

# FREEDOM FROM RELIGION *foundation*

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April 26, 2016

**SENT VIA EMAIL AND U.S. MAIL:**  
**bheath@lcdoe.org**

Dr. Bill Heath  
Director  
Lincoln County Schools  
206 Davidson Drive East  
Fayetteville, TN 37334

Re: Religious endorsement at Highland Rim Elementary

Dear Director Heath:

I am writing on behalf of the Freedom From Religion Foundation to alert you to constitutional violations at Highland Rim Elementary. FFRF is a national non-profit organization with more than 23,000 members across the county, including nearly 300 members in Tennessee. Our purpose is to protect the constitutional principle of separation between state and church.

A concerned parent informed us that second-grade teacher [REDACTED] hosted a class Valentine's Day party earlier this year, at which a parent brought in a craft project consisting of foam Latin crosses with foam nails and text reading, "The nails didn't hold Jesus to the cross. It was His love for all of us that held Him there," and "We love Him because He first loved us. 1 John 4:19." Students built the craft as part of a classroom activity. Rather than intervening to stop this plainly religious activity, [REDACTED] helped students construct the crosses.

We also understand that [REDACTED] stamps student assignments with a stamp that says, "GOD MADE YOU SPECIAL." Images of both this stamp and the Valentine's Day party craft are enclosed for your review.

Public school teachers may not use their position to promote their personal religious views. We write to request assurances that in the future [REDACTED] will not place religious messages on her students' assignments, allow school-sponsored religious activities, or otherwise promote or endorse religion to her students.

First, 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); *Engel v. Vitale*, 370 U.S. 421 (1962); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963). As a District employee, [REDACTED] may not promote her religious beliefs in the course of her duties as a teacher. Her actions violate the principle 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).

Public schools have a duty to ensure that “subsidized teachers do not inculcate religion” or use their positions of authority to promote a particular religious viewpoint. *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971). The Supreme Court has recognized that “[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987) (finding unconstitutional a statute allowing the teaching of creationism, a religious belief, in classrooms).

Religion is a divisive force in public schools. The Supreme Court has repeatedly noted that “[s]chool 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. v. Doe*, 530 U.S. 290, 309 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). Religious endorsement is particularly troubling when it is presented to such young and impressionable students.

The school district does not violate parents’ free speech rights by prohibiting them from distributing religious craft projects as part of a class party. Courts have ruled that school districts are constitutionally permitted to restrict the distribution of materials, including religious messages, from elementary school class activities. In *Curry ex rel Curry v. Hensiner*, the Sixth Circuit Court of Appeals (which has jurisdiction over Tennessee schools) ruled that a school had a valid educational purpose in prohibiting a student from selling candy canes with a religious message as part of a class exercise. 513 F.3d 570 (6th Cir. 2008). The court said:

The school’s desire to avoid having its curricular event offend other children or their parents, and to avoid subjecting young children to an unsolicited religious promotional message that

might conflict with what they are taught at home qualifies as a valid educational purpose.

*Id.* at 579 (citing *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987) (“Families entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.”)). The same analysis applies here, where a parent brought in a religious craft project, for the entire class, during a class party. The teacher’s participation in the craft increases the appearance that the school endorses the activity, but the school is well within its rights to prohibit parents from distributing religious materials to students as part of a class activity, even without teacher participation.

Besides the constitutional concerns, Christian art projects in public schools are inappropriate given that nearly 30% of Americans are non-Christians, either practicing a minority religion or no religion at all, and about 44% of millennials are non-Christian.<sup>1</sup> Such activities alienate those nonreligious students, families, teachers, and members of the public whose religious beliefs are inconsistent with the message being promoted by the school.

It is troubling that [REDACTED] appears to be unaware of her obligation to remain neutral on matters of religion while acting in her official capacity as a District representative. Some degree of training on this important issue is clearly appropriate to ensure that District employees do not make similar mistakes in the future. Please reply in writing with the steps the District takes to remedy these constitutional violations so that we may notify our local complainant.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan D. Jayne".

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

Enclosure

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<sup>1</sup> *America’s Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).



