

FREEDOM FROM RELIGION *foundation*

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

January 4, 2011

**SENT VIA FAX & U.S. MAIL
(704) 866-6321**

L. Reeves McGlohon
Superintendent
Gaston County Schools
PO Box 1397
Gastonia, NC 28053

Re: December 7th Elements in Dance Assembly

Dear Mr. McGlohon:

I am writing on behalf of a concerned Gastonia taxpayer and resident who alerted the Freedom From Religion Foundation (FFRF) to serious constitutional concerns in Gaston County Schools. FFRF is a nationwide nonprofit organization with nearly 16,000 supporters including over 300 members in North Carolina. FFRF also has an active state chapter, the Triangle Freethought Society, located in Morrisville, North Carolina. Our purpose is to protect the principle of the separation of church and state.

It is our information and understanding that on December 7, 2010 a "Elements in Dance" assembly was held at Webb Street School. It is our further understanding that this assembly included several songs of the Christian genre. It is our understanding that no other religions were represented in the music chosen during this assembly. After reviewing the Elements in Dance website it is clear that Elements in Dance is a pervasively sectarian religious organization. The group describes itself as "a school of dance where students learn technical skill in ballet, modern, tap, and hip hop while worshipping the Lord. 'For Him we live and move and have our being. Acts 17:28.'" (www.facebook.com/pages/Elements-in-Dance/139331659438513.) It is our further understanding that students ranging from ages 5-20 were in attendance and that another assembly by Elements in Dance will take place this spring.

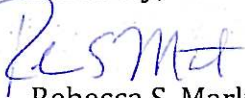
Given the overtly religious nature of this program, Gaston County Schools must refrain from hosting these types of assemblies. It is well settled that public schools may not advance or promote religion. *See generally, Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twshp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). Moreover, "the preservation and transmission of religious

beliefs and worship is a responsibility and a choice committed to the private sphere." *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2001)(quoting *Lee v. Weisman*, 505 U.S. at 589). In *Lee v. Weisman*, 505 U.S. 577 (1992), the Supreme Court extended the prohibition of school sponsored prayers beyond the classroom to all school functions (Holding prayers at public high school graduations an impermissible establishment of religion). Thus, religious programming as part of a school assembly is in violation of the Establishment Clause.

The program is especially concerning given the young age of some of the students in attendance. Additionally, regardless of the motives of the presenters, allowing a Christian organization access to your student body gives the appearance that Webb Street School endorses the program's message. The "[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents 'that they are outsiders, not full members of the political community and 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, 309-10 (2001)(quoting *Lynch v. Donnelly*, 465 U.S. at 668)(O'Connor, J., concurring).

We require your assurances that religious assemblies will not again be allowed as part of Webb Street School's curriculum. Please notify us in writing of the steps your District has taken to remedy this matter.

Sincerely,



Rebecca S. Markert
Staff Attorney

cc: T.C. Dunlap, Webb Street School Principal