

# FREEDOM FROM RELIGION *foundation*

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December 22, 2021

**SENT VIA U.S. MAIL AND EMAIL**  
**orvl\_info@tccsa.net**

Greg Roadruck  
Board of Education President  
Orrville City Schools  
815 North Ella Street  
Orrville, OH 44667

Re: Unconstitutional Prayer at School Board Meetings

Dear Dr. Roadruck and Board Members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Orrville City School District. FFRF is a national nonprofit organization with more than 35,000 members, including almost 970 members and two chapters in Ohio. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters related to nontheism.

We recently resolved concerns with Superintendent Ritchie regarding graduation prayers and hope the Board is also committed to upholding its constitutional obligations.

A concerned district resident and parent contacted us to report that Orrville City School Board meetings open with prayer. Prayer is not listed on the agenda, but it was reported that the prayer occurs after the pledge of allegiance, which is on the agenda. The prayer witnessed by our complainant was Christian and ended with “our savior Jesus Christ.” Students were present at the meeting.

It was also reported that one board member, Wayne Steiner, promotes his personal religious beliefs at board meetings and has been hostile to the expression of other religious views, including the view that board policy discussions should be religiously neutral. It was reported that Mr. Steiner voted against a mask mandate for the schools because, as he explained in the public meeting, it would not change God’s plan for how long someone is destined to be here.

The Supreme Court has consistently struck down prayers offered at school-sponsored events. *See, e.g., Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (striking down school-sponsored prayers at football games); *Lee v. Weisman*, 505 U.S. 577 (1992) (finding prayers at public high school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturning law requiring daily “period of silence not to exceed one minute . . . for meditation or daily prayer”); *Abington Twp. Sch. Dist. v. Schempp*, 374 U.S. 203 (1963) (declaring school-sponsored devotional Bible reading and recitation of the Lord’s Prayer unconstitutional); *Engel v. Vitale*, 370 U.S. 421 (1962) (holding formal recitation of prayers in public schools unconstitutional). In each of these cases, the Supreme Court struck down school-sponsored prayer because it constitutes a government advancement and endorsement of religion, which violates the Establishment Clause of the First Amendment.

Scheduling or conducting prayer as part of its meetings is beyond the scope of a public school board. This practice violates the Establishment Clause. See *FFRF v. Chino Valley Unified Sch. Dist. Bd. of Educ.*, 896 F.3d 1132 (9th Cir.), en banc denied, 910 F.3d 1297 (9th Cir. 2018); *Doe v. Indian River School District*, 653 F.3d 256 (3d Cir. 2011), cert. denied, 132 S. Ct. 1097; *Bacus v. Palo Verde Unified Sch. Dist.*, 52 Fed. Appx. 355 (9th Cir. 2002); *Coles v. Cleveland Bd. of Educ.*, 171 F.3d 369 (6th Cir. 1999).

In *Indian River School District*, the Third Circuit Court of Appeals emphasized that school board prayer is analogous to other school prayer cases with regards to protecting children from religious coercion, which is heightened in the context of public schools. 653 F.3d at 275. In that case, the court found that the school board meetings are “an atmosphere that contains many of the same indicia of coercion and involuntariness that the Supreme Court has recognized elsewhere in its school prayer jurisprudence.” *Id.* The court’s “decision [was] premised on careful consideration of the role of students at school boards, the purpose of the school board, and the principles underlying the Supreme Court’s school prayer case law.” *Id.* at 281. The court concluded that the school board prayer policy “[rose] above the level of interaction between church and state that the Establishment Clause permits.” *Id.* at 290.

A public school board is an essential part of the public school system. See *Coles*, 171 F.3d at 381 (“[T]he school board, unlike other public bodies, is an integral part of the public school system.”). Public school boards exist to set policies, procedures, and standards for education within a community. The issues discussed and decisions made at board meetings are wholly school-related, affecting the daily lives of district students and parents. The Sixth Circuit, which has jurisdiction over Ohio, noted in *Coles*, “although meetings of the school board might be of a ‘different variety’ than other school-related activities, the fact remains that they are part of the same ‘class’ as those other activities in that they take place on school property and are inextricably intertwined with the public school system.” *Id.* at 377.

