

# FREEDOM FROM RELIGION *foundation*

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May 30, 2024

**SENT VIA EMAIL & U.S. MAIL: boe.waite@parkcountyre2.org,  
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Sheila Waite  
President  
Board of Education  
Park County School District Re-2  
P.O. Box 189  
Fairplay, CO 80440

Re: Distribution/Posting of Noncurricular Materials

Dear President Waite and Board of Education members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to raise concerns with Park County School District Re-2's policy for distributing non curricular materials to students and to announce our intention to distribute materials in District schools. FFRF is a national nonprofit organization with more than 40,000 members across the country, including more than 1,300 members and two chapters in Colorado. 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 Edith Teter Elementary School parent reported that on May 5, 2024, their child came home with a bible. Our complainant reported that an outside adult was permitted to stand on school property and hand out bibles to students. They also explained that their child believed that they had to take a bible and that the bibles were being distributed by the school, a reasonable assumption for a 7-year-old to make when being offered something in their public school during the school day.

It is our understanding that only after the bibles were distributed to students and an outside group was allowed to use the elementary school to spread their religious beliefs to students that Superintendent Bear sent a notification to parents explaining that it is District policy to allow outside adults to target students during the school day. The notification explained that "District policy allows for organizations to offer non curricular materials to students with no pressure to accept as long as the materials meet the requirements stated in policy." It also informed parents that it is their burden to address any questions that students have about religion, the bible, etc. prompted by the District's decision to allow proselytizing in its schools: "Should your child have questions about these materials please communicate your beliefs with them."

We write to request that the Board change its policy and cease allowing the distribution of bibles or other religious propaganda to students while they are in school. Parents, not school officials or adult representatives of religious organizations, have the constitutional right to determine their children's religious or nonreligious upbringing. If the District continues to allow the Gideons to prey on its students, we will be working with the Satanic Temple to distribute materials to your students next school year.

It is inappropriate and unconstitutional for the District to offer outside adults access to students in order to indoctrinate them and distribute religious materials. The District should not allow its schools to be used as recruiting grounds for religion. It is well-settled law that public schools may not show favoritism towards nor 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); *McCullum v Bd. of Ed.*, 333 U.S. 203 (1948). By allowing the distribution of bibles to students, the District displays blatant favoritism for religion over nonreligion and Christianity above all other faiths. This needlessly alienates all students and families who do not subscribe to Christianity. Thirty-seven percent of the American population is non-Christian, including the almost 30 percent<sup>1</sup> who are nonreligious. At least a third of Generation Z (those born after 1996) have no religion,<sup>2</sup> with a recent survey revealing almost half of Gen Z qualify as “nones” (religiously unaffiliated).<sup>3</sup>

Even when distribution of religious material to students in school is done passively, such as 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) (upholding an injunction prohibiting bible distribution on school property). *Berger v. Rensselaer Central Sch. Corp.*, 982 F.2d 1160 (7th Cir. 1993) (holding 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. Bd. of Educ. of Rutherford*, 14 N.J. 31 (1953), *cert. denied*, 348 U.S. 816 (1954) (finding unconstitutional a school board resolution permitting Gideons International to distribute bibles).

The District should not maintain its policy whereby any private organization may take advantage of school resources to further its personal goals. FFRF has sought to distribute our own literature in schools with overly broad distribution policies, and we will do so in the Park County School District if it maintains this open forum.<sup>4</sup> The Satanic Temple will be distributing materials as well. If you maintain your policy allowing religious materials to be distributed, you cannot discriminate against any religious or nonreligious viewpoint. The best solution is a policy that does not allow third-party literature distribution.

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<sup>1</sup> Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), [www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/](http://www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/).

<sup>2</sup> Samuel J. Abrams, *Perspective: Why even secular people should worry about Gen Z's lack of faith*, Deseret News (Mar. 4, 2023), [www.deseret.com/2023/3/4/23617175/gen-z-faith-religious-nones-civic-life-volunteers-charity](http://www.deseret.com/2023/3/4/23617175/gen-z-faith-religious-nones-civic-life-volunteers-charity)

<sup>3</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/).

<sup>4</sup> *See* <http://goo.gl/9AIp9s>.

The District has a constitutional duty to respect the First Amendment rights of all students, including the right to be free from religious indoctrination in their public schools. Please respond in writing with the steps the Board will take to address this matter. If the District intends to continue allowing bible distributions in the future, we will be in touch soon to coordinate the distribution of our materials.

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

Cc: Cindy Bear, Superintendent, *via* **[cindy.bear@parkcountyre2.org](mailto:cindy.bear@parkcountyre2.org)**