

# FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 • MADISON, WI 53701 • (608) 256-8900 • WWW.FFRF.ORG

February 18, 2026

**SENT VIA EMAIL & U.S. MAIL: [bortt@elmls.net](mailto:bortt@elmls.net)**

Superintendent Tony Borton  
Elmwood Local School District  
7650 Jerry City Rd.  
Bloomdale, OH 44817

Re: Unconstitutional religious release time on school property

Dear Superintendent Borton:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation ongoing in the Elmwood Local School District (“the District”). FFRF is a national nonprofit organization with more than 41,000 members across the country, including over 1,100 members and several chapters in Ohio. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned community member reports that the District is giving special treatment to LifeWise Academy, a religious release time program operating in the District. We’re told that since September 2022 the District has been renting a room in the Community Center to LifeWise during the school day. It’s our understanding that the Community Center is owned and operated by the District. However, per the Community Center’s website,<sup>1</sup> outside organizations are not allowed to rent rooms in the Center during school hours. It appears that the District is giving LifeWise favored treatment that it does not provide to other organizations renting Community Center rooms.

We write to request that the District immediately cease allowing LifeWise to operate on school property.

Public school students have the First Amendment right to be free from religious indoctrination in their schools. Public schools may not in any way promote or otherwise show favoritism toward religion, nor may they coerce students to believe or participate in any religion or religious exercise. *See generally Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). The Supreme Court has specifically struck down a scheme in which Bible classes were held on school property because it constituted “a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith.” *McCullum v Bd. of Ed.*, 333 U.S. 203, 210 (1948).

A public school violates the Constitution when it promotes religion by giving special access to school property to a religious release time program, including LifeWise. *See e.g., Doe v. Porter*, 370 F.3d 558 (6th Cir. 2004) (striking down school’s allowance of private group to provide bible instruction in case brought by FFRF); *H.S. v. Huntington Cnty. Cmty. Sch. Corp.*, 616 F.Supp.2d 863 (N.D. Ind. 2009) (issuing preliminary injunction against school that allowed trailers on school property for religious instruction because to do so violated the Establishment Clause); *Doe by Doe v. Shenandoah Cnty. Sch.*

---

<sup>1</sup> Elmwood Local School District Community Center,  
[https://www.elmwoodroyals.org/apps/pages/index.jsp?uREC\\_ID=4412126&type=d&pREC\\_ID=2643915](https://www.elmwoodroyals.org/apps/pages/index.jsp?uREC_ID=4412126&type=d&pREC_ID=2643915).

*Bd.*, 737 F. Supp. 913 (W.D. Va. 1990) (issuing temporary restraining order against school finding that allowing buses used for religious instruction to be parked in front of the school violated the Establishment Clause).

Furthermore, Ohio law states that release time courses must be “conducted . . . off school district property.” Ohio Rev. Code Ann. § 3313.6022(A). Here, the District is allowing LifeWise to use school district property for its classes, and the District is providing it with special treatment in violation of both Ohio law and the First Amendment.

While the Supreme Court has upheld the constitutionality of release time classes, schools are not permitted to provide support to or encourage participation in these programs. *See Zorach v. Clauson*, 343 U.S. 306, 312 (1952). In *Zorach*, the Supreme Court held that release time is acceptable if school authorities “do no more than release students whose parents so request.” *Id.* at 311. This means school districts cannot:

- Expend public school funds and resources for the program
- Provide release time programs with favored treatment
- Encourage or promote participation in the program
- Use public school facilities or resources during school hours for released time programs, including allowing a bus, trailer, or other vehicle to be parked on school grounds for the program
- Punish students who do not attend the program, either by failing to provide adequate alternative instruction or requiring they complete additional homework
- Allow released time representatives to solicit student participation during school hours or at school-sponsored events.

Finally, the District’s decision to give LifeWise special treatment inappropriately and needlessly alienates students and families who practice minority religions or no religion at all. Thirty-eight percent of the American population is non-Christian, including the almost 30 percent who are nonreligious.<sup>2</sup> More than half of Generation Z (those born after 1996) is non-Christian, including 43 percent who are nonreligious.<sup>3</sup> By allowing LifeWise to operate on school property, the District is sending a clear message that it not only favors religion over nonreligion, but also Christianity over all other faiths.

In order to protect students’ First Amendment rights, the Elmwood Local School District cannot allow a release time program to operate on school property, and it cannot provide release time programs with favored treatment. Please inform us in writing of the steps the District is taking to address this constitutional violation. Thank you for your time and attention to this matter.

Sincerely,



Samantha F. Lawrence  
*Staff Attorney*  
*Freedom From Religion Foundation*

---

<sup>2</sup> Pew Research Center (2024), <http://bit.ly/3W6Cl3m>.

<sup>3</sup> Pew Research Center (2024), <http://bit.ly/48Drzce>.