

# **Bond Case Briefs**

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## **FIRST AMENDMENT - OHIO**

### **Freshwater v. Mt. Vernon City School Dist. Bd. of Edn.**

**Supreme Court of Ohio - November 19, 2013 - N.E.2d - 2013 -Ohio- 5000**

Public school teacher sought review of the city school board's decision to terminate him after he refused to obey school district's order that he stop displaying the Bible on his desk.

The Supreme Court of Ohio held that:

- "good and just cause" supporting termination of a public teacher's contract includes "insubordination";
- Teacher's religiously-motivated display of his personal Bible on his desk did not violate the Establishment Clause;
- School district's order that teacher remove his Bible from display on his desk infringed on teacher's rights under the Free Exercise Clause;
- Teacher's disobedience of school district's invalid order did not constitute "insubordination" supporting termination; but
- Teacher's disobedience of orders requiring removal of religious materials displayed by teacher in classroom for reasons other than the exercise of his religion constituted "insubordination" supporting termination.

Teachers do not abandon their First Amendment rights, including the right to freely exercise their religion, when they enter their classrooms.

Public school teacher's religiously-motivated display of his personal Bible on his desk did not violate the Establishment Clause of the First Amendment. Teacher did not use the Bible while teaching, Bible's inconspicuous presence on teacher's desk did not convey a message that the school district endorsed or promoted Christianity, teachers' desks were considered personal space at school and teachers often kept private items there, teacher did not prominently stage or draw attention to his Bible, and school district had the power to correct any misperceptions that it was endorsing teacher's beliefs.

City school district's order, that teacher remove from classroom conspicuously-displayed Bible, Christian-themed book, and poster depicting governmental officials in prayer, did not violate teacher's rights under the Free Exercise Clause, but rather constituted a valid order, willful disobedience of which constituted "insubordination" supporting teacher's termination. Unlike the presence of a personal Bible on teacher's desk, teacher's display of additional items was not a part of his exercise of his religion, but rather, was undertaken to make a point once a controversy had erupted regarding the presence of the Bible and the teacher's teaching of creationism and intelligent design in science class.