FREEDOM FROM RELIGION *foundation*

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June 16, 2016

SENT VIA EMAIL AND U.S. MAIL:
lehmanb@nadams.k12.in.us

Mr. Brent Lehman
Superintendent
North Adams Community Schools
625 Stadium Drive
Decatur, IN 46733

Re: Unconstitutional coach-led prayer

Dear Superintendent Lehman:

I am writing on behalf of the Freedom From Religion Foundation regarding a constitutional violation that occurred at Bellmont High School. FFRF is a national nonprofit organization with nearly 24,000 members across the country, including more than 350 members in Indiana. Our purpose is to protect the constitutional principle of separation between state and church.

A concerned District community member informed us that Bellmont High School girls' tennis coach [redacted] recently led his team and their families in a pre-meal Christian prayer. We understand that the meal, following a rained-out match, was intended to celebrate graduating seniors for the last match of the school year.

It is illegal for public school athletic coaches to lead their teams in prayer. We write to request assurances that [redacted] will not lead, participate in, or encourage prayers with students in the future.

The Supreme Court has continually struck down school-sponsored prayer in public schools. *See, e.g.*, *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (holding student-led prayer over the loudspeaker before football games unconstitutional). Because the prayer in *Santa Fe* occurred "as part of a regularly scheduled, school-sponsored function conducted on school property," the Court held that "[r]egardless of the listener's support for, or objection to, the message, an objective Santa Fe High School student will unquestionably perceive the inevitable pregame prayer as stamped with her school's seal of approval." *Id.* at 307–08. *See also Lee v. Weisman*, 505 U.S. 577 (1992) (finding prayers at public high school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturning

Dan Barker and Annie Laurie Gaylor, *Co-Presidents*

law requiring daily "period of silence not to exceed one minute . . . for meditation or daily prayer"); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963) (holding school-sponsored devotional Bible reading and recitation of the Lord's Prayer unconstitutional); *Engel v. Vitale*, 370 U.S. 421 (1962) (declaring school-sponsored prayers in public schools unconstitutional).

In each of these cases, the Supreme Court struck down school-sponsored prayer because it constitutes a government advancement and endorsement of religion, which violates the Establishment Clause of the First Amendment.

Public school coaches must refrain not only from leading prayers themselves, but also from participating in students' prayers. It is unconstitutional for public school employees to participate in the religious activities of their students. *See, e.g., Bd. of Educ. of the Westside Cmty. Sch. v. Mergens*, 496 U.S. 226, 253 (1990) (holding that public school faculty may only be at student-led religious meetings in a "nonparticipatory capacity."). Federal courts have held that even a public school coach's silent participation in student prayer circles is unconstitutional. *See, e.g., Borden v. Sch. Dist. of the Twp. of East Brunswick*, 523 F.3d 153 (3d Cir. 2008), *cert. denied*, 129 S.Ct. 1524 (2009) (declaring the coach's organization, participation and leading of prayers before football games unconstitutional); *Doe v. Duncanville Indep. Sch. Dist.*, 70 F.3d 402 (5th Cir. 1995) (holding a basketball coach's participation in student prayer circles an unconstitutional endorsement of religion).

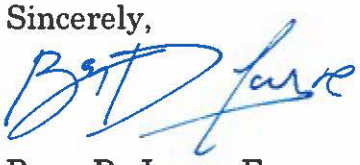
In *Borden*, the Third Circuit Court of Appeals stated that the coach's involvement in the prayer by "taking a knee" and "bowing his head" during the prayers, even when student-led, "would lead a reasonable observer to conclude he was endorsing religion." *Id.* at 176. The court continued, " 'if while acting in their official capacities, [school district] employees join hands in a prayer circle or otherwise manifest approval and solidarity with the student religious exercises, they cross the line between respect for religion and the endorsement of religion.' " *Id.* at 178 (quoting *Duncanville*, 70 F.3d at 406).

The court in *Borden* also rejected the coach's argument that the school district's policy of prohibiting its employees from engaging in prayer with students violated the employees' right to free speech. *Id.* at 174. The court found that the school district had a right to adopt guidelines restricting this activity because of its legitimate concern about potential Establishment Clause violations. *Id.*

Coach [redacted] conduct is unconstitutional because he endorses and promotes his personal religion when acting in his official capacity as a school district employee. Certainly, he represents the school and the team when he acts in his official role as head coach of the Bellmont Braves. Therefore, he may not lead his team in prayer and he may not organize or advocate for students to pray. By reciting a Christian prayer before a team meal, [redacted] also alienates the 44% of young Americans who are not Christian.[1]

Please commence an immediate investigation and inform us in writing of the steps North Adams Community Schools takes to ensure that religious rituals are not part of any school-sponsored events in the future. Thank you for your time and attention to this matter.

Sincerely,



Ryan D. Jayne, Esq.
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Freedom From Religion Foundation

[1] *America's Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), *available at* www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.