

Know Your Rights: *See You At the Pole* School Event



See You at the Pole (SYATP - syatp.com) is a student-organized, student-led gathering at the school flagpole where students will pray for their country, government, school, friends, and teachers.

Students have a constitutional right to participate in SYATP and may pray and/or worship at these events. They also have a constitutional right to inform others at their school about the event, so long as they do not materially disrupt the academic process.

Students may:

1. Organize a SYATP event;
2. Form faith-based clubs;
3. Distribute SYATP fliers or informational pamphlets;
4. Display SYATP posters and banners in hallways, to the same extent that other students and clubs can display posters and banners;
5. Make P.A. announcements to the same extent that other students or student clubs are permitted to make announcements regarding other events;
6. Use religious words like “pray,” “God,” and “Jesus,” or include Bible verses on advertisements;
7. Wear clothing and accessories advertising SYATP if other students are permitted to wear clothing that contains other types of speech.

It is important to know that religious speech is protected by the United States Constitution. Specifically, students are permitted to speak about their religious beliefs, even if some students perceive those beliefs to be offensive or controversial. The Supreme Court has explicitly stated that “nothing in the Constitution...prohibits any public school student from voluntarily praying at any time before, during, or after the school day.”[1] SYATP is also not a state endorsement of religion.[2] Rather, if a school restricts religious speech, courts view that as hostility toward religion. However, schools can prohibit speech that substantially interferes with education at the school.

It is also important to note that students do not only have a right to attend SYATP, they also have the right to advertise the event within the school, so long as other events of a comparable nature are also allowed to advertise. So, if a student wishes to peacefully distribute literature about SYATP, that student has a right to do so, so long as it is done in a non-disruptive manner. Similarly, students may advertise with posters or banners in the same manner as other clubs can advertise for their events or clubs. If other clubs can advertise over the P.A. system, so can a religious student.

Student Prayer is not limited to SYATP, and can occur throughout the school year. Prayer is private speech and students may engage in it at school, provided the school is not endorsing it. Efforts to distance it from the appearance of being school-endorsed are helpful. Thus, students may pray at school on their own or in groups, during non-instructional time, so long as it is not disruptive. This includes praying as a team before a game or practice, as long as it is completely student-led and initiated.

SYATP is a wonderful opportunity for students across Pennsylvania to not only pray for their country, government, school, teachers and students, but also an opportunity for them to exercise their constitutionally protected freedoms. If your student wishes to participate, and is kept from doing so, Independence Law Center may be able to help. For more information, contact us at independencelaw.org.

[1] *Santa Fe Indep. Sch. Dis. V. Doe.*, 530 U.S. 290, 313 (2000).

[2] *Bd. Of educ. Of Westside Cmty. Schools v. Mergens*, 496 U.S. 226, 249-50 (1990).