

FREEDOM FROM RELIGION *foundation*

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

February 11, 2022

SENT VIA EMAIL & U.S. MAIL: jkaufman@trinityisd.net

Dr. John Kaufman
Superintendent
Trinity Independent School District
101 West Jefferson
Trinity, TX 75862

Re: Unconstitutional Religious Endorsement

Dear Superintendent Kaufman:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in Trinity ISD. FFRF is a national nonprofit organization with more than 37,000 members across the country, including nearly 1,600 members and a local chapter in Texas. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

Multiple concerned Trinity ISD community members have reported concerns revolving around a Christian chaplain named Charles Kibble that the District has reportedly hired as a “Mental Health Interventionist.” It is our understanding that Mr. Kibble has been acting as a school chaplain and spreading his personal religious beliefs to students. He reportedly told students who were depressed or suicidal that it was because they don’t have a good relationship with God, and one complainant reports he has been telling LGBT students that they are going to hell.

Mr. Kibble also reportedly handed out Christian materials to students. Our complainants reported he has given dozens of students the “Truth for Youth” bible. “Truth for Youth® features God’s Word Translation New Testament and 100 pages of powerful, full-color comic stories that present the “absolute truth” about issues that young people are confronted with.”¹ Some of the issues mentioned in this bible include “sexual purity,” “evolution,” “abortion,” and “homosexuality.”² Please see the attached examples from the bible.

It is not clear to us what Mr. Kibble’s position in the District is supposed to entail, but the board meeting minutes for the District’s December 14, 2020 board meeting indicate that Mr. Kibble would deliver a report to the board in January as “chaplain.”

We write to ask that the District take immediate action to ensure that Mr. Kibble will no longer discuss his religious beliefs with students, give religious materials to students, or in any way

¹ <https://revivalfires.org/truth/>

² *Id.*

promote or endorse religion to students. He must also cease denigrating LGBT students. If our complainants' reports are confirmed, Mr. Kibble is not fit to work in a public school and should be terminated. This conduct is inappropriate regardless of whether he is a chaplain, or a "mental health interventionist."

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 employees 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 teachers and other employees "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 turns a blind eye to the overt proselytization by Mr. Kibble, 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 and staff members when a school district regulates what they say to students while acting in their official capacities. Teachers and staff members 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 school-sponsored activities. "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).

Furthermore, it is beyond the scope of a public school system to officially endorse a position whose responsibilities include advocating Christianity to students. "The preservation and transmission of religious beliefs and worship is a responsibility and a choice **committed to the**

private sphere.” *Santa Fe*, 530 U.S. at 310 (quoting *Weisman*, 505 U.S. at 589) (emphasis added). Endorsement of Christianity within the District is particularly troubling for those parents and students who are not Christians or do not subscribe to any religion. The “[s]chool 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 an accompanying message to adherents that they are insiders, favored members of the political community.’” *Id.* (quoting *Lynch v. Donnelly*, 465 U.S. at 668) (O’Connor, J., concurring). Thirty-five percent of Americans are non-Christians, and this includes the more than one in four Americans who now identify as religiously unaffiliated.³

The District cannot employ an official chaplain, and it must make certain that none of its employees are unlawfully and inappropriately indoctrinating students in religious matters by handing out religious materials or promoting their personal religious beliefs. We ask that the District immediately investigate this situation and ensure that Mr. Kibble either fully complies with the Establishment Clause and stops violating the rights of students and their parents, or is removed from his position within the District. Please respond in writing regarding the steps the District will take to resolve this matter, and please forward the following public records request to the appropriate records custodian.

Public Records Request

Pursuant to the Texas Public Information Act (Texas Gov’t Code Ann. §§ 552.001– 552.353), I request a copy of records pertaining to Mr. Kibble’s position within the District and his interactions with students, including the following records:

- 1) Mr. Kibble’s employment contract, or any similar record that describes the scope of his duties;
- 2) All emails sent or received by Mr. Kibble since January 1, 2020, that include any of the following search terms:
 - a. Chaplain
 - b. God
 - c. Jesus
 - d. Christian
 - e. Church
 - f. Religion
 - g. Hell
 - h. Gay
 - i. Transgender
 - j. LGBT
- 3) All communication, including email, between Mr. Kibble and Dr. John Kaufman or other District administrators, regarding Mr. Kibble discussing religion with students; and
- 4) All complaints the District has received regarding Mr. Kibble.

³ *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/>.

Because disclosure of this information is in the public interest, I request a waiver of all fees and charges pursuant to Section 552.267. In addition, per § 552.221(d), I request these copies as soon as possible, without delay. If you choose to deny the request, please respond in writing and state the statutory exception authorizing the withholding of all or part of the public record and the name and title or position of the person responsible for the denial.

If any of these records are available through electronic media (preferred), they may be e-mailed to **chris@ffrf.org**. If I can provide any clarification that will help expedite your attention to my request, please contact me at (608) 256-8900.

