

# FREEDOM FROM RELIGION *foundation*

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

May 19, 2016

SENT VIA U.S. MAIL & EMAIL  
TRobbins@aalrr.com

Todd M. Robbins  
Atkinson, Andelson, Loya, Ruud & Romo  
3450 Fourteenth Street, Suite 420  
Riverside, CA 92501

Re: Brea Olinda Unified School District – Religious Club

Dear Mr. Robbins:

I am writing on behalf of the Freedom From Religion Foundation. After reviewing the records provided on the subject of Club Monarch at Mariposa Elementary School in the Brea Olinda Unified School District, it is clear that the school is inappropriately entangled in this religious club to the point that continued existence of the club would be unconstitutional, and it should therefore be disbanded.

In addition to the problems detailed in our previous letter (enclosed), the school distributes registration forms to children and coordinates Club Monarch registration, instructing parents to return the form to the school office or their child's teacher. Records demonstrate that school staff members routinely plan and coordinate Club Monarch meetings via their school emails, frequently during the school day. In addition to the weekly school newsletter inviting students to join "our Bible Club," teachers Linda Cornejo and Laura Garner list the club under "important dates" in their room newsletters. Multiple parents associate certain Mariposa teachers with the club enough to email their school emails to ask for information about Club Monarch. In one instance, teacher Janice Cokely even skipped a student's IEP meeting to attend Club Monarch. Superintendent Brad Mason spoke at Club Monarch in February, "sharing...the heart of Jesus with the children," according to the Club Monarch Facebook page. The school has also permitted the club to have a table at school events to promote itself.

In addition, the club appears to be given special treatment in its rental. It is permitted to post permanent advertisements on school property and no insurance certificate was present in the records we received. Emails indicate that club leaders may store things for the club at school outside the actual rental time.

Mariposa's young students are not mature enough perceive any supposed boundary between teachers teaching secular lessons in the classroom and those same teachers preaching at them in those same classrooms immediately after the last class of the day, especially when this is coupled with the extensive entanglement detailed above. Particularly in an elementary school, it is wildly

inappropriate for a teacher to “talk about what it means to live out our Christian faith” and “continually present the gospel” to “save” students, as one email put it, in this setting.

This entanglement leads reasonable Mariposa students and parents to view the club as school-sponsored. The superintendent’s attendance, the principal’s outsized glowing endorsement of the club at back to school night, and extensive staff involvement give the overwhelming impression that Mariposa Elementary School endorses the Christian message of Club Monarch.

It is impossible for this club to continue in a constitutional manner. The club and the school are inextricably entangled—a request for records on a club that is not school-sponsored would not generate more than 2,500 pages of emails on the subject. “Here not only are the state’s tax-supported public school buildings used for the dissemination of religious doctrines. The State also affords sectarian groups an invaluable aid in that it helps to provide pupils for their religious classes through use of the state’s compulsory public school machinery. This is not separation of Church and State.” *McCollum v. Bd. of Educ.*, 333 U.S. 203, 212 (1948).

The Brea Olinda USD can no longer allow teachers and other staff to take advantage of their positions and access to children to proselytize and attempt to convert students to Christianity. Club Monarch must be disbanded. Please inform us of the actions you are taking to address this serious constitutional violation so we may inform our parent complainant. Thank you for your time and attention to this matter.

Sincerely,



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

Enclosure

# FREEDOM FROM RELIGION *foundation*

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March 1, 2016

**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*