

FREEDOM FROM RELIGION *foundation*

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September 14, 2023

SENT VIA EMAIL & U.S. MAIL: greg.bowman@sv.k12.oh.us

Greg Bowman
Superintendent
Symmes Valley Local School District
14778 State Route 141
Willow Wood, OH 45696

Re: Unconstitutional football game prayer

Dear Superintendent Bowman:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that occurred in Symmes Valley Local School District (“the District”). FFRF is a national nonprofit organization with over 40,000 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.

A concerned District parent reported that the District’s August 19, 2023 football scrimmage included a scheduled adult-led Christian prayer prior to the national anthem. We are told that all in attendance were asked to stand for the prayer.

We write to request that the District investigate this situation and ensure that no future school athletic events include prayer.

The Supreme Court has specifically struck down prayers at public school athletic events. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 320 (2000) (striking down a school policy that authorized students to vote on whether to have a prayer at high school football games). The Court reasoned that because the football game was a school-sponsored event, hosting prayer was a constitutional violation. *Id.* at 307.

Like the prayer practice in *Santa Fe*, the prayer delivered before the District’s football scrimmage event was inappropriate and unconstitutional. Not only did the District show favoritism towards religion and coerce participation in the prayer by allotting time for it at the start of the game, but it also provided the prayer-giver with the public address system needed to impose these prayers on all students and community members at the game. Public school events must be secular to protect the freedom of conscience of all students. Government-sponsored prayer “has the improper effect of coercing those present to participate in an act of religious worship.” *Id.* 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 (2022). The ruling in *Kennedy v. Bremerton Sch. Dist.* has not radically changed, and arguably has not changed at all, the law regarding what school districts can or cannot do at high school football games. Throughout its opinion, the Court repeatedly

stressed that the coach silently prayed alone. *Id* at 2415–16. (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. The Court explicitly distinguished the circumstances in *Bremerton* from those in *Santa Fe*:

[T]his case looks very different from those in which this Court has found prayer involving public school students to be problematically coercive... In *Santa Fe Independent School Dist. v. Doe*, the Court held that a school district violated the Establishment Clause by broadcasting a prayer “over the public address system” before each football game. 530 U.S. 290, 294 (2000).

Id. at 2431 (cleaned up).

The *Bremerton* decision simply affirms that school officials may pray privately during times when they are not acting in their official capacity as district representatives. However, the District cannot require those in attendance at athletic events to participate in a religious practice by having public prayers broadcast to the entire audience.

Furthermore, imposing prayer on students, parents, and community members violates their religious rights. The District serves a diverse population with diverse religious beliefs. This coercive religious practice needlessly alienates and excludes those students who are a part of the 49 percent of Generation Z who are religiously unaffiliated.¹ The District must be neutral with regard to religion in order to respect and protect the First Amendment rights of all students and their families.

The District must ensure that all future athletic events are free from school-sponsored prayer. Please respond in writing with the steps the District is taking to address this matter so that we may inform our complainant. Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink that reads "Samantha F. Lawrence". The signature is written in a cursive, flowing style.

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

¹ 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/.