

# FREEDOM FROM RELIGION *foundation*

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November 3, 2020

**SENT VIA EMAIL & U.S. MAIL: [tony.helfrich@usd382.com](mailto:tony.helfrich@usd382.com)**

Tony Helfrich  
Superintendent  
Pratt USD 382  
401 S Hamilton Street  
Pratt, KS 67124

Re: Multiple Constitutional Violations

Dear Superintendent Helfrich:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding multiple constitutional violations occurring in Pratt USD 382. FFRF is a national nonprofit organization with more than 33,000 members across the country, including members in Kansas. 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 staff member has reported that there have been many egregious constitutional violations occurring at Liberty Middle School. It is our understanding that Vice Principal Ron Hill has been using his position to promote and endorse his personal religious beliefs to students. Our complainant reports that on See You at the Pole Day, Mr. Hill announced the event over the intercom, personally invited students to the event, and then led students in prayer. We understand that Mr. Hill also includes religious messages and bible quotes in his official District communications, and that recently during morning announcements he said, “we need to remember to give all the glory to God, whether others agree with it or not, and I don't care if I offend anyone by saying that.” We understand that bible verses or references to God and Jesus are often included in the morning announcements. Mr. Hill has also reportedly played Christian music during class and made religious statements to students, including telling a group of students that “God is sad when you don't tuck in your shirts. You are disrespecting God.”

Our complainant also reports that Principal Ryan Creadick has directed staff members to arrange for the school to participate in “Operation Christmas Child,” which is a charity project sponsored by Samaritan's Purse, which describes the program as a “shoebox ministry.”

We write to ensure that the District takes immediate action to cease promoting and endorsing Christianity in its schools. The District must ensure that its staff members, including Vice Principal Hill and Principal Creadick, will no longer promote or endorse religion to students. District staff must also be instructed not to in any way participate in, promoting, or endorse religious events like “See You at the Pole.” Mr. Hill must cease including religious signatures in official District communications, making religious remarks to students, playing Christian music during school hours while students are present, and any other inappropriate conduct relating to promoting his religious beliefs to students. The District must also cease participation in Operation Christmas Child or taking any other actions promoting Christianity like including religious references over morning announcements.

### **Unconstitutional Staff Involvement in “See You at the Pole”**

It is well settled that a public school employee may not lead, direct, or encourage students to engage in prayer. The Supreme Court has continually struck down formal and teacher or school-led prayer in public schools. *See, e.g., Engel v. Vitale*, 370 U.S. 421 (1962) (holding teacher-led prayer in public schools unconstitutional); *Abington Twp. Sch. Dist. v. Schempp*, 374 U.S. 203 (1963) (holding devotional Bible reading and recitation of the Lord’s Prayer in public schools unconstitutional); *Lee v. Weisman*, 505 U.S. 577 (1992) (ruling prayers at public 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.”).

It is even unconstitutional for public school employees to participate in the religious activities of their students. *See, e.g., Borden v. Sch. Dist. of the Twp. of East Brunswick*, 523 F.3d 153 (3rd Cir. 2008), *cert. denied*, 129 S.Ct. 1524 (2009) (declaring a coach’s organization of, participation in, and leading of prayers before games unconstitutional); *Doe v. Duncanville Indep. Sch. Dist.*, 70 F.3d 402 (5th Cir. 1995) (declaring coach’s participation in student prayer circles an unconstitutional endorsement of religion).

In *Borden*, the court stated that even a school employee’s involvement in the prayer by “taking a knee” and “bowing his head” during student-led prayers “would lead a reasonable observer to conclude he was endorsing religion.” 523 F.3d at 176. The court continued, “if while acting in their official capacities, [school district] employees join hands in a prayer circle or otherwise manifest approval and solidarity with the student religious exercises, they cross the line between respect for religion and the endorsement of religion.” *Id.* at 178 (quoting *Duncanville*, 70 F.3d at 406). It is clear that federal law dictates government employees must refrain from actively participating in religious activities while acting within their governmental role to avoid any perception of government endorsement of religion and/or excessive entanglement with religion.

Furthermore, it is unconstitutional for District staff to plan, promote, or participate in See You At The Pole events. Any religious events must be entirely student-initiated and student-run. While the District cannot prohibit students from organizing or participating in a prayer event, the Supreme Court has stated that public school staff members must refrain from participating in the religious activities of students while acting within their governmental roles to avoid any perception of government endorsement of religion. *Bd. of Educ. of the Westside Cmty. Sch. v. Mergens*, 496 U.S. 226, 253 (1990).

