of children and teens.²²

First, Part II discusses the rising rates of depression and suicide amongst teens; the role smartphones play in causing depression; what meditation is, how to do it, and the objective; the history of meditation and its religious roots; the benefits of meditation; and the history of moment-of-silence and prayer statutes in public schools.²³ Second, Part III discusses the sad truth of increasing depression and suicide rates among children, teens, and young adults and how something must be done; the effectiveness of anti-bullying and censorship policies; the benefits of meditation in relation to depression and suicide; the disassociation of meditation from religion; and the constitutionality of meditation in public

¹⁹ See *supra* notes 17–18 and accompanying text (concluding, based upon rising rates of depression and suicide in children and teens, that a remedy is sorely needed).

²⁰ “Mindfulness meditation practice couldn’t be simpler: take a good seat, pay attention to the breath, and when your attention wanders, return. By following these simple steps, you can get to know yourself up close and personal.” See Mindful Staff, *Mindfulness: How to Do It*, MINDFUL (Sept. 9, 2014), <https://www.mindful.org/mindfulness-how-to-do-it/> [<https://perma.cc/LD38-J6KP>] (explaining how a person meditates and the general goal of meditation).

²¹ This Note acknowledges that while meditation benefits the majority of practitioners, there are also individuals for whom it may be ineffective. See Brigid Schulte, *Harvard Neuroscientist: Meditation Not Only Reduces Stress, Here’s How It Changes Your Brain*, WASH. POST (May 26, 2015), https://www.washingtonpost.com/news/inspired-life/wp/2015/05/26/harvard-neuroscientist-meditation-not-only-reduces-stress-it-literally-changes-your-brain/?noredirect=on&utm_term=.961a634d6221 [<https://perma.cc/H7UX-WUTN>] (providing evidence from a respectable member of the scientific community that meditation can not only reduce stress and depression but also change the very nature of the brain).

²² See Julia Corliss, *Mindfulness Meditation May Ease Anxiety, Mental Stress*, HARV. HEALTH BLOG (Jan. 8, 2014), <https://www.health.harvard.edu/blog/mindfulness-meditation-may-ease-anxiety-mental-stress-201401086967> [<https://perma.cc/A5FL-8S9X>] (explaining that meditation can help manage stress and anxiety, which in turn helps manage and mitigate encroaching depression).

²³ See *infra* Part II (outlining the requisite history and data regarding meditation, suicide, depression, and the myriad of other necessary information to discuss this topic).

schools.²⁴ Third, Part IV discusses the necessities in implementing and designing a mindful meditation policy for public schools at the state level and what a statute regarding meditation in public schools would involve.²⁵ Finally, the conclusion will outline the validity of whether meditation in public schools may help decrease suicide, depression, and school shootings.

II. BACKGROUND

Part II.A discusses scientific studies and analysis regarding rising depression and suicide rates in the United States, highlighting the significant problems regarding depression and suicide among children and teens today.²⁶ Part II.B targets internet, smartphone, and social media involvement in rising rates of depression and suicide and how these factors ultimately contribute to established problems among children and teens.²⁷ Part II.C discusses what meditation is, how a person meditates, and the ultimate goal and outcome of meditation.²⁸ Part II.D discusses the science behind meditation, through studies exemplifying that meditation is proven to reduce depression and stress for both children and adults and that it is a viable and beneficial tool that could be implemented in public schools.²⁹ Part II.E delves into the history of meditation and its roots in religious tradition, as well as meditation's evolution into a secular practice with an incredibly diverse following.³⁰ Finally, Part II.F discusses the history of legislation involving prayer in public schools and explores the history and current status of moment-of-silence statutes, underlining the established law and court-created tests regarding prayer, meditation, and the general relationship between religion, the Establishment Clause of the First Amendment, and public schools.³¹

²⁴ See *infra* Part III.

²⁵ See *infra* Part IV (discussing the pitfalls of implementing meditation in public schools and what policy implementation would look like).

²⁶ See *infra* Part II.A (discussing the data that indicates rising depression and suicide rates among children and teens).

²⁷ See *infra* Part II.B (explaining smartphones' and the internet's role in exacerbating the problem of depression and suicide among children and teens).

²⁸ See *infra* Part II.C.

²⁹ See *infra* Part II.D (analyzing the benefits of meditation and its relationship with reducing depression and suicide).

³⁰ See *infra* Part II.E (outlining the history of meditation).

³¹ See *infra* Part II.F (evaluating and understanding the history of moment-of-silence statutes and their constitutionality).

A. *Rising Depression and Suicide Amongst Teens*

As previously indicated, according to a 2018 study in which over 600,000 people were surveyed, from 2005 to 2015 the rate of depression among children ages twelve to seventeen increased significantly, relative to older groups.³² The general rate of depression among all ages from 2005 to 2015 increased from 6.6% to 7.3%, whereas the rate for ages twelve to seventeen increased from 8.7% to 12.7%.³³ Researchers further noted that even though depression was increasing for that age group, it still went untreated, with depression also being touted as a cause for suicide.³⁴

Another study indicated that suicide was on the rise among those aged fifteen to twenty-four, with the rate of this age group increasing from 9.7% in 2007 to 13.15% in 2016.³⁵ In regard to suicide attempts, 7.4% of those from grades nine to twelve, ages fifteen to eighteen, were noted to have made at least an attempt on their own lives within the past year, with girls attempting suicide approximately twice as often as boys.³⁶ Thus, data indicates that depression and suicide rates among children, teenagers, and college-aged young adults are on the rise, with children under twelve exhibiting, in recent years, a sharp rise in suicide.³⁷ Another study also reported that the admittance of children aged five to seventeen to children's hospitals for suicidal thoughts doubled from 2008 to 2015.³⁸

³² Depression was noted to have increased significantly among the elderly also, with the researchers noting that both the young and elderly tend to have the least access to mental healthcare. See Staff, *Depression is on the Rise in the U.S.*, *supra* note 17 (establishing that depression and suicide are increasing among ages twelve to seventeen more than any other group). See generally A. H. Weinberger et al., *supra* note 17 (stating that depression is on the rise among children and teens aged twelve to seventeen).

³³ See Staff, *Depression is on the Rise in the U.S.*, *supra* note 17; A. H. Weinberger et al., *supra* note 17.

³⁴ Tragically, the most vulnerable age group is getting the least help. See Staff, *Depression is on the Rise in the U.S.*, *supra* note 17 (emphasizing the natural progression of depression into suicide and how, even though children and teens are the most vulnerable, they also seem to receive the least help).

³⁵ See Staff, *Suicide Statistics*, AM. FOUND. FOR SUICIDE PREVENTION (2016) <https://afsp.org/about-suicide/suicide-statistics/> [<https://perma.cc/4E5H-NV5Q>] [hereinafter Staff, *Suicide Statistics*] (emphasizing how teens and young adults are rapidly becoming more depressed).

³⁶ See *id.* (underlining the significant number of children and teens who attempt to kill themselves).

³⁷ See *id.* (stating that teens and young adults are more at risk of ending their lives as opposed to younger children, although children committing suicide at any age is still a problem).

³⁸ See Staff, *Suicide Admissions to Children's Hospitals Double over the Last Decade*, CHILDREN'S HOSP. ASS'N (May 9, 2017), <https://www.childrenshospitals.org/newsroom/childrens-hospitals-today/articles/2017/05/suicide-admissions-to-childrens-hospitals-double-over-the-last-decade> [<https://perma.cc/39UN-KV8F>] (highlighting the increasing propensity for suicide among children and teens in recent years). Certain groups argue that

B. *The Role of Smartphones and the Internet in Depression*

Smartphones, social media, and the internet have created a self-perpetuating cycle in which both young and old people are constantly connected to smartphones and the internet and therefore everyone and everything therein.³⁹ As a result, people are constantly interacting and reacting, on a mental and emotional level, to whatever information the internet provides.⁴⁰ Much of the information is unconsciously received and akin to a subconscious white noise, and the more a person mindlessly consumes information without active mental engagement, the more the white noise consumes the mind.⁴¹ Ultimately, people are always thinking about something, but people are not always aware of all thoughts, such as those originating from the subconscious.⁴²

People may not be overthinking as much as they are passively engaging in and absorbing negative information from the internet and social media.⁴³ Because people engage online for hours, the comments, thoughts, and feelings of other people can easily become embedded and

the rising suicide rates are linked to children being exposed to things on the internet that are more and more traumatizing, with others discussing the involvement of bullying, which children often do not report. See also Lara Korte, *Youth Suicide Rates are Rising. School and the Internet May Be to Blame*, USA TODAY (May 30, 2017), <https://www.usatoday.com/story/news/nation-now/2017/05/30/youth-suicide-rates-rising-school-and-internet-may-blame/356539001/> [<https://perma.cc/U2KL-SVNM>] (discussing the arguments for likely causes behind rising suicide rates).

³⁹ See Ruben Castaneda, *How Your Smartphone May Be Making You Unhappy*, U.S. NEWS (Feb. 12, 2018), <https://health.usnews.com/wellness/mind/articles/2018-02-12/how-your-smartphone-may-be-making-you-unhappy> [<https://perma.cc/9SQ6-45V7>] (emphasizing the current interconnectedness of everyone and everything and how a person constantly connected to the internet may find it difficult to achieve some form of peace of mind).

⁴⁰ See *id.* (highlighting the passive absorption of information that occurs when people consume information on the internet and smartphones).

⁴¹ Data also indicates that when a person is in his or her mental “bubble,” relationships with other individuals (such as friends and family) suffer, which in turn has been known to cause decreases in happiness. See Castaneda, *supra* note 39 (comparing white noise to the jumbled mass of information that is subconsciously amassed in people’s minds as they consume social media or other internet resources for hours at a time).

⁴² See Matt James, *Conscious of the Unconscious*, PSYCHOL. TODAY (July 30, 2013), <https://www.psychologytoday.com/us/blog/focus-forgiveness/201307/conscious-the-unconscious> [<https://perma.cc/V5LG-M5XM>] (explaining that subconscious thoughts occur all the time without people realizing).

⁴³ An example would be akin to planting a comment from the internet inside one’s head. It could be a terribly negative comment, and now the thought and feeling that came with reading that comment resides in the brain. See Staff, *Passive Learning Imprints on the Brain Just Like Active Learning*, SCI. DAILY (July 15, 2008), <https://www.sciencedaily.com/releases/2008/07/080714111425.htm> [<https://perma.cc/E7TB-4D2M>] (explaining that passive engagement of social media may influence individuals more than they are consciously aware).

subconsciously influence individuals who are exposed.⁴⁴ These negative repercussions are indicated in teenagers and young adults through “rising levels of anxiety, stress, depression, and suicide.”⁴⁵

Studies have also indicated that it is not necessarily smartphones that children are addicted to but the entertainment, relationships, and games through which children may obtain enjoyment or temporary happiness.⁴⁶ Furthermore, of all people addicted to smartphones, many exhibit symptoms of depression, indicating that a correlation exists between smartphone use and depression.⁴⁷ Studies have also cited that children and teenagers’ ability to interact with others and form interpersonal relationships has been affected.⁴⁸

In addition, one of the main reasons for depression and suicide beyond smartphone use is not surprising: bullying.⁴⁹ Furthermore, a study in Chinese schools found that bullying increased the prominence of suicidal thoughts as well as depression, which only further exacerbated suicidal thoughts.⁵⁰ Nevertheless, bullying is not directly evaluated in this

⁴⁴ See *id.* (emphasizing the fact that any information that a person consumes on the internet can easily influence a person’s thoughts and emotions, and the sheer amount of time a person spends on the internet and social media exacerbates the problem).

⁴⁵ Leigh Mitchell, *Mindfulness for Families: 7 Tips to Get You Started*, ACTIVE FOR LIFE (Oct. 25, 2017), <https://activeforlife.com/7-mindfulness-tips-for-families/> [<https://perma.cc/W75H-S543>] (observing increasing rates of suicide and depression in children and teenagers in the United States).

