

# FREEDOM FROM RELIGION *foundation*

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

May 16, 2023

**SENT VIA EMAIL & U.S. MAIL: superintendent@pps.net**

Guadalupe Guerrero  
Superintendent  
Portland Public Schools  
501 N. Dixon St  
Portland, OR 97227

Re: Unconstitutional proselytizing by bus driver

Dear Superintendent Guerrero:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation that recently occurred in Portland Public Schools. FFRF is a national nonprofit organization with more than 40,000 members across the country, including more than 1,100 members in Oregon. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

As you are likely aware, a concerned district parent has recently raised serious concerns about a bus driver proselytizing to students. The parent was rightly alarmed to learn from their child that the bus driver would “talk and sing about God and Jesus” and would also encourage students to join in.<sup>1</sup> It is our understanding that the District ignored these very serious concerns, and the parent needed to reach out to the American Civil Liberties Union and Oregon Department of Education in order to get the District to take this matter seriously. We understand that after a video was released of this unconstitutional conduct, the bus driver’s assistant “asked students on the bus who had an issue with their singing,” a very disturbing attempt to identify which students were not willing to participate in the bus driver’s daily religious rituals.<sup>2</sup> We also understand that because of the proselytizing, and the subsequent attempt to seek out nonconforming students, the parent no longer feels comfortable putting his children on the bus and has been driving them to school.

While we understand the District has now finally started taking this matter seriously and may be working to correct it, we write to ensure that the District is acting swiftly to protect the rights of its students to be free from proselytizing in its schools, including during bus rides to and from school. The District must ensure that the bus driver and his assistant immediately cease all proselytizing activities or cease driving a bus for the District altogether.

---

<sup>1</sup><https://www.portlandmercury.com/news/2023/05/11/46503574/portland-parent-says-public-school-bus-driver-encouraged-prayer-religious-singing>

<sup>2</sup> *Id.*

While the bus driver is free to worship and express his personal religious beliefs however he wishes outside of his role as a public school employee, it is inappropriate and unconstitutional for him to foist his views upon students riding on his bus.

Public schools have a constitutional obligation to remain neutral toward religion and to respect the rights of conscience of students. Students have the First Amendment right to be free from religious indoctrination in their public schools, including while riding on the school bus. It is well settled that public schools may not show favoritism towards or coerce belief or participation in religion. *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 beyond dispute that, at a minimum, the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise.” *Lee*, at 587. When public school employees use their position to promote Christianity, it sends a clear message to non-Christian students ““that they are outsiders, not full members of the political community.”” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309 (2000). This needlessly alienates the 48 percent of Multnomah County residents who are religiously unaffiliated.<sup>3</sup>

The District has an obligation to ensure that its employees, including bus drivers and teachers, are not using their positions to inculcate religion. Certainly, “a school can direct a teacher to ‘refrain from expressions of religious viewpoints in the classroom and like settings.’” *Helland v. S. Bend Comm. Sch. Corp.*, 93 F.3d 327 (7th Cir. 1993) (quoting *Bishop v. Arnov*, 926 F.2d 1066, 1077 (11th Cir. 1991)). The Supreme Court has recognized that “[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987). Here, as with the cases involving teachers, the bus driver has violated the trust that parents place in the District to ensure that all employees follow the Constitution and refrain from pushing their own religious beliefs on impressionable students.

It is important to note that this case is readily distinguishable from the Supreme Court’s recent ruling in *Kennedy v. Bremerton School District*. In *Bremerton*, the Court held that a high school football coach’s silent, private post-game prayer was constitutional. 142 S.Ct. 2407, 2415–16 (2022). Throughout its opinion, the Court repeatedly stressed that the coach silently prayed alone. *Id.* (the coach “offered his prayers quietly while his students were otherwise occupied.”). The prayers “were not publicly broadcast or recited to a captive audience. Students were not required or expected to participate.” *Id.* at 2432. Additionally, the Court concluded the coach’s quiet private prayer was private speech. *Id.* at 2423–24 (the coach’s prayer was not given while he was performing official duties such as instructing players, discussing strategy, or encouraging better performance). In contrast, the bus driver has repeatedly foisted his personal religious beliefs on a captive audience of students just trying to get to school.

---

<sup>3</sup> *The 2020 Census of American Religion*, Public Religion Research Institute (July 8, 2021), available at <https://www.prii.org/research/2020-census-of-american-religion>.

The District must immediately ensure that the bus driver refrains from pushing his religious beliefs on students and singling out students who do not appreciate having his religious beliefs pushed on them, or else he must no longer be allowed to be a bus driver for the District. It is the District's obligation to make sure that all its employees adhere to the Constitution and respect the First Amendment rights of its students. Please respond in writing with the steps the District is taking to address this issue.

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