

# FREEDOM FROM RELIGION *foundation*

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

September 24, 2021

**SENT VIA EMAIL & U.S. MAIL: [srvanmet@k12.wv.us](mailto:srvanmet@k12.wv.us)**

Sheena Van Meter  
Superintendent  
Hardy County Schools  
510 Ashby St.  
Moorefield, WV 26836

Re: Unconstitutional Religious Assembly and Open Records Request

Dear Superintendent Van Meter:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation that recently occurred in Hardy County Schools. FFRF is a national nonprofit organization with more than 35,000 members across the country, including members in West Virginia. 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 has reported that on September 23, 2021 East Hardy High School invited a preacher named Nik Walker to preach to and proselytize students at the school. Our complainant reports that yesterday, during second period, there was an announcement over the loudspeaker that students could attend a prayer group meeting. Our complainant's child's teacher encouraged students to attend and called it a "motivational assembly." Our complainant's child participated in the assembly as most of the class attended and they did not want to single themselves out. Our complainant reports that the assembly was just preaching and proselytizing by Nik Walker. He talked about salvation through Jesus and that students who did not follow the bible would go to hell. Students were asked to stand if they accept Jesus and to come to the front of the room to kneel and pray. Teachers and staff members were present, and students were encouraged to attend Nik Walker's revival being held across the street from the high school this weekend.

Our complainant's account is corroborated by posts Nik Walker has made on his social media pages. Walker posted, "EAST HARDY HIGH SCHOOL! A little over 100 attended. Over 70 left changed. Jesus is on the move in this region, and this is a special group of kid [sic]. I believe the culture of this school and county will be changed forever!" The post included photos of students kneeling in prayer.

Walker's social media pages also reveal that a similar religious assembly was held this morning at East Hardy Middle School. Walker posted:

This morning around 7:30am, I received a call to come to a voluntary assembly at East Hardy Middle School after students and staff heard what happened at the high school yesterday. The response was intense!

About 100 students answered the call to make Jesus Lord! Chains were broken off. Peace flooded broken hearts. Anxiety vanished. Relationships were restored. Teachers were refreshed. The culture of a school was changed forever. Jesus was lifted high. Students began to group up all over the gym and pray for one another as they wept in the Father's love. We are in awe.

Please see the enclosed screenshots.

Nik Walker is the head of Nik Walker Ministries, a traveling evangelistic ministry based in Summersville, West Virginia. The purpose of Nik Walker Ministries is “to bring the fullness of God’s Spirit back to the 21st century church, expose young people to the saving power of Jesus Christ, to show people what God sees when He looks upon them. The heart of our ministry is bringing revival and fervor back to the body of Christ.”<sup>1</sup>

The District must immediately cease allowing religious leaders to utilize its public schools to proselytize and recruit students. Public schools are not an appropriate place for outside adults to convince students to attend their church. This recruitment constitutes “a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith.” *McCullum v Bd. of Ed.*, 333 U.S. 203, 210 (1948).

It is inappropriate and unconstitutional for the District to offer religious leaders unique access to preach and proselytize students during school hours on school property. No outside adults should be provided carte blanche access to minors—a captive audience—in a public school. This predatory conduct is inappropriate and should have raised many red flags. The District cannot allow its schools to be used as recruiting grounds for churches. It is well settled that public schools may not advance 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); *McCullum*, 333 U.S. 203.

Allowing evangelical pastors regular, or even one-time, access to proselytize and recruit students for religious activities is a violation of the Establishment Clause. The courts have protected public school students from overreaching outsiders in similar situations. *See, e.g., Berger v. Rensselaer School District*, 982 F.2d 1160 (7th Cir. 1993) (holding that distribution of bibles by Gideons in school violated Establishment Clause). Courts have granted injunctions against schools for their complacency in such situations. *See, e.g., Roark v. South Iron R-1 Sch. Dist.* 540 F. Supp.2d 1047, 1059 (E.D. Mo., 2008); *upheld in relevant part by* 573 F.3d 556, (8th Cir. 2009) (holding that school policy allowing evangelical Christian organizations to distribute bibles in school violated Establishment Clause).

