

DID YOU KNOW?

That no where in the First Amendment does the phrase “separation of church and state” appear.

The first reference to separation of church and state appears to be several years after the Constitution was drafted.

That most people have never actually read the First Amendment to the Constitution.

Amendment I - Freedom of Religion, Press, Expression. Ratified 12/15/1791.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

That one of the most important Student’s Rights Cases decided by the US Supreme Court initially occurred in Iowa.

Tinker v. Des Moines Independent Community School District, 393 U.S. 506 (1969)

STUDENT RIGHTS ON A PUBLIC SCHOOL CAMPUS

Additional References and Resources:

U.S. Department of Education “Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools”
www.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html

Students’ Legal Rights On a Public School Campus, J.W. Brinkley, Roever Communications, 1993

American Center for Law & Justice
www.aclj.org/Issues/InDepth.aspx?ID=20

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The information contained in this pamphlet is general information that is accurate at the time of publication. This information should not be substituted for competent legal advice from an attorney well versed in these matters.



You have the Right:

To **meet** with other students to discuss religious topics and issues.

To have **guest speakers** or other visitors present at your meetings.

To openly **display** symbols of your religious beliefs. (necklaces, t-shirts, etc.)

To **talk** about your beliefs on campus.

To **distribute** religious literature (tracts, pamphlets, Bibles, etc.) on campus.

To **pray** on campus.

To carry/study your **Bible** on campus.

To **incorporate** your religious beliefs in your research papers, speeches and other projects with religious themes.

To be **excused** from activities, assignments or classes that contradict your beliefs.

To **incorporate** into holiday celebrations religious themes.

Conditions on the exercise of your rights:

- You must be on the school campus rightfully and lawfully. You must be a student assigned to that school and present during a time when students are normally permitted on school grounds.
- You must not cause a material or substantial disruption to school discipline. You cannot cause a significant disruption to the normal schedule or agenda. You cannot disrupt school order and discipline.
- You must be treated the same as other “non-curriculum” clubs. (i.e.: Chess Club, Boy Scouts, etc.)
- You are entitled to the same types of facilities and access to facilities as other “non-curriculum” groups.
- Your discussion of religion in class, or your incorporation of religion in your school work must be relevant and on topic.
- You must comply with the customary rules. If you are not permitted to have books on your desk other than your text, it would not be a violation of your rights to require you to put your Bible away as well.
- You cannot “force” your beliefs on other students by stuffing tracts in lockers, refusing to let students leave until they hear you out, etc.

Conditions on the behavior of School Officials.

- School officials must treat religious organizations the same as other non-school related organizations. (i.e.: Boy Scouts, private group etc.)
- School officials must make their decisions and enforce the rules on a “neutral” basis. Schools cannot have higher or lower standards for religious activities.
- Schools cannot officially endorse any specific religion. A teacher or other school official cannot endorse or discourage participation in religious activities.
- School officials *may not* be allowed to openly confess their belief in a specific religion nor may they read or hand out any religious literature unless it is directly related to the study of the religion or a closely related topic. (When studying the origins of the law, looking to the Ten Commandments may be appropriate.)
- School officials may not be present at religious activities on school grounds unless their function is to ensure order and discipline, or to protect the rights of the students involved, and their presence is “temporary” (they are not at every meeting).
- Schools cannot require Bible reading or prayer at any school sponsored events, nor can they conduct themselves in a way that would appear to endorse any specific religious belief. This includes graduation, football games, etc.