

either directly promote religious messages or more often, invite students to after-school or evening evangelizing events. Public schools must exercise due diligence. Often a quick scan of the website reveals a religious agenda. Genuine experts, such as local police and county mental health experts, offer schools free, secular programs.

COACH/STAFF PRAYER WITH STUDENTS

School staff, including coaches, may not organize, endorse, promote or participate in prayers with students. While the 2022 *Kennedy* decision affirmed that school officials may pray privately when they are not acting in their official capacity as district representatives, teachers and coaches may not lead prayers or deputize students to lead prayer. Even a public school coach's silent participation in student prayer circles has been ruled unconstitutional.⁵ Schools and athletic teams may not appoint or employ a chaplain or other spiritual leader.

COMPELLING PLEDGES OF ALLEGIANCE

Students have a constitutional right not to participate in the Pledge of Allegiance. Nor can students be required to stand or be penalized in any way for exercising this right. Even before "under God" was belatedly added to the original secular pledge in 1954, the U.S. Supreme Court had eloquently affirmed this right:

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." *Barnette*.

'VOLUNTARINESS' IS NO EXCUSE

Public schools that host religious events often excuse them by calling them "voluntary." Students are a captive audience who, as the Supreme Court has stated repeatedly, cannot be required to forfeit rights or benefits as the price of resisting state-sponsored religious practices. *Lee*.

IT PAYS TO COMPLAIN

If you are aware of these or similar violations in your public schools, report violations to:

ffrf.org/legal/report

Major decisions cited

Berger v. Rensselaer Cent. Sch. Corp., 982 F.2d 1160 (7th Cir. 1993), cert. denied, 113 S.Ct. 2344 (1993)

Bd. of Educ. of the Westside Cmty. Sch. v. Mergens, 496 U.S. 226 (1990)

Borden v. Sch. Dist. of the Twp. of East Brunswick, 523 F.3d 153 (3rd Cir. 2008), cert. denied, 129 S.Ct. 1524 (2009)

Engel v. Vitale, 370 U.S. 421 (1962)

Kennedy v. Bremerton Sch. Dist., 142 S.Ct. 2407 (2022)

Lee v. Weisman, 505 U.S. 577 (1992)

Lynch v. Donnelly, 465 U.S. 668 (1984)

McCullum v. Board of Education, 333 U.S. 203 (1948)

Santa Fe Indep. Sch. Dist. v. Doe, 530 U.S. 290 (2000)

School District of Abington Township v. Schempp, 374 U.S. 203 (1963)

Stone v. Graham, 449 U.S. 39 (1980)

Torcaso v. Watkins, 367 U.S. 488 (1961)

West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943)

Footnotes to other citations:

¹Daniel A. Cox, citing Survey Center on American Life (more than 34 percent), March 24, 2022
<https://www.americansurveycenter.org/research/generation-z-future-of-faith/>

Ryan P. Burge, Eastern Illinois University, citing Cooperative Election Study, April 2023 (shows 48 percent)
<https://religioninpublic.blog/2022/06/15/gen-z-and-religion-in-2021/>

²*FFRF v. Chino Valley Unified Sch. Dist. Bd. of Educ.*, 896 F.3d 1132 (9th Cir.), en banc denied, 910 F.3d 1297 (9th Cir. 2018)

³*Coles v. Cleveland Bd. of Educ.*, 171 F.3d 369 (6th Cir. 1999)
Coles

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⁴*Chino Valley at 1142* (internal citations omitted)

⁵*Borden v. Sch. Dist. of the Twp. of East Brunswick*, 523 F.3d 153 (3d Cir. 2008)

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Public School

STATE | CHURCH

Violations

And How to Stop Them

A Guide to Keeping Schools Secular

FREEDOM
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The public school is at once the symbol of our democracy and the most pervasive means for promoting our common destiny. In no activity of the State is it more vital to keep out divisive forces than in its schools, to avoid confusing, not to say fusing, what the Constitution sought to keep strictly apart.

–**McCollum v. Board of Education**
333 U.S. 203, 231 (1948)

The Freedom From Religion Foundation receives and acts upon hundreds of violations of the constitutional separation between state and church each year. More than half of these violations, unfortunately, occur in our nation’s public schools, violating the rights of our youngest and most vulnerable population. This brochure explains the state of the law, and why it firmly bars divisive religious instruction and rituals in our public schools.

