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May 27, 2016

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*Via E-mail Commissioner@nysed.gov*

New York State Education Department

89 Washington Avenue

Albany, New York 12234

Attention: Commissioner MaryEllen Elia

Re: NYSED w/ County of Rockland

Dear Commissioner Elia:

This Office represents the School Religious Freedom Coalition ("SRFC"), an association of schools in Rockland County equally concerned about religious civil rights and the safety of all children in our schools. The SRFC respectfully submits this correspondence regarding your letters of May 25, 2016 and May 26, 2016 directed to Rockland County Executive Day.

Our Office notes at the outset that SRFC joins you in your commitment to ensure the safety of each and every school and child attending every school throughout the State of New York. This commitment extends to all aspects of school safety such as preventing school violence; abating contaminated water (including lead contamination) in school facilities; and, of course, ensuring fire safety. More particularly as to fire safety inspections, SRFC fully supports the intent expressed in your May 26, 2016 letter that all "inspections be conducted with the sole purpose of ensuring the health and safety of students." Unfortunately, as exhibited by the press conference of County Executive Day yesterday, the County Executive has exhibited his unfortunate politically opportunistic response to this school safety issue.

Of course, any reasonable person concerned about this goal of safety in our schools knows that an objective and reasonable plan needs to be in place for any inspections that complies with all Constitutional and legal requirements. We assume that is why you requested County Executive Day to provide your Office "with the plan and timetable for how" the inspections were to be conducted. Instead of preparing such an objective plan and sharing it with impacted members of the community, County Executive Day used your letters as his misguided invitation to serve his own political gains by holding a press conference yesterday where he referred to inflammatory images of children in "body bags"; threatened penalties of thousands of

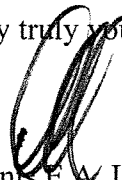
dollars; and, remarkably threatened “jail” time.<sup>1</sup> In doing so, County Executive Day clearly does not share the goal of making schools safe, instead of politicizing school safety. Indeed, it is a sad day when County Executive Day selectively uses children school safety for his proverbial political kidnapping of this school safety issue.

Further, any constitutionally compliant safety inspections must be conducted only by an objective and independent entity. Here, because of his uncontradicted statements in the public record, County Executive Day and his Deputy County Executive have demonstrated a lack of objectivity and unequal treatment regarding SRFC members. As but one example, the County Executive has made comments in the public record cautioning against giving certain funding as that would only allow the religious school community “to continue growing”. Further, the Deputy County Executive has also stated in the public record regarding members of the associated SRFC religious community, “We can’t stop them, but we can and must try to slow their growth down.”

Additionally, under these particular circumstances, the concern of SRFC and its members regarding their Constitutional and other legal rights is real and justified. “No question is raised concerning the power of the State *reasonably* to regulate all schools...” Pierce v. Society of Sisters, 268 U.S. 510 (1925). (emphasis added). However, that police power cannot be permitted to be abused by others to target those sharing certain religious beliefs solely for political gain and other discriminatory purposes. Further, New York State Education Law Section 807-a, 7.a. does not identify, and instead notably omits, the County as an authorized inspector. Instead, New York State Education Law Section 807-a, 3.a, (5) only authorizes inspection by the County at the invitation of the school administrator. Please be advised no SRFC school administrator has authorized any such inspections.

Finally, our Office respectfully requests that you as the Commissioner accept this correspondence as our official complaint as well as an invitation by SRFC to work together towards a shared interest in ensuring school safety for all. Furthermore, each and every individual who illegally threatens the members of SRFC or acts on those threats by conducting unconstitutional and illegal inspections will be held personally liable for damages sustained.

Very truly yours,



Dennis E.A. Lynch

DEAL/vad

cc: Edwin J. Day, County Executive (via email [DayEd@co.rockland.ny.us](mailto:DayEd@co.rockland.ny.us))  
School Religious Freedom Coalition

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<sup>1</sup> Further demonstrating County Executive Day’s political agenda, it should be noted that New York State Education Law Section 807-a does not provide for either monetary penalties or jail threatened by him at the press conference.