



DISTRIBUTION OF GIDEONS BIBLES IN TEXAS PUBLIC SCHOOLS:
Impact on Students' Religious Liberty

Distribution of Gideons Bibles in Texas Public Schools: Impact on Students' Religious Liberty

An ACLU of Texas Investigative Report

By

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EXECUTIVE SUMMARY

In response to complaints from parents and students, the ACLU of Texas investigated the Gideons International organization's distribution of selected books from the Christian Bible in Texas school districts during the 2007-2008 and 2008-2009 school years. Open records requests were sent to Baird, Clyde, Eula, Frisco, Jim Ned, Marshall, Plano, Westwood, Wichita Falls, and Abilene Wylie ISDs. *(Please see map on page 3).*

Our investigation found that permitting the Gideons to distribute Bibles in public schools without properly enforced guidelines caused the following disruptions to the educational environment:

- Students in Plano ISD's Vines High School were given so many Gideons Bibles that they threw them at one another, sold them, tore them, and used pages from a Bible to roll a joint.
- Gideon Bibles were used to physically and verbally harass Jewish students in both Frisco and Plano ISDs; for example, Frankford Middle School students asked a Jewish classmate if he would die if he touched a Bible and then threw their Bibles at the student.
- Bibles were distributed to students as young as elementary school age, and in Westwood ISD Gideons were permitted to enter fifth grade classrooms to distribute Bibles directly to students.
- The Gideons encouraged Frisco ISD's Director of Communications to keep their plan to distribute Bibles on 13 district campuses a secret from principals until the day before the distribution, resulting in increased disruption and negative media attention for the district.

Community groups are to be applauded for providing information to students on topics ranging from drug abuse to career counseling in ways that are both educational and respectful of students' rights. However, allowing religious groups like the Gideons into the classroom to distribute religious texts—or allowing them to take advantage of certain distribution policies to coerce students into taking religious texts—is not only unconstitutional, it also disrupts and undermines schools' primary purpose of educating Texas' children.

The ACLU of Texas urges school districts to adopt and enforce consistent policies on the distribution of nonschool materials in order to avoid fostering disruption and harassment in school and violating students' constitutional rights to religious liberty. School boards should:

- Adopt adequate policies limiting the distribution of nonschool materials to prevent coercion by religious groups or endorsement of religious messages. Although additional limitations may be necessary to fully comply with the Constitution, districts that permit outside groups to distribute materials to students during the school day should, at a minimum:
 - prohibit school administrators and teachers from participating in the distribution of religious materials to students;
 - prohibit religious groups from distributing religious materials to students in person, or otherwise directly interacting with students in connection with distributions;



