

Aug. 19, 2024

Katie Struebing, Principal  
East Elementary School  
1811 O St.  
Belleville, KS 66935  
Sent via email to [kstruebing@usd109.org](mailto:kstruebing@usd109.org)

**Re: Distribution of Bibles at East Elementary**

Dear Principal Struebing:

In May, parents of an East Elementary School student contacted the ACLU of Kansas stating concerns about a gentleman distributing Bibles during recess. After making inquiries, the ACLU of Kansas learned that on May 7, 2024, you facilitated the visit of Mr. Ben Dreesen, an individual associated with Gideons International, with the knowledge that Mr. Dreesen would interact with and offer Bibles to students. Prior to Mr. Dreesen’s visit, you notified your staff that you would visit classrooms to tell students about “the nice man” and the opportunity to get a Bible. You also accompanied Mr. Dreesen while he gave Bibles to students.

We are reaching out to remind you about the constitutional values and requirements applicable to public school districts when it comes to the advancement of religious beliefs. Our goal is to ensure that all students, parents, and members of your school community feel welcomed and supported at East Elementary irrespective of their religious or nonreligious beliefs.

The Establishment Clause of the First Amendment “mandates governmental neutrality between religions and between religion and nonreligion.”<sup>1</sup> Multiple courts have found that the distribution of Gideon Bibles to elementary school students on school property during school hours represents a clear violation of the Constitution’s Establishment Clause.<sup>2</sup> The Fifth Circuit said by allowing members of Gideon International to distribute Gideon Bibles to students, a public school district was providing a “stamp of approval upon the Gideon version of the Bible, creating an unconstitutional preference for one religion over another.”<sup>3</sup> The Eighth Circuit also held that school officials assisting Gideons in distributing Bibles for non-pedagogical purposes presented a glaring offense to First Amendment principles and violated the Establishment Clause. That court affirmed the enforcement of a

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<sup>1</sup> *McCreary Cnty. v. Am. Civil Liberties Union*, 545 U.S. 844, 860 (2005).

<sup>2</sup> *See Berger v. Cent. Sch. Corp.*, 982 F.2d 1160 (7th Cir. 1993); *Doe v. S. Iron R-1 Sch. Dist.*, 453 F. Supp. 2d 1093 (E.D. Mo. 2006).

<sup>3</sup> *Meltzer v. Bd. of Public Instruction*, 548 F.2d 559, 575 (5th Cir. 1977).



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FOUNDATION

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permanent injunction against South Iron R-1 School District in Missouri that barred the district's practice of allowing the Gideons to distribute Bibles to fifth grade students.<sup>4</sup>

Over the past 60 years, the U.S. Supreme Court and several U.S. Courts of Appeals have made it clear that public schools are prohibited from compelling students – particularly impressionable elementary-aged students – to ascribe to a particular religion or participate in religious activities. From forbidding the recitation of an official prayer<sup>5</sup> to barring mandatory Bible readings and other religious activities from public school curricula,<sup>6</sup> courts have repeatedly affirmed the constitutional principle that there exists a separation between church and state and no government institution should seek to establish or favor a particular religion.

Your conduct on May 7, 2024, is not distinguishable from the conduct found to be unconstitutional by courts. By allowing Mr. Dreesen on campus during school hours, accompanying him while he gave Bibles to students, and involving USD 109 staff, you lent your credibility and authority to Mr. Dreesen, in effect placing a stamp of approval on his message and subjecting students to a religiously coercive atmosphere. Yours and the District's activities violated the Establishment Clause.

Your actions were similar to USD 205's in Butler County earlier this year -- the critical difference being that USD 205 did not go through with its plan to invite Gideon missionaries into classrooms.<sup>7</sup> In April, USD 205 alerted parents that Gideon missionaries would give Bibles to Bluestem Elementary School students. The district informed parents that their children could opt out of the Gideon visit if they presented signed permission slips. After receiving criticism, including from Christian parents, invoking the First Amendment separation of church and state clause, the district walked back the decision.

Finally, inviting members of the Gideon Church to hand out Bibles during the school day contravened the district's own policies governing religion in schools. USD 109 employees are not permitted to use classrooms to promote or convey religious viewpoints;<sup>8</sup> nor are they permitted to

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<sup>4</sup>*Roark v. S. Iron R-1 Sch. Dist.*, 573 F.3d 556 (8th Cir. 2009); *see also Doe v. S. Iron R-1 Sch. Dist.*, 498 F.3d 878 (8th Cir. 2007).

<sup>5</sup> *Engel v. Vitale*, 370 U.S. 421 (1962).

<sup>6</sup> *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963).

<sup>7</sup> Dion Lefler, *Biblical controversy hits Butler County public school, raising church-state questions*, Wichita Eagle (April 22, 2024), <https://www.kansas.com/opinion/opn-columns-blogs/dion-lefler/article287813490.html>.

<sup>8</sup> "Classrooms are not public forums for display or distribution of political, religious, or personal viewpoints. Employees may not use classrooms for the posting or display of materials to promote or convey a political, religious or personal message." Republic County 109 Board of Education Policies Chapter I Section IFA.



promote or disparage belief versus nonbelief.<sup>9</sup> Your actions on May 7, 2024, promoted the Protestant Christian faith in breach of those policies.

While many Americans subscribe to religion, a majority of the American public do not believe it proper for public schools to influence the religious beliefs of school children. They are uncomfortable with the idea of teachers talking about their religious beliefs in class whether the teacher in question is an evangelical Christian or an atheist.<sup>10</sup> The last 20 years have seen a significant decline in public support for daily prayer in public schools.<sup>11</sup> More pointedly, the overwhelming majority of Americans are opposed to public school curriculum that mandates the teaching of Christian tenets without also teaching about other religious books and atheist literature. A Hill-HarrisX poll found that only 12% percent of Americans support laws elevating the Bible in public schools.<sup>12</sup>

We hope this letter serves as a reminder of the laws and policies governing the dissemination of religious literature to school children. Neither you nor other USD 109 staff may impart personal religious views when serving in the capacity of school district employees. The ACLU of Kansas strongly discourages you from welcoming missionaries on school grounds to distribute Bibles in the future.

Thank you for your time and attention to this matter. We appreciate your commitment to fostering an educational environment that embraces all Kansans.

Sincerely,

A handwritten signature in blue ink that reads "Monica A. M. Bennett". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Monica Bennett  
Legal Director  
ACLU of Kansas

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<sup>9</sup> “Teachers may teach about religion, religious literature, and history but are prohibited from promoting, expounding upon, criticizing or ridiculing a religion. Religious texts may be used to teach about religion, but the use of religious texts is prohibited if used to promote a particular religious doctrine.” Republic County 109 Board of Education Policies Chapter I Section IKD.

<sup>10</sup> 59% of Americans say they would be uncomfortable with an evangelical Christian teacher sharing their personal religious beliefs with their students, while 65% say they would be uncomfortable with an atheist teacher doing the same. Daniel A. Cox & Nat Malkus, *Controversy and Consensus: Perspectives on Race, Religion, and COVID-19 in Public Schools*, Survey Center on American Life (Sept. 22, 2021), <https://www.americansurveycenter.org/research/august-2021-aps/>.

<sup>11</sup> *Id.*

<sup>12</sup> *Poll: 12 percent of Americans support new laws promoting Bible in public schools*, The Hill (May 24, 2019), <https://thehill.com/hilltv/what-americas-thinking/445477-poll-only-12-percent-of-americans-support-new-laws-promoting/>.



Kansas

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