

FREEDOM FROM RELIGION *foundation*

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November 8, 2019

SENT VIA FAX & U.S. MAIL
304-788-4204

Troy Ravenscroft
Mineral County Schools
One Baker Place
Keyser, WV 26726

Re: Unconstitutional coach participation in prayer

Dear Superintendent Ravenscroft:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in Mineral County Schools. FFRF is a national nonprofit organization with over 30,000 members across the country, including members in West Virginia. 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 parent contacted us to report that Frankfort High School football coaches prayed with their players mid-field after the October 25, 2019 football game against the Hampshire Senior High Trojans (see enclosure).

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) (“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); *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) (finding 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); *Doë 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).

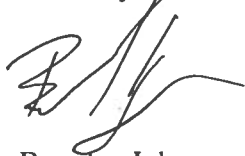
In *Borden*, the Third Circuit Court of Appeals held the high school football coach's extensive history of organizing, leading and participating in prayers before games was unconstitutional because it violated the Establishment Clause. *Borden*, 523 F.3d at 174. In that case, the court stated that the 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 (internal quotations omitted). Here, Frankfort High School coaches and staff participating in prayer with their players is a clear endorsement of religion by public school employees in contravention of the First Amendment.

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. 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.*

The conduct of these coaches is unconstitutional because it endorses and promotes religion while they are acting in their official capacities. Certainly, these coaches represent the school and the team when acting in their official roles as coaches of the Frankfort High School Falcons. When a public school employee acting in an official capacity participates in team prayer, he effectively endorses religion on the District's behalf.

We ask that Mineral County Schools take immediate action to stop any and all school-sponsored prayers occurring at any District athletic programs. Please inform us in writing of the steps you are taking to remedy this serious violation of the First Amendment.

Sincerely,



Brendan Johnson
Robert G. Ingersoll Legal Fellow
Freedom From Religion Foundation

Enclosure




Nick Carroll
@NickCarroll_

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 Hampshire: 20

 Frankfort: 55

 The Falcons improve to (8-1) on the season while Hampshire drops to (0-9). Next up for the Trojans is senior night at Rannells Field against the Washington Patriots. Frankfort has a bye week then Keyser in the Mineral Bowl.



6:30 PM - 25 Oct 2019 from [Frankfort High Stadium](#)

2 Retweets 5 Likes 

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