

FREEDOM FROM RELIGION *foundation*

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

August 29, 2023

Re: Constitutional concerns regarding LifeWise Academy bible study program

Dear Superintendent:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding LifeWise Academy, a released time bible study class that has begun expanding its reach throughout Ohio's public school districts. FFRF is a national nonprofit organization with over 40,000 members across the country, including 1,000 members and local chapters in Ohio. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

FFRF has recently received reports from concerned Ohioans regarding LifeWise Academy's increasing presence in Ohio's public school districts. Public school districts are not legally required to authorize released time bible study classes. However, districts throughout the state have unfortunately begun approving LifeWise's released time bible study classes for operation without fully understanding how to avoid violating the Constitution or how large-scale released time bible study programs like LifeWise can negatively impact schools' educational goals.

LifeWise Academy is a released time bible study program that seeks to provide "Bible-based character education to public school students"¹ during regular school hours.² LifeWise's curriculum is "designed to take students through the entire Bible" over a period of five years.³ Attending LifeWise Academy requires students to miss roughly an hour of class each week.⁴ LifeWise is created and run by Stand for Truth Ministry, a "Christian ministry that exists for one purpose, and one purpose only—to take the Gospel to students in America's public schools."⁵ Stand for Truth Ministry (SFTM) accomplishes its mission "with a three pronged approach—school assemblies, outreach concerts and local released time Bible education programs."⁶

Per its own words, LifeWise's goal is clear: they seek to indoctrinate and convert public school students to evangelical Christianity by convincing public school districts to partner with them in bringing LifeWise released time bible classes to public school communities. All too often, districts not only authorize LifeWise's classes, but they proceed to inappropriately and

¹ LifeWise Academy, *About*, <https://lifewise.org/about/> (last visited Aug. 23, 2023).

² *Id.*

³ LifeWise Academy, *Frequently Asked Questions: What Curriculum is Taught?*, <https://lifewise.org/faq/> (last visited Aug. 23, 2023).

⁴ LifeWise Academy, *Frequently Asked Questions: How Often are LifeWise Classes?*, <https://lifewise.org/faq/> (last visited Aug. 23, 2023).

⁵ Stand for Truth Ministry, *Who Is Stand for Truth?*, <https://www.sftministry.org/> (last visited Aug. 23, 2023).

⁶ *Id.*

unconstitutionally devote public resources to helping promote, organize, and encourage student attendance at an overtly evangelical Christian bible study class.

Released time programs can lead to negative consequences for students who do not participate. Released time programs often create uncomfortable distinctions between students as it is obvious which students leave school to attend the program and which stay behind. In communities where a significant portion or majority of students participate in released time bible classes, the students who do not join are inevitably singled out in the eyes of their peers. Released time programs often encourage students to proselytize their peers in an attempt to persuade non-attending students to join the program, leading to bullying.

Moreover, non-attending students are often not provided with adequate substantive lessons while their peers attend the released time class. FFRF has received several complaints from families in different school districts alleging that non-attending students were given busy work, or no work at all, as a consequence of staying behind during released time classes. Additionally, we have received at least one complaint reporting that a school assigned non-attending students additional homework seemingly as punishment for refusing to participate in a released time program.

Further, LifeWise's classes pose practical concerns for school districts. Since LifeWise's released time bible study program takes place during school hours, students miss valuable educational time by attending, and teachers are forced to account for a portion of their students being routinely absent from class each week. Additionally, Ohio law states that students who attend released time classes assume the responsibility of completing any missed work;⁷ however, LifeWise appears to operate by assuming students will simply be excused from completing any school work they miss while attending the bible study classes. This disrupts the school day and has significant potential to negatively impact a district's legitimate academic goals for its students. Given that LifeWise's released time bible study program is designed to take five entire school years to complete, this means students miss a significant amount of regular course time by the end of the program.

Public school districts in Ohio are in no way legally obligated to adopt a policy approving released time religious programs like LifeWise.⁸

Students have the First Amendment right to be free from religious indoctrination

Public school students have the First Amendment right to be free from religious indoctrination in their schools. Thus, public schools may not in any way promote or otherwise show favoritism toward religion, nor may they coerce students to believe or participate in any religion or religious exercise. It is a basic principle that the First Amendment requires governmental neutrality between religion and religion, and between religion and nonreligion. *See generally Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). Districts that

⁷ Ohio Rev. Code Ann. § 3313.6022 (B)(6).

⁸ Ohio Rev. Code Ann. § 3313.6022.

partner with LifeWise open themselves to a greater risk of students being unconstitutionally encouraged or coerced to participate in released time bible study classes.

Public schools and their communities are increasingly diverse, serving students who belong to minority religions and no religion. Public school district approval of released time bible study programs needlessly alienates students and families who practice a minority religion, as well as those students who are a part of the 49 percent of Generation Z who are religiously unaffiliated.⁹

Public schools cannot constitutionally organize, promote, or expend resources towards released time bible programs

Further, it is unconstitutional for a public school district to organize, promote, encourage student participation in, expend district resources towards, or otherwise facilitate released time bible study classes. *See, e.g., Doe v. Porter*, 370 F.3d 558 (6th Cir. 2004) (striking down school’s allowance of private group to provide bible instruction in case brought by FFRF); *Deal v. Mercer Cnty. Bd. of Educ.*, 911 F.3d 183 (4th Cir. 2018) (permitting parent to sue district over school religious bible study course); *HS v. Huntington Cnty. Comty. 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 violated the Establishment Clause); *Doe by Doe v. Shenandoah Cnty. Sch. Bd.*, 737 F. Supp. 913 (W.D. Va. 1990) (issuing temporary restraining order against school finding that allowing buses used for religious instruction to be parked in front of the school violated the Establishment Clause). Not allowing released time programs in the first place is the best way to avoid these constitutional violations.

While the Supreme Court has upheld the constitutionality of released time classes, this doesn’t permit schools to foster, require, or encourage participation in these programs by making them an official part of the school curriculum or by punishing students who do not attend the program by not offering them adequate alternative instruction. *See Zorach v. Clauson*, 343 U.S. 306, 312 (1952). Schools also may not promote these programs. In *Zorach*, the Supreme Court held that released time is acceptable if school authorities “do no more than release students whose parents so request.” *Id.* at 311. This means public school districts that allow released time programs must diligently ensure they do not:

- Expend public school funds and resources for the program
- Encourage student participation in the program
- Use public school facilities or resources during school hours for released time programs, including allowing a bus, trailer, or other vehicle to be parked on school grounds for the program
- Punish students who do not attend the program
- Allow released time instructors to solicit student participation during school hours or at school-sponsored events

⁹ 2022 Cooperative Election Study of 60,000 respondents, analyzed by Ryan P. Burge www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/.

Public schools are not required to approve released time programs

If your district has not already implemented a released time policy, we ask that it refrain from doing so. Ohio law does not require allowing this disruption to the school day. If your district is already allowing students to be released from their secular public education to attend LifeWise or any other released time program, we ask that you reconsider this policy. At a minimum, school districts allowing released time must ensure that district staff members are aware of their obligations under the Constitution. A public school district cannot constitutionally encourage student attendance at released time bible classes, nor may it expend district resources to promote, organize, or otherwise facilitate released time bible classes. Students who do not participate in released time programs should be given meaningful instruction and must not be pressured to attend released time bible class.

Thank you for your time and attention to this matter.

Sincerely,

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

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