

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

July 25, 2016

SENT VIA EMAIL & U.S. MAIL: commissioner@tea.texas.gov

Commissioner Mike Morath
Texas Education Agency
1701 N. Congress Avenue
Austin, TX 78701

Re: Advantage Academy public charter schools

Dear Commissioner Morath:

I am writing again on behalf of the Freedom From Religion Foundation (FFRF) to alert the TEA to serious constitutional concerns with another public charter school, Advantage Academy. We are still awaiting a response to our previous letter, sent June 14, regarding Newman International Academy.

We have become increasingly concerned about religious endorsement and promotion in Texas charter schools. It appears that some of these schools and their representatives are openly boasting about advancing a religious agenda and violating the Constitution without any repercussion or oversight. In fact, these schools appear to be advertising themselves as having all of the inner workings of a private religious school, while being publicly funded.

As we noted in our previous letter, a publicly funded school cannot endorse religion. Religious promotion by the state violates the Establishment Clause of the First Amendment. We write to ensure that the TEA investigates the religious promotion by Advantage Academy described below.

Advantage Academy exhibits blatant disregard for the Constitution.

Mr. Allen Beck—who holds himself out as a “doctor,” though he does not have a doctorate degree from any accredited university—is a Christian evangelist and the founder of Advantage Academy. He is also an outspoken evangelist who put his religious responsibility to proselytize and evangelize ahead of his responsibilities to the state of Texas, the Constitution, and his students. He founded Advantage Academy in 1998 in order to bring Christianity and the bible “back” into public schools. He confirmed this view and boasted about receiving public funds from the state of Texas while avoiding reprimand from the TEA during a sermon at the Brazilian Christian Church in November of last year.¹ In the church’s video, Beck describes his religious motivations for starting Advantage Academy and how he has thwarted attempts by the state and

¹ *Dr. Allen Beck (Fundador Advantage American School), Brazilian Christian Church (Nov. 8, 2015), available at www.youtube.com/watch?v=Y07qN8ls8AA.*

the TEA to curtail the promotion of religion in his schools. During this sermon, Beck explains that he wants to put “the Bible, prayer, and patriotism back into the public school system, legally.” But he goes on to describe unconstitutional religious endorsement within the Advantage Academy curriculum:

You say there’s no Bible in public schools; we’re gonna have the Bible in public schools. There’s no prayer in public schools. We celebrate the Day of Religious Liberty, and they come out and around and it’s legal to do that. We put the Bible in every subject. We use [evangelical Christian] David Barton, [of] the WallBuilders to teach them about American history. How the Americans were founded on Judeo-Christian principles based on the Bible.²

Beck admits that Advantage Academy is teaching the Bible to students, encouraging students to pray, and spreading misinformation about the foundations of American history based on the writings of widely discredited pseudo-historian David Barton. Additionally, Beck is adamant that Advantage Academy is “God’s school” and that he acquired the school by “attacking the educational system”:

[W]e have strict standards. We run it like a good old-fashioned school. You wear uniforms, you say yes ma’am and yes sir. If you fight, or if we find drugs, you go back to your home district. You’re not in my school. Because this is God’s school. This is God’s school! This is God’s school! How did I get this school? I attacked the gates of the city based on grace from God. . . . I attacked the educational system. We’re going back in. We’re going back in.³

In the video Beck goes on to describe how a reporter questioned how he was able to get a charter school contract despite his clear intentions to run it as a Christian school. As he tells it, the reporter noted, “[y]ou talk about Christianity and religion as though it were part of the public school system.” And his response was, “Of Course. I graduated from . . . a Pentecostal holy college. I graduated with a theology degree. I graduated from [Southern] Nazarene College. And I have talked openly about how I was going to be bringing traditional values back to the public schools. Right and wrong, and teach the Bible and so on. But they [the state of Texas] somehow gave me a contract.”⁴

Beck sums up the main point of his sermon that everyone, no matter their position within the public school system, needs to be incorporating religion into their work and evangelizing:

Do you know what your purpose in life is? If it’s in education, be the best educator for God you can be. Build the kingdom of God as a schoolteacher. If you’re called into administration, do that. Take a stand.⁵

² *Id.* at 43:38.

³ *Id.* at 43:10.

⁴ *Id.* at 39:50.

⁵ *Id.* at 48:20.

Beck boasts about deceiving the TEA and abusing state resources.

