
SPEECH, BELIEFS, AND OTHER STICKY ISSUES FOR SCHOOL ADMINISTRATORS

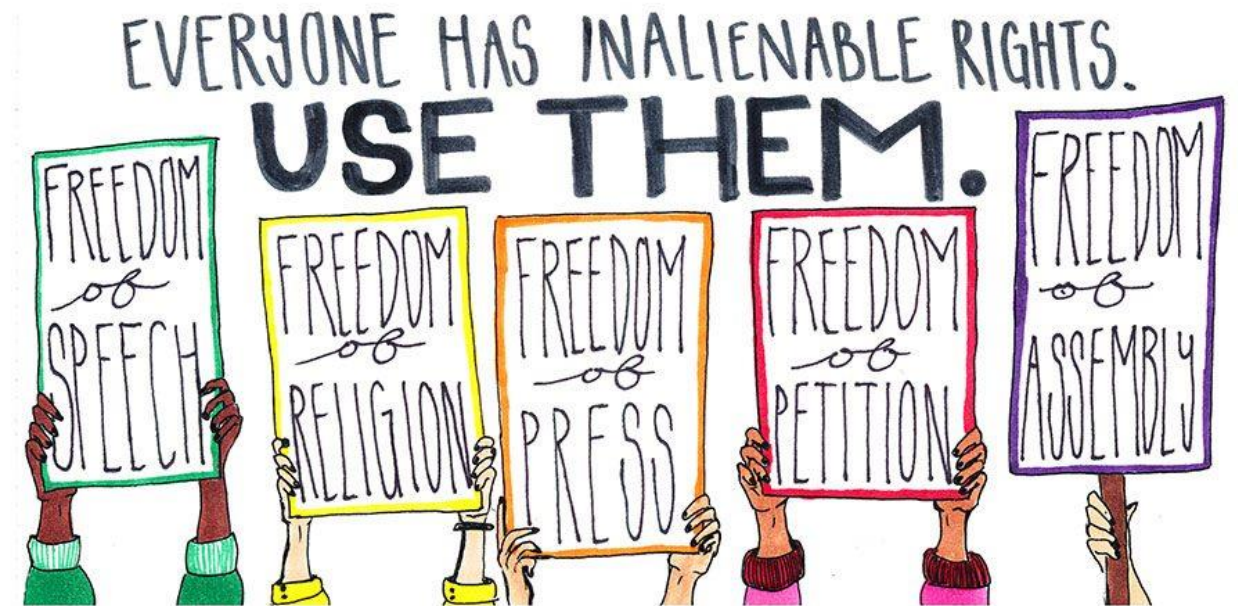
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The First Amendment:

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.





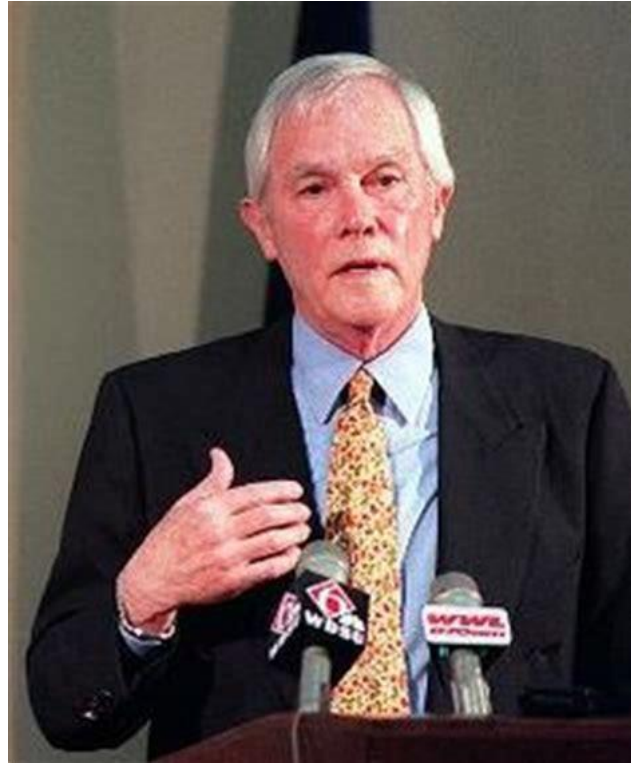
School Employee

Citizen vs Government Role

PICKERING V
BOARD OF
EDUCATION
(1968)

