

Is the After School Satan Club Coming to Your School District?

By David Hirt

The decision of the U.S. District Court for the Eastern District of Pennsylvania in *Satanic Temple, Inc. v. Saucon Valley School District*, ___ F.Supp.3d ___, 2023 WL 3182934, 2023 U.S. Dist. LEXIS 75001 (May 1, 2023) is a reminder that if a public school district allows non-district groups to use its facilities, the school board cannot discriminate against some non-district groups based on the content of their speech. In *Satanic Temple*, the school board prohibited the After School Satan Club (“ASSC”) from using the district’s facilities for meetings. The ASSC is a religious, not-for-profit corporation that is recognized by the U.S. Internal Revenue Service as a church. The school board, which allows outside groups to use its facilities after school hours pursuant to its use policy, initially approved the group’s request. Later, however, the board revoked the permission because numerous community members objected and one anonymous person threatened to come to a meeting and shoot the attendees.

You can read the court’s opinion [here](#).

Although the decision in *Satanic Temple* is not binding on Ohio courts, the rule from the decision is the same for Ohio public school districts: if a school board allows outside groups to use its facilities, the board must allow virtually all outside groups to do so in accordance with the district’s use policies. A school board generally may not discriminate against a particular group based on the content of the group’s message. Such discrimination violates the right to freedom of speech contained in the First Amendment to the U.S. Constitution: a government entity is generally not permitted to pick and choose which speech is permitted and which speech is suppressed. When a government entity takes into consideration the religious content of speech when deciding which religious groups may use its facilities, that discrimination also violates the freedom of religion guaranteed in the First Amendment.

Please contact any of the attorneys in Roetzel’s Education Law Group if you have questions or would like additional information.

Aretta Bernard

Practice Group Manager
Employment Services
330.849.6630 | abernard@ralaw.com

Susan Keating Anderson

Practice Group Manager
Education Law Group
216.232.3595 | sanderson@ralaw.com

Justin Markey

Practice Group Manager
Public Law, Regulatory and Finance
330.849.6632 | jmarkey@ralaw.com

Karen Adinolfi

330.849.6773 | kadinolfi@ralaw.com

Thomas Allen

513.653.5389 | tallen@ralaw.com

Lisa Burleson614.645.5278 | lburleson@ralaw.com**Benjamin Chojnacki**216.377.1492 | bchojnacki@ralaw.com**Jason Dodson**330.849.6631 | jdodson@ralaw.com**Diana M. Feitl**216.615.4838 | dfeitl@ralaw.com**David Hirt**216.329.0558 | dhirt@ralaw.com**Hailee Kepchar**216.505.7851 | hkepchar@ralaw.com**Adrienne Kirshner**216.456.3850 | akirshner@ralaw.com**Stephanie Olivera Mittica**330.849.6671 | smittica@ralaw.com**Nancy Noall**216.820.4207 | nnoall@ralaw.com**Aaron Ross**614.470.4968 | aross@ralaw.com**Doug Spiker**216.696.7125 | dspiker@ralaw.com**Sherri Warner**614.723.2110 | swarner@ralaw.com**Tim Webster**216.696.7795 | twebster@ralaw.com**Nick Ziepfel**513.748.1109 | nziepfel@ralaw.com

This alert is informational only and should not be construed as legal advice. ©2024 Roetzel & Andress LPA. All rights reserved. For more information, please contact Roetzel's Marketing Department at 330.762.7725