⁴⁶ This essentially means that smartphones are the means through which the end, entertainment (and associated feelings of happiness or enjoyment), is achieved. See Subramani Parasuraman et al., *Smartphone Usage and Increased Risk of Mobile Phone Addiction: A Concurrent Study* (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5680647/> [<https://perma.cc/4PEG-CCHG>].

⁴⁷ See Aljohara A. Alhassan et al., *The Relationship between Addiction to Smartphone Usage and Depression among Adults: A Cross Sectional Study* (May 25, 2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5970452/> [<https://perma.cc/98UD-J47R>]. See also Parasuraman et al., *supra* note 46 (highlighting the fundamental relationship that exists between depression and suicide).

⁴⁸ Ultimately, children are focusing more on the world that exists inside the internet and the relationships created therein, without focusing on creating relationships in physical reality. See *id.* (underlining the negative impact that the internet has had on the ability of children, teens, and young adults to form interpersonal relationships with other individuals).

⁴⁹ Suicidal thoughts were also found to be less likely in those without depression, further emphasizing the relationship that exists between depression and suicide and how depression often naturally leads to suicide. See Lingyao Hong et al., *Bullying, Depression, and Suicidal Ideation among Adolescents in the Fujian Province of China*, WOLTERS KLUWER MED. (Feb. 8, 2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4748877/> [<https://perma.cc/S86K-AJ57>] (explaining that chances of depression and suicide increase for bullied children and teens).

⁵⁰ Some studies found a correlation between suicidal ideation, and others did not, indicating that variability exists regarding whether those involved in bullying will experience suicidal ideation. See *id.* (emphasizing the fundamental role bullying plays in causing depression and suicide in children and teens).

Note, largely because anti-bullying programs have been promulgated within the United States in recent years, and it is evident that they have had little effect on the current rates of suicide, depression, and school shootings among American youth because these rates continue to rise.⁵¹

C. *What Is Meditation?*

To determine whether implementing meditation in public schools would actually be good policy, it is important to understand what meditation actually is, how one meditates, and why people meditate. Meditation is defined as a process through which a person sits straight-backed (either in a chair or on the floor) with his or her eyes closed and focuses on breathing in through the nose and out through the mouth.⁵² By consciously focusing on something as simple as breathing, a practitioner becomes more aware of the present moment, reducing focus on senses such as sight or hearing and shifting focus to individual thoughts or feelings.⁵³ Whether it be residual emotions or subconscious thoughts, through meditation a person begins to realize that certain thoughts and feelings are present in the mind and body.⁵⁴ Thus, it may seem that meditation is creating more thoughts and feelings, but in reality, it simply

⁵¹ Teachers and staff in schools can only do so much to prevent bullying, and with cyberbullying being a new frontier for bullying, once again, the problem has shifted back to smartphones and the internet. See Justina Reichel, *Anti-Bullying Programs Failing Kids, Says Expert*, EPOCH TIMES (Jan. 28, 2016), https://www.theepochtimes.com/anti-bullying-programs-failing-kids-says-expert_1951195.html [https://perma.cc/P873-FCLX] (reinforcing the role bullying plays in suicide and depression). This study's conclusion that cyberbullying is of a completely different nature than regular bullying only reinforces that cyberbullying may require different policy to be resolved. See also Jing Wang et al., *School Bullying among Adolescents in the United States: Physical, Verbal, Relational, and Cyber* (2009), [https://www.jahonline.org/article/S1054-139X\(09\)00138-4/pdf](https://www.jahonline.org/article/S1054-139X(09)00138-4/pdf) [https://perma.cc/KP53-5XWM] (emphasizing how little teachers can accomplish regarding bullying and depression, especially when problems like cyberbullying and the internet only exacerbate the situation).

⁵² More nuances regarding meditative posture exist, but these are the general necessities for meditation. See David Gelles, *How to Meditate*, N.Y. TIMES, <https://www.nytimes.com/guides/well/how-to-meditate> [https://perma.cc/SEC5-Y2CT] (providing a general explanation for what meditation is). See also Staff, *How to Meditate*, HOW TO MEDITATE, <http://how-to-meditate.org/meditation-posture> [https://perma.cc/AEX3-DVV3] [hereinafter Staff, *How to Meditate*] (explaining the process through which meditation occurs).

⁵³ See Gelles, *supra* note 52. See also Staff, *How to Meditate*, *supra* note 52 (explaining that meditation helps increase a person's awareness of thoughts, feelings, and emotions of which he may have been previously unaware).

⁵⁴ See J. Patton Hyman, *The Mindful Lawyer: Mindfulness Meditation and Law Practice*, 33 VT. B.J. 40, 40 (2007); Gelles, *supra* note 52. See generally Staff, *How to Meditate*, *supra* note 52 (explaining that meditation helps a person become aware of thoughts, emotions, or feelings).

makes a person more aware of what already unconsciously exists inside his or her mind and body.⁵⁵

While meditating, a person also becomes aware that he is beginning to focus on certain thoughts or feelings over others.⁵⁶ This is why focusing on breathing is important because by focusing on breathing, a practitioner may bring himself away from the internal thought processes that he has attached himself to and pursue other avenues of awareness beyond the unconscious thoughts that drive him.⁵⁷ If a person focuses on individual thoughts or feelings, he may lose sight of the fact that he is more than just that one thought or feeling, and meditation helps a person focus on both the individual aspects that create the whole of a person and the totality of one's own mind in the present moment.⁵⁸

The goal of meditation is to focus on breathing, allowing all thoughts, feelings, and emotions to arise and pass away like a fleeting breeze of wind, which allows a person to gain a greater understanding of underlying unconscious thoughts and feelings of which a person may have been previously unaware.⁵⁹ Fundamentally, meditation is about observation of and attention to the mind and body by internalizing awareness instead of focusing on external experiences.⁶⁰

D. Meditation's History

The exact date of when people began practicing meditation is unknown, but the oldest documented evidence is that meditation began

⁵⁵ See Hyman, *supra* note 54 (highlighting that meditation does not necessarily create negative thoughts or emotions but increases a person's awareness of underlying thoughts and emotions that already exist).

⁵⁶ Thoughts may include wanting to do something else, thinking about going to the mall, thinking about what he needs to do in the future, and many others basic thoughts, worries, and fears that all people possess. See *id.* (outlining the diversity of thoughts and feelings that may barrage a person while meditating).

⁵⁷ It is important to breathe consciously with awareness of the act, as opposed to unconscious breathing without awareness. See Gelles, *supra* note 52 (emphasizing the importance of breathing in meditation and how breathing focuses the mind on something other than random thoughts).

⁵⁸ At its core, this example can be characterized as specific versus general or narrow versus broad. See *id.* (explaining that the goal of meditation is not on singular aspects of oneself but the greater whole).

⁵⁹ Furthermore, the overarching goal of meditation is to seek out the true nature of things instead of biases and assumptions. See *id.* (highlighting a key aspect of meditation).

⁶⁰ This is not to say that meditation is meant to suppress thoughts or feelings. In fact, the goal is to work through thoughts and feelings. Nevertheless, a person should not focus too hard on individual thoughts or feelings because it may result in overthinking, which is the opposite of what meditation is supposed to accomplish. See *id.*

approximately between 5000 BCE and 3500 BCE in India.⁶¹ In approximately 1500 BCE, meditation began appearing in a written collection of religious and spiritual texts, resulting in a long oral tradition cementing itself into writing.⁶² During this time period, meditation was a means used by religious people, such as sages and yogis, to overcome the shackles of a physical existence and become one with all of reality.⁶³

In about the sixth century BCE, Siddhartha Gautama left his royal life to seek spiritual fulfillment through meditation, learning from the best yogis of his time.⁶⁴ Dissatisfied with the current methodology, he separated himself and sought to create his own.⁶⁵ Siddhartha achieved enlightenment and from then on became known as “Buddha.”⁶⁶ He spent the remaining decades of his life spreading his teachings on meditation and spirituality to thousands of people, and in the hundreds of years following his death, Buddhism spread across most of Asia, forming many different versions and lineages.⁶⁷ Concurrently with Buddhism, different religions such as Jainism, Taoism, and Confucianism were formed with their own interpretations and uses for meditation.⁶⁸

Surprisingly, Greek philosophers, such as Plato and Aristotle, admitted the influence of meditation practiced by Indian sages on Greek thought, with meditation being bolstered from 327–325 BCE during the expansion of Alexander the Great’s empire into India.⁶⁹ The Greeks perceived the sages as embodying the highest virtues that they themselves sought, as exemplified by the quote, “The Greeks admired the sages’ apparent immunity to pain and discomfort, as well as their disinterest in

⁶¹ The collection of spiritual texts is known as the Vedas. See Giovanni Dienstmann, *The History of Meditation: A Brief Timeline of Practices and Traditions*, LIVE & DARE (2018), <https://liveanddare.com/history-of-meditation> [https://perma.cc/YS2U-HYPP] (discussing the oldest documented use of meditation).

⁶² See *id.* (outlining the written origins of meditation).

⁶³ In fact, the modern-day yoga movement is based upon the spiritual traditions of the yogis, who sought spiritual enlightenment through meditation. See *id.* (stating the common use of meditation for religious individuals during the time period).

⁶⁴ See Staff, *The Life of the Buddha*, DIAMOND WAY BUDDHISM (2019), <https://www.diamondway-buddhism.org/buddhism/buddha/> [https://perma.cc/S2H3-XXL3]; Dienstmann, *supra* note 61.

⁶⁵ See Dienstmann, *supra* note 61 (discussing the origins of Buddha).

⁶⁶ See *id.* (establishing the evolution of Siddhartha Gautama into the Buddha).

⁶⁷ See *id.* (emphasizing Buddha as a central factor in spreading many iterations of Buddhist meditation across Asia).

⁶⁸ Taoism emphasizes a connection with nature, Jainism emphasizes self-discipline and contemplation, and Confucianism focuses on self-contemplation and self-improvement. All of these spiritual traditions emphasize the connection with oneself and the surrounding world and continue to be practiced by people today. See *id.* (explaining other religions and their relationships with meditation).

⁶⁹ See *id.* (outlining the early influence of Eastern philosophy on Western philosophy).

pleasure and what the Greeks saw as their contempt of death.”⁷⁰ As a result, Greeks developed their own meditative techniques, with their techniques revolving around concentration.⁷¹ This influence of Eastern thought on Western thought was cut off with the advent of Christianity, with the relationship not reoccurring until the twentieth century.⁷²

While Eastern influence may have been cut off from the West, Christian mystics still developed their own version of meditation, with their iterations focusing on repeating a word or phrase and pondering God.⁷³ A form of meditation, called the Jesus Prayer, was created in Greece between the tenth and fourteenth centuries, with many historians speculating that a group of Christians may have been influenced by Indians.⁷⁴

Meditation has also been entrenched in Jewish history, typically centering on a deep contemplation of God and the tree of life.⁷⁵ A prime example in Jewish tradition is the Kabbalah, under the purview of Abraham Abulafia.⁷⁶ Kabbalah is a school of thought that seeks to understand the relationship between man and the infinity that Jews perceive to be God.⁷⁷ Meditation was a means that Jewish people in the past, such as Abraham Abulafia, used to connect to a higher being and perceive the infinite.⁷⁸

In the eighteenth century, many Eastern texts, such as Buddhist Sutras, were translated into European languages.⁷⁹ Many philosophers such as Schopenhauer, Ralph Waldo Emerson, and Henry David Thoreau were admirers of the virtues and ideals posited within the translated Eastern texts.⁸⁰ In the early twentieth century, meditation and yoga gained traction in the United States due to several prominent Indian and

⁷⁰ *Id.* (quoting GEORG FEUERSTEIN, *THE PSYCHOLOGY OF YOGA: INTEGRATING EASTERN AND WESTERN APPROACHES FOR UNDERSTANDING THE MIND* (ebook)).

⁷¹ *See id.* (understanding the effect of Eastern thought on Western thought during this era).

⁷² *Id.*

⁷³ *See id.* (explaining the method through which Christians began to meditate).

⁷⁴ Other developments of Christian meditation also occurred later on, with the chief example being achieved by Benedictine monks in the sixteenth century. *See id.*

⁷⁵ *See id.* (discussing meditation and its relationship to Jewish history and traditions).

