

FREEDOM FROM RELIGION *foundation*

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September 30, 2016

SENT VIA U.S. MAIL & EMAIL TO:

ken.ramey@sssd.k12.ar.us

Mr. Ken Ramey
Superintendent
Siloam Springs School District
PO Box 798
Siloam Springs, AR 72761

Re: Religious music on school bus

Dear Superintendent Ramey:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to constitutional concerns regarding bus transportation within the Siloam Springs School District. FFRF is a national nonprofit organization with more than 23,000 members across the country, including many Arkansas members. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that the bus driver on bus #24 plays programming from a local Christian radio station, KLRC, each day while students are taking the bus to and from school. One of KLRC's main purposes is to "share hope in Christ." It plays contemporary Christian music and Christian programming. We were contacted by a district parent who objects to having his child listen to this religious radio station while on the school bus.

The Siloam Springs School District must ensure that religious broadcasts are not being played to students utilizing district transportation.

It is well settled that public schools may not advance or endorse 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 Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962).

Public school bus drivers are agents of the school district and are subject to the same constitutional restrictions as other district staff, including the Establishment Clause of the First Amendment. District employees may not promote Christian or other religious messages to students. "[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 Indep. Sch. Dist. v. Doe*. 530 U.S. 290, 309-10 (2000). When an agent of the school district promotes religion over non-religion and Christianity over all other faiths, it alienates those non-Christian students and parents whose religious beliefs are inconsistent with the message being promoted by the school.

Students on the bus are a captive audience and cannot avoid listening to broadcasts that the driver selects. Given the content of the programming and its proselytizing nature, young and impressionable students cannot be forced to listen to such programs.

We request that you inform appropriate transportation staff members that drivers may not play KLRC or other religious programming while students are present. Please inform us promptly in writing of the steps taken to remedy this violation and protect the rights of conscience of your students.

Sincerely,



Patrick C. Elliott
Staff Attorney

Cc: Mr. Steve Avery
Director of Transportation
Steve.Avery@sssd.k12.ar.us