

FREEDOM FROM RELIGION *foundation*

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September 22, 2021

SENT VIA U.S. MAIL AND EMAIL
chockenberry@polandschools.org

Superintendent Craig Hockenberry
Poland Local Schools
3030 Dobbins Road
Poland, OH 44514

Re: Unconstitutional school partnership with faith groups

Dear Mr. Hockenberry:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in Poland Local School District in Poland, Ohio. We were contacted by a concerned member of the school district. FFRF is a national nonprofit organization with more than 35,000 members across the country, including more than 900 members in Ohio. Our purpose is to protect the constitutional principle of separation between state and church and to educate the public on matters relating to nontheism.

We understand you have initiated a Faith Advisory Council and advertised this council on the school website on a page titled “September 2021 Faith Advisory Council Newsletter.” The newsletter states, “This is a new initiative by the superintendent created in an effort to develop ways that Poland Local Schools and the neighboring faith groups can collaborate to help our students.” Five churches were represented at the first meeting on September 7, 2021: Poland United Methodist Church, Poland Village Baptist Church, Heritage Presbyterian Church, and Bethel Friends Church. Your stated goal for the Council is to meet and discuss how the faith groups and school can “meet our students’ needs best.” Pastors interested in joining are directed to contact you. The newsletter ends with links to each of the represented churches that “positively impact our community” and “programs they are directing that are available to their communities,” including a “Word of Life Club,” which teaches Bible lessons and Scripture memory, and a “Youth Ministry,” which is “focused on teaching our future generations about God and showing them how to build their own, personal relationship with Christ.”¹

While the District may accept secular donations and services from community organizations, the District cannot allow its schools to be used as recruiting grounds for churches. It is well-settled law 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); *McCollum v Bd. of Ed.*, 333 U.S. 203 (1948). It is inappropriate and unconstitutional for the District to offer religious groups unique access over other community groups, which signals school endorsement of religion over nonreligion, and specifically, Christianity over all other faiths.

¹ <https://www.polandbulldogs.com/news/faith-advisory-council-newsletter-09-2021>.

Courts have repeatedly struck down public school practices that affiliate public schools with religious groups and religious instruction. *See, e.g., Doe ex rel. Doe v. Beaumont Indep. Sch. Dist.*, 173 F.3d 274 (5th Cir. 1999) (ruling that school partnership with clergy for counseling purposes violated Establishment Clause); *HS v. Huntington Cnty. Cmty. 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 conveyed a message of support and endorsement of religion); *Doe by Doe v. Shenandoah Cnty. Sch. Bd.*, 737 F. Supp. 913 (W.D. Va. 1990) (issuing temporary restraining order against school finding that buses used for religious instruction parked in front of the school gave the appearance of school involvement and that school employees took part in recruitment efforts); *Doe v. Human*, 725 F. Supp. 1499 (W.D. Ark. 1989), *aff'd without opinion*, 923 F.2d 857 (8th Cir. 1990) (issuing preliminary injunction against school practice of having outsiders teach voluntary bible instruction in school).

“School sponsorship of a religious message is impermissible because it sends the ancillary message to . . . nonadherents ‘that they are outsiders, not full members of the political community and an accompanying message to adherents that they are insiders, favored members of the political community.’” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. at 668 (1984) (O’Connor, J., concurring)).

The formation of the Faith Advisory Council and the newsletter on the website promote the viewpoint that the Poland Local School District believes religion, which at this time is limited by the Council to Protestantism, is the answer to students’ problems. Although you encourage other faith leaders to join the Council, you specify pastors, and exclude leaders of other community groups altogether. Sponsoring a Christian message alienates non-Christian students, families, teachers, and members of the public whose religious beliefs are inconsistent with the message being promoted, including the more than 43% of young Americans—those born after 1990, which is your student body—who are not religious.² Partnering with churches to promote their religious activities to your student body is exclusive and divisive.

By forming a Faith Advisory Council and posting a newsletter on the school’s website promoting church services and religious activities aimed at students put on by the participating organizations, the Poland Local School District is advertising religious services and acting as a conduit to those services. This unquestionably advances religion and is an egregious violation of the constitutionally required neutrality.

Please disband the Faith Advisory Council and remove all communications about it from the school website. Poland Local School District must refrain from any further endorsement of religion; you and the District are constitutionally obligated to remain neutral on the subject of religion. Please respond in writing detailing the steps the District has taken to comply with the First Amendment so that we may notify our complainant of your actions.

Sincerely,



Karen M. Heineman
Patrick O’Reiley Legal Fellow
Freedom From Religion Foundation

² *America’s Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.