

FREEDOM FROM RELIGION *foundation*

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

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SENT VIA U.S. MAIL AND EMAIL to dmoye@lumpkin.k12.ga.us

Mr. Dewey Moye
Superintendent
Lumpkin County School System
56 Indian Drive
Dahlonega, GA 30533

Re: Constitutional Concerns in Lumpkin County School System

Dear Mr. Moye:

I am writing on behalf of the Freedom From Religion Foundation (FFRF), to explain our concerns and those of several district families surrounding the recent prayer episode at Lumpkin County High School. That incident is a major concern but this letter also raises additional concerns about the unconstitutional encroachment of religion in Lumpkin County Schools. FFRF is a nationwide nonprofit organization with over 19,000 members, including over 350 in Georgia. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that approximately 50 students and four LCHS staffers participated in the prayer episode. We understand that the prayer began at around 7:30 a.m. and lasted for more than six hours. One student involved claims that “between 12 and 15 fellow students turned their lives over to Christ during the prayer.”

We understand that you have assured media that this will not happen again. We appreciate your commitment to upholding the Establishment Clause. However, we fear that the district does not fully comprehend the severity of this violation and the extent of religious encroachment in Lumpkin County public schools.

One of our major concerns is that coaches and staff are praying with students. In our experience, where there is one instance of illegal school prayer, there are others. The Supreme Court has continually struck down formal and teacher or school-led prayer in public schools. *See, e.g., Abington Township Sch. Dist. v. Schempp*, 374 U.S. 203 (1963) (declared devotional Bible reading and recitation of the Lord’s Prayer in public schools unconstitutional); *Engel v. Vitale*, 370 U.S. 421 (1962) (declared prayers in public schools unconstitutional); *Lee v. Weisman*, 505 U.S. 577 (1992) (ruled prayers at public high school graduations unconstitutional); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturned law requiring daily “period of silence not to exceed one minute ... for meditation or daily prayer.”); *Jager v. Douglas County Sch. Dist.*, 862 F.2d 825 (11th Cir. 1989), *cert. denied*, 490 U.S. 1090 (1989) (holding pre-game invocations at high school football games unconstitutional). In all of the aforementioned cases, the federal courts struck down prayer in public schools because it constitutes a government-endorsement of religion, which violates the Establishment Clause of the First Amendment.

School employee participation in independent, student-led prayer also violates the First Amendment; as does. *See Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000)(struck down a school policy that authorized students to vote on whether to hold a prayer at high school football games). *See also Borden v. Sch. Dist. of the Township of East Brunswick*, 523 F.3d 153 (3rd Cir. 2008), *cert. denied*, 129 S.Ct. 1524 (2009)(declaring the 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 an unconstitutional endorsement of religion). *See, e.g., Bd. of Educ. of the Westside Cmty. Sch. v. Mergens*, 496 U.S. 226, 253 (1990)(indicating that public school faculty may not participate in any student-led religious meetings); *Culbertson v. Oakridge Sch. Dist.*, 258 F.3d 1061 (10th Cir. 2001)(held a school district policy allowing teachers to distribute religious literature violated the Establishment Clause because it creates an impression of school endorsement of religion).

Of course students remain free to pray on their own volition. But the law prohibits teachers and coaches from participating in any spontaneous prayer by students and prohibits the school from giving the prayers a forum, such as a coach's office. *See Santa Fe*, 530 U.S. 290.

While you may be aware of the law, the staff at LCHS is clearly not. The prayer rally would not have happened if teachers and staff at LCHS had a better understanding of and greater respect for our Constitution.

According to various reports received by FFRF, "coaches have been inflicting their personal beliefs on the students and pressuring them into religion at games, practices, or even in some of the classes they may teach." We have been told that, during practices "coaches ask students about why they did not go to church." FFRF also received an allegation that "Kids were forced to wear team shirts saying something akin to 'God, Family, School, Basketball.'"

If your investigation verifies these allegations, it would appear that LCHS coaches regularly abuse their position to promote religion. Perhaps this is why students thought it acceptable to skip class in violation of the Georgia Compulsory Attendance Law (20-2-690.1). The prayers took place in the coach's office and the coach participated along with other teachers. You yourself state that this coach is "a man known for his Christian faith."

The facts you have personally verified are astounding: *teachers left classrooms unattended* — the gravity of that offense cannot be overstated. This is a serious breach of duty for the purpose of participating in a religious rally, on public school grounds, while being paid by the state. A medical emergency or fight could have broken out in the unattended classrooms. Students skipped classes for almost an entire day. It is difficult to believe that the principal had no knowledge of this event when 50 of his students and four of his teachers were missing *for six hours*. Either he knew this was happening and didn't stop it or he did not know that a significant portion of his charges and employees were violating the Constitution, state law, and school rules. Each is a serious dereliction of duty.

Yet, not one student or staff member has been reprimanded. According to news reports, you stated, "If this were to occur again, there would be consequences for the employees. At this point in time, we're not going to have any consequences for any employee or any student." Your inaction clearly

encourages participants to repeat the crime: "I would do it again tomorrow," said one student involved.¹

This is unacceptable. Like those teachers, you have a duty. The principal, the teachers who prayed with students, and the students who skipped class must be held accountable for their actions. We are not asking you to punish people for exercising their religious faith, we are asking you to discipline teachers for violating the law and abandoning their duties and to discipline students for skipping class.

The lack of discipline shows favoritism toward religion. In any other situation teachers would not be given a pass for skipping six hours of work on a whim with no substitute to cover their class. If this had been a group of atheist students rushing to the gym to convince one of their members not to convert to Christianity with the aid of teachers the punishment would have been swift and severe. *As it should have been.* Students are not allowed to skip class for six hours; teachers cannot abuse their authority to proselytize their charges. This was not a legitimate free exercise by students — staff led it, staff participated in it, and even without the school personnel issues, it was highly disruptive to the school day. Otherwise, you are not doing your duty.

We appreciate your stated commitment to the First Amendment, but the failure to reprimand the staff and students involved in this incident, and the systemic invasion of religion into LCHS require district action. The coach at the center of these allegations has disregarded his duty and opened the school to serious legal liability. ***He should be removed immediately and permanently.*** Other teachers left classrooms unattended for six hours should also be removed. Students who participated should receive the discipline typical for truancy.

We also request that all teachers and students be made aware of the proper constitutional boundaries regarding prayer in public schools — that they not lead, encourage, or suggest that students pray and that they not participate in any student-led prayer.

Sincerely,



Andrew L. Seidel
Staff Attorney
Freedom From Religion Foundation

Cc: Mr. Rick Conner
Principal, Lumpkin County High School
2001 Indian Drive
Dahlonega, GA 30533

¹ <http://www.myfoxatlanta.com/story/22175317/superintendent-no-one-disciplined-in-6-hour-school-prayer>