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Yoga and the First Amendment: New Precedent in California

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Before joining Haynes and Boone, Ms. Sungaila served as appellate counsel for intervenor and respondent YES! Yoga for Encinitas Students in *Sedlock v. Baird*.

Earlier this year, in *Sedlock v. Baird* (2015) 235 Cal.App.4th 874, the California Court of Appeal issued the only state court decision in the nation to squarely address the propriety of yoga exercise programs being taught in public schools in light of Establishment Clause principles, concluding that the yoga program at issue did not violate the Constitution.

Background

In the 2012-2013 school year, the Encinitas Union School District ("EUSD"), with funding provided by the private Jois Foundation, instituted a health and wellness program in its nine elementary schools. The linchpin of this program, which also included organic gardening and cooking components, was a yoga curriculum. The implementation of a formal district-wide yoga curriculum was a natural progression for the school district. Students had benefited from yoga classes at one of the schools, Capri Elementary, under the direction of that school's principal the year before; the EUSD assistant superintendent, too, had seen students' focus, discipline, and behavior improve as a result of yoga classes at another elementary school when he had filled in as principal there. Encinitas, where a substantial percentage of residents practice some form of yoga and yoga studios are abundant, is a natural setting for such programs.

Stephen and Jennifer Sedlock, Christian parents of two children who attended El Camino Creek Elementary, opted their children out of the yoga program, citing religious concerns. None of the Sedlock children ever took an EUSD yoga class, and neither of the Sedlock parents ever saw a children's EUSD yoga class before challenging the program. The Sedlock parents and their children, through a guardian ad litem, then filed an action against the EUSD Superintendent and Board of Trustees ("The District"), seeking a writ of mandate prohibiting the continuation

of the yoga program, citing, among other grounds, the religious freedom provisions of the California Constitution. YES! Yoga for Encinitas Students (“YES!”), a group of concerned EUSD parents and students who want to maintain the yoga program, intervened.

The Sedlocks contended that the practice of yoga is necessarily religious and will transform practitioners into Hindus. They asserted that the physical act of practicing yoga inculcates religion even in those who engage in the exercises with no religious purpose, or are unaware of any religious underpinnings of the yoga sequences. The trial court rejected this theory, and denied the petition.

The Court of Appeal Decision

On April 3, 2015, the California Court of Appeal affirmed the trial court in a published decision. The Court observed that “[f]or many in this country,

the practice of yoga is an entirely secular experience undertaken for reasons such as increasing physical flexibility, decreasing pain, and reducing stress,” while “[f]or others, the practice of yoga is a religious ritual, undertaken for spiritual purposes.” The Court nonetheless assumed, without deciding, that Ashtanga yoga constituted a religion for purposes of the Establishment Clause, but went on to conclude that the EUSD yoga program did not violate the California Constitution because it satisfied the test in *Lemon v. Kurtzman* (1971) 403 U.S. 602. EUSD yoga satisfied each element of the Lemon test, the Court concluded: (1) it was undisputed that EUSD yoga was developed and initiated for a secular purpose; (2) EUSD yoga did not advance or promote religion; and (3) EUSD yoga did not excessively entangle EUSD with religion.

The Court rejected the Sedlocks’ contention that the practice of yoga poses alone, without any discussion of Hindu beliefs, has the primary effect of advancing Hinduism. It also rejected the argument that yoga’s

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historical roots in Hinduism would be enough to lead a reasonable observer to conclude that the EUSD yoga program was religious. The Court concluded that there was no excessive entanglement with religion because the yoga teachers were hired by the school district and not by a religious organization, and EUSD alone was responsible for the yoga curriculum (to the extent the Jois Foundation was involved, it was limited to consulting with EUSD to confirm that the yoga teachers who EUSD hired would be proficient in teaching yoga poses to students).

Impact of the Decision

Yoga programs have become popular in schools across the country, as have meditation programs. The Court of Appeal's decision on *Sedlock*, which was widely reported in the press, from the *Washington Post* to the *Times of India*, will likely have substantial influence in the analysis of future challenges to such programs.

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