

FREEDOM FROM RELIGION *foundation*

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February 28, 2025

SENT VIA EMAIL & U.S. MAIL: michael.ford@russell.kyschools.us

Michael Ford
Superintendent
Russell County Schools
404 South Main Street
Jamestown, KY 42629

Re: Unconstitutional religious assignments

Dear Superintendent Ford:

I am writing again on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that recently occurred in Russell County Schools. Once again, FFRF is a national nonprofit organization with over 41,000 members across the country, including more than 300 members and a local chapter in Kentucky.

A concerned community member has reported that [REDACTED], a teacher at Salem Elementary School, infuses her own religious beliefs into the classroom. We understand Ms. [REDACTED] has given students overtly religious assignments as part of their class work. Reported examples of these assignments include a worksheet headlined “God Made Me Special,” with the following instructions:

God created everyone! The Bible says that we are fearfully and wonderfully made (Psalm 139:13). That means you are very special because you were created on purpose by God! Instructions: Complete the drawing to look like YOU! Then write 3 things that make you unique.

Another assignment is headlined “Jesus is King!” and requires students to “Cut and paste the letters to spell the King’s name. Draw a picture of baby Jesus in the manger.” In a classroom Facebook page entitled “Ms. [REDACTED]’s Campers,” Ms. [REDACTED] has posted photos of classroom activities including building nativity puzzles/reenacting the story and a read aloud of the book “The Christmas Story” accompanied by a detailed bright red poster about the religious origins of Christmas. Please see the enclosed photos.

We write to request that the District investigate immediately and ensure that Ms. [REDACTED] ceases infusing her religious beliefs with her lessons.

It is well settled that public schools may not show favoritism toward or coerce belief or participation in religion. *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 Ed.*, 333 U.S. 203 (1948). Further, public schools may not provide religious instruction. In the seminal Supreme Court case on this issue, *McCullum*, 333 U.S. 203, the Court held that bible classes in public schools are unconstitutional. Here, Ms. [REDACTED] has continually crossed the constitutional line and abused her position in order to instruct students about her own religious beliefs. She has turned her public school classroom into a Sunday school, teaching students overtly sectarian lessons on the Christian Bible.

Other federal courts have ruled that similar teaching is unconstitutional. In FFRF's lawsuit against religious instruction in Rhea County, Tennessee, the Court said, "This is not a close case. Since 1948, it has been very clear that the First Amendment does not permit the State to use its public school system to 'aid any or all religious faiths or sects in the dissemination of their doctrines.'" *Doe v. Porter*, 188 F. Supp. 2d 904, 914 (E.D. Tenn 2002) (quoting *McCullum*, 333 U.S. at 211), *aff'd*, 370 F.3d 558 (6th Cir. 2004).

The District has a duty to ensure that its teachers are not using their positions to promote their personal religious beliefs to students. Certainly, "a school can direct a teacher to 'refrain from expressions of religious viewpoints in the classroom and like settings.'" *Helland v. S. Bend Comm. Sch. Corp.*, 93 F.3d 327 (7th Cir. 1993) (quoting *Bishop v. Arnov*, 926 F.2d 1066, 1077 (11th Cir. 1991)). The Supreme Court has recognized that "[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family." *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987). Parents, not public school teachers, have the constitutional right to determine their children's religious or nonreligious upbringing.

Please note that it is not a violation of the free speech rights of teachers when a school district regulates what they teach to students while acting in their official capacities. Teachers have access to a captive audience of students due to their position as public educators. Therefore, the District has a duty to prevent religious proselytizing in its schools. "Because the speech at issue owes its existence to [his] position as a teacher, [the School District] acted well within constitutional limits in ordering [the teacher] not to speak in a manner it did not desire." *Johnson v. Poway Unified Sch. Dist.*, 658 F.3d 954, 970 (9th Cir. 2011), *cert. denied*, 132 S. Ct. 1807 (2012) (upholding decision of school board to require a math teacher to remove two banners with historical quotes referencing "God"); *see also Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006) ("We hold that when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline."). Courts have upheld the termination of teachers who violate the principle of separation between church and state. *See, e.g., Grossman v. S. Shore Pub. Sch. Dist.*, 507 F.3d 1097 (7th Cir. 2007) (upholding termination of guidance counselor who prayed with students).

The Supreme Court's decision in *Kennedy v. Bremerton School District* did not overturn the above cited cases and does not apply here. In *Kennedy*, the Court held that a high school football

coach's quiet, private post-game prayer was constitutional. 597 U.S. 507, 513–14 (2022). Throughout its opinion, the Court repeatedly stressed that the coach quietly prayed alone. *Id.* (the coach “offered his prayers quietly while his students were otherwise occupied.”). The prayers “were not publicly broadcast or recited to a captive audience. Students were not required or expected to participate.” *Id.* at 542. In contrast, here a first grade teacher is assigning her students overtly religious activities and assignments in the classroom, even going so far as to have the students act out the Christian nativity story.

The District must immediately investigate this matter and ensure that none of its employees are unlawfully and inappropriately indoctrinating students in religious matters by including religious doctrine in school handouts or materials. Ms. [REDACTED] must cease pushing her personal religious beliefs onto her first grade students. Please respond in writing, outlining the steps the District will take to remedy this violation so we may notify our complainant.