During his speech Beck continually flaunts how he has deceived the state and the TEA for years by claiming that Advantage Academy is not promoting Christianity, even though it clearly is. He describes a time when the state of Texas came in to investigate his use of the Bible and the Christian-based *A Beka Book* phonics program in his classrooms:

The state came in and said, “what are you doing using Christian literature in the public schools?” And I said, “Because they have the best phonics-based program.” [The state said] “There’s all kinds of Bible stuff in there.” I said, “We’re not teaching that, we’re teaching phonics.” He said, “Ok, as long as you’re just teaching phonics we’ll let you go.”⁶

Beck goes on to describe his interactions with an investigator from the TEA that occurred because he was proselytizing in his school or “going on the attack,” as he puts it:

Another lady came in from the Texas Education Agency. It’s because I went on the attack. She came up to my building and she said, uh... I had my Bible on my desk, and I have a big Bible. I have a big Oral Roberts Bible, which is twice as big as this book [Beck holds up a large book] with all the commentary. And she looked at that book that I had and she said, “What’s that doing there?” I said, “we’ll that’s a book, and we believe in books.” For some reason she just blinded over and never said another word. So from then on I never worried about my Bible. I never worried about my Christian-based phonics program.⁷

Finally, Beck describes how he was able to cannibalize state funds from the woefully deficient high school he was running, which shut down, and turn those funds into a \$1,878,000 profit for Advantage Academy:

The first 5 years I almost went out of business every year for 5 years. Then I felt led to build a high school. On the one hand, it was the worst decision I ever made. Because guess who came to that school. I had over 700 or 800 high schoolers but most of them were wearing little bracelets around their ankles and my registrar, she thought, “what is that, a new fad?” No, they came from the juvenile delinquent system. I got up and I let them know, alright, you’re either gonna obey or you are out of here. And so we had to close it down. I’m glad. We learned from that experience.⁸

So that year because of that high school, two positive things happened. . . . That high school, even though it was a nightmare, more money came in than we spent. And so they gave me a grant because that building was so terrible, for \$878,000. I earned, I saved \$1,000,000 that year. So we had \$1,878,000 whereas the year before we weren’t even in the black.⁹

⁶ *Id.* at 37:40.

⁷ *Id.* at 37:55.

⁸ *Id.* at 46:02.

⁹ *Id.* at 47:21.

Advantage Academy advertises itself as a religious school.

Allen Beck's sermon serves to substantiate what was already apparent in Advantage Academy's advertisements to parents: Advantage Academy is a Christian school receiving state funding as a public charter school in violation of the Establishment Clause. When Advantage Academy advertises its schools, it uses language and imagery to suggest that its students will receive a religious education.

A recent advertisement for Advantage Academy depicts a young student with her eyes closed and her hands joined in prayer (see enclosed photo 1). On the reverse side (enclosed photo 2), the advertisement describes the school as "faith friendly" and emphasizes its Bible Club. The term "faith friendly" also appears on promotional materials used to attract teachers (see enclosed photo 3). The promotional materials indicate that the number one reason why instructors choose Advantage Academy is that it offers a "private school feel with a faith friendly environment." This language is not subtle and it permeates every facet of Advantage Academy. The school's mission statement includes that it is "dedicated to challenging students to establish the foundation of knowledge that created 'One Nation Under God' through the study of unabridged American history and the Bible in History and Literature."

By advertising itself as "faith friendly" Advantage Academy isn't merely suggesting that students are free to exercise their religious beliefs as they see fit. That is constitutionally required in every public school in the nation. If "faith friendly" means abiding by the Constitution, then Advantage Academy should be no more "faith friendly" than any other public school in Texas. Instead, Advantage Academy is signaling to parents and teachers that it will advance religious beliefs through its curriculum. And that is precisely what it does in practice, though in his initial application to be granted an open enrollment charter school Allen Beck fails to mention that the school will be "faith friendly" or that he plans to incorporate the Bible into every subject.

Advantage Academy regularly organizes and promotes Christian events to students.

The school's actions speak louder than its advertisements or Allen Beck's words. Advantage Academy regularly promotes religious, and specifically Christian, events to students. For example, the school endorses the National Day of Prayer and displays it on the school calendar (see enclosed photo 4), endorses a religious baccalaureate service that takes place on the school's campus (see enclosed photo 5), and observes the exclusively Christian holiday Good Friday as a school holiday (see enclosed photo 6). The Establishment Clause of the First Amendment prohibits the state, and by extension any state-funded public or charter schools, from endorsing religion. All of these actions violate the Constitution.

