

**From:** [MAYER Mark \\* ODE](#)  
**To:** REDACTED  
**Subject:** Use of Albany District Facilities by Northside Church  
**Date:** Friday, April 28, 2023 7:27:00 AM  
**Attachments:** [image002.jpg](#)

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REDACTED:

I want to thank you for reaching out to the Oregon Department of Education to report a possible violation of ORS 327.127, prohibiting a school district from sponsoring, financially supporting, or otherwise being actively involved with a religious activity.

I have interviewed district staff and collected documents pertaining to the use of Oak Grove Elementary School in Albany Public Schools.

The documents include the following:

- A generally applicable facilities use policy for the use of facilities by community organizations.
- A document reflecting an agreement entered into between Albany Public Schools and Northside Church for the use of Oak Grove Elementary School pursuant to this policy.
- Examples of other agreements entered into between Albany Public Schools and other community organizations, reflecting that Albany Public Schools is applying the policy in a uniform manner.
- An invoice from Albany Public Schools reflecting that Northside Church has made payment to Albany Public Schools pursuant to this policy. District staff further explained to me that there are three tiers to their payment system: use of a facility for no cost, use of a facility at a reduced rate, and use of a facility at the standard rate. Northside Church makes payment to Albany Public Schools at the standard rate.

In consideration of these documents, I find that Albany Public School is not sponsoring, financially supporting, or actively being involved with a religious organization. As I explained during our phone call on April 5, 2023, the United States Supreme Court has ruled that use of school facility by a religious organization in accordance with a generally applicable policy does not constitute sponsoring or actively being involved with that religious organization.

I also examined the photos that you sent me on April 5, 2023, and verified during my interview with district staff that the signs that are the subject of these photos were created, and are posted, by Northside Church. Albany Public Schools is not in control of the signage, and Northside Church is not within the Oregon Department of Education's regulatory reach. Use of the signs is also protected by the Free Speech Clause of the First Amendment to the United States' Constitution.

Let me know if you would like copies of any of the documents listed in the email, or if you would like to discuss the matter further.

Thank you for drawing the department's attention to this matter. It is important to ensure that

school districts are in compliance with the law.



Mark Mayer

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Complaint and Appeals Specialist

Department of Education | Director's Office

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