

# POLICY PAGES

## Religious Freedom for K-12 Students September 10, 2019

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### OVERVIEW

The First Amendment protects the rights of students to engage in religious expression. They do not lose their constitutional rights simply by stepping onto the public school campus. Arizona law recognizes these constitutional rights, and ensures that students can live out their faith in school and not be discriminated against because of their religious beliefs.

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### ANALYSIS

In 2009, Center for Arizona Policy (CAP) worked with the Arizona Legislature to pass the [Student Religious Liberties Act](#), clarifying the constitutional rights that students have in public schools.

Because students do not lose their constitutional rights simply by stepping onto the public school campus, school officials may not discriminate against students (or parents) on the basis of a religious viewpoint or religious expression ([A.R.S. § 15-110\(A\)](#)). Schools must treat religious speech by students the same as nonreligious speech by students ([A.R.S. § 15-110\(C\)](#)). However, students' free speech and religious freedom rights are not unlimited because of the educational purpose of the school and the need to maintain order and discipline ([A.R.S. § 15-110\(F\)](#)).

In Arizona, students in public school may:

- **Share Their Faith** ([A.R.S. § 15-110\(C\)](#)): Students may pray, read their Bibles, discuss their religious beliefs, and engage in other religious activities “before, during and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression.”
- **Express Their Religious Beliefs in School Assignments** ([A.R.S. § 15-110\(B\)](#)): Students may express their religious beliefs, discuss religious figures, and draw religious artwork in school assignments without being penalized or rewarded on the basis of their religious content or viewpoint. The student's work will be judged by ordinary academic standards



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of substance and relevance to the course curriculum or requirements of the assignment or coursework.

- **Wear Clothing, Jewelry, or Accessories That Display Religious Messages or Symbols ([A.R.S. § 15-110\(D\)](#)):** If the school permits students to wear clothing, jewelry, or accessories that express nonreligious messages, the school may not single out religious messages for unfavorable treatment. For example, if a school permits students to wear clothing or jewelry with sports team logos, the school may not prohibit clothing or jewelry with religious symbols or messages.
- **Distribute Religious Literature and Fliers on Campus ([A.R.S. § 15-110\(C\)](#)):** Students are generally free to distribute tracts or fliers during the school day, subject to reasonable restrictions (on time, place, and manner) that apply equally to religious and non-religious materials. However, schools may prohibit literature distribution during class instruction.
- **Start or Participate in a Student Bible or Faith-based Club on Campus.** The federal [Equal Access Act](#), signed into law in 1984, expanded equal access to extracurricular clubs in all public high schools. In 2001, Arizona passed the CAP-supported [Middle Schools Equal Access Act](#), which expanded equal access protections in Arizona to middle school students ([A.R.S. §15-720](#)). Therefore, if a school allows non-curriculum clubs to meet on campus, middle and high school students have the right to hold Bible or faith-based club meetings as well. The club meetings must be voluntary, student-initiated, and student-led. The school, its agents, and employees may not sponsor, promote, lead, or participate in the meetings, although a school official may supervise in a non-participatory capacity.
- **Participate in “See You at the Pole” and Other Student-led Prayer Rallies and Activities ([A.R.S. § 15-110\(C\)](#)):** Each year, students across the country gather at their school’s flagpole to participate in student-led “See You at the Pole” prayer rallies before classes begin. For more information, go to [www.syatp.com](http://www.syatp.com).
- **Participate in “Released Time” if District or Charter School Policy Allows ([A.R.S. §§15-102\(A\)\(7\)\(n\)](#), [-806](#)):** A school district or charter school may allow “release time,” which permits students to be excused from school attendance to participate in religious instruction or exercises that take “place away from school property designated by the church or religious denomination or group.”
- **Be Opted Out of Any Learning Material or Activity That Questions a Student’s Religious Beliefs or Practices ([A.R.S. §15-102\(A\)\(3\)](#)):** Parents “who object to any learning material or activity on the basis that it is harmful may withdraw their children from the activity or from the class or program in which the material is used . . . includes objection to a material or activity because it questions beliefs or practices in sex, morality or religion.”

- **Be Involved with Religious Organizations Using School Facilities after School Hours ([A.R.S. §15-1105](#)):** With parental permission, students may attend events and activities put on by outside religious organizations after school hours. Once a public school allows use of its facilities by any community group, it must allow religious groups access on the same terms.
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## CONCLUSION

The U.S. Constitution and Arizona law protect the right of students to express and live out their faith in K-12 public schools. Schools may not discriminate against students (or parents) because of their religious beliefs or practices, and must treat religious speech the same as nonreligious speech by students.

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## TALKING POINTS

- **The First Amendment protects the rights of students to engage in religious expression. They do not lose their constitutional rights simply by stepping onto the public school campus.** The CAP-supported Student Religious Liberties Act makes it easy for officials, parents, and students to understand their rights under the First Amendment.
- **Students should be free to express their faith on campus without the threat of discrimination.** The U.S. Constitution and Arizona law prohibit government officials from discriminating against religious expression on otherwise permissible subjects.
- **Schools must treat religious and nonreligious speech equally.** If a school allows for a student to have an Arizona Cardinals sticker on their folder, they must allow students to have a religious sticker as well.