Advantage Academy and its employees may not endorse the National Day of Prayer. Public school teachers may not lead their students in prayer, encourage students to pray, participate in student-initiated prayer, or otherwise endorse religion to students. The Supreme Court has continually struck down teacher or school-led prayer in public schools. *See, e.g., Engel v. Vitale*, 370 U.S. 421 (1962) (declaring prayers in public schools unconstitutional); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963) (declaring unconstitutional devotional Bible

reading and recitation of the Lord’s Prayer in public schools); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturning law requiring daily “period of silence not to exceed one minute . . . for meditation or daily prayer”).

Baccalaureate programs are religious services that include prayer and worship. Schools may not in any way plan, design, or supervise baccalaureate programs. *See Warnock v. Archer*, 443 F.3d 954 (8th Cir. 2006) (upholding injunction prohibiting school district from orchestrating or supervising prayers at school graduation or baccalaureate ceremonies). When courts have permitted privately sponsored baccalaureate services in public schools, the schools took significant steps to ensure that there was no school endorsement. *See Randall v. Pagan*, 765 F. Supp. 793 (W.D.N.Y. 1991) (noting that “the school board has already formally and publicly dissociated itself from the baccalaureate service, has canceled its prior order for programs and has refused to lend any financial support, either direct or indirect, to assist the [religious group] in its sponsorship of the event.” In addition, no “district personnel are involved in any aspect of the service, either in their capacities as District employees or . . . in their personal, individual capacities.”); *Verbena Methodist Church v. Chilton Bd. of Educ.*, 765 F. Supp. 704 (M.D. Ala. 1991) (“The Board must also ensure that no other school officials promote, lead, or participate in the service.”).

Good Friday is neither a federal holiday nor an official Texas state holiday. It is unconstitutional and inappropriate for a public charter school to close on this Christian holy day. Federal courts have specifically struck down this practice because it not only promotes religion over non-religion, but also impermissibly favors Christianity over all other faiths. *See, e.g., Metzl v. Leininger*, 57 F.3d 618 (7th Cir. 1995) (holding that an Illinois statute closing schools on Good Friday was in violation of the Establishment Clause). “[T]he First Amendment does not allow a state to make it easier for adherents of one faith to practice their religion than for adherents of another faith to practice their religion, unless there is a secular justification for the difference in treatment.” *Metzl*, 57 F.3d at 621.

Advantage Academy promotes inaccurate religious propaganda to its students.

In 2015, for Constitution Day, Advantage Academy invited Tim Barton—son of David Barton and representative of WallBuilders—to speak to its students. WallBuilders is an evangelical Christian group whose goal is to “influence in government, education, and the family by (1) educating the nation concerning the Godly foundation of our country; (2) providing information to federal, state, and local officials as they develop public policies which reflect Biblical values; and (3) encouraging Christians to be involved in the civic arena.”

Aside from the obvious religious bias to this presentation, this event was also troubling because much of the “history” promoted by WallBuilders is fabricated, inaccurate, or intentionally misleading. David Barton, the founder of WallBuilders, is not a historian; he received his bachelor’s degree in Christian education. His work has been widely discredited, even by

religious conservatives, for factual errors and misleading statements.¹⁰ In fact, his latest book was pulled off the shelves by his own publisher because “basic truths were just not there.”¹¹

It is a travesty on Constitution Day to host an event intended to distort and dishonor our entirely secular and godless Constitution. Advantage Academy must not align itself with organizations that are overtly religious and should not sponsor programs that provide historically inaccurate and misleading information to students. To do so is irresponsible and illegal. If David Barton’s propaganda is being taught at Advantage Academy, as Allen Beck claims, then the school’s curriculum needs to change.

Advantage Academy has aligned itself with a religious ministry to proselytize students.

Advantage Academy lists several faith-based organizations on its webpage. Among them is Heart & Home Ministries, a religious nonprofit organization that began a mentoring program called “Partnering Pals” in the spring of 2010. Teachers refer students to the “Partnering Pals” program so that those students can meet with a religious mentor at the school on a weekly or bi-weekly basis during lunch or another time scheduled with the campus secretary. The school’s webpage also lists several “success stories” from children that have been involved in the program. These testimonials reveal the program’s religious nature:

I am thankful because if it wasn’t for my mentor I would be unladylike physically and mentally and failing with no care for anything. I am also thankful for the fact that I have someone to talk to and to pray with me.

