FREEDOM FROM RELIGION *foundation*

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

March 29, 2023

SENT VIA EMAIL & U.S. MAIL: Gabriel.Trujillo@tusd1.org

Gabriel Trujillo
Superintendent
Tucson Unified School District
1010 E. Tenth St.
Tucson, AZ 85719

Re: Unconstitutional "faith-based advisory committee"

Dear Superintendent Trujillo:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional concern in the Tucson Unified School District. FFRF is a national nonprofit organization with more than 39,000 members across the country, including more than 1,000 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 District community member has reported that the Tucson Unified School District recently attempted to establish a "faith-based advisory committee" for the purposes of allowing religious leaders to weigh in on "TUSD initiatives, programs, policies or projects." The committee would also develop and coordinate an annual "Faith-Based Partnership Symposium." It is our understanding that TUSD has now announced that the committee has been postponed because it "give[s] the impression that TUSD is straying from its secular and religiously neutral status." However, the announcement also indicated that TUSD will "provide updates as the next steps are discussed and decided upon." Please see the enclosed screenshots.

We write to ensure that TUSD respects the constitutional rights of its students, parents, and local community members by not creating a "faith-based" committee that would give special preference to the feedback of religious leaders and organizations. Members of the "faith-based" community are free to give their feedback and engage with the district in the same ways that all community members and organizations are able to do so. There is no need for a special committee to amplify their voices over all others.

The District's creation of, and partnership with, a committee consisting solely of religious leaders and organizations raises grave First Amendment concerns. This relationship unlawfully shows the District's preference for religion. It is well settled that public schools may not show favoritism towards or coerce belief or participation in religion. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *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 create a special partnership with religious leaders, demonstrating an unlawful preference for religion.

This "[s]chool 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 (O'Connor, J., concurring)). Public schools have an obligation to stay separate from religion because "the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere." *Id.* at 310 (quoting *Lee*, 505 U.S. 577, 589 (1992)). Even if the committee includes non-Christians, it will still exclude the non-religious and send a message favoring religion over non-religion.

While it is encouraging that the District is listening to the local community and postponing the formation of its "faith-based advisory committee," we ask that you go farther and cease the formation of the committee altogether. Religious leaders and organizations are free to engage with the District in the same ways as all other members of the community. The District cannot form an official relationship with religious groups and provide special privileges and access for them within the District. Please respond in writing letting us know what steps you are taking to decisively resolve this matter.

Sincerely,

Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosures

noreply@parentlink.net 9:32 AM
To: TUCSON UNIFIED SCHOOL DISTRI... >

Application open: TUSD Faith-Based Advisory Committee

Hello TUSD Community and Staff

Call for Committee Applications

Committee Purpose:

TUSD is committed to building meaningful relationships with new and existing partners to provide innovative opportunities for our students, staff, and district community. TUSD honors this community through its vision and mission statements.

TUSD Vision: Inspiring a diverse community to connect, learn, innovate, and lead a better world.

TUSD Mission: Our community prepares all students to become responsible, ethical, and engaged global citizens by creating relevant, dynamic, and joyful educational experiences that embrace cultural diversity.

TUSD will be engaging a Faith-Based Advisory Committee to partner with the

Update: Faith-based Advisory Committee postponed

Inbox

N

noreply@tucsonusd.parentlink.net 9:14 PM

to TUCSON

TUCSON UNIFIED
SCHOOL DISTRICT

Office of the Superintendent

Good evening TUSD community,

Recently, we distributed two successive emails calling for volunteers to serve on a "Faith-Based Advisory Committee". This committee was to be part of our newly adopted strategic plan. The intention is always to be as inclusive and transparent as possible with regard to the inclusion of as many possible voices and feedback opportunities made available to the diverse community we serve. Though the establishment of this advisory committee was for the sole purpose of seeking feedback from the faith-based community on areas of community engagement, we understand the concerns that have been shared with our district leaders. This committee can potentially give the impression that TUSD is straying from its secular and religiously neutral status. For this reason, there will be a postponing of this committee at this time. We will provide updates as the next steps are discussed and decided upon.

Thank you,