

FREEDOM FROM RELIGION *foundation*

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September 23, 2016

SENT VIA EMAIL AND U.S. MAIL:
colson@hayward.k12.wi.us

Mr. Craig Olsen
Superintendent
Hayward Community School District
15930 West 5th Street
Hayward WI, 54843

Re: Break The Grey program

Dear Superintendent Olsen:

I am writing on behalf of the Freedom From Religion Foundation (“FFRF”) to alert you to serious constitutional concerns over an assembly in your district. FFRF is a Madison-based national nonprofit organization with more than 23,000 members across the country, including more than 1300 in Wisconsin. FFRF’s purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that Hayward Community schools will host assemblies for “Break the Grey,” a group that speaks on troubled-youth topics (alcohol abuse, drugs, self-harm, etc.). These assemblies will take place in Hayward High School and Hayward Middle School on October, 25. We have serious concerns that these assemblies will involve an illegal endorsement of religion.

We understand that the group’s speaker, Bill Ballenger, promotes his evening events at the assemblies, handing out free tickets to students. The evening events are Christian rock concerts. Ballenger’s biography, which has since been altered to remove religious references, refers to the evening event as the “culminat[ion]” of the school assembly.¹ Ballenger also confirms that the school assemblies are designed to get students to the religious evening performances, in a video entitled “The Mission of Break the Grey & Billy Ballenger.”² The October 25 evening event is at Dover High School.

It is unconstitutional for a public school district to allow outside adults to promote a religious event to a captive audience of students during a school-sponsored assembly. While public schools certainly may host speakers to address bullying and other subjects, those events cannot be tied to after-school religious revivals. We write to

¹ <http://www.billballenger.com/apps/staff/default.asp?relationid=702919>. (See <http://files.stablerack.com/webfiles/63658/ballengerbio.pdf>. This archived version of Ballenger’s biography does not hide his religious motivations.)

² <https://www.youtube.com/watch?v=XeFyM2bgL7E> (“We try to keep the schools that we tour within a 25-mile radius of where the concert event is going to be at.”).

request assurances that the Break the Grey event will not promote religion in any way, including by inviting students to the group's evening religious performance.

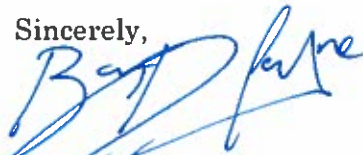
It is well settled that public schools may not advance or promote religion. *See generally Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). The Supreme Court has held that "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). In *Lee* the Supreme Court extended the prohibition of school-sponsored religious activities beyond classrooms to all school functions, holding prayers at public high school graduations an impermissible establishment of religion. Similarly, promotion of religion as part of a school assembly violates the Establishment Clause.

We are aware that some Christian missionaries insinuate themselves into public schools through camouflaging their purposes and by professing to be experts in a secular field. It is incumbent that public officials do "due diligence" when approached by outside groups with vested interests in pitching their message to a captive audience of public school students.

Though teaching students about things like substance abuse, peer pressure, and bullying is a commendable goal, allowing a speaker to promote religion to your student body gives the appearance that the District endorses that speaker's religious message. "School sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents 'that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.'" *Santa Fe Indep. Sch. Dist.*, 530 U.S. at 309–10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O'Connor, J., concurring)). It is inappropriate to take instructional time away from students to expose them to Christian proselytization, regardless of any secular message the assembly's speaker claims to be promoting.

The District has a constitutional obligation to remain neutral toward religion. Parents, not the school district, are responsible for determining the religious or nonreligious upbringing of their children. We request that the District make clear to Ballenger that his presentation cannot contain any stories or songs promoting religion, nor can it contain promotions of his evening event. If Ballenger is unable to remove all religious promotion from his presentation, the District must cancel the assembly. Please notify us in writing of the steps the District takes to avoid violating the Constitution and its students' right of conscience.

Sincerely,



Ryan D. Jayne, Esq.

Diane Uhl Legal Fellow

Freedom From Religion Foundation