

FREEDOM FROM RELIGION *foundation*

P. O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

September 13, 2011

SENT VIA FAX & U.S. MAIL
(830) 643-5701

Mr. Randy Moczygemba
Superintendent
New Braunfels Independent School District
430 W Mill St
New Braunfels, TX 78130

Re: Prayer at Kindergarten Open House

Dear Superintendent Moczygemba:

I am writing once again on behalf of a concerned area resident and parent, as well as other members of the Freedom From Religion Foundation (FFRF), to alert you to a troubling situation at Seele Elementary School. As you may recall, FFRF is a national nonprofit organization with more than 17,000 supporters across the country including approximately 800 in Texas. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that Seele Elementary School in the New Braunfels Independent School District ("District") hosted a Kindergarten open house on September 6th, 2011. Our complainant informs us that the open house meeting began with a message from the PTA president, delivered via closed-circuit television. It is our understanding that, in the message, the PTA president led attendees in the national pledge of allegiance, the state pledge, and then a Christian prayer. Our complainant is understandably concerned that future events – and possibly even instructional time – will showcase similar religious displays.

It is illegal for a public school to organize, sponsor, or lead prayers at school events. As we wrote previously, the Supreme Court has continually struck down formal teacher or school-led prayer in 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 Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000)(struck down a school policy that authorized students to vote on whether to hold a prayer at high school football games); *Lee v. Weisman*, 505 U.S. 577 (1992)(ruled prayers at public 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). In all of the aforementioned cases, the court struck down prayer in public schools because it constitutes a government-endorsement of religion, which violates the Establishment Clause of the First Amendment.

Likewise, prayers taking place at school sponsored events can certainly lead “an objective observer, acquainted with the [prayer to] perceive it as a state endorsement...” *Sante Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308. This “[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents ‘that they are outsiders, not full members of the political community and accompanying message to adherents that they are insiders, favored members of the political community.’” *Id.* at 309-10. Prayers during school programs and functions turn any nonreligious New Braunfels district students into outsiders.

It is coercive and inappropriate for a speaker at a school function to ask attendees to bow their heads in prayer, even if this request is done remotely. This is especially problematic when the prayer is delivered to a captive group of impressionable school children in attendance. Parents, not public schools, are responsible for the religious or nonreligious upbringing of their children.

The law is clear. Public school events must be secular to protect the freedom of conscience of all students. A public school cannot invite a student, minister, teacher, or other school official/person publicly affiliated with the school to deliver a prayer before any school-sponsored event. Students are of many faiths or no faith; school events cannot require that they be subjected to prayers.

New Braunfels Independent School District must take immediate action to ensure that prayers are not a part of school assemblies or other school events. We ask that the school district commence an immediate investigation into the complaints alleged and take immediate action to stop school prayers occurring before or during any district events. We ask that you inform us promptly in writing of the steps you take to remedy this serious violation of the First Amendment. We appreciate a reply at your earliest convenience.

Sincerely,



Stephanie A. Schmitt
Staff Attorney