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October 12, 2011



**VIA ELECTRONIC AND U.S. MAIL**

Rebecca S. Markert, Esq.  
Freedom from Religion Foundation  
P.O. Box 750  
Madison, WI 53701

Re: Chesterfield County School District, South Carolina

Dear Ms. Markert:

On behalf of the Chesterfield County School District, I am hereby responding to your September 19, 2011, letter of concerns, addressed to Dr. John E. Williams, Superintendent of the District. In your September 19 correspondence, you specified three concerns, which you state raise questions about the constitutional principle of separation between state and church. Your stated concerns are: (1) that Christian assembly was held at New Heights Middle School on September 1, 2011; (2) that Christian crosses adorned the front lawn of the middle school the week after the anniversary of 9/11; and (3) that the school was promoting the "See You At The Pole" prayer event, which since has occurred, on Wednesday, September 28, 2011.

Before responding to your three concerns, I would like to provide you with brief background information concerning Chesterfield County, South Carolina, and the Chesterfield County School District. Chesterfield County is located in the north, central part of the State, between Charlotte, North Carolina, and Columbia, South Carolina. The area is largely rural and, as the County's webpage states, the rural atmosphere evokes family farms and gentle country living. As you might expect, family values, ethical and moral behavior, and religion play a major role in the lives of the County's citizens. The Chesterfield County School District is a county-wide system, comprising 16 schools: four high schools; three middle schools, including New Heights Middle School in the Town of Jefferson; seven elementary schools; and two primary schools, making up four attendance areas. The District serves slightly less than 8,000 students in grades pre-K to 12th grade. The District is governed by a popularly elected nine-member Board of Trustees. The Superintendent, presently Dr. Williams, serves as the chief

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administrative employee of the Board. In addition, there are seven Area Advisory Councils, the members of which are appointed by the Board and the Legislative Delegation. The Area Councils statutorily have limited authority in relation to the final authority of the elected Board, but serve as an initial decision-making body on many matters.

Turning to your concerns, it seems logical to address the issues concerning the See You At The Pole (SYATP) events first, since they were impending at the time of your September 19 letter but have now taken place. Subsequent to receipt of your September 19 correspondence, the District administration at both the central office and school level took extra pains to make certain that the events were student-initiated and student-run and did not receive any further endorsement by the schools. SYATP events took place at New Heights Middle School and a few of the other schools. Dr. Williams personally attended the SYATP event at New Heights Middle School and has confirmed that the event at that school ended before the beginning of the school day and was carried out as a student-run activity. Dr. Williams also cautioned all the other schools at which SYATP events were to take place about making certain that they were student-run and that they concluded before the school day began. Teachers and other staff at the schools were specifically advised that they were not to participate in the religious aspects of the event and were to be present only to monitor and supervise the behavior of students. As far as I have been able to determine, the SYATP events that took place occurred in a manner consistent with District directives and constitutional requirements. Any such events in the future will be carried out in the same manner.

The District administration has investigated the circumstances surrounding the display of Latin crosses at New Heights Middle School commemorating the 10<sup>th</sup> anniversary of the 9/11 Tragedy. As part of the planned in-service training of all District administrators regarding recognized principles governing religion in the schools (see below), all administrators will be instructed regarding display of religious messages or iconography in the public schools, emphasizing the point that the Latin cross is a principal symbol of Christianity around the world and further that display of crosses on public property is considered an unconstitutional endorsement of religion and a particular religious faith. The District is committed to taking every reasonable step to ensure that displaying or erecting religious symbols, including the Latin cross, in a manner violative of the Establishment Clause, will not occur at District schools.

Clearly, the major concern expressed in your September 19 letter is in regard to the events of September 1, 2011, at New Heights Middle School, when an in-school assembly took place that involved a concert performed by the Christian rapper B-SHOK, and an evangelical minister, Christian Chapman, delivered a religious message to students and others. As counsel to the District, I have discussed these events extensively with the Superintendent, Dr. Williams, who had no prior knowledge of the events, and also have conferred with the School Principal, Mr. Larry Stinson.<sup>1</sup> Further, on October 10, 2011, I personally met with the Board of

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<sup>1</sup> Mr. Stinson is held in high regard by the Board and Dr. Williams as an educational leader and viewed very favorably by his school's community. Mr. Stinson denies making the statement attributed to him by Christian Chapman that "I want these kids to know eternal life is real and I don't care what happens to me, they're gonna hear it today."

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what took place at New Heights Middle School. I believe that all concerned now have a full understanding of the interplay between the Free Exercise Clause and the Establishment Clause of the First Amendment and the principle of separation of church and state in the public school context. Of course, the School Board and the District administration take the events of September 1 at the Middle School very seriously. We have counseled with Mr. Stinson about such matters, and it is our intention on the next occasion when building level administrators meet as a group to conduct an initial session in which First Amendment and Establishment Clause principles are reviewed. In addition, at least on an annual basis during regular in-service programs for administrators and teachers, we will review these principles and potential issues.

I feel I should advise you that outside persons or groups are being permitted to sponsor Christian concerts featuring B-SHOK as non-school events at McBee High School and Central High School on October 28 (a staff development/no-student day) and October 29 (a Saturday), respectively. The event at McBee High School is to take place as a community youth event, sponsored by several churches, between the hours of 12 noon (set-up time) and 2 am, in the high school gymnasium, with further permission to use the canteen and rest rooms. The event at Central High School is sponsored by the Hope Family Worship Center between the hours of 3 pm and 10 pm on Saturday, in the gym. Use of the school facilities for these events is permitted by Board Policy KF "Community Use of School Facilities," and proper applications have been made. From what I know at this time, these events will take place in a manner consonant with the First Amendment.

In summary, the Board of Trustees of Chesterfield County School District and the District administration are committed to following the dictates of the First Amendment in regard to all matters pertaining to religion in the schools. We will endeavor proactively to educate the school community about such matters and to monitor and appropriately control all related events and activities.

On behalf of the School Board and District administration, thank you for your interest in our school and its students, and should you have further questions about this matter, please feel free to contact me.

Sincerely,



David T. Duff

c: Members, Board of Trustees  
Dr. John E. Williams