⁷⁶ *See id.* (highlighting an important Jewish tradition involved with meditation). *See also* Elliot R. Wolfson, *Abraham Abulafia & Ecstatic Kabbalah*, MY JEWISH LEARNING, <https://www.myjewishlearning.com/article/abraham-abulafia-ecstatic-kabbalah/> [<https://perma.cc/54RR-6JNB>] (describing a certain type of Jewish meditation).

⁷⁷ *See* Dienstmann, *supra* note 61. *See also* Wolfson, *supra* note 76 (underlining the purpose and goal of the Kabbalah).

⁷⁸ *See* Dienstmann, *supra* note 61; Wolfson, *supra* note 76.

⁷⁹ *See* Dienstmann, *supra* note 61 (establishing when the transcribing of Eastern philosophy and thought into Western languages occurred).

⁸⁰ *See id.* (emphasizing that famous Western philosophers extolled the virtues and ideals present in translated Eastern philosophy).

Buddhist spiritual teachers migrating to the United States.⁸¹ Furthermore, many of the masters of meditation who migrated to the United States took on students there, resulting in a more Westernized version of meditation.⁸² This Westernized version of meditation was often simplified and separated from its original spiritual and religious context, eventually paving the way for scientific analysis to be conducted in regard to practitioners of meditation.⁸³

The first scientific study on an Indian yogi was conducted in the 1960s, with the yogi exhibiting voluntary control over processes that were once considered voluntary, such as controlling blood pressure, heartbeat, and body temperature.⁸⁴ Demonstrations such as these triggered a significant amount of interest regarding meditation in the scientific community, resulting in numerous studies occurring in the next five decades, that increased not only in quantity but also in quality.⁸⁵ Over time, the scientific analysis of meditation and the Westernization of meditation slowly changed public perception of meditation into a self-awareness practice that was non-religious in nature.⁸⁶ All of this history has resulted in what meditation is in the United States today, which is highly secularized and practiced by many people from all walks of life, whether religious or non-religious.⁸⁷ Meditation has evolved from its initial, highly spiritual and religious paradigm to a paradigm that focuses on wellness of the body and mind with an ultimate goal of reducing stress and understanding both mental and emotional well-being, while at the same time, refining focus through understanding of the internal thought process of one's own mind.⁸⁸

⁸¹ See *id.* (explaining the integration of meditation and yoga in the United States via immigration).

⁸² See *id.* (establishing the Americanization of meditation).

⁸³ See *id.* (highlighting the deviation of Western meditation into a more secularized version as opposed to religious and spiritual).

⁸⁴ See *id.* ("Among other things, he demonstrated: Altering his heartbeat while sitting motionless, to 300 beats per minute for 16 seconds, and then within a few minutes completely stopping his heart from pumping blood for some seconds. Producing different skin temperatures on adjacent sides of his hand by consciously dilating and contracting his blood vessels with his mind. Producing *alpha*, *delta*, *theta* and *gamma* brain waves on demand. Remaining fully conscious of his environment while his brain was in deep sleep.").

⁸⁵ See *id.* (noting the increasing number of studies that have occurred regarding meditation over the past several decades).

⁸⁶ See *id.* (establishing that meditation has evolved beyond its original religious and spiritual purpose).

⁸⁷ See *id.* (emphasizing that meditation can be practiced by anyone, both religious and non-religious).

⁸⁸ See *id.* (stating the modern, secularized purpose of meditation).

E. *Benefits of Mindful Meditation*

With studies indicating that depression and suicide rates are on the rise for both children, teenagers, and young adults, a solution is needed to mitigate and reduce this trend. This is where meditation comes into play. For meditation to be perceived as good policy and not as wasteful to implement in public schools, it must be determined whether meditation actually reduces depression. If evidence shows meditation helps reduce and mitigate depression in teens, then meditation should be able to help reduce suicide rates.⁸⁹

Some public schools have begun implementing the practice of mindful meditation, even though the Supreme Court has not definitively ruled upon the constitutionality of the practice.⁹⁰ For example, one study examined pre-kindergarten students who received a year-long curriculum of mindfulness meditation.⁹¹ The results showed that the children exhibited greater improvement in their memory and capacity to learn.⁹² The kindergarten mindfulness group even scored higher on vocabulary and literacy than the children who did not practice meditation.⁹³ As another example, a Baltimore school replaced detention with mindful meditation, resulting in school suspensions dropping to zero.⁹⁴ Many

⁸⁹ There is a strong possibility that meditation may be able to help potential school shooters as well, but such evidence seems to be lacking. Cf. Hong et al., *supra* note 49 (referring to the correlation between depression and increased suicidal ideation).

⁹⁰ See Candy Gunther Brown, *Mindfulness Meditation in Public Schools: Side-Stepping Supreme Court Religion Rulings*, HUFFINGTON POST (Dec. 4, 2004), https://www.huffingtonpost.com/candy-gunther-brown-phd/mindfulness-meditation-in_b_6276968.html [<https://perma.cc/U3KT-MCSQ>] (emphasizing how mindful meditation is practiced in certain public schools). Cf. Debbie Kaminer, *Bringing Organized Prayer in through the Back Door: How Moment-of-Silence Legislation for the Public Schools Violates the Establishment Clause*, 13 STAN. L. & POL'Y REV. 267, 268 (2002) (stating that the constitutionality of meditation in public schools has not definitively been ruled upon).

⁹¹ See Michelle Kinder, *Why Mindfulness Belongs in the Classroom*, MINDFUL (Jan. 25, 2017), <https://www.mindful.org/why-mindfulness-belongs-in-the-classroom/> [<https://perma.cc/BCZ5-2WZ2>] (indicating that studies with mindful meditation have been conducted on young children).

⁹² See *id.* (establishing that children in kindergarten can reap educational benefits from mindful meditation beyond reducing rates of depression or suicide).

⁹³ See *id.* (stating how meditation correlates with higher vocabulary and literacy).

⁹⁴ See Staff, *How Mindfulness Benefits Students, Police Officers, and Married Couples*, MINDFUL (Feb. 3, 2017), <https://www.mindful.org/mindfulness-benefits-students-police-officers-married-couples/> [<https://perma.cc/LS99-8G2I>] (indicating that replacing detention with meditation may be a viable option for public schools to reduce school suspensions and improve behavior).

examples of meditation in public schools exist, with many instances showing positive benefits for children.⁹⁵

While children in public schools exhibit positive effects from meditation, such as improved memory and learning and reduced stress, meditation has not been widespread and implemented to the point that significant drops in depression or suicide can be noted.⁹⁶ As a result, the best current information regarding drops in depression from meditation can be discerned via other scientific studies in both adults and children.

A scientific study indicated positive benefits for meditation practitioners in young adults.⁹⁷ In 2012, scientists analyzed participants before and after conducting a ten-week mindful meditation course.⁹⁸ The results showed notable improvements in the mental states of the participants, and participants with significant emotional difficulties exhibited the most improvement over time.⁹⁹ The scientists concluded that mindful meditation can play a significant role in reducing depression and levels of stress within those who practice meditation.¹⁰⁰ Another study was unique in that it integrated aerobic exercise with mindful meditation, ultimately resulting in positive benefits for the study's participants.¹⁰¹

⁹⁵ See Craig Lewis, *US Schools that Have Replaced Detention with Meditation are Reaping the Benefits*, BUDDHISTDOOR GLOBAL (Mar. 8, 2017), <https://www.buddhistdoor.net/news/us-schools-that-have-replaced-detention-with-meditation-are-reaping-the-benefits> [<https://perma.cc/4CA4-VCGB>] (showing the benefits of using meditation in place of detention). See also Elizabeth Harris, *Under Stress, Students in New York Schools Find Calm in Meditation*, N.Y. TIMES (Oct. 23, 2015), <https://www.nytimes.com/2015/10/24/nyregion/under-stress-students-in-new-york-schools-find-calm-in-meditation.html> [<https://perma.cc/MH7J-SFRL>] (highlighting the benefits of meditation). See generally Angelica LaVito, *Teachers Use Meditation Apps in Class to Rewire Kids' Brains, Improve Performance*, CNBC (Sept. 30, 2018), <https://www.cnbc.com/2018/09/30/teachers-are-using-calm-headspace-to-teach-mindfulness.html> [<https://perma.cc/R5SC-59CN>] (providing another example of meditation making a difference in the classroom).

⁹⁶ While it is quite easy to note improvement among individual schools and that meditation is making an impact, the sparse implementation of meditation in localities is not enough to detect drops of depression or suicide in the aggregate. See sources cited *supra* note 95 (highlighting the current limited implementation of meditation in schools).

⁹⁷ See Istvan Schreiner & James P. Malcolm, *The Benefits of Mindfulness Meditation: Changes in Emotional States of Depression, Anxiety, and Stress*, 25 BEHAVIOUR CHANGE 156-68 (Feb. 2, 2012), <https://www.cambridge.org/core/journals/behaviour-change/article/benefits-of-mindfulness-meditation-changes-in-emotional-states-of-depression-anxiety-and-stress/16CEFE3661C9173067A32827CE8F6010> [<https://perma.cc/HH5T-99BG>] (emphasizing scientific studies that state that meditation can help reduce depression, anxiety, and stress in teenagers, young adults, and adults).

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ The study sought to understand the effectiveness on the mind and body when two variables that separately have a positive impact on depression were joined together. After

These studies show the propensity of mindful meditation to reduce stress and depression in students and others, as well as produce many other positive benefits.¹⁰² Therefore, implementing meditation in public schools on a larger scale would have a positive benefit upon the children involved, especially during an era in which depression and suicide rates for adolescents, teens, and young adults are on the rise.¹⁰³

F. History of Prayer and Moment-of-Silence Statutes in Public Schools

The First Amendment states, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”¹⁰⁴ In 1962, the United States Supreme Court held that official sponsorship or endorsement of school prayer by public schools violated the Establishment Clause of the First Amendment of the Constitution.¹⁰⁵ The Court reasoned in *Engel v. Vitale*, that even though children were not forced to pray in school, reading Bible verses at the beginning of the school day was still forbidden by the Establishment Clause.¹⁰⁶ The Court stated, “The Establishment Clause, unlike the Free Exercise Clause, does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion whether those laws operate directly to coerce nonobserving individuals or not.”¹⁰⁷ The Court further emphasized that the state must remain “neutral in the field of religion.”¹⁰⁸

The Court ruled similarly in a 1963 decision, *School District of Abington v. Schempp*, holding Pennsylvania and Maryland statutes unconstitutional

the completion of the eight-week program, the study noted a significantly larger decrease in depression than those in the control group. Ultimately, the study concluded that combining both meditation and exercise can have an even more powerful effect on depressed individuals than each form of behavioral therapy does individually. See BL Alderman et al., *MAP Training: Combining Meditation and Aerobic Exercise Reduces Depression and Rumination While Enhancing Synchronized Brain Activity*, TRANSLATIONAL PSYCHIATRY 1, 1 (2016), https://www.nature.com/articles/tp2015225.epdf?referrer_access_token=zXQdxi8eP1krcMRHBmpfJNRgN0jAjWel9jnR3ZoTv0O5CcTTi-yB1vwhVFzCb [<https://perma.cc/KX6W-GWN7>] (offering into discussion a scientific study of meditation in conjunction with exercise).

¹⁰² See *supra* notes 91–101 and accompanying text (underlining the evidence of meditation’s positive benefits).

¹⁰³ See *supra* notes 91–101 and accompanying text (explaining that when taking into account the numerous benefits of meditation in public schools, meditation is a viable and rational policy to implement).

¹⁰⁴ U.S. CONST. amend. I.

¹⁰⁵ See *Engel v. Vitale*, 370 U.S. 421, 444 (1962).

¹⁰⁶ See *id.* at 430–31 (emphasizing that even though children were not coerced, adoption of a single religion violates the Establishment Clause).

¹⁰⁷ *Id.* at 430.

