

**JOSEPH J. PERKOSKI**  
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January 19, 2017

**VIA E-MAIL AND U.S. MAIL  
PRIVILEGED AND CONFIDENTIAL**

Ryan D. Jayne, Esq.  
Freedom From Religion Foundation  
P.O. Box 750  
Madison, WI 53701  
ryan@ffrf.org

**Re: Oak Park and River Forest High School Gospel Choir**

Dear Mr. Jayne:

I am writing to address the concerns expressed in your December 14, 2016 correspondence regarding the Oak Park and River Forest High School Gospel Choir (the "Choir"). Please note that Oak Park and River Forest High School District 200 (the "District") has not received any other complaints concerning the Choir's status or functioning as a non-curricular student club at Oak Park and River Forest High School.

The District has reviewed the issues raised with respect to the Gospel Choir. First, we note that gospel music has a high instructional value with respect to both music and history. Gospel music is grounded in deep historic and cultural roots and carries with it elements of creation and performance that are very specific to the communities who traditionally partake in the gospel music tradition. As such, the District seeks to honor this cultural tradition while simultaneously adhering to applicable law.

Furthermore, we note that the District must also balance your concerns with the protections afforded to student groups under the Equal Access Act, 20 U.S.C. § 4071. Specifically, that a public secondary school may not discriminate against student groups based on the religious, political, philosophical, or other content of their speech. 20 U.S.C. § 4071(a). This principle is particularly relevant here, as "[m]usic is one of the oldest forms of human expression . . . [and] as a form of expression and communication, [it] is protected under the First Amendment." *Ward v. Rock Against Racism*, 491 U.S. 781, 790 (1989).

Since your original communication to the District concerning the Gospel Choir, the District continues to review the Choir's relationship as a student activity to the school and the community at large. The District is also reviewing measures which ensure alignment with the guidelines and limitations set forth in Section (c) of the Equal Access Act. Specifically, the Choir will affirm its student-initiated operation; emphasize the principles of performance, vocal control, and other artistic concepts inherent to the choral tradition; and, going forward, the Choir will be mindful of its audience to ensure that the high school does not appear to be promoting the precepts of religion.

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Please note that the District will continue to adhere to its obligations related to ensuring that all student clubs have equal access and will continue to monitor all of its clubs with respect to exceeding the established protocols.

Very truly yours,

**ROBBINS SCHWARTZ**

A handwritten signature in black ink, appearing to be 'J.P.', written in a cursive style.

By: Joseph J. Perkoski

JJP/KJE

cc: Dr. Joylynn Pruitt-Adams, Superintendent