

FREEDOM FROM RELIGION *foundation*

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October 25, 2018

SENT VIA EMAIL & U.S. MAIL: patrickcripps@dekalbschools.net

Patrick Cripps
Director of Schools
DeKalb County School District
110 South Public Square
Smithville, TN 37166

Re: Unconstitutional Coach-Led Prayer and Religious Activities

Dear Director Cripps:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding another constitutional violation occurring in the DeKalb County School District. We are still awaiting a response to our October 24, 2017 letter regarding unconstitutional staff organization of a “See You at the Pole” event at DeKalb West Elementary School.

A concerned parent has reported that [REDACTED] coach of the DeKalb County High School boys and girls soccer teams, has been proselytizing to and praying with his teams. Our complainant reports that he leads both teams in prayer before each game, and that he has taken students on team trips where he has led bible studies and required student athletes to sing Christian songs. A student described being “very, very uncomfortable” after being proselytized to and required to participate in religious exercises by Coach [REDACTED]

[REDACTED] must immediately cease leading teams in prayer or other religious activities, and hosting team bible studies.

It is illegal for public school athletic coaches to lead their teams in prayer. 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, 308 (2000) (holding student-led prayer over the loudspeaker before football games unconstitutional. “Regardless 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” because it occurred at a “regularly scheduled school-sponsored function conducted on school property.”); *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 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 religious activities because they constitute 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 held the high school football coach’s extensive history of organizing, leading and participating in prayers before games was unconstitutional because it violated the Establishment Clause. *Borden*, 523 F.3d at 174. In that case, the court 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. In fact, the court found that the school district had a right to adopt guidelines restricting this activity because of its concern about potential Establishment Clause violations. *Id.*

██████████ conduct is unconstitutional because he endorses and promotes his 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 a coach of the DeKalb County High School soccer teams. Therefore, he cannot lead teams in prayer, bible studies, or religious activities and he cannot organize or advocate for students to lead team prayer or religious activities. When a public school employee acting in an official capacity organizes and advocates for team prayer, he effectively endorses religion on the District’s behalf.

We ask that DeKalb County School District commence an immediate investigation into the complaint alleged and take action to stop any and all staff-led prayers and religious activities occurring within District athletic programs. Please inform us in writing of the steps the District is taking to remedy this serious violation of the First Amendment.

Sincerely,



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