¹⁰⁸ See *id.* at 443 (emphasizing the important role that neutrality plays).

for requiring recitation of prayer at the beginning of the school day.¹⁰⁹ The Court emphasized that legislation regarding religion must possess a secular purpose and that it must neither advance nor inhibit the cause of religion.¹¹⁰ State neutrality toward religion was emphasized, with Justice Brennan writing a separate concurrence talking about the possibility of moment-of-silence statutes being constitutional under the First Amendment.¹¹¹ In a 1968 decision, *Epperson v. Arkansas*, the Court again emphasized that legislation regarding religion can neither advance nor inhibit the cause of religion and that there must be a secular purpose.¹¹²

Eventually, in a 1971 case, *Lemon v. Kurtzman*, the Court outlined a three-pronged test in order determine whether there was a violation of the Establishment Clause in public schools.¹¹³ Chief Justice Burger defined the three-prong test as, “First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion; finally, the statute must not foster ‘an excessive government entanglement with religion.’”¹¹⁴ While the test outlined in *Lemon v. Kurtzman* is still precedent today, it is not strictly adhered to and has been altered by certain cases like *Agostini*.¹¹⁵ The Court

¹⁰⁹ See *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 224–25 (1963) (holding that requiring prayer at the beginning of the school day is unconstitutional). See also Kaminer, *supra* note 90, at 270 (discussing *Schempp*). See generally Elizabeth Anne Walsh, *Shh! State Legislators Bite Your Tongues: Semantics Dictate the Constitutionality of Public School “Moment-of-Silence” Statutes*, 43 CATH. L. 225 (2004).

¹¹⁰ See *Schempp*, 374 U.S. at 222 (proffering fundamentally important aspects of an Establishment Clause constitutional analysis). See also Kaminer, *supra* note 90, at 270 (establishing two elements of the *Lemon* test).

¹¹¹ See *Schempp*, 374 U.S. at 245; *id.* at 281 (Brennan, J., concurring) (indicating the belief that moment-of-silence statutes may serve a secular purpose without placing religious liberties in jeopardy).

¹¹² See *Epperson v. Arkansas*, 393 U.S. 97, 107–08 (1968) (emphasizing the importance of a secular purpose and secular effect, neither advancing nor inhibiting the cause of religion, in public schools). See also Kaminer, *supra* note 90, at 271 (noting the statute was held unconstitutional due to the lack of secular purpose and the statute advancing the cause of religion). See generally Walsh, *supra* note 109, at 225.

¹¹³ See *Lemon v. Kurtzman*, 403 U.S. 602, 612, 613 (1971) (establishing the *Lemon* test to constitutionally analyze alleged violations of the Establishment Clause). See also Kaminer, *supra* note 90, at 272–73 (stating that *Lemon* dealt with government aid to religious schools). See generally David Z. Seide, *Daily Moments of Silence in Public Schools: A Constitutional Analysis*, 58 N.Y.U. L. REV. 364 (1983).

¹¹⁴ *Lemon*, 403 U.S. at 612 (citations omitted).

¹¹⁵ See, e.g., *Agostini v. Felton*, 521 U.S. 203 (1997) (finding that public school special education teachers could instruct in private schools and using a different test). While the *Lemon* test is still used, other tests are as well, such as neutrality, but the three-prong *Lemon* test has still been used by courts in certain situations involving the Establishment Clause and freedom of expression. See Kaminer, *supra* note 90, at 272–73 (highlighting the central point that the *Lemon* test is not always strictly followed by the Court and has been modified by cases following *Lemon v. Kurtzman*).

elaborated on this deviation from the *Lemon* test in a 2000 case, *Mitchell v. Helms*, explaining that only the first two factors of the *Lemon* test were evaluated in *Agostini*.¹¹⁶ *Helms* was a divided decision with the Court delivering a plurality opinion, and the judges were particularly divided regarding the factor of neutrality.¹¹⁷ Furthermore, the plurality emphasized that neutrality should be sufficient in determining whether the Establishment Clause was violated, but the dissent disagreed, arguing that neutrality alone is not enough to determine the constitutionality of statutes regarding religion.¹¹⁸

While the *Lemon* test was created for a case that involved the allocation of government funds to religious schools, the test was still applied in a case involving the placement of the Ten Commandments in a public school.¹¹⁹ In *Stone v. Graham*, the Court applied the *Lemon* test, finding that religious expression in the form of placing the Ten Commandments at a public school qualified as an inherently religious purpose.¹²⁰ As a result, the *Lemon* test was not passed.¹²¹

Following the cases that found school prayer unconstitutional, certain jurisdictions, such as Alabama, adopted statutes in which a moment of silence “for meditation or voluntary prayer” was authorized in public schools.¹²² Prior to 1985, twenty-five states had passed moment-of-silence statutes that allowed for a period of silence at the beginning of each day.¹²³ The Court found such legislation in violation of the First Amendment, explaining in *Wallace v. Jaffree* that the legislation lacked a secular

¹¹⁶ See *Mitchell v. Helms*, 530 U.S. 793, 794 (2000) (holding that the third element of the *Lemon* test is less important than the first two, with the Court divided on whether neutrality alone can decide whether the Establishment Clause is violated). See also Kaminer, *supra* note 90, at 273–74 (indicating that, in *Helms*, the Court explained how it collapsed excessive entanglement into secular effect when evaluating government aid to schools in *Agostini*). See generally *Agostini v. Felton*, 521 U.S. 203 (1997).

¹¹⁷ See *Mitchell v. Helms*, 530 U.S. 793 (2000) (emphasizing neutrality in Establishment Clause analysis). See Kaminer, *supra* note 90, at 273–74 (establishing the importance of neutrality and also the disagreement that exists in terms of how much neutrality should factor into an Establishment Clause analysis).

¹¹⁸ *Mitchell v. Helms*, 530 U.S. 793, 884 (Souter, J., dissenting); Kaminer, *supra* note 90, at 273–74.

¹¹⁹ See Kaminer, *supra* note 90, at 274.

¹²⁰ See *Stone v. Graham*, 449 U.S. 39, 41–42 (1980) (pointing out the importance of the government not adopting or preferring any single religion over another, which would have occurred if the Ten Commandments stayed at the public school). See also Kaminer, *supra* note 90, at 274 (stating that if there is an inherently religious purpose, then the *Lemon* test fails, and the Establishment Clause is violated).

¹²¹ See *Graham*, 449 U.S. at 41–43 (concluding that placing the Ten Commandments in a public school was unconstitutional).

¹²² See Kaminer, *supra* note 90, at 274 (identifying existing moment-of-silence statutes).

¹²³ See Kaminer, *supra* note 90, at 274 (showing how widespread moment-of-silence statutes became during the 1980s).

purpose.¹²⁴ The Court focused on the lack of secular purpose because, when looking into the legislative purpose of the statute, the sponsor of the bill publicly stated that the purpose of the bill was to return to voluntary prayer in public schools.¹²⁵ No other evidence was provided indicating that a secular purpose existed, thus the Court concluded that the purpose of the statute was to advance the cause of religion in state institutions.¹²⁶

In *Wallace v. Jaffree*, the Court's dicta presumed that moment-of-silence statutes could potentially be constitutional, with the Court noting that if Alabama's 1978 statute legislated a moment of silence for only meditation, it would likely be considered constitutional.¹²⁷ Furthermore, even though the Court specifically used the secular purpose element of the *Lemon* test, it also applied Justice O'Connor's "endorsement test," stipulating that the question of whether a statute approves or endorses religion must be answered.¹²⁸ Separate concurrences were also written by Justice O'Connor and Justice Powell, both of which emphasized that moment-of-silence statutes would pass the effect and entanglement prongs of the *Lemon* test, if the statutes were straightforward and possessed a secular purpose.¹²⁹ Heavy emphasis was placed on not endorsing or disapproving religion in public schools.¹³⁰ The Court further elaborated that while the secular purpose would not necessarily be the sole factor in determining the constitutionality of moment-of-silence statutes, many statutes are deemed unconstitutional for failing to express a singularly secular purpose.¹³¹

¹²⁴ See *Wallace v. Jaffree*, 472 U.S. 38, 39 (1985) (holding that the *Lemon* test fails when a statute lacks a secular purpose). See also Kaminer, *supra* note 90, at 275-76 (discussing the *Wallace* decision ruling against moment-of-silence statutes). See generally Perry A. Zirkel, *Silent Meditation in the Public Schools: The Coming Supreme Court Decision*, 19 ED. L. REP. 7 (1985).

¹²⁵ See *Wallace*, 472 U.S. at 39 (indicating the congressman's religious and non-secular purpose in backing the bill). See also Kaminer, *supra* note 90, at 275-76 (establishing the importance of a secular purpose in pursuing moment-of-silence legislation).

¹²⁶ See *Wallace*, 472 U.S. at 43 (indicating that if a secular purpose is not provided, then there may be a presumption of a party advancing the cause of religion).

¹²⁷ See *id.* at 55-62 (noting that supplementing the statute's text of "meditation" with "or voluntary prayer" endorsed prayer and had no secular purpose).

¹²⁸ See Kaminer, *supra* note 90, at 276 (defining the "endorsement test" as a relatively fundamental aspect of an Establishment Clause analysis).

¹²⁹ See *Wallace*, 472 U.S. at 61-64 (highlighting that the Alabama statute only failed due to its lack of a secular purpose). See also Kaminer, *supra* note 90, at 275-76 (underlining Justice O'Connor's language regarding the purpose prong of the *Lemon* test). See generally Zirkel, *supra* note 124, at 7 (providing an additional resource regarding moment-of-silence statutes).

¹³⁰ See Kaminer, *supra* note 90, at 276-77 (arguing that not advancing the cause of religion in public schools is fundamental, especially because children are easily influenced).

¹³¹ See *id.* at 277 (indicating that the secular purpose aspect of moment-of-silence statutes is likely the most important element of the *Lemon* test).

Following the ruling in *Wallace*, certain states began to pass statutes in which a moment of silence was granted at the beginning of each day.¹³² The Court did not rule on the merits, but shortly thereafter, two circuit courts upheld the passing of the state statutes that allowed a moment of silence at the beginning of each school day.¹³³ Thus, while the Supreme Court has not specifically upheld moment-of-silence statutes, the ruling in *Wallace* focused on the religious, not secular, purpose and the intent of Congress to return voluntary prayer to public schools, and circuit courts have since found that statutes with a secular, not religious, purpose that also lack the same intent found in *Wallace* to be constitutional.¹³⁴ And today over twenty states have moment-of-silence statutes that allow a moment of silence or meditation at the beginning of each day.¹³⁵

III. ANALYSIS

Implementing mindful meditation in public schools may reduce the increasing propensity of depression and suicide in children and young adults, thereby limiting school-related tragedies. Part III.A briefly reiterates the problem of rising rates of depression and suicide, and how a solution needs to be crafted to provide a remedy for this unwanted trend.¹³⁶ In addition, Part III.A outlines current policies implemented in the form of censorship and anti-bullying and how they fail to adequately solve the problem of depression and suicide rising in children and teens.¹³⁷ Part III.B talks about why meditation implemented in public schools is a sound method for mitigating rising rates of depression and suicide.¹³⁸ Part III.C argues the transition of meditation toward secularism and its impact on a constitutional analysis.¹³⁹ Finally, in Part III.D the constitutionality

¹³² See Kaminer, *supra* note 90, at 268 (establishing the resurgence of moment-of-silence statutes).

¹³³ See *id.* (indicating that moment-of-silence statutes are allowed when they are implemented in the correct manner).

¹³⁴ See *id.* (concluding that moment-of-silence statutes would likely be held constitutional by the Court should they satisfy all elements of the *Lemon* test and have a secular purpose, aligning with three circuit courts).

¹³⁵ See *id.* at 300–01 (noting that, in 2002, at least twenty-nine states allowed moments of silence in public schools, increasing from the twenty-five states that allowed moments of silence prior to the *Wallace* ruling, and noting that some states have reconciled the *Wallace* ruling by removing references to prayer from their statutes).

¹³⁶ See *infra* Part III.A (reiterating the problem of rising rates of depression and suicide for children, teens, and young adults).

¹³⁷ See *infra* Part III.A (discussing the ineffectiveness of anti-bullying and censorship policies in preventing depression and suicide).

