

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

April 18, 2019

SENT VIA EMAIL & U.S. MAIL: EBailey@clymercsd.org

Ed Bailey
Superintendent
Clymer Central School District
8672 East Main Street,
Clymer, NY 14724

Re: School Sponsored Baccalaureate Ceremony; Prayer at Graduation

Dear Superintendent Bailey:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding several constitutional violations occurring in Clymer Central School District. FFRF is a national nonprofit organization with over 31,000 members across the country, including nearly 1,700 members in New York. FFRF's purpose are to protect the constitutional separation between state and church, and to educate the public on matters relating to nontheism.

A concerned Clymer resident contacted FFRF and reported the following:

1. The District sponsors an annual baccalaureate service for graduating seniors. We understand that the baccalaureate is held at Clymer Central School. The program from last year's baccalaureate lists Mr. Daland Perry, a District music teacher, as leading the prelude and recessional at the service. We understand that that service also included messages from three different pastors, scripture reading, a recitation of the Lord's Prayer, and a distribution of bibles by the Gideons. The 2019 baccalaureate is listed on the official school calendar alongside other school-sponsored events such as prom, commencement, and school field trips (please see the enclosed images).
2. Last year's senior commencement ceremony opened and closed with prayer. The program from event (enclosed) lists an invocation and benediction by Rev. Erin Beckerink, and further instructs the audience should stand during the prayers.

We write to request that the District completely dissociate from the baccalaureate ceremony, and immediately cease the practice of hosting prayer at graduation.

It is unconstitutional for a school district to sponsor a baccalaureate ceremony.

The Establishment Clause of the First Amendment prohibits public schools from sponsoring any type of religious practices. *See Lee v. Weisman*, 505 U.S. 577, 590 (1992). Baccalaureate programs are religious services that include prayer and worship. Schools may not in any way plan, design, or supervise baccalaureate programs. *See, e.g., Warnock v. Archer*, 443 F.3d 954 (8th Cir. 2006) (upholding injunction prohibiting school district from orchestrating or supervising prayers at school graduation or baccalaureate ceremonies).

Even where a public school does not officially sponsor or organize the baccalaureate service, there still exists a danger that a reasonable observer would conclude the service is school sponsored. *See, e.g., Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000) (ruling pre-game prayers by students over the public address system unconstitutional given that an objective student would “unquestionably perceive” the prayers as “stamped with the school’s seal of approval.”). To that end, when courts have permitted privately sponsored baccalaureate services at public schools, the schools took significant steps to ensure that there was no school endorsement. *See Randall v. Pagan*, 765 F. Supp. 793 (W.D.N.Y. 1991) (noting that “the school board has already formally and publicly dissociated itself from the baccalaureate service, has canceled its prior order for programs and has refused to lend any financial support, either direct or indirect, to assist the [religious group] in its sponsorship of the event.” In addition, no “district personnel are involved in any aspect of the service, either in their capacities as District employees or . . . in their personal, individual capacities.”); *see also Verbena Methodist Church v. Chilton Bd. of Educ.*, 765 F. Supp. 704 (M.D. Ala. 1991) (“The Board must also ensure that no other school officials promote, lead, or participate in the service.”).

Here, given that Clymer Central School hosts the ceremony on campus, places it on the official school calendar, and involves school personnel in the ceremony itself, any reasonable graduating senior or parent would conclude that this event is school-sponsored, and therefore that the District endorses the religious messages espoused at these services.

The Supreme Court has specifically struck down prayer at graduations.

The Supreme Court has continually struck down prayers at school-sponsored events, including public school graduations. *See Lee*, 505 U.S. 577 (declaring unconstitutional school-sponsored prayer at a public school graduation). School officials may not invite a student, teacher, faculty member, or clergy to give any type of prayer, invocation, or benediction at a public high school graduation. *See Santa*, 530 U.S. 290 (holding that a school’s policy allowing student-delivered prayers at high school football games violates the Establishment Clause). This is settled law—high school graduations must be secular to protect the freedom of conscience of all students.