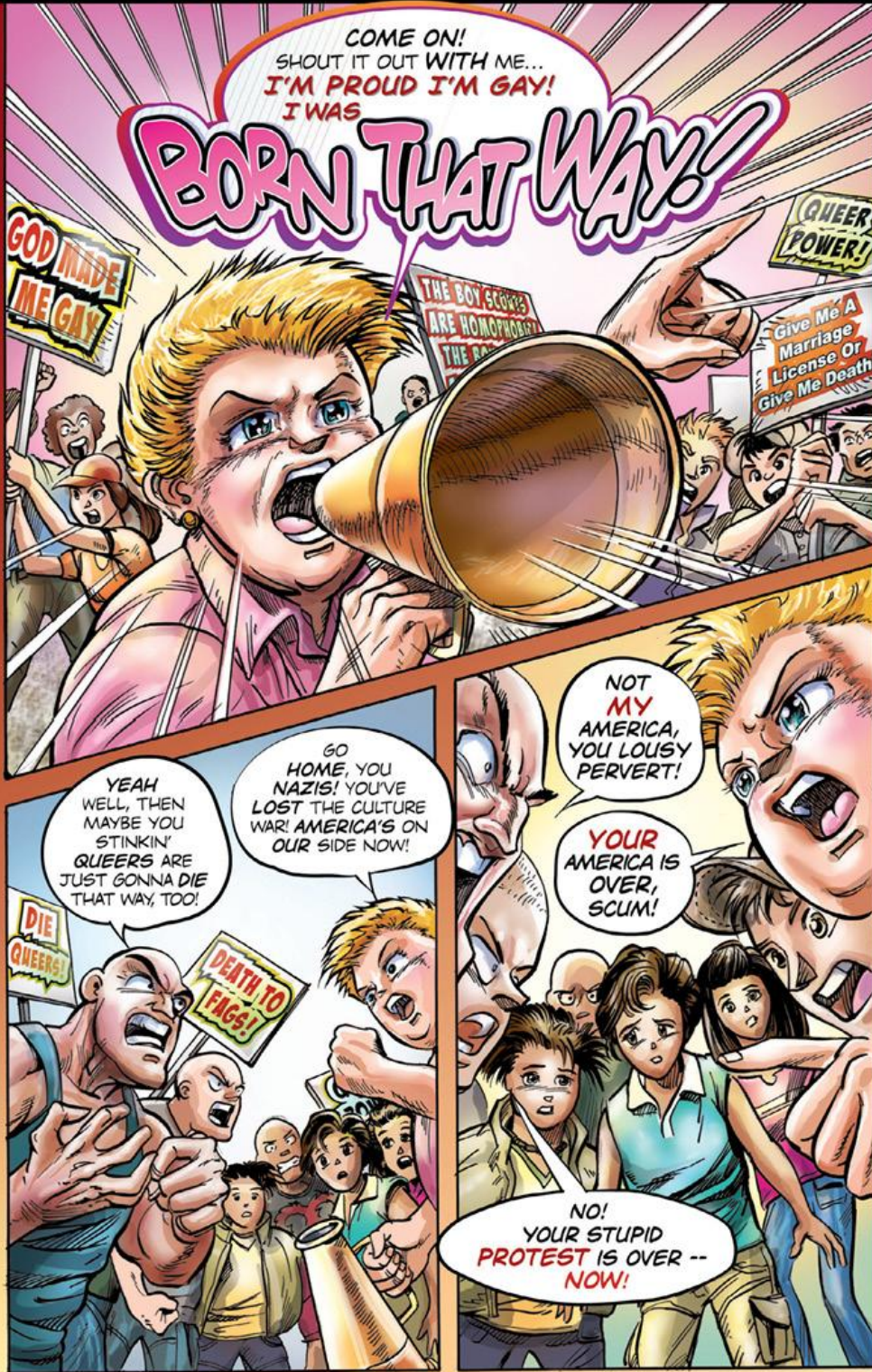
Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Line", with a long horizontal flourish extending to the right.

