



FACT SHEET

A.P. v. Tomah Area School District

ABOUT A.P. v. Tomah Area School District

A Christian student at Tomah High School was told by his teacher to either remove or cover up a Bible reference depicted in a piece of artwork. The teacher cited a grading policy that students were required to sign at the beginning of the semester which prohibited depictions of “blood, violence, sexual connotations, [or] religious beliefs,” and stated that the student had “signed away his First Amendment rights.” After the student respectfully tore the document in half as a means of peaceful protest, he was given two detentions and a zero for the assignment. Students who submitted artwork containing demon-like illustrations were unchallenged.

CURRENT STATUS OF A.P v. Tomah Area School District AS OF 4/24/08

On March 28, ADF attorneys filed a federal lawsuit, followed on April 15 by a motion for a temporary restraining order and preliminary injunction, against the Tomah Area School District. The lawsuit alleges that the district’s policy barring certain types of religious expression violates the U.S. Constitution.

FOCUS OF HEARING – WHAT IS AT STAKE?

The policy at Tomah High School restricting students’ free speech rights is a violation of the First Amendment. School officials cannot compel students to “sign away” their constitutional rights. The school is also practicing a double standard by allowing other students to create artwork containing depictions of demon-like creatures while prohibiting a drawing that includes a cross and Bible verse. The U.S. Supreme Court has stated that “students do not shed their constitutional rights at the schoolhouse gate.” Those rights are at stake in this case.

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ABOUT ADF

The Alliance Defense Fund (ADF) is a legal alliance defending the right to hear and speak the Truth through strategy, training, funding, and litigation. ADF has nearly 1,100 allied attorneys who are dedicated to defending and protecting religious freedom, sanctity of life, marriage, and the family.

ABOUT David Cortman

David Cortman is a senior legal counsel with the Alliance Defense Fund. Cortman earned his J.D. at Regent University School of Law and is admitted to the bar in Georgia and Florida, and at the D.C. Court of Appeals. He has practiced law for 11 years and is a graduate of the ADF National Litigation Academy.