

FREEDOM FROM RELIGION *foundation*

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April 25, 2023

SENT VIA EMAIL & U.S. MAIL: ratcliffjay@harletonisd.net

Jay Ratcliff
Superintendent
Harleton Independent School District
17000 SH 154
Harleton, TX 75651

Re: Response regarding bible burial

Dear Superintendent Ratcliff:

We are in receipt of your April 21, 2023 letter and appreciate your prompt response to our letter concerning the bible burial that was part of the celebration in honor of the new archery building. We write to address further concerns regarding the District's claimed policies of allowing any outside citizen to post to its official social media pages as well as apparently allowing outside groups to bury items on District property.

To begin, posts on the official Harleton ISD Facebook page are government speech, not private speech. The post in question, as well as all other posts on the Harleton ISD Facebook page, are clearly attributable to the District itself. The Harleton ISD Facebook account bears the official name of the District, utilizes the official District logo, posts official District announcements, and lists the address, phone number, website, and email address for the District. Any reasonable person viewing posts from the Harleton ISD Facebook page would understand this to be the District's official Facebook page and would attribute any posts on the page to the District, not unidentified private citizens.

Based on your response, it appears that the District is now claiming that anyone can provide content for a Facebook post and the District will then post it to the District's Facebook page. If this is the case, FFRF would be interested in participating in the limited public forum that the District has created. FFRF would appreciate information and instructions on how to provide the content to the District so it can post that information.

Alternatively, the District need not create a limited public forum via its official Facebook page or any other District social media accounts. The District should not have a policy whereby any private citizen or organization may take advantage of the District's official social media accounts in order to further their own personal goals. Based on your response letter, it appears that the District claims it has created a limited public forum for speech. Under this policy, as it is explained in your response, any individual could post to the District's Facebook page in order to promote their personal religious (or nonreligious) viewpoint, political ideology, or any other message they wish to utilize the District's social media to spread. In similar situations, FFRF has sought to use forums created by government agencies to spread

FFRF's own message. If a public school district creates a limited public forum, then the District cannot discriminate against any religious or nonreligious viewpoint, including one that promotes nontheism. The best solution is a policy that does not allow third-parties to post to the District's official Facebook page or any of the District's other social media accounts.

Additionally, it is constitutionally problematic for the District to claim that burying one religion's holy book at the groundbreaking ceremony for a new school facility is a permissible private activity. Regardless of who suggested burying a bible or donated the bible, the practical reality of the situation is that the District allowed and facilitated a bible burying, and then proceeded to announce the bible burying via its official Facebook page. These actions by the District still clearly display favoritism towards Christianity above all other religions and nonreligion, which violates the Establishment Clause of the First Amendment.

In the future, the District must assert greater caution to ensure that it does not violate the religious freedom of its students and the Establishment Clause. If the District continues to assert that it has created a forum for private speech, please respond with further information and instructions on how FFRF can provide content for the District to post to the Harleton ISD Facebook page.

Sincerely,

A handwritten signature in black ink that reads "Samantha F. Lawrence". The signature is written in a cursive style with a large, looped initial "S".

Samantha F. Lawrence
Anne Nicol Gaylor Legal Fellow
Freedom From Religion Foundation