

FREEDOM FROM RELIGION *foundation*

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SENT BY EMAIL AND U.S. MAIL

lwulfjen@weatherfordisd.com

President Mike Guest
Board of Trustees
Weatherford Independent School District
1100 Longhorn Dr.
Weatherford, TX 76086

Re: Opening school board meetings with prayer

Dear President Guest and Members of the Board:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to community member concerns over the prayer practice at Weatherford ISD Board of Trustees (Board) meetings. FFRF is a national nonprofit organization with more than 31,000 members across the country, including over 1,300 members in Texas. Our 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 community member contacted FFRF to report that the Board opens each of its meetings with a prayer, led by a member of the Board. We are told that these prayers are invariably Christian, typically mentioning "Jesus Christ" multiple times and closing with "Amen." We understand that students regularly attend Board meetings to receive recognition for academic achievements and that nonreligious students and community members feel compelled to participate in the prayers, to avoid ostracism from the Board and the community.

We write to urge the Board to voluntarily cease opening its meetings with prayer. Ending this practice would create a more welcoming environment for the community's minority religious and nonreligious members. At the very least, the Board should revise its prayer practice. Replacing these public prayers with a moment of silence would allow the Board's meetings to come to order without ostracizing a significant portion of those in attendance.

The Board of Trustees is an essential part of the public school system. Students, parents, community members, and district employees have the right—and often have reason—to participate in school board meetings. While those in the religious majority may view opening prayers as striking an appropriately solemn tone to mark the start of a meeting, the prayers have the opposite effect for those who do not hold the same religious beliefs as the prayer giver. Minority religious families and community members, as well as those who practice no religion at all, should not be required to make a public showing of their nonbelief (by not rising, bowing their heads, and praying) or else display deference toward a religious sentiment in which they do not believe, in order to participate in official school board business.

Board members are free to pray privately or to worship on their own time, in their own way. No Board member, however, should seek to impose his or her personal religious preferences on those in attendance at meetings. The Board may not lend its power and prestige to religion,

amounting in this case to a governmental endorsement of Christianity that excludes the 30% of Americans who are non-Christian.¹ Among millennials and younger Americans, who make up the majority of district families and the entirety of the student population, about 46% are non-Christian, either practicing a minority religion or no religion at all.² Including prayer at meetings unnecessarily ostracizes this significant, growing portion of the district's community. Weatherford ISD is religiously diverse and the Board's practices at meetings should embody a respect for that diversity.

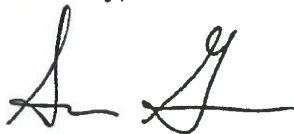
In addition to the divisiveness caused by these opening prayers, the practice also sends the impermissible message that the school district endorses religion over nonreligion. By allowing Board members themselves to lead prayers at meetings, the Board's current practice likely violates the Establishment Clause of the First Amendment, which prohibits government actors from endorsing one religion over another or religion generally over nonreligion.

Though the Fifth Circuit Court of Appeals recently approved of a school board prayer practice in *American Humanist Association v. McCarty*, the factual background that led to the court's approval diverges significantly from the Weatherford ISD Board of Trustee's practice. 851 F.3d 521 (5th Cir. 2017) ("Although it is possible to imagine a school-board student-expression practice that offends the Establishment Clause, this one, under its specific facts, does not.").

In *McCarty*, Birdville ISD had established a decades-long practice of opening school board meetings with *student-led statements*, that "could include an invocation" though at a number of meetings "the student speakers have presented poems or read secular statements." See *McCarty* at 524. Each district campus selected students on a rotating basis to deliver the statements, based on neutral criteria including "academic achievement, leadership, citizenship extracurricular activities, and other factors." *Id.* at 524 n.4. In fact, when distinguishing Birdville ISD's practice from other school board prayer practices that have been struck down by the Third and Sixth Circuits, the Fifth Circuit *explicitly noted*, "BISD board members do not deliver the invocations." *Id.* at 528; see also *id.* at 529 n.24 ("BISD's case is factually distinguishable from [*Bormuth v. Cty. of Jackson*, 849 F.3d 266 (6th Cir. 2017)], which . . . concerned a county board whose members personally delivered religious invocations . . .")

In its current form, the Board's prayer practice needlessly exposes the school district to legal liability while also ostracizing members of your community. Calling upon Board members, district employees, parents, students, and members of the public to pray is unnecessary and divisive. We ask that the Board of Trustees refrain from scheduling invocations as part of future meetings in order to respect the rights of conscience of those in the community who practice a minority religion or no religion at all. Please inform us in writing at your earliest convenience of the changes made to the Board's practice.

Sincerely,



Sam Grover
Associate Counsel

¹ Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.

² *Id.*