

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 • MADISON, WI 53701 • (608) 256-8900 • WWW.FFRF.ORG

November 19, 2024

SENT VIA EMAIL & U.S. MAIL: rstranges@mybvls.org

Superintendent Ric Stranges
Buckeye Valley Local School District
679 Coover Road
Delaware, OH 43015

Re: Unconstitutional accommodation of religious instruction

Dear Superintendent Stranges:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a potential constitutional violation that occurred at Buckeye Valley Middle School. FFRF is a national nonprofit organization with over 40,000 members across the country, including 1,000 members and two chapters in Ohio. 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 BVMS hosts study halls for LifeWise Academy's students on school property, supervised not by school staff members but by LifeWise volunteers. The local LifeWise chapter's website suggests that those study halls may include bible instruction.¹ We understand that other students must attend "exploratories" all five days of the week. BVMS also reportedly allowed LifeWise special access during BVMS's August 15, 2023 open house, where LifeWise representatives handed material out to parents, including those not near the cafeteria. We are informed that no other outside organizations had such access. Please see the enclosed screenshots.

Public schools may not allow LifeWise special access to run a study hall for LifeWise students on school property. We ask that the District investigate and cease allowing a LifeWise-run study hall during the school day.

A public school violates the Constitution when it promotes religion by giving special access to the school to LifeWise volunteers and encourages students to participate in religious release time classes by offering them exemptions from normal class requirements when they do so. *See e.g., Doe v. Porter*, 370 F.3d 558 (6th Cir. 2004) (striking down school's allowance of private group to provide bible instruction in case

¹ <https://lifewise.org/district/3904675-oh-delaware-county-buckeye-valley-local>.

brought by FFRF); *H.S. v. Huntington Cnty. Cmty. Sch. Corp.*, 616 F.Supp.2d 863 (N.D. Ind. 2009) (issuing preliminary injunction against school that allowed trailers on school property for religious instruction because to do so violated the Establishment Clause); *Doe by Doe v. Shenandoah Cnty. Sch. Bd.*, 737 F. Supp. 913 (W.D. Va. 1990) (issuing temporary restraining order against school finding that allowing buses used for religious instruction to be parked in front of the school violated the Establishment Clause); *Perry v. Sch. Dist. No. 81*, 344 P.2d 1036 (Wash. 1959) (holding that schools cannot advertise release time programs).

While the Supreme Court has upheld the constitutionality of release time classes, schools are not permitted to promote or encourage participation in these programs. *See Zorach v. Clauson*, 343 U.S. 306, 312 (1952). In *Zorach*, the Supreme Court held that released time is acceptable if school authorities “do no more than release students whose parents so request.” *Id.* at 311. This means the school district cannot:

- Expend public school funds and resources for the program
- Encourage or promote participation in the program
- Use public school facilities or resources during school hours for released time programs
- Punish students who do not attend the program, or favor students who do attend
- Give released time representatives special access to solicit student participation during school hours or at school-sponsored events.

If BVMS is hosting bible classes, it is violating the Establishment Clause. In the seminal case on this issue—*McCullum v. Board of Education*—the Supreme Court of the United States struck down a scheme in which “religious teachers, employed by private religious groups, were permitted to come weekly into the school buildings during the regular hours set apart for secular teaching, and then and there for a period of thirty minutes substitute their religious teaching for the secular education provided....” *Illinois ex rel. McCollum v. Bd. of Educ.*, 333 U.S. 203, 205 (1948). BVMS may not allow private religious group employees to enter BVMS for religious instruction during regular hours set aside for secular teaching. That scheme falls into *McCullum*’s zone of promotion, not *Zorach*’s zone of accommodation. Therefore, hosting bible classes is unconstitutional.

Finally, inappropriately favoring Christian release time programs needlessly excludes the students and families who practice a minority religion, as well as those students who are a part of the forty-nine percent of Generation Z who are religiously unaffiliated.² By promoting LifeWise’s classes and allowing LifeWise unique access to the school, the District is sending a clear message that it not only favors religion over nonreligion, but that it favors those students who subscribe to a particular brand of Christianity over members of all others.

² 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/>.

To protect students' First Amendment rights, the District must cease any special treatment for LifeWise Academy and the students who attend it. Please inform us in writing of the steps the District is taking to address this constitutional violation so that we may inform our complainant. Thank you for your time and attention to this matter.

Sincerely,

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

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

Enclosures



Lifewise Academy Buckeye Valley



Jan 1 · 🌐

Happy New Year!



PROGRAM DETAILS

Enrollment is NOW OPEN for students in Kindergarten - 8th grade. LifeWise Buckeye Valley has programs for West Elementary at Bellpoint Community Church on Tuesday, East Elementary at Ashley Community Church on Thursday, and Middle School at Harvest Hills on Monday/Wednesday/Friday. The Middle School program includes the 5th grade academy students who attend LifeWise on Wednesday only.

LifeWise Buckeye Valley teaches Bible-based Character Education to Buckeye Valley public school students during their school hours. This happens through parent permission/enrollment and coordination with their school schedule. Elementary students go during a 'specials' rotation, and for Middle School LifeWise acts as an elective course. Students in Band/Choir are still able to attend this elective and go to LifeWise.

The BVMS Open House August, 15, 2023

Welcome to Open House!

2023-2024



CAFETERIA:

- PTO
- ATHLETICS
- CLUBS
- LIFEWISE

MAIN OFFICE:

- SCHOOL FEES (OR PAY ONLINE)

MEDIA CENTER:

- SCHEDULES
- POWERSCHOOL FORMS

Meet Your Teachers
(Classrooms)
Follow your daily schedule and meet your teachers!
If you need help accessing your schedule, please visit your counselors in the library!

Complete?



School Picture Station:

(GYM)

Find your picture day card on the table below. If you need help ask a staff member. This photo will be used for the school yearbook and your student ID. There will be a Picture Retake Day (August 28) after school starts if needed.

Complete?



PowerSchool / Final Forms

(Library)

If you have not filled out your new school forms (BVLS has switched to Final Forms), please stop in the library to complete these form, or to ask for assistance.

Complete?



LifeWise Station:

(Cafeteria)

Check in the cafeteria to learn more about this option that is available to BVMS students.

Complete?



PTO Station:

(Cafeteria)

Check in the cafeteria to learn more about how to get involved with PTO & support BVMS Students.

Complete?

Check out the BV Apparel on sale!



School Fees Station:

(Main Office)

Check in at the main office to pick up your school fee invoice. You can pay online at (PaySchoolCentral.com) or in person (check) if needed.

Complete?



Schedules

(Library)

Check in here with your BVMS Counselor if you need assistance with your schedule.

The \$60 school fee for the 2023-24 School Year, will be applied to all accounts by Monday, August 21, 2023.



Supplies - Scan the QR Code for to the BVMS Supply Lists