

FREEDOM FROM RELIGION *foundation*

P. O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG
June 28, 2019

SENT VIA U.S. MAIL & EMAIL: bob.nelson@fresnounified.org

Dr. Robert Nelson
Superintendent
Fresno Unified School District
2309 Tulare Street
Fresno, CA 93721

Re: Unconstitutional Elementary School Chaplaincy Program

Dear Superintendent Nelson:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Fresno Unified School District. FFRF is a national nonprofit organization with more than 31,000 members across the country, including more than 4,000 members and a chapter in California. 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 the Fresno Unified School District operates a chaplaincy program in partnership with the Fresno Police Department and the Fresno Police Chaplaincy called Resilience in Student Education (RISE). According to records we recently obtained, Fresno Unified School District pays \$65,000 a year to the Fresno Police Chaplaincy in order to bring chaplains into FUSD elementary schools. These chaplains are tasked with “building character” in younger students and serving as “mentors.” An advertisement for the program boasts that it reaches 2,100 first grade students each week. We understand that the current program is scheduled to run through 2022. Please see a copy of the 2016-17 contract enclosed and an advertisement for the program that includes a Latin cross and the slogan “Ministry can’t always wait until Sunday.”

One of these chaplains described her experience with the program on the chaplaincy’s website¹:

My prayer is that God will continue to use me as a beacon of His light to the kiddos at Susan B. Anthony. God is able to take our ashes and turn them into something beautiful. I’m humbled and honored to be a chaplain to these children.

Another chaplain described, “When people hear that I am a school chaplain, they immediately ask, ‘what do you do?’ My answer? I put on the uniform and show up, never knowing what God has planned for that day.”²

It is inappropriate and unconstitutional for the District to offer religious chaplains unique access to befriend students 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. 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.*

¹ <https://fresnopdchaplaincy.org/our-team/>

² *Id.*

Schempp, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962); *McCollum v Bd. of Ed.*, 333 U.S. 203 (1948).

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)). Students are young, impressionable, and vulnerable to social pressure, particularly pressure exerted from an adult. This chaplaincy program usurps the authority of parents, some of whom do not want their children approached by religious chaplains at their child’s public elementary school. Today, 24% of adult Americans, including 38% of millennials, are not religious.³

If the FUSD wishes to enlist community members in helping with students, it must do so through a secular program, not one that requires its volunteers to be religious. A government entity such as the FUSD cannot endorse the Fresno Police Chaplaincy’s religious test for volunteering, and should provide students with volunteers who have secular training, not faith-based training.

Furthermore, FUSD should not be using public resources in support of religion. *See, e.g., Comm. For Pub. Educ. & Religious Liberty v. Nyquist*, 413 U.S. 756, 778–79 (1973) (striking down government-subsidized maintenance and repair of nonpublic schools); *Lemon v. Kurtzman*, 403 U.S. 602, 625 (1971) (holding that government aid to nonpublic education impermissibly entangled the government with religion, even when limited to secular subjects); *Wirtz v. City of S. Bend*, 813 F.Supp.2d 1051, 1068 (N.D. Ind., 2011) (holding that a grant to a private religious school was unconstitutional). FUSD should not be using public resources in support of religion.

The Fresno Unified School District has a duty to avoid even the appearance of endorsement of religion, a duty that is violated when it employs chaplains, who are by definition religious, and when it directs \$65,000 a year of taxpayer funds to a religious organization. The FUSD must immediately stop allowing chaplains access to its students. All future counseling and mentoring of students in the FUSD’s charge must be secular, not outsourced to a religious group. Please inform us in writing of the steps you are taking to resolve this constitutional violation.

Sincerely,



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

³ Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, Public Religion Research Institute (Sept. 6, 2017), available at www.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.

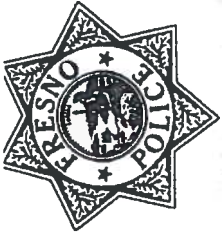
Did you know?

- The Fresno Police Chaplaincy's RISE program (Resilience in Student Education) was launched in January 2011.
- RISE began in five FUSD schools and has since grown to reach more than twenty elementary schools.
- RISE benefits approximately 2,100 first graders each week.
- Each school chaplain spends at least 4 - 7 hours at their school site every week.

The Fresno Police Chaplaincy partners with law enforcement to bring hope to our community.