¹³⁸ See *infra* Part III.B (emphasizing the beneficial role that meditation can play in public schools regarding depression and suicide).

¹³⁹ See *infra* Part III.C (explaining the importance of meditation's current secularism).

of meditation in public schools is evaluated under the Establishment Clause and by related Supreme Court tests, such as the *Lemon* test.¹⁴⁰ Moment-of-silence statutes are discussed, in addition to the similar yet different nature of moments of silence and meditation.¹⁴¹ The history of meditation is also discussed, emphasizing that meditation has evolved into an Americanized and secularized version of its religious counterparts.

A. *Rising Rates of Depression and Suicide Despite Censorship and Anti-Bullying Policies*

The studies discussed earlier express the sad truth that both depression and suicide rates are rising for young children and teenagers, and children and teens comprise some of the most vulnerable and at-risk members of society regarding depression and suicide.¹⁴² Thus, the epidemic of suicide, depression, and school shootings among teenagers and young children, begs the question: what can and should be done to remedy or, at the very least, mitigate this increasingly dangerous problem?¹⁴³

Many solutions have been offered in order to protect the minds of young children and teens, including anti-bullying policies and censorship. The fact that studies show rates of suicide and depression are still increasing among young children and teens, even though anti-bullying policies have been in place for years, only indicates that anti-bullying policies are fundamentally flawed or at least do little to prevent depression and suicide.¹⁴⁴ While it is possible that such policies in certain areas have reduced bullying among children and will continue to do so,

¹⁴⁰ See *infra* Part III.D (evaluating the constitutionality of meditation in public schools).

¹⁴¹ See *infra* Part III.D.

¹⁴² See *supra* Part II.A (highlighting the vulnerability of children and teens to depression and suicide).

¹⁴³ See *supra* Part II.A (emphasizing the severity of current problems and the necessity for a solution).

¹⁴⁴ In fairness, anti-bullying policies were not necessarily implemented for preventing suicide and depression, but bullying still has a significant relationship with suicide of children in schools; so if rates are rising despite anti-bullying policies in place, then those policies must not be enough. See Christopher J. Ferguson et al., *The Effectiveness of School-Based Anti-Bullying Programs: A Meta-Analytic Review*, 32 CRIM. JUST. REV. 401, 401 (2007) (explaining anti-bullying policies' inability to reduce bullying and violence in schools). For general information regarding the relationship between bullying and suicide, see generally Staff, *The Relationship between Bullying and Suicide: What We Know and What it Means for Schools*, CDC <https://www.cdc.gov/violenceprevention/pdf/bullying-suicide-translation-final-a.pdf> [<https://perma.cc/QT9P-A355>] (arguing that even though anti-bullying policies may not have been explicitly created to reduce depression or suicide, if they actually worked the initial intent would not matter).

the general consensus seems to be that they have little to no effect on rates of suicide and depression among children and teens.¹⁴⁵ Ultimately, anti-bullying policies do not mitigate or reduce depression or suicide in schools, and while they may help prevent some obvious bullying in public schools, they do not target the issues of rising rates of depression, suicide, and school shootings.¹⁴⁶

Censorship provides an interesting and potentially useful remedy to rising rates of depression and suicide, but the reality is that the government cannot directly censor what children can access on the internet.¹⁴⁷ Similar to how television shows, movies, and video games are under the purview of the parents of children, access to the internet and any related restrictions also fall under the purview of the parents.¹⁴⁸ The problem lies in the fact that parents can only censor the content their children consume so much, and even if parents use parental control mechanisms on their child's internet access regarding mature or explicit content, children are still exposed through fellow students who may not have the same restrictions placed on them.¹⁴⁹ In addition, parents are busy with their own jobs and lives, so sometimes parents may allow children to play with their phones as a distraction to keep the children occupied, similar to how television has been used in the past.¹⁵⁰ Ultimately, parents cannot be relied upon to censor content and prevent their children from seeing graphic and explicit material, nor can the government act in such a

¹⁴⁵ In fact, it is probable that going to a teacher or another public figure regarding bullying would only worsen the situation because a teacher or authority figure will not always be there to ensure that the child in question is not bullied. See Ferguson et al., *supra* note 144 (emphasizing the ineffectiveness of anti-bullying policies).

¹⁴⁶ See Ferguson et al., *supra* note 144 (emphasizing that anti-bullying policies are inadequate in dealing with current rising rates of depression and suicide among children, teens, and young adults).

¹⁴⁷ The government can censor but must use the least restrictive means to do so. This means requiring websites to have filters as opposed to legislatures passing more restrictive regulations. See *Ashcroft v. ACLU*, 542 U.S. 656, 665–66 (2004). See also Vic Hargrave, *Controlling Your Children's Internet Access is Good Parenting – Don't Be Embarrassed*, TREND MICRO (Nov. 27, 2013), <https://blog.trendmicro.com/controlling-childrens-internet-access-good-parenting-dont-embarrassed/> [<https://perma.cc/2YWS-YJU6>] (indicating the fundamental role that a parent plays in regulating a child's access to the internet).

¹⁴⁸ See Hargrave, *supra* note 147.

¹⁴⁹ See *id.* (speculating that children will still be exposed to explicit and graphic content via alternative means, such as other individuals or peers with access to the censored material).

¹⁵⁰ See Bunmi Laditan, *What's Wrong with Using Tech to Distract Kids?*, CNN (July 3, 2013), <https://www.cnn.com/2013/07/03/living/cnn-parents-technology-children/index.html> [<https://perma.cc/17GJ-5J4X>] (understanding that parents cannot always occupy their children's time and thus smartphones and the internet serve as a necessary distractor for maintaining sanity).

capacity.¹⁵¹ Thus, censorship is not a viable option for decreasing the rising rates of depression and suicide among children and teens.¹⁵²

While censorship is not a viable policy for reducing depression and suicide in public schools, the presence of smartphones in schools still presents a dilemma in the form of whether schools should completely disallow the use of smartphones by students while in school.¹⁵³ With studies indicating that smartphones detract from interpersonal relationships and inhibit a child's ability to learn, it becomes apparent that smartphones are ultimate distractors in school, a place where children need the least amount of distractions possible in order to learn.¹⁵⁴

B. Meditation as a Mitigator to Rising Rates of Depression and Suicide

Meditation is being evaluated as a solution to rising rates of suicide and depression because it gives students private time for introspection, and current policies are failing.¹⁵⁵ If the behavior of students and the content students have access to cannot completely be controlled by the government or parents, then the government should allow students, in school, to learn how to react and control themselves when they are faced with the emotional and mental turmoil that naturally arises throughout youth, teenage years, and life in general. Meditation promotes control and understanding of one's current state of mind, allowing students time for themselves to identify and understand their ongoing problems, which may help students muster the courage to seek help or gain a better understanding of their situation, whether it be bullying, stress,

¹⁵¹ See Hargrave, *supra* note 147 (explaining how censorship is a nonviable measure).

¹⁵² See generally Laditan, *supra* note 150 (emphasizing that such actions may actually increase the rate of depression, based on scientific evidence linking smartphones to depression).

¹⁵³ See, e.g., Valerie Strauss, *Schools Are Banning Smartphones. Here's an Argument for Why They Shouldn't – And What They Should Do Instead.*, WASH. POST (Sept. 21, 2018), https://www.washingtonpost.com/education/2018/09/21/schools-are-banning-smartphones-heres-an-argument-why-they-shouldnt-what-they-should-do-instead/?utm_term=.3d111509208a [<https://perma.cc/R2ZG-3TDQ>] (discussing the general validity and intelligence of banning smartphones from schools).

¹⁵⁴ The question does need to be asked whether the temporary deprivation of smartphones during school and the likely benefits associated with this deprivation outweigh the costs of the temporary seizure of personal property by the state. Then again, the problem may not necessarily be smartphone use in its totality, just prolonged smartphone use to the point where students prefer being on their phone as opposed to concentrating on school work and learning. A blanket ban of smartphones would likely not work as intended because many students are addicts to some extent, which may cause significantly more trouble than one would initially think. See Strauss, *supra* note 153 (positing why allowing smartphone use during school is inherently detrimental to the education and mental well-being of students).

¹⁵⁵ See *supra* notes 144 & 147 and accompanying text (noting the ineffectiveness of anti-bullying and censorship policies).

depression, or suicidal thoughts.¹⁵⁶ Therefore, because current policies are unlikely to reduce depression or suicide rates in children, an individualistic solution for helping children control their emotions and understand their mental state through meditation may be a viable mitigating solution.¹⁵⁷

Meditation in public schools would also be beneficial because current treatments, like therapy and counseling, are only beneficial if a child is willing to discuss his current thought process and emotional state.¹⁵⁸ Because meditation has been proven to reduce depression and helps provide a greater understanding of a person's current thought process and emotional state, meditation can increase the chances for children to recognize that they are going through emotional turmoil and increase the chances for children to seek help without needing to discuss it openly with someone else.¹⁵⁹ This would potentially reduce rates of depression and suicide in schools by making children more aware of their problems.

The central issue with counselors is that they are unable to read the minds of students and determine when students are in turmoil, and students are often unwilling to share their thoughts regarding what they may be going through.¹⁶⁰ As a result, finding students who are in need of help is a significant problem in public schools because mental infirmities like depression and stress are internalized, and it is often too late for at-risk children or teens to get help once it is recognizable.¹⁶¹ Thus, meditation in public schools can be used to bolster the chances of children seeking help from school counselors, which may also reduce terrible outcomes like children committing suicide and school shootings.

¹⁵⁶ See Staff, *What Is the Goal of Meditation?*, MINDWORKS (2019), <https://mindworks.org/blog/what-is-the-goal-of-meditation/> [<https://perma.cc/CPY8-75A5>] [hereinafter Staff, *What Is the Goal of Meditation?*] (emphasizing that the goal of meditation is to gain understanding, whether it be of thoughts, emotions, or the mind in general).

¹⁵⁷ See *supra* notes 144 & 147 and accompanying text (emphasizing the role the government can play by allowing meditation in schools as a means to help students on an individual level, providing students with the mental tools to help themselves).

¹⁵⁸ See Clare Lombardo, *With Hundreds of Students, Schools Counselors Just Try to 'Stay Afloat'*, NPR (Feb. 26, 2018), <https://www.npr.org/sections/ed/2018/02/26/587377711/with-hundreds-of-students-school-counselors-just-try-to-stay-afloat> [<https://perma.cc/BDR9-VYB7>] (stating the limits of school counselors and their limits in helping students).

¹⁵⁹ A child could seek help by talking to her parents, school counselors, or a person the child trusts. See *supra* notes 91-101 and accompanying text (speculating about possible benefits for meditation in relation to counselors).

¹⁶⁰ See Lombardo, *supra* note 158 (explaining that counselors can only rely on external cues in order to determine whether a student needs help, when the true suffering a child may be going through is internalized).

¹⁶¹ See *id.* (emphasizing the difficulty for counselors to help students and find out which students actually need help).

C. *Secularization of Meditation*

While meditation was grounded in religious tradition, the current state of meditation has grown beyond identification with certain religions such as Buddhism and Hinduism.¹⁶² Just as yoga in the late 1800s became secular and was adopted by Western culture and explored through scientific study, so too has meditation become a means of relaxation, stress reduction, and self-improvement through internalized awareness.¹⁶³ In addition, psychological and neurological studies have already established that meditation can change the structure of the brain and has a positive impact on quality of life, which often occurs through managing stress and depression.¹⁶⁴ Thus, the meditation that exists in America today would be classified as secular because meditation is more about self-improvement, self-analysis, stress reduction, and self-regulation, which are all goals even non-religious people strive to achieve.¹⁶⁵ Meditation is a technique for self-improvement and self-mastery and is now a non-religious technique that can be used by every individual regardless of religion.¹⁶⁶ After all, each person has a mind that can be observed, understood, and improved upon.¹⁶⁷ Therefore, young people can use meditation as a tool to combat the rising rates of depression and suicide and combat the prevailing bullying epidemic infecting the world.¹⁶⁸

D. *Constitutionality of Meditation: A Step Beyond Moment-of-Silence Statutes*

While moment-of-silence statutes have not directly been held to be constitutional by the Supreme Court, the Supreme Court has stated that a moment-of-silence statute should be constitutional if the statute: (1) neither advances nor inhibits religion; (2) has a secular purpose; and

¹⁶² See Dienstmann, *supra* note 61 (explaining how meditation has grown beyond its religious and spiritual roots).

