

FREEDOM FROM RELIGION *foundation*

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May 24, 2013

SENT VIA FAX AND U.S. MAIL (951) 765-5115

Dr. Barry L. Kayrell
Superintendent
Hemet Unified School District
1791 W. Acacia Ave.
Hemet, CA 92545

Re: Bible Distribution

Dear Superintendent Kayrell:

I am writing on behalf members of the Freedom From Religion Foundation (FFRF) to alert you to constitutional concerns occurring at Idyllwild Elementary School. A concerned parent contacted us. FFRF is a nationwide nonprofit organization, which works to protect the constitutional principle of separation of church and state. FFRF represents more than 19,000 members across the country including nearly 3,000 members in California.

It is our information and understanding that on or around May 22, 2013 bibles were distributed to elementary students as they entered outbound school buses. Presumably those distributing bibles were members of Gideons International (an evangelizing Christian organization). According to our complainant, this practice was approved by the district and is but one of several instances where her child was sent home with religious materials. Our complainant informs us that on a prior occasion a church flyer containing scripture was slipped into her homework folder.

It is unconstitutional for public school districts to permit the distribution of bibles as part of the public school day. Courts have uniformly held that the distribution of bibles to students at public schools during instructional time is prohibited. *See Berger v. Rensselaer Central Sch. Corp.*, 982 F.2d 1160 (7th Cir. 1993)(held that classroom distribution of Gideon bibles to fifth-graders violated the Establishment Clause of the First Amendment to the United States Constitution); *see also Tudor v. Bd. of Educ. of Rutherford*, 14 N.J. 31 (1953), *cert. denied*, 348 U.S. 816 (1954)(finding unconstitutional a school board resolution permitting the distribution of bibles by Gideons). In striking down a school district's policy permitting Gideons to distribute bibles in classrooms, the Seventh Circuit stated, "... the Gideon Bible is unabashedly Christian. In permitting distribution of 'The New Testament of Our Lord and Savior Jesus Christ' along with limited excerpts from the Old Testament, the schools affront not only non-religious people but all those whose faiths, or lack of faith, does not encompass the New Testament." *Berger*; 982 F.2d at 1170.

The District may not allow any religious groups to enter school property to distribute religious literature, allow teachers to pass out bibles of their own volition, or allow any administrator,

teacher, or staff member to give religious messages, symbols, displays or advertisements to school children.

Public schools have a constitutional obligation to remain neutral toward religion. When a school permits the distribution of religious literature to its students, it has unconstitutionally entangled itself with a religious message, in this case a Christian message. This practice is especially problematic given the very young age of the students who are given these bibles. It is also a usurpation of parental authority—parents have the right to direct the religious, or non-religious, upbringing of their children, not public schools. Such a practice also 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 also alienates the 19% of the U.S. population who identify as non-religious.¹

It is unfortunate that the Gideons view public schools, particularly elementary schools, as ripe territory for recruitment. Parents carefully instruct their children not to accept any gifts from strangers. The Gideon practice of distributing bibles to schoolchildren teaches them to ignore parental guidance. Parents also understandably become nervous when adult men take an over-keen interest in handing materials to their young children without parental knowledge or permission.

Even if these distributions were not on school property, the school has an obligation to ensure students have unblocked access to safely board their buses without being accosted by adult strangers. In the past, FFRF has received numerous complaints from parents and students from various school districts describing men distributing bibles who are aggressive, harassing students until they take a bible, blocking entrances to schools, and even shoving bibles through school bus windows. Also, parents carefully instruct children not to accept any gifts from strangers. Bible distribution usurps parental guidance and can pose safety risks when children have to find their way around the representatives. It is thus important to ensure that these groups are prohibited from school grounds not because of their religion, but because student access to buses and the school should not be inhibited.

It is vital to protect young district students from predatory adults preying on a captive audience. While the district has no authority to regulate their behavior off of school grounds, the district has an obligation to prevent these distributions from taking place on the school campus and to get students home safely. Please inform us in writing at your earliest convenience of the steps you are taking to ensure that the District is not participating in or endorsing bible distributions.

Sincerely,



Andrew Seidel
Staff Attorney

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¹ "Nones on the Rise: One-in-Five Adults Have No Religious Affiliation," Pew Research Center, The Pew Forum on Religion & Public Life (October 9, 2012) available at <http://www.pewforum.org/1/naffiliated/nones-on-the-rise.aspx>