

What If We Run Into Some Legal Issues Along The Way?

You might run into some bumps along the way when trying to establish a club on campus. This section will help you become aware of your legal rights and the places you can go for help!

Students' Bill of Rights

Note: You do NOT abandon your religious rights when entering public school campuses.

I. THE RIGHT to Meet with Other Religious Students.

The Equal Access Act allows students the freedom to meet on campus for the purpose of discussing religious issues.

II. THE RIGHT to Identify Your Religious Beliefs Through Signs and Symbols.

Students are free to express their religious beliefs through signs and symbols.

III. THE RIGHT to Talk about Your Religious Beliefs on Campus.

Freedom of speech is a fundamental right mandated in the Constitution and does not exclude the school yard.

IV. THE RIGHT to distribute Religious Literature on Campus.

Distributing literature on campus may not be restricted simply because it is religious.

V. THE RIGHT to Pray on Campus.

Students may pray alone or with others as long as it does not disrupt school activities and is not forced on others.

VI. THE RIGHT to Carry or Study Your Bible on Campus.

The Supreme Court has said that only *state directed* Bible reading is unconstitutional.

VII. THE RIGHT to Do Research Papers, Speeches, and Creative Projects with Religious Themes.

The First Amendment does not forbid all mention of religion in public schools.

VIII. THE RIGHT to Be Exempt.

Students may be exempt from activities and class content that contradict their religious beliefs.

IX. THE RIGHT to Celebrate or Study Religious Holidays on Campus.

Music, art, literature, and drama that have religious themes are permitted as part of the curriculum for school activities if presented in an objective manner as a traditional part of the cultural and religious heritage of the particular holiday.

X. THE RIGHT to Meet with School Officials.

The First Amendment to the Constitution forbids Congress to make any law that would restrict the right of the people to petition the Government (school officials).

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The Law

EQUAL ACCESS ACT

Students are permitted to gather for religious purposes to the same extent that other non-curricular gatherings are allowed on campus (e.g. other non-curricular groups). Christian groups also have the same rights and privileges as any other non-instructional group on campus.

For the Equal Access Act to apply to your school, the following three statements must be true:

- 1.) Your school is a secondary school
- 2.) Your school is government-funded (most public schools are)
- 3.) Other non-curriculum clubs are allowed to meet at your school (clubs that do not relate to school curriculum such as: key club, pep club, cultural clubs, film club, etc.)

The Equal Access Act creates a limited, open forum, which gives students a lot of leeway but places certain restrictions on what can be done at a club meeting.

- I. A Christian group must be student-led and voluntary.
- II. There is no sponsorship of the meeting by the school, government, or its employees.
- III. If the school requires it, a sponsoring teacher may be present to keep order during the meeting but may not actively participate in the meeting.
- IV. The meeting or actions of the club and its members are not disruptive and do not materially and substantially interfere with the orderly conduct of educational activities within the school.
- V. Non-school persons may not direct, conduct, control, or regularly attend club meetings. Schools also may not allow religious instruction by outsiders on premises during school hours.

THE RIGHT TO PRAY

Prayer is allowed on any publicly funded school provided certain conditions are met.

- I. It is not disruptive (i.e. not during instructional time and falls within the school rules of order)
- II. It is not forced upon anyone
- III. It is student initiated

School officials may neither hinder nor support any religious activity in their official capacity.

With respect to graduation, the student speaker must be selected on a basis that “[neither] 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.” A student speaker is free to express religious views as long as they do not try to sway the audience to believe as they do. Prayer at graduation is still a gray area. You will want to check local legislation and guidelines.

Legal Resources

Pacific Justice Institute

Brad Dacus,
President(braddacus@pacificjustice.org)
P.O. Box 4366
Citrus Heights, CA 95611
Phone: (888) 305-9129
Fax: (916) 857-6902
Email: info@pacificjustice.org
Internet: <http://www.pacificjustice.org>

The American Center for Law and Justice

Jay Alan Sekulow, Chief Counsel
P.O. Box 64429
Virginia Beach, VA 23467-4429
Phone: (757) 226-2489
Fax: (757) 226-2836
E-mail: aclj@exin.net
Internet: <http://www.aclj.org>

Christian Legal Society Center for Law and Religious Freedom

Greg Baylor, Director
4208 Evergreen Lane, Ste. 222
Annandale, VA 22003
Phone: (703) 642-1070
Fax: (703) 642-1075
E-mail: clshq@clsnet.org
Internet: <http://www.clsnet.org>

The National Legal Foundation

Steven W. Fitschen, President
P.O. Box 64427
Virginia Beach, VA 23467-4427
Phone: (757) 463-6133
Fax: (757) 463-6055
E-mail: nlf@nlf.net
Internet: <http://www.nlf.net>

The Rutherford Institute

John Whitehead, President
P.O. Box 7482
Charlottesville, VA 22906-7482
Phone (804) 978-3888
Fax: (804) 978-1789
E-mail: tristaff@rutherford.org
Internet: <http://www.rutherford.org>

Legal Rights on Campus

www.freedomforum.org

Prayer

- Guidance on Constitutionally Protected Prayer — U.S. Department of Education: http://www.ed.gov/inits/religionandschools/prayer_guidance.html
- Archived Information on School Prayer — U.S. Department of Education: <http://www.ed.gov/Speeches/08-1995/religion.html>