



# Quality Education Academy

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April 8, 2019

Mr. Christopher Line  
Patrick O'Reiley Legal Fellow  
Freedom From Religion Foundation  
P.O. Box 750  
Madison, WI 53701

Dear Mr. Line:

Quality Education Academy is in receipt of your letter dated February 27, 2019 in which you assert that there is unconstitutional religious promotion and endorsement by Quality Education Academy, a public charter school located in Winston-Salem, North Carolina. We have reviewed the North Carolina public charter school law that states charter schools are to be nonsectarian with our legal counsel. *See, N.C.G.S. §115C-218.50*. Quality Education Academy is not affiliated with a nonpublic sectarian school or religious institution. Quality Education Academy is in fact “nonsectarian in its programs, admission policies, employment practices, and all other operations” as required by law.

As to the concerns outlined in your letter, Quality Education Academy does not require prayer in school nor are students required to participate in any religious exercise. School-wide assemblies are held to celebrate scholar accomplishments and to talk about personal principles and character traits such as integrity, honesty, leadership and the like.

We have conferred with our legal counsel and understand that faculty and staff are not permitted to lead any form of prayer or religious activities during the instructional day. We further understand that faculty and staff may observe their First Amendment rights before the start of the instructional day, outside the view of students, and after the conclusion of the instructional day without violating the Establishment Clause. *See, N.C.G.S. §115C-407.32*.

Moreover, we have been advised that students are permitted to pray or otherwise express their own individual beliefs provided it is not mandated by the public charter school or its faculty and staff. Students do not lose their First Amendment rights merely by crossing the threshold into the schoolhouse and provided their religious activities do not disrupt the educational process or harass, coerce, or infringe on the rights of other persons, they are free to express their individual religion or non-religion, as they see fit within the school. *See, N.C.G.S. §115C-407.30*.

We are reviewing relevant U.S. Supreme Court decisions such as *Engel v. Vitale*, 370 U.S. 421 (1962), *School District of Abington Township v. Schempp*, 374 U.S. 203 (1963), *Lemon v. Kurtzman*, 403 U.S. 602 (1971), *Wallace v. Jaffree*, 472 U.S. 38 (1985), *Lee v. Weisman*, 505 U.S. 577 (1992), and *Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000) to ensure that school sponsored activities and communications comply with the U.S. Supreme

“We raise the quality of life of everyone we touch.”

Court's decisions. We are working with legal counsel and administrative staff to scrub any vestiges of any material that may potentially be in conflict with the endorsement of religion from all school sponsored communications and materials. This review and the taking of action may take a reasonable amount of time. To the extent that some of the concerns raised by your correspondence are found to be legitimate, appropriate action will be taken by the Board of Directors to address any needed corrective measures. Be assured that the Board of Directors does not intend to allow the school to endorse or promote any one religion or to prohibit its student's right to believe or not believe in any religion.

Please be advised the school reserves the right to teach religion and/or cultural beliefs and their impacts on the development of the United States of America and other countries from an educational context whether that be historical, literary, or economic in nature. *See, N.C.G.S. §115C-81.45(d)(1)(a)*, which requires the teaching of "*the Creator endowed inalienable rights of the people,*" to high school students. *See also, N.C.G.S. §115C-81.45(d)(2)*, which requires the teaching of the "*philosophical foundation of our form of government and principals underlying the Declaration of Independence, the United States Constitution, and its amendments, and the Federalist Papers,*" to high school students. The school further reserves the right to integrate principals of good character into its educational model consistent with North Carolina law, even if some of those principals may be consistent with religious and/or philosophical principals and teachings. *See, the Student Citizen Act of 2001 (SL 2001-363)*. The State of North Carolina has endorsed Character Education and on May 28, 2002, it delivered a clear communication to all public schools through the North Carolina Department of Public Instruction, which stated that "Character Education is a national movement creating schools that foster ethical, responsible, and caring young people by modeling and teaching good character through an emphasis on **universal values** that we all share. It is the **INTENTIONAL, PROACTIVE** effort by schools, districts, and states to instill in their students **important core, ethical values** such as respect for self and others, responsibility, integrity, and self-discipline." (Emphasis Added). It goes on to define Character Education as "the deliberate effort to help people understand, care about, and act upon core ethical values."<sup>1</sup> *See also, N.C.G.S. §115C-81.60*.

Illustrative of the above-referenced point is the North Carolina Constitution, which states:

We, the people of the State of North Carolina, grateful to **Almighty God, the Sovereign Ruler of Nations**, for the preservation of the American Union and the existence of our civil, political and religious liberties, and **acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity**, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution. (Emphasis Added). *Preamble. Id.*

Similarly, Article IX, Section 1 of the North Carolina Constitution states:

**Religion, morality, and knowledge being necessary to good government** and the happiness of mankind, schools, libraries, and the means of education shall forever be encouraged. (Emphasis Added). *Id.*

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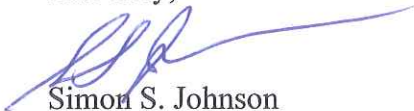
<sup>1</sup> Quoting the Center for the 4<sup>th</sup> and 5<sup>th</sup> Rs (Respect and Responsibilities), Dr. Thomas Lickona, State University of New York at Cortland.

In teaching North Carolina history, it would be and is incumbent upon the school to discuss with its students why these words remain in the North Carolina Constitution to this day and what the framers of the North Carolina Constitution had in mind when drafting these statements. In teaching students about documents such as the North Carolina Constitution, we do not profess a religious belief but rather educate our students about how religion affected the creation of this most revered document in our democratic republic and the development of its civil society over time. As I am sure you are aware, the right to a free public education is not guaranteed by the U.S. Constitution but in North Carolina it is guaranteed by the North Carolina Constitution in Section 13 of the Declaration of Rights and again in more detail in Article IX, Sections 1-10.

Quality Education Academy is not being run as a Christian school but rather adheres to the requirement of a secular education for all of its students. Although the school solicits support from all institutions in our surrounding community, be it churches, colleges and universities, healthcare agencies and the like, these activities are consistent with the responsibility of our community as a whole to help educate our scholars and tether our students to the sound teachings of Character Education as espoused by state law. Ensuring that students are aware of civil society in all forms, whether that be state or local government, law enforcement, community groups, religious organizations, and other civic opportunities makes for well-rounded scholars who hopefully develop excellent core values during the educational career.

Quality Education Academy has always been a school where families of various religious and non-religious backgrounds attend. Scholars are free, and encouraged, to express themselves accordingly. We have never received a complaint from any family regarding a violation of their First Amendment right or their right to express their beliefs, whatever they may be. While it is our express wish that our scholars are in an environment conducive to learning, which includes positive character traits and moral values, we do not, contrary to the stated concerns, promote religious programming or religious indoctrination. Quality Education Academy shall take all reasonable efforts to remain in compliance with federal and state legal laws. It does not intend to violate in any way the State and Federal Constitutionally protected rights of any student, family, staff member or administrator associated with the school.

Sincerely,



Simon S. Johnson  
Chief Executive Officer  
Quality Education Academy

Cc: Dave Machado, Director of Charter Schools  
Eric Davis, Chairman of NC State Board of Education  
Eric Snider, General Counsel  
Board of Directors, QEA  
Stephon J. Bowens, QEA General Counsel