The mentoring program has done so much to impact me in my life. I thank God everyday for having my mentor by my side on my journey through life. She has been a big inspiration to me. Now, I’ve been a little more than a year through trials and tests, but I can talk to my mentor and pray to God for help. I can’t thank or repay the mentoring program enough for helping me and giving me a strong support team. Most importantly, I thank God for an AWESOME Mentor.

The alliance between Advantage Academy and Heart & Home Ministries unconstitutionally entangles a public charter school with a religious ministry. Public school teachers cannot be identifying students in need of religious mentoring and the school cannot grant a religious ministry special access to its students during the school day for the purpose of proselytizing.

Advantage Academy cannot continue to operate as a publicly funded charter school.

While it may be possible for an evangelical Christian to create and run a charter school that follows the law and remains religiously neutral, Allen Beck has neither achieved this result nor endeavored to do so. From the very beginning Advantage Academy was designed, advertised, and operated as a Christian school. From all appearances, his daughter, Angela McDonald, will

¹⁰ See Michael Coulter & Warren Throckmorton, *David Barton is wrong*, WORLD (Jan. 22, 2013) available at www.worldmag.com/2013/01/david_barton_is_wrong.

¹¹ Elise Hu, *Publisher Pulls Controversial Thomas Jefferson Book, Citing Loss of Confidence*, NATIONAL PUBLIC RADIO (Aug. 9, 2012) available at www.npr.org/blogs/thetwo-way/2012/08/09/158510648/publisher-pulls-controversial-thomas-jefferson-book-citing-loss-of-confidence.

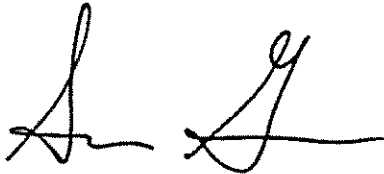
continue running Advantage Academy in this same illegal manner. Advantage Academy’s website says McDonald is “100% committed to the vision and mission of Advantage Academy” and that she desires “to continue with Advantage Academy for the remainder of her career where she plans to continue what Dr. Allen Beck started . . .” Ms. McDonald cannot be permitted to run Advantage Academy in this manner.

As we noted in our previous letter, when a public school chooses to endorse religion, it is a usurpation of parental authority—parents have the right to direct the religious, or nonreligious, upbringing of their children, not public schools. A public school-endorsed religious message alienates those non-Christian students, teachers, and members of the public whose religious beliefs are inconsistent with the message being promoted by the school. It is particularly inappropriate for the 23% of Americans who identify as non-religious, including 44% of the population under 30.¹²

The TEA has an obligation to make certain that publicly funded schools and government subsidized teachers “do not inculcate religion.” *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971). Certainly, “a school can direct a teacher to ‘refrain from expressions of religious viewpoints in the classroom and like settings.’” *Helland v. S. Bend Comm. Sch. Corp.*, 93 F.3d 327 (7th Cir. 1993) (quoting *Bishop v. Arnov*, 926 F.2d 1066, 1077 (11th Cir. 1991)). The Supreme Court has recognized that “[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987).

We ask that the TEA investigate Advantage Academy and take action to prevent its schools from endorsing Christianity to its students. If Advantage Academy is allowed to continue operating as a public charter school, it must drastically change its policies and curriculum so that it will be in compliance with the Establishment Clause of the First Amendment. If Advantage Academy is unwilling to operate as a public school in a manner consistent with the Constitution, we ask that all of its current charters be revoked. Thank you for your attention to this serious matter. We look forward to receiving a response in writing at your earliest convenience.

Sincerely,



Sam Grover
Staff Attorney

Enclosures
STG:cal

¹² *America’s Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.