In the most recent case striking down a school board’s prayer practice, the Ninth Circuit Court of Appeals reaffirmed that Establishment Clause concerns are heightened in the context of public schools “because children and adolescents are just beginning to develop their own belief systems, and because they absorb the lessons of adults as to what beliefs are appropriate or right.” *Chino Valley*, 896 F.3d at 1137. The court reasoned that prayer at school board meetings “implicates the concerns with mimicry and coercive pressure that have led us to ‘be [ ] particularly vigilant in monitoring compliance with the Establishment Clause.’” *Id.* at 1146 (quoting *Edwards v. Aguillard*, 482 U.S. 578, 583–84 (1987)).

The Supreme Court’s decision in *Town of Greece v. Galloway*, permitting sectarian prayers at legislative meetings, has no applicability to the constitutionality of prayers at public school board meetings. In *Chino Valley*, decided after *Town of Greece v. Galloway*, the court distinguished the Chino Valley School Board from the deliberative legislative bodies considered in *Marsh* and *Galloway* and held that the board’s prayer practice must be analyzed as a school prayer case. The court found that “the nature of the audience at the Chino Valley Board meetings, and the nature of its relationship with the governmental entity making policy, are very different from those within the Marsh-Greece legislative-prayer tradition.” 896 F.3d at 1147. The court reasoned that prayers at school board meetings are “not the sort of solemnizing and unifying prayer, directed at lawmakers themselves and conducted before an audience of mature adults free from coercive pressures to participate that the legislative-prayer tradition contemplates. Instead, these prayers typically take place before groups of schoolchildren whose attendance is not truly voluntary and whose relationship to school district officials, including the Board, is not one of full parity.” *Id.* at 1142 (internal citations omitted).

Promoting religion at Orrville City School Board meetings also violates the district's own policies.<sup>1</sup> Religious neutrality is stressed throughout the policy manual. "The Board is committed to an environment in which all individuals, including students, . . . [and] the general public . . . are treated with dignity and respect. The Board prohibits discrimination based on . . . religion . . ." In the section regarding self-evaluation of the Board, it is noted that "[t]he schools belong to the people" and "Board members have the responsibility to be representative, to be responsive . . ." "The District must show no preference for one religion over another and must refrain from the promotion of any religion." Not only is the Board promoting Christianity through prayer, at least one member is declaring his policy decisions are based on his personal religious views and is openly hostile to the suggestion that, as a member of the Orrville City School Board, he is required to be religiously neutral.

Students and parents have the right—and often have reason—to participate in school board meetings. Requiring nonreligious citizens to make a public showing of their nonbelief by not participating in a prayer or else to display deference toward a religious sentiment in which they do not believe, but which their school board members do, is coercive, embarrassing, and intimidating. Board members are free to pray privately or to worship on their own time in their own way. By praying at official meetings the school board lends its power and prestige to religion, amounting to a governmental endorsement. Prayer also alienates and discriminates against non-religious Americans who make up the fastest growing segment of the U.S. population by religious identification—35 percent of Americans are non-Christians, including more than one in four Americans who now identify as religiously unaffiliated.<sup>2</sup>

By praying at school board meetings the Board violates the constitutional requirement of religious neutrality in public schools and its own policies. We request that the Board immediately refrain from prayers at future meetings to uphold the rights of conscience embodied in our First Amendment. Please inform us in writing of the steps the Board is taking to remedy this constitutional violation and to respect its duty to the people it represents so that we may inform our complainant.

Sincerely,



Karen M. Heineman  
*Patrick O'Reiley Legal Fellow*  
*Freedom From Religion Foundation*

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<sup>1</sup> <https://go.boarddocs.com/oh/orrville/Board.nsf/Public?open&id=policies#>.

<sup>2</sup> *In U.S., Decline of Christianity Continues at Rapid Pace*, PEW RESEARCH CENTER (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>.