

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL

bmason@bousd.us

Dr. Brad Mason
Superintendent
Brea Olinda Unified School District
1 Civic Center Circle, Level II
Brea, CA 92821

Re: Unconstitutional Endorsement of Religious Club

Dear Dr. Mason:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding concerns over the Brea Olinda Unified School District's endorsement of a bible club. We were contacted by a concerned parent. FFRF is a national nonprofit organization with over 23,500 members across the country, including over 3,100 members in California. FFRF's purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that Mariposa Elementary School routinely gives special treatment to Club Monarch, an after school bible club. This club is reportedly included in the weekly school newsletter that is sent out to all students, and is listed in the school calendar. The newsletter announcements direct students to "Stop by the office to sign up." We understand there are posters around the school advertising the club, and no other clubs.

We are also informed that at back to school night, the principal gave a speech to all parents in which she briefly listed the school's different groups and clubs and how to join them, but when she came to Club Monarch, "proceeded to take a few minutes to talk about the history of the club, how many students it has, the teacher who leads it, and how it is a huge benefit for any and all students to join." Finally, we understand the school day ends at 2:55, and Club Monarch meetings begin at 3:00.

A school's promotion of a religious club violates the Constitution. As you are likely aware, it is a well-settled principle of Establishment Clause jurisprudence that public schools 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); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). It is inappropriate and unconstitutional for the District to sponsor or promote a religious club.

If a school chooses to allow outside groups to host after-school programs on its property and an outside group chooses to create a religious program, there must be no school involvement in the

organization or promotion of that religious program. That means that the District cannot promote Club Monarch on its website, its school walls, or to parents at back to school night, and cannot coordinate signups for the club in the school office. The school may only permit an outside group to advertise a program to the same extent it advertises other non-school sponsored programs and advertisements must clearly indicate that it is not a school-sponsored club. The outside group must also pay for use of school facilities to the same extent as any nonreligious outside group.

When an elementary school allows outside groups to host after-school programs, the school should adopt a policy to prohibit any such program from meeting directly after the school day ends. Creating a sufficient gap in time between the end of official instruction and the start of after-school programs helps to diminish the impression of school endorsement. This is especially important at the elementary school level, where young students otherwise may not appreciate the difference between school-sponsored instruction and third party after-school programs. *See Quappe v. Endry*, 772 F. Supp. 1004 (S.D. Ohio 1991), *aff'd*, 979 F.2d 851 (6th Cir. 1992) (upholding school's decision to move outside group's religious club from 3:45pm to 6:30pm to avoid Establishment Clause concerns as "necessary to demarcate clearly between school and non-school functions").

Elementary schools must take extra care to maintain the separation between church and state, given how vulnerable and impressionable their very young students are. The District must remember that courts in this country are "particularly vigilant in monitoring compliance with the Establishment Clause in elementary and secondary schools. Families entrust public schools with the education of their students, 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, 583-84 (1987). School districts must make certain that "subsidized teachers do not inculcate religion." *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971). "In elementary schools, the concerns animating the coercion principle are at their strongest because of the impressionability of young elementary-age children." *Peck v. Upshur Cnty. Bd. of Educ.*, 155 F.3d 274, 287 n.1 (4th Cir. 1998).

Our parent complainant told us, "We are worried that our son will feel like he has to join Club Monarch since his principal is pushing for all kids to join, as well as feel peer pressure from other students and the posters around campus." We ask that the Brea Olinda Unified School District take steps to ensure that Club Monarch is not in any way school sponsored. The District must immediately cease all coordination and promotion of outside religious groups' activities, and should strongly consider taking further steps to limit perceived endorsement of religion, such as disallowing activities that are not school sponsored immediately after school ends. Please inform us in writing of the steps the District is taking to resolve this matter.

Sincerely,



Madeline Ziegler, Esq.
Cornelius Vanderbroek Legal Fellow
Freedom From Religion Foundation