

FREEDOM FROM RELIGION *foundation*

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January 28, 2021

SENT VIA EMAIL & U.S. MAIL: cshive@tharringtonsmith.com

Mr. Colin Shive
Tharrington Smith, LLP
P.O. Box 1151
Raleigh, NC 27602

Re: Unconstitutional Church School Partnership and **Public Records Request**

Dear Mr. Shive:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding another constitutional violation occurring in Cleveland County Schools. We are still awaiting a response to our January 7, 2020 letter regarding the school board's proposal requiring all of its school to place the Ten Commandments in a prominent location at or near their main entrances. We look forward to your response to that letter, as well as this one.

Since our January 7, 2020 letter, we have learned of a new and even more concerning attempt by Cleveland County Schools to affiliate the District with Christianity. It is our understanding that Burns High School is working with Hope Community Church to help the church attract students and entice them to attend. We understand that the church is building a new campus across from the high school and that district staff members have been directly communicating with church leaders about how the church can "minister and benefit" district staff and students. We understand that Jeremy Peeler, lead pastor at Hope Community Church, has met directly with district staff members to discuss amenities the District would want the church to have in order to benefit teachers and students. One suggested amenity included "a spot for [our] student athletes after school for a place to grab a bite to [eat] and do [homework] and hang-out and get [homework] help." A District staff member also suggested "a pool for [the school's] swim team."

Needless to say, partnering directly with a church to entice students to visit a church where they will inevitably be proselytized and preyed upon is an egregious constitutional violation and the District must immediately cease any partnership with Hope Community Church.

As you are aware, the District cannot allow its schools to be used as recruiting grounds for churches. 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). It is inappropriate and unconstitutional for the District to offer religious leaders unique access to

its students and to work with those leaders to entice its students to join the church, which signals school endorsement of religion.

Courts have repeatedly struck down public school practices that affiliate public schools with religious groups and religious instruction. *See, e.g., Doe ex rel. Doe v. Beaumont Indep. Sch. Dist.*, 173 F.3d 274 (5th Cir. 1999) (ruling that school partnership with clergy for counseling purposes violated Establishment Clause); *HS v. Huntington Cty. Cmty. Sch. Corp.*, 616 F. Supp. 2d 863 (N.D. Ind. 2009) (issuing preliminary injunction against school that allowed trailers on school property for religious instruction because to do so conveyed a message of support and endorsement of religion); *Doe by Doe v. Shenandoah Cty. Sch. Bd.*, 737 F. Supp. 913 (W.D. Va. 1990) (issuing temporary restraining order against school finding that buses used for religious instruction parked in front of the school gave the appearance of school involvement and that school employees took part in recruitment efforts); *Doe v. Human*, 725 F. Supp. 1499 (W.D. Ark. 1989), *aff'd without opinion*, 923 F.2d 857 (8th Cir. 1990) (issuing preliminary injunction against school practice of having outsiders teach voluntary bible instruction in school).

The District continues to send a message through its actions, first with the proposed Ten Commandments requirement and now partnering directly with a church to recruit students, that it endorses Christianity. This “[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to . . . 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) (quoting *Lynch v. Donnelly*, 465 U.S. at 668 (O’Connor, J., concurring)).

The partnership between Hope Community Church and Burns High School impermissibly advances religion, communicates a message of school district endorsement of religion and is marked by excessive entanglement between the school district and the church. 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.” *Id.* at 310 (quoting *Lee*, 505 U.S. 577, 589 (1992)).

The District must immediately cease any collaborative efforts with Hope Community Church to aid the church in recruiting students and staff members. Please respond in writing letting us know what steps the District is taking to address this matter, and please respond to the following public records request which seeks to further understand the extent of this egregious constitutional violation.

Public Records Request

Pursuant to the North Carolina Open Records Act, N.C.G.S. § 132, I request copies of the following:

1. All communications between District staff members and Jeremy Peeler, or any other representative of Hope Community Church;
2. All records related to Jeremy Peeler’s attendance at any District team meetings;

3. All other records relating to District involvement with Hope Community Church's new campus across from Burns High School.

If you choose to deny this request, please respond with a written explanation of the denial including any references to applicable statutory exemptions upon which you rely. If these records are available in electronic format (preferred), they may be emailed to **chris@ffrf.org**. Thank you in advance for your time and attention to this matter.

Sincerely,

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

Christopher Line
Staff Attorney
Freedom From Religion Foundation