

# WHAT CAN CHRISTIAN STUDENTS LEGALLY DO AT PUBLIC SCHOOLS?

## STUDENT RIGHTS EXPLAINED

### INTRODUCTION

Hi, I'm Brad Dacus, constitutional law attorney and president of the **Pacific Justice Institute**. Since 1997 we've defended schools, educators, and students with the goal of helping everyone understand and apply the law fairly.

I want to look at a question that many students, teachers, and school administrators ask: *What can Christian students legally do on their public school campuses?*

**We're going to take a look at what students' rights are, according to the law, and how the law applies to specific situations you may find yourself in.** A shared understanding of the law helps everyone move forward together with clarity and confidence.

### BIG PICTURE

First, it helps to clear up a common misconception about religion in schools:

**"Separation of church and state"** does *not* mean schools must be religion-free; it actually means the opposite, that schools may not restrict or regulate student religious expression.

**Here's the big picture:** Public school students are legally allowed to pray, share their faith, read their Bible, distribute religious materials, start Christian clubs, and host Christian events on campus.

These rights are protected by the **First Amendment of the Constitution**—which protects students' freedom of speech and religious expression—and by the **Federal Equal Access Act [20 U.S. Code § 4071]**—which ensures that all student clubs are given the same privileges on campus.

These two laws apply to **all public and charter students** nationwide. Everything I'm about to outline is covered under these two laws.

Importantly, these same laws protect **teachers and administrators** as well, because allowing student expression is not endorsing a religion. It's following the law and protecting the school.



# STUDENT RIGHTS

**Every Christian student has a right to** pray, share their faith, read their Bible, and distribute religious materials. They do not need permission to hand out fliers, booklets, and Bibles.

These activities must take place during **non-instructional time** – like lunch, passing periods, before and after school, or other permitted free time. Whenever a student can casually talk about their favorite sports team, they can also talk about their faith.

It's also important to note that students may freely exercise any of these rights whether they do so **individually or as part of a club**. Now speaking of clubs, let's dive deeper into these legal rights as they relate specifically to Christian clubs.

## STUDENT CLUB RIGHTS

First, schools may not prohibit the **formation** of a student club based on its religious nature, and may not deny the formation of a new Christian club just because a similar Christian club already exists.

Christian student clubs must be treated **equally** to all other non-curriculum clubs, such as National Honor Society, GSA, Esports, etc. That means that if other clubs may meet, reserve space, hang posters, or make announcements, Christian clubs may do the same.

- Additionally, a club **may not be denied an activity simply because it'd be the first** to do so – like having events at lunch time, hosting multiple-day events, or inviting guest speakers. Decisions must be based on neutral policies applied equally to all clubs.
- If a **school policy** is more restrictive than the **policies of the district**: students, parents, or teachers may reach out to the superintendent to ask for that policy to be lifted at their school.

Next, student-led religious clubs **may partner with outside Christian organizations** such as Decision Point, Fellowship of Christian Athletes, etc, for resources, training, or materials, provided the club remains student-led and participation is voluntary.

Now even though clubs do not need approval to hand out **fliers**, they do need to follow school approval processes to hang **posters**. However, those posters may not be restricted because of **religious content**, such as Bible verses or faith-based messaging.



Finally, schools may not limit the **religious message** of students or their invited guest speakers at club events. Even if some students, parents, or faculty may disagree with or feel uncomfortable with a message, that does not justify restricting student rights.

## IF RIGHTS ARE DENIED OR IGNORED

**To deny students or clubs any of the rights outlined here, would be unlawful.** And even when student club requests are perpetually **delayed** or go unanswered, this can functionally deny students their rights, even if it was unintentional. If this happens, **students should ask for help from a teacher or their parents** to raise their concerns through appropriate school and district channels. Issues do often arise simply because of misunderstanding and a lack of clarity about what students are legally allowed to do on campus. That's why clear and timely communication is so important.

## HOW PJI CAN HELP

The Pacific Justice Institute is happy to offer **pro bono assistance** to everyone involved to help avoid potential conflict or even unnecessary litigation.

- We help **students**, without charge, communicate clearly with school officials, including sending emails on their behalf and participating in phone calls when needed.
- We also provide legal guidance and defense for **teachers** who may be facing discipline, suspension, or termination for simply upholding students' rights.
- We even assist **administrators** who are seeking to apply student rights lawfully, regardless of their personal beliefs.

The freedoms of speech, religious expression, and equal access are designed to protect students and schools alike. When applied consistently, everyone can move forward together with clarity and confidence.