Sincerely,

A handwritten signature in cursive script that reads "Samantha F. Lawrence". The signature is written in black ink and is positioned above the typed name.

Samantha F. Lawrence
Staff Attorney
Freedom From Religion Foundation

SFL:kjs

Enclosures

GOD MADE ME SPECIAL

God created everyone! The Bible says that we are fearfully and wonderfully made (Psalm 139:13). That means you are very special because you were created on purpose by God.

Instructions: Complete the drawing to look like YOU! Then write 3 things that make you unique.

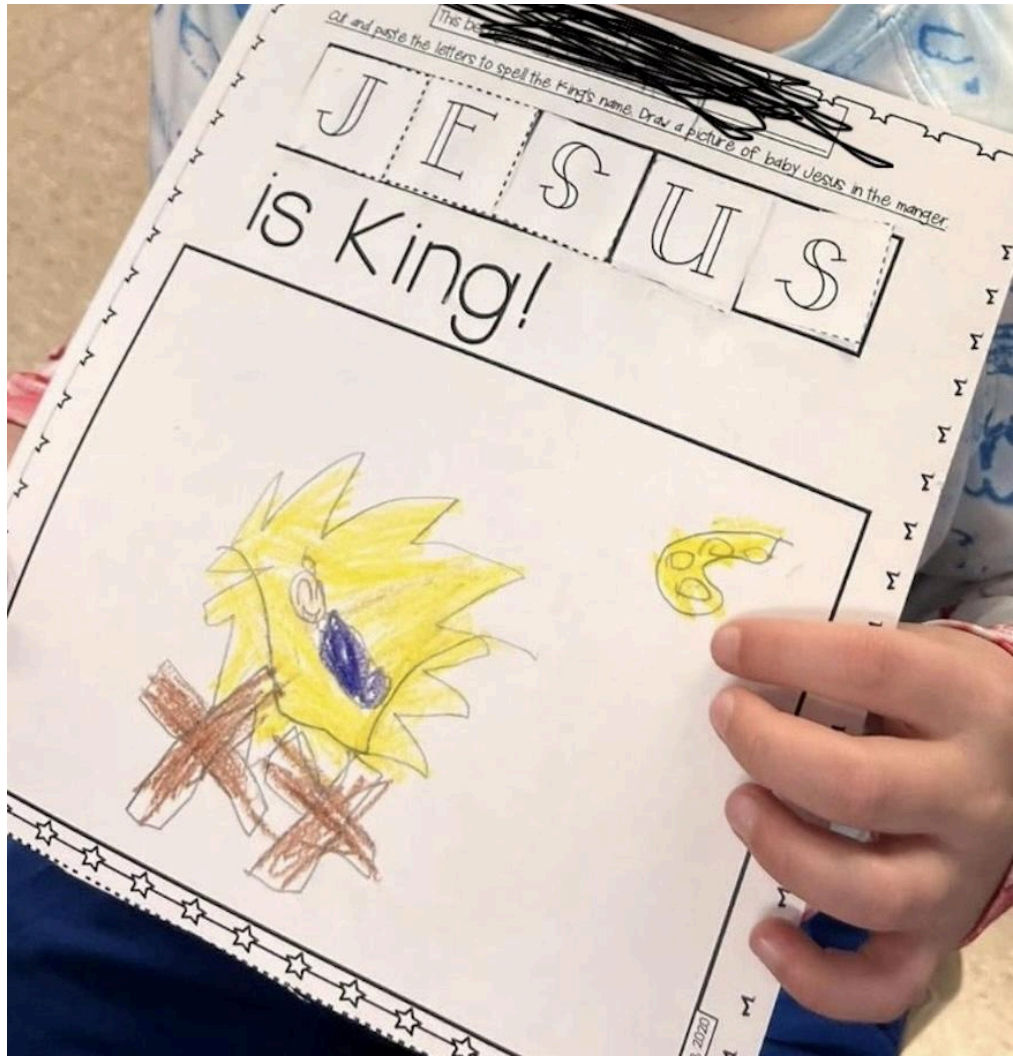


I am special because...

God made me.

I'm very nice to others.

I have a family.



he **CHRISTMAS STORY** READ ALOUD

Many years ago in a town called Nazareth lived a young woman named Mary. Mary loved God and was a kind, hard-working person. She was going to marry a man named Joseph who was a carpenter.

An angel came to Mary and told her that she was going to have a baby. She was going to name Him Jesus. She was confused about this because she was not married yet. The angel told her that God was going to perform a miracle and nothing was impossible with God.

Once Joseph found out that Mary was going to have a baby, he was worried. Once again, God sent an angel to deliver a message. The angel told Joseph not to be afraid to get married to Mary. She was carrying the Son who will be called Jesus.

Joseph and Mary traveled to Bethlehem. By order of the Roman Emperor Augustus all citizens had to return to their homeland to be registered. When they arrived in Bethlehem, there were so many people there that they could not find a room to stay. They could only find room in a stable with animals. Mary gave birth to Baby Jesus and placed him in a manger.

On that same night, angels appeared to some shepherds watching their sheep. They were told that God's Son had been born in Bethlehem. The shepherds went to find Baby Jesus. They, along with three wise men, found Him with Mary and Joseph. A bright shining star appeared in the night sky, marking the place of the world's Savior, Christ the Lord.

