

LEGAL MAILBAG – NOVEMBER 6, 2025



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The “Legal Mailbag Question of the Week” is a regular feature of the CAS Weekly NewsBlast. We invite readers to submit short, law-related questions of practical concern to school administrators. Each week, we will select a question and publish an answer. While these answers cannot be considered formal legal advice, they may be of help to you and your colleagues. We may edit your questions, and we will not identify the authors. Please submit your questions to: legalmailbag@casciac.org.

Dear Legal Mailbag,

As principal of a middle school, I was surprised when two students complained to me that their homeroom teacher hung a crucifix in her classroom. Frankly, I thought that they were pranking me, given my understanding of the need to separate church and state and to keep religion out of the schools.

Imagine my surprise, therefore, when I visited the teacher’s classroom and saw the crucifix hanging on her classroom wall along with a number of items, both educational and personal. I immediately scheduled a meeting with her and her union representative to address my concern.

At that meeting, the teacher admitted that she hung the crucifix on the wall in her classroom as a testament to her faith. I told her that her actions were completely inappropriate, given her role as a public school teacher. But both she and her union representative pushed back. They said that we let teachers decorate their classrooms with personal items, ranging from posters of the National Parks to pennants of their favorite sports teams. Accordingly, they went on, this teacher had every right to hang a crucifix on the wall of her classroom as her personal expression. To tell her otherwise, they argued, would discriminate against her on the basis of her religious beliefs.

I know that we live in strange times, but can this be true? Do teachers have the right to display religious icons in their classrooms?

Signed,
Praying for an Answer

Dear Praying:

What a coincidence! Earlier this week, a district court judge issued a ruling in a case involving the New Britain Public Schools that is remarkably similar to the situation that you describe.

In [*Marisol Arroyo-Castro v. Anthony Gaspar et al.*](#), (D. Conn. 2025), a federal judge denied a request by a teacher for a preliminary injunction prohibiting school officials from prohibiting her from displaying a crucifix in her classroom. While this decision simply deals with the request for a preliminary injunction, in so ruling the judge perforce determined that it was unlikely that the teacher would succeed on the merits of her claims.

The main claims that the teacher made related to her rights under both the free speech and free exercise clauses of the First Amendment, and the decision sets forth an excellent description of these rights and their limitations for public employees.

The teacher claimed that she had a right to hang the crucifix in her classroom under the free speech clause of the First Amendment because other teachers were permitted to include personal items in decorating their classrooms. In this regard, the court reviewed the general rule that public employees have a right of free speech when (1) they are speaking on a matter of public concern, and (2) the importance of the speech outweighs any disruption that it causes. This rule was first announced by the United States Supreme Court in 1983 in [*Connick v. Myers*](#), 461 U.S. 138 (1983). In considering the matter further, however, the court relied upon the subsequent decision by the United States in [*Garcetti v. Ceballos*](#), 547 U.S. 410 (2006) to dismiss this claim. In [*Garcetti*](#), the Court held that speech expressed by public employees pursuant to their job responsibilities is not protected by the First Amendment, but rather is governed by normal personnel procedures.

Applying [*Garcetti*](#) to the situation, the court ruled that any expressive element of decorating one's classroom is part of one's job responsibilities and, as such, is speech pursuant to duty, which is not protected by the First Amendment. Given that conclusion, the court determined that it was unlikely that the teacher would succeed on her free speech claim.

The teacher also claimed that the directive to remove the crucifix from her classroom violated her rights under the free exercise clause of the First Amendment. In its recent decision in *Kennedy v. Bremerton School District*, 587 U.S. 507 (2022), the United States Supreme Court did state:

The Clause protects not only the right to harbor religious beliefs inwardly and secretly. It does perhaps its most important work by protecting the ability of those who hold religious beliefs of all kinds **to live out their faiths in daily life through the performance of (or abstention from) physical acts**. (Emphasis added).

Kennedy, 597 U.S. at 524. However, the federal district court rejected the teacher's free exercise claim for two reasons.

First, given the conclusion that a teacher's decorating one's classroom is speech pursuant to duty, the court ruled that the teacher was unlikely to prevail on her free exercise claim. Speech pursuant to duty is "government speech," and the teacher cannot force the school district to express the religious message the crucifix conveys.

Second, the court further considered whether the teacher could prevail if the speech were considered her personal expression in exercising her religion. In that regard, the court applied the *Connick v. Myers* balancing test to conclude that the display of the crucifix could be disruptive. Moreover, the court held that the school district should be granted some leeway in its actions here because the district was reasonably concerned that permitting a teacher to display a crucifix on the wall of her classroom would violate its obligations under the establishment clause of the First Amendment.

As noted above, this ruling is not final, and it simply addressed the teacher's request for a preliminary injunction. But the extensive analysis and citations to Second Circuit precedent is persuasive, and Legal Mailbag predicts that the New Britain Public Schools will ultimately prevail here with finality.

(Editor's note: Shipman & Goodwin is representing the New Britain Public Schools and its Superintendent and staff in this case.)