



FREEDOM OF SPEECH PUBLIC SCHOOLS

Freedom of Speech – Students maintain their First Amendment rights while at school and may share their beliefs, pray, evangelize, read scripture, distribute religious flyers and invite students to participate in such activities so long as they are voluntary, student-initiated, and not disruptive or coercive.

Freedom of speech is rooted in the First Amendment, which declares in part that “Congress shall make no law . . . abridging the freedom of speech.”¹ This Free Speech Clause limits the government’s ability to interfere with your right to speak regardless of whether others may find your speech offensive.² And this protection extends beyond mere words to embrace a wide array of expressive activities including what you wear, paint, perform, distribute, believe, or even silently protest.³

Ordinarily, 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. Students are also free to express their religious views in class and class assignments provided the expression is relevant to the subject at hand and otherwise meets curricular requirements.

Many schools allow students to distribute non-curricular materials to their classmates. Schools cannot ban such materials, which constitute private speech, simply because they contain religious content.

Prayer is also private speech and students may engage in it at school, as long as it would not appear that the school endorsed it. Thus, students may pray at school on their own or in groups, during non-instructional time, so long as it is not disruptive or coercive. This includes praying as a team before a game or practice, as long as it is completely student-led and initiated.

¹ U.S. CONST. amend. I.

² *Bd. of Educ, Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 866 (1982) (plurality opinion).

³ *R.A.V. v. City of St. Paul*, 505 U.S. 377, 382 (1992); *Chicago Teachers Union v. Hudson*, 475 U.S. 292, 302 n.9 (1986).



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.