

FREEDOM FROM RELIGION *foundation*

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February 17, 2021

SENT VIA EMAIL & U.S. MAIL: lsink@sinkmediations.com

Ms. Leigha B. Sink
Attorney for the CCBOE
Sink Law
804 Hawthorne Road
Shelby, NC 28150

Re: Unconstitutional Church School Partnership (Cleveland County Schools, NC)

Dear Ms. Sink:

Thank you for your response on behalf of the Cleveland County Board of Education. We appreciate it, but we still have serious concerns about the District's partnership with Hope Community Church. Your response indicates that it is the District's position that it is "completely legal" to collaborate with a church on how the church can best recruit its students and staff members.

Since our January 28, 2021 letter, our complainant has reported even more collaboration between the church and staff members to entice students and teachers to visit Hope Community Church. Our complainant reports that the church intends to become an everyday part of the school by including a gym for school sports teams to use, a banquet hall available for school use, areas for teachers to hold meetings, and apparently the church will be building a pool for the school's swim team if space allows. Our complainant reports that there is even discussion about allowing students in special occupational education to earn credit by working on church facilities.

As we explained in our previous letter, 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. Our complainant, and likely other staff members, view this close relationship as an endorsement of Hope Community Church and its religious views.

The proposed entanglements between the school and church provide serious opportunities for the church to exploit this partnership to proselytize. Students and staff members should not be expected to enter a house of worship in order to participate in school-sponsored activities. In our experience, these kinds of relationships between schools and churches are exploited to proselytize students and recruit them into the religious beliefs of the church. Hope Community Church is explicit in its religious mission: "[w]e want everyone who we interact with to be able to live life in community, with Jesus Christ and with others. (Matt. 22:37-39)."¹ It accomplishes

¹ <https://www.hopeshelby.org/ourmission>

this mission by “getting people involved in Community Groups where they can build relationship through fellowship, prayer, and conversation,” which ultimately furthers its primary goal, which is “to build relationships that help spread the gospel.”² In all the discussions of this new partnership we are not aware of any discussions of potential safeguards that will protect students and staff members from proselytizing.

Even if participation in school-sponsored events at the church would be voluntary, this is still unconstitutional. It makes no difference how many staff members do not mind or even prefer that a constitutional violation continue. Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See Lee v. Weisman*, 505 U.S. 577, 596 (1992) (“It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.”); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 288 (1963) (Brennan, J., concurring) (“Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question”); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) (“VMI cannot avoid Establishment Clause problems by simply asserting that a cadet’s attendance at supper or his or her participation in the supper prayer are ‘voluntary.’”); *Jager v. Douglas County Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989), *cert. denied*, 490 U.S. 1090 (1989) (“ . . . whether the complaining individual’s presence was voluntary is not relevant to the Establishment Clause analysis . . . The Establishment Clause focuses on the constitutionality of the state action, not on the choices made by the complaining individual.”).

In order to respect the rights of conscience of its students and staff members and to avoid potential legal liability, 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.

Sincerely,

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

Christopher Line
Staff Attorney
Freedom From Religion Foundation

² *Id.*