

FREEDOM FROM RELIGION *foundation*

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June 29, 2011

Mr. Dan LaLonde
President, Board of Education
Ilion Central School District
1 Golden Bomber Drive
Ilion, NY 13357

Re: Prayers at School Board Meetings

Dear Mr. LaLonde:

I am writing on behalf of a resident and taxpayer, and other members of the Freedom From Religion Foundation (FFRF), who object to the School Board's practice of opening each meeting with prayer. FFRF is a national nonprofit organization with over 16,500 members across the country, with 970 in New York. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that the Ilion Central School District's Board of Education (Board) begins its bimonthly meetings with a sectarian prayer. It is also our information and understanding that these meetings are open to the public and students from the district schools are sometimes in attendance.

It is beyond the scope of a public school board to schedule prayer as part of its monthly meetings. Federal courts have struck down school board practices that include this religious ritual. *See Coles v. Cleveland Bd. of Educ.*, 171 F.3d 369 (6th Cir. 1999)(finding that a school board's practice of opening its meetings with prayers violated the Establishment Clause). The Board compounds the violation when a majority of prayers are sectarian, referring to a particular religion or denomination. Such prayerful practices demonstrate the Board's unconstitutional endorsement not only of religion over nonreligion but also that particular religion over all other faiths (which inevitably happens). *See Doe v. Tangipahoa Parish Sch. Bd.*, 473 F.3d 188 (5th Cir. 2006), *dismissed on other grounds*, 494 F.3d 494 (5th Cir. 2007)(finding a school boards practice of opening meetings with sectarian prayer unconstitutional); *Bacus v. Palo Verde Unified Sch. Dist.*, 52 Fed.Appx. 355, 2002 WL 31724273 (C.A. 9 (Cal.))(finding that a school board violated the Establishment Clause in allowing prayers "in the name of Jesus").

Furthermore, the Supreme Court has continually and consistently struck down prayer by school officials in the public schools. *See, e.g., Abington Township Sch. Dist. v. Schempp*, 374 U.S. 203 (1963)(declared unconstitutional devotional Bible reading and recitation of the Lord's Prayer in public schools); *Engel v. Vitale*, 370 U.S. 421

(1962)(declared prayers in public schools unconstitutional); *See also Lee v. Weisman*, 505 U.S. 577 (1992)(ruled prayers at public high school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S. 38 (1985)(overturned law requiring daily “period of silence not to exceed one minute ... for meditation or daily prayer.”); *Jager v. Douglas County Sch. Dist.*, 862 F.2d 825 (11th Cir. 1989), cert. den., 490 U.S. 1090 (1989)(holding unconstitutional pre-game invocations at high school football games). In all of the aforementioned cases, the federal courts have struck down prayer in the public school context because it constitutes a government-endorsement of religion, which violates the Establishment Clause of the First Amendment.

Certainly, a public school board is an essential part of the public school system. *See Coles v. Cleveland Bd. of Educ.*, 171 F.3d at 381 (“...the school board, unlike other public bodies, is an integral part of the public school system.”) Public school boards exist to set policies, procedures and standards for education within a community. The issues discussed and decisions made at these meetings are wholly school-related affecting the daily lives of district students and parents. In striking down the board’s prayers in *Coles v. Cleveland Bd. of Educ.*, the Sixth Circuit found prayers at school board meetings to be squarely within the context of school prayer cases. The court noted, “although meetings of the school board might be of a ‘different variety’ than other school-related activities, the fact remains that they are part of the same ‘class’ as those other activities in that they take place on school property and are inextricably intertwined with the public school system.” 171 F.3d at 377. Therefore, prayer at public school board meetings is no different than a prayer given at other school district events and is unconstitutional.

The Board exists to “provide a program of public education” for the area. The Board meetings take place at the administrative offices within the school district, as well as City Hall, and are attended by Ilion Central School District’s faculty, staff, parents and students. In fact, the meetings often include a captive audience of district students in attendance. These meetings are in effect public school events, and therefore, cannot include prayer. As Fifth Circuit Judge Carl Stewart aptly noted,

“...the existence of the school board is dependent on the existence of public schools. Supreme Court jurisprudence, as well as common sense, dictate that school board members should not be allowed to do at meetings what they could not mandate in the schools.” *Doe v. Tangipahoa Parish Sch. Bd.*, 473 F.3d. 188, 208 (5th Cir. 2007)

Finally, prayer at public school board meetings is unnecessary, inappropriate and divisive. Calling upon Board members, as well as parents and students of the school, to rise and pray is coercive, embarrassing and beyond the scope of our secular school system. Board members are free to pray privately or to worship on their own time in their own way. The school board, however, ought not to lend its power and prestige to religion, amounting to a governmental endorsement of religion that excludes the 15% of the U.S. population that is nonreligious (Religious Identification Survey 2008).

On behalf of our New York membership, we request that the Board discontinue the practice of scheduling a prayer as part of its meetings. By hosting prayers, the Board is inappropriately imposing its religious beliefs on the parents and student who attend meetings for school business. To avoid the divisiveness these prayers cause within the community the solution is simple: discontinue official, government prayers before school board meetings.

We request a written reply regarding the steps you are taking to address these serious constitutional concerns so that we may notify our complainants.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca S. Markert for". The signature is written in a cursive, flowing style.

Rebecca S. Markert
Staff Attorney

RSM:ask