



FREEDOM FROM RELIGION FOUNDATION

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

May 7, 2009

Barbara W. Thompson
Superintendent
New Glarus Schools
1701 2nd St
New Glarus, WI 53574

COPY

Re: New Glarus School Graduation Party/Open Records Request

Dear Ms. Thompson:

We were recently contacted by a concerned area resident and taxpayer about the New Glarus High School's 2009 Graduation Party. Freedom From Religion Foundation is a national nonprofit organization based in Madison, Wisconsin, with nearly 14,000 members across the country, including over 1,100 in Wisconsin. Our purpose is to protect the fundamental constitutional principle of separation of church and state.

It is our information and understanding that a "Class of 2009 Graduation Party" will be held on May 13th in the New Glarus High School commons area. This event is sponsored by the area churches and appears to be similar to a baccalaureate service. While Grace Church, one of the event sponsors, sent students an invitation to the event, students and their families wishing to attend must submit RSVPs to the New Glarus High School main office.

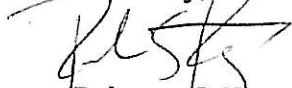
First and foremost, pursuant to Wisconsin's Public Records Law (Wis. Stat. §§19.31-19.39) we request a copy of the rental agreement New Glarus Schools has with Grace Church to use the public school facilities for the May 13th event as well as a copy of the District's facility use policy and rate schedule. We would also like verification of payment for use of the facilities, i.e. receipts or copies of canceled checks. Please be aware that under Wisconsin law, there is a "presumption of complete public access consistent with the conduct of government business. The denial of access generally is contrary to the public interest and only in exceptional cases can access be denied." See Wis. Stat. §19.31. If you choose to deny this request, please respond with a written explanation of the denial including any references to statutory exemptions or other case law upon which you rely.

Secondly, the graduation party to be held by area churches is strikingly similar to baccalaureate services held elsewhere around the country. These services are often sponsored by local churches and often are more appropriately held off campus. Please be aware that schools may not in any way plan, design or supervise religious baccalaureate services, even if nominally student organized, including baccalaureate services., even if nominally student organized. *See Warnock v. Archer*, 443 F.3d 954 (8th Cir. 2006)(upholding injunction prohibiting school district from orchestrating or supervising prayers at school graduation or baccalaureate ceremonies.) *Verbena United Methodist Church v. Chilton County*, 765 F.Supp. 704, 714 (“The Board must also ensure that no other school officials promote, lead, or participate in the service.”). This means that no public school employees can be involved in the organization, planning or coordination of the of inherently religious activities taking place at in public school facilities. This would also include “graduation parties” sponsored by local area churches.

Even though area churches are holding this event, a reasonable observer would still conclude the party is school-sponsored. *See Bd. of Educ. v. Mergens*, 496 U.S. 226, 249-50 (1990)(finding that a religious activity is school-sponsored if “an objective observer in the position of a secondary school student will perceive official school support for such religious activity.”) *see also Verbena United Methodist Church v. Chilton County Bd. of Educ.*, 765 F.Supp. 704 (M.D. Ala. 1991)(“The court agrees that a ceremony to honor a public high school’s graduates is vulnerable to carrying with it an aura of school affiliation...”). To avoid the perception of school sponsorship of this religious party, New Glarus Schools must “take all additional measures necessary to disassociate itself from the activity.” *Verbena v. Chilton County*, 765 F.Supp. at 714. *See also Carlino v. Gloucester City High School*, 57 F.Supp.2d 1, 245 (D.N.J., 1999)(noting that the “school officials made no effort to disassociate themselves from the Baccalaureate Service.”).

Therefore, New Glarus Schools must take immediate action to stop all coordination between New Glarus High School and Grace Church for this event. It is inappropriate and illegal for New Glarus High School to be gathering the RSVPs for this event. We ask that you respond in writing about the steps the District takes to remedy this serious constitutional violation. Our complainant awaits District action.

Sincerely,



Rebecca S. Kratz
Staff Attorney