

FREEDOM FROM RELIGION *foundation*

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April 4, 2013

SENT VIA EMAIL

Mr. David Duff
Duff, White & Turner, LLC
PO Box 1486
Columbia, SC 29202

Re: Pickens County Schools Advancement and Endorsement of Religion

Dear Attorney Duff:

I am writing on behalf of the Freedom From Religion Foundation concerning instances of promotion of religion and discrimination in the School District of Pickens County. We were contacted by three separate individuals about problematic religious school programming. We fear that the problem is systemic and that major changes are needed.

Discriminatory Hiring at Easley High School

We understand that Easley High School recently hired a new head football coach. EHS Athletic Director Chris Carter commented on the decision to hire Grayson Howell in January. Carter indicated that hiring a Christian was paramount. The Easley Patch reported:

There were certain characteristics about Howell that were obvious when Carter spoke to him.

"Number one, our coach is a Christian," Carter said. "To me, that's the most important quality, simply because the devil's after our children and the more quality people we can surround our children with, the better chance they have."

Rev. Billy Graham has said that "the most influential person in America is a high school coach," Carter said.

"Because they model character behavior," Carter said. "Our coach may be the only Bible our kids ever see."¹

It is well settled that treating an employee or job applicant favorably or with disfavor because of his/her race, color, religion, sex, or national origin is illegal.² Discriminatory hiring practices violate not only federal law, but also state law and Board of Trustees policies.³

¹ Evans, Jason. "Grayson Howell Easley's New Football Coach." *Easley Patch* 29 Jan. 2013.

² See 42 U.S.C.A. § 2000e-2

The comments by Athletic Director Carter are shocking. It appears that he stated that being Christian was the “number one” and most important quality for a school staff position. Were Carter to have referenced the race or sex of an applicant, the District very likely would have received an immediate employment discrimination lawsuit. Discrimination, including religious discrimination, has no place in public school hiring decisions.

We urge the District to seek an independent investigation into the hiring of Coach Howell and potentially discriminatory hiring practices within the District.

Other Easley High School Religious Promotion

We are concerned that Coach Howell, Athletic Director Carter, and other staffers may seek to promote Christianity through their school position. District communications state that Coach Howell was hired in part to instill “character” traits. It is troubling to see Carter, a representative of the District who comes into close contact with students, make primitive and irresponsible remarks, such as “the devil’s after our children.” The School District of Pickens County issued a news release on January 29, 2013 in which the District references one of Howell’s objectives in making “upstanding young men” out of his players.⁴ Certainly, encouraging positive character traits in student athletes is a laudable goal. However, coaches and staff may not use their position to inculcate or promote their religion. Carter specifically tied “character” with Christianity in saying, “Our coach may be the only Bible our kids ever see.” Prior statements by Carter have tied Christianity to character education.⁵

Federal courts have held that public school employees, including coaches, may not endorse or promote religion. *See, e.g., Borden v. Sch. Dist. of the Township of East Brunswick*, 523 F.3d 153 (3rd 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) (declaring basketball coach’s participation in student prayer circles an unconstitutional endorsement of religion). The District will be liable for any staff or coaches that advance or endorse Christianity through their school position.

We also received a report about religious posters in the “100’s” section of the hallway of Easley High School. We are told that the school displays Christian posters. We ask that school administrators examine school facilities and take action to remove any inappropriate proselytizing posters and to ensure that District schools are in compliance with constitutional dictates.

School districts may not display religious messages or iconography in schools. *See, generally, Stone v. Graham*, 449 U.S. 39 (1980) (ruling that the Ten Commandments may not be displayed on classroom walls); *Lee v. York County*, 484 F.3d 689 (4th Cir. 2007) (ruling that a school may bar a teacher from displaying religious messages on classroom bulletin boards); *Washegesic v.*

³ S.C. Code § 1-13-80; Policy GBC/GBD (““Race, creed, color, national ancestry, religion, sex, age, disability status or veteran status will not be considered in appointment, assignment or promotion.”)

⁴ *See School District of Pickens County News Release Jan. 29, 2013*

⁵ Evans, Jason. “EHS Program Puts Character First.” *Easley Patch* 9 Aug. 2012

Bloomington Public Schools, 813 F. Supp. 559 (W.D. Mich. 1993), affirmed, 33 F. 3d 679 (6th Cir. 1994)(ruling that a picture of Jesus may not be displayed in a public school).

Praise Music at West End Elementary

We were informed that at least one West End Elementary teacher has used Christian praise music in his classroom. We received video clips of students at West End Elementary School listening and singing to Christian praise music during the school day. I will send a link to the video clips for your review via email. We understand that second grade teacher [REDACTED] played popular pop/hip-hop music songs substituted with Christian lyrics. Clips from an end of the year class video show that students sang along to Christian songs during school on several occasions. The songs were even incorporated into the class video. At one point, students chant, "Jesus, Jesus, Jesus" along to the music.

The songs are not part of a secular music program nor are they songs with educational merit. Rather, they are adaptations of popular music altered to be all about Jesus. One of the songs is called "Party Praise Anthem"⁶ The class video includes two other Christian song adaptations that mirror popular songs by Justin Bieber and Taio Cruz. The adapted songs include such lyrics as, "Jesus Christ you are my Savior" and "Jesus Jesus Jesus." The music activities here involve exceptionally young and impressionable children. This is a gross violation of authority and rights of conscience by this teacher who needs to be reprimanded and properly trained. This abusive conduct should also go into his employment record.

Our complainant was deeply troubled to learn that her child's teacher had repeatedly played Christian praise music in class for students. This cannot be allowed to continue. "Families 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).

We ask that you address these legal concerns with District administrators. The problems seem to be systemic and may only be resolved through serious changes in programming, training, and administrative oversight. We understand that the American Civil Liberties Union is also investigating religious promotion within the School District of Pickens County. The District has a duty to ensure that students may attend public schools free from religious coercion and endorsement. Please inform FFRF of any corrective actions taken.

Sincerely,



Patrick C. Elliott
Staff Attorney

⁶ Song available at: http://www.reverbNation.com/play_now/song_8930587