

FREEDOM FROM RELIGION *foundation*

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

September 26, 2018

SENT VIA EMAIL AND U.S. MAIL:
sdearman@dunlapcusd.net

Dr. Scott Dearman
Superintendent
Dunlap Community Unit School District #323
3020 West Willow Knolls Road
Peoria, Illinois 61614

Re: Coach participation in student prayers

Dear Superintendent Dearman:

I am writing on behalf of the Freedom From Religion Foundation to alert you to constitutional violations at Dunlap High School athletic events. FFRF is a national nonprofit organization with more than 32,000 members across the country, including more than 950 in Illinois. FFRF's 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 District parent contacted FFRF to report that Dunlap High School boys' cross country coach [REDACTED] joins his team in a group prayer prior to each cross country meet. We understand that the prayer typically begins with "dear Lord . . ." and is initiated by a student, but [REDACTED] participates by standing with the students and holding his hat across his heart during the prayer.

It is illegal for public school athletic coaches to lead their teams in prayer, participate in student prayers, or to otherwise promote religion to students. We request that the District commence an investigation into this matter and provide written assurances that District employees will not participate in or promote any student religious exercises in the future.

The Supreme Court has continually struck down school-sponsored prayer at public school events. *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. "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 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) (noting 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 E. 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 to be an unconstitutional endorsement of religion).

In *Borden*, the Third Circuit Court of Appeals held the high school football coach’s history of organizing, leading, and participating in prayers before games was unconstitutional. *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).

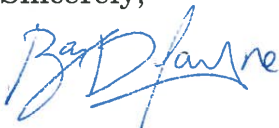
The court in *Borden* also rejected the coach’s argument that the school district’s policy of prohibiting its employees from engaging in prayer with students violated the employees’ right to free speech. *Id.* at 174. In fact, the

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.*

When [REDACTED] prays with his students prior to cross country meets, he unconstitutionally endorses and promotes religion when acting in his official capacity as a school district representative. Certainly, he represents the school and the team when he coaches the cross country team. A coach's participation in a student-initiated prayer coerces other students to participate as well, and sends a message of District approval of the prayer's religious message. This is an improper and unconstitutional abuse of the coach's position as a public school official.

We ask that the District commence an immediate investigation and take appropriate action to ensure that in the future [REDACTED] will not pray with students during District athletic events, encourage students to pray, or otherwise use his position as a District coach to promote religion. Please inform us in writing of the steps taken to resolve this issue.

Sincerely,

A handwritten signature in blue ink that reads "Ryan D. Jayne". The signature is written in a cursive style with a large, stylized "R" and "J".

Ryan D. Jayne
Staff Attorney