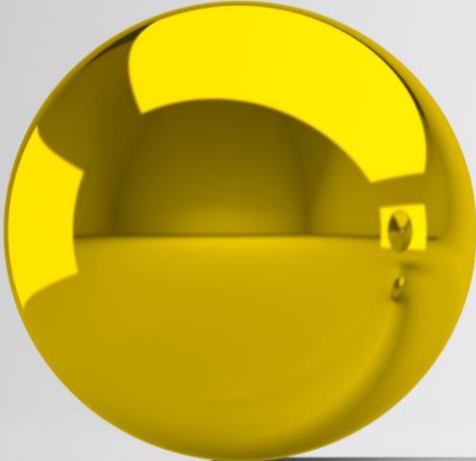
Justice Thurgood Marshall wrote,
"The problem in any case is to arrive
at a balance between the interests of
the teacher, as a citizen, in
commenting upon matters of public
concern and the interest of the State,
as an employer, in promoting the
efficiency of the public services it
performs through its employees."

CONNICK V MYERS (1983)

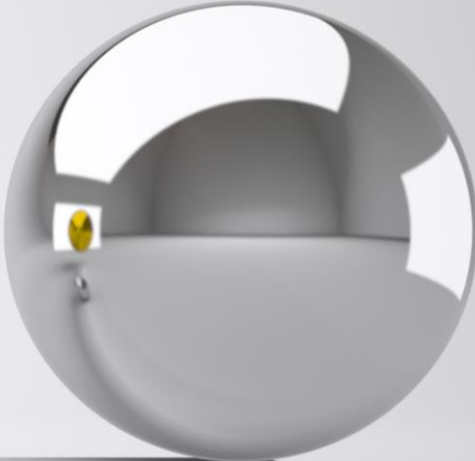


Public Interest

Employee's right to free speech



Employer's interests in an efficient, disruptive-free workplace



OTHER CASES

Rankin v. McPherson
(1987)

Waters v. Churchill
(1994)

San Diego v. Roe
(2004)

GARCETTI V
CABELLOS
(2006)

Justice Kennedy wrote, "Restricting speech that owes its existence to a public employee's professional responsibilities does not infringe any liberties the employee might have enjoyed as a private citizen. It simply reflects the exercise of employer control over what the employer itself has commissioned or created".



**IF THEN, SO
WHAT....**

Ms. Ally, the first-grade teacher, adds a frame to her Facebook profile picture supporting The Rock for President of the United States and states anyone who disagrees with her is stupid.

Mr. John, the principal, has a documented conference with her and states she is not allowed to post information about her voting choices.



Mr. John called first year teacher, Ms. Nells into his office for a documented conference for participating in a political rally concerning a tax to fund libraries over the weekend.



Students, select an option!

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Ms. Nells held a Socratic seminar on Freedom of Speech with her students per the curriculum. As a follow-up project, she had the students create posters that were pro-tax for the library and offered them extra credit if they joined her in the protest on Saturday.

