

The Good News Club:

A Guidebook for

School Administrators

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For legal advice about your specific situation, please consult an attorney.*

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Introduction

The Good News Club is sponsored by the Missouri-based Child Evangelism Fellowship (CEF), whose goal is to convert elementary school children to fundamentalist Christianity. If you don't have this Club in your school or school district now, you may have it soon. CEF's goal is to plant a Club in every one of our nation's 65,000 public elementary schools.

Good News Clubs operating in public schools are controversial. As often happens when religion intersects with secular public institutions, the potential for conflict is strong. Following are some of the areas where schools can be at risk.

- **Parental Concerns:** Many parents, including many Christians, resent the Good News Club's aggressive recruiting of "unsaved" kids. Some are concerned that the Club's doctrines and conversion strategies can be damaging or abusive to children. Others are upset that the Club misrepresents itself as harmless Bible study when it's really an attempt to convert very young children to fundamentalist beliefs.
- **Religious Bullying:** Children who attend the Good News Club are encouraged to recruit their friends. Sometimes these recruiting efforts take the form of bullying and harassment. Club teachers threaten children with Hell if they don't convert to the Club's narrow brand of Christianity, and these children, in turn, sometimes threaten their classmates with Hell if they don't convert as well.
- **Division in the School Community:** The Good News Club's evangelical agenda can cause conflict and division between previously harmonious groups of parents, students and school staff. Children and parents get categorized into "saved" and "unsaved" and members of other religious groups start to feel threatened and unfairly treated. Eventually communities can begin to withdraw their support for the schools.
- **Disruption to Public Education:** School administrators should be alert to organizations that subvert the authority of parents and schools and promote an anti-science agenda. The Good News Club's sponsor, the Child Evangelism Fellowship, is part of a movement whose goal is to undermine and eventually eliminate secular public education and replace it with fundamentalist Christian academies.

Legal Issues and Guidelines

Good News Club After-School Programs

The Good News Club's right to operate after-school programs in public schools cannot be challenged on church-state separation grounds, thanks to a U.S. Supreme Court decision. In *Good News Club v. Milford Central School*, 533 U.S. 98 (2001), the Court held that despite its quintessentially religious content, the Club was entitled to the same access to school facilities as other similar groups, such as the Boy Scouts, that promote "moral and character development."

As a result, any school must treat the Good News Club no differently than it would treat outside groups seeking to sponsor after-school clubs, without regard to the fact that the content of the Good News Club's message is religious.

However, schools may be able to exclude Good News Clubs based on Facility Use Policies that deny access to school facilities to all outside groups, regardless of whether they are religious or secular, that "threaten, bully, harass or intimidate" students.

Good News Club Released-Time Programs

Good News Clubs sometimes operate as released-time programs in which children are excused from school to go off campus during school hours for religious instruction. While state laws may differ, general guidelines handed down by the U.S. Supreme Court say that released-time programs cannot be held on school grounds, that no public funds may be used to create or implement released-time programs, and that schools may not promote or assist released-time programs in any way, or even give that appearance. For more detailed information, see *Religious Released-Time Programs: A Guidebook for Oregon School Administrators* at www.protectourchildren.care/resources.

Summary of Legal Guidelines

The U.S. and State Supreme Courts and lower court rulings suggest some basic legal guidelines for after-school activities such as the Good News Club. Below is a list of guidelines extracted from these court decisions.

1. A school that opens its facilities to outside groups that meet for the purpose of engaging in discussion or discourse creates a forum. [*Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 384 (1993); *Rosenburger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819 (1995); *Good News Club v. Milford Central School*, 533 U.S. 98 (2001)].
2. When a school creates a forum, it cannot discriminate against an outside group or speaker on the basis of viewpoint unless the restriction is necessary and narrowly drawn to serve a *compelling interest*; in particular, a school must not exclude or otherwise disfavor a religious group on the ground that the group or its content is religious, engages in prayer or proselytization, is divisive or controversial, or represents a special interest. [*Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 384 (1993); *Rosenburger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819 (1995); CEF of

New Jersey Inc. v. Stafford Township Sch. Dist., 386 F.3d 514, 528 (3d Cir. 2004); Hills v. Scottsdale Unified Sch. Dist., No. 48, 329 F.3d 1044 (9th 2003); CEF v. Minneapolis Special Sch. Dist. No. 1, 690 F.3d 996 (4th Cir. 2004)].

