

# FREEDOM FROM RELIGION *foundation*

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June 21, 2023

**SENT VIA EMAIL & U.S. MAIL: [drombach@newriegelschools.org](mailto:drombach@newriegelschools.org)**

David Rombach  
Superintendent  
New Riegel Local Schools  
44 N Perry St  
New Riegel, OH 44853

Re: Unconstitutional prayers at commencement ceremony

Dear Superintendent Rombach:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the New Riegel Local Schools (“the District”). FFRF is a national nonprofit organization with more than 41,000 members across the country, including more than 1,000 members and local chapters in Ohio. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

We were contacted by a concerned member of the school community who reported that the May 28, 2023 New Riegel High School Commencement ceremony included a student-led invocation. The student speaker asked attendees to stand and bow their heads before giving the following prayer

Father, we would like to take this opportunity to thank you for letting us all graduate together today. We would like to truly thank our parents, the administration, faculty, and staff at New Riegel High School for all you have done for us. We want to thank you for the strength you have given us to overcome our challenges and learn from our mistakes to have a better future. We ask you to bless the class of 2023 with your love and guidance as we go on our way. Please keep us safe and give us the willpower and the determination we need to succeed. Amen.<sup>1</sup>

Please see the enclosed photograph of the commencement ceremony program which lists the invocation. It is our understanding that the inclusion of invocations during graduation ceremonies is a regular practice in the District.

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<sup>1</sup> New Riegel Live, *2023 New Riegel High School Commencement*, YouTube (May 28, 2023), <http://www.youtube.com/live/o1-DSqY0WQ0>.

Additionally, the commencement ceremony included the presentation of a Catholic-specific scholarship. In the presentation of the Father Edmund F. Morman Scholarship, it was stated that the scholarship honors a late religious leader's work with the Toledo Catholic Diocese. Father Timothy Kummerer, a local religious congregation leader, was invited to the stage to present the scholarship.<sup>2</sup>

We ask that the District investigate this matter and ensure that no future commencement ceremonies include prayer. Further, we ask that the District consider presenting faith-based scholarships at a separate time or at a more appropriate, church-based event rather than during the secular commencement ceremony.

Students have the First Amendment right to be free from religious indoctrination in their public schools, including when participating in commencement ceremonies. 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 pursuant to school policy 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 students and their families who were forced to choose between enduring the prayer or leaving the graduation ceremony. By including overtly Christian 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

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<sup>2</sup> *Id.*

are religiously unaffiliated.<sup>3</sup> Further, the inclusion of a presentation of a scholarship commemorating a religious leader's faith-related work displays favoritism towards religion over nonreligion, and Catholicism above other faiths.

A scheduled prayer at a public school's graduation ceremony is unconstitutional, even if delivered by a student. The District must ensure that the First Amendment rights of all students, families, and attendees at school-sponsored events are respected. We ask that the District ensure no future commencement ceremonies include prayer and that faith-based scholarships presented by clergy are awarded outside of the secular commencement ceremony. Please respond in writing with the steps the District is taking to ensure this violation does not recur. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Samantha F. Lawrence". The signature is written in a cursive style with a large, looped initial "S".

Samantha F. Lawrence  
*Anne Nicol Gaylor Legal Fellow*  
*Freedom From Religion Foundation*

Enclosure

SFL:tdk

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<sup>3</sup> 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/](http://www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/).

*New Riegel High School Commencement*

*May 28, 2023*

*\*Fanfare and Processional..... Edward Elgar; Arran  
NRHS Band, Mrs. Nikl*

*\*Invocation.....*

*\*Pledge of Allegiance.....*

*Welcome.....*

*Celebratory Song.....*

*fun. ... N*

*Mr. Mich*

*Salutation.....*