

# FREEDOM FROM RELIGION *foundation*

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October 25, 2023

**SENT VIA EMAIL & U.S. MAIL: [gchapman@fredschools.com](mailto:gchapman@fredschools.com)**

Superintendent Gary Chapman  
Fredericktown Local School District  
117 Columbus Road  
Fredericktown, OH 43019

Re: Unconstitutional promotion of release time bible lessons

Dear Superintendent Chapman:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Fredericktown Local School District (the District). FFRF is a national nonprofit organization with over 40,000 members across the country, including 1,000 members and several chapters in Ohio. 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 reported that schools within the District have been promoting and encouraging students to attend LifeWise Academy's release time bible study classes. Per LifeWise's website, their release time bible study classes provide "Bible-based character education to public school students"<sup>1</sup> during regular school hours.<sup>2</sup> LifeWise's curriculum is "designed to take students through the entire Bible" over a period of five years.<sup>3</sup> Attending LifeWise Academy requires students to miss roughly an hour of class each week.<sup>4</sup>

It is our understanding that representatives of LifeWise have been allowed to come into all of the District's schools and present to students and staff in an effort to promote LifeWise and recruit students. For instance, we are told that Fredericktown Elementary School's principal, Matthew Caputo, recently led LifeWise's representatives around the school and allowed the representatives to recruit elementary school students to attend LifeWise's bible classes.

Further, we are informed that when a Hindu student told one of LifeWise's representatives that they are Hindu, LifeWise's representative responded by telling the student that they need Jesus and to ask their parents to let them come to LifeWise's classes. Reportedly, LifeWise's representatives pressure students to ask their parents for permission to attend LifeWise's classes.

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<sup>1</sup> LifeWise Academy, *About*, <https://lifewise.org/about/> (last visited Aug. 23, 2023).

<sup>2</sup> *Id.*

<sup>3</sup> LifeWise Academy, *Frequently Asked Questions: What Curriculum is Taught?*, <https://lifewise.org/faq/> (last visited Aug. 23, 2023).

<sup>4</sup> LifeWise Academy, *Frequently Asked Questions: How Often are LifeWise Classes?*, <https://lifewise.org/faq/> (last visited Aug. 23, 2023).

We write to request that the District investigate this matter and ensure that its schools cease violating both the United States Constitution and Ohio law.

A public school violates the Constitution by promoting and encouraging students to participate in religious release time classes. *See, e.g., Doe v. Porter*, 370 F.3d 558 (6th Cir. 2004) (striking down school's allowance of private group to provide bible instruction in case brought by FFRF); *HS v. Huntington Cnty. Comty. Sch. Corp.*, 616 F.Supp.2d 863 (N.D. Ind. 2009) (issuing preliminary injunction against school that allowed trailers on school property for religious instruction because to do so violated the Establishment Clause); *Doe by Doe v. Shenandoah Cnty. Sch. Bd.*, 737 F. Supp. 913 (W.D. Va. 1990) (issuing temporary restraining order against school finding that allowing buses used for religious instruction to be parked in front of the school violated the Establishment Clause). Here, the District's schools have repeatedly violated the Constitution by allowing LifeWise's representatives to enter its schools to recruit students for LifeWise's bible study classes.

Further, Ohio law states that students who attend release time classes assume the responsibility of completing any missed work.<sup>5</sup> Students who participate in LifeWise's classes must complete the same assignments and homework as their peers. This applies to all students regardless of grade level. The District's schools may not exempt participating students from completing the same assignments and homework as their peers. By doing so, the District would also unconstitutionally favor students who attend LifeWise and subject non-participating students to disfavored treatment.

While the Supreme Court has upheld the constitutionality of release time classes, this doesn't permit schools to promote or encourage participation in these programs. *See Zorach v. Clauson*, 343 U.S. 306, 312 (1952). In *Zorach*, the Supreme Court held that released time is acceptable if school authorities "do no more than release students whose parents so request." *Id.* at 311. This means the school district cannot:

- Expend public school funds and resources for the program
- **Encourage or promote participation in the program**
- Treat the program as an official school elective
- Use public school facilities or resources during school hours for released time programs, including allowing a bus, trailer, or other vehicle to be parked on school grounds for the program
- Punish students who do not attend the program, either by failing to provide adequate alternative instruction or requiring they complete additional homework
- **Allow released time representatives to solicit student participation during school hours or at school-sponsored events.**

Moreover, promoting and encouraging student attendance at these religious classes inappropriately and needlessly alienates the students and families who practice a minority

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<sup>5</sup> *Id.*

religion, as well as those students who are a part of the 49 percent of Generation Z who are religiously unaffiliated.<sup>6</sup> By promoting LifeWise's classes, the District is sending a clear message that it not only favors religion over nonreligion, but that it favors those students who subscribe to a particular brand of Christianity over members of all other faiths or no faith.

The District cannot allow its schools to continue promoting and encouraging student attendance at LifeWise or permit outside adults special access to recruit students for LifeWise. Please inform us in writing of the steps the District is taking to address this constitutional violation so that we may inform our complainant. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Samantha F. Lawrence". The signature is written in a cursive style with a large initial 'S'.

Samantha F. Lawrence  
*Anne Nicol Gaylor Legal Fellow*  
*Freedom From Religion Foundation*

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<sup>6</sup> 2022 Cooperative Election Study of 60,000 respondents, analyzed by Ryan P. Burge [www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/](http://www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/).