

FREEDOM FROM RELIGION *foundation*

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September 6, 2018

SENT VIA EMAIL & U.S. MAIL: jshaynal@dcslv.org

John Haynal
Receiver
Discovery Charter School
8941 Hillpointe Road
Las Vegas, NV 89134

Re: Unconstitutional Religious Displays

Dear Mr. Haynal:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional concern occurring in Discovery Charter School (DSC). FFRF is a national nonprofit organization with 33,000 members across the country, including members in Nevada. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that DCS recently relocated one of its campuses to Mt. Olive Lutheran Church. We understand that this new campus is for students in grades K-4. We also understand that Mt. Olive Lutheran Church is an active church with services on Sundays and that the church has many Latin crosses and other religious iconography on display. Please see the enclosed photos. It is likely that there are similar religious symbols inside the church.

DSC may not allow prominently displayed religious symbols in its schools. We are writing to request written assurances that any such icons will be removed or covered, and that DCS will take steps to ensure that this violation does not recur.

An overwhelming majority of federal courts agree that the Latin cross universally represents the Christian religion, and only the Christian religion. *See, e.g., Separation of Church and State Comm. v. City of Eugene*, 93 F.3d 617, 620 (9th Cir. 1996) (“There is no question that the Latin cross is a symbol of Christianity”); *Harris v. City of Zion*, 927 F.2d 1401, 1412 (7th Cir. 1991) (“a Latin cross . . . endorses or promotes a particular religious faith. It expresses an unambiguous choice in favor of Christianity.”), *cert. denied*, 505 U.S. 1218 (1992); *ACLU of Ill. v. City of St. Charles*, 794 F.2d 265, 271 (7th Cir. 1986) (“When prominently displayed . . . the cross dramatically conveys a message of governmental support for Christianity, whatever the intentions of those responsible for the display may be. Such a display is not only religious but sectarian.”), *cert. denied*, 479 U.S. 961 (1986).

Courts have continually held that school districts may not display religious messages or iconography in public schools. *See, e.g., Stone v. Graham*, 449 U.S. 39 (1980) (ruling that the Ten Commandments may not be displayed on classroom walls); *Lee v. York County*, 484 F.3d 689 (4th Cir. 2007) (ruling that a

teacher may be barred from displaying religious messages on classroom bulletin boards); *Washegesic v. Bloomington Pub. Schs.*, 33 F. 3d 679 (6th Cir. 1994) (ruling that a picture of Jesus may not be displayed in a public school).

It appears DCS made no effort to remove any religious imagery on this building when DCS began using it as a public charter school. The appearance that the school endorses Christianity is overwhelming and undeniable. If DCS wishes to continue leasing from a religious organization, it must ensure that the school environment is constitutionally compliant.

It makes no difference that DCS leases, rather than owns, this building. Any reasonable observer would understand DCS to endorse religious messages on, or in, its schools. DCS may not contract around its constitutional obligation to remain neutral on matters of religion, and churches may not smuggle religious iconography into public schools by leasing church buildings to a public charter school.

Please investigate these concerns and provide a written response with the steps DCS takes to remove or cover these religious symbols, and the steps taken to ensure that this violation will not recur.

Thank you in advance for your attention to this matter.

Sincerely,

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

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

cc: Dr. Nohara, DCS Principal *via* dnohara@dcslv.org