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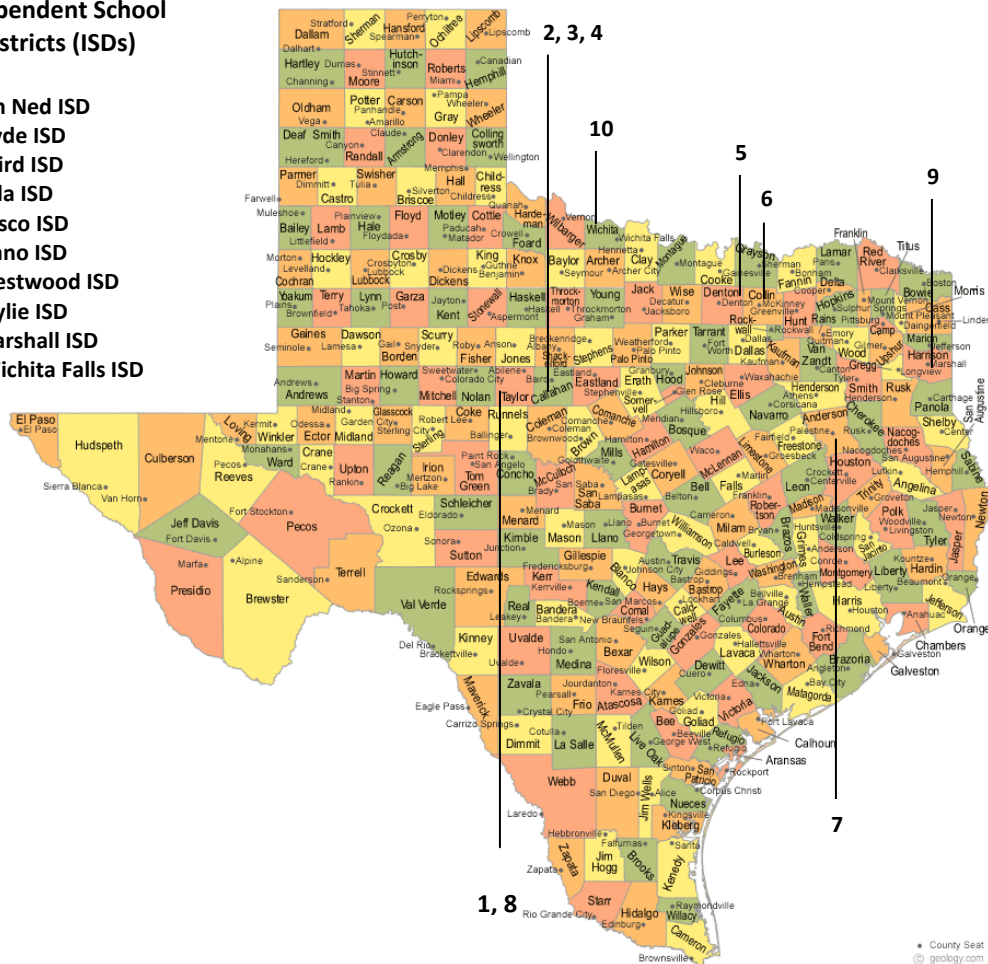
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- o articulate clear, viewpoint-neutral procedures for how outside groups can access nonschool materials distribution areas; and
- o require that a clear disclaimer of school sponsorship be prominently displayed at any nonschool materials distribution area.
- Ensure that all district employees, including administrators, teachers, and aids, are familiar with and strictly enforce all applicable policies on the distribution of nonschool materials, without preferential treatment for the Gideons or any other group.
- Seek legal advice from the district's counsel when necessary to ensure the district's specific policies and practices on the distribution of nonschool materials comply with applicable federal and state law.

Independent School Districts to which the ACLU of Texas Sent Open Records Requests

Independent School Districts (ISDs)

1. Jim Ned ISD
2. Clyde ISD
3. Baird ISD
4. Eula ISD
5. Frisco ISD
6. Plano ISD
7. Westwood ISD
8. Wylie ISD
9. Marshall ISD
10. Wichita Falls ISD





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I. Introduction and Methodology

After receiving numerous complaints from parents and concerned citizens, the ACLU of Texas launched an investigation in May 2009 into Bible distributions on public school campuses across the state.¹ The complaints, and our investigation, focused on the activities of the Gideons, an evangelical organization that regularly distributes Bibles to public school students as young as fifth grade. The ACLU of Texas sent detailed open records requests to 10 school districts around the state, and analyzed the districts' responses in addition to publicly available information about the Gideons organization.

The information collected by the ACLU of Texas reveals legal and administrative irregularities resulting in serious incidents of harassment and disruption at several of the investigated districts. Our findings, and suggestions for protecting students' religious liberty if the Gideons seek to distribute Bibles at school, are summarized below.

II. Who Are the Gideons?

The Gideons describe themselves as a Protestant/evangelical non-denominational organization "dedicated to saving the lost through personal witnessing and the distribution of God's Word" in the form of the Bible.² Only men with a business or professional background who are nominated by their pastors may be considered for Gideons membership.³ Women are not permitted to join the organization, though they can join the Gideons Auxiliary.⁴

Since their founding in 1899, the Gideons have distributed 1.3 billion Bibles printed in 80 different languages in more than 180 countries.⁵ The Gideons do not provide Bibles to churches, Christian organizations, or individuals who ask for them because their "mission is to reach the lost."⁶ In addition to the well-known placement of Bibles in hotel rooms, the Gideons also place Bibles in medical facilities, prisons, jails, and shelters; and distribute them "one by one by members" to individuals.⁷ The Gideons have recently decided to "ratchet up their efforts," voting at their July 2009 International Convention to increase Bible distributions by 20 percent.⁸

The Gideons' one-by-one personal distribution method focuses on reaching specific groups, including "students in fifth grade or above."⁹ Since 1946, 172 million Bibles—almost half of all Bibles the Gideons have distributed in the United States—went to elementary through college students.¹⁰ Gideons in this country currently distribute over four million Bibles to students each year.¹¹

