

FREEDOM FROM RELIGION *foundation*

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

May 9, 2016

SENT VIA U.S. MAIL & EMAIL:
natalie.johnson@lausd.net

David R. Holmquist, Esq.
Office of the General Counsel
c/o Natalie Ann Johnson
Los Angeles Unified School District
333 S. Beaudry Avenue, 23rd Floor
Los Angeles, CA 90017

Re: Illegal Religious Clubs

Dear Mr. Holmquist:

I am writing on behalf of the Freedom From Religion Foundation to follow up on a letter sent to you last year, as well as to bring a new issue to your attention. As you may recall, our organization contacted you last September regarding an unconstitutional bible club at Sun Valley High School, which was led by football coach Jesse Montes. The link on the school website describing the club and Montes's involvement remains the same,¹ and we therefore again request that you take action to end this violation of the Constitution and the Equal Access Act. A copy of our original letter is included for your convenience

Furthermore, we have received a report from a Chatsworth Charter High School community member about an illegally run religious club at that school as well. We understand that the Christian Club has no student leadership, and is run every Friday by Garrison Polsgrove, pastor of the youth ministry at Shepherd Church. We are informed that Mr. Polsgrove brings free food to incentivize attendance, leads students in prayer, reads from the bible, and delivers sermons. We also understand he was permitted to attend the school's open house to represent the Christian Club to community members and parents. Please see the enclosed screenshot from the Shepherd Youth Facebook page of Polsgrove at the open house.

We are also informed that the meetings take place in science teacher Guadalupe Lopez's classroom, and she reportedly participates in the meetings and promotes them to students. We understand that music teacher Michael Turner also regularly participates in the meetings and prays with students.

As you are undoubtedly aware, and as laid out in our previous letter, the Equal Access Act prohibits school staff and outside adults from being involved in religious clubs. Religious clubs must be legitimately student-led, with school staff present only in a supervisory capacity and no outside adults in regular attendance. Staff also may not encourage students to attend religious meetings.

¹ https://sunvalleyhs-laUSD-ca.schoolloop.com/cms/page_view?d=x&piid=&vpid=1409206528921

We therefore again request that you investigate the Chatsworth Charter High School's Christian Club, in addition to the TRUTH Club at Sun Valley High School. If our complainants' allegations are confirmed, both clubs should be disbanded and the teachers involved appropriately disciplined and educated on the strictures placed on them by the Constitution and the Equal Access Act. Please inform us of any action taken by the district so that we can inform our complainants that their concerns have been resolved. Thank you for your time and attention.

Sincerely,

A handwritten signature in blue ink that reads "Madeline Ziegler". The signature is written in a cursive style with a large, stylized initial "M".

Madeline Ziegler, Esq.
Cornelius Vanderbroek Legal Fellow
Freedom From Religion Foundation

Enclosure



Shepherd Youth

October 2, 2015 · Instagram · 🌐

Do you know anyone that goes to **Chatsworth High School**?! Pastor Garrison hangs out with the Christian Club every Friday during lunch Friday in room H67!



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September 17, 2015

SENT VIA U.S. MAIL & EMAIL:
natalie.johnson@lausd.net

David R. Holmquist, Esq.
Office of the General Counsel
c/o Natalie Ann Johnson
Los Angeles Unified School District
333 S. Beaudry Avenue, 23rd Floor
Los Angeles, CA 90017

Re: Unconstitutional religious club

Dear Mr. Holmquist:

Thank you for your office's assistance in resolving an issue we brought to your attention earlier this year regarding church banners at University High School. We understand those banners have been removed. I am writing again on behalf of the Freedom From Religion Foundation to alert you to another constitutional violation in LAUSD. We were contacted by a concerned community member.

It is our understanding that Sun Valley High School hosts "The TRUTH (Teens Reaching U Through Him) Club," which is advertised on the school's website as a bible club with lessons taught by Jesses Montes, the school's football coach.¹ We understand the club meets in the school during lunch every week.

This club is in violation of the Equal Access Act because it is clearly not student-run. We request that the club be disbanded and Montes be instructed that he cannot promote religion to students while acting in his official capacity as a representative of LAUSD.

As you are certainly aware, school employees may not run or even participate in religious clubs in public schools, nor can they promote religious clubs or invite students to attend. Even though public secondary schools cannot discriminate against student organizations based on their religious, political, philosophical, or other beliefs, under *Bd. of Educ. of the Westside Cmty. Sch. v. Mergens*, 496 U.S. 226, 235 (1990) (holding the Equal Access Act constitutional), it is illegal for school employees to actively participate in or organize religious organizations at school. "Under the [Equal Access] Act . . . faculty monitors may not participate in any religious meetings, and nonschool persons may not direct, control or regularly attend activities of student groups." *Id.* at 253 (citing 20 U.S.C. §§

¹ https://sunvalleyhs-laUSD-ca.schoolloop.com/cms/page_view?d=x&piid=&vpid=1409206528921.

4071(c)(3) and (5)). The Court continued, "Moreover the Act prohibits school 'sponsorship' of any religious meetings . . . which means that school officials may not promote, lead, or participate in any such meeting." *Id.* (citing U.S.C. § 4071(c)(2)). Staff participation in religious activities at school leads any reasonable student to see the club's religious message as sponsored by the school.

In addition, federal courts have held that public school employees may not participate in the religious activities of students. *See, e.g., Borden v. Sch. Dist. of the Township of East Brunswick*, 523 F.3d 153 (3rd Cir. 2008), *cert. denied*, 129 S.Ct. 1524 (2009) (declaring a coach's organization, participation in, and leading of prayers before football games unconstitutional); *Doe v. Duncanville Indep. Sch. Dist.*, 70 F.3d 402 (5th Cir. 1995) (declaring basketball coach's participation in student prayer circles an unconstitutional endorsement of religion). In *Borden*, the Third Circuit Court of Appeals held the high school football coach, who had a history of organizing, leading and participating in prayers before games, was unconstitutional because it violated the Establishment Clause. *Borden*, 523 F.3d at 174. In that case, the court stated that the coach's involvement in the prayer by 'taking a knee' and 'bowing his head' during the prayers, even when student-led, "would lead a reasonable observer to conclude he was endorsing religion." *Id.* at 176. The court continued, "if while acting in their official capacities, [school district] employees join hands in a prayer circle or otherwise manifest approval and solidarity with the student religious exercises, they cross the line between respect for religion and the endorsement of religion." *Id.* at 178 (quoting *Duncanville*, 70 F.3d at 406).

We request that you investigate these allegations of "The TRUTH Club," and Jesses Montes' involvement in it. If confirmed, the club is in violation of the Equal Access Act and should be disbanded. Montes must be instructed to refrain from sponsoring, leading, or participating in religious activities in the public school setting, and may only be present at student religious meetings in a supervisory capacity. We also request that the advertisement for the club be removed from the school's website. We would again appreciate hearing the results of your investigation and any action taken. Thank you for your time and attention to this matter.

Sincerely,



Andrew L. Seidel
Staff Attorney

ALS:rdj