

FREEDOM FROM RELIGION *foundation*

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May 3, 2016

SENT VIA U.S. MAIL & EMAIL
dtrevethan@turlock.k12.ca.us

Dana Salles Trevethan
Superintendent
Turlock Unified School District
1547 East Canal Drive
Turlock, CA 95380

Re: School Chaplains

Dear Superintendent Salles Trevethan:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional concern occurring in the Turlock Unified School District. We were contacted by a concerned District parent. FFRF is a national nonprofit organization with more than 23,500 members across the country, including over 3,000 members and a chapter in California. Our purpose is to protect the constitutional principle of separation between state and church.

We are informed that the District has a partnership with the Turlock Chaplaincy, a group of ordained ministers, some of whom have been designated “school chaplains” and are permitted to work with elementary school students on school property during the school day. The Turlock Chaplaincy website displays a badge with a cross and a Star of David on it. Despite the Turlock Chaplaincy executive director claiming that the group does not do any preaching, he also admits that chaplains do talk to children about religion, and said, “We are faith-based, and we don’t want to run from that. It’s our strength.”¹

It is inappropriate and unconstitutional for the District to offer religious leaders unique access to befriend students during the school day on school property. No outside adults should be provided carte blanche access to minors—a captive audience—in a public school. It is well settled that public schools may not advance or promote 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); *McCollum v Bd. of Ed.*, 333 U.S. 203 (1948).

Public schools have an obligation to stay separate from religion because “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lee*, 505 U.S. 577, 589 (1992)). This program is being administered without parental knowledge or consent. Students are young, impressionable, and vulnerable to social pressure, particularly pressure exerted from an adult. This program usurps the authority of parents, some of whom, like

¹ <http://www.modbee.com/news/local/education/article70120562.html#storylink=cpy>

our complainant, do not want their children approached by religious leaders at their child's public school. Today, 23% of adult Americans, including 35% of millennials, are not religious.²

If the TUSD wishes to enlist community members in helping with students, it must do so through a secular program, not one that requires its volunteers to be religious. A government entity such as the TUSD cannot endorse the Turlock Chaplaincy's religious test for volunteering, and should provide students with volunteers who have secular training, not faith-based training.

The Turlock Unified School District has a duty to avoid even the appearance of endorsement of religion, a duty that is violated when it employs chaplains, who are by definition religious. The TUSD must immediately stop allowing chaplains with no secular counseling training access to its students. All future counseling of students in the TUSD's charge must be secular, not outsourced to a religious group. Please inform us in writing of the steps you are taking to resolve this constitutional violation.

Sincerely,

A handwritten signature in blue ink that reads "Madeline Ziegler". The signature is written in a cursive, flowing style.

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

² *America's Changing Religious Landscape*, Pew Research Center (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.