

# Free to Speak

## The Religious Liberties of Public School Students

Freedom of speech can take different forms. It includes what you say to other people as well as your freedom to speak to God in prayer; it includes what you write in school assignments or what you create in an art class; it includes the words you give to a friend either by speaking or in writing. The information below comes from the U.S. Department of Education's document *Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools* (February 7, 2003).

### 1 You can pray, read your Bible or other religious material, and talk about your faith at school!

**Here's what the U.S. Department of Education (U.S.D.O.E.) says:**

Students may pray when not engaged in school activities or instruction, subject to the same rules designed to prevent material disruption of the educational program that are applied to other privately initiated expressive activities. Among other things, students may read their Bibles or other scriptures, say grace before meals, and pray or study religious materials with fellow students during recess, the lunch hour, or other non-instructional time to the same extent that they may engage in nonreligious activities. While school authorities may impose rules of order and pedagogical restrictions on student activities, they may not discriminate against student prayer or religious speech in applying such rules and restrictions.

### 2 You can organize prayer groups and religious clubs, and announce your meetings!

**Here's what the U.S.D.O.E. says:**

Students may organize prayer groups, religious clubs, and "See You at the Pole" gatherings before school to the same extent that students are permitted to organize other non-curricular student activities groups. Such groups must be given the same access

to school facilities for assembling as is given to other non-curricular groups, without discrimination because of the religious content of their expression. School authorities possess substantial discretion concerning whether to permit the use of school media for student advertising or announcements regarding non-curricular activities. However, where student groups that meet for nonreligious activities are permitted to advertise or announce their meetings—for example, by advertising in a student newspaper, making announcements on a student activities bulletin board or public address system, or handing out leaflets—school authorities may not discriminate against groups who meet to pray.

School authorities may disclaim sponsorship of non-curricular groups and events, provided they administer such disclaimers in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.

### 3 You can express your faith in your class work and homework!

**Here's what the U.S.D.O.E. says:**

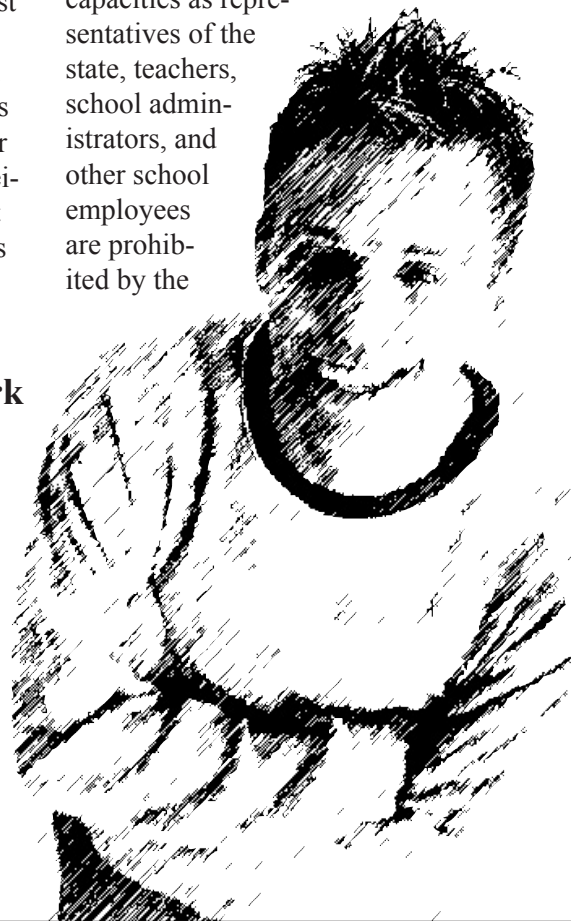
Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Such home and classroom work should be judged by ordinary academic standards of substance and relevance and against other legitimate

pedagogical concerns identified by the school. Thus, if a teacher's assignment involves writing a poem, the work of a student who submits a poem in the form of a prayer (for example, a psalm) should be judged on the basis of academic standards (such as literary quality) and neither penalized nor rewarded on account of its religious content.

### 4 Your teachers can organize prayer groups with other teachers!

**Here's what the U.S.D.O.E. says:**

When acting in their official capacities as representatives of the state, teachers, school administrators, and other school employees are prohibited by the



Establishment Clause from encouraging or discouraging prayer, and from actively participating in such activity with students. Teachers may, however, take part in religious activities where the overall context makes clear that they are not participating in their official capacities. Before school or during lunch, for example, teachers may meet with other teachers for prayer or Bible study to the same extent that they may engage in other conversation or nonreligious activities. Similarly, teachers may participate in their personal capacities in privately sponsored baccalaureate ceremonies.

## **5 You may be able to go off campus to have religious studies during school hours!**

### **Here's what the U.S.D.O.E. says:**

It has long been established that schools have the discretion to dismiss students to off-premises religious instruction, provided that schools do not encourage or discourage participation in such instruction or penalize students for attending or not attending. Similarly, schools may excuse students from class to remove a significant burden on their religious exercise, where doing so would not impose material burdens on other students. For example, it would be lawful for schools to excuse Muslim students briefly from class to enable them to fulfill their religious obligations to pray during Ramadan.

## **6 You can express your faith at a school event!**

### **Here's what the U.S.D.O.E. says:**

Student speakers at student assemblies and extracurricular activities such as sporting events may not be selected on a basis that either favors or disfavors religious speech.

Where student speakers are selected on the basis of genuinely neutral, evenhanded criteria and retain primary control over the content of

their expression, that expression is not attributable to the school and therefore may not be restricted because of its religious (or anti-religious) content.

By contrast, where school officials determine or substantially control the content of what is expressed, such speech is attributable to the school and may not include prayer or other specifically religious (or anti-religious) content.

To avoid any mistaken perception that a school endorses student speech that is not in fact attributable to the school, school officials may make appropriate, neutral disclaimers to clarify that such speech (whether religious or nonreligious) is the speaker's and not the school's.

## **7 You can express your faith at your graduation ceremony!**

### **Here's what the U.S.D.O.E. says:**

School officials may not mandate or organize prayer at graduation or select speakers for such events in a manner that favors religious speech such as prayer.

Where students or other private graduation speakers are selected on the basis of genuinely neutral, evenhanded criteria and retain primary control over the content of their expression, however, that expression is not attributable to the school and therefore may not be restricted because of its religious (or anti-religious) content.

To avoid any mistaken perception that a school endorses student or other private speech that is not in fact attributable to the school, school officials may make appropriate, neutral disclaimers to clarify that such speech (whether religious or nonreligious) is the speaker's and not the school's.

For the complete document, visit the U.S. Department of Education at: [www.ed.gov](http://www.ed.gov).



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