

# FREEDOM FROM RELIGION *foundation*

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Lori McLaughlin  
President, Board of Education  
West Branch Local School District  
14277 S. Main St.  
Beloit, OH 44609

Re: Ongoing unconstitutional prayer at school-sponsored events

Dear President McLaughlin and School Board members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding an ongoing constitutional violation occurring in the West Branch Local School District.

We wrote to the District on January 18, 2018 regarding Christian prayer being delivered over the loudspeaker before school-sponsored events. In response to our letter, we understand that the Board suspended prayer before school-sponsored events, instead instituting a moment of silence that was not only respectful of all its students, faculty, and community members, but also constitutionally sound.

We understand that on August 20, 2018, the Board voted to approve an addendum to the administrative guidelines providing a limited open forum for invocations at school events, which allows for “student-led prayers.”<sup>1</sup> We understand that this action was taken in order for the District to continue instituting prayer before its school-sponsored events. Superintendent Timothy Saxton has described the religious motivation behind the Board’s action,

I applaud the board’s decision as it has taken a clear stand and feels that the tradition of allowing (prayer) before home varsity events is something that truly matters to our students and the West Branch Local School District’s strong faith-based community.<sup>2</sup>

Following this policy change, we understand that on August 24, 2018, a Christian prayer was broadcast over the loudspeaker before West Branch High School’s football game. The game’s announcer explained that a student would be leading everyone in an invocation, claimed that this

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<sup>1</sup> <http://www.salemnews.net/news/local-news/2018/08/west-branch-oks-student-led-prayers/>

<sup>2</sup> *Id.*

was not sponsored by the school, and said the audience was not required to participate. Then a Christian prayer was delivered,

Dear Lord, I pray that throughout this game...we are able to play the game correctly and with good sportsmanship. I then pray in the spirit of unity that we are able to work well together as a community, as a state, and as a nation by moving past our differences to stand shoulder to shoulder. In Your name I pray, Amen.

We understand that the District has a long history of encouraging and facilitating prayer at its school-sponsored events. We first wrote to the District regarding this issue in 2014. This policy appears to be an attempt by the District to skirt the Constitution and continue endorsing Christianity at school-sponsored events. The District has established a forum that it expects to be used for "invocations." Establishing a "limited public forum" to ensure that students will pray before games, and then including a disclaimer that this is not sponsored by the school does not make this practice legal.

As we explained in our January 18, 2018 letter, it is illegal for a public school to sponsor religious messages at school athletic events. The Board's attempt to institute a "limited open forum for invocations" does not cure this constitutional violation. The Supreme Court has specifically struck down invocations given over the loudspeaker at public school athletic events, even when student-led. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 320 (2000) (striking down a school policy that authorized students to vote on whether to have a prayer at high school football games). Even if student-led, the Court said prayers at a "regularly scheduled school-sponsored function conducted on school property" would lead an objective observer to perceive it as state endorsement of religion. *Id.* at 308.

The District must take immediate action to end the practice of hosting prayer at school-sponsored events and end the use of District equipment to project prayers to the public. Please inform us in writing of the steps the District is taking to remedy this serious violation of the First Amendment.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Christopher Line  
*Patrick O'Reiley Legal Fellow*  
*Freedom From Religion Foundation*