

FREEDOM FROM RELIGION *foundation*

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March 16, 2022

SENT BY EMAIL AND U.S. MAIL: schoolboard@asd20.org

Thomas LaValley
President
Academy District 20 Board of Education
Education and Administration Center
1110 Chapel Hills Dr.
Colorado Springs, CO 80920

Re: Religious Board Quote

Dear President LaValley and Members of the Board:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to constitutional concerns over the Board's inclusion of a religious message for its Board Quote. FFRF is a national nonprofit organization with more than 36,000 members across the country, including more than 1,100 members and two chapters in Colorado, one of which is in Colorado Springs. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

Many concerned District community members have reported that the Academy District 20 Board of Education quote for its March 17th meeting is a Benjamin Franklin quote that promotes a Christian definition of morality: "A Bible and a newspaper in every house, a good school in every district - all studied and appreciated as they merit - are the principal support of virtue, morality, and civil liberty." It is our understanding that at each meeting, a board member gets to recite a quote of their choosing and that is how this religious quote was picked to be a part of the Board's meeting.

We write to request that board members refrain from including religious messages as part of official Board of Education quotes. The Board of Education quotes are recited by board members as board meetings and are clearly government speech, which must not endorse religion. Furthermore, including religious messages as part of school board meetings sends an exclusionary message that alienates non-Christian and non-religious members of the Colorado Springs community.

The Establishment Clause of the First Amendment prohibits government sponsorship of religious messages. The Supreme Court has said time and again that the "First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion." *McCreary Cty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Ark.*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947). Moreover, "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 v. Weisman*, 505 U.S. at 589).

Delivering a religious "board quote" as part of a school board meeting is very similar to school board prayer, which clearly violates the Establishment Clause of the First Amendment. *See FFRF v. Chino Valley Unified Sch. Dist. Bd. of Educ.*, 896 F.3d 1132 (9th Cir.), en banc denied, 910 F.3d 1297 (9th Cir. 2018); *Doe v. Indian River School District*, 653 F.3d 256 (3d Cir. 2011), cert. denied, 132 S. Ct. 1097;

Bacus v. Palo Verde Unified Sch. Dist., 52 Fed. Appx. 355 (9th Cir. 2002); *Coles v. Cleveland Bd. of Educ.*, 171 F.3d 369 (6th Cir. 1999).

As school board members, you represent a diverse population that consists of not only Christians, but also minority religious and nonreligious students, parents, and community members. Religious endorsements made in your official capacity send a message that excludes the 35 percent of Americans who are non-Christian.¹ Religious endorsements included in board meetings needlessly alienate the non-Christian and nonreligious citizens you represent, turning them into political outsiders in their own community.

It is entirely possible, of course, for you to choose uplifting and motivational quotes, as many other members of the board have, without ostracizing a significant portion of those you represent. Regardless of your intent, this quote sends the message to minority religious and nonreligious community members that they are not virtuous or moral and that their participation in the Academy District 20 community is less valued than that of their Christian counterparts.

Government officials can worship, pray, or share any religious quote they wish when acting in their personal capacities. But they are not permitted to provide prestige to their personal religion by infusing it with their official school board position. As school board members, you are charged with great responsibility and have been given significant trust by members of the Academy District 20 community, including those students, parents, and staff members who do not share your religious viewpoint.

We ask that this quote be substituted with an appropriate secular alternative, and that board members refrain from utilizing their positions to promote and endorse their personal religious beliefs. Please inform us in writing of the steps taken to respect the rights of conscience of all Academy District 20 community members, regardless of their religious or nonreligious beliefs.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

¹ *In U.S., Decline of Christianity Continues at Rapid Pace*, PEW RESEARCH CENTER (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>.