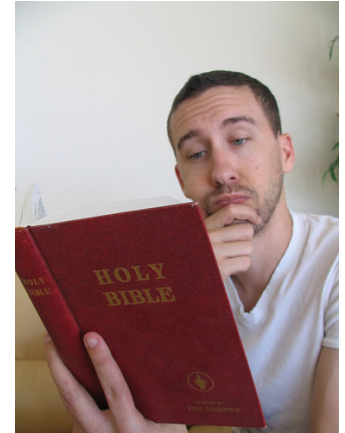
As these figures indicate, "[s]chools are one of the favorite distribution points for many Gideons," in part because they believe "the greatest potential for someone turning to Christ occurs when that person is still [of] school age."¹² The Gideons expressly aim to "win others to Jesus" through Bible distribution and personal witnessing,¹³ and they prefer personally distributing Bibles to students on or next to school campuses over leaving Bibles behind for students to pick up.¹⁴

III. Legal Standards Governing Bible Distribution in Texas Public Schools

The Gideons, like any group, have a constitutional right to express their views and distribute Bibles in public forums.¹⁵ However, that right ends where Texas public school students' right to religious liberty begins. Public schools that allow distribution of nonschool materials during the school day may not discriminate against material because they do not like

the point of view it expresses,¹⁶ but they can and must restrict religious content when necessary to comply with the Establishment Clause of the First Amendment.¹⁷

The Establishment Clause says the government must stay neutral on matters of religion.¹⁸ This means schools cannot intentionally, or unintentionally, advance religion or become too entangled with religious groups.¹⁹ Schools must also avoid favoring or appearing to favor a religious view,²⁰ and may not create any situation in which students feel coerced to participate in religion.²¹ These constitutional protections ensure that each child can find and follow her own faith with the guidance of her family and religious leaders, free from government intrusion.



Based on these constitutional principals, courts across the country have prohibited Bible distributions in public schools under a variety of circumstances, including when school officials:

- directly distributed Bibles to students, even when students were told they could decline to take one;²²
- permitted Gideons to enter classrooms during the school day to hand out or make presentations offering Bibles to students;²³ and
- granted or appeared to grant Gideons preferential access to distribute the Bible.²⁴

Even allowing Gideons to place Bibles on a table for students to pick up at will is impermissibly coercive for younger students.²⁵ In light of these rulings, a school ventures onto shaky constitutional ground when it opens its doors to outside groups like the Gideons during the school day.

IV. School Policies Governing the Distribution of Bibles in Texas Public Schools

Apart from the constitutional limitations described above, Texas school districts also have written board policies that govern the distribution of nonschool materials like flyers, books and other items that are not sponsored or controlled by the district or any organization affiliated with the district (such as the Spanish club or cheerleader squad).

All 10 of the districts we investigated currently permit outside groups to distribute nonschool materials on campus, subject to prior review by a school official and certain limitations on content.²⁶ Every district except Marshall ISD prohibits nonschool materials when there is reasonable cause to believe distributing them would substantially disrupt school activities. Frisco ISD's board policy further limits distributions to materials from nonprofit groups whose purpose is to educate and provide a direct benefit to young people. In addition to these content restrictions, every district except Wichita Falls ISD expressly limits nonschool material distribution to specific times, places and procedures determined by a school official. Marshall and Plano ISDs board policies specifically restrict nonschool materials to a designated distribution area at each campus. Finally, all but three districts—Marshall, Plano, and Wichita Falls ISDs—expressly provide that school authorities may suspend groups that violate these policies from further use of district facilities.

These board policies can be found on each district's website or requested from the administration. Some districts or individual campuses may have additional policies on nonschool materials found in student or teacher handbooks, codes of conduct, or elsewhere.



V. Findings: Gideons Bible Distribution Has Led to Legal Irregularities, Disruption and Harassment in Texas Public Schools

Public records obtained by the ACLU of Texas as part of its investigation revealed a number of troubling aspects of the Gideons' campaign to distribute Bibles in Texas public schools.

1. Multiple districts permitted the Gideons to violate students' religious liberty or district policy in their distribution methods.

In Westwood ISD, Gideons members visited each classroom of Westwood Elementary School in two consecutive years. In the fall of 2007, they entered six classrooms and distributed about 100 Bibles to children who raised their hands indicating they wanted one. The following school year, Gideons members distributed about 110 Bibles by placing them on a table in each classroom, where students were told they could take one if they wanted. Gideons Bibles were also distributed at an elementary school in Baird ISD. The principal who authorized the distribution did not receive the Superintendent's approval, in violation of district policy.