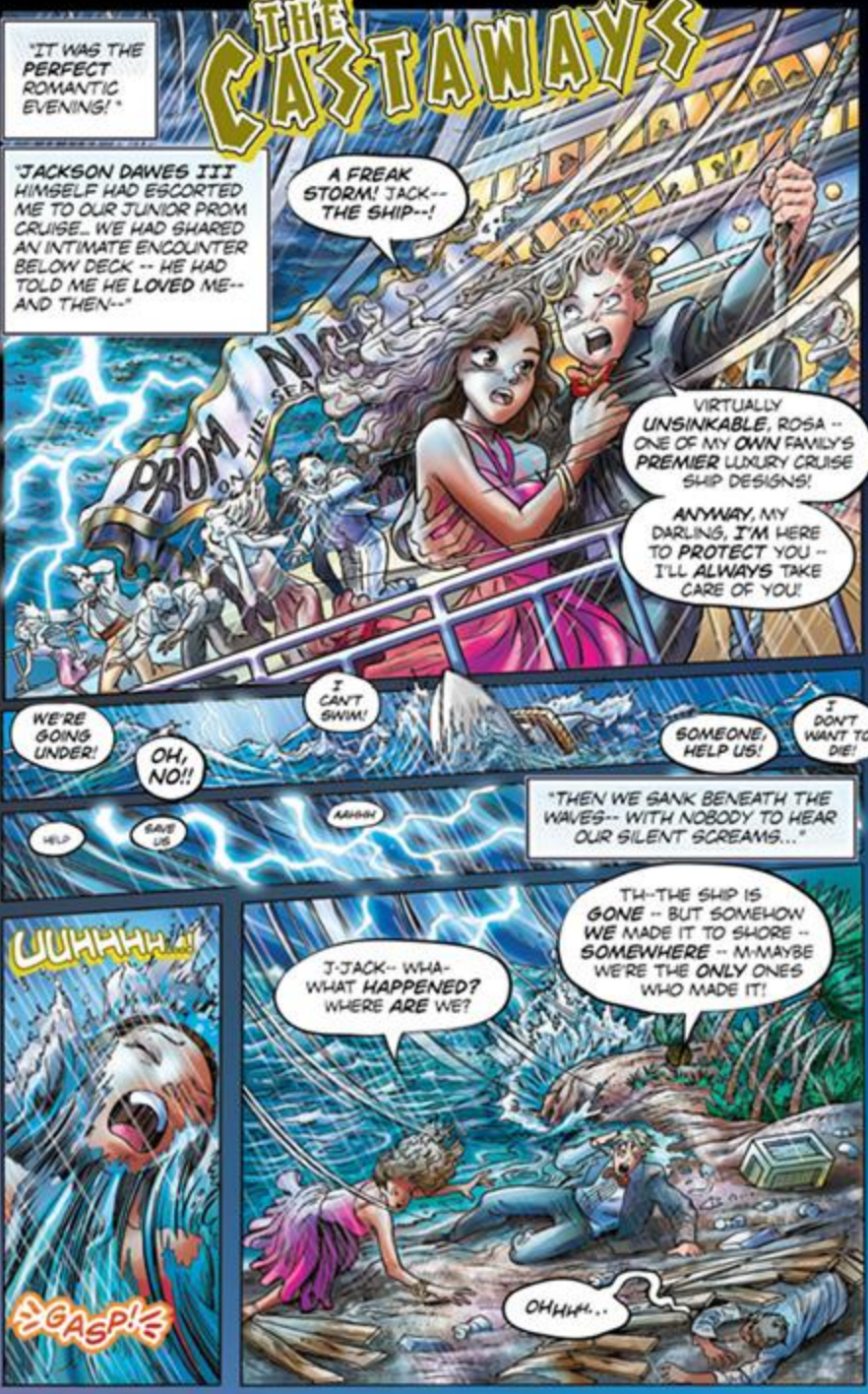
Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosures

THE TRUTH ABOUT HOMOSEXUALITY



THE TRUTH ABOUT ABORTION



"IT WAS THE PERFECT ROMANTIC EVENING!"

THE CASTAWAYS

"JACKSON DAWES III HIMSELF HAD ESCORTED ME TO OUR JUNIOR PROM CRUISE... WE HAD SHARED AN INTIMATE ENCOUNTER BELOW DECK -- HE HAD TOLD ME HE LOVED ME-- AND THEN--"

A FREAK STORM! JACK-- THE SHIP--!

VIRTUALLY UNSINKABLE, ROSA -- ONE OF MY OWN FAMILY'S PREMIER LUXURY CRUISE SHIP DESIGNS!

ANYWAY, MY DARLING, I'M HERE TO PROTECT YOU -- I'LL ALWAYS TAKE CARE OF YOU!

WE'RE GOING UNDER!

OH, NO!!

I CAN'T SWIM!

SOMEONE, HELP US!

I DON'T WANT TO DIE!

HELP

SAVE US

AHHH

"THEN WE SANK BENEATH THE WAVES-- WITH NOBODY TO HEAR OUR SILENT SCREAMS..."

WUHHHHH!
GASP!

J-JACK-- WHA-- WHAT HAPPENED? WHERE ARE WE?

TH--THE SHIP IS GONE -- BUT SOMEHOW WE MADE IT TO SHORE -- SOMEWHERE -- M-MAYBE WE'RE THE ONLY ONES WHO MADE IT!

OHHHH...

THE TRUTH ABOUT EVOLUTION

SOMEBODY'S MAKING A MONKEY OUT OF YOU!



HEY!
LOOK AT
THIS GUY,
RASHAD!

AWESOME
CRITTER,
DUDE!

I'D
SURE HATE TO
RUN INTO HIM AT
MEAL TIME!

WHOA! CHECK
OUT THIS
DISPLAY-- IT'S THE
MISSING LINKS!

WOW!
THEY'RE SO
WELL PRESERVED
AND REALISTIC-
LOOKING!
HA! HA! HA!

NOT JUST
IGNORANT --THEY'RE
RACISTS! I'M SURPRISED
THEY DIDN'T MAKE SOME
CRACK ABOUT US "SWINGING
THROUGH THE TREES!"

UHUUH
SAY WHAT--?



LET
IT GO, VINCE --
THEY'RE JUST
IGNORANT!



WHAT
CAN YOU
EXPECT WHEN
THEY'RE TAUGHT
THAT MAN
EVOLVED FROM
APES?

