

FREEDOM FROM RELIGION *foundation*

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September 24, 2018

Dr. Arthur M. Joffrion, Jr.
Superintendent
Iberville Parish School District
58030 Plaquemine St.
Plaquemine, LA 70764

Re: Illegal School Endorsed Prayer and Records Request

Dear Dr. Joffrion:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation that occurred within the Iberville Parish School District. FFRF is a national nonprofit organization with 32,000 members across the country including members in Louisiana. Our purposes are to protect the constitutional separation between state and church, and to educate the public on matters related to nontheism.

A concerned member of the Iberville Parish community contacted us about the Concert of Prayer, a district-wide event held on September 10, 2018. It is our understanding that this event was organized by the district in partnership with the Plymouth Rock Baptist Church of Plaquemine and occurred during the school day within several Iberville Parish schools, including Plaquemine High School and Crescent Elementary School. We understand that this school-endorsed religious event involved district employees joining students in prayer. Additionally, we are told that Pastor Lee T. Wesley of the Plymouth Rock Baptist Church led a prayer for students at Plaquemine High School. An image of this portion of the event is enclosed.

We write because this district-sponsored prayer event was illegal. The district must take steps to counteract the message of religious endorsement it sent to its students.

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).

It is not a violation of the free speech rights of teachers when a public school regulates what they promote to students while acting in their official capacities. Teachers have access to a captive audience of students due to their position as public educators. Iberville Parish School District has a duty to regulate religious proselytizing during the school day. “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.”).

It is likewise inappropriate and unconstitutional for public schools to invite a Christian pastor to proselytize students. The district cannot grant non-school persons unique access to students or to treat schools as a recruiting ground for their religious mission. When a school allows church representatives to lead students in prayer, it has unconstitutionally entangled itself with a religious message—in this case, a Christian message. This practice alienates those non-Christian students, teachers, and members of the public whose religious beliefs are inconsistent with the message being disseminated by Pastor Wesley.

Nothing in the law prevents students, teachers, or district employees from freely exercising their religion on their own time and in their own way. But a public school itself must not promote decidedly religious messages to a captive student audience, thereby isolating and excluding those students who are non-Christian or nonreligious.

The district must investigate this situation and ensure that all of its employees abide by their constitutional obligation not to promote prayer or other religious activities while acting in their official capacities. The district should issue a public apology to district parents and students, since this Concert of Prayer event violated students’ constitutional rights and breached parental trust. The district must also cease its partnership with the Plymouth Rock Baptist Church of Plaquemine and no longer allow Pastor Wesley, or any other religious leader, to lead students in prayer. Please inform us in writing of the steps the district takes to remedy this violation so that we may notify our complainant.

Public Records Request

Pursuant to the Louisiana Sunshine Law, I hereby request all records related to the September 10, 2018 prayer event described in this letter (the "Concert of Prayer" event), including the following:

1. Copies of any communication (including email) between any representative of the Iberville Parish School District and any representative of the Plymouth Rock Baptist Church of Plaquemine, or any other organizer of the Concert of Prayer event, regarding the Concert of Prayer event;
2. Copies of any communication between any district administrator and any district employees regarding the Concert of Prayer event;
3. Copies of any communication from the Iberville Parish School District to parents of district students regarding the Concert of Prayer event;
4. Copies of any communication from the Iberville Parish School District to students of the district regarding the Concert of Prayer event.

I respectfully request a response within three business days. If your agency does not maintain these public records, please forward this request to the proper custodian and inform me of the name and address of the custodians of these records. If you choose to deny this request, please respond with a written explanation of the denial including any references to applicable statutory exemptions upon which you rely.

If any of these records are available through electronic media, they may be e-mailed to sgrover@ffrf.org. If I can provide any clarification that will help expedite your attention to my request, please contact me at 608-256-8900.

Sincerely,



Sam Grover
Associate Council

STG:lcm

Enclosure



PHS Green Devils @PlaquemineHigh · Sep 10

Iberville Parish Concert of Prayer

Pastor Lee T. Wesley with PHS students. [#BeCourageous](#) [#BelieveInPHS](#)
[#IPSBproud](#)

