

Kansas School Bans 'See You at the Pole' Flier With Bible Verses

Alliance Defending Freedom filed a lawsuit on behalf of a student after a Kansas public school prohibited her from posting or handing out religious fliers promoting the student-led "See You at the Pole" prayer event held before school. The school freely allows a variety of other types of materials to be posted and distributed but singled out the student's fliers because they contained Bible verses.

"Public schools should encourage, not shut down, the free exchange of ideas," says legal counsel Matt Sharp. "The law on this is extremely clear: School policies cannot target religious speech for exclusion. The First Amendment protects freedom of speech for all students, regardless of their religious or political beliefs."

In September, a seventh-grade student at Robert E. Clark Middle School posted fliers with Bible verses in advance of the "See You at the Pole" event, a day when students across the nation gather around the flagpole at their local school before the beginning of the school day to pray for the school, students, staff and the nation. The fliers were a precursor to additional fliers providing the date and time of the "See You at the Pole" event that the student intended to distribute later.

A school counselor confronted the student at a school dance in front of her friends and informed her that the fliers were "illegal" because of the Bible verses and could not be posted or distributed at school. A district-wide policy bans the distribution of "religious materials ... on school grounds or in any attendance facility before, during or after the school day

or a school activity.”

School officials took down and destroyed the fliers. Because of the threat of punishment from the school counselor, the student could only secretly distribute a few informational fliers with the time and place of the event to other students out of sight of teachers. As a result, very few students attended the event.

The school has allowed the posting of a variety of materials, including a handmade poster of a tombstone with the words “RIP” and a poster of rap artist Lil’ Wayne with the words “Good Kush and Alcohol.”

The Alliance Defending Freedom lawsuit, *K.R. v. Unified School District No. 204*, filed in the U.S. District Court for the District of Kansas, explains, “Students do not shed their constitutional rights at the schoolhouse gate. Non-disruptive, private student expression is protected by the First Amendment.” Moreover, “The government may not discriminate against speech based on its viewpoint, regardless of the forum.”

The lawsuit also notes that the student’s posting of the material did not “interfere with the orderly conduct of educational activity within the school.”

“Marginalizing students of faith removes an important influence for good from the school community,” adds senior legal counsel Jeremy Tedesco. “We hope the school district will revise its policy so that students can exercise their constitutionally protected freedoms.”