

Don't Check Your Faith at the Door: The Legal Reason for Boldness in School

Graduating seniors who want to pray or mention their faith during graduation exercises may face lawsuits or threats from school administrators.

Many school officials wrongly believe that those expressions of faith violate the so-called separation of church and state.

But Jordan Sekulow, executive director of the American Center for Law and Justice, says they don't have to be afraid. The law is on their side.

"A lot of schools get it wrong. They're so concerned about lawsuits or the threat of lawsuits," Sekulow told CBN News.

"The school administrators or faculty cannot start the prayer. They cannot make you pray; they can't force that. But a student can absolutely use religious language in their speaking role," he explained.

So, when high school valedictorian Roy Costner was told graduation prayers were being replaced with a moment of silence, he was well within his rights when he tore up his school-approved speech and prayed the Lord's Prayer instead.

Also, in 2012, a judge threatened to throw valedictorian Angela Hildenbrand in jail for exercising her First Amendment right to invoke religious language at her Texas high school graduation.

"The court's order said there could be incarceration if anyone mentioned Jesus or said 'amen' during any of the speeches," Liberty Institute attorney Justin Butterfield said.

A federal appeals court disagreed with that order.

"The Fifth Circuit said 'No, it's okay for her to do that,'" Butterfield said. "It's her private student speech and she's allowed to say whatever she wants and you can't discriminate against her message just because it's religious."

While graduation prayer gets the attention this time of year, students are also facing other kinds of religious discrimination all year long. Free-speech advocates say both students and their parents need to be aware of their rights.

Giovanni Rubeo, 12, was told by his teacher that he was not permitted to read the Bible during a free reading period at school.

His teacher left the following message on the Rubeos' home voice mail:

"I noticed that he had a book, a religious book, in the classroom. He is not permitted to read those books in my classroom," the teacher said.

Giovanni's parents consulted a lawyer, and the school is now complying with the law, which protects students who want to bring Bibles to school and read them during free time.

"Students absolutely have the right to read their Bible at free reading sessions," Sekulow said. "The courts have been quite clear on that. You cannot ban students from bringing their Bibles. You cannot ban them from reading their Bibles during free time."

The bottom line for students is, regardless of the time of year, they don't have to leave their Christian faith or free-speech rights at the schoolhouse door.