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<sup>1</sup> <https://www.nwministries.com/about/>

The District cannot allow non-school persons to treat schools as a recruiting ground for their religious mission. It demonstrates an unlawful preference not only for religion over non-religion, but also Christianity over all other faiths. Public schools have a constitutional obligation to remain neutral toward religion. When a school allows church representatives to recruit students for the church, it has unconstitutionally entangled itself with a religious message—in this case, a Christian message. This practice alienates those non-Christian students, teachers, and members of the public whose religious beliefs are inconsistent with the message being disseminated by the school, including the 38% of millennials who are nonreligious.<sup>2</sup>

Public schools have an obligation to stay separate from religion because “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lee*, 505 U.S. 577, 589 (1992)). Students are young, impressionable, and vulnerable to social pressure, particularly pressure exerted by an adult. This practice usurps the authority of parents, some of whom surely do not want their children approached by religious leaders while they are in school.

We are aware that some Christian missionaries insinuate themselves into public schools by camouflaging their purposes, but that was not the case here. Walker is an evangelical preacher holding a revival in the area, and there is no reason to believe the District was unaware of his intentions and that he desired to preach and proselytize students, especially after the first assembly at the high school.

We ask that the District immediately investigate this complaint and ensure that Mr. Walker, or any other religious leaders, are no longer allowed to proselytize to students on school property during the school day. The District should also consider reprimanding those staff members involved with allowing these school-sponsored religious worship services to take place. At the very least, all District staff members should be reminded of their constitutional obligations as public school employees. Please inform us promptly in writing of the steps the District takes to remedy this serious constitutional violation.

### **Open Records Request**

Pursuant to the West Virginia Freedom of Information Act (West Virginia Code § 29B -1-3), I request the following:

Any records related to Nik Walker Ministries and the worship events held at East Hardy High School and East Hardy Middle School, including but not limited to:

- a. Any contracts or agreements between the District and Nik Walker,
- b. Any records (including emails, brochures, letters, etc.) received by District staff from Nik Walker,
- c. Any records (including emails, letters, etc.) sent by District staff to Nik Walker,

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<sup>2</sup> Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at [www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf](http://www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf).

- d. Any other records in the District's possession regarding Nik Walker's presence at East Hardy High School on September 23, 2021 and East Hardy Middle School on September 24, 2021.

Per West Virginia law, I respectfully request these copies within five (5) days. If you choose to deny the request, please respond in writing and state the statutory exception authorizing the withholding of all or part of the public record and the name and title or position of the person responsible for the denial.

If any of these records are available through electronic media, they may be e-mailed to **chris@ffrf.org**. If I can provide any clarification that will help expedite your attention to my request, please contact me at (608) 256-8900.

Thank you for your time and attention to this matter.

Sincerely,



Christopher Line  
Staff Attorney  
Freedom From Religion Foundation

Enclosures



nikwalkerministries\_ · Follow ...



nikwalkerministries\_ EAST HARDY HIGH SCHOOL!

A little over 100 attended. Over 70 left changed. Jesus is on the move in this region, and this is a special group of kid. I believe the culture of this school and county will be changed forever!

Tonight begins tent revival at Baker Park, just across from the high school.



62 likes

23 HOURS AGO



Add a comment...

Post



nikwalkerministries\_ · Follow ...



nikwalkerministries\_ EAST HARDY HIGH SCHOOL!

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62 likes

23 HOURS AGO



Add a comment...

Post



**Nik Walker Ministries**

Yesterday at 11:07 AM · 🌐



### EAST HARDY HIGH SCHOOL!

A little over 100 attended. Over 70 left changed. Jesus is on the move in this region, and this is a special group of kid. I believe the culture of this school and county will be changed forever!

Tonight begins tent revival at Baker Park, just across from the high school. We want you to be there for the 7:00pm service! ... [See More](#)





Nik Walker Ministries

28m · 🌐



One picture says it all...

This morning around 7:30am, I received a call to come to a voluntary assembly at East Hardy Middle School after students and staff heard what happened at the high school yesterday. The response was intense!

About 100 students answered the call to make Jesus Lord! Chains were broken off. Peace flooded broken hearts. Anxiety vanished. Relationships were restored. Teachers were refreshed. The culture of a school was changed forever. Jesus was lifted h... [See More](#)

