

FREEDOM FROM RELIGION *foundation*

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

July 22, 2020

SENT VIA EMAIL AND U.S. MAIL:

perry_christy@salkeiz.k12.or.us

Christy Perry
Superintendent of Schools
Salem-Keizer Public Schools
2450 Lancaster Drive NE
Salem, Oregon 97305

Re: Church Advertisements on School Property

Dear Ms. Perry:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in Salem-Keizer Public Schools. FFRF is a national nonprofit organization with over 32,000 members across the country, including over 900 members and a local chapter 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.

A concerned community member contacted FFRF to report that signs advertising Way of Life Fellowship's Sunday service have been placed on the grounds of Battle Creek Elementary School. It is our understanding that these signs have been on school grounds for over six months, even during times when Way of Life Fellowship is not renting the property. Please see the enclosed image.

We ask that Salem-Keizer Public Schools ensure that Way of Life Fellowship is only using, or displaying messages on, school property during times when it is actually renting the property.

It is well settled that public schools may not advance or endorse 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); and *Engel v. Vitale*, 370 U.S. 421 (1962). School sponsorship of a religious message is impermissible "because it sends the ancillary message to members of the audience who are nonadherents 'that they are outsiders, not full members of the political community and 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. 668, 688) (1984) (O'Connor, J., concurring). This sort of entanglement between religion and public education excludes non-Christian and nonreligious students.

Public schools have a constitutional obligation to not promote religion. When a school displays a church advertisement on its property, it has unconstitutionally entangled itself with a religious message, here a Christian message. It is also a usurpation of parental authority—parents have the right to direct the religious, or non-religious, upbringing of their children, not public schools. Such a practice alienates those non-Christian students, teachers, and members of the public whose religious beliefs are inconsistent with the religious messages being promoted by the school. School-sponsored religious advertisements also alienate the 26% of American adults who identify as non-religious.¹

Battle Creek Elementary School may not display religious messages on school grounds. Courts have continually held that school districts may not display religious messages or iconography in public schools. *See generally Stone v. Graham*, 449 U.S. 39 (1980) (ruling that the Ten Commandments may not be displayed on classroom walls); *Lee v. York County*, 484 F.3d 689 (4th Cir. 2007) (ruling that a teacher may be barred from displaying religious messages on classroom bulletin boards); *Washegesic v. Bloomington Public Schools*, 813 F. Supp. 559 (W.D. Mich. 1993), *aff'd*, 33 F. 3d 679 (6th Cir. 1994) (ruling that a painting of Jesus may not be displayed in a public school).

If Way of Life Fellowship wishes to advertise its services on school property, it may only use school property during the time it has *rented* the property—on Sundays. Then the signs must be removed. The church must put up any advertisements no earlier than when the rental time begins and take them down when the rental time ends.

We ask that you commence an immediate investigation into this allegation. Salem-Keizer Public Schools cannot continue to allow Way of Life Fellowship to display advertisements on school grounds, outside of its rental time. Please respond in writing detailing the actions that Salem-Keizer Public Schools is taking to address this matter. We look forward to hearing from you.

Sincerely,



Dante Harootunian
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation

DCHH:kg

Enclosure

¹ *In U.S., Decline of Christianity Continues at Rapid Pace*, PEW RESEARCH CENTER (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>.

