



FREEDOM OF ASSOCIATION PUBLIC SCHOOLS

Freedom of Association - Christian students have the same right to associate together at school as any other group of students. They have a right to meet together with students who share their beliefs and values.

The interrelated freedoms of assembly and association stem from the First Amendment which states in part that “Congress shall make no law . . . abridging the right of the people to peaceably assemble.”¹ The Freedom of Assembly Clause protects the rights of citizens to engage in lawful public assemblies, to make public speeches, to discuss their own affairs, and to enlist the support of others.²

While the corresponding “freedom of association” is not specifically mentioned in the Constitution, the Supreme Court has repeatedly recognized that the right of free speech would be virtually meaningless without a corollary right to join with others to advance First Amendment freedoms.³ This implicit freedom preserves citizens’ rights to form organizations, to advance particular viewpoints, and to associate with like-minded individuals⁴ “in pursuit of a wide variety of political, social, economic, educational, religious and cultural ends.”⁵

In the context of public schools, this means that religious clubs must be given the same access to school facilities, resources, and equipment granted to other non-curriculum related clubs. These clubs must be student-led and student-initiated. Teachers may be present at club meetings, but they may not participate in club activities.

Both high school and elementary school students have a right to meet in after-school religious clubs if the school opens its facilities to community groups. Here, teachers and adult community members may not only be present, but may participate in the club’s activities, including engaging in prayer, leading the group, etc.

¹ U.S. CONST. amend. I.

² *Thomas v. Collins*, 323 U.S. 516, 539 (1945).

³ *NAACP v. Alabama*, 357 U.S. 449, 460 (1958); *De Jonge v. Oregon*, 299 U.S. 353, 364 (1937).

⁴ *Boy Scouts of America v. Dale*, 530 U.S. 640, 647-48 (2000); *Roberts v. U.S. Jaycees*, 468 U.S. 609, 622 (1984).

⁵ *Boy Scouts of America*, 530 U.S. at 647 (quotation omitted).



What can students do if their rights are being violated?

Students and parents should attempt to work with school administration to resolve the situation. If unsuccessful, Alliance Defending Freedom may be able to help legally defend the student's rights. Contact Alliance Defending Freedom using the "Request Legal Help" form at www.ADFLegal.org or by calling 1-800-835-5233. A legal representative will review your situation and advise you of a course of action.