Photo 1

**PROSPECTIVE
FAMILY
INFORMATION NIGHT**

April 14th @ 6:00 pm

TUITION-FREE!
www.advantageisd.org/waxahachie

Photo 2

ENROLLING NOW 2016-17

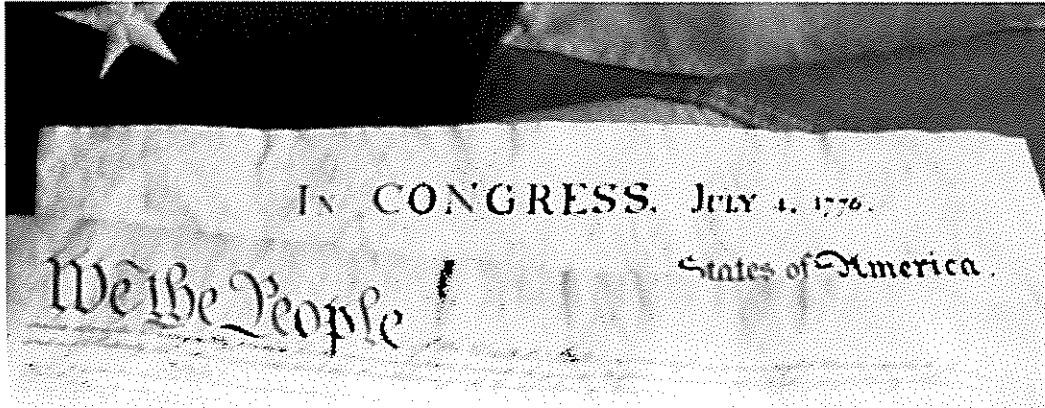
Advantage Academy
701 W. Hwy 287 Bypass
Waxahachie, Texas 75165
972.937.9851

Grades PK-8
Grados PK-8

- Teaching America's Founding Principles
Enseñanza de Principios Fundadores de América
- State Accredited with Certified Teachers
Estado acreditado con maestros certificados
- Fine Arts
Clase de Artes
- 6 Systems of College Readiness
6 Sistemas de Preparación para la Universidad
- Personalized Learning Pathways
Personalizados de Vías de Aprendizaje
- Blended Instruction with Online Curriculum
Instrucción Mezclada con Online de Currículo
- Academic Competitions
Competiciones Académicas
- Character and Leadership Programs
Programas de Carácter y Lideranza
- Gifted & Talented Program
Programa de Dotados y Talentados
- Faith Friendly
Favorable a la Fe
- Student Clubs including NHS & Student Council
Clubes de Estudiantes incluyendo NHS y Consejo Estudiantil
- Student Centered & Safe
Centrado en el Estudiante y Seguro
- Bible Club
Club Bíblico
- PTO & Booster Club
PTO y Booster Club
- Free After School Meal Program
Programa de Comida Gratis Después de la Escuela
- Soccer, Volleyball, Flag Football & More
Fútbol, Voleibol, Fútbol de bandera y más

Hablamos Español

Photo 3



TOP 10 REASONS INSTRUCTORS CHOOSE ADVANTAGE ACADEMY

1. Private school feel with a faith friendly environment
2. Educator safe environment
3. Mentoring and support, including instructional coaches
4. Professional learning community
5. Whole-student development
6. High professional expectations
7. Innovative learning approaches
8. Character and leadership development for students
9. Strong student discipline
10. A growing organization with professional growth and leadership opportunities



WHAT CAN ADVANTAGE ACADEMY OFFER YOU?

- Competitive Salary, Performance and Duty Stipends
- Teacher Retirement System of Texas Participation
- Medical and Supplemental Benefits with Lower Premiums
- Educational Assistance and Loan Forgiveness Programs
- Service Incentives
- Professional Development
- Lead and Coaching Opportunities
- Monthly Awards and Recognition
- Graduate Direct Recruitment
- Charter League Competitions Participants (academics and sports)
- High Ratio of Classroom Technological Aids for Instructors
- Bilingual/ESL Learning



WHY IS ADVANTAGE ACADEMY A GREAT PLACE TO WORK?

Integrity, Humility, Authority, Stability, Community, Prosperity, Victory
YOU will be more than an Instructor, you'll be a Life Changer
YOU will Inspire Our Students to Great Things
YOU will be Giving Back

Photo 4

National Day of Prayer

What: National Day of Prayer [permalink](#)

When: 5/7/2015

[Copy to Google Calendar](#) • [Download iCal Event](#)

[District Calendar](#)

Photo 5

MAY Senior Baccalaureate Ceremony

22

SUN

3 PM – 4 PM (GP East 300 W. Pioneer Pkwy Grand Prairie, TX 75051) [District Calendar](#)

Photo 6

MAR Staff and Student Holiday

25

FRI

(All campuses and administrative offices are closed for Good Friday) [District Calendar](#)

[Grand Prairie West Calendar](#) [North Duncanville Calendar](#) [Waxahachie Calendar](#)
