



FREEDOM FROM RELIGION FOUNDATION

P.O. Box 750 • Madison WI 53701 • (608) 256-8900 • www.ffrf.org

September 13, 2010

**SENT VIA FAX & U.S. MAIL
(606) 862-4601**

David Young
Superintendent
Laurel County Board of Education
718 N Main St
London KY 40741

Re: Open Records Request- Bible Distribution Policy

Dear Mr. Young:

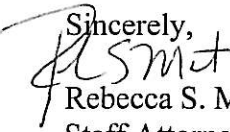
Our national organization, which works to protect the constitutional principle of separation between state and church, represents 16,000 members across the country, including members in Kentucky.

We sent another letter to you (under separate cover) regarding the policy allowing Gideons to distribute bibles on Laurel County school property. We write again, pursuant to Kentucky's Open Records Act (KRS §§61.870-61.884), to request a copy of the following:

- 1) A copy of the School Board policy allowing Gideons or any other third party group to distribute religious materials at Laurel County schools.
- 2) Copies of the meeting minutes from the School Board meetings during which the aforementioned policy was discussed, debated and ultimately voted upon.
- 3) Any correspondence (including electronic communications) between Gideons International and any Laurel County school regarding distribution of New Testament copies on area campuses.

The law requires you to respond within three days after your receipt of this request. If you choose to deny this request, please respond with a written explanation of the denial including any references to statutory exemptions or other case law upon which you rely. If your agency does not maintain these public records, please let me know the proper custodians of these records. Please provide their names and addresses.

If I can provide any clarification that will help expedite your attention to my request, please contact me at 608-256-8900. Thank you for your time and attention to this matter.

Sincerely,

Rebecca S. Markert
Staff Attorney



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David Young
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London KY 40741

Re: Gideon Bible Distribution Policy

Dear Mr. Young and School Board Members:

I am writing on behalf of our local membership, and other Kentucky members of the Freedom From Religion Foundation (FFRF) to object to the school board policy allowing Gideons to distribute bibles in schools. FFRF is a national nonprofit organization, which works to protect the constitutional principle of separation between state and church. We represent over 16,000 supporters across the country, including over 100 in Kentucky.

It is our information and understanding that the Laurel County School Board recently approved a policy allowing Gideon's International representatives to distribute bibles to fifth-grade students in area schools. Our complainant informs us that the policy will allow the Gideons to set up a table on school property with copies of the New Testament available for students to take. These bibles will only be distributed to fifth grade students.

It is unconstitutional for public school districts to allow the Gideons to distribute bibles during the school day. Courts uniformly have held the distribution of bibles to students at public schools during instructional time is prohibited. *See Berger v. Rensselaer Central Sch. Corp.*, 982 F.2d 1160 (7th Cir. 1993)(held that classroom distribution of Gideon bibles to fifth-graders violated the Establishment Clause of the First Amendment to the United States Constitution); *see also Tudor v. Board of Education of Rutherford*, 14 N.J. 31 (1953), *cert. denied*, 348 U.S. 816 (1954)(finding unconstitutional a school board resolution permitting the distribution of bibles by Gideons). In striking down a school district's policy permitting Gideons to distribute bibles at the schools, the Seventh Circuit stated, "... the Gideon Bible is unabashedly Christian. In permitting distribution of 'The New Testament of Our Lord and Savior Jesus Christ' along with limited excerpts from the Old Testament, the schools affront not only non-religious people but all those whose faiths, or lack of faith, does not encompass the New Testament."

Even when distribution of religious material to students in school is done passively — from a table or some other fixed location — courts have ruled that that distribution may be unconstitutional. *See Roark v. South Iron R-1 Sch. Dist.*, 573 F.3d 556 (8th Cir. 2009) (striking down policy allowing distribution of bibles in front of administrative offices or at table in corner of cafeteria).

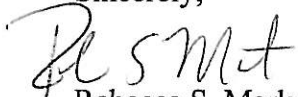
Public schools have a constitutional obligation to remain neutral toward religion. When a school distributes religious literature to its students, even passively, it has unconstitutionally entangled itself with a religious message, in this case a Christian message. Such a practice alienates those non-Christian students, teachers, and members of the public whose religious beliefs are inconsistent with the message being promoted by the school. It also alienates the 15% of the U.S. population who do not practice any religion (American Religious Identification Survey, 2008).

Laurel County School Board should not allow Gideons, or any other religious groups, to come into any of its schools and distribute religious literature during the school day. In allowing Gideons to distribute bibles to impressionable young school children Laurel County Schools is placing its “stamp of approval” on the religious messages contained in the bible. Whether or not a bible is forced on a student, this policy is still an unconstitutional endorsement of religion, and specifically Christianity, by a public school.

Finally, the district should consider adopting a policy whereby it limits distribution of any non-school material to literature that is directly related to the district’s educational goals and philosophy. The district need not create an open public forum whereby any private organization may take advantage of school resources and a captive student audience to further its personal goals. Such an environment is not conducive to educating young minds and may even appear hostile to those who disagree with a third party’s message.

The Board should immediately reverse its decision to allow Gideon’s International to distribute Christian literature to young school children. We ask that you promptly inform us, in writing, of the steps you are taking to remedy these constitutional concerns so that we may notify our complainant.

Sincerely,



Rebecca S. Markert
Staff Attorney