

FREEDOM FROM RELIGION *foundation*

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March 9, 2016

SENT VIA U.S. MAIL AND EMAIL cgibson@deltaschools.com, aaronclay@qwestoffice.net

Superintendent Caryn Gibson
Delta County School District 50J
7655 2075 Rd.
Delta, CO 81416

Aaron R. Clay, Esq.
Clay and Dodson, P.C.
415 Palmer St.
Delta, CO 81416

Re: Literature distribution and possible bullying of nonreligious students

Dear Superintendent Gibson and Mr. Clay:

Thank you for your prompt responses to our January 6 and February 17 letters. The purpose of this letter is to close two remaining issues, one which you are aware of, the other which you may be reading about for the first time: literature distribution and possible bullying of nonreligious students.

A. Literature distribution request

FFRF on behalf of FFRF, our members, Western Colorado Atheists and Freethinkers, WCAF members, The Satanic Temple, TST members, and our local complainants formally requests permission to distribute the following pieces of literature in Delta County Schools:

Brochures:

1. *Top 10 Public School State-Church Violations and how to stop them.* Authored by FFRF.
2. *It's Okay to Not Believe in God!* Authored by Western Colorado Atheists and Freethinkers.

'Nontracts' (all authored by FFRF):

3. What They Said About Religion
4. Dear Believer
5. Ten Common Myths About Atheists
6. Why Women Need Freedom From Religion
7. An X-Rated Book (Sex and Obscenity in the Bible)
8. What Is A Freethinker?
9. What Does The Bible Say About Abortion?
10. What's Wrong With The Ten Commandments?

11. Why Jesus?

Coloring Book

12. The Satanic Children's BIG BOOK of Activities. Authored by The Satanic Temple.

These items are enclosed. If you choose to deny any of these items, please explain your reasons in writing.

Please note two important things. **First**, DCSD 50J is not required to maintain this open forum and is free to close it rather than allow FFRF to distribute materials. That is the preferred solution for all the groups submitting literature. We do not think schools should be a battleground for religious ideas. But when schools allow the Gideons to prey on children, their message of eternal damnation for any who don't believe in their god must be countered.

Second, public schools have previously attempted to deny FFRF permission to distribute literature included on this list. That resulted in a lawsuit that cost the Orang County Public Schools (FL) nearly \$90,000 and they ended up approving all the literature for distribution anyway. Shortly after approving all the literature they closed the literature distribution forum—what FFRF had been asking for (and what FFRF has been asking DCSD 50J for) from the beginning.

B. Bullying nonreligious students

We understand that Delta Middle School announced to students that it would be complying with the law and halting the teacher-led religious club. We have been told that announcement led to some upset students to bully students they believed responsible. We are told that:

- some “kids were saying atheists need to die”
- a student shoved another student, who they believed to be responsible for the cancellation, and “told her to go kill herself”
- the student who was initially pushed and told to kill herself was suspended, but it is not clear whether the bully was even disciplined.

We understand that you may not be aware this happened. FFRF has more than 35 years of experience dealing with state-church issues and that experience shows that the community backlash in school districts dealing with state-church issues can be severe and often leads to serious bullying.

Even though the number of nonreligious students is rising rapidly—now 35% of young Americans are not religious¹—the stigma attached to nonbelief has not disappeared and often leads to bullying. We request that PISD clearly communicate to students and staff that any retaliatory action taken against district families they believe might be responsible for raising state-church issues with the school will not be tolerated.

¹ *America's Changing Religious Landscape*, Pew Research Center (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.

As you may be aware, federal law allows lawsuits for private damages against schools for acting with deliberate indifference to known acts of student-on-student harassment. See *Davis Next Friend LaShonda D. v. Monroe County Bd. of Educ.*, 526 U.S. 629, 633 (1999) (suit for ignoring sexual harassment; 42 U.S.C. §1983 would allow a similar suit for the denial of Equal Protection on the basis of religion.) FFRF takes any bullying, harassment, or threats seriously and we hope DCSD 50J will do the same.

We suggest the school take immediate action to discuss with students retaliation or bullying on the basis of religion will not be tolerated. When we've dealt with these issues in the past, school administrators have visited every classroom to conduct bullying workshops with students. That seemed to be effective.

I look forward to your written response on these two issues.

Warmest,

A handwritten signature in blue ink, appearing to read "Andrew L. Seidel". The signature is fluid and cursive, with the first name "Andrew" and last name "Seidel" clearly distinguishable.

Andrew L. Seidel
Staff Attorney