

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

April 18, 2022

SENT VIA EMAIL & U.S. MAIL: sgrios@laredoisd.org

Dr. Sylvia G. Rios
Superintendent
Laredo Independent School District
1702 Houston St.
Laredo, TX 78040

Re: Unconstitutional Religious Assembly and Open Records Request

Dear Superintendent Rios:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation that recently occurred in Laredo ISD. FFRF is a national nonprofit organization with more than 36,000 members across the country, including more than 1,500 members and a local chapter in Texas. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It was reported to FFRF that on April 12, 2022, a teacher at Cigarroa High School brought “Time to Revive,” a religious ministry, to the school to preach and proselytize students. It is our understanding that the ministry handed out bibles to students along with multicolored bracelets with various biblical references, and that students were told if they didn’t pray they were going to hell. Please see the enclosed photos. We also understand that members of the ministry attempted faith healings and prayed over students, claiming to heal pains or ailments they were experiencing.

Time to Revive is an evangelical ministry that “travels throughout the United States, awakening the Church from her sleepy state and equipping the saints for Christ's return.”¹ The ministry “partners with the local Church in each community, bringing believers together across denominational lines and inspiring them to obey the Great Commission to go in the power of the Holy Spirit and make disciples.”²

The District must immediately cease allowing religious leaders to utilize its public schools to proselytize and recruit students. Public schools are not an appropriate place for outside adults to convince students to convert to their beliefs or attend their church. This recruitment constitutes “a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith.” *McCollum v Bd. of Ed.*, 333 U.S. 203, 210 (1948).

¹ <https://www.timetorevive.com/about>

² *Id.*

It is inappropriate and unconstitutional for the District to offer religious leaders unique access to preach and proselytize students during school hours on school property. No outside adults should be provided carte blanche access to minors—a captive audience—in a public school. This predatory conduct is inappropriate and should have raised many red flags. 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); *McCullum*, 333 U.S. 203.

Allowing an evangelical ministry regular, or even one-time, access to proselytize and recruit students for religious activities is a violation of the Establishment Clause. The courts have protected public school students from overreaching outsiders in similar situations. *See, e.g., Berger v. Rensselaer School District*, 982 F.2d 1160 (7th Cir. 1993) (holding that distribution of bibles by Gideons in school violated Establishment Clause). Courts have granted injunctions against schools for their complacency in such situations. *See, e.g., Roark v. South Iron R-1 Sch. Dist.* 540 F. Supp.2d 1047, 1059 (E.D. Mo., 2008); *upheld in relevant part by* 573 F.3d 556, (8th Cir. 2009) (holding that school policy allowing evangelical Christian organizations to distribute bibles in school violated Establishment Clause).

The District cannot allow non-school persons to treat schools as a recruiting ground for their religious mission. It demonstrates an unlawful preference not only for religion over non-religion, but also Christianity over all other faiths. Public schools have a constitutional obligation to remain neutral toward religion. When a school allows church representatives to recruit students for the church, it has unconstitutionally entangled itself with a religious message—in this case, a Christian message. This practice alienates those non-Christian students, teachers, and members of the public whose religious beliefs are inconsistent with the message being disseminated by the school, including the 38% of millennials who are nonreligious.³

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)). Students are young, impressionable, and vulnerable to social pressure, particularly pressure exerted by an adult. This practice usurps the authority of parents, some of whom surely do not want their children approached by religious leaders while they are in school.

Even if this event was “voluntary,” a religious event taking place during the school day violates the Establishment Clause, and courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See Lee*, 505 U.S. at 596 (“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.”); *Schempp*, 374 U.S. at 288 (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*,

³ Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.

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.”).

FFRF recently filed a lawsuit against Cabell County Schools in West Virginia on behalf of several parents and students after the District allowed an evangelical preacher to hold a religious revival for students during the school day.⁴ The event that took place at Cigarroa High School was very similar to the event held in Cabell County.

We ask that the District immediately investigate this complaint and ensure that Time to Revive, or any other religious ministries, are no longer allowed to proselytize to students on school property during the school day. The District should also consider reprimanding those staff members involved with allowing this school-sponsored religious worship event to take place. At the very least, all District staff members must be reminded of their constitutional obligations as public school employees. Please inform us promptly in writing of the steps the District takes to remedy this serious constitutional violation.

Open Records Request

Pursuant to the Texas Public Information Act (§§ 552.001– 552.353), I request a copy of the following records:

Any records related to Time to Revive and its event held at Cigarroa High School on April 12, 2022, including but not limited to:

- a. Any contracts or agreements between the District and Time to Revive,
- b. Any records (including emails, brochures, letters, etc.) received by District staff from Time to Revive,
- c. Any records (including emails, letters, etc.) sent by District staff to Time to Revive,
- d. Any records (including emails, brochures, letters, etc.) sent to or from District staff regarding this event,
- e. Any other records in the District’s possession regarding Time to Revive’s presence at Cigarroa High School on April 12, 2022.

If you choose to deny the request, please respond in writing and state the statutory exception authorizing the withholding of all or part of the public record and the name and title or position of the person responsible for the denial.

⁴<https://ffrf.org/news/news-releases/item/40508-breaking-ffrf-with-students-parents-sues-huntington-w-va-schools-over-christian-revival>

If any of these records are available through electronic media, they may be e-mailed to **chris@ffrf.org**. If I can provide any clarification that will help expedite your attention to my request, please contact me at (608) 256-8900.

Thank you 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

Enclosures

