

FREEDOM FROM RELIGION *foundation*

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October 1, 2021

SENT VIA EMAIL & U.S. MAIL: kinseyr@tecumseh.k12.ok.us

Robert Kinsey
Superintendent
Tecumseh Public Schools
301 E. Highland St
Tecumseh, OK 74873

Re: Unconstitutional Religious Promotion in Football Program

Dear Superintendent Kinsey:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in Tecumseh Public Schools. FFRF is a national nonprofit organization with more than 35,000 members across the country, including members in Oklahoma. 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 community member has reported that on August 29, 2021, Tecumseh High School football players were required to attend a team prayer meeting on the school's football field. Our complainant reports that District coaches organized and led prayer at this school-sponsored prayer event. A post on the Tecumseh Savage Football Facebook page confirms that there was an official team prayer event held to "say a prayer over our players, cheerleaders, band members, students, coaches, and fans. The post includes an image overlaid with a bible verse, "Jesus said to him if you can believe all things are possible to him who believes - Mark 9:23." Please see the enclosed screenshot. We believe that these prayer meetings may be regularly occurring within the District's football program.

We write to remind the District that it is illegal for public school athletic coaches to lead, organize, or participate in prayer or religious events with their teams. Federal courts have specifically held public school coaches' participation in religious events with their teams is unconstitutional. *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 coach's organization, participation, and leading of prayers before football games unconstitutional); *Doe v. Duncanville Indep. Sch. Dist.*, 70 F.3d 402 (5th Cir. 1995) (declaring basketball coach's participation in student prayer circles at games and practices an unconstitutional endorsement of religion). In each of these cases, federal courts struck down school-sponsored prayer because it constitutes a government advancement and endorsement of religion, which violates the Establishment Clause of the First Amendment.

Public school coaches must refrain not only from leading prayers themselves, but also from participating in students' prayers or organizing a student-led prayer. In *Duncanville Indep. Sch. Dist.*, the Fifth Circuit held that coach involvement in prayer at practices and games is unconstitutional because the prayers “take place during school-controlled, curriculum-related activities that members of the [athletic] team are required to attend. During these activities [district] coaches and other school employees are present as representatives of the school and their actions are representative of [district] policies.” *Id.* at 406.

The court also rejected the district's argument that prohibiting a coach from praying with students would violate the coach's right to free speech. *Id.* The court recognized that “the principle that government may accommodate the free exercise of religion does not supersede the fundamental limitations imposed by the Establishment Clause” and that the district therefore had an obligation to prohibit its coaches from endorsing prayer. *Id.*

As you are aware, Tecumseh Public Schools is home to a diverse array of families, including parents and students who are non-Christian and non-religious. Non-religious Americans make up the fastest growing segment of the U.S. population by religious identification—35 percent of Americans are non-Christians, and this includes the more than one in four Americans who now identify as religiously unaffiliated.¹ The District has an obligation to make its sponsored activities nondiscriminatory and welcoming for *all* of its students, not just those in the Christian majority.

We ask that the District commence an investigation into the complaint alleged and take action to ensure that coaches and other employees are no longer leading students in prayer, participating in prayer with students, or organizing team prayer events. Please inform us in writing of the steps you are taking to remedy this violation of the First Amendment.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosure

¹ *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/>.



Tecumseh Savage Football

August 29 · 🌐



So excited to see everyone! Tonight at 5:30!

JESUS

said to him

if you can

Believe

ALL THINGS

are

POSSIBLE

to him who believes

MARK 9:23

Tecumseh Savage Football

August 25 · 🌐

Hey Savage family, with football season already here I wanted to have an evening to get together and say a prayer over our players, cheerleaders, band members, students, coaches, and fans. With our first games next week we will need to do it ASAP. So this Sunday August, 29th please join us at the football field at 5:30pm. I can't wait to see you all there and am so excited for the season! 🖤💛