

# FREEDOM FROM RELIGION *foundation*

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

June 12, 2020

**SENT VIA EMAIL ONLY:**

lscott@belaw.com

Lynn Rossi Scott, Esq.  
Brackett & Ellis, P.C.  
100 Main Street  
Fort Worth, TX 76102-3090

Re: Unconstitutional school endorsement of religion

Dear Ms. Scott:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to constitutional concerns in Abilene ISD (the District). As you may recall, FFRF is a national nonprofit organization with the purposes to protect the constitutional separation between church and state and to educate the public on matters of nontheism. FFRF currently has more than 33,000 members across the country, including over 1,400 members in the state of Texas.

A concerned district parent contacted us to report that Craig Middle School allowed its text-reminder system for parents to be used to promote attendance of religious events. We understand that Shane McCoy, a Fellowship of Christian Athletes (FCA) Boys Coordinator, was granted access to this list of phone numbers and used it to remind parents to send their children to FCA meetings, including one at King Solomon Church.<sup>1</sup> We understand that these meetings occur outside of school hours and off school premises.

I write to request that the District immediately cease allowing religious groups like the FCA to use school channels to promote religious practices. When a public school grants its resources to outside religious groups seeking to recruit new members, that school violates the Establishment Clause of the First Amendment.

It is well settled that public schools may not advance, prefer or promote religion. *See Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). Advancing, preferring, and promoting religion is exactly what a school district does when it allows an outside religious group to text invitations to religious events via the school's messaging system. These proselytizing messages give the appearance of District endorsement of religion over nonreligion and Christianity over all

<sup>1</sup> See Enclosure.

other faiths. Such “[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to . . . nonadherents that they are outsiders, not full members of the political community and an accompanying message to adherents that they are insiders, favored members of the political community.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309–310 (2000) (internal quotations omitted). It also conflicts with personal religious and nonreligious views of many District students and families, as 35 percent of Americans are not Christians, which includes 26 percent of Americans that are not religiously affiliated.<sup>2</sup>

If this FCA chapter is operating as a private club, as the circumstances strongly suggest (e.g., the club appears to be adult-run and meets off-campus), then the District must sever ties with it immediately. Craig Middle School must not list it as a school-sponsored club on its website and must not grant the club special access, for example to post flyers on school walls or set up table promotions in the school.

Please inform us in writing of the steps the District takes to prevent the school from allowing its resources to be used by outside religious groups to recruit students so we may notify our complainant of this issue’s resolution. Thank you for your time and attention to this matter, and I hope this letter finds you in good health.

Sincerely,

A handwritten signature in black ink, appearing to read 'BJ', with a long horizontal flourish extending to the right.

Brendan Johnson, Esq.  
*Robert G. Ingersoll Legal Fellow*  
*Freedom From Religion Foundation*

Enclosure

<sup>2</sup> *In U.S., Decline of Christianity Continues at Rapid Pace*, Pew Research Center (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>.

Friday, January 31, 2020



Remind Updates: This is the thread for Remind messages from Shane McCoy. You can save this number to your contacts.

Text @LEAVE to unsubscribe.

4 048 84113b 2020 : FCA this morning 7:30 King Solomon Church.

-

Text back to reply

6:54 AM