

# FREEDOM FROM RELIGION *foundation*

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May 3, 2022

**SENT VIA EMAIL & U.S. MAIL: [smenzel@susd.org](mailto:smenzel@susd.org)**

Dr. Scott A. Menzel  
Superintendent  
Scottsdale Unified School District  
8500 E. Jackrabbit Rd.  
Scottsdale, AZ 85250

Re: Unconstitutional Proselytizing by High School Teacher

Dear Superintendent Menzel:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation occurring in the Scottsdale Unified School District. FFRF is a national nonprofit organization with more than 37,000 members across the country, including more than 900 members and a local chapter in Arizona. 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 Scottsdale USD student has reported that [REDACTED], a teacher at Chaparral High School, has been abusing his position to proselytize and impose his religious beliefs on his students. Our complainant reports that [REDACTED] delivered a sermon to students during class time and that he has religious materials posted in his classroom. [REDACTED] told students that they need “a loving daily relationship with our Lord and father in heaven” and “to repent of [their] sins.” He directed students to google “23 minutes in hell” to “learn about the other place.” It is our understanding that [REDACTED] bragged that he has always proselytized to the seniors in his class. It is our understanding that [REDACTED] has a display in his classroom featuring a bible verse and religious propaganda, which states: “Blessed is the nation whose God is Lord. - Psalm 33:12.” Please see the enclosed photo.

We write to ask that the District take immediate action to ensure that [REDACTED] is no longer discussing his religious beliefs with students, preaching to students, or in any way promoting or endorsing religion to students. Given his egregious behavior, [REDACTED] should be terminated, and administrators at the school should be reprimanded and reminded of their duties under the law.

It is a fundamental principle of Establishment Clause jurisprudence that a public school may not advance, prefer, 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). Public schools must remain neutral with regard to religion. When teachers use their position to promote their personal religious beliefs, it creates the impression in the minds of students and parents “that they are outsiders, not full members of the political community.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)).

The District has an obligation under the law to make certain that “subsidized teachers do not inculcate religion.” *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971). 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). If the District continues to turn a blind eye to the overt proselytization in [REDACTED]’s classroom, it becomes complicit in an egregious constitutional violation and breach of trust.

Please note that it is not a violation of the free speech rights of teachers when a school district regulates what they teach to students while acting in their official capacities. Teachers have access to a captive audience of students due to their position as public educators. Therefore, the District has a duty to regulate religious proselytizing during class. “Because the speech at issue owes its existence to [his] position as a teacher, [the School District] acted well within constitutional limits in ordering [the teacher] not to speak in a manner it did not desire.” *Johnson v. Poway Unified Sch. Dist.*, 658 F.3d 954, 970 (9th Cir. 2011), *cert. denied*, 132 S. Ct. 1807 (2012) (upholding decision of school board to require a math teacher to remove two banners with historical quotes referencing “God”); *see also Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006) (“We hold that when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.”). Courts have upheld the termination of teachers who violate the principle of separation between church and state. *See, e.g., Grossman v. S. Shore Pub. Sch. Dist.*, 507 F.3d 1097 (7th Cir. 2007) (upholding termination of guidance counselor who prayed with students).

The District must make certain that none of its employees are unlawfully and inappropriately indoctrinating students in religious matters by discussing their personal religious beliefs, preaching, displaying religious messages, or otherwise creating a religious environment in their classrooms. We ask that the District immediately investigate this situation and ensure that [REDACTED] fully complies with the Establishment Clause and stops violating the rights of his students and their parents, or is removed from his position. The District should provide additional training to administrators and teachers at Chaparral High School regarding their constitutional obligations. Please respond in writing, confirming that this letter has been received and outlining the steps the District will take to resolve this serious constitutional violation so that we may notify our complainant.

Sincerely,



Christopher Line  
Staff Attorney  
Freedom From Religion Foundation

Enclosure

