

FREEDOM FROM RELIGION *foundation*

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October 2, 2023

SENT VIA EMAIL & U.S. MAIL: thines@pcsdms.us

Superintendent Titus M. Hines
Perry County School District
100-B 8th Ave
New Augusta, MS 39462

Re: Unconstitutional teacher proselytizing

Dear Superintendent Hines:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Perry County School District (“the District”). FFRF is a national nonprofit organization with over 40,000 members across the country, including members in Mississippi. 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 parent reported that their child’s third grade teacher at South Perry Elementary plays religious music in the classroom every morning and makes students participate in prayer before meals.

We write to request that the District immediately investigate this situation and ensure that all teachers refrain from promoting their personal religious beliefs in the classroom.

Students have the First Amendment right to be free from religious indoctrination in their public schools. Public schools have a constitutional obligation to remain neutral toward religion and to protect the rights of conscience of young and impressionable students. It is well settled that public schools may not show favoritism towards or coerce belief or participation in religion. *Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962); *McCullum v. Bd. of Ed.*, 333 U.S. 203 (1948). “It is beyond dispute that, at a minimum, the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise.” *Lee*, at 587 When a third grade teacher abuses their position to coerce young students to pray before meals and listen to religious music on a daily basis, they violate students’ First Amendment rights and the right of parents to determine their children’s religious or nonreligious upbringing.

The District has an obligation to ensure that its teachers are not using their positions to inculcate religion. Certainly, “a school can direct a teacher to ‘refrain from expressions of religious viewpoints in the classroom and like settings.’” *Helland v. S. Bend Comm. Sch. Corp.*, 93 F.3d 327 (7th Cir. 1993) (quoting *Bishop v. Arnov*, 926 F.2d 1066, 1077 (11th Cir. 1991)). The Supreme Court has recognized that “[f]amilies 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). Here, this teacher has violated the trust that our complainant and all other parents place in the District’s teachers to follow the Constitution and refrain from imposing their own religious beliefs on the children they teach.

It is important to note that this case is readily distinguishable from the Supreme Court’s ruling in *Kennedy v. Bremerton School District*. In *Bremerton*, the Court held that a high school football coach’s silent, private post-game prayer was constitutional. 142 S.Ct. 2407, 2415–16 (2022). Throughout its opinion, the Court repeatedly stressed that the coach silently prayed alone. *Id.* (the coach “offered his prayers quietly while his students were otherwise occupied.”). The prayers “were not publicly broadcast or recited to a captive audience. Students were not required or expected to participate.” *Id.* at 2432. Additionally, the Court concluded the coach’s quiet private prayer was private speech. *Id.* at 2423–24. (the coach’s prayer was not given while he was performing official duties such as instructing players, discussing strategy, or encouraging better performance). In contrast, this third grade teacher is forcing a captive audience of young elementary school children to participate in daily prayers and listen to religious music each morning.

In order to respect students’ First Amendment rights, the District must ensure that its teachers refrain from promoting their religious beliefs in the classroom. Please respond in writing with the steps the District is taking to address this constitutional violation so that we may inform our complainant. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Samantha F. Lawrence". The signature is written in a cursive, flowing style.

Samantha F. Lawrence
Anne Nicol Gaylor Legal Fellow
Freedom From Religion Foundation