



P.O. Box 3952
Charleston, WV 25339
(304) 345-9246

May 5, 2023

Principal Cochran
Assistant Principal Ezell
268 Bulldog Drive
West Union, West Virginia
26456

Re: May 2nd Bob Holmes Assembly Concerns

Principal Cochran and Assistant Principal Ezell,

We've been contacted by concerned members of your school community concerning a religious assembly that was held on May 2, 2023, at your school. We understand that students were told that the assembly would have a primarily anti-suicide message and attended the assembly with that understanding. However, students reported that the assembly was explicitly religious. The speaker reportedly proselytized to students, had students participate in a group prayer, and spoke to the students about doctrines contained in the Christian Bible.

This outcome is unsurprising given the clear religious focus of the speaker, Bob Holmes. He describes himself on his website as "an evangelist who preaches at churches, revival meetings, pastors' and youth conferences, Christian schools, camps, and other Christian events." Even when he goes on to describe presentations to non-Christian audiences he states "... God has given Bob a unique and compelling platform to reach both Christians and non-Christians... speaking to diverse general audiences including students, teachers... and more, often with the opportunity to share the Gospel message."

The United States Constitution permits everyone to practice the religion of their choice, or to observe no religion at all. In support of this right, public schools are required to ensure that state-supported activity is not used for religious indoctrination. A school-sponsored assembly – happening on school property and during educational time – certainly runs afoul of these requirements. There is ongoing litigation in other areas of the state addressing these same practices. Most importantly, these events ostracize students who don't practice the religion being promoted and contribute to their alienization from your school community.

We're thankful to hear that you're interested in promoting a message meant to reduce teen suicide and bullying; part of that work is creating an environment where all students feel safe, respected, and valued. Ensuring the separation of religious practice from public education is an important aspect of making that a reality for students in your school. If now or in the future, you have an interest in being directed to other presenters or organizations that can speak to issues of bullying and teen suicide, we would be happy to work to get you those resources. In the meantime, we urge you to be cognizant of those who speak to your school, the constitutionality of their messages, and the effect that it may have on your students.

If you'd like to speak further on this issue, please don't hesitate to contact me directly.

Best,

Aubrey Sparks
Legal Director



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Re: May 2nd Bob Holmes FOIA Request

Principal Cochran and Assistant Principal Ezell,

Pursuant to West Virginia Freedom of Information Act, W. Va. Code § 29B-1-1 *et seq.* (“FOIA”), the American Civil Liberties Union of West Virginia Foundation (“ACLU-WV”) respectfully requests any records relating to the **May 2, 2023, assembly at which Bob Holmes was a speaker.** This request specifically requests:

- (1) Any recordings of the May 2, 2023, assembly;
- (2) Any communication arranging for Bob Holmes to appear at the event;
- (3) Any communication concerning the substance of the event; and
- (4) Any payment made related to Bob Holmes’ appearance.

This request includes but is not limited to all records or communications preserved in electronic or written form, *including but not limited to* correspondence, documents, videotapes, audio tapes, e-mail, text messages, faxes, files, messages sent on social media platforms, memoranda, agreements, notes, or orders. Please note that this request also includes a request for any communications sent using personal phones, email accounts, and social media accounts. **The date range for these requests, unless otherwise noted, are from May 1, 2022 to the present.**

Please note that W. Va. Code § 29B-1-3 requires agencies to respond to requests for public records within **five business days**. Additionally, while W. Va. Code § 29B-1-3(5) permits public agencies to assess fees associated with the reproduction of public records, as a not-for-profit advocacy organization we request a waiver of any fees associated with the furnishing of these documents. To limit costs, electronic production of documents would be preferable. If you do intend to assess fees, however, please contact me for authorization of any fees in excess of \$100.

West Virginia’s Freedom of Information Act is “liberally construed with the view of carrying out” a policy of disclosure, while exemptions are to be narrowly construed. W. Va. Code §29B-1-1. Any party claiming that an exemption applies bears the burden of proving its applicability. *See Daily Gazette v. W. Va. Dev. Office*, 482 S.E.2d 180, 187 (W. Va. 1996). Documents regarding policies of public agencies after the policies have been formulated are not subject to the “internal



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memoranda or letters” exemption to the WV-FOIA provisions. *See id.* at 192. Finally, for any undisclosed or redacted records, we request a *Vaughn* index.

Thank you in advance for your prompt response. Please furnish all records to Aubrey Sparks at Asparks@acluwv.org. If you have any questions or concerns, please feel free to contact me directly

Best,

Aubrey Sparks
Legal Director