



March 6, 2024

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Governing Board President Anne Greenberg  
Governing Board members: Kerry Baker, Nancy Case, Sandra Christensen, Tony Pantera  
Through website contact

Re: Proposed MOU with LDS church

Dear Governing Board and Superintendents,

I am writing on behalf of the Secular Communities for Arizona (SCA), a non-profit organization whose purpose is to protect the constitutional principle of separation of religion and government in both the Arizona and federal constitution. I am writing to you regarding what could be a violation of state and federal law.

I have seen a draft of an MOU between Paradise Valley School District and the Church of Jesus Christ Latter-Day Saints. This MOU has a multitude of problems. LDS missionaries must wear badges that identify them as LDS. Thus they can be seen as proselytizing. The MOU is extremely vague about what they would be doing.

The MOU says the school will be respectful of the missionaries' values. But those values include LDS positions against co-habitation. In the U.S. 59% of people cohabit with a person of the opposite sex at some time. They are against abortion which 90% of Americans support. They discriminate against women in many ways and oppose LGBT behaviors and transition. Imagine the fear and chilling effect of a PV student who is LGBT being assisted by an LDS person or

even worse, an LDS student who may actually know the “missionary.” LDS believe that marriage is only between a man and a woman contrary to the Supreme Court ruling and they disfavor MAID though 55% of physicians favor it. They disfavor recreational use of marijuana though it is legal. Thus if you respect the missionaries’ values, you disrespect the values of the majority of Americans, Arizonans, and our own students. It is impossible to abide by state and federal non-discrimination law and respect LDS values at the same time.

A serious danger to the students at PV is illustrated by the case of Mr. Adams in Bisbee who was sexually abusing his children for two years. The LDS church knew and did nothing but hid behind the cloak of priest/penitent confidentiality. The civil lawsuit on that case after Mr. Adams hung himself in jail, showed that the attorney for the church and the bishops colluded to cover up the abuse. As you know, A.R.S.§13-3620 requires that school personnel report such abuse allegations. This sets up a potential conflict between church norms and the law and creates harm to students.

The MOU refers to this as “service learning.” What is proposed in the MOU is not “service learning.” Service-learning is an educational approach that combines learning objectives with community service **by the students in the school** in order to provide a pragmatic, progressive learning experience while meeting societal needs in conjunction with what the students are learning in class. Service-learning is an experiential learning pedagogy that **moves students beyond the classroom** to become active participants in their learning and develop civil knowledge and skills. It has nothing to do with bringing outside “missionaries” into a school to volunteer.

Federal legislation defined “service learning” in the National and Community Service Act of 1990 (as amended through December 17, 1999, P.L. 106-170; Section 101 (23) and reauthorized through the Edward M. Kennedy Serve America Act of 2009). Service -learning must respond to needs in the community, not the school, and enhances the academic curriculum and educational components of the school students. It most assuredly is not bringing outside “missionaries” into a school.

Schools, funded by taxpayer dollars, may not expend monies on sectarian activities. The relevant constitutional provisions are: Article II section 12 of the State Constitution that provides: 12. Liberty of conscience; appropriations for religious purposes prohibited; religious freedom

Section 12. The liberty of conscience secured by the provisions of this constitution shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise, or instruction, or to the support of any religious establishment. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror in consequence of his opinion on matters of religion, nor be questioned touching his religious belief in any court of justice to affect the weight of his testimony.

The Arizona Constitution also says in Article 9, section 10:10. Aid of church, private or sectarian school, or public service corporation

Section 10. No tax shall be laid or appropriation of public money made in aid of any church, or private or sectarian school, or any public service corporation.

The LDS website identifies “missionaries” as people who put their lives on hold for two years to share the message of the gospel of Jesus Christ. This they cannot do in a public school. A public school cannot endorse religion by engaging LDS “missionaries.” Schools may host events in religious facilities so long as there is not religious iconography present to put the school at risk of religious coercion or endorsement. *See e.g. Doe ex rel. Doe v. Elmbrook Sch. Dist.*, 687 F.3d 840, 850 (7th Cir. 2012) (holding that conducting a public-school graduation ceremony in a church runs afoul of the Establishment Clause). The cross carries deeply significant meaning for people who adhere to the Christian faith and is pregnant with expressive content. *See Salazar v. Buono*, 559 U.S. 700 (2010) (Stevens, J., dissenting); *Texas v. Johnson*, 491 U.S. 397, 405 (1989).

Additionally, public school employees have a constitutional right to be free from religious indoctrination in their schools, including while participating in off-campus teambuilding events. The Supreme Court has continually struck down proselytizing at school-sponsored events, including events occurring outside the regular school day. *See Lee v. Weisman*, 505 U.S. 577 (1992) (declaring unconstitutional clergy-delivered prayers at a public-school graduation). It is well-settled that school officials, including administrators, may not deliver a religious speech or proselytize as part of a school-sponsored event. Where school officials determine or have control over the content of what is expressed, such speech is attributable to the school and may not include prayer or content promoting (or opposing) religion or religion over non-religion.

It makes no difference how many attendees wouldn’t be offended by religious remarks at the rally, the courts have continually reaffirmed that the rights of minorities are nonetheless protected by the Constitution. As the Supreme Court has said, “fundamental rights may not be submitted to vote; they depend on the outcome of no elections.” *Id.* at 304-05 (quoting *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 638 (1943)). “The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts.” *Barnette*, 319 U.S. at 638. The Paradise Valley School District has a constitutional duty to remain neutral toward religion. By inviting LDS “missionaries” onto campus, you will force unwilling participants, chill speech of non-believers, and abridge that duty.

We urge you to reject this MOU and instead go to your community, parent-teacher organization, and local civic organizations to form a more inclusive school-community partnership.

Sincerely,

A handwritten signature in black ink that reads "Dianne Post". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

Dianne Post  
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