

FREEDOM FROM RELIGION *foundation*

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

August 23, 2018

SENT VIA EMAIL & U.S. MAIL: cpierman@mycharterlaw.com

Chastin H. Pierman
Young, Minney & Corr, LLP
655 University Avenue, Suite 150
Sacramento, CA 95825

Re: Unconstitutional Religious Promotion in Nova Academy (Coachella)

Dear Ms. Pierman:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to a constitutional violation that occurred in Nova Academy Early College High School's Coachella Campus (NOVA). It is my understanding that you represent NOVA and that we have worked with you to address constitutional concerns in the past.

A concerned student reported that on May 14, 2018 [REDACTED] a teacher at NOVA, made statements during class to students regarding religion and homosexuality in defense of conversion therapy. She told students that homosexuals can go to their pastor for counseling to become heterosexual again. She asked, "biblically, what do Christians feel about homosexuality?" She went on to say, "homosexuality is an act, it's a sin, it's an act." She then discussed a friend of hers, who she claims is only a homosexual because of abuse he suffered as a child. She explained that he does not "live the lifestyle," and asked "biblically, if you don't do the action it's not sin. Correct?" She then told students that she has a few bibles and offered to let students borrow one.

We write to ensure that NOVA employees are not promoting personal religious beliefs to students in violation of the Establishment Clause of the First Amendment.

Public school teachers may not promote religion to students. The Supreme Court has continually struck down teacher or school-led religious promotion in public schools. *See, e.g., Engel v. Vitale*, 370 U.S. 421 (1962) (declaring prayers in public schools unconstitutional); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963) (declaring unconstitutional devotional Bible reading and recitation of the Lord's Prayer in public schools); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturning law requiring daily "period of silence not to exceed one minute . . . for meditation or daily prayer"). The religious remarks at issue here took place on school property during class.

NOVA 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). Courts have held that "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)). And 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).

Nothing in the law prevents students, teachers, or school administrators from freely exercising their religion on their own time and in their own way. But public school teachers may not promote religion during class. This is a violation of students’ right of conscience and of the trust that parents have placed in the school to educate their children without encroaching on their right to raise their children in whatever religion they choose or no religion. Please inform us in writing of the steps that NOVA takes to remedy this constitutional violation and ensure that it does not recur.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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