3. The State *does have a compelling interest* in protecting the physical and psychological well-being of minors, even when this comes into conflict with religious freedom and parental autonomy. In *Prince v. Massachusetts*, 321 U.S. 158 (1944), the Supreme Court upheld a conviction of a Jehovah's Witness for child labor law violations in having her 9-year old niece distribute religious pamphlets on public streets.
4. Schools also have a compelling interest in regulating speech that interferes with or disrupts the work and discipline of the school, or that results in bullying and harassment in the school environment. [*Kowalski v. Berkeley County Schools*, 652 F.3d 565 (4th 2011)].
5. Schools can exclude demeaning and disparaging speech from a forum, proved that this is done on a viewpoint neutral basis. In *Ridley v. Massachusetts Bay Transportation Authority*, 390 F.3d 65 (1st 2004), the court held that Boston's rail transit authority acted within its rights in refusing to run an ad that stated "The whole world is going to hell if they do not turn from their ungodly ways."
6. Schools can also protect their students from racist, inflammatory, and hateful speech, such as telling a Jew that he is going to hell or wearing a T-shirt stating that homosexuality is shameful and that God has condemned homosexuality, blacks have lower IQs, or a woman's place is in the home. [*Muller v. Jefferson Lighthouse School*, 98 F.3d 1530 (7th 1996); *Sypniewski v. Warren Hills Reg'l Bd. of Educ.*, 307 F.3d 243 (3d Cir. 2002); *Harper v. Poway Unified School District*, 445 F.3d 1166 (9th Cir. 2006); *Nuxoll v. Indian Prairie School District #204*, 523 F.3d 668 (7th Cir. 2008)]
7. In at least the Third and Sixth Circuits, schools can also restrict elementary school students from distributing religious literature to classmates during instructional time, at class parties, or as part of class exercises. [*Walz v. Egg Harbor Twp. Bd. of Educ.*, 342 F.3d 271 (3d Cir. 2003); *Curry v. Hensinger*, 513 F.3d 570 (6th Cir. 2008); *but see Morgan v. Swanson*, 659 F.3d 359, (5th Cir. 2011)].
8. Schools may impose viewpoint-neutral, generally applicable restrictions on outside groups. For example:
 - A school may limit access to school facilities to groups that comply with a non discrimination policy. [*Christian Legal Society v. Martinez*, 130 S. Ct. 2994 (2010)]
 - A school may restrict *all* outside groups from using school facilities until the evening, long after the closing bell.
 - A school may require all outside groups to pay a fee for use of school facilities.
 - However, a school may not selectively require religious outside groups to pay a fee or selectively restrict a religious group's use of school facilities to evenings. [The Good News/Good Sports Club v. Ladue, 28 F.3d 1501 (8th 1994); CEF of South Carolina v. Anderson Sch. Dist. Five, 470 F.3d 1062 (4th Cir. 2006)]

9. Schools may restrict the subject matter of a forum if it is reasonably related to the purposes served by the forum. [*Pleasant Grove City v. Sumnum*, 55 U.S. 460 (2009)]. For example, schools may limit access to school facilities to groups providing “extracurricular extensions of traditional classroom subjects.” [*Westside School District v. Mergens*, 496 U.S. 226 (1990); *Child Evangelism Fellowship of South Carolina v. Anderson School District Five*, 470 F.3d 1062 (4th Cir. 2006); *CEF of Maryland v. Montgomery County Pub. Sch.*, 457 F.3d 376 (4th Cir. 2006)]. Note, however, that courts have held that the Good News Club is “educational” because it taught religion and the Bible and that a high school Bible club would relate to the curricular topics of history and literature and fit in with the “educational mission of the school.” [*Culbertson v. Oakridge Sch. Dist. No. 76*, 258 F.3d 1061 (9th Cir. 2001); *Gregoire v. Centennial School Dist.*, 907 F.3d 1366 (3d Cir. 1990); *Pope v. East Brunswick Bd. of Educ.*, 12 F.3d 1244 (3d Cir. 1993)].
10. A school cannot reserve to itself unbridled discretion in allowing or restricting outside groups from accessing school facilities; it should have a school facility policy that includes appropriate procedural safeguards to direct school officials’ [*Lakewood v. Plain Dealer Pub. Co.*, 486 U.S. 750 (1988); *Thomas v. Chicago Park Dis.*, 534 U.S. 316 (2002); *CEF of Maryland v. Montgomery County Pub. Sch.*, 457 F.3d 376 (4th Cir. 2006); *CEF of South Carolina v. Anderson Sch. Dist. Five*, 470 F.3d 1062 (4th Cir. 2006); *Victory Through Jesus Sports Ministry Found. v. Lee’s Summit R-7 Sch. Dist.*, 640 F.3d 329 (8th Cir. 2011); *Griffen v. Sec’y of Veterans Affairs*, 299 F.3d 1309 (Fed. Cir. 2002)].
11. Finally, schools cannot (of course) partner with the Good News Club or endorse, promote or encourage attendance of the Good News Club. Schools also may not create an environment where students feel immense social pressure to attend the Good News Club. [*Santa Fe Independent School Dist. v. Doe*, 530 U.S. 290 (2000)]

