

FREEDOM FROM RELIGION *foundation*

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June 20, 2012

SENT VIA FAX
(828-456-2438)

Dr. Anne Garrett
Superintendent
Haywood County Schools
1230 North Main Street
Waynesville NC 28786

Re: URGENT: End Unconstitutional Vacation Bible School Program

Dear Dr. Garrett:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to Hazelwood Elementary School programming that includes Vacation Bible School. We urge you to take immediate action to end school involvement with this religious program. We were contacted by a concerned Hazelwood parent. FFRF is a nationwide nonprofit that works to protect the constitutional principle of separation between state and church. FFRF represents over 18,500 members across the country including more than 450 in North Carolina and a state chapter, the Triangle Freethought Society.

We understand that Hazelwood Elementary School offers the Hazelwood Elementary Summer Program for students. "Vacation Bible School" is one of the school's summer activities. It is our understanding that this has been going on for years. The school's website openly lists "Vacation Bible School at Hazelwood Baptist Church" as one of the planned activities.¹ Summer program information provided to parents noted, "We will be attending VBS the week of June 18-22 at Hazelwood First Baptist Church from 8:30-12:30. Everyone must be at the school by 8:00 this week in order to have time for breakfast before boarding the bus." A copy of the handout is enclosed.

We understand that summer program students were picked up from Hazelwood Elementary yesterday and on Monday to attend Vacation Bible School. The school distributed permission slips for Vacation Bible School attendance at the summer program sign-in table on Monday. We understand that when a parent asked Karen Tatham, Summer Program Director, about the activities for the week, the parent was told that students would be attending Vacation Bible School in the morning. We understand that all but two students attended the Vacation Bible School Monday and yesterday, and it appears that the school offered much more limited program activities for these two students than had been offered the prior week of camp.

¹ <http://www.hes.haywood.k12.nc.us/about-us/hazelwood-elementary-summer-program>

The school's promotion and coordination of a religious program is unconstitutional and cannot continue.

It is well settled that public schools may not advance, prefer or promote religion. *See generally, 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 Twshp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962); *Il ex rel. McCollum v. Board of Ed.*, 333 U.S. 203 (1948). The Establishment Clause of the First Amendment prohibits public school sponsorship or involvement in devotional religious instruction. *See McCollum*, 333 U.S. 203. Haywood County Schools, by sending students to this Christian bible camp, is providing an unlawful preference not only for religion over non-religion, but also Christianity over other faiths.

This “[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents ‘that they are outsiders, not full members of the political community and 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, 309-10 (2001)(quoting *Lynch v. Donnelly*, 465 U.S. at 668)(O’Connor, J., concurring). This sort of entanglement between religion and public education is not only unseemly and inappropriate, but is an abuse of government power over your students. As the Supreme Court said in *McCollum*:

Jefferson's metaphor in describing the relation between Church and State speaks of a ‘wall of separation,’ not of a fine line easily overstepped. The public school is at once the symbol of our democracy and the most pervasive means for promoting our common destiny. In no activity of the State is it more vital to keep out divisive forces than in its schools, to avoid confusing, not to say fusing, what the Constitution sought to keep strictly apart. 333 U.S. at 232.

The unconstitutional school-church partnership between Hazelwood Elementary School and Hazelwood Baptist Church is an egregious First Amendment violation. Courts have repeatedly struck down public school practices that affiliate schools with religious groups and religious instruction. *See, e.g., Doe v. Porter*, 370 F.3d 558 (6th Cir. 2004)(Striking down school's allowance of private group to provide bible instruction in case brought by FFRF); *HS v. Huntington County Community School Corp.*, 616 F.Supp.2d 863 (N.D. Ind. 2009) (Issued preliminary injunction against school that allowed trailers on school property for religious instruction because to do so conveyed a message of support and endorsement of religion); *Doe by Doe v. Shenandoah County School Bd.*, 737 F.Supp. 913 (W.D.Va. 1990) (Issued temporary restraining order against school finding that buses used for religious instruction parked in front of the school gave the appearance of school involvement and that school employees took part in recruitment efforts).

Given the summer program's sponsorship and involvement with Vacation Bible School, the program's registration forms, program handouts, and school website, the school has integrated bible instruction into its programming. This is appalling given the young and impressionable students involved (some are as young as 5 or 6) and the fact that the program is promoted as being part of a school program. It is also shocking that the school is

facilitating student recruitment for religious indoctrination by advertising the program as a public school program. Summer program promotional materials include the notation that schoolteachers are already familiar with students and that the principal is "on-campus." Bible camp and religious instruction cannot legally be integrated into the school's summer program.

Haywood County Schools must make immediate changes and immediately halt its involvement with Vacation Bible School. You must resume a full range of secular morning summer program activities for June 21-22.

Please notify us immediately by phone and in writing about the steps you are taking to end this violation for the rest of the summer and all future programs so that we may notify our complainant that the violation is resolved.

Sincerely,



Patrick C. Elliott
Staff Attorney

Cc: Principal Susan Savage
(Via Fax: 828-456-5438)

Enc.