

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL AND U.S. MAIL:

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Dr. Beth Niedermeyer
Superintendent
Noblesville Schools
18025 River Rd.
Noblesville, IN 46062

Re: Religious recruiter allowed in middle school

Dear Superintendent Niedermeyer:

I am writing on behalf of the Freedom From Religion Foundation regarding a constitutional violation occurring at Noblesville East Middle School. FFRF is a national nonprofit organization with more than 29,000 members across the country, including more than 400 members in Indiana. FFRF's 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 District community member contacted us to report that the Noblesville East Middle School administration allows Michael Redding, a representative of the evangelical organization Young Life,¹ to attend the school's lunch hour in order to speak with students. Redding leads a religious group for middle school students called "Wyldlife."² On August 31, a District parent stated on social media:

We went [to Wyldlife] tonight! Michael Redding will be at NEMS tomorrow during lunch to spread the word about Wyldlife.³

It is inappropriate and unconstitutional for the district to offer religious leaders unique access to befriend students, and invite them to religious events, during the school day on school property. No outside adults should be provided carte blanche access to minors—a captive audience—in a public school. This predatory conduct is inappropriate and should raise many red flags. The District may not allow its schools to be used as recruiting grounds for churches during the school day. It is well settled that public schools may not advance 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 Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962); *McCollum v. Bd. of Ed.*, 333 U.S. 203 (1948).

¹ See noblesville.younglife.org/Pages/What%20We%20Do.aspx ("During our time together, we invite kids to actively follow Jesus Christ.").

² See noblesville.younglife.org/Pages/WyldLife.aspx.

³ www.facebook.com/groups/120688861422175/.

Allowing church representatives regular, or even one-time, access during school hours to recruit students for religious activities is a violation of the Establishment Clause. Courts have protected public school students from overreaching outsiders in similar situations. *See, e.g., Berger v. Rensselaer Sch. Dist.*, 982 F.2d 1160 (7th Cir. 1993) (holding that distribution of bibles by Gideons in school violated Establishment Clause). Courts have granted injunctions against schools for their complacency in such situations. *See, e.g., Roark v. S. Iron R-1 Sch. Dist.* 540 F. Supp.2d 1047, 1059 (E.D. Mo., 2008); *upheld in relevant part by* 573 F.3d 556, (8th Cir. 2009) (holding that school policy allowing evangelical Christian organization to distribute bibles in school violated Establishment Clause). This active, in-person contact with students is different from cases in which religious groups have been allowed to passively distribute literature to students or to send flyers to parents. *See, e.g., Peck v. Upshur Cty. Bd. of Educ.*, 155 F.3d 274, 281 (4th Cir. 1998) (upholding school board’s allowance of passive distribution of religious materials in part because the school board “preclude[d] religious speakers from delivering their messages to Upshur County students face-to-face.”).

Allowing non-school persons into schools during the school day to recruit students into an evangelical Christian group demonstrates an unlawful preference not only for religion over non-religion, but also Christianity over all other faiths. Public schools have a constitutional obligation to remain neutral toward religion. When a school allows church representatives to recruit students for the church, it has unconstitutionally entangled itself with a religious message—in this case, a Christian message. This practice alienates those non-Christian students, teachers, and members of the public whose religious beliefs are inconsistent with the message being endorsed by the school.

Public schools have an obligation to stay separate from religion because “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. 577, 589 (1992)). Parents should be able to trust their public school not to introduce their children to religious recruiters without parents’ knowledge or consent. Middle school students are young, impressionable, and vulnerable to social pressure, particularly pressure exerted from an adult. Redding’s recruitment at NEMS constitutes “a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith.” *McCullum*, 333 U.S. at 210.

We see no secular purpose in allowing an outside adult access to students, with whom he has no familial relation, during the school day. Any policy sanctioning adult access to students on school property is unnecessary and poses serious liability issues for the District. We request that the District immediately discontinue allowing Redding access to students, whether to proselytize or to promote a private religious organization. Please inform us promptly in writing of the steps the District takes to remedy this constitutional concern.

Sincerely,



Ryan D. Jayne
Staff Attorney