

FREEDOM FROM RELIGION *foundation*

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

June 3, 2021

SENT VIA EMAIL & U.S. MAIL: jedelen@arapaho.k12.ok.us

Jay Edelen
Superintendent
Arapaho-Butler Public Schools
P.O. Box 160
Arapaho, OK 73620

Re: Unconstitutional Religious Promotion in District Athletic Programs

Dear Superintendent Edelen:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding multiple constitutional violations occurring in Arapaho-Butler Public Schools. FFRF is a national nonprofit organization with more than 36,000 members across the country, including members in Oklahoma. 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 area resident has raised concerns regarding promotion of religion in Arapaho-Butler Public Schools' athletic programs. Our complainant reports that Matt Oakes, head softball coach and a teacher at Arapaho-Butler High School, has been using his position to preach and proselytize to District students. It is our understanding that Coach Oakes co-founded a sports-based ministry called "Crossing Home," that he uses in conjunction with the Fellowship of Christian Athletes to promote and endorse his personal religion to District students. We understand that many other coaches and school staff members are involved in this effort and they can be seen proselytizing through videos on Crossing Home's Facebook and Youtube pages.

For example, on May 19, 2021, Laci Friesen, an assistant softball coach, preached to students at what appears to be a Fellowship of Christian Athletes meeting.¹ Coach Friesen recited a bible verse and talked about God. She told students, "We can do anything if we look to God for our strength," and read James 1:22-4: "But be doers of the word, and not hearers only, deceiving yourselves. For if anyone is a hearer of the word and not a doer, he is like a man who looks intently at his natural face in a mirror. For he looks at himself and goes away and at once forgets what he was like."

In a video posted on May 27, 2021, Coach Friesen delivers a "weekly devotional" on what appears to be the school's athletic field. She also explains that she is Coach Oakes' assistant.²

This conduct raises serious concerns that Coach Oakes, Coach Friesen, and other coaches within the District are proselytizing and promoting their religion directly to students as well. The District must immediately investigate and ensure that its coaches and teachers are not promoting or endorsing their

¹ <https://www.facebook.com/eposcrossinghome/videos/328232032156355>

² <https://www.youtube.com/watch?v=9yrLVovjMzM>

personal religious beliefs to students either directly through their public school positions or through groups like Crossing Home and the Fellowship of Christian Athletes. While the District may allow a Fellowship of Student Athletes club, the law requires student religious clubs to be entirely student-initiated and student-run.

It is well-settled that public schools may not advance, prefer, or promote religion. *See generally 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). It is inappropriate and unconstitutional for District staff to organize, lead, or promote a Christian club or to otherwise use their position to promote their personal religious beliefs to students.

To avoid the appearance of endorsing a religious club, the District may not allow teachers or outside adults to be involved in student religious clubs beyond a supervisory capacity. The Equal Access Act, which allows student religious clubs such as the FCA to form, contemplates the presence of outside adults and states that “non-school persons may not direct, conduct, control, or regularly attend activities of student groups.” 20 U.S.C. § 4071(c)(5). Furthermore, it requires that “employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity.” 20 U.S.C. § 4071(c)(2).

Schools should not allow religious employees to treat schools as a recruiting ground for their religious mission. It demonstrates an unlawful preference not only for religion over non-religion, but in this case also Christianity over all other faiths. Any school religious groups must be bona fide student clubs that are both student-initiated and student-run. Coaches and teachers should not be actively involved in proselytizing or discussing religion with students.

It is especially important that coaches maintain arm’s length separation from the FCA and its events, given the FCA’s overt campaign to use coaches to promote Christianity to student athletes.³ The FCA explicitly declares its intention to get coaches to “play the role as pastors,” which, if successful, would amount to a clear violation of the Establishment Clause by the District.

We ask that the District commence an investigation into the alleged complaint and take immediate action to ensure that its athletic programs are not being used to proselytize and promote religion in violation of students’ constitutional rights. Please inform us in writing of the steps the District is taking to remedy this serious and flagrant 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 stroke extending to the right.

Christopher Line
Staff Attorney

³ *See To and Through the Coach*, Fellowship of Christian Athletes (March 13, 2019), available at <https://fcaresources.com/video/and-through-coach> (“[the FCA has] begun to take more strategy, more structure, more intentionality to minister to the heart of the coach, to their family, and ultimately to their team... Getting to [students] as a total person—witnessing to them and helping them develop as spiritual men and women as well.” “[Coaches] play the role as pastors. They play the role as parents. They play the role as mentor.”).