

FREEDOM FROM RELIGION *foundation*

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December 10, 2024

SENT VIA EMAIL: abrumbaugh@geneseoschools.org

Superintendent Adam Brumbaugh
Geneseo Community Unit School District #228
648 North Chicago Street
Geneseo, IL 61254

Re: Unconstitutional staff-led religious club

Dear Superintendent Brumbaugh:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring at Geneseo Middle School. FFRF is a national nonprofit organization with over 40,000 members across the country, including more than 1,300 members and a chapter in Illinois. 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 District staff are organizing events for GMS's Fellowship of Christian Athletes club. For instance, on December 4, 2024, GMS math teacher [REDACTED] sent out an email to parents organizing an end-of-the-year event for the FCA taking place on December 10. The email reads:

Wow, it's hard to believe that we are already approaching our winter break soon and our FCA Holiday Gathering next week on December 10th. We have had a blast getting to know your students this fall. They are so much fun and we see the light of Christ in them each time we meet. As our final meeting for the 2024 year, we would like to enjoy some treats together and play a few holiday games. If you are able to help provide treats, please sign up on the link below. We appreciate all you do for your students and hope you all enjoy the holiday season. We have encouraged your students to seek out the true meaning of Christmas and wish you all a blessed New Year!

We ask the District to investigate and counsel its staff to refrain from organizing events for clubs that are formed to be student-led and student-orchestrated.

It is well settled that public schools—including their employees—may not show favoritism towards or coerce belief or participation in religion. *See generally 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). Here, an employee of the school is organizing and leading a religious event for a student club.

In addition to concerns regarding the federal Establishment Clause, staff or outside adults leading a student religious club violates Illinois's constitutional provisions requiring the separation of church and state. Illinois's Establishment Clause reads "[n]o person shall be required to attend or support any ministry or place of worship against his consent, **nor shall any preference be given by law to any religious denomination or mode of worship.**" Ill. Const. Art. I, § 3 (emphasis added). Illinois's state Establishment Clause is "*more restrictive* than the [] federal Constitution." *Record of Proceedings*, Sixth Ill. Const. Conv. at 1372 (emphasis added). So, irrespective of any First Amendment analysis, Illinois law

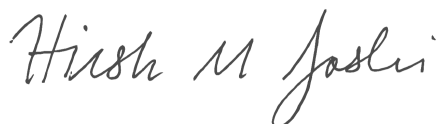
prohibits staff participation in student religious group events. *See People ex rel. Bakalis v. Bd. of Educ.*, 54 Ill. 2d 448 (Ill. 1973); *People v. Falbe*, 189 Ill.2d 635 (Ill. 2000).

Furthermore, District employees are forbidden from leading or participating in student religious groups outside of a supervisory role. Students in secondary schools may organize religious clubs, but these must be entirely student-initiated and student-led, and take place outside of school hours. *See Bd. of Ed. of the Westside Cmty. Sch. v. Mergens*, 496 U.S. 226, 253 (1990) (holding the Equal Access Act constitutional). The Supreme Court recognized that the EAA prohibits participation of public school staff in the religious activities of students. “Under the [Equal Access] Act . . . faculty monitors may not participate in any religious meetings, and nonschool persons may not direct, control or regularly attend activities of student groups.” *Id.* at 253 (citing 20 U.S.C. § 4071(c)(3)). Here, ██████████ admits that she is actively leading students in religious group activities. That is a violation of the Equal Access Act. *See* 20 U.S.C. § 4071(c)(3) (“employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity.”).

Employee participation in student religious organizations “sends a message to 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 Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (O’Connor, J., concurring)). Preference for Christian clubs risks marginalizing the thirty percent of Americans who are non-religious,¹ and the nearly forty-nine percent of Gen-Z who qualify as “nones.”²

To avoid further concerns under the federal or state constitutions, we ask that you investigate and counsel District employees to cease leading and organizing FCA activities. Any religious student events must be genuinely student-initiated and student-run. Please inform us in writing of the steps the District is taking to address this matter so that we may inform our complainant. Thank you for your time and attention.

Sincerely,



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

¹ Gregory A. Smith, *Religious ‘Nones’ in America: Who They Are and What They Believe*, Jan. 24, 2024, <https://www.pewresearch.org/religion/2024/01/24/religious-nones-in-america-who-they-are-and-what-they-believe/>.

² Ryan P. Burge, *2022 Cooperative Election Study of 60,000 respondents*, www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/.