Students in Plano ISD's Vines High School were given so many Gideons Bibles that they threw them at one another, sold them, tore them, and used pages from a Bible to roll a joint.

During a week-long distribution at 13 middle and high schools in Frisco ISD, the local Gideons leader had to admonish members not to distribute Bibles in person or interact with students, in violation of district policy, after he received several complaints. Similar violations occurred during Gideons distributions at 16 campuses in Plano ISD. For example, at Renner Middle School, Gideons told students in the school cafeteria to pick up one of the hundreds of Bibles they had placed on a distribution table, and to take one for their friends. At Frankford Middle School, Gideons posted a sign urging students to take a Bible and interacted with students at the distribution point. The district had given the Gideons distribution guidelines prohibiting such outside signs, and reminded them of the prohibition after similar violations occurred at other district campuses. Nevertheless, when confronted at Frankford Middle School, Gideons members told the principal that their sign had been approved, and she allowed it "although I know they were not supposed to [post signs]." The Gideons were apparently also permitted to set up their own distribution area outside the area designated for other outside groups' materials.

2. Gideons Bible distributions caused disruption among students and parents.

A Westwood ISD parent complained to the school district about the Gideons' in-class distribution to elementary students during the 2007-2008 school year. Several parents in Frisco ISD also complained about distributions at their children's schools, prompting the Gideons local leader to advise his members "that must not be repeated."

Plano ISD received many complaints from parents concerned that Gideons were on campus, interacting with students, and verbally urging them to take Bibles during the distributions. Indeed, district officials repeatedly had to admonish the Gideons about their policies on placing outside materials and outside signs. Parents also complained that so many Bibles were distributed in Plano ISD that they eventually became a distraction for the students, which included using Bibles as projectiles and as props to harass Jewish classmates. One parent complained that her child, a Christian student at Vines High School, was upset when students began throwing the Bibles at one another, tearing them, and using pages from a Bible to roll a joint. Other students at the same school were troubled by seeing classmates tear a Bible, and one student



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was so disturbed by comments made about the Bible during lunchtime that the student requested to go home for the day. The principal at Frankford Middle School also reported that students were throwing and selling Bibles after the Gideons distribution.

Gideons members in at least one district clearly anticipated community objections, asking Frisco ISD's Director of Communications to stay quiet about their request to distribute Bibles at 13 district campuses as "[t]his low profile is mutually beneficial to all." The Gideons assured Frisco ISD that by maintaining confidentiality about the distribution request, including not telling campus principals of the plans until a day in advance, the district could reduce complaints by "95 percent." Nevertheless, the Bible distributions in Frisco and Plano ISDs caused enough of a stir to attract attention from the local and national media.²⁷

3. Gideons Bible distributions spurred serious harassment of religious minorities.

The Gideons' Bible distributions reportedly led students at several campuses to turn on their non-Christian classmates, verbally and physically harassing Jewish students in particular. Jewish students at Pioneer Middle School in Frisco ISD and Renner Middle School in Plano ISD were called names and made fun of by classmates in connection with the Bible distribution. Students at Renner Middle School called one classmate a "Bible burner," and in the same district's Vines High School taunted their Jewish classmates by saying they would burn if the Bibles touched them. The harassment escalated to physical violence at Frankford Middle School in Plano ISD, where students asked a Jewish classmate if he would die if he touched a Bible and then threw their Bibles at the student. At Vines High School in the same district, a Jewish student's desk was repeatedly covered with other students' Bibles.

VI. Conclusion and Recommendations: School Districts, Parents and Students Must Act to Safeguard Schoolchildren's Religious Liberty

The above findings demonstrate that allowing religious groups like the Gideons into the classroom to distribute religious texts—or to take advantage of nonschool materials distribution policies in order to coerce students into taking religious texts—is not only unconstitutional, it also undermines public schools' primary purpose of educating Texas children. Several of the investigated districts had inadequate nonschool literature distribution policies to protect students' religious liberty, or failed to properly enforce their policies when the Gideons came to campus. These failures resulted in substantial disruption among students on multiple campuses, drawing media scrutiny and complaints from concerned parents. Some students were upset by their classmates' disrespectful treatment of the Bible, while others were verbally or physically harassed on the basis of their minority faith.

