

FREEDOM FROM RELIGION *foundation*

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

April 30, 2018

**SENT VIA EMAIL AND U.S. MAIL:
board@madison.k12.wi.us**

Madison Metro School Board
545 W. Dayton St., Rm. 110
Madison, WI 53703

Re: Faith-based partnership for La Follette micro-school

Dear President Howard and Board Members:

I am writing on behalf of the Freedom From Religion Foundation, a Madison-based national nonprofit, to urge the District not to continue its church partnership for a La Follette High School “micro-school” at Life Center Madison during the 2018–19 school year.

The micro-school pilot plan was introduced and advanced alarmingly quickly, especially considering that the Board raised significant concerns about the program. When FFRF members reported the concerning proposed church rental to us, we requested records related to the micro-school plan. After reviewing those records, FFRF continues to have serious concerns about the District’s ongoing arrangement to use a church building and church volunteers for the La Follette micro-school. We strongly urge the Board to find an alternative, secular program for future school years.

Although the District has taken proactive efforts to avoid religious promotion at the micro-school, this arrangement is fundamentally problematic and should not have been approved. First, given the personal nature of mentorships, and the potential for contact between mentors and students to occur outside of school hours, it is not appropriate for a school to partner with a faith-based mentor program. Any constitutional problems are likely only to come to light after the damage has already been done. The best means to ensure that school programs are operated legally is for the District itself to operate the programs.

Second, the District’s agreement to pay a church \$1,300 per week is problematic. Other suitable, secular options were likely available, especially considering that the District is paying for a shuttle service to transport

students between the high school and the church, meaning the micro-school could have been located at any number of buildings within the city.

This pilot program is commendable in its objectives to avoid expelling disruptive students. FFRF also understands that this was presented as an emergency solution to an immediate problem, and some leeway is certainly warranted to solve a sudden crisis.

The same leeway is not warranted for an extended partnership between the District and a local church. Extending this program, or entering into similar partnerships in the future, would create an appearance that the District endorses the church and faith-based group that it has partnered with.

A program involving religious volunteers in schools, where clergy were enlisted to “counsel groups of students regarding secular topics,” was found unconstitutional. *Doe by Doe v. Beaumont Indep. Sch. Dist.*, 240 F.3d 462, 464 (5th Cir. 2001) (reversing and remanding the case to the district court, which then held the program unconstitutional in *Oxford v. Beaumont Indep. Sch. Dist.*, 224 F. Supp. 2d 1099 (E.D. Tex. 2002)). The Fifth Circuit in *Beaumont* recognized the “legal high wire” that the district was walking and warned of the Establishment Clause violations that could arise in a program of this nature. *Doe v. Beaumont* at 465. The district court then found the “Clergy in the Schools” program impermissibly endorsed religion, even when accounting for other secular programs in the district and the secular goals of the program. *Oxford v. Beaumont* at 1159. While it is laudable to help provide mentors to District students, partnering with a religious group is an inappropriate means of doing so.

FFRF requests that the Board not extend its lease with Life Center Madison into next school year, and that in the future the Board instead partner with secular groups for any similar arrangements.

Sincerely,



Ryan D. Jayne
Staff Attorney