

FREEDOM FROM RELIGION *foundation*

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

September 20, 2017

SENT VIA EMAIL & U.S. MAIL: gwilliams@tattnallschools.org

Dr. Gina Williams
Superintendent
Tattnall County School System
146 West Brazell St.
P.O. box 157
Reidsville, GA 30452

Re: Unconstitutional Teacher-Led Prayer

Dear Dr. Williams:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that occurred in Reidsville Elementary. We appreciated the swift action you took in response to our June 24, 2016 letter, and we hope to quickly resolve this matter as well. As you may recall, FFRF is a national nonprofit organization with more than 29,000 members across the country, including more than 400 members in Georgia and a state chapter. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned parent has reported that at a recent “Moms for Muffins” event, Ms. Trim, a teacher at Reidsville Elementary, told all the students present to bow their heads and then led them in a prayer that included, “bless this food” and “In Jesus’ name we pray.” We understand that “Moms for Muffins” was a school-sponsored event held in conjunction with learning about the letter “M.” According to the parent, students seemed familiar with this practice, which suggests that this was not the first time Ms. Trim has led students in prayer.

Public school teachers may not lead their students in prayer, encourage students to pray, participate in student-initiated prayer, or otherwise endorse religion to students. The Supreme Court has continually struck down teacher or school-led prayer in public schools. *See, e.g., Engel v. Vitale*, 370 U.S. 421 (1962) (declaring prayers in public schools unconstitutional); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963) (declaring unconstitutional devotional Bible reading and recitation of the Lord’s Prayer in public schools); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturning law requiring daily “period of silence not to exceed one minute . . . for meditation or daily prayer”).

The District has an obligation under the law to make certain that “subsidized teachers do not inculcate religion.” *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971). Certainly, “a school can direct a teacher to ‘refrain from expressions of religious viewpoints in the classroom and like settings.’” *Helland v. S. Bend Comm. Sch. Corp.*, 93 F.3d 327 (7th Cir. 1993) (quoting *Bishop v.*

Arnov, 926 F.2d 1066, 1077 (11th Cir. 1991)). The Supreme Court has recognized that “[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987).

Please note that it is not a violation of the free speech rights of teachers when a school district regulates what they teach to students while acting in their official capacities. Teachers have access to a captive audience of students due to their position as public educators. Therefore, the District has a duty to regulate religious proselytizing during school-sponsored activities. “Because the speech at issue owes its existence to [his] position as a teacher, [the School District] acted well within constitutional limits in ordering [the teacher] not to speak in a manner it did not desire.” *Johnson v. Poway Unified Sch. Dist.*, 658 F.3d 954, 970 (9th Cir. 2011), *cert. denied*, 132 S. Ct. 1807 (2012) (upholding decision of school board to require a math teacher to remove two banners with historical quotes referencing “God”); *see also Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006) (“We hold that when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline”).

The District should make certain that none of its employees are unlawfully and inappropriately indoctrinating students in religious matters by leading prayer, encouraging them to pray, or setting aside time for prayer. We ask that the District immediately investigate this situation and ensure that Ms. Trim complies with the Establishment Clause. Please respond in writing, outlining the steps the District will take to end this serious constitutional violation.

Sincerely,



Christopher Line
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation