

FREEDOM FROM RELIGION *foundation*

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

February 5, 2016

SENT VIA EMAIL AND U.S. MAIL:
s_wigton@lancaster.k12.oh.us

Mr. Steve Wigton
Superintendent
Lancaster City Schools
345 East Mulberry Street
Lancaster, OH 43130

Re: Unconstitutional religious clubs

Dear Superintendent Wigton:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to constitutional violations in your school district. FFRF is a national nonprofit organization with more than 23,000 members across the country, including more than 500 members in Ohio. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that bible study groups meet during the lunch period at Lancaster High School and General Sherman Middle School, and before school at Thomas Ewing Middle School. The website of Faith Memorial Church (FMC) lists these clubs and states that “[m]any of our area high schools and junior high schools offer students an opportunity to participate in lunchtime or early morning Bible study groups led by volunteers or community youth pastors.” An image of this webpage, which appears to have been deleted on February 3, 2016, is enclosed.

Public school districts must ensure that student religious groups are genuinely student-initiated and student-run, and that outside adults do not regularly participate in the clubs. We are writing to request an investigation into the involvement of outside adults in religious clubs in your District. If FMC representatives have indeed been leading student bible studies, those clubs are not bona fide student-initiated religious clubs and should be dissolved.

First, it is a fundamental principle of Establishment Clause jurisprudence that a public school 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 Twshp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962).

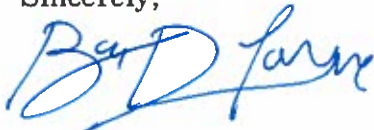
It is illegal for public schools to allow adults to lead religious instruction on school property during the school day. The Supreme Court ruled that a program that permitted religious instruction on school grounds violated the Establishment Clause. *See Illinois ex rel. McCollum v. Bd. of Educ.*, 333 U.S. 203 (1948). The District may not allow religious instruction in District schools.

Our organization was a litigant in a case where a public school district allowed religious groups to teach in the public schools. In *Doe v. Porter*, 88 F.Supp.2d 904 (E.D. Tenn. 2002), we challenged the practice of allowing religious instruction by an outside group in a Tennessee public school. In affirming the unconstitutionality of the practice, the Sixth Circuit, the controlling court of appeals over Ohio, found that there was no secular purpose to the program, the program communicated a message of government endorsement of religion and the program fostered excessive entanglement between the state and religion. *Doe v. Porter*, 370 F.3d 558 (6th Cir. 2004).

Even though the Equal Access Act (EAA) dictates that public secondary schools may not discriminate against student organizations based on their religious, political, philosophical or other beliefs, *see Bd. of Educ. of the Westside Cmty. Sch. v. Mergens*, 496 U.S. 226, 235 (1990) (holding the EAA constitutional), it is illegal for outside adults to regularly participate in, organize, or lead student religious organizations. "Under the [Equal Access] Act . . . nonschool persons may not direct, control or regularly attend activities of student groups." *Id.* at 253 (citing 20 USC §§ 4071(c)(3) and (5)).

We request that you investigate these concerns and, if confirmed, halt the FMC's involvement with student religious clubs. The District should prohibit any outside adults who have violated the EAA in the past from visiting the school during the school day to attend student religious clubs. Additionally, any clubs that were led by FMC representatives should be dissolved because they are not bona fide student-initiated clubs. Students would be free to re-establish the clubs, on their own initiative, in the future. We ask that you notify us in writing at your earliest convenience about the steps the District takes to remedy these concerns.

Sincerely,

A handwritten signature in blue ink that reads "Ryan D. Jayne". The signature is fluid and cursive, with the first name "Ryan" and last name "Jayne" clearly legible.

Ryan D. Jayne, Esq.
Diane Uhl Legal Fellow
Freedom From Religion Foundation

Enclosure

High School and Junior High Bible Studies

This entry was posted in [Calendar](#), [Teens of Faith Ministries](#). Bookmark the [permalink](#).

Many of our area high schools and junior high schools offer students an opportunity to participate in lunchtime or early morning Bible study groups led by volunteers or community youth pastors. Following are the groups we know about for this school year:



LANCASTER HIGH SCHOOL

Tuesdays

Bring your lunch to rooms:

4th 201
5th 168
6th 158
7th 236

THOMAS EWING MIDDLE SCHOOL:

Fridays

7 am in the library
Donuts provided

GENERAL SHERMAN MIDDLE SCHOOL:

(7th & 8th grade only)

Mondays

Bring lunch to the Auditorium

BLOOM CARROLL HIGH SCHOOL:

Thursdays

Bring your lunch to rooms:

5th 207
6th 108
7th 102

BLOOM CARROLL MIDDLE SCHOOL:

(7th & 8th grade only)

Thursdays

Bring your lunch to rooms:

7th grade 1017
8th grade 1007

FAIRFIELD UNION HIGH SCHOOL:

Wednesdays

Bring your lunch to the Chorus Room

LIBERTY UNION HIGH SCHOOL:

Thursdays

Bring your lunch to room 137

LIBERTY UNION MIDDLE SCHOOL

7th & 8th grade only
1st & 3rd Tuesdays

Search

Search

Ministries

Student Ministries

Children's Ministries

Worship Arts

Men's and Ladies' Ministries

F.A.I.M: Faith Adults in Motion

Hug-A-Bear Daycare & Faith Academy

Missions & Compassion Ministries

MOPS: Mother of Pre-schoolers

Services

Sunday

Sunday School

9:30 a.m.

Sunday Worship

10:30 a.m.

6:00 p.m.

Wednesday

Wednesday Programs

7:00 p.m.

Last Sunday's

Bulletin

Updates

Support PDHC

Newsletter, COYFC

Juvenile Justice Ministry

Missionary Tidings

Monthly Newsletter

Teens of Faith – Stuff to Know

Winter Jam 2016

Teens Year End Blast

Blitz Christmas Party

Fall Teen Retreat 2015

Highlight Video

Faith Adults in Motion Calendar

High School and Junior

High Bible Studies