

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 • MADISON, WI 53701 • (608) 256-8900 • WWW.FFRF.ORG

March 4, 2024

SENT VIA EMAIL & U.S. MAIL: askthesupt@ccps.us; skelley@ccps.us
CC: jrollinsfells@ccps.us; lyfortune@ccps.us; mhubbard@ccps.us; cataylor@ccps.us;
asears@ccps.us

Sarah B. Calveric
Superintendent
Caroline County Public Schools
16261 Richmond Turnpike
Bowling Green, VA 22427

Shawn M. Kelley
Chairperson
Caroline County School Board
16261 Richmond Turnpike
Bowling Green, VA 22427

Re: Multiple constitutional violations

Dear Superintendent Calveric & Chairperson Kelley:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding multiple constitutional violations occurring in Caroline County Public Schools. FFRF is a national nonprofit organization with more than 40,000 members across the country, including more than 900 members in Virginia. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

We received a report of multiple constitutional violations occurring in Caroline County Public Schools. Our complainant reports that most school events within the District begin with Christian prayer, including athletic events and school board meetings.

For instance, the February 12, 2024 School Board meeting began with an invocation led by Board member Dr. JoWanda Rollins-Fells. Dr. Rollins-Fells asked all attendees to stand and participate in the following Christian prayer:

Heavenly Father, we thank you for this opportunity to gather in this building. We thank you for our community, Lord God. Thank you for keeping us safe. We thank you for the opportunity to make decisions on behalf of all of the children and the families that education touches here in our community. We ask that you would give us wisdom to make the right decision, discernment to ask the right questions, and courage to do the right thing on behalf of Caroline County Public Schools. All these things we ask in your name, amen.¹

Additionally per a social media post by Caroline Middle School teacher, [REDACTED], some staff and faculty meetings also include Christian prayer. According to Ms. [REDACTED]'s August 11, 2023 post:

It's a blessing to be a part of a public school that keeps God at its core and that I am able to pray with my coworkers.²

¹ CCPS School Board Meeting February 12th, 2024, <https://www.youtube.com/watch?v=PHz28JiayVY>.

² [https://www.facebook.com/\[REDACTED\]/posts/pfbid02RrpK7swa1ZFe8V5z7fgbk9cHzgrTPAju92t9PYL3Wh1xoZeurTnP Gz5jn6PQjExY1](https://www.facebook.com/[REDACTED]/posts/pfbid02RrpK7swa1ZFe8V5z7fgbk9cHzgrTPAju92t9PYL3Wh1xoZeurTnP Gz5jn6PQjExY1)

The post includes photographs of CMS staff bowing their heads in prayer.

We are also told that CMS has allowed Ms. [REDACTED] to initiate, lead, and organize a Christian club for students at CMS. Per a September 2, 2023 post on Ms. Sweeney's Facebook page:

Hey Everyone!!

I wanted to share an awesome opportunity I've been given at Caroline Middle School to host a Christian club once a month afterschool! I'm so excited to get this club launched at the end of the month and show our students the love of Jesus in a whole new way! This club will be similar to a youth group just in a school setting with worship, guest speakers, and testimonies from teachers and young people living for Christ! I think this will be a refreshing and fun atmosphere inside the school building.³

A September 27, 2023 post from CMS teacher [REDACTED] further makes clear that the goal of this adult-run Christian club, the 180 Club, is to proselytize and convert public middle school students to Christianity:

I am so honored and blessed to be able to spread the Love of Jesus Christ at CAROLINE MIDDLE SCHOOL I am so grateful for all of the kids that joined our club the one and only Club 180!! I am overwhelmed with Joy to witness and be a part of such a ministry!! Thank you to our wonderful principal for allowing this type of club in our school!! Thank You [REDACTED] for all of your thoughts and preparations to make this all happen [. . .] I pray that by the end of the school year we have some new souls added to the Kingdom. This is Monumental y'all !! We have Church at school now. Thank You Lord for All the Great Things You've Done⁴

An October 2, 2023 post on Ms. [REDACTED]'s Facebook describes how the 180 Club leads middle school children in Christian worship and prayer after school on school property. Additionally, CMS permitted a guest speaker to share religious testimony with the students at the 180 Club.⁵

Further, on October 26, 2023, Ms. [REDACTED] and the other staff involved in running the 180 Club apparently distributed bibles to students. Per a post on Ms. [REDACTED]'s Facebook page:

Blessed to be a part of gifting our students their very own Bibles!! A HUGE thank you to all who gave to make this possible.

Today at the end of class, I saw two students who still had their Bibles in their book bags from yesterday's club meeting and had them out saying they had already started reading!!!

As hard as teaching may be at times, I know God is at work here.⁶

³[https://www.facebook.com/\[REDACTED\]/posts/pfbid0XUUwYh6mgMzoAHyEaQdr3kCwSzgvJmqjP6BvYSrCedbMSbKAWSRsar3UiU3Vqzc4l](https://www.facebook.com/[REDACTED]/posts/pfbid0XUUwYh6mgMzoAHyEaQdr3kCwