

FREEDOM FROM RELIGION *foundation*

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September 18, 2024

SENT VIA EMAIL & U.S. MAIL: cbadillo@wabsa.com; superintendent@scuc.txed.net

Christine Badillo
Legal Counsel
Schertz-Cibolo-Universal City Independent School District
P.O. Box 2156
Austin, TX 78768

Re: Unconstitutional religious book study

Dear Attorney Badillo:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring at Barbara C. Jordan Intermediate. FFRF is a national nonprofit organization with over 40,000 members across the country, including a chapter and 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. If you are no longer counsel for the District, please advise.

A concerned community member informs us of a religious book study occurring during school hours at Barbara C. Jordan Intermediate School. On September 10, parents were sent a message through ParentSquare promoting a study of Dr. Ken R. Canfield's *The H.E.A.R.T. of Grandparenting*. Canfield's book reflects on his "biblical insight." The September 10 message invited grandparents to discuss the book at the Jordan Intermediate Library from 11:30 to 12:30 on September 19—tomorrow. That message also suggested future meetings.

Public schools districts cannot orchestrate and then host a study of a religious book, nor can they promote a religious book study. We ask the District to refrain from hosting this study and to refrain from using official government resources to promote a religious book study.

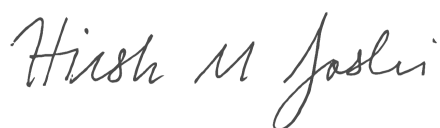
The District may not host and promote a religious book study. It is well established that public schools may not provide religious instruction. In *McCullum v. Board of Education*—the seminal case on this issue—the Supreme Court held that religious classes in public schools are unconstitutional. 333 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 this book club is considered an “outside group,” then the District must refrain from hosting during school hours. While students in secondary schools may organize religious clubs, these must be entirely student-initiated and student-led and take place outside of school hours. See *Bd. of Educ. of the Westside Comm. Sch. v. Mergens*, 496 U.S. 226, 253 (1990) (holding the Equal Access Act constitutional). Here, *adults* seem to be organizing an outside club, in the school, during school hours. Those outside clubs are not protected by provisions that protect student religious groups and must abide by a neutral school rental policy. Therefore, this grandparenting group runs headfirst into the First Amendment’s Establishment Clause, which requires government neutrality between religions, and between religion and nonreligion. See *McCreary Cnty. v. Am. Civil Liberties Union 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). Here, orchestrating a religious book study puts religion over non-religion, and Christianity over other religions—and that violates the Establishment Clause.

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.*, 545 U.S. 844; *Jaffree*, 472 U.S. 38; *Epperson*, 393 U.S. 97; *Everson*, 330 U.S. 1. By promoting a Christian book study—using official government resources—your office conveys a message to all non-Christians that they are disfavored members of the community. While it is laudable that the District wishes to provide resources for non-traditional grandparents, the District should be more aware and sensitive to the diverse community it represents and serves. Promoting a religious book does not demonstrate that sensitivity.

To respect the First Amendment rights of parents, the District must cease orchestrating, hosting, or promoting any study or group of *The H.E.A.R.T. of Grandparenting*—including canceling or rescheduling the September 19 meeting. Please respond in writing with the steps the District will take to cure the constitutional violations herein. Thank you for your time and attention.

Sincerely,



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

Enclosure

Calling All Eagle Grandparents!



Join us for a **Book Study** and connect with other grandparents who are very involved in their grandchild's education!

In his book The H.E.A.R.T of Grandparenting, 5 Keys To Being The Best Grandparent Possible, Ken Canfield, bestselling author and granddad of eleven, both celebrates and empowers grandparents for living their journey with success. Through his research, biblical insight, and personal wellspring of knowledge, Ken wants to impart to you what he has learned: five keys for being the best grandparent possible.

Join us September 19
11:30-12:30
Jordan Intermediate
Library

Meeting Outcomes!

Get to know each other.
Review the book.
Receive a timeline of future dates for
the 24-25 School Year!