

FREEDOM FROM RELIGION *foundation*

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September 14, 2022

SENT VIA EMAIL AND U.S. MAIL:
correspondence@council.nyc.gov

Speaker Adrienne Adams
New York City Council
New York City Hall
City Hall Park, New York, NY 10007

Re: Stop public funding of unaccountable religious schools

Dear Speaker Adams and New York City Council Members:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) to object to New York City's continued refusal to hold taxpayer-supported religious private schools accountable. FFRF is a national nonprofit organization with more than 38,000 members across the country, including more than 2,000 members in New York, with the majority of members residing in New York City and environs. FFRF protects the constitutional separation between state and church and educates about nontheism.

For years, it has been common knowledge that Hasidic Jewish yeshivas in New York, especially Hasidic boys' schools, have failed students to a staggering degree. Graduates are reportedly so bereft of education that their only option for work is to preach the religion they spent all of their time in school studying.¹

A recent New York Times exposé revealed that despite this well-known educational catastrophe, Hasidic private schools in New York have received more than \$1 billion in taxpayer funds over the past four years.² The schools' theological curricula—essentially the only subject taught—is being supported by New York City taxpayers. New York Hasidic boys' schools reportedly received \$375 million in the year before the pandemic, with nearly a third of the City's private school voucher program funds going to Hasidic schools even though tens of thousands of others are sitting on waiting lists.³ The schools

¹ See, e.g., Jennifer Miller, "Yiddish Isn't Enough," The New York Times (Nov. 21, 2014), [available at www.nytimes.com/2014/11/23/nyregion/a-yeshiva-graduate-fights-for-secular-studies-in-hasidic-education.html](http://www.nytimes.com/2014/11/23/nyregion/a-yeshiva-graduate-fights-for-secular-studies-in-hasidic-education.html) (noting that "for decades," Hasidic boys' schools provided virtually no secular education).

² Eliza Shapiro and Brian Rosenthal, "In Hasidic Enclaves, Failing Private Schools Flush With Public Money," The New York Times (Sept. 11, 2022).

³ *Id.*

also appear to be receiving City funds reserved for child care centers, which the yeshivas plainly are not.

In addition to the lack of secular education and massive public funding, the New York Times revealed that many Hasidic schools are used as vehicles for religious leaders to tell parents how to vote. “Before elections, teachers often give students sample ballots with names of the grand rabbis’ chosen candidates filled in,” the article reports.⁴

There have been some attempts to raise accountability of these schools, including most recently the Board of Regents requiring instruction in nonpublic schools to be at least “substantially equivalent” to that in public schools in the same city or district,⁵ but this approach is fundamentally inadequate and misses the larger point, which is that taxpayers should never be forced to subsidize religious instruction.

Additionally, the schools at issue are openly defiant to any attempt at government oversight. “We will not comply, and we will not follow the state education commissioner under any circumstances,” one rabbi bluntly stated in 2018.⁶ “We will go out to war against the commissioner in every way,” he also reportedly said.⁷ There is little point in passing rules to improve the transparency and performance of Hasidic schools when those rules are certain to be ignored.

Instead, the New York City Council must end this improper religious funding immediately. The schools’ dismal records, history of allegations of beatings and abuse, along with improper electioneering and open defiance to government oversight, are more than enough reason to pull taxpayer support. It is your duty to protect students who are forced to attend these schools, as well as the rights of taxpayers.

The U.S. Supreme Court has unfortunately forced the hands of government officials by ruling that religious schools may be entitled to taxpayer funds if any funds are made available to private schools.⁸ The only reliable way to avoid funding religious indoctrination, therefore, is to ensure that public funds only go to public schools. This is especially important now, considering that New York public schools have struggled with funding in recent years. Private school vouchers are a failed experiment that should be

⁴ *Id.*

⁵ See, e.g., Sophia Chang, “New York approves new private school regulations as yeshivas face mounting scrutiny,” *Gothamist* (Sept. 14, 2022), available at gothamist.com/news/new-york-approves-new-private-school-regulations-as-yeshivas-face-mounting-scrutiny.

⁶ Shapiro and Rosenthal, “In Hasidic Enclaves, Failing Private Schools Flush With Public Money.”

⁷ Doree Lewak, “Orthodox parents risk being shunned for pulling kids from yeshivas,” *New York Post* (Dec. 2, 2018).

⁸ See *Carson v. Makin*, 142 S.Ct. 1987, 2002 (2022).

ended as soon as possible. Public money should only go where public accountability follows.

Thank you for your attention to these concerns. Please reply at your earliest convenience to inform us of the steps taken to remedy this serious situation.

Very truly,

Handwritten signature in blue ink that reads "Annie Laurie Gaylor Dan Barker". The signature is written in a cursive, flowing style.

Annie Laurie Gaylor & Dan Barker

Co-presidents

ALG/DB:rdj