

# FREEDOM FROM RELIGION *foundation*

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July 3, 2024

**SENT VIA EMAIL & U.S. MAIL: [cwinchell@jgsc.k12.in.us](mailto:cwinchell@jgsc.k12.in.us)**

Dr. Christopher Winchell  
Superintendent  
John Glenn School Corporation  
101 John Glenn Drive  
Walkerton, IN 46574

Re: Unconstitutional baccalaureate promotion

Dear Dr. Winchell:

I am writing on behalf of the Freedom From Religion Foundation regarding John Glenn High School's unconstitutional baccalaureate program and its promotion. FFRF is a national nonprofit organization with over 40,000 members across the country, including over 500 members in Indiana. 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 community member informs us that JGHS hosted and promoted a baccalaureate graduation. The Sunday, April 21, 2024 ceremony is described as a “non-denominational service for celebrating the achievements of our graduating seniors. We will share music, **scripture reading**, and an inspirational message.” This baccalaureate took place in JGHS's auditorium. Please see the enclosed screenshot.

The District's advertisement and RSVP information was issued in its April 2024 newsletter. According to our complainant, two staff members hosted the baccalaureate. [REDACTED] an English teacher, and [REDACTED] were the official hosts. Curiously, the baccalaureate service is absent from the District's official event calendar.<sup>1</sup>

Public schools may not host—and then promote—religious ceremonies. That includes baccalaureate services. We ask the District to investigate and refrain from hosting and promoting future baccalaureate services.

It is well-settled law that public schools may not show favoritism toward nor coerce belief or participation in religion. *See generally 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 Educ.*, 333 U.S. 203 (1948).

<sup>1</sup> [www.jgsc.k12.in.us/jghs-news-info/events-calendar#year=2024&month=4&day=1&view=month](http://www.jgsc.k12.in.us/jghs-news-info/events-calendar#year=2024&month=4&day=1&view=month).

Baccalaureate programs are religious services with prayer and worship. Schools may not plan, design, or host baccalaureate programs. *See e.g., Warnock v. Archer*, 443 F.3d 954 (8th Cir. 2006) (upholding injunction prohibiting school district from orchestrating or supervising prayers at school graduation or baccalaureate ceremonies). By hosting and promoting a baccalaureate ceremony, the District demonstrates clear favoritism toward religion over nonreligion, and Christianity above all other faiths. That favoritism enlarges when school staff host the service and—as the school admits—reads scripture with attendees. It is also telling that the service is held on a Sunday, the Christian Sabbath. This was a church service; and the school sponsored it.

Courts have permitted *privately* sponsored baccalaureate services; but Districts in those cases took significant steps to ensure there was *no appearance of school sponsorship*. *See Randall v. Pagan*, 765 F. Supp. 793 (W.D.N.Y. 1991) (“the school board has already formally and publicly dissociated itself from the baccalaureate service, has canceled its prior order for programs and has refused to lend any financial support, either direct or indirect, to assist the [religious group] in its sponsorship of the event. . . . [no] district personnel are involved in any aspect of the service, either in their capacities as District employees or . . . in their personal, individual capacities.”); *Verbena Methodist Church v. Chilton Bd. of Educ.*, 765 F. Supp. 704 (M.D. Ala. 1991) (“The Board must also ensure that no other school officials promote, lead, or participate in the service.”). JGSC did the opposite. The District not only failed to take any steps to disassociate itself from this baccalaureate ceremony, but had its own employees host the service on school property. The April 21 service is also just that, a religious service. For all intents and purposes, the baccalaureate is a District event.

“Voluntariness” is no defense for the District. *See generally Lee*, 505 U.S. at 596 (“the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.”); *Schempp*, 374 U.S. at 288 (Brennan, J., concurring) (“. . . the availability of excusal or exemption simply has no relevance to the establishment question”); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) (“VMI cannot avoid Establishment Clause problems by simply asserting that a cadet’s attendance at supper or his or her participation in the supper prayer are ‘voluntary.’”); *Jager v. Douglas Cnty. Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989) (“. . . whether the complaining individual’s presence was voluntary is not relevant to the Establishment Clause analysis . . . The Establishment Clause focuses on the constitutionality of the state action, not on the choices made by the complaining individual.”). Here, the District promotes and prefers a Christian ceremony that only Christian graduates would feel comfortable attending. This sends an impermissible message to non-Christian graduates that they are not the District’s favored students. The District cannot circumvent the Establishment Clause problem by pointing to the attendees’ voluntary attendance.

JGSC promoted, sponsored, and spent money for a religious ceremony—the April 21 baccalaureate service. It did so with staff attendance, use of its property, and then it shared this sponsorship with the broader District community by publishing the event details in its newsletter. The District has a constitutional duty to remain neutral toward religion. By

hosting the baccalaureate service, the District abdicates that duty—needlessly alienating the forty-nine percent of Generation Z who are religiously unaffiliated.<sup>2</sup>

The District must respect the constitutional rights of all its students to be free from religious coercion and indoctrination in their public schools, and so it must immediately cease sponsoring or promoting baccalaureate ceremonies. Please inform us in writing of the steps the District is taking to ensure this constitutional violation is addressed and does not recur.

Sincerely,

A handwritten signature in cursive script that reads "Hirsh M Joshi".

Hirsh M. Joshi  
*Patrick O'Reiley Legal Fellow*  
*Freedom From Religion Foundation*

Enclosure

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<sup>2</sup> Ryan P. Burge, *2022 Cooperative Election Study of 60,000 respondents*, Apr. 3, 2023, <https://religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/>.



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# JOHN GLENN HIGH SCHOOL

APRIL 2024 ISSUE 38



## JGHS CLASS 2024 BACCALAUREATE

*Please join us for the  
John Glenn High School Class of 2024  
Baccalaureate Program  
April 21, 2024  
John Glenn High School Auditorium  
4:00 p.m.*

*Baccalaureate is a non-denominational service for celebrating the achievements of our graduating seniors. We will share music, scripture reading, and an inspirational message. This is open to everyone: graduates, their families, and the general public.*

*Following the program, we hope you will join us for a cake and punch reception in the high school cafeteria.*

*Please RSVP by replying to this email by April 10 with the number of people you plan to bring so we*