¹⁶³ See *id.* (equating the evolution of yoga into a secular activity to the evolution of meditation into secularism).

¹⁶⁴ See Schulte, *supra* note 21 (establishing that meditation can change the fundamental nature of the brain while improving quality of life, which shows that purposes for meditation exist beyond any association with a religion).

¹⁶⁵ See Sam Harris, *How to Meditate*, SAM HARRIS (May 10, 2011), <https://samharris.org/how-to-meditate/> [<https://perma.cc/5KMS-7JC9>] (explaining the modern goals of meditation and its arising secularism).

¹⁶⁶ See *id.* (describing the fundamental value that meditation can have for all people, not just religious individuals).

¹⁶⁷ See Harris, *supra* note 165 (indicating that mindfulness is about openness and nonjudgment, creating numerous benefits for the mind that all people can come to know).

¹⁶⁸ See Schreiner & Malcolm, *supra* note 97, at 156–68 (emphasizing the mitigating role meditation can play in reducing depression, stress, anxiety, and suicide in children and teens).

(3) does not entangle government with religion.¹⁶⁹ Because moment-of-silence statutes should be constitutional if they satisfy the *Lemon* test, expanding moment-of-silence statutes to include actual meditative techniques within public schools for a lengthier period of time should be found constitutional as well. Thus, the implementation of meditative techniques in public schools needs to be evaluated under the *Lemon* test.¹⁷⁰

Even though the *Lemon* test has been modified over the years, it has still been used by the Court for cases concerning religious expression in public schools, which challengers would argue in the case of meditation.¹⁷¹ In anticipation of that argument, in sum, the *Lemon* test that meditation must satisfy is: “First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion; finally, the statute must not foster ‘an excessive government entanglement with religion.’”¹⁷²

1. Secular Purpose

Meditation has evolved beyond its initial religious roots into something that has been scientifically proven to have substantive neurological purposes and benefits.¹⁷³ One purpose is helping children mitigate and reduce their stress levels and depression levels.¹⁷⁴ With children and teens experiencing higher levels of depression, stress, and suicide rates than ever recorded, implementing meditation—which studies have shown to actually reduce levels of depression and stress—in public schools would serve a secular, not religious purpose.¹⁷⁵ Also, the involvement of smartphones and the internet only enhances the need to allow meditation in public schools because meditation can refine the focus

¹⁶⁹ See *Lemon v. Kurtzman*, 403 U.S. 602, 612–13 (1971) (explaining the elements of the general test regarding the establishment of religion in public schools); Kaminer, *supra* note 90, at 272–73 (outlining the elements of the *Lemon* test). Since *Lemon*, the Court has appeared to modify the *Lemon* test when, for example, examining government aid to public schools. See, e.g., *Mitchell v. Helms*, 530 U.S. 793, 807–08 (2000). The Court has advanced other theories such as the neutrality theory discussed *infra* Section III.D.4.

¹⁷⁰ See *infra* Sections III.D.1–III.D.3.

¹⁷¹ See Kaminer, *supra* note 90, at 272–73 (establishing the *Lemon* test as the central test through which violations of the Establishment Clause are analyzed).

¹⁷² *Lemon*, 403 U.S. at 612–13.

¹⁷³ See Dienstmann, *supra* note 61 (emphasizing that modern science has proven that practitioners of meditation exhibit a myriad of neurological benefits, such as reduced rates of depression, stress, anxiety, increased focus, etc.).

¹⁷⁴ See Schreiner & Malcolm, *supra* note 97, at 156–68 (establishing the secular and beneficial purpose for which meditation could be implemented).

¹⁷⁵ See *supra* notes 17–18 and accompanying text (referring to the increasing levels of depression and suicide among children, teens, and young adults). See also *supra* notes 91–101 and accompanying text (explaining the benefits of meditation).

of children, bolster their ability to learn and retain information, and simultaneously decrease rates of depression and suicide.¹⁷⁶

Thus, there are a myriad of arguments regarding the benefits of implementing meditation on a larger scale in public schools. The method of implementation can be diverse as well. For example, meditation could become part of the curriculum, be offered as a class, or serve as an alternative to detention. Any of these methods would help students of all ages manage their thoughts, emotions, and feelings during a period of their lives when fluctuating emotions are common and bolstered by puberty, smartphone addiction, and internet addiction.¹⁷⁷

In addition, some may argue that the history of meditation emphasizes the deep religious tradition tied to meditation and that because of this historically religious connection, meditation is non-secular.¹⁷⁸ This is not necessarily true, because much in the way that yoga is no longer solely affiliated with Hinduism, so too is meditation no longer only affiliated with its religious roots.¹⁷⁹ Thus, implementing a policy allowing meditation in public schools serves a secular purpose, divorced from religion, as demonstrated by the deviation of meditation from religion toward secularism through the significant benefits meditation affords to those who practice, and coupled with statistics indicating meditation works by treating depression and suicide and those statistics indicating rates of depression and suicide among children and teens are rising, all prove that the *Lemon* test's secular purpose element is satisfied.¹⁸⁰

2. Advancing or Inhibiting Religion

Allowing meditation, on a larger scale, in public schools would not advance or inhibit religion because meditation has evolved beyond its original attachment to religion into a modern self-awareness technique

¹⁷⁶ See *supra* note 47 and accompanying text (explaining the necessity of meditation in public schools to combat addictive use of the internet and smartphones and the rising rates of stress, anxiety, and depression that result from such addictive use). See also *supra* notes 91–101 and accompanying text (establishing the benefits of meditation as observed through scientific studies).

¹⁷⁷ See *supra* note 47 and accompanying text (using the negative impact of smartphone use as an example for why implementing meditation is a sound idea). See also *supra* notes 17–18 and accompanying text (explaining the reasons for implementing meditation in public schools and the role smartphones play in causing problems that meditation can mitigate).

¹⁷⁸ See generally Dienstmann, *supra* note 61 (noting meditation's historical relationship with religion).

¹⁷⁹ See *id.* (comparing the eventual secularism of yoga to the secularism of meditation).

¹⁸⁰ See *supra* Parts II.A, II.B, II.E, III.B, III.C & text accompanying notes 173–79 (demonstrating that meditation has become a secular act and can be used in public schools to combat rising mental health concerns with children and teens).

that seeks to make practitioners understand thoughts and emotions to which they may be currently unaware.¹⁸¹ Furthermore, empirical data shows that the effects of meditation on both young kids and adults can reduce or mitigate the rising rates of depression and suicide.¹⁸² Some may argue that this historical attachment to religion advances religion, but a historical connection alone does not necessarily advance religious ideals, particularly because meditation has evolved into a form of cognitive and behavioral therapy with tangible benefits separate from any alleged advancement of religion.¹⁸³ Meditation provides children and teens with the means to better understand their thoughts and emotions, which does not necessarily inhibit or advance religion but advances an understanding of the current mental and emotional state of one's own well-being.¹⁸⁴ In a way, meditation can be equated to running a computer program to identify and diagnose the problems going on with the computer.¹⁸⁵

Fundamentally, in terms of inhibiting the cause of religion, meditation does not imply that "religion is bad" nor advocate for people to leave their religion.¹⁸⁶ Regarding advancing the cause of religion, a person who meditates is not necessarily going to become religious merely by meditating because meditation now has a secular purpose and effect rooted in self-awareness.¹⁸⁷ It is unlikely that individuals practicing secular meditation would convert to a religion, especially when religion is on the decline.¹⁸⁸ In addition, the evolution of meditation into secularism would likely not result in a person who begins meditating to seek out religion or religious practice.¹⁸⁹

¹⁸¹ See *supra* Part III.C & Section III.D.1.

¹⁸² See *supra* Part II.E (emphasizing the many positive benefits of meditation).

¹⁸³ See *supra* Section III.D.1.

¹⁸⁴ See Swami Rama, *The Real Meaning of Meditation*, YOGA INT'L, <https://yogainternational.com/article/view/the-real-meaning-of-meditation> [<https://perma.cc/XUT7-QEWX>] (emphasizing the inherent goal in meditation, which is to understand the inner workings of the mind and one's current emotional state, which neither advances nor inhibits the cause of religion).

¹⁸⁵ The mind and emotional state in this case are the computer, and the program is the meditative technique through which problems in the central processing unit (CPU), or mind, can be understood.

¹⁸⁶ See Rama, *supra* note 184 (explaining that meditation is simply a technique used to focus the mind and gain a greater understanding of one's own thought process and emotions, and meditation does not advocate in favor of or against religion but is ultimately about self-awareness and understanding).

¹⁸⁷ See *supra* Part III.C.

¹⁸⁸ See Phil Zuckerman, *Religion Declining, Secularism Surging*, HUFFINGTON POST (May 12, 2016), https://www.huffingtonpost.com/phil-zuckerman/religion-declining-secula_b_9889398.html [<https://perma.cc/V3Y9-9ZHR>].

¹⁸⁹ Compare Dienstmann, *supra* note 61 (emphasizing the commonly shared relationship between meditation and the world's religions), with *supra* Part III.C (pointing out meditation's evolution into a secular practice).

An argument can be made that meditation will inhibit religion because it can give a person a sense of internal peace that may be associated with certain religions, resulting in a person stating that he does not need religion because he can meditate without religion.¹⁹⁰ Nevertheless, the ultimate goals of religion and meditation differ because religion generally entails a person, his connection with a supreme being, and the laws defined by his religion; whereas meditation is more about a person and his understanding or connection with his thoughts, emotions, and current state of being.¹⁹¹ In addition, a person who has religious beliefs can still meditate just as a person without religious beliefs does, so meditation should not detract from religion and, if anything, could bolster a person's religious experience.¹⁹² As a final example, even atheists practice meditation, further solidifying the secular nature of meditation and the fact that, because both religious and secular individuals practice meditation, meditative practices today have split and can stand independent from their religious origins.¹⁹³ Therefore, while meditation can inhibit or advance the cause of religion, at this point meditation can stand on its own with its ultimate goal significantly different than the ultimate goal of religion.¹⁹⁴ Thus, the second element of the *Lemon* test is likely satisfied.¹⁹⁵

3. Government Entanglement with Religion

The third prong of the *Lemon* test prevents "excessive government entanglement with religion," and meditation passes this prong because the modern secular practice of meditation is divorced from its ancient religious connotations.¹⁹⁶ As a result, because meditation is no longer entangled with religion, the government cannot entangle itself with religion through meditation.¹⁹⁷ Meditation and religion are akin to a Venn diagram: both may overlap at certain points, but if used correctly and with the correct purpose, meditation also exists independently as a

¹⁹⁰ See Rama, *supra* note 184 (noting that meditation gives a sense of peace).

¹⁹¹ See Dienstmann, *supra* note 61 (highlighting the differences between modern meditation's secularization and religion).

¹⁹² See generally *id.* (emphasizing that meditation and religion are now independent from each other).

¹⁹³ See *id.* (stating that meditation and religion can exist as separate entities, intermingling and separating based upon each person's personal preference).

¹⁹⁴ See *id.* (explaining the divide between the goals of religion and meditation).

¹⁹⁵ See *Lemon v. Kurtzman*, 403 U.S. 602, 612 (1971) (defining the second element of the *Lemon* test).

¹⁹⁶ *Id.* (discussing the entanglement prong of the *Lemon* test).

¹⁹⁷ See Dienstmann, *supra* note 61 (stating that meditation has grown beyond sole religious purposes).

