

FREEDOM FROM RELIGION *foundation*

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

May 5, 2017

SENT VIA EMAIL AND U.S. MAIL:
cgerlach@pointschools.net

Dr. Craig Gerlach
Superintendent
Stevens Point Area Public School District
1900 Polk Street
Stevens Point, WI 54481

Re: Religious music on school bus

Dear Superintendent Gerlach:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to constitutional concerns regarding bus transportation within the Stevens Point Area Public School District. FFRF is a Wisconsin-based national nonprofit organization with more than 28,000 members across the country, including more than 1,400 members in Wisconsin. Our purpose is to protect the constitutional principle of separation between state and church.

A District student contacted us to report that the bus driver on bus #768, which transports students to P.J. Jacobs Junior High School, regularly plays programming from a Christian radio station while students are taking the bus to and from school. Our complainant expressed concern that the driver was playing songs about “god and heaven.”

The Stevens Point Area Public School District must ensure that religious broadcasts are not being played to students utilizing District transportation.

It is well settled that public schools may not advance or endorse 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); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962).

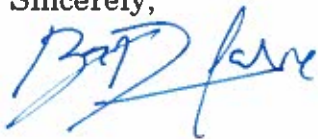
Public school bus drivers are agents of the school district and are subject to the same constitutional restrictions as other District staff, including the Establishment Clause of the First Amendment. District employees may not promote Christian or other religious messages to students. “[S]chool sponsorship 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, 309–10 (2000). When an agent of the school district promotes religion over non-religion and Christianity over all other faiths, it alienates those non-Christian students and parents whose religious beliefs are inconsistent with the message being promoted by the school. Nearly 30% of Americans are non-Christians, either practicing a minority religion or no religion at all, including about 44% of millennials.

Students on the bus are a captive audience and cannot avoid listening to broadcasts that the driver selects. Given the content of the programming and its proselytizing nature, young and impressionable students cannot be forced to listen to such programs.

We request that you inform appropriate transportation staff members that drivers may not play religious programming while students are present. Please inform us promptly in writing of the steps taken to remedy this violation and protect the rights of conscience of your students.

Sincerely,

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

Ryan D. Jayne, Esq.
Elaine & Eric Stone Legal Fellow
Freedom From Religion Foundation