

# FREEDOM FROM RELIGION *foundation*

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**SENT VIA EMAIL & U.S. MAIL**

**clmcdade@interact.ccsd.net**

Carlos McDade  
Office of the General Counsel  
Clark County School District  
5100 W. Sahara Ave.  
Las Vegas, NV 89146

Re: Unconstitutional church-school partnership

Dear Mr. McDade:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding another constitutional concern occurring in the Clark County School District. We appreciate the prompt resolution of our previous complaint regarding an inappropriate religious video shown at Fertitta Middle School, and hope to work with you amicably again on another matter.

It is our understanding that Mojave High School (MHS) Principal Antonio Rael spoke with Grace Point Church Pastor Ty Neal in a video for the church.<sup>1</sup> In this video, Neal immediately talks about the church's "partnership" with the principal. In response to the question, "What does your role look like as the principal of Mojave High School as a Christ-follower?" Rael says that he felt there was a "Kingdom-moving opportunity inside the walls of Mojave."

The pastor also states that the principal asked the church to move their gatherings into Mojave, and asks Rael why he did so. Rael says, "We had actually planted a church in Mojave before Grace Point had moved over, and the goal there was really to make a systemic impact for the Kingdom outside of what we were doing educationally, of course, or really inside of what we were doing educationally." Rael says he had a "prompting of the Spirit" to bring Grace Point into Mojave. "Obviously I'm a Christian, I understand what it means to have the Christian influence on a campus," Rael says.

Rael continues: "There's a lot of ministry still happening inside the walls of Mojave. I know it sounds a little crazy to have a principal talk about ministry inside the school, but that really is the mission of my life and the purpose of being where I'm at, I believe, and one of the next big steps for us is we have the Young Life organization coming in to really create, for those of you who don't know, to create a mentorship for our high school youth, and it's focused on Christian ministry, of course, but it's done inside lunch periods, after school, so it's totally legit legally, it's all good there, but we're really hoping to take 56 kids to urban youth camp in the winter this year, which I'm hoping to be a part of as well."

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<sup>1</sup> Available at <https://vimeo.com/135103659>.

<sup>2</sup> Available at <http://gracepointvegas.com/beliefs>.

<sup>3</sup> Young Life website mission statement, available at [www.younglife.org/About/Pages/MissionandVision.aspx](http://www.younglife.org/About/Pages/MissionandVision.aspx).

Finally, we note that according to its website,<sup>2</sup> Grace Point Church believes that “God ordains” that a wife should “submit[] to her husband,” and allows only married men to hold leadership positions in the church. It also says that Adam and Eve “establish[] the only normative pattern of sexual relations for men and women.” The church also professes belief in “judgment and eternal conscious punishment in hell” for the “unjust.”

Principal Rael’s comments in this video raise many constitutional concerns. As you are aware, it is a well-settled principle of Establishment Clause jurisprudence that public schools may not advance, prefer, or promote religion. *See 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).

Rael indicates that he specifically wanted a church to rent MHS. The rental process at MHS must be fair and equally open to everyone, not subject to a Christian administrator’s wish to “plant” a church at a school and the “prompting of the Spirit” he feels. Public schools have a constitutional obligation to remain neutral toward religion. Specifically soliciting a Christian church to rent the school indicates that MHS unlawfully prefers religion over nonreligion, Christianity over all other faiths, and Grace Point Church’s troubling beliefs regarding women, gay people, and the fate of non-Christians over the contrary beliefs of other Christian sects.

Rael also implies that he asked Young Life, a Christian organization whose mission is “[i]ntroducing adolescents to Jesus Christ and helping them grow in their faith,”<sup>3</sup> to come into MHS and proselytize students at lunch. Contrary to his statements, this is not “totally legit legally.” The District cannot allow non-school persons to treat schools as a recruiting ground for their religious mission. Public schools are not an appropriate place for outside adults to proselytize or minister to students. This recruitment 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. When a school allows religious representatives to proselytize on school grounds during school hours, it has unconstitutionally entangled itself with a religious message—in this case, a Christian message.

In other cases where churches and religious groups have used schools to befriend students with the goal of spreading a religious message and recruiting members for a church/religious youth group, courts have protected the students, not the overreachers. *See Berger v. Rensselaer Sch. Dist.*, 982 F.2d 1160 (7th Cir. 1993) (holding that distribution of bibles by Gideons in school violated the Establishment Clause). Courts have granted injunctions against schools for their complacency in such situations. *See 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 the Establishment Clause). It is the duty of the Clark County School District to protect students from unwanted proselytizing, not grant proselytizers special access.

Rael’s personal involvement with Young Life also raises red flags, given his expressed wish to be a part of taking kids to “urban youth camp,” presumably a religious camp. School employees

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may not run or even participate in religious clubs in public schools, nor can they promote religious clubs or invite students to attend. All religious activity at school must be genuinely student-initiated and student-led, with no influence from school employees or outside adults. Even though public secondary schools cannot discriminate against student organizations based on their religious, political, philosophical, or other beliefs, under *Bd. of Educ. of the Westside Cmty. Sch. v. Mergens*, 496 U.S. 226, 235 (1990) (holding the Equal Access Act constitutional), it is illegal for school employees to actively participate in or organize religious organizations at school. “Under the [Equal Access] Act . . . faculty monitors may not participate in any religious meetings, and nonschool persons may not direct, control or regularly attend activities of student groups.” *Id.* at 253 (citing 20 U.S.C. §§ 4071(c)(3) and (5)). The Court continued, “Moreover the Act prohibits school ‘sponsorship’ of any religious meetings . . . which means that school officials may not promote, lead, or participate in any such meeting.” *Id.* (citing U.S.C. § 4071(c)(2)). Staff participation in religious activities at school leads any reasonable student to see the club’s religious message as sponsored 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. at 589).

Rael’s comments about a “Christian influence” and “Kingdom-moving opportunity” on campus, and “ministry inside the school” being “the mission of [his] life and the purpose of being where [he’s] at,” raise serious concerns about his interactions with students. To ensure that Clark County School District is abiding by the Constitution, we request that you investigate and make certain that Principal Rael understands and abides by the restrictions placed on him by the Constitution in his role as the administrator of a public school. In particular, he may not specifically solicit religious groups to rent the school, he may not participate in student religious activities, and all of his interactions with students must be neutral on the subject of religion. Rael’s participation in the video for Grace Point Church in his official capacity was also inappropriate and he should be appropriately reprimanded. In addition, MHS should no longer permit Young Life or other groups to proselytize students at lunch. Please inform us of the steps you take to resolve this matter. Thank you for your time and attention.

Sincerely,



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