

CLIENT NEWS BRIEF

The Satanic Temple Seeks Access to Public Elementary Schools Nationwide

A secular organization called The Satanic Temple has announced it will be seeking access to public elementary school facilities nationwide to offer its "Educatin' with Satan" after-school program. The group stated that it intends to offer a scientific after-school club to balance the religious viewpoint presented by other programs such as the "Good News Club" run by the Child Evangelism Fellowship.

Based upon the United States Supreme Court's 2001 opinion in *Good News Club v. Milford Central School* (2001) 533 U.S. 98, public schools are in most cases "limited public forums" for First Amendment speech. As limited public forums, schools are not required to allow all persons access to their facilities for every type of speech. However, if a school does allow access to outside groups, it cannot then discriminate against the speech of others based on their viewpoints on similar issues.

There is perhaps some irony that the Good News Clubs, which according to the Christian Evangelism Fellowship reached almost 20 million children in 192 countries in 2014, were the victor in *Good News Club* case but are now the target of The Satanic Temple for its after-school programs. School districts in nine states have reportedly been contacted by Satanic Temple chapters, and the organization's website makes clear that it is "not interested in operating After School Satan Clubs in school districts that are not already hosting a Good News Club. However, The Satanic Temple ultimately intends to have [its programs] operating in every school district where the Good News Club is represented." In California, The Satanic Temple currently has chapters in Los Angeles, San Jose and San Marcos.

For context, The Satanic Temple is not a "Satanist organization" as one might infer from its name. According to its website, the organization does not believe in a "supernatural Satan," but instead endorses a "scientific understanding of the world." The organization has indicated that its one-hour monthly after-school programs will include critical reasoning, independent thinking, fun and a healthy snack.

Regardless of viewpoint, California school districts are required under the Civic Center Act, codified at Education Code section 38130 et seq., to allow organizations to access school facilities for purposes of "supervised recreational activities" and meeting and discussing "any subjects and questions ... pertain[ing] to the educational, political, economic, artistic and moral interests of the citizens of the communities in which they reside." In California, it is likely that The Satanic Temple will lean heavily on the Supreme Court's *Good News Club* opinion and its First Amendment free speech underpinnings, and the Civic Center Act, when it approaches school districts for facilities access. Although parallel in many respects, the First Amendment's and Civic Center Act's application to outside organizations' school facilities access is distinct from the federal Equal Access Act, which applies to non-curricular student groups' access to school facilities and resources. (20 U.S.C. § 4071.)

September 2016
Number 57



Sloan R. Simmons
Partner and Co-Chair
Litigation Practice Group
Sacramento Office
ssimmons@lozanosmith.com



Lee Burdick
Senior Counsel
Fresno Office
lburdick@lozanosmith.com



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.

CLIENT NEWS BRIEF

September 2016
Number 57

For more information on how this organization's activities might impact your district, or on the free speech and other legal principles governing outside organizations' access to your school facilities, please contact the authors of this Client News Brief or an attorney at one of our [10 offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).

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.