

August 20, 2012

Re: Religious Liberty and Freedom of Information Act Request

Dear Superintendent:

As public schools open for the 2012-2013 school year, we are pleased to announce the launch of *Religious Freedom Goes to School*, a campaign to strengthen religious freedom in South Carolina's public schools. Religious liberty requires that we protect both the right of free exercise for individuals of every faith and the right to remain free from governmental coercion and promotion of religion. *Religious Freedom Goes to School* will challenge all of our public schools to do more to protect these time-honored First Amendment rights. The national ACLU and the ACLU of South Carolina are asking every South Carolina school district to join us in this effort by reviewing existing policies and practices with an eye toward assuring that religious freedom is fully protected.

Many of the first Europeans to arrive in South Carolina came seeking freedom from state-established religions. For hundreds of years, that freedom has been part of the fabric of this state. Since its founding over 90 years ago, the ACLU has defended the freedom of religion and belief on behalf of people of all faiths – or no faith at all.¹ We introduce this campaign in South Carolina to help restore our state's historic commitment to religious liberty, including the right to be free from government-imposed religion.

Religious liberty in public schools gives students the right to pray, read religious literature, express their faith, or engage in other religious activities during student activity times (like recess or lunch), provided that they do not cause a disruption or interfere with the education of other students. *Religious Freedom Goes to School* will encourage protection of these fundamental rights.

At the same time, the campaign seeks to ensure that schools do not impose or promote religion. Unfortunately, based on complaints received by the ACLU, many school districts are failing to honor this vital constitutional mandate. We have received a growing number of reports from students, parents, teachers, and others detailing clear constitutional violations in South Carolina's public schools. In the last two years alone, those complaints have described, for example: in-class daily prayer led by teachers; the distribution of Bibles to students; prayer and scriptural readings at graduation ceremonies, athletic events, awards ceremonies, and other school activities; school-day assemblies featuring evangelizing and other religious content; coach-organized and coach-led prayer at football practices; opening prayers at school board

¹ For a description of some our work in defense of religious exercise rights in the public schools, visit <http://www.aclu.org/defendingreligionpublicschools>.

meetings; school officials leading and participating in student religious clubs; and school involvement in the planning and promotion of religious baccalaureate services.

These reported activities may be part of a broader pattern of disregard for every student's right to remain free from government-imposed religious viewpoints. Last school year, New Heights Middle School in Chesterfield County sponsored a school-day assembly featuring a Christian rapper and a youth minister who preached to students and urged them to sign pledges dedicating themselves to Jesus. The assembly was just the tip of the iceberg: The constitutional violations at the school district were numerous and pervasive. These activities did not stop until a brave student, represented by the ACLU and ACLU of South Carolina, filed a lawsuit. That case, *Anderson v. Chesterfield County School District*, was settled by consent decree once the district's attorneys were able to explain to the school board its constitutional responsibilities.²

We assume that your school district is committed to honoring its constitutional obligation to protecting students' freedom of religion and belief. We encourage you to use the upcoming school year to review and assess existing policies and informal practices to determine whether they respect both the right of free exercise and the separation of church and state.

The *Anderson* order, which was thoroughly and carefully negotiated, may provide a useful barometer for measuring the adequacy of your existing policies. If an existing policy or practice would violate the *Anderson* Consent Decree, you need to change that policy in order to comply with current settled law. If your policies fail to address an issue identified in the *Anderson* Consent Decree, you should consider adopting a policy that is consistent with the order. Religious liberty violations are more likely to arise when officials are left to their own devices to decide matters such as whether to use religious texts in academic lessons or whether to hold school events at religious venues.

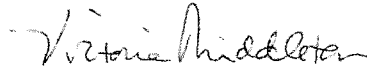
We realize that these constitutional issues may be difficult to navigate. Using your responses to the attached Freedom of Information Act ("FOIA") request, we are prepared to provide guidance as needed and requested. We also have set up a special webpage for students, parents, teachers, and others connected with South Carolina's public schools to report potential violations.³ Complaints will receive priority review from attorneys who specialize in religious freedom law. If we receive complaints relating to your school district, we will contact you in an attempt to resolve the issue. Litigation will be a last resort.

² We have included a copy of the *Anderson* Consent Decree and a brief summary of it with this letter.

³ Religious freedom violations may be reported at <http://www.aclu.org/religious-freedom-tell-your-story>. For more information about the campaign, visit <http://www.aclu.org/religious-freedom-goes-school>.

Our public schools are “at once the symbol of our democracy and the most pervasive means for promoting our common destiny.”⁴ All students, regardless of faith or belief, should feel safe and welcome in our schools. We are convinced that, with a renewed focus on religious liberty and a collaborative approach, we can reach this goal. Please do not hesitate to contact us if you have questions about this letter, the FOIA request, or the *Religious Freedom Goes to School* campaign.

Sincerely,



Victoria Middleton
Executive Director
ACLU of South Carolina

Daniel Mach
Director
ACLU Program on Freedom of Religion and Belief

⁴ See *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987) (quoting *Ill. ex rel. McCollum v. Bd. of Educ.*, 333 U.S. 203 (1948)).