Parental Concerns and How Schools Can Address Them

Following are some major concerns that parents frequently voice about Good News Clubs, along with solutions for school officials.

1. Confused Children

It's hard for young children to tell the difference between school classes and Good News Club classes, and the Club uses this confusion to create the false impression that schools endorse their religious teachings. Because Clubs often meet immediately after school, in regular classrooms, many children assume that Club teachers are regular schoolteachers and that what they teach is true and sanctioned by the school. For example, a Seattle father said his daughter came home from a Good News Club meeting terrified that he would be going to Hell because she had "learned it at school."

WHAT SCHOOL ADMINISTRATORS CAN DO

- Draw a clear, bright line between the school and the Good News Club.
- Make sure permission slips clearly state that the club is not endorsed or sponsored by the school.
- Make sure students and parents understand that the Club's lessons are not endorsed by the school.
- Make sure non-school groups such as the Good News Club meet well after the end of the school day.
- Prohibit non-school groups such as the Good News Club from using the school's and PTA's communication vehicles or from sponsoring school activities.
- Don't allow school personnel to endorse, promote or participate in the Good News Club.

2. Damaging Doctrines

Many parents are concerned that the Good News Club's conversion techniques of shame, guilt fear and submission to authority can harm students. Children as young as five are taught that they're "deeply wicked" and are coerced to accept Club teachings with threats of eternal punishment. Some psychologists have characterized these doctrines as "child abuse" and as "incompatible with [children's] mental health."

According to psychologists, these extreme fundamentalist doctrines can be traumatic for some children, inflicting psychological harm such as doubt, anxiety, shame and a negative self-image that can last into adulthood. Many parents think that Good News Club classes are religious bullying and intimidation that shouldn't be allowed in public schools.

Parents are also concerned that Good News Club doctrines undermine their authority and the authority of schools and teachers. The curriculum teaches children to obey the Good News Club's authority above all others, and that the science teacher is a "fool" and a "servant of Satan" for teaching evolution or the Big Bang theory.

WHAT SCHOOL ADMINISTRATORS CAN DO

- Make sure parents have accurate information about the Good News Club so they can make informed decisions about sending their children.
- Ask to see the Good News Club's curriculum. Schools have a right to see the full curriculum of any club using their facilities, and so do parents. Review the Club's curriculum and provide a copy to any parent who requests it.
- Attend a Club session or two. Club leaders sometimes soft-pedal lessons when they're being observed, but you may still see some troubling aspects of the Club firsthand. Watch for lessons involving: shame, fear, guilt, or submission to the Club's authority; disrespect for people of other faiths or no faith; disrespect for the rights of women and LGBT citizens; disdain for science; pressure on students to accept Jesus as a savior or to join a local church; requests to raise money for missions or a local church; or pressure on children to evangelize their friends, classmates or parents.

3. Predatory Proselytizing and Religious Bullying

Many parents worry that their children will be enticed or pressured at school to join this religious group whose teachings they do not agree with. Because the Good News Club believes it is their moral duty to try to convert "every child," they don't always respect parental authority.

