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Are students permitted to discuss the origins and meaning of Christmas with fellow students?

Yes.

It is important to note that students are free to discuss the Biblical origins of the Christmas and Easter holidays with other students during non-instructional time.

For example, while schools may impose reasonable time, place and manner restrictions on candy distribution containing religious messages, they may not impose an absolute ban on such religious speech activity.¹

In 2011, the Court of Appeals for the Fifth Circuit held, in an en banc review, that the First Amendment prohibits viewpoint discrimination against elementary students' religious expression, such as the distribution of religious-themed gifts or literature to other students at school parties or during non-instructional time when secular items may be distributed. *Morgan v. Swanson*, 659 F.3d 359, 401–12 (5th Cir. 2011) (en banc).

The court first noted that “First Amendment rights are of paramount importance in school facilities.” *Id.* at 403 (citing *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 112 (2001); *Lamb’s Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 393–94 (1993); *Widmar v. Vincent*, 454 U.S. 263, 265, 267 (1981)).

Considering the particular facts at issue, the court disagreed with the defendants’ claims, finding that, among other similar incidents, student distribution of candy canes with a religious message attached (during a school party in which other students could distribute personal gifts), could not be considered school-sponsored speech that implicates the Establishment Clause. *Id.* at 407–10.

¹ *Id.*