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separate secular entity, used as a technique to reduce stress, depression, and risk of suicide while improving focus, memory, and a person's ability to learn.¹⁹⁸

Excessive entanglement has not been a significant factor in Supreme Court Establishment Clause jurisprudence, but when the Court reaches entanglement, it aims to ensure the government is not impermissibly entangled in the "day-to-day surveillance or administration" of any alleged religious activity in public schools.¹⁹⁹ Again, meditation is not solely a religious activity, has evolved beyond its original religious roots, and has demonstrated neurological and psychological health benefits.²⁰⁰ By allowing meditation as an expanded moment of silence, or even offering it as a class, the school would simply be providing oversight regarding a proven mental and emotional therapy technique during a period of quiet time in which the student can choose what to do or how to meditate.²⁰¹

¹⁹⁸ See *supra* notes 17-18 & 91-101 and accompanying text (explaining the modern benefits and uses of meditation and the stressors it may mitigate).

¹⁹⁹ Bd. Educ. Westside Cmty. Sch. v. Mergens, 496 U.S. 226, 252-53 (1990). See Kaminer, *supra* note 90, at 314 (explaining that the Court does not always "focus[] on entanglement because once the Court has determined that the expression in question is unconstitutional under the first or second prong of *Lemon*, its inquiry is finished"). Generally, in regard to moment-of-silence statutes and prayer in public schools, the main problem outlined by courts revolves around maintaining the secular purpose because individuals have promoted religious agendas in the past. See, e.g., Wallace v. Jaffree, 472 U.S. 38, 57 (1985) ("In response to the question whether he had any purpose for the legislation other than returning voluntary prayer to public schools, he [the sponsor of the bill] stated: 'No, I did not have no other purpose in mind.'"); *Lemon*, 403 U.S. at 612 (emphasizing the importance of a secular purpose and the separation of church and state).

²⁰⁰ See *supra* Part III.C & text accompanying notes 196-98. The history of meditation and its close historical association with religion is important in evaluating each prong of the *Lemon* test. Meditation can be practiced by anyone, regardless of a connection to religion, which is evident by the fact that even atheists practice meditation. See Harris, *supra* note 165; *supra* Section III.D.2 (providing examples of how modern meditation is divorced from ancient religious ties). See also Staff, *Divorcing Mindful Meditation from Religion, with Sam Harris*, BIG THINK (Oct. 1, 2014), <https://bigthink.com/think-tank/divorcing-mindful-meditation-from-religion-with-sam-harris> [<https://perma.cc/Y6FW-WAN2>] (emphasizing the central point that the separation of meditation from religion is apparent when individuals with no relationship with religion or God, practice mindful meditation).

²⁰¹ See *Mergens*, 496 U.S. at 252-53 (holding the Establishment Clause was not violated through application of the *Lemon* test, and finding, regarding excessive entanglement, that "custodial oversight" by school employees of students engaged in alleged religious practices "merely to ensure order and good behavior, does not impermissibly entangle government in the day-to-day surveillance or administration of religious activities"); Kaminer, *supra* note 90, at 315 (arguing that moment-of-silence statutes violate the Establishment Clause, but noting the counterargument that schools are "simply enacting and monitoring a period of quiet and that the students can choose what they will contemplate during this time period").

4. Neutrality as an Alternative to the *Lemon* test

Neutrality was mentioned many times in decisions such as *Engel* and *Helms*, with the Court emphasizing that the state, above all else, should remain neutral – not favoring religion over secularism or one religion over another.²⁰² Meditation has nothing to do with favoring or endorsing religion over secularism or one religion over another but, instead, focuses on helping an individual gain better self-awareness.²⁰³ The goal of meditation is to analyze one’s own thoughts and feelings, which are inherently subjective, and when a person continuously evaluates his own mind and emotions through meditation, he is far more able to obtain a neutral, objective perspective and be at peace with himself.²⁰⁴ Thus, to implement meditation would not be to endorse religion, or secularism for that matter.²⁰⁵ Instead, to implement meditation would be to endorse a proven therapeutic technique to help students cope with stress, battle depression and anxiety, and improve overall cognitive, behavioral, emotional, and neurological functioning.²⁰⁶

²⁰² See *Engel v. Vitale*, 370 U.S. 421, 443 (1962) (stating the involvement of neutrality in the decision). See also *Mitchell v. Helms*, 530 U.S. 793, 810–14 (2000) (emphasizing the dispute between Justices regarding using neutrality to evaluate the Establishment Clause); ERWIN CHERMERINSKY, *CONSTITUTIONAL LAW 1760–61* (5th ed. 2017) (elaborating on neutrality theory). Neutrality theory, or the endorsement test, evolved from the purpose and effect prongs of the *Lemon* test and checks whether the government’s “challenged practice has the purpose or effect of endorsing religion.” Kaminer, *supra* note 90, at 317 (citing *Lynch v. Donnelly*, 465 U.S. 668 (1984) (O’Connor, J., concurring)). Much debate concerns the application of this test from the “reasonable person” perspective, particularly regarding the level of sophistication of a reasonable person. *Id.* at 318 (noting the conflict between Justices over whether the reasonable person is a child in school or a member of the public). Some Justices argue the reasonable person standard includes awareness of the community’s history and the forum in question, whereas other Justices argue the standard is a reasonable person merely passing by. CHERMERINSKY, *supra*, at 1761–62.

²⁰³ See *supra* Part II.C (describing how meditation helps a person achieve better self-awareness); Staff, *What Is the Goal of Meditation?*, *supra* note 156 (stating that meditation helps develop a more objective perspective).

²⁰⁴ See Staff, *What Is the Goal of Meditation?*, *supra* note 156 (defining meditation and establishing its benefits). Thus, if the goal of the Court is to encourage neutrality above all else, then implementing meditation on a larger scale would encourage and foster growth toward more neutral and unbiased perspectives. Becoming completely unbiased is impossible, but when taking into account the modern Western interpretation of meditation and how it has become separate from religion, a formidable neutrality may be obtained from meditation without the influence of religion. *Id.* (concluding that meditation can lead to a more level-headed approach to situations without practitioners being swayed by feelings and external variables).

²⁰⁵ See *supra* Part III.C (analyzing the secularization of meditation); *supra* Sections III.D.1–III.D.2 (arguing meditation passes both the purpose and the effect prongs of the *Lemon* test).

²⁰⁶ Compare *Cty. Allegheny v. Greater Pittsburgh ACLU*, 492 U.S. 573, 627 (1989) (O’Connor, J., concurring in part and concurring in the judgment) (citations omitted) (“If government is to be neutral in matters of religion, rather than showing either favoritism or

5. Policy Implications

Fundamentally, there is a need for some form of policy within public schools to help children and teens deal with increasing levels of stress and issues like depression, which are exacerbated by the internet and smartphone use.²⁰⁷ In addition, meditation is a fundamental skill that children need because they are exposed to more distractions and stimuli than any other generation recorded.²⁰⁸ Thus, they are on a metaphorical life raft cast adrift on an ever-changing sea of technological development, social media, and misinformation.²⁰⁹

Meditation is a technique where a person relaxes the mind and attempts to clear it of extraneous thoughts and information that he naturally, passively absorbs in his daily life.²¹⁰ This is important because, with the current internet and social media age, people's thoughts and minds are never still, constantly focused on what is being consumed on a smartphone or the internet.²¹¹ This has resulted in increased levels of dissatisfaction, stress, anxiety, depression, suicide rates, and school shootings, all of which stem from the current generation's inability to detach mentally from an incredibly complicated and flawed world.²¹²

disapproval towards citizens based on their personal religious choices, government cannot endorse the religious practices and beliefs of some citizens without sending a clear message to nonadherents that they are outsiders or less than full members of the political community."), and CHEMERINSKY, *supra* note 202, at 1762 ("The endorsement test is defended as a desirable approach to the Establishment Clause because it is a way of determining whether the government is neutral or whether it is favoring religion. A key purpose of the Establishment Clause is to prevent the government from making those who are not a part of the favored religion from feeling unwelcome."), with *supra* Sections III.D.1-III.D.2 (demonstrating that meditation passes both the purpose and effect prongs of the *Lemon* test), and *supra* Part III.C (analyzing the secularization of meditation), and *supra* Part II.E (describing meditation's current use in schools to improve memory, learning capacity, vocabulary, and literacy and to reduce school suspensions to zero).

²⁰⁷ See *supra* Parts II.A & II.B (explaining problems that children and teens today suffer from and the role smartphones play).

²⁰⁸ See James Williams, *Technology Is Driving Us to Distraction*, THE GUARDIAN (May 27, 2018), <https://www.theguardian.com/commentisfree/2018/may/27/world-distraction-demands-new-focus> [<https://perma.cc/VV6R-VU6J>] (emphasizing the vast number of stimuli and amount of information children and teens have available to them today).

²⁰⁹ See *id.* (noting society's dependence on technology).

²¹⁰ See Staff, *What Is the Goal of Meditation?*, *supra* note 156 (explaining the goal of meditation).

²¹¹ See Williams, *supra* note 208 (describing how technology can influence thoughts).

²¹² See Castaneda, *supra* note 39 (offering smartphones as a significant reason for mental health concerns in children and teens). See also Sheldon Cohen & Denise Janicki-Deverts, *Who's Stressed? Distributions of Psychological Stress in the United States in Probability Samples from 1983, 2006, and 2009*, J. APPLIED SOC. PSYCHOL., 42, 1320-34 (2012) (arguing that children and teens' current attachment to the internet and social media is constant and that sometimes people need to unplug from the infinite information contained within); Alhassan et al., *supra*

Ultimately, meditation is a means for individuals, such as young children and teens, to find some semblance of peace within themselves by quieting the mind because very little peace of mind and quiet can be found in the world today.²¹³

Since “moments of silence” are currently allowed and likely satisfy constitutional scrutiny, moments of silence should be expanded to include meditation in public school curriculum.²¹⁴ At its core, meditation is fundamentally a moment of silence, but the current moment of silence has a minimal impact on the mental welfare of children and other individuals involved.²¹⁵ Meditation requires that people reflect and get comfortable enough to observe their thoughts.²¹⁶ This helps an individual gain a level of awareness about his mental state that he did not possess before, which can only help further his mental development, while simultaneously managing the stress and depression that is rampant among youth today.²¹⁷ Thus, a moment of silence could be used as a springboard to propel meditation into public schools because while they may not be exactly the same, meditation is at its core a prolonged moment of silence, and if moment-of-silence statutes are already allowed, then why not include meditation or lengthen the time to allow for meditation?²¹⁸ In addition, evaluating meditation under the *Lemon* test and the test of neutrality proves that meditation satisfies all current tests regarding the constitutionality of allowing meditation into public schools through moment-of-silence statutes, likely rendering meditation in public schools

note 47 (“The positive correlation between smartphone addiction and depression is alarming.”).

²¹³ See Staff, *What Is the Goal of Meditation?*, *supra* note 156 (explaining how meditation can help achieve peace of mind).

²¹⁴ See *Wallace v. Jaffree*, 472 U.S. 38, 58–61 (1985) (finding that adding the language “or voluntary prayer” to a moment-of-silence statute allowing “meditation” endorsed prayer and the legislative purpose behind the amendment aimed at returning prayer to schools); *id.* at 62 (Powell, J., concurring) (agreeing with the Court’s opinion and Justice O’Connor’s concurrence that “some moment-of-silence statutes may be constitutional”); *id.* at 72–76, 84 (O’Connor, J., concurring) (noting that “a moment of silence is not inherently religious,” and most moment-of-silence statutes are probably constitutional so long as they do not endorse religion or have a primary purpose of doing so).

²¹⁵ See Rama, *supra* note 184 (defining meditation as, essentially, a moment filled with silence).

²¹⁶ *Id.*

²¹⁷ See *id.* (describing what meditation can actually do in terms of helping young children and teens).

²¹⁸ See *id.* (elaborating on meditation as a moment to silence the mind).

a constitutional policy allowed under the Establishment Clause of the First Amendment.²¹⁹

IV. CONTRIBUTION

A policy must be enacted to reduce or mitigate current rates of depression, stress, anxiety, and suicide in children and teens.²²⁰ This Note proposes a statute implementing meditation in public schools. First, Part IV.A outlines a model statute for individual states to adopt. Second, Part IV.B explains why this statute is the best solution to combat rising rates of depression and suicide in children, teenagers, and young adults and also addresses potential counterarguments.