Ministry can't always wait until Sunday.

resilience
in student education



P. O. Box 1271
Fresno, CA 93715-1271

Office: 559 621-2120

Request a chaplain: 559 621-7000

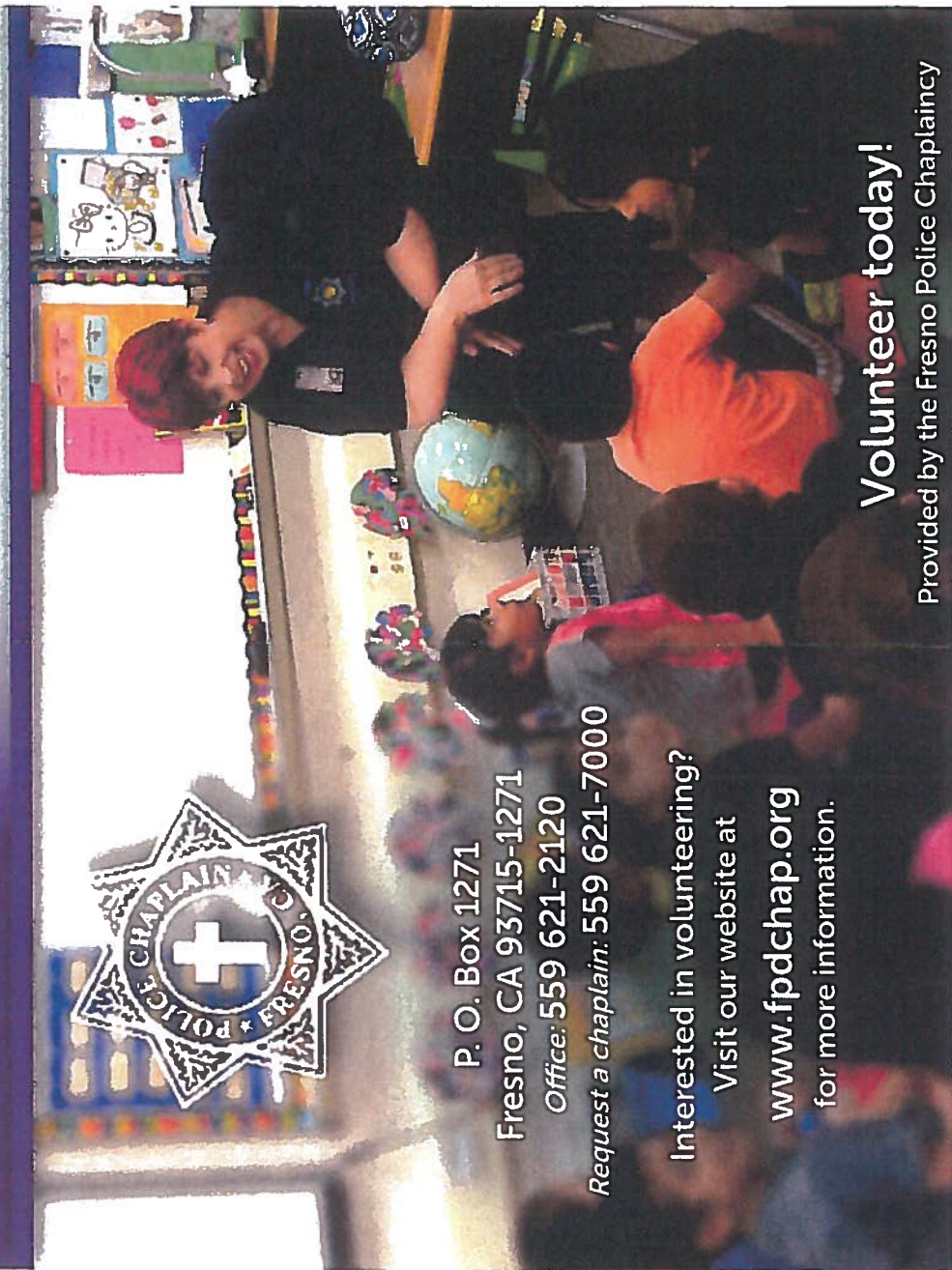
Interested in volunteering?

Visit our website at

www.fpdchap.org
for more information.

Volunteer today!

Provided by the Fresno Police Chaplaincy





Preparing Career Ready Graduates

Fresno Unified School District Contract Approval Form

APPROVED
June 15, 2016
Agenda Item: A-9

Vendor Name: Fresno Police Chaplaincy Program 2323 Mariposa Street, Fresno, CA 93721

Address

(559) 621-7000

Rod Lowery, Senior Chaplain

Phone Number

Vendor Contact

Term (Duration): 07/01/2016 through 06/30/2017

FUSD Contract

Administrator: Karin Temple, Chief Operations Officer

Name

Operational Services (559) 457-3134

Site/Department

Telephone Number

Budget: 030-0672-0664-0000-8300-5110

(Fund-Unit-Dept.-Activity-Object)

Annual Cost \$ 65,000.00 (Contract will not be authorized to exceed this amount w/o BOE approval)

Fingerprint Requirements: All individuals providing services under this contract are in compliance with the requirements of the "Michelle Montoya" Act, as required therein.

Yes

No

Scope of Work Summary:

Assign eleven Student Resource Officers to serve high schools and selected middle schools.

Date Item is to appear on Board of Education Agenda: 06/15/2016

(Contracts of \$15,000.00 or more)

Reviewed & approved by Cabinet Level Officer:

Signed

Date

Reviewed & approved by Director, Risk Management:

Signed

Date

Please return

signed contract to:

Ruth Perez

OPS

457-3134

Name

Department

Telephone