

FREEDOM FROM RELIGION *foundation*

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September 13, 2024

SENT VIA EMAIL & U.S. MAIL: john.sherrill@panhandleisd.net

Superintendent John Sherrill
Panhandle Independent School District
P.O. Box 1030
Panhandle, TX 79068

Re: Unconstitutional bible study

Dear Superintendent Sherrill:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring at the Panhandle Junior High. FFRF is a national nonprofit organization with over 40,000 members across the country, including more than 1,700 members in Texas. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

We are informed that PISD has started and promoted a bible study called “Donuts & God.” The District promoted and celebrated attendance at Panhandle Junior High’s study on its official Facebook page. One picture of the post includes a bible quote, Proverbs 4:25–27, which reads: “Let your eyes look forward; fix your gaze straight ahead. Carefully consider the path for your feet, and all your ways will be established. Don’t turn to the right or to the left; keep your feet away from evil. Keep your eyes focused on Jesus.” Please see the enclosed screenshots.

Government-sponsored bible studies are unconstitutional. Further, government religious messaging is inappropriate and unnecessarily divisive. We ask the District to investigate and provide assurances that (1) “Donuts & God” will be discontinued as it does not comply with the Establishment Clause or Equal Access Act; and that (2) the District’s official channels will not promote religion in the future.

The District may not host and promote a bible study. It is well established that public schools may not provide religious instruction. In *McCullum v. Board of Education*—the seminal case on this issue—the Supreme Court held that bible classes in public schools are unconstitutional. 333 U.S. 203 (1948). The district in *McCullum* allowed religious teachers, employed by private religious groups, to teach students a regular bible class. The Court held, “here not only are the state’s tax-supported public school buildings used for the dissemination of religious doctrines. The State also affords sectarian groups an invaluable aid in that it helps to provide pupils for their religious classes through use of the state’s compulsory public school machinery. This is not separation of Church and State.” *Id.* at 212.

Alternatively, if the bible study is a student club, then “Donuts & God” would run into a problem with the Equal Access Act. “Donuts & God” would have to be student-run and orchestrated. *See* 20 U.S.C. § 4071(c)(3). That does not appear to be the case—either faculty or outside adults run the club. Thus, “Donuts & God” violates the Equal Access Act.

It is also unconstitutional for public schools to promote religion, religious events, or religious clubs on its official social media pages. The Supreme Court has long held that the Establishment Clause requires “government neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cnty., Ky. v. ACLU of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947). By promoting Christian messages on the official District Facebook page, your office conveys a message to all non-Christians that they are disfavored members of the community. The District should be more aware and sensitive to the diverse community it represents and serves.

Whether officially district-sponsored or not, “Donuts & God” runs head first into either the First Amendment or Equal Access Act. Either way, the club must be disbanded or reformed to better respect the First Amendment rights of students. The District’s social media should not promote religion, including religious quotes or encouraging attendance at religious events. We ask the District to ensure compliance on both fronts. Thank you for your time and attention.

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