Schools exist to educate, not to indoctrinate. As government bodies charged with educating children of all citizens, regardless of religion or irreligion, public schools may not show favoritism toward nor coerce belief or participation in religion. When a school sponsors religion, it signals to “nonadherents ‘that they are outsiders, not full members of the political community and [sends an] accompanying message to adherents that they are insiders, favored members of the political community.’” *Santa Fe*, quoting *Lynch*. School-sponsored religion not only violates the law, but excludes the rapidly-growing percentage of nonreligious citizens, including almost a third of adults and up to half of Generation Z (those born after 1996).¹

TOP TEN STATE/CHURCH SCHOOL VIOLATIONS

PRAYER AT SCHOOL EVENTS

School events, including graduations, may not include prayer. For more than 60 years, the U.S. Supreme Court has consistently struck down prayer in public schools, beginning in 1962. *Engel*. By 1963, devotional bible reading and recitation of the Lord’s Prayer in public schools were ruled unconstitutional. *Schempp*.

“We repeat and again reaffirm that neither a State nor the Federal Government can constitutionally force a person ‘to profess a belief or disbelief in any religion.’ Neither can constitutionally pass laws or impose requirements which aid all religions as against nonbelievers, and neither can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs.” *Schempp*, quoting *Torcaso*.

The Supreme Court successively clarified and strengthened its rulings against school sponsored religious ritual and indoctrination. In 1992, the court ruled prayers at public school graduations impermissible: “the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.” *Lee*. In 2000, the court ruled that even when student-led, prayer at school events is unconstitutional. *Santa Fe*.

The Court’s 2022 decision in *Kennedy v. Bremerton School District* did not alter the law regarding these coercive prayer practices, nor did it overrule these previous decisions. In fact the Court explicitly distinguished the circumstances in *Kennedy* from prior cases involving prayer at school-sponsored events.

SCHOOL BOARD PRAYER

Scheduling or conducting prayer as part of its meetings is beyond the scope of a public school board and violates the Establishment Clause.²

A public school board is an essential part of the public school system.³ The issues discussed and decisions made at board meetings are wholly school-related, affecting the daily lives of district students and parents. These prayers should be analyzed like other school prayer cases, because the “prayers typically take place before groups of schoolchildren whose attendance is not truly voluntary and whose relationship to school district officials, including the Board, is not one of full parity.”⁴ By praying at meetings, public school boards violate the constitutional requirement of religious neutrality in public schools.

SCHOOL BIBLE DISTRIBUTIONS

The distribution of bibles to students on public school property is prohibited. Allowing bible distributions in public schools or on public school property is an “affront not only [to] non-religious people but [to] all those whose faiths, or lack of faith, does not encompass the New Testament.” *Berger*. Unfortunately, Gideons International views schools as ripe missionary territory, specifically targeting fifth-graders. The aggressive tactic of the Gideons to visit classrooms to personally distribute bibles to small children and complicity by public school principals or staff flagrantly violate parental rights and the law.

DENIAL OF ATHEIST STUDENT CLUBS

Schools may not ban atheist/secular clubs if other non-curricular clubs are allowed. Under the Equal Access Act, if public secondary schools permit non-curricular clubs, they cannot discriminate against student clubs based on their religious, political, philosophical or other beliefs. All clubs must receive the same rights and privileges. If a teacher is unwilling to serve as advisor for a secular club, a school administrator should be assigned. Further, any non-curricular clubs must be run by students, not adults, including teachers or other outsiders, such as youth ministers. School staff

may only supervise club meetings; participation is forbidden. *Mergens*.

CHURCHES MEETING IN SCHOOLS

Churches must abide by school rental policies, pay fees, and only use property during rental hours. Granting a fee waiver or discount to a church is illegal preferential treatment, forcing taxpayers to subsidize religion. Rental rates should minimally cover extra costs, including AC, heat, janitorial overtime and clean-up, etc. The church may not use school property during non-rental hours — including to store equipment, park a trailer, or display messages or advertising.

DISPLAYING RELIGIOUS MESSAGES

Religious displays are not permitted in public schools. Courts have continually held that school districts may not display religious messages or iconography in public schools, including crosses, the Ten Commandments, bible verses, bibles, religious figures, portraits of Jesus, etc., even if privately funded. These may not be displayed on public school grounds, public school hallways, offices, classrooms or anywhere in view of students. *Stone*.

YOUTH PASTOR ACCESS TO STUDENTS

Schools may not give religious groups unique access to school property to befriend, proselytize or give presentations to students. Schools may not allow pastors, religious youth clubs, ministers or churches onto school grounds during the school day (e.g., the lunch room) to “visit” with students. It is common sense not to permit outside adults access to prey on students, whatever their agenda.

RELIGIOUS ASSEMBLIES

Ministries often claim expertise in social issues such as suicide prevention or drug addiction in order to infiltrate public schools and lead assemblies, which