



FREEDOM FROM RELIGION FOUNDATION

P.O. Box 750 • Madison WI 53701 • (608) 256-8900 • www.ffrf.org

October 14, 2008

James M. Gibson
Superintendent
Castaic Union School District
28131 Livingston Ave
Valencia CA 91355

COPY

Dear Mr. Gibson,

I am writing on behalf of a parent and District taxpayer to alert you to a state/church problem at Live Oak Elementary School. I ask you to ensure that the Good News Club meetings held at Live Oak Elementary School, or at any other school in your district, begin after the school day has ended for the *entire* school. Freedom From Religion Foundation is a nonprofit organization dedicated to the constitutional principle of separation of church and state. We represent more than 12,000 members across the United States, including more than 1,800 members in California.

At the beginning of the 2008-2009 academic year students at Live Oak Elementary School were sent home with a flyer from the Good News Club stapled to their homework (see attached flyer). This flyer indicated that the Good News Club would hold weekly "after-school" meetings at the school beginning October 20, 2008, and continuing every Monday thereafter. These meetings are to begin at 2:45p.m. and are to end at 4:00p.m. As you may know, the Good News Club seeks to "provide an opportunity for children in public schools to hear the Gospel and learn Truth from God's Word."¹ The flyer sent home with students at Live Oak Elementary states that children will, among other things, "learn that 'Character Counts' through Bible stories taught by trained CEF teachers" and there will be "inspiring and amazing Bible memory verses and songs."

The use of school facilities by religious organizations is constitutionally permissible only when the activities are held "after school hours, not sponsored by the school, and open to any student who obtained parental consent, not just to Club members." *Good News Club v. Milford Sch. Dist.*, 533 U.S. 98, 113 (2001). While the United States Supreme Court has found that it is unconstitutional for school districts to exclude religious groups from using schools' facilities for religious activities, the Court has expressed that such access does not violate the Establishment Clause when the activities are held after school hours. *Id.* The Court has further stated that there is no constitutional violation when the "Club's activities take place *after* the time when the children are compelled by state law to be at the school." *Id.* at 116, n.6.

The current schedule for the Good News Club meetings is unconstitutional because they are set to begin at 2:45p.m. when some students are still in class. As you are likely

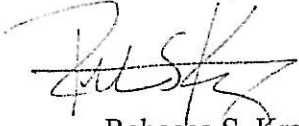
¹ Taken from the website: http://www.cefofsfv.org/cefofsfv_007.htm

aware, afternoon kindergarten at Live Oak Elementary is dismissed at 2:58p.m. - almost fifteen minutes after the Good News Clubs meetings are scheduled to begin. By allowing this group to hold meetings during instructional hours at this public school, you are in effect endorsing a particular religion, which is a violation the Establishment Clause of the United States Constitution. To comply with *Good News Club v. Milford Sch. Dist.*, the District needs to immediately modify the contract with the Good News Club to delay their meetings until the entire student body has been dismissed.

May we hear from you at your earliest convenience about what steps you have taken to ensure constitutional dictates are followed? Our complainant is awaiting District action.

We also ask for a copy of the District's contract(s) with Good News Club at Live Oak Elementary and any other District schools. We have also requested a copy of the District's policy on sending home flyers from third parties with students. We understand there is a fee for copying these pages and would need to know where to send payment.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. S. Kratz', written over a horizontal line.

Rebecca S. Kratz
Staff Attorney