

# FREEDOM FROM RELIGION *foundation*

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**SENT VIA EMAIL AND U.S. MAIL:**  
**kstauder@okawvalley.org**

Mr. Kent Stauder  
Superintendent  
Okaw Valley CUSD 302  
P.O. Box 97  
Bethany, IL 61914

Re: Coach participation in student prayers

Dear Superintendent Stauder:

I am writing on behalf of the Freedom From Religion Foundation to alert you to constitutional violations at Okaw Valley 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.

It was recently reported to FFRF that the coaches of the Okaw Valley High School basketball team may be participating in prayers with their students. The enclosed image, taken after a February OVHS basketball game at Lutheran School Association, shows students in a prayer circle along with what appear to be at least seven coaches.

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 are writing to request that District commence an investigation into this matter. If any of the adults in the enclosed image are District coaches, we request 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 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.*

If OVHS basketball coaches pray with their students following games, they unconstitutionally endorse and promote religion when acting in their official capacities as school district representatives. Certainly, they represent the school and the team when they coach the basketball team, even when a game takes

place at a private religious school. In fact, the risk of District endorsement of Christianity is greater when coaches join students in a Christian prayer under a giant Latin cross, the preeminent symbol of Christianity.

We ask that the District commence an immediate investigation and take appropriate action to ensure that in the future OVHS coaches will not pray with students during District athletic events and will not otherwise use their position as District coaches to promote religion. Please inform us in writing of the steps taken to protect OVHS students' rights of conscience.

Sincerely,



Ryan D. Jayne  
Staff Attorney

Enclosure

