

FREEDOM FROM RELIGION *foundation*

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

April 1, 2016

SENT VIA EMAIL AND U.S. MAIL: mjtucker@liberty.k12.mo.us

Dr. Jeremy Tucker
Superintendent
Liberty Public Schools
8 Victory Lane
Liberty, MO 64068

Re: District employees promoting evangelical ministries during school time

Dear Superintendent Tucker:

I am writing on behalf of the Freedom From Religion Foundation to alert you to several constitutional violations within Liberty Public Schools. FFRF is a national nonprofit organization with more than 23,000 members across the country, including more than 250 members in Missouri. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that several Liberty Public School employees are promoting two evangelical youth ministries, Young Life and Wyldlife, on school property during school hours and in their professional capacities.

We have been informed that:

- South Valley Middle School teacher [REDACTED], Liberty High School teacher [REDACTED], and Liberty High School [REDACTED] are actively involved in these ministries¹ and wear Young Life / Wyldlife branded t-shirts during the school day.²
- Young Life is a sectarian religious organization whose mission is “[i]ntroducing adolescents to Jesus Christ and helping them grow in their faith.”³ Wyldlife shares this evangelical mission.⁴
- Neither Young Life nor Wyldlife are student-run groups.
- [REDACTED] and [REDACTED] appear to be actively promoting these Christian ministries during school hours:
 - [REDACTED] appears to have posted flyers promoting Wyldlife on student lockers at South Valley Middle School.⁵ We are informed that [REDACTED]

¹ See [REDACTED] “I believe YoungLife is a great starting point to allow leaders to build relationships with students, in turn introducing them to Christ; [REDACTED] “YoungLife [. . .] serves as a starting point to introduce kids to Christ and then get them plugged into a community and eventually a church.”; [REDACTED] “YoungLife is a place where I have the opportunity to enter into the lives of high school friends that wouldn’t normally be exposed to the Gospel[.]”).

² See Page 4, enclosed.

³ “Mission and Vision of Young Life”, available at www.younglife.org/About/Pages/MissionandVision.wyldlife.aspx.

⁴ “Learn More About Wyldlife”, available at <https://www.younglife.org/ForEveryKid/WyldLife/Pages/WyldLifeLearnMore.aspx>.

- ██████████ runs the Liberty Wyldlife Twitter account (@██████████) and posted a tweet of flyers advertising an afterschool Wyldlife meeting.⁶
- o ██████████ has posted flyers promoting Young Life at Liberty High School.⁷ A least one Young Life meeting advertised on flyers approved by the district took place at the school during the school day.⁸

We write to inform you that district employees may not promote or champion religious organizations either in their official capacities or during the school day. Because public school educators are government employees, they have an obligation to avoid the appearance of endorsing religion under the Establishment Clause.

When Liberty High or South Valley Middle school employees advertise for Young Life or Wyldlife during the school day, they are using government time and resources to promote their personal religious beliefs. Such actions, especially in the context of the public school system, violate the Constitution. District employees may participate in and promote their preferred religious groups on their own time, but not during school hours or as school employees.

The Supreme Court has said time and again that the “First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cnty., Ky. v. American Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947). By allowing teachers to promote local evangelical organizations during the school day, the Liberty Public School system is endorsing these groups in violation of this constitutionally mandated principle.

It is well settled that public schools may not advance or endorse religion. *See generally Lee v. Weisman*, 505 U.S. 577 (1992); *Sch. Dist. of Abington Twshp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). Moreover, “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). Public school employees may not urge religious points of view on students, parents, or coworkers. This includes the promotion of religious clubs by conveying verbal, visual, or written messages.

Please note that it is not a violation of teachers’ free speech rights when a school district regulates what they may advertise or promote while acting in their official capacities. Public school teachers have access to a captive audience of students due to their position as educators. Therefore, the district has a duty to regulate religious proselytizing during the school day. “Because the speech at issue owes its existence to [his] position as a teacher, [the School District] acted well within constitutional limits in ordering [the teacher] not to speak in a manner it did not desire.” *Johnson v. Poway Unified Sch. Dist.*, 658 F.3d 954, 970 (9th Cir. 2011), *cert. denied*, 132 S. Ct. 1807 (2012) (upholding decision of school board to require a math teacher to remove two banners with historical quotes referencing “God”); *see*

⁵ See Page 5, enclosed.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

also Garcetti v. Ceballos, 547 U.S. 410, 421 (2006) (“We hold that when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.”).

While Liberty Public School employees are free to express their personal religious beliefs as they see fit in their individual capacities on their own personal time, they cannot make use of their privileged access to students to spread those beliefs. When the district allows its employees to mix their personal beliefs with their professional duties, it becomes complicit in transmitting those beliefs to the student body. This is not just a violation of the Establishment Clause, but also a breach of the trust that local parents have given to the district to educate their children free from state-sponsored religious indoctrination.

The district should make certain that its employees are not unlawfully and inappropriately promoting religious ministries during school hours. We ask that the district immediately investigate this situation and ensure that [REDACTED], [REDACTED] and [REDACTED] are aware of their responsibilities under the Establishment Clause.

To ensure that students are not subject to unconstitutional religious promotion, please ensure that, during school hours, no Liberty Public School employee:

1. Recruits for or otherwise encourages students to participate in religious programs or organizations,
2. Wears clothing or accessories advertising or promoting religious organizations, or
3. Distributes or posts materials that promote religious organizations.

Please respond in writing with the steps the district intends to take to end these constitutional violations. Thank you for your time and attention to this important matter.

Sincerely,



Patrick Elliott
Staff Attorney

PCE:scw

Enclosure

cc: Dr. April M. Adams,
aadams@liberty.k12.mo.us

Jill Mullen,
jmullen@liberty.k12.mo.us




Liberty Wydlife LibertyWydlife Feb 19

Students and Teachers wear their Wydlife shirts on Friday! Ask us about Wildlife! #ComeAndSee #YouWereMadeForThis



**YOUNGLIFE CAMP
INFORMATIONAL
MEETINGS**

During Liberty Hour on Thurs, March 10th
AND
After School on Thurs, March 10th (3:20)
Room 408



Come find out how you can have the best week of your life this summer at Crook ed Creek! If you can't attend either meeting, but want more details, talk to [redacted]! All are welcome.
@TLL.Liberty #libertyyounglife.weebly.com

Approved by the
Student Government
of the
Liberty High School



Liberty WyldLife - LibertyWyldLife - Feb 18

Wednesday March 2nd! #ComeAndSee
#YouWereMadeForThis

meeting you here.

You should come to
Wyldlife
it is a party with a purpose

Our next club is March 2nd at
2:30 in room 118



