

Shelby City Schools
Board President Scott Rose
109 West Smiley Avenue
Shelby, Ohio 44875
Letter sent to: rose.scott@shelbyk12.org

March 27, 2025

Re: The need to be mindful of the Establishment Clause

Dear School Board President Rose,

Thank you for the dedicated service the School Board provides to our community. As you are aware, Superintendent Michael Browning did schedule a meeting with clergy on February 14th; his letter dated February 24th prompted our following response.

While we appreciated the meeting, the Superintendent debated the orthodoxy of our belief system and questioned the validity of our claims. Our previous correspondence was clear that we believe the activities during a Kindergarten class on November 25th, 2024 were religious in nature, had a teacher acting in her official capacity, did not have parents' permission, and therefore was unlawful.

As non-adherents to Eastern Religion with general standing and taxpayer standing, we believe as (10) ordained ministers, that our congregants in the school district are being treated as outsiders and being deprived of their equal protection under the law. Religious instruction involving our Biblical tradition is required to take place off campus, without taxpayer dollars, and with parental permission (*Zorach v. Clauson*). However, no such requirements exist for Eastern Religion in Shelby City Schools.

To be fair, the Pre K-second grade students were not given the choice of Bible reading for Club Day, as it would have had the secular benefit of promoting literacy.

The Superintendent, who in our meeting shared he was a yoga practitioner, later mentioned the local YMCA in his letter as his example for community acceptance of yoga as 'secular exercise.' His example actually strengthens our position that yoga is religious as many YMCA branches offer corporate prayer and even chaplains at its facilities. Furthermore, unlike standard secular fitness centers, the Shelby YMCA has a religious tax-exemption similar to other yoga studios. (1) In fact, a YMCA blog from January 24, 2025 discusses the so-called spiritual benefits of yoga. (2) To be clear, secular exercise does not provide spiritual benefits unless it is religious in nature.

It is our observation regarding the issue of yoga that a dishonest 'bait and switch' is occurring. If there is concern about religious entanglement, then yoga is portrayed as a 'secular practice.' When the need arises to tout yoga's benefits, then practitioners claim yoga positively impacts the spirituality of its participants.

Regrettably the Superintendent's response letter was not an apology, but rather a rebuttal of our concerns. In the correspondence, the Superintendent argued the picture we highlighted depicts 'secular yoga' with no religious element to it. Additionally, he only implies and does not explicitly state the practice of yoga will be discontinued in Shelby City Schools. For your reference, we have provided a straightforward correspondence written in 2020 by the Lexington Superintendent that ended all yoga programming within its district.

The Courts have repeatedly ruled yoga and meditation are religious practices. A 1988 Arkansas case commonly known as Powell v. Perry concluded that “yoga is a method of practicing Hinduism.” The Ninth District Court of Appeals ruled in a 1995 case that the “Hindu-Yoga spiritual tradition” is a “religious tradition.” Lack of recent court victories regarding classroom religious practices are because of lucrative court settlements school districts have made with families admitting ‘no admission of liability’ while paying off students' families like in Chicago in 2024, and in San Diego in 2022.

A 2016 national study of over 500 yoga practitioners found 69% of instructors and students in yoga change their primary reason for practicing. While initially practiced for exercise and stress relief, the study found spirituality became the primary reason for maintaining the practice. (3) In other words, classroom yoga proselytizes young public students and advances Eastern Religion.

Hidden Hindu religious elements are embedded throughout the video in question, including the ‘Salute the Sun’ sequence of poses which is considered a religious ceremony. The Sun Salutation (Surya Namaskar) is considered a moving prayer and according to Kelly McGonigal PhD in the Yoga Journal, it is a spiritual practice and sacred ritualistic salutation to the sun. (4) The practice of yoga displayed in the picture is not students learning about a religion, rather, this is students practicing a religion. No matter how you twist it and turn it, the class activity on November 25th, 2024 is still practicing Eastern Religion.

According to the Ohio Revised Code 3313.212, we are formally requesting the lesson plans and any instructional material involving yoga during class for the entire school district for the 2024-25 school year to be sent electronically at your earliest convenience. Since the Superintendent indicated in his meeting that the School Board as a whole is not supportive of the activities that took place November 25th, we are hoping the School Board could provide a written response to this email, closing any loopholes by prohibiting all yoga activities during class.

Thank you for your consideration,

Pastor Steve Baldrige, Rome Community Church
Pastor Art Kennard, Shelby Maranatha Christian Ctr.
Pastor George Lewis, Shelby Temple of GOD
Pastor Brian Phillips, New Beginnings Freewill Baptist
Pastor James Marshall, Ganges Community Church

Pastor Hank Webb, Belmont 96 Church
Pastor Bruce Philippi, Journey Life Center
Bishop Anthony Cooper, Shelby Life Church
Pastor Kevin Evans, Ganges Liberty Lifesong
Pastor John Campos, Bowman St. Church GOD

References:

1“New York City yoga instructors can relax; their classes aren't taxable exercise,” Don’t Mess with Taxes July 28, 2012 https://dontmesswithtaxes.typepad.com/dont_mess_with_taxes/2012/07/new-york-city-yoga-instructors-can-relax-their-classes-arent-taxable-exercise.html

2 “The Spiritual Benefits of Yoga,” by Jessica Hildebrand, Yoga Instructor at the YMCA of Greater Brandywine, January 24, 2025, <https://ymcagbw.org/blog/spiritual-benefits-yoga>

3“Why practice yoga? Practitioners' motivations for adopting and maintaining yoga practice,” by Crystal Park, Kristen Riley, Michelle Stewart & Elena Bedesin, University of Connecticut, June 21, 2016, <https://pubmed.ncbi.nlm.nih.gov/25030795/>

4“‘The Sun Salutation Decoded: Learn Surya Namaskar,’” by Kelly McGonigal, PhD, teaches yoga and psychology at Stanford University, January 20, 2025, <https://www.yogajournal.com/yoga-101/shine/>

Ohio Constitution Article 1, Section 7 states: " All men have a natural and indefensible right to worship Almighty God according to the dictates of their own conscience. **No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society;** nor shall any interference with the rights of conscience be permitted. No religious test shall be required, as a qualification for office, **nor shall any person be incompetent to be a witness on account of his religious belief;** but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the general assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.." (Emphasis added)