A Good News Club missionary famously said to a reporter, *"We know without any doubt that any child that doesn't give their life to Christ is going to be tortured in Hell for eternity. So to respect a parent's right to keep their child from being saved would simply be immoral on our part."*

Club teachers are trained to offer children candy and goodies for recruiting their classmates. This tactic can, and has, led to religious bullying at school, with non-believing children being ostracized and threatened with eternity in Hell if they don't join the Club. Club teachers have also been known to carry cookies and balloons through school hallways to lure children to their after-school classes. And they sometimes volunteer in classrooms during the day to recruit children and reinforce the impression that the school endorses their religion.

WHAT SCHOOL ADMINISTRATORS CAN DO

- If necessary, update school policies to: (1) Prohibit adults as well as students from engaging in bullying at on-campus meetings and activities, even if it occurs before or after the instructional portion of the school day; (2) Prohibit third parties found to have engaged in threats, intimidation, bullying or harassment from using school facilities.
- Be alert for cases of overt proselytizing or religious bullying.

4. Misleading Flyers and Permission Slips

The Good News Club's colorful flyers and permission slips make their classes sound like harmless fun—songs, snacks and Bible stories. They do not tell parents that they aim to change their child's religious beliefs.

And they certainly don't admit that the Club teaches an extreme version of fundamentalist Christianity. They describe themselves as "non-denominational," implying that they are

accepting of all faiths. In fact, they believe that people belonging to other faiths are going to Hell, including Christians like Presbyterians, Lutherans, Episcopalians and Catholics.

Some parents who sign the Club's permission slips are disturbed when they learn their children have been taught that they're "deeply wicked" and are threatened with eternal torture in Hell if they don't conform to the Club's beliefs. They complain that the Club's materials deceived them.

WHAT SCHOOL ADMINISTRATORS CAN DO

- Enforce ethical permission slip and flyer policies. (1) Refuse to post or send home misleading permission slips and flyers. If your school district policy doesn't allow the distribution of religious flyers or flyers containing information that "is not factual" or "is not free of racial, ethnic, religious or sexual bias," then the school district may refuse to distribute Good News Club flyers. (2) Require that flyers and permission slips state the actual purpose of the Club and provide the website for both the sponsoring church and the national sponsoring organization, CEF: www.cefonline.com.
- Don't allow any non-school-sponsored after-school clubs to use the school's information distribution system. Some schools have chosen to allow only school-sponsored activities to distribute information through the school. If the Good News Club operates in your school as a released-time program (meeting during school hours, off school property), the rules are much stricter. Schools may not promote released-time programs in any way, including distributing permission slips.
- Require clear disclaimers on permission slips. Make sure parents know that the school does not sponsor or endorse third-party after-school clubs, including the Good News Club. See the Model Flyer Policies pages for more information.

Model Facility Use Policies

Making school facilities available for student and community-related programs which are educational, cultural, social, recreational or civic in nature is a benefit to the community. By opening their facilities to such uses, schools provide students with valuable after- school activities, develop important bonds with the community and parents, and significantly enrich the quality of public education and community life.

Public schools cannot deny equal access to groups merely because they are religious. But the principle of neutrality works both ways. Religious groups must play by the same rules as any other group, including not harming children. Through the careful drafting and application of religiously neutral policies, schools can protect the psychological, emotional, and intellectual well-being of their elementary schoolchildren.

School Rights and Responsibilities

First and foremost, schools have a duty to affirm that any organization that they rent facilities to will not cause students harm, physically, psychologically or emotionally. Schools must do their due diligence to make sure that third-party groups meet this standard. Groups that harm children can and should be prohibited from using public school facilities.

Schools also have a duty to keep parents informed about everything that children are taught in school facilities, whether during or outside of regular school hours, so they can evaluate for themselves whether it is safe for their children. Schools must allow public access to all third-party after-school activities, so parents and citizens can see for themselves what is being taught.

Schools have a responsibility to make sure that third-party organizations that use its facilities are inclusive and non-discriminatory.

Model Facility Use Policy Provisions

Schools have long had the right to sanction students who direct obscene, vulgar and indecent speech toward fellow students. Adults have no superior right to direct abusive, on-campus speech toward students. A thoughtful Facility Use Policy can protect students from the intrusion of harmful outside organizations.