Even See You at the Pole’s official website recognizes that adults should not be involved in their events:

See You at the Pole™ is a student-led event. Strong student leadership is crucial. Adult volunteers and parents should not lead the See You at the Pole™ gathering. Many well-meaning adults take over and take away from the students by trying to lead out in the prayers at the flagpole. This is not the intention for See You at the Pole™, nor is it legal for adults to lead. Please step back or stay away and let the students grow and learn in their faith by leading.

The best place for an adult to pray on the day of See You at the Pole™ is not on campus with the students, but at alternate locations.

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<sup>1</sup> <http://syatp.com>, click “adults.”

District staff must not plan, promote, or participate in any future “See You at the Pole” events, nor can they encourage students to put on such events. Any religious events must be truly student-initiated and student-run.

### **Religious Email Messages and Statements to Students**

The statements of a school employee are attributable to the District. It is inappropriate and unconstitutional for the District or its agents to promote a religious message because it conveys government preference for religion over nonreligion. The Supreme Court has ruled, “[t]he Establishment Clause, at the very least, prohibits the government from appearing to take a position on questions of religious belief.” *Cty. of Allegheny v. Am. Civil Liberties Union, Greater Pittsburgh Chapter*, 492 U.S. 573, 593-94 (1989).

When District staff use official channels to promote their personal religious beliefs, it creates the impression in the minds of students and parents that they are “outsiders, not full members of the political community,” *McCreary Cty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005) (citations omitted). Religion is a divisive force, and there is no reason to entangle it with official school business.

Please note that it is not a violation of the free speech rights of teachers when a school district regulates what teachers say while acting in their official capacity. *See, e.g., Johnson v. Poway Unified Sch. Dist.*, 658 F.3d 954, 970 (9th Cir. 2011), *cert. denied*, 132 S. Ct. 1807 (2012) (“Because the speech at issue owes its existence to [his] position as a teacher, [the School District] acted well within constitutional limits in ordering [the teacher] not to speak in a manner it did not desire.”); *see also Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006) (“We hold that when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.”).

We understand, of course, that the District cannot monitor every email sent by employees. But we do ask that it take the appropriate steps to ensure that employees, including Mr. Hill, are made aware of their constitutional obligation to remain neutral toward religion while acting in their official capacity. Please ensure that Mr. Hill ceases including religious messages in his official District communications and making religious statements to students.

### **Operation Christmas Child**

Operation Christmas Child is a charity project sponsored by Samaritan’s Purse. Samaritan’s Purse is a pervasively sectarian religious organization. According to Samaritan’s Purse’s website, the organization does their

“utmost to follow Christ’s command by going to the aid of the world’s poor, sick, and suffering. We are an effective means of reaching hurting people in countries around the world with food, medicine, and other assistance in the Name of Jesus Christ. This, in turn, earns us a hearing for the Gospel, the Good News of eternal life through Jesus Christ.”<sup>2</sup>

The website also describes that the purpose of the shoe boxes is to attract children in the developing world to convert to Christianity.<sup>3</sup> Organizing a donation drive that for all intents and purposes employs school

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<sup>2</sup> <https://www.samaritanspurse.org/our-ministry/about-us/>.

<sup>3</sup> <https://www.samaritanspurse.org/operation-christmas-child/eternal-impact/>.

staff and resources to convert people to Christianity violates basic constitutional principles. It is inappropriate for public school teachers to use their authority to encourage students to donate to religious groups.

While it is laudable for a public school to promote student involvement in the community by volunteering and donating to charitable organizations, the school cannot use that goal as an avenue to fund a religious organization with a religious mission. Certainly, there are other secular non-profit organizations that offer charitable opportunities.

We request that the District investigate these serious violations and take immediate action to ensure that all of its staff understand and respect their constitutional obligation to remain neutral toward religion while acting in their official capacity. These violations alienate non-Christian students, teachers, and parents whose religious beliefs are inconsistent with the message being promoted by the District including the 38% of Americans born after 1987 who are not religious.<sup>4</sup> Please respond in writing so that we may notify our complainant of the steps taken by the District to protect the right of conscience of all District students and families.

Sincerely,

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

Christopher Line  
Staff Attorney  
Freedom From Religion Foundation

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<sup>4</sup> Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at [www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf](http://www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf).