



[Date]

[Public School Recipient]

Re: Constitutional rights to religious expression in the public school context

Dear [Recipient]:

The issue of religious expression in public schools remains in the news each school year. Even in [CITY NAME], this can be an issue of concern and confusion. To help bring clarity, I am sending you this letter with information on student and faculty rights at [NAME OF SCHOOL]. By way of introduction, ADF is a legal alliance defending the right to hear and speak the Truth through strategy, training, funding and litigation. ADF has been established, in part, to protect our cherished freedoms and to restore rights guaranteed by the Constitution.

Although students and teachers have long possessed the right to engage in religious expression in public schools, districts throughout our country often prohibit them from exercising these rights based on an incorrect view of the law. The discussion that follows addresses the current state of the law concerning the right to free speech in public schools.

STUDENTS' RIGHTS

Do students have First Amendment rights to express their religious beliefs at school?

Students retain their First Amendment liberties while on campus. They have the right to share their beliefs, pray, evangelize, read scripture, and invite students to participate in such activities so long as they are voluntary, student-initiated, and not disruptive or coercive. A school may not prohibit student expression during non-instructional time unless it (1) substantially interferes with the operation of the school, or (2) infringes on the rights of other students.¹ A school may not prohibit student expression solely because others might find it offensive.²

Can students express their religious beliefs during class?

While in class, students are free to express their religious views in a class discussion or as part of an assignment, so long as the expression is relevant to the subject under consideration and meets the requirements of the assignment. The school cannot prohibit religious expression in class

¹ *Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503, 509 (1969).

² *Morse v. Frederick*, 127 S. Ct. 2618, 2629 (2007) (rejecting use of “offensiveness” standard for regulating student speech because “much political and religious speech might be perceived as offensive to some”).