A. *Mindful Meditation in Public Schools*

A statute allowing meditation in public schools would need to be enacted at the state level because education is under the purview of the states.²²¹ Used as a baseline for implementing such a policy, Indiana's moment-of-silence statute states:

(a) In order that:

(1) the right of each student to the free exercise of religion is guaranteed within the schools; and

(2) the freedom of each student is subject to the least possible coercion from the state either to engage in or to refrain from religious observation on school grounds; the governing body of each school corporation shall establish the daily observance of a moment of silence in each classroom or on school grounds.

(b) During the moment of silence required by subsection (a), the teacher responsible for a classroom shall ensure that all students remain seated or standing and silent and

²¹⁹ See *supra* Sections III.D.1-III.D.4 (concluding that meditation is constitutional under both the *Lemon* test and neutrality test under the Establishment Clause of the First Amendment).

²²⁰ See *supra* notes 17-18 and accompanying text (referring to rising rates of depression, suicide, and school shootings).

²²¹ This is exemplified in the Tenth Amendment, in which all powers not allocated to the federal government are under the jurisdiction of the states. Because no enumerated powers address education, education is generally understood to be under the authority of state governments. See U.S. CONST. amend. X (emphasizing that all powers not vested in the authority of the federal government are vested in the states). See also Staff, *The Roles of Federal and State Governments in Education*, FINDLAW (2018), <https://education.findlaw.com/curriculum-standards-school-funding/the-roles-of-federal-and-state-governments-in-education.html> [<https://perma.cc/S223-LM4A>].

make no distracting display so that each student may, in the exercise of the student's individual choice, meditate, pray, or engage in any other silent activity that does not interfere with, distract, or impede another student in the exercise of the student's individual choice.²²²

The first two provisions under subsection (a) are best removed because while the principles of freedom of religious expression and freedom from possible coercion into religious observation are important, this policy aims to use meditation as a means to improve focus and memory; reduce stress, anxiety, and depression; and help prevent suicides.

An example of a statute more focused on meditation would look like:

(a) In order that:

(1) Students and children of all ages are provided with the adequate means to mentally protect themselves against the ever-increasing complexity of the world, the addictive nature of smartphones, social media, increasing rates of depression, suicide, and mental imbalances among children and teens;

(2) Local school districts shall expand allotted moment-of-silence time from one minute per day to twenty minutes per day for meditation, prayer, or silence.

(3) Local school districts shall create plans regarding the allocation of the twenty-minute period during the school day and its viability.

(4) Created plans, related concerns, and relevant ideas are to be sent to the Department of Education.

(5) During the moment of silence required, the teacher responsible for a classroom shall ensure that all students remain seated or standing and silent and make no distracting display so that each student may, in the exercise of the student's individual choice, meditate, pray, or engage in any other silent activity that does not interfere with, distract, or impede another student in the exercise of the student's individual choice.²²³

²²² IND. CODE ANN. § 20-30-5-4.5 (West, Westlaw current with all legislation and ballot issues of the 2018 Second Regular Session and First Special Session of the 120th General Assembly).

²²³ This is the author's personal contribution. This is a general provision that could only be effective if the state gives local governments complete discretion. In other words, the state

B. *Commentary*

Opponents may argue that a statute allowing meditation in public schools should be more specific. However, a more specific statute may not be able to cater to the specific needs of each public school.²²⁴ Certain schools may want meditation at certain times and may be unable to conform to a more specific, uniform statute without causing significant scheduling conflicts.²²⁵ Schools may be better off incorporating meditation on their own, as indicated by many previous successful examples.²²⁶ Leaving some discretion for schools gives the implementation of meditation into public schools the degree of malleability it needs.²²⁷ A state statute can provide the basic framework to ensure implementation while leaving some control with local governments and schools.²²⁸

Another issue with implementing meditation in public schools involves teaching meditation to students. As an initial matter, schools must ensure that teachers do not imprint their own personal religious beliefs onto children. Teachers may also not be enthused or lack requisite understanding of meditation to properly teach meditation techniques to students. Perhaps an educational video could be used to help teach children about meditation and how it works. Or perhaps schools can appoint a meditation counselor or train other willing teachers already employed by the school (*e.g.*, guidance counselors) to teach meditation to students. Students can learn about meditation in a variety of permissible

may need to allow local governments to provide guidelines that cater to each school's specific needs. Some regulation at the local level would be necessary in order to provide schools the opportunity to hatch out more specific guidelines like when meditation occurs, in what manner children would be allowed to meditate, whether children can refuse to participate, and so on. Local regulations will also be helpful by allowing concerned citizens to participate in the notice and comment periods and provide feedback. *See* 5 U.S.C. § 553 (2012) (describing an individual's ability to get involved in crafting policy).

²²⁴ *See* Staff, *The Roles of Federal and State Governments in Education*, *supra* note 221 (emphasizing that local governments have varying educational standards that warrant different forms of policy implementation).

²²⁵ *Id.*

²²⁶ *See, e.g., supra* Part II.E (pointing out examples of schools that have begun implementing meditation).

²²⁷ *See* Staff, *The Roles of Federal and State Governments in Education*, *supra* note 221. Additionally, while certain aspects of meditation are the same for most people, such as focusing on breathing, other individualized aspects of meditation differ among practitioners. Children can choose a posture, listen to music, or decide to meditate in absolute silence.

²²⁸ Too much state involvement may result in meditation in public schools becoming overregulated and ineffective. However, leaving too much discretion at the local level could result in significant variance from one school to the next. Still, examples have shown that local schools have had some success with implementing meditation into student schedules. *See, e.g., supra* Part II.E.

ways, so long as the effectiveness of the teaching method is established before actual implementation.²²⁹

Adding meditation to public school curriculum would certainly be controversial. As an initial matter, some may also argue that young children cannot sit still long enough for meditation to have an effect. However, meditation in public schools has already proven that it can serve as behavioral therapy for children by teaching them how to take a moment to relax, take deep breaths, and ultimately improve their overall mental and emotional health and cognitive and social skills.²³⁰ Offered as a class, meditation teaches valuable lessons on self-awareness through mindfulness curriculum that has already proven to enhance memory and learning capacity, increase vocabulary, and improve literacy.²³¹ One way to offer meditation as a class could be by implementing it during the time allotted for physical education. Physical activity coupled with meditation has proven to be effective in combatting depression, and even merely extending physical education class a few minutes to include “mental education” could result in significant benefits such as reducing depression, suicide rates, and school shootings.²³²

Alternatively, some may argue that children will abuse their extended moment-of-silence privileges by using the extra time allocated for meditation to sleep, finish homework, or even disrupt other children trying to meditate. While meditation may not prove beneficial for each child, and some may need other accommodations, meditation has proven to be effective for students with significant emotional and mental health concerns.²³³ As for disruptive children, schools can handle disciplinary matters through their normal procedures. Keep in mind that meditation has already proven to be effective as a replacement for detention.²³⁴

²²⁹ The state could get involved here, particularly regarding use of a video to train teachers or educate students on meditation and how it works. The state could make an educational video regarding meditation, pay for a commercial video to be made, or even train teachers. See, e.g., *supra* Part II.E (providing examples of how schools have implemented meditation, such as through mindfulness curriculum and as a replacement for detention).

²³⁰ See sources cited *supra* note 95 and accompanying text (noting how meditation in public schools has helped both children and teens).

²³¹ See, e.g., *supra* Part II.E. Classes could be incorporated into or otherwise offered to any grade level from pre-kindergarten to high school and, eventually, result in offering classes like advanced meditation.

²³² See Alderman et al., *supra* note 101 (emphasizing the incredibly beneficial combination of aerobic exercise and meditation). Parents may support this option because physical activity has substantial physical health benefits and adding meditation would supplement physical health benefits with mental and emotional health benefits too. *Id.*

²³³ See, e.g., Schreiner & Malcolm, *supra* note 97, at 156–68.

²³⁴ See, e.g., *supra* Part II.E. Replacing detention with meditation has had resounding success. See, e.g., Staff, *How Mindfulness Benefits Students, Police Officers, and Married Couples*, *supra* note 94 (noting that replacing detention with a “Mindful Moment Room” dropped

Another argument against implementing meditation in public schools through moment-of-silence statutes concerns “forcing” meditation on children as a fundamental aspect of school life and curriculum. However, the government would not be “forcing” meditation on any child because, as Justice O’Connor stated in her *Wallace v. Jaffree* concurrence, a moment of silence does not require a child to “compromise his or her beliefs.”²³⁵ Instead, students are left to their own thoughts and are educated on how to untangle them through relaxation techniques.²³⁶ This Note merely proposes that schools offer meditation as one of several options for children during a moment of silence. Meditation has proven to reduce rates of depression, anxiety, and stress, which are connected to cases of suicide. Thus, the government would not necessarily be “forcing” meditation because a student is not required to meditate but, instead, has the option.

Meditation in public schools should be the means through which children and teens can relax and actually become children again, detaching from the endless stream of thought created by constant attachment to social media and the internet. In doing so, children and teenagers will learn that they can control how they react to certain situations, such as bullying.²³⁷ Meditation is a technique that requires intent and a willingness to let go of thinking and attachment to thoughts and emotions.²³⁸ Children can struggle to achieve a state of mind where they are actually observing their thoughts (as opposed to being active participants in thinking) but if implemented correctly, then meditative techniques in public schools can drive back the pervasive negativity and depression among youth today and reduce depression, suicides, and school shootings in the process.²³⁹

suspensions to zero). By sitting down and focusing on their breathing, children can reflect on their actions and discover why they are acting out, which improves their state of mind. *Id.*

²³⁵ *Wallace v. Jaffree*, 472 U.S. 38, 72 (1985) (O’Connor, J., concurring) (referring to moment-of-silence statutes).

²³⁶ *Id.*

²³⁷ See Staff, *What Is the Goal of Meditation?*, *supra* note 156 (emphasizing meditation’s goal and the positive benefits meditation can create).

²³⁸ See *id.*

²³⁹ Statistics indicate that implementing meditation in public schools should have at least some impact on depression and suicide rates in youth, and actual implementation in public schools has shown to be effective. See, e.g., *supra* Part I.E (citing several studies revealing the benefits of meditation and providing examples of schools already reporting results from implementing meditation into their curriculum).

V. CONCLUSION

Rising rates of depression, suicide, and school shootings continue to plague youth today. Many solutions have been proffered, such as familial censorship of social media, pharmaceutical drugs, anti-bullying campaigns, and others, but something more substantial needs to be implemented in public schools. Mindful meditation is being offered as that solution because it has been repetitively shown to benefit the mental states of individuals, both young and old. Meditation, while not received nor understood well by many individuals, still scientifically shows significant benefits for children and adults practicing meditation; thus, implementation in public schools must begin, at least at the local level, to help children and teens, instead of prolonging the epidemic of climbing rates of depression, suicide, and school shootings. In a country such as the United States that was created by individuals in order to protect the rights of individuals, it should only be natural for something such as meditation, which seeks for individuals to understand themselves a little better, to be used in public schools. Meditation is, first and foremost, a technique that people can utilize to internalize focus and better understand and control themselves.

The Supreme Court has indicated that meditation in a moment-of-silence statute should be constitutional if it is enacted for a secular purpose, neither inhibits nor furthers the cause of religion, and does not entangle government with religion. The purpose of this policy is secular because modern meditation is divorced from religion and neither advances nor inhibits the cause of religion. Meditation does not require the government to entangle itself with religion because modern meditation promotes mental and emotional health, not religious ideals. Finally, meditation also passes the neutrality test because to allow meditation would be to endorse a multi-faceted therapy that results in unbiased and objective perspectives through better self-awareness and does not endorse any one religion or purely promote secularism. Therefore, meditation in public schools satisfies the *Lemon* test and is also constitutional under neutrality theory.

At its core, meditation has proven to mitigate and reduce levels of depression, which is connected to suicide; would probably be constitutional if it came under scrutiny; and scientifically improves the ability of children and teens to learn and remember information, cope with stress, and repair emotional and mental dysfunction. If meditative policy is implemented correctly, then it will cure current societal ills that pervade children and teens and will strike the best counterbalance to the omnipresent negative influence of smartphones, the internet, and social

media that are causing so many problems now and will continue to cause problems for the foreseeable future.

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