The following paragraphs are models for clauses that could be integrated into a school district's current Facility Use Policy:

1. Good Behavior Requirement

No person, group or organization shall be permitted to use a district facility if a reasonably prudent person, applying prevailing community or professional standards, would find that the group's activities, curriculum or practices:

- engage in physical, emotional, or psychological maltreatment of children;
- bully, ridicule, abuse, debase, or degrade students or cause them to question their self- worth;

- are calculated to traumatize students or make them feel excluded, ashamed or unacceptable because of their lack of a shared core identifying characteristic, such as race, religion or sexual orientation;
- discourage children from critical and open thinking by employing shame, conditional affirmation, or fear;
- are directed to students and are obscene, vulgar or otherwise age-inappropriate;
- substantially disrupt or interfere with the work, order, or discipline of the school.

2. Inclusiveness Requirement

All meetings must be non-exclusive and open to the public. No group that restricts its membership, attendance, or leadership by reason of racial, ethnic, or national origin; sexual orientation; or religious identity or commitment may use District facilities, with the following exceptions:

- a youth group that primarily serves young people under age 21, including but not limited to youth groups defined in the Boy Scouts of America Equal Access Act, 42 U.S.C. 7905, may restrict its membership and leadership and/or include an oath of allegiance to God and country.
- a non-curriculum related student group, as described in the Equal Access Act, 20 U.S.C. 4071 may restrict its leadership and membership on the basis of shared religious, political, and philosophical views if the group is led, directed, and controlled by students.

3. Promissory Requirement

Each group that applies for a facility use permit will affirm in writing that they will:

- refrain from behavior that abuses, degrades, demeans, humiliates, threatens or bullies students;
- refrain from provoking disrespect for, or imputing improper motives to, the District's teachers and employees;
- respect the inherent dignity and rights of each child, and of people generally, regardless of race, color, religion, creed, ancestry, age, sex, sexual orientation, physical handicap or national origin; and
- fully indemnify the District from any claims that may arise out of any violation of a child's rights.

4. Transparency Requirement

Any group that applies for a facility use permit must submit the following documents, in searchable electronic form if available:

- the organizing documents (e.g., articles of incorporation, by-laws, and charter, if any) of the organization;
 - any governing document setting forth requirements or prerequisites for leadership or membership;
 - any curricular materials for any program directed primarily toward students; and
 - any and all changes to previously submitted documents listed above.
- this information must be available for review by parents and citizens upon request.

5. No Viewpoint Discrimination

The District facilities coordinator shall administer this Policy in a manner that does not discriminate based on viewpoint.

Model Flyer Distribution Policies

When it comes to access to the school's information distribution system, schools are required to treat all non-school sponsored after-school clubs equally. If the school allows the distribution of materials by any after-school club, it must allow distribution of materials from all after-school clubs, including the Good News Club. [CEF of Northwest Maryland v. Montgomery County Public Schools, 373 F.3d 589, 595-96 (4th Cir. 2004); Rusk v. Crestview Local Sch. Dist., 379 F.3d 418, 422 (6th Cir. 2004); CEF of New Jersey Inc. v. Stafford Township Sch. Dist., 386 F.3d 514, 519 (3d Cir. 2004)]

Some schools have chosen not to distribute materials for any non-school sponsored after-school clubs, including the Good News Club.

Schools are not allowed to give special preference to the Good News Club. For example, a school in Albany, OR that posted the Good News Club's permission slip on its web site, but not the permission slips of other after-school clubs, was required to take it down.

If schools *do* allow Good News Club permission slips to be distributed, they have a duty to inform parents about the nature of the club and help them get more information. This information should be available for all after-school activities, not just the Good News Club.

All permission slips for after-school activities should have clear, specific disclaimers that give parents the information they need to make decisions about their child's participation:

This activity is not approved or sponsored by _____ School District. We are required by law to rent our facility to this organization.

Parents should evaluate all after-school activities for themselves before they send their children.

For more information about the organization that is sponsoring this activity, see _____ .com.

Model Bullying Policies

Many school districts have bullying policies that do not specifically apply to third parties using school facilities. There is no reason why outside adults shouldn't be held to the same standards as students. No leader of an after-school activity should be allowed to threaten, bully, harass or intimidate children in school facilities, and schools policies should reflect this if they don't already.

Anti-bullying policies should also specifically prohibit faith-based or religious bullying or intimidation, for example, telling children who do not attend the Good News Club or are of different faiths that they will "go to Hell."