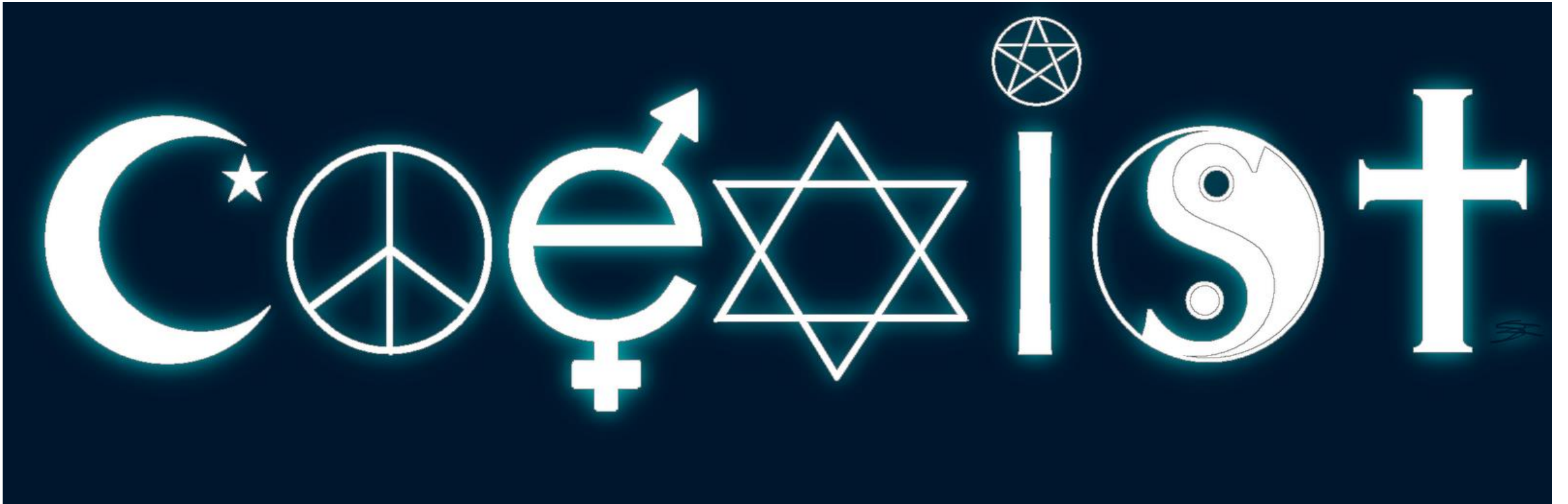
Mr. John receives multiple phone calls about the project and placed Ms. Nells on suspension.



Ms. Nells' co-worker, Mr. Tweed, was furious and blasted Mr. John and school board on his Twitter feed about Ms. Nells' suspension. He posted pictures of the students at the rally and complained about not being able to really teach students what free speech means.

On Monday, Mr. John also suspended Mr. Tweed.





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As Americans, we have both
the freedom **FROM** and the
freedom **OF** religion.

WHAT IS FREEDOM OF RELIGION?

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...”

Mr. Ahmed prays privately during his personal lunch time in his classroom. As a practicing _____, he finds this time to be important. One day the principal Mr. John walks in and reprimands him.



Students, select an option!

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Do not remove this bar



Mr. Ahmed required his class join him in saying a prayer before their lunch in the cafeteria. As a practicing _____, he believes it is his job to show children the ways to _____.

Mr. John reprimands him for this action.



Students, select an option!

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What is the unconstitutional promotion of religion?

Lemon v. Kurtzman (1971)

The **Lemon test** says that in order to be constitutional, a policy must:

1. Have a non-religious purpose
 2. Not end up promoting or favoring any set of religious beliefs
 3. Not overly involve the government with religion
-

Religion and the Government

ESTABLISHMENT CLAUSE

Forbids laws that create an official state religion

FREE EXERCISE CLAUSE

Forbids the government from preventing religious worship

WHAT ARE THE LIMITS?

Although the text is absolute, the courts place some limits on the exercise of religion. The Supreme Court has interpreted this clause so that the freedom to believe is absolute, but the ability to act on those beliefs is not.

Mr. Rome adds the tenets of Buddhism on his math test as a bonus question. Students can earn one point for each tenet they can write.

Jim, a new student, complains that as a Hindu, he is unaware of the answers. Mr. Rome tells him, "Well, I can help that you are stupid."



During a unit on world religions, Mr. Rome asks the students to identify the tenets of Buddhism on the social studies unit test as a bonus question. Students can earn one point for each tenet they can write.

Jim, a new student, complains that as a Hindu, he is unaware of the answers. Mr. Rome tells him, "Well, I can help that you are stupid."



PROCESSING ISSUES



FUTURE ISSUES

Joe Kennedy, who coached high school football in Bremerton, Washington, with his players on the field (First Liberty Institute)

