

FREEDOM FROM RELIGION *foundation*

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May 25, 2023

SENT VIA EMAIL & U.S. MAIL: rbynum@keystone.k12.ok.us

Rhett Bynum
Superintendent
Keystone Public Schools
23810 W Highway 51
Sand Springs, OK 74063

Re: Unconstitutional prayer at 8th grade graduation

Dear Superintendent Bynum:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that recently occurred in Keystone Public Schools. FFRF is a national nonprofit organization with more than 40,000 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 Keystone Public Schools parent has reported that the district's 8th grade graduation ceremony held on May 4, 2023, included an opening and closing prayer. Our complainant was alarmed at this religious exercise taking place during a public school event, and feared being ostracized if others noticed that they were not participating in the school-sponsored prayer.

We write to request that the District investigate this situation and ensure that future district graduation ceremonies will not include prayer. A public school may not violate the constitutional rights of graduating students and their families by subjecting them to prayer.

It is well settled that public schools may not show favoritism towards or coerce belief or participation in religion. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *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 v. Bd. of Ed.*, 333 U.S. 203 (1948). The Supreme Court has continually struck down prayers at school-sponsored events, including graduations. *See Lee*, 505 U.S. 577 (declaring clergy-delivered prayers unconstitutional at a public school graduation). Even if student-led, school officials may not invite a student, teacher, faculty member, or clergy member to give any type of prayer, invocation, benediction, or sermon at a public high school-sponsored event. *See Santa Fe*, 530 U.S. 290 (holding that student-delivered prayers at high school football games violate the Establishment Clause). "It is beyond dispute that, at a minimum, the Constitution guarantees that government may not coerce anyone to support or participate in

religion or its exercise[.]” *Lee* at 587. Furthermore, government-led prayer “has the improper effect of coercing those present to participate in an act of religious worship.” *Santa Fe*, at 312.

It is important to note that this situation differs significantly from the Supreme Court’s recent decision in *Kennedy v. Bremerton School District*, holding that a high school football coach's silent, private post-game prayer was constitutional. 142 S.Ct. 2407, 2415–16 (2022). Throughout its opinion, the Court repeatedly stressed that the coach silently prayed alone. *Id.* (the coach “offered his prayers quietly while his students were otherwise occupied.”). The prayers “were not publicly broadcast or recited to a captive audience. Students were not required or expected to participate.” *Id.* at 2432.

In contrast, this prayer was publicly broadcast to the entire audience of young students and their families who were forced to then choose between enduring the prayer or leaving the graduation ceremony. By including overtly religious prayers, the school put students and families in the difficult position of choosing between exiting the ceremony or violating their conscience. Moreover, prayers at graduation needlessly alienate the students and families who are non-Christians, including those students who are a part of the 49 percent of Generation Z who are religiously unaffiliated.¹

A scheduled prayer at a public school’s graduation ceremony is unconstitutional, even if delivered by a student. The District must ensure that in future the First Amendment rights of all students, families, and attendees at school-sponsored events are respected. Please respond in writing with the steps you are taking to ensure this violation does not recur.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

¹ 2022 Cooperative Election Study of 60,000 respondents, analyzed by Ryan P. Burge
www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/.