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Wigg v. Sioux Falls School District:
Public School Teachers May Lead an After-School Good News Club

In 2001, the U.S. Supreme Court decided a case known as *Good News Club v. Milford Central School District*, in which the court ruled that whenever a public school facility is used after school for adult-led, secular clubs or programs, the school facilities must also be made available to adult-led, after-school Christian programs or meetings. In the *Good News Club* case, the Milford Central School District allowed secular groups to meet on the elementary school campus immediately after school. These groups included adult-led organizations such as the Boy Scouts. The Boy Scouts teach, among other things, respect, honor, morals and character development. Good News Clubs are sponsored by Child Evangelism Fellowship and are designed for children ages 5 through 12. Good News Clubs also teach respect, honor, morals and character development from a distinctly Christian viewpoint. Children attending Good News Clubs sing Christian songs, memorize scripture verses, are taught Bible lessons and learn about great biblical characters. Child Evangelism Fellowship requires that children who attend the Good News Clubs do so with their parents' permission.

The Milford Central School District allowed secular clubs on campus but denied the Good News Club solely because of its Christian viewpoint. The Supreme Court ruled that such discrimination is unconstitutional, and from that moment on, Good News Clubs have been offered in numerous public elementary schools around the country. However, there were certain questions still unanswered by the Supreme Court's decision, namely, whether a school teacher or school employee may participate in a Good News Club in the same manner as any other person in the community who is not associated with the school. That question was resoundingly answered in the case of *Wigg v. Sioux Falls School District*, 382 F.3d 807 (8th Cir. 2004).

Barbara Wigg had been an elementary school teacher for over two decades in Sioux Falls, South Dakota. In December 2002, Barbara participated in an after-school Good News Club at Laura B. Anderson Elementary School, the same campus where she teaches during the day. After the first meeting, school officials told Mrs. Wigg that her first meeting with the Christian club would be her last. The school superintendent and the district's attorney took the position that the district must prevent her or any other teacher from participating in an after-school, Christian club in order to avoid the appearance that the district endorsed the Christian religion.

The Sioux Falls school district was very forthright regarding the basis for its decision to censor Mrs. Wigg. The Christian viewpoint of the club was the sole reason the district refused to allow Mrs. Wigg to participate. The school district was afraid that allowing Barbara to teach a religious club after school on campus would result in a violation of the Establishment Clause. Barbara and other school employees were allowed to participate in after-school, secular programs. Barbara had participated in the Girl Scouts, and she regularly teaches reading and guitar lessons after school on campus.

When Mrs. Wigg was unable to resolve the matter, Liberty Counsel filed a federal lawsuit on her behalf. The trial judge issued a split decision, in which he ruled that the school district could prohibit Mrs. Wigg from participating in a Good News Club after school on the same campus where she teaches during the day, but could not prohibit her from participating in these Christian clubs that meet at other schools throughout the district. Both Liberty Counsel and the school district appealed the case, and the federal court of appeals ruled unanimously in a 3-0 decision in favor of Liberty Counsel's position. The Eighth Circuit Court of Appeals ruled that the school district must allow Mrs. Wigg to participate immediately after school with the Good News Clubs throughout the district and on the same campus where she teaches during the school day. **The Court of Appeals also ruled that the District's policy banning teachers from participating in religious club meetings designed for elementary students immediately after school is "viewpoint discriminatory and, thus, per se unconstitutional."** The Court ruled that Mrs. Wigg's "participation in the after-school Club constitutes private speech ... [and that her] private speech does not put the [District] at risk of violating the Establishment Clause."

The Wigg decision establishes the proposition that a public school teacher has the constitutional right to lead a Good News Club directly after school and that a school policy or decision prohibiting the teacher from doing so is unconstitutional.

For free assistance regarding teacher rights or other issues involving First Amendment issues, please contact Liberty Counsel at 407-875-1776; via email at Liberty@lc.org, or visit our website www.LC.org.