

# FREEDOM FROM RELIGION *foundation*

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January 27, 2022

**SENT VIA EMAIL & U.S. MAIL: [helpeducation@governor.virginia.gov](mailto:helpeducation@governor.virginia.gov)**

The Honorable Glenn Youngkin  
Office of the Governor  
P.O. Box 1475  
Richmond, VA 23218

Re: Religious Divisiveness in Virginia's Public Schools

Dear Gov. Youngkin:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) and our more than 800 Virginia members, many of whom are parents, to report several violations of students' fundamental rights through divisive religious practices currently occurring in Virginia's public schools. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that you have requested that parents keep an eye out for "inherently divisive practices" within schools and report them to your office through this email "help line."<sup>1</sup> While a "help line" for reporting "divisive practices" may not be the best way to manage issues occurring within the public school system, we receive frequent reports of divisive religious practices taking place in Virginia's public schools.

There is perhaps nothing more divisive in our public schools than religion. The United States was first among nations to separate religion from government. One court that was among the first to discuss the divisiveness of religion in schools recognized:

"There is no such source and cause of strife, quarrel, fights, malignant opposition, persecution, and war, and all evil in the state, as religion. Let it once enter our civil affairs, our government would soon be destroyed. Let it once enter our common schools, they would be destroyed."

*State ex rel. Weiss v. Dist. Bd. of Sch. Dist. No. 8 of City of Edgerton*, 76 Wis. 177, 44 N.W. 967, 981 (1890).

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<sup>1</sup><https://www.13newsnow.com/article/news/politics/youngkin-divisive-practices-virginia-schools-e-mail-tip-line/291-2ccdb359-545c-44de-a2be-0499eb617b61>

We would like to share just a few examples with your office so that the state can better understand “what's happening at a school level,” and can “make sure [you’re] rooting it out.”<sup>2</sup>

### **Unconstitutional School Board Prayer**

Throughout 2021, we received multiple reports of school boards opening their meetings with Christian prayer. While many districts have correctly ceased this practice after we sent a letter of complaint, some school districts, like Hanover County Public Schools, which we wrote to on December 1, 2021, have continued their unconstitutional and divisive prayers.

It is beyond the scope of a public school board to schedule or conduct prayer as part of its meetings. This practice violates the Establishment Clause of the First Amendment. *See 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); *Doe v. Indian River School District*, 653 F.3d 256 (3d Cir. 2011), cert. denied, 132 S. Ct. 1097; *Bacus v. Palo Verde Unified Sch. Dist.*, 52 Fed. Appx. 355 (9th Cir. 2002); *Coles v. Cleveland Bd. of Educ.*, 171 F.3d 369 (6th Cir. 1999).

Students and parents have the right—and often have reason—to participate in school board meetings. It is coercive, embarrassing, and intimidating for nonreligious citizens to be required to make a public showing of their nonbelief (by not participating) or else to display deference toward a religious sentiment in which they do not believe, but which their school board members clearly do. Board members are free to pray privately or to worship on their own time in their own way. School boards, however, ought not to lend their power and prestige to religion, amounting to a governmental endorsement of religion which alienates non-religious Americans.

### **Unconstitutional Coach-led Prayer**

In June 2021, we received a complaint about coaches in Tazewell Public Schools leading students in prayer. We believe this practice has stopped, but we did not receive a definitive response from the school system.

In August 2021, we received a complaint about coaches leading prayer after a football game between Tuscarora High school and Musselman High School in Loudoun County Public Schools. We believe that this is still occurring, in Loudoun and other districts in Virginia.

It is illegal for public school athletic coaches to lead, organize, or participate in prayer with their teams. Federal courts have specifically held public school coaches’ participation in their team’s prayer circles unconstitutional. *See, e.g., Borden v. Sch. Dist. of the Twp. of East Brunswick*, 523 F.3d 153 (3rd Cir. 2008), cert. denied, 129 S. Ct. 1524 (2009) (declaring coach’s organization, participation, and leading of prayers before football games unconstitutional); *Doe v. Duncanville Indep. Sch. Dist.*, 70 F.3d 402 (5th Cir. 1995) (declaring basketball coach’s participation in student prayer circles at games and practices an unconstitutional endorsement of religion). In each of these cases, federal courts struck down school-sponsored prayer because it constitutes a government advancement and endorsement of religion, which violates the Establishment Clause of the First Amendment.

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<sup>2</sup> <https://www.businessinsider.com/glenn-youngkin-launches-tipline-report-teachers-2022-1>

### **Religion is highly divisive**

The constitutional principle of separation between state and church helps unite diverse people — to unify us as a nation. This founding American principle is key if your purpose is to end divisiveness and truly bring Americans together in a spirit of unity. The Supreme Court has stated several times that one of the major reasons the founders chose to keep our government separate from religion is because religion is divisive: “The Framers and the citizens of their time intended to guard ... against the civic divisiveness that follows when the government weighs in on one side of religious debate; nothing does a better job of roiling society,” and “the divisiveness of religion in current public life is inescapable.” *McCreary County, Ky. v. American Civil Liberties Union of Ky.*, 876, 881 (2005).

Nonreligious Virginians should not be made to feel like outsiders because their school officials have inappropriately aligned their secular positions with religious beliefs. About 30 percent of Americans today are nonreligious.<sup>3</sup> Younger Americans are not just religiously unaffiliated, many identify explicitly as atheist or agnostic. A recent survey found that 21 percent of Americans born after 1999 are atheist or agnostic.<sup>4</sup> Mixing religion with public schools is inherently divisive and has no place in our secular democracy.

Since you are so concerned about protecting students’ and parents’ rights, we hope you will take proactive steps to ensure these and any other divisive religious practices are no longer allowed to take place in Virginia’s public schools.

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  
Freedom From Religion Foundation

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<sup>3</sup> Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), available at [www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/](http://www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/).

<sup>4</sup> *Atheism Doubles Among Generation Z*, The Barna Group (Jan. 24, 2018), <https://www.barna.com/research/atheism-doubles-among-generation-z/>.