These incidents underscore the danger of school districts creating the appearance that they favor the Gideons' brand of religion over others when they permit Gideons Bible distributions. They also expose districts to potential legal liability for violating the Establishment Clause or turning a blind eye to harassment against religious minorities.²⁸ As a result, school districts, parents and students must take action to ensure that the coercion, disruption and harassment detailed above do not recur in the investigated districts or elsewhere in Texas' public schools.



1. School Districts

To safeguard students' religious liberty, prevent harassment and disruption of schools' educational mission, and minimize exposure to legal liability, the ACLU of Texas recommends that school boards, in cooperation with school administrators, take the following actions.

- Adopt adequate policies limiting the distribution of nonschool materials to prevent coercion by religious groups or endorsement of religious messages. Although additional limitations may be necessary to fully comply with the Constitution, districts that permit outside groups to distribute materials to students during the school day should, at a minimum:
 - prohibit school administrators and teachers from participating in the distribution of religious materials to students;
 - prohibit religious groups from distributing religious materials to students in person, or otherwise directly interacting with students in connection with distributions;
 - articulate clear, viewpoint-neutral procedures for how outside groups can access any nonschool materials distribution area; and
 - require that a clear disclaimer of school sponsorship be prominently displayed at any nonschool materials distribution area.
- Ensure that all district employees, including administrators, teachers, and aids, are familiar with and strictly enforce all applicable policies on the distribution of nonschool materials, without preferential treatment for the Gideons or any other group.
- Seek legal advice from the district's counsel when necessary to ensure the district's specific policies and practices on the distribution of nonschool materials comply with applicable federal and state law.

2. Parents and Students

To ensure that you or your child does not receive a religious message from a public school, or be coerced to take religious materials from the Gideons or any other outside group at school, the ACLU of Texas recommends that you take the following steps.

- Be familiar with your school district and campus policies on the distribution of nonschool materials, and ensure they prevent coercive proselytizing by outside groups. Most school districts post their policies online, and copies can also be requested from the school office.
- Monitor your district to ensure that its employees strictly and uniformly enforce all policies for the distribution of nonschool materials, without preferential treatment for the Gideons or any other group.
- Document any and all incidents involving the distribution of nonschool material that you believe may violate the law by writing down the details of what materials were distributed, by whom, where, when, and to whom.



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- Document any and all incidents of disruption or harassment involving the distribution of nonschool materials. *Note that Texas schools' obligation to protect students who are being harassed because of their religion is triggered when the school district is notified of the harassment through its standard reporting procedures.*
- Report any incidents you believe may violate the law:
 - To your school district, through their harassment reporting and/or grievance procedures.
 - To the ACLU of Texas, using our online, confidential complaint form at www.aclutx.org.

Nothing in this report is intended to constitute legal advice, which can only come from an attorney experienced in this area of law and familiar with the facts of your situation. The State Bar of Texas's Lawyer Referral Service can be contacted toll-free at 1-877-9TEXBAR for an attorney referral. You may also request legal assistance from the ACLU of Texas at www.aclutx.org.



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¹ Press Release, ACLU of Texas, ACLU of Texas Investigates Public Schools For Violating Students' Religious Freedom (May 21, 2009), *available at* <http://www.aclutx.org/article.php?aid=721>.

² Gideons International, About Us: A Lasting Mission, <http://www.gideons.org/AboutUs/LastingMission.aspx> (last visited Sep. 21, 2009).

³ Gideons International, Frequently Asked Questions, <http://www.gideons.org/FAQ/FAQ.aspx> (last visited Sep. 21, 2009).

⁴ Associated Press, *Gideons Mark 100 Years of Giving Out the Bible*, USA Today, Jan. 9, 2009, *available at* http://www.usatoday.com/news/religion/2009-01-09-gideon-bible_N.htm.

⁵ Gideons International, About Us: Our History, <http://www.gideons.org/AboutUs/OurHistory.aspx> (last visited Sep. 21, 2009).

⁶ Gideons International, Frequently Asked Questions, <http://www.gideons.org/FAQ/FAQ.aspx> (last visited Sep. 21, 2009).

⁷ Gideons International, About Us: A Unique Focus, <http://www.gideons.org/AboutUs/UniqueFocus.aspx> (last visited Sep. 21, 2009).

⁸ Gideons International, News: USA, <http://www.gideons.org/News/LocalNews.aspx> (last visited Sep. 21, 2009) (internal quotation marks omitted).

⁹ Gideons International, About Us: A Unique Focus, *supra* note 7.

¹⁰ Gideons International, Gideons Regularly Go "Back to School," <http://www.gideons.org/News/LocalNewsArchive.aspx#> (last visited Sep. 21, 2009).

¹¹ *Id.*

¹² *Id.*

¹³ Gideons International, News: USA, *supra* note 8.

¹⁴ Gideons International, Gideons Regularly Go "Back to School," *supra* note 10.

¹⁵ U.S. Const. amend. I; *see also, e.g., Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 45 (1983).

¹⁶ *See, e.g., Good News Club v. Milford Central Sch.*, 533 U.S. 98, 106 (2001).

¹⁷ *See, e.g., id.* at 112; *Roark v. South Iron R-1 Sch. Dist.*, 573 F.3d 556, 561 (8th Cir. 2009).

¹⁸ *See, e.g., McCreary County v. American Civil Liberties Union*, 545 U.S. 844, 860 (2005).

¹⁹ *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602, 612-13 (1971).

²⁰ *See, e.g., County of Allegheny v. American Civil Liberties Union*, 492 U.S. 573, 593-94 (1989).

²¹ *See, e.g., Lee v. Weisman*, 505 U.S. 577, 587 (1992).

²² *Jabr v. Rapides Parish Sch. Bd.*, 171 F. Supp.2d 653, 662 (W.D. La. 2001).

²³ *Doe v. South Iron R-1 Sch. Dist.*, 498 F.3d 878, 883 (8th Cir. 2007); *Berger v. Rensselaer Cent. Sch. Corp.*, 982 F.2d 1160, 1171 (7th Cir. 1993), *cert. denied*, 508 U.S. 911 (1993); *Chandler v. James*, 985 F.Supp. 1094, 1101 (N.D.Ala.1997); *Goodwin v. Cross County Sch. Dist. No. 7*, 394 F. Supp. 417, 427-28 (E.D. Ark. 1973).

²⁴ *Tudor v. Bd. of Educ.*, 100 A.2d 857, 868 (N.J. 1953), *cert. denied*, 348 U.S. 816 (1953).

²⁵ *See Peck v. Upshur County Bd. of Educ.*, 155 F.3d 274, 288-89 & n* (4th Cir. 1998) (noting that restrictive passive Bible distribution policy upheld for secondary schools would likely be impermissible in elementary schools). *But see Rusk v. Crestview Local Sch. Dist.*, 379 F.3d 418, 424 (6th Cir. 2004) (rejecting *Peck's* distinction of elementary schools).

²⁶ Clyde CISD, Baird ISD, Eula ISD, Frisco ISD, Jim Ned ISD, Westwood ISD, and Wylie ISD Board Policies GKDA (Local); Plano ISD, Marshall ISD, and Wichita Falls ISD Board Policies GKD (Local).

²⁷ *See* Staci Hupp, *Jewish students in Plano district report pressure to pick up New Testaments displayed at school*, Dallas Morning News.com at http://www.dallasnews.com/sharedcontent/dws/news/localnews/stories/DN-biblefight_03met.ART0.North.Edition1.45f45c4.html (May 3, 2008); Jessica Meyers, *Frisco bible incident highlights broader Collin County tensions*, Dallas Morning News.com at <http://friscoblog.dallasnews.com/archives/2009/05/frisco-bible-debate-highlights.html> (May 18, 2009); *Parents Fuming as Texas Schools Let Gideons Provide Bibles to Students*, Fox News.com at <http://www.foxnews.com/story/0,2933,520630,00.html> (May 19, 2009).

²⁸ *See* Tex. Educ. Code § 37.001(7)-(8) (requiring school districts to prohibit and discipline student harassment and bullying); *Nabozny v. Podlesny*, 92 F.3d 446 (7th Cir. 1996) (school's deliberate indifference to enforcing anti-harassment policy to protect student from harassment based on gender and sexual orientation violates Equal Protection Clause); Letter of Sep. 13, 2004 from Kenneth L. Marcus, Deputy Assist. Sec'y for Enforcement, Dept. of Educ. Office of Civil Rights *available at* <http://www.ed.gov/about/offices/list/ocr/religious-rights2004.html> (Department of Education "will aggressively prosecute harassment of religious students who are targeted on the basis of race or gender, as well as racial or gender harassment of students who are targeted on the basis of religion" under Title VI of Civil Rights Act and Title IX of Education Amendments Act of 1972).