

FREEDOM FROM RELIGION *foundation*

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

August 11, 2016

SENT VIA EMAIL & U.S. MAIL

aaronclay@qwestoffice.net

Aaron Clay
Counsel
Delta County School District 50J
7655 2075 Rd.
Delta, CO 81416

Re: Religious Assembly in Public School

Dear Mr. Clay:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to Shelly Donahue's presentation in Delta County School District (DCSD) last fall. FFRF is a national nonprofit organization with nearly 24,000 members across the country, including almost 700 members in Colorado and a chapter in Denver and Colorado Springs. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that on October 26, 2015, Shelly Donahue gave a presentation to high school students called TALL Truth (formerly WAIT (Why Am I Tempted?) Training). While this training is ostensibly about sex education, it is in fact mostly Christian proselytization. Shelly Donahue's biography on her website prominently includes her personal "salvation" story and how she came to accept Jesus and the Holy Spirit into her life. While discussing her relationship with her ex-husband, Ms. Donahue writes that, "I believe that because Dave and I didn't begin our relationship with a foundation of Biblical purity, we never connected heart-to-heart." That belief, and her subsequent desire to "fill that hole in [her] heart," led Ms. Donahue to develop her abstinence-only program. She also claims that a preacher and divine intervention healed her brain tumors. Finally, she proclaims, "I am passionately committed to Jesus Christ as the ultimate answer to ALL things, including teen sex."¹ Her sex education program relies upon her religiosity, not science, medical training, or specialized knowledge of the subject. Her website includes several videos of her TALL Truth presentations, which feature emphatic references to her religious views, but no discussion of STIs or contraceptives, which are essential, and state-mandated, elements of sex education.

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. Ark.*, 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).

¹ <http://www.shellydonahue.net/about/>.

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 (2000) (quoting *Lee*, 505 U.S. at 589). In *Lee*, the Supreme Court extended the prohibition of school sponsored religious activities 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.

Students are a vulnerable and captive audience. 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 an accompanying message to adherents that they are insiders, favored members of the political community.’” *Santa Fe*, 530 U.S. at 309-10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)).

We are aware that some Christian missionaries insinuate themselves into public schools by camouflaging their purposes. It is incumbent that public officials do due diligence when approached by outside groups with vested interests in pitching their messages to a captive audience of public school students. However, in this case, it would have taken only a cursory glance at Ms. Donahue’s website to verify her religious agenda. Merely skimming her “About” page reveals her inappropriateness as a speaker on sex education. It is difficult for us to understand how this event could have been approved. Your community undoubtedly possesses many secular experts, who have experience, training, certification, and/or degrees and would be delighted, usually at no cost to the district, to discuss the topic of sex education before your student body, and whose presence would not raise constitutional red flags.

We request that DCSD refrain from sponsoring inappropriate and unconstitutional assemblies in the future, and that you ensure no future assemblies from outside groups contain an underlying proselytizing message or agenda. In particular, DCSD should not invite Ms. Donahue to speak next year. Please notify us in writing of the steps you take to remedy this matter.

I also request an update on the matter we discussed on the phone several weeks ago, Ms. Fisk’s grade being docked for speaking out on issues like those raised in this letter.

Sincerely,



Andrew L. Seidel
Staff Attorney

ALS:anz