

**CLIENT NEWS BRIEF**

No. 41

October 2007

**SCHOOLS NEED NOT FUND STUDENT GROUPS THAT  
DISCRIMINATE ON THE BASIS OF RELIGION**

The United States Ninth Circuit Court of Appeals recently held that a school district could withhold official sponsorship and funding of student clubs that discriminate on the basis of religion. In Truth v. Kent School District (9th Cir. Aug. 24, 2007) \_\_ F.3d \_\_, the Ninth Circuit affirmed a district court's decision that neither the First Amendment of the United States Constitution nor the federal Equal Access Act protects a student group's right to practice religious discrimination with respect to its membership.

"Truth" was a student-run Bible club that met with administration approval on campus at Kentridge High School, a school within Kent School District in Washington. In 2001, the group attempted to receive school funding and official sponsorship by seeking a charter from the high school's Associated Student Body ("ASB") Council. The founders represented that the purpose of the club was to "have a Bible study to encourage and help become better people with good morals."

The ASB Council denied recognition of Truth because the club discriminated against students of other religions. According to the club's charter:

Membership is contingent upon the member complying in good faith with Christian character, Christian speech, Christian behavior and Christian conduct as generally described by the Bible . . . [and members must have] a true desire to . . . grow in a relationship with Jesus Christ.

The Kent School District declined to intervene with the ASB Council's decision because the club's rules violated district policies banning religious discrimination in student activities. The club members sued the district, claiming violations of the Equal Access Act and the First Amendment right of free speech.

The Ninth Circuit found that “on their face, the District’s non-discriminatory policies do not preclude or discriminate against religious speech.” The court pointed out that two other Bible clubs at the school that did not restrict membership based on religious beliefs had received ASB recognition. Furthermore, Truth was entitled to continue meeting and holding activities at the school as a “noncurriculum-related non ASB student group.”

This ruling clarifies that a school district can apply its nondiscrimination policy to a student religious club, and that a district, under an appropriate existing policy, can withhold official sponsorship and funding of student clubs that discriminate on the basis of religion. In this case, it was proper for a school and student government organization to deny recognition to a Christian group whose membership was contingent on religious beliefs.

For further information regarding the ruling and implications of this case, or for other student or school law issues, contact any of our six statewide offices.

*As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.*

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