

# FREEDOM FROM RELIGION *foundation*

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June 12, 2018

**SENT VIA EMAIL & U.S. MAIL: [countrymank@hicksvilleschools.org](mailto:countrymank@hicksvilleschools.org)**

Keith Countryman  
Superintendent  
Hicksville Exempted Village School  
958 E High St.  
Hicksville, OH 43526

Re: Unconstitutional Distribution of Religious Materials

Dear Superintendent Countryman:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that occurred at Hicksville High School. FFRF is a national nonprofit organization with 33,000 members across the country, including more than 800 members and a chapter in Ohio. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned student reported that during Hicksville High School's commencement practice on May 30, 2018, Mike Blue, a guidance counselor, handed every graduating student a package that included materials that promote Christianity, including a DVD and literature. The package included a copy of "Evolution vs. God," an anti-evolution film created by Christian Evangelist Ray Comfort, "Rich in Christ: A Dead Dog at the King's Table" by Jack Teeple, a religious tract titled, "Are you a Good Person," and a religious tract that "explains the plan of salvation in easy-to-understand terms" called, "Life's Most Important Question." Please see the enclosed photos. Our complainant reports that this package was put together by Nathan Ferrell, a science teacher at the school.

The package included a letter titled, "Hicksville High School Class of 2018":

Congratulations 2018 Graduate!

As you look ahead to your future with excitement and great anticipation, may you also come to discover God's very best for your life. God loves you so very much that He sent His Son Jesus to earth to die for your sins so that you may have a personal relationship with God, and be assured of an eternal home in Heaven.

*Rich in Christ* is filled with hope and encouragement for you. It contains dozens of wonderful promises from the Bible, that God wants you to understand and claim as your very own. May you find God's richest blessings as you follow His leading and His blueprint for true success. Enjoy your riches!

"For you know the grace of our Lord Jesus Christ, that though he was rich, yet for your sakes he became poor, so that you through his poverty might become rich."

II Corinthians 8:9

The letter indicated that a number of individuals and businesses from the community, including you and your wife sponsored the gift package. Please see the enclosed photo.

It is a fundamental principle of Establishment Clause jurisprudence that a public school 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); *Engel v. Vitale*, 370 U.S. 421 (1962); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963). As a public school, Hicksville High School cannot promote Christian religious doctrine by distributing proselytizing materials to students as part of graduation rehearsal, a school function. This violates the principle that “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lee*, 505 U.S. at 589).

The Supreme Court has recognized that “[f]amilies entrust public schools with the education of their children but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987). The District has an obligation under the law to make certain that “subsidized teachers do not inculcate religion.” *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971). Certainly, “a school can direct a teacher to ‘refrain from expressions of religious viewpoints in the classroom and like settings.’” *Helland v. S. Bend Comm. Sch. Corp.*, 93 F.3d 327 (7th Cir. 1993) (quoting *Bishop v. Arnov*, 926 F.2d 1066, 1077 (11th Cir. 1991)). This obligation extends to school staff and administrators as well. When faculty use school time to proselytize to students, whether it be through distribution of literature or through religious statements, they are taking religion out of the private sphere and violating parental trust.

Religion is a divisive force in public schools. The Supreme Court has repeatedly noted that “[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 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 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)).

Public schools have a constitutional obligation not to promote religion and to protect the rights of conscience of impressionable students. When a school distributes religious literature to its students it entangles itself with those religious messages. As well as alienating non-Christian students, teachers, and members of the public whose religious beliefs are inconsistent with the message being promoted by the school, these practices alienate the 24% of Americans, including 38% of young adults, who identify as nonreligious.<sup>1</sup>

To avoid further Establishment Clause concerns, any future graduation “gifts” distributed by District staff as part of a school function must not contain religious materials. Please respond in writing with the steps taken to ensure this violation does not recur.

Sincerely,

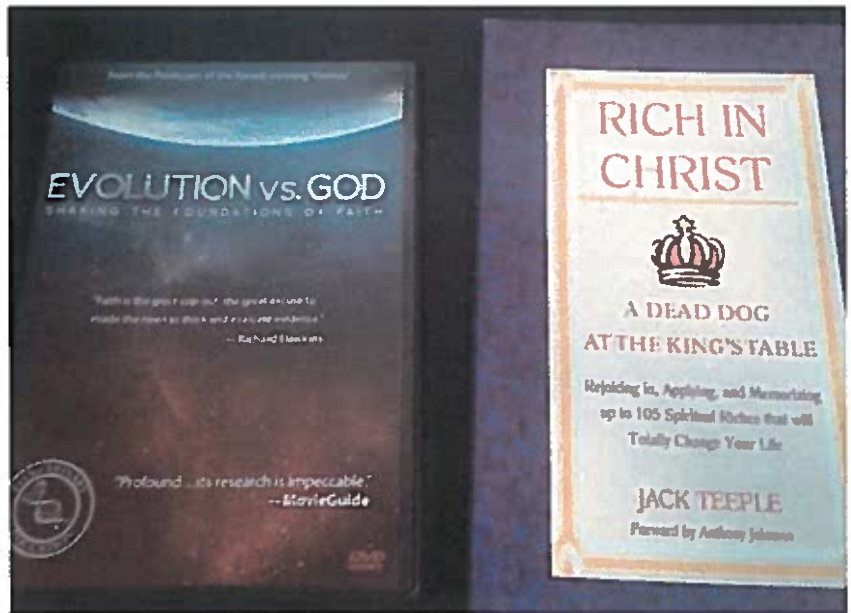


Christopher Line  
Patrick O’Reiley Legal Fellow  
Freedom From Religion Foundation

Enclosures

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<sup>1</sup> Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at [www.prii.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf](http://www.prii.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf).





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