Conclusion

To avoid the perception of school sponsorship of religious practices, the District must immediately end all involvement with the baccalaureate, meaning that no public school employees may be involved in further organization, planning or coordination of the baccalaureate services, and the District may not promote the service in any way. Furthermore, the practice of hosting prayer at District graduation ceremonies must cease entirely. Please reply in writing with the steps the District is taking to address this matter.

Sincerely,



Colin E. McNamara, Esq.
Robert G. Ingersoll Legal Fellow
Freedom From Religion Foundation

Enclosure



Sign In

TRANSLATE ▾

Calendar



► Customize Calendar View

← Jun 2019 →

Month

Day

List

Sun	Mon	Tue	Wed	Thu	Fri	Sat
20	27	28	29	30	31	1 Gettysburg Trip
2 Gettysburg Trip	3 4th & 8th Grade Scienc... Academic Excellence & ...	4	5	6 4th - 6th Grade Spring ...	7	8
9 Father's Day	10 Board of Education Me...	11	12	13	14 Flag Day Kindergarten Graduati...	15
16 Baccalaureate : 7:00 PM	17 Regents Exams	18 Regents Exams	19 Regents Exams	20 Regents Exams UPK Water Day Elementary Awards Ass...	21 Regents Exams Zoo Day Last Day for UPK stude...	22
23 Regents Exams K-6th Grades - 1/2 Day ...	24 Regents Exams K-6th Grades - 1/2 Day ...	25 Regents Exams	26 Regents Exams	27 GRADUATION : 7:00 PM	28	29
30	1	2	3	4	5	6



*Ninety-First Annual
Commencement Exercises*

*Clymer Central School
Class of 2018*

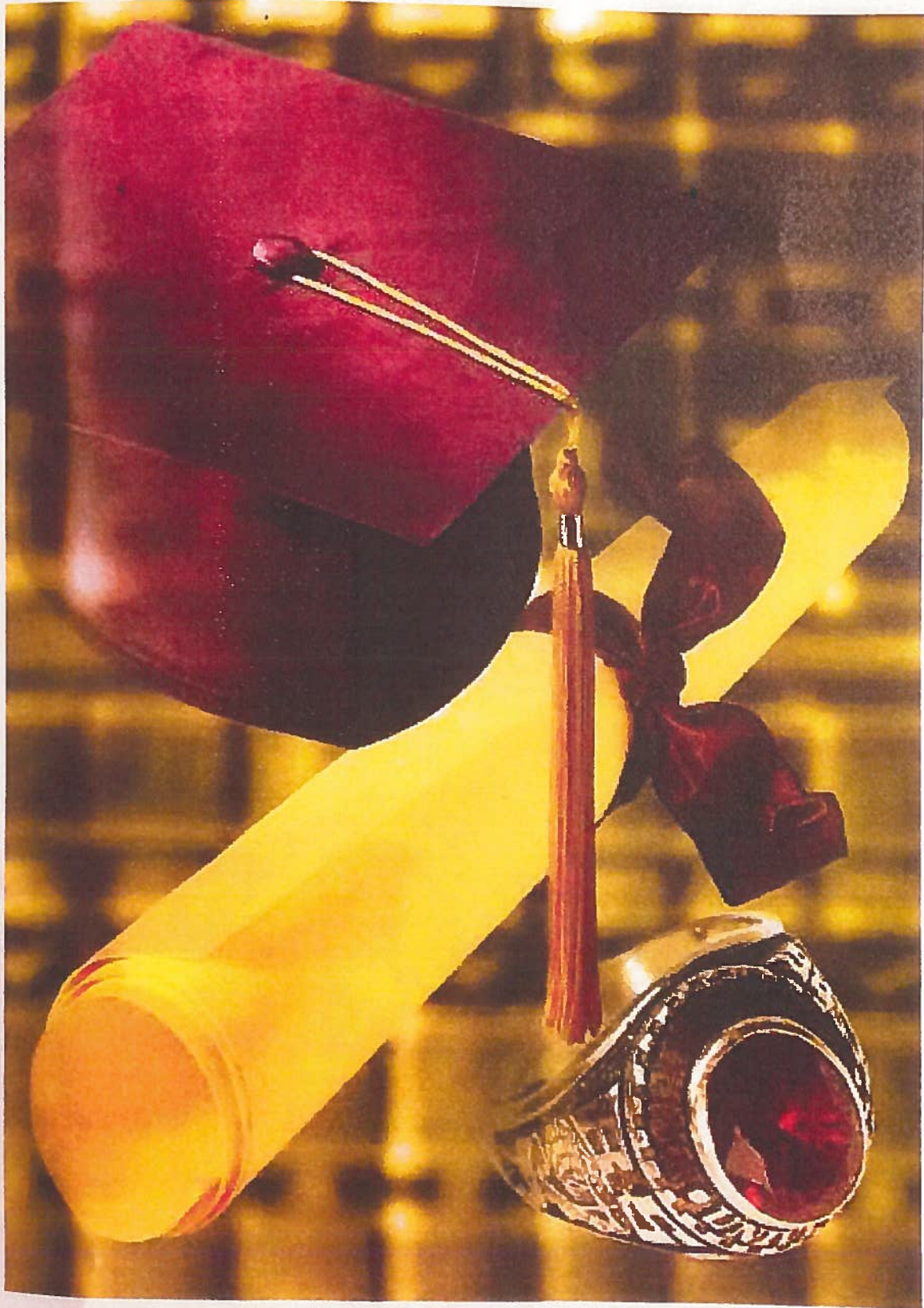
Student Performance Center
7:00 PM
June 21, 2018



2018 COMMENCEMENT PROGRAM

- *Processional..... CCS Concert Band
"Pomp and Circumstance"
- *Welcome..... Mr. Edward Bailey
Interim Superintendent
- *Invocation..... Rev. Erin Beckerink
- Salutatory Address..... Jenna Kibbe
"The Little Things" Salutatorian
- Special Music..... CCS Concert Band
"Into the Storm" By Robert W. Smith
- Presentation of Awards..... Mr. Brett Muscarella
Building Principal
Mrs. Lori Svenson
School Counselor
- Recognition of CCS Retirees..... Mr. Edward Bailey
- Valedictory Address..... Nashia Duryee
"Friendship" Valedictorian
- Please hold your applause until after each graduates reflection is read.
- Presentation of Diplomas..... Mr. Mike Schenck
Certification of Candidates Board of Education President
& Conferring of Diplomas Mr. Brett Muscarella
Mr. Edward Bailey
- Reflections..... Mrs. Elizabeth Styers
Mr. Matthew Kindberg
- Commencement Statement..... Mr. Edward Bailey
- *Benediction..... Rev. Erin Beckerink
- *Recessional..... CCS Concert Band
"The Footlifter" By Henry Filmore
- * Audience standing

Cla
Cla



Clymer Central School Baccalaureate
June 18, 2018
7:00 PM

**CLYMER CENTRAL SCHOOL
CLASS OF 2018
BACCALAUREATE
JUNE 18, 2018
7:00 PM**

	PRAISE		<u>Com</u>
PRELUDE		Mr. Daland Perry	Com Tune
PROCESSIONAL			Strea
CALL TO WORSHIP AND SCRIPTURE		Pastor Kristen Livingston	Call Teac
HYMN	<i>Come Thou Fount of Every Blessing</i>		Sung Prais
PRESENTATION OF BIBLES by the Gideon's		Mr. Mark Summers	Mou
HYMN	<i>My Hope is Built on Nothing Less</i>		Here Here And
	PROCLAMATION		Safely Jesus Wanc
SCRIPTURE	Proverbs 3:5-6		He, t Inter
MESSAGE	<i>Trust</i>	CCS 2016 Graduate Rebecca King	Oh, t Daily Let th Bind Pron Pron Here Seal i
	PRAYER		
PRAYER FOR CLASS OF 2018		Pastor Dave Cooke	
LORD'S PRAYER	<p>Our Father, who are in heaven, hallowed be your name. Your kingdom come, your will be done, on earth as it is in heaven. Give us this day our daily bread. And forgive us our sins, as we forgive those who sin against us. And lead us not into temptation, but deliver us from evil. For yours is the kingdom, and the power, and the glory forever. Amen</p>		
SONG	<i>My Way</i>	Seniors	<u>My H</u>
CHARGE & BENEDICTION		Pastor Erin Beckerink	My hc than J dare but wh
RECESSIONAL		Mr. Daland Perry	