

FREEDOM FROM RELIGION *foundation*

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December 6, 2023

SENT VIA EMAIL & U.S. MAIL: thansford@newton.k12.ms.us

Superintendent Tyler Hansford
Newton County School District
15305 Hwy 15
Decatur, MS 39327

Re: Unconstitutional teacher proselytizing

Dear Superintendent Hansford:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Newton County School District (the District). FFRF is a national nonprofit organization with over 40,000 members across the country, including members in Mississippi. 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 parent reported that their child's kindergarten teacher at Newton County Elementary School, [REDACTED] [REDACTED] has been leading her class in reciting a Christian prayer before meals each day. It is our understanding that [REDACTED] is teaching students to recite the following children's mealtime prayer:

God is Great, God is Good;
Let us thank Him for our food.
By His hands we all are fed,
Give us Lord our Daily Bread.
Amen.¹

Additionally, we are informed that on November 27, 2023, [REDACTED] told her kindergarten students that God has a naughty and nice list, just like Santa Claus, and that students have to be good in order to stay on God's nice list.

Our complainant further explained that they are "very angry and disturbed that someone in an authoritative position over five-year olds is pushing her own thoughts and beliefs on them as truth."

We write to request that the District immediately investigate this situation and ensure that [REDACTED] and all other teachers refrain from leading students in prayer and teaching their personal religious beliefs in the classroom.

Students have the First Amendment right to be free from religious indoctrination in their public schools. It is well settled that public schools may not show favoritism towards or coerce belief or participation in religion. *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). "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

¹ Child's Mealtime Blessing, https://www.worldprayers.org/archive/prayers/celebrations/god_is_great_god_is_good.html.

587. Even a prayer less overtly Christian than this mealtime prayer would be unconstitutional. For instance, the Seventh Circuit, writing about a generic, less explicitly Christian prayer said: “We are of the view that the verse is a prayer and that its compulsory recitation by kindergarten students in a public school comes within the proscription of the first amendment, as interpreted by the Supreme Court in the ‘school prayer’ cases,” even after the teacher had taken out the word “God” from the last line. *DeSpain v. DeKalb County Cmty. Sch. Dist.* 428, 384 F.2d 836, 837 (7th Cir. 1967) (citations omitted). When a kindergarten teacher abuses her position to coerce young students to pray and promotes her personal religious beliefs in the classroom, that teacher violates students’ First Amendment rights. [REDACTED]’s actions have undeniably crossed the constitutional line.

The District has an obligation to ensure that its teachers are not misusing their positions to indoctrinate students. Certainly, “a school can direct a teacher to ‘refrain from expressions of religious viewpoints in the classroom and like settings.’” *Helland v. S. Bend Comm. Sch. Corp.*, 93 F.3d 327 (7th Cir. 1993) (quoting *Bishop v. Arnov*, 926 F.2d 1066, 1077 (11th Cir. 1991)). The Supreme Court has recognized that “[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987). Parents have the constitutional right to determine their children’s religious or nonreligious upbringing. Here, [REDACTED] has violated the trust that our complainant and all other parents place in the District’s teachers to follow the Constitution and refrain from imposing their own religious beliefs on the children they teach.

It is important to note that this case is readily distinguishable from the Supreme Court’s ruling in *Kennedy v. Bremerton School District*. In *Bremerton*, the Court held 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. Additionally, the Court concluded the coach’s quiet private prayer was private speech. *Id.* at 2423–24. (the coach’s prayer was not given while he was performing official duties such as instructing players, discussing strategy, or encouraging better performance). In contrast, [REDACTED] is teaching her beliefs to and coercing a captive audience of young school children to participate in Christian prayer each school day while acting in her official capacity as a public school teacher.

In order to respect students’ First Amendment rights, the District must investigate this situation and ensure that [REDACTED] and all other teachers refrain from leading students in prayer or promoting their religious beliefs in the classroom. Please respond in writing with the steps the District is taking to address this serious constitutional violation so that we may inform our complainant. Thank you for your time and attention to this matter.

Sincerely,



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