

FREEDOM FROM RELIGION *foundation*

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May 10, 2024

SENT VIA EMAIL & U.S. MAIL: lucy.vanscyoc@tulare.k12.ca.us

Lucy Van Scyoc
Superintendent
Tulare Joint Union High School District
426 N Blackstone
Tulare, CA 93274

Re: Unconstitutional Proselytizing and Inappropriate Displays

Dear Superintendent Van Scyoc:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation occurring in the Tulare Joint Union High School District. FFRF is a national nonprofit organization with more than 40,000 members across the country, including more than 5,200 members and two local chapters in California. 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 parent has reported that [REDACTED], a teacher at Mission Oak High School, has been using his position to promote his personal religious views to students. Our complainant reports that Mr. [REDACTED] has several inappropriate religious and political displays in his classroom and that he has made religious remarks in class, including statements denigrating non-religious students. Our complainant reports that Mr. [REDACTED] has several displays on a fridge in his classroom. One display says, "pray without ceasing." Others says, "Unborn Lives Matter," "Let's Go Brandon," which is a political slogan and internet meme used as a euphemism for the phrase "Fuck Joe Biden." These divisive religious and political messages make our complainant's child feel uncomfortable in Mr. [REDACTED]'s classroom.

Our complainant also reports that on May 2, 2024, Mr. [REDACTED] brought up religion when the answer to a question was 66.66. He reportedly instigated a discussion with students because "666" is the "devil's number." This discussion led to a student revealing they were an atheist. Another student asked what an atheist is and Mr. [REDACTED] told the class that an atheist is "a fool." He then directly called out the student for being an atheist. Other students reportedly started making crosses in the air or praying.

We write to ask that the District take immediate action to ensure that Mr. [REDACTED] is no longer discussing religion with students, making denigrating statements about atheists, or in any way promoting religion to students. Any religious iconography or inappropriate messages should be removed from Mr. [REDACTED]'s classroom.

The District violates the Constitution when it allows its teachers to display religious messages in their classrooms or to abuse their positions to promote their personal religious beliefs to students. 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); *McCullum v Bd. of Ed.*, 333 U.S. 203 (1948). Further, courts have continually held that public school districts may not display religious messages or iconography in public schools. See, e.g., *Stone v. Graham*, 449 U.S. 39 (1980) (ruling that the Ten Commandments may not be displayed on classroom walls); *Lee v. York County*, 484 F.3d 689 (4th Cir. 2007) (ruling that a teacher may be barred from displaying religious messages on classroom bulletin boards); *Washegesic v. Bloomingdale Pub. Schs.*, 33 F.3d 679 (6th Cir. 1994) (ruling that a painting of Jesus may not be displayed in a public school).

The District has an obligation under the law to make certain that its teachers are not violating the rights of its students by singling out students for their beliefs, proselytizing, or using their position to promote their personal religious beliefs. 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). Parents have the constitutional right to determine their children’s religious or nonreligious upbringing. Here, Mr. [REDACTED] has violated the trust that our complainant and all other parents place in the District’s teachers to follow the Constitution and refrain from imposing their own religious beliefs on the children they teach.

Religion is a divisive force in public schools, made even more so when a public school teacher abuses his position of trust to denigrate as “fools” those who do not believe in his personal religion. The Supreme Court has repeatedly noted that “[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.’” *Santa Fe*, at 309 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). Additionally, Mr. [REDACTED]’s actions needlessly alienate those students who are a part of the 49 percent of Generation Z who are religiously unaffiliated.¹

In recognition of the District’s constitutional obligation to remain neutral toward religion and ensure that its teachers are not abusing their positions to proselytize students, please remove the inappropriate messages from Mr. [REDACTED]’s classroom and ensure that Mr. [REDACTED] immediately ceases bringing up his religious beliefs to students and disparaging students for their religious

¹ 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/.

beliefs. Further, we ask that the District remind Mr. [REDACTED] and all other teachers, of their duty to adhere to the Constitution and respect students' First Amendment rights. Mr. [REDACTED] should apologize to his students for his comments about nonbelievers being "fools." If he cannot refrain from promoting his beliefs and denigrating the beliefs of his students in his classroom, he cannot fulfill the obligations of a public employee and he should be terminated. Please reply in writing with the steps the District is taking to remedy this egregious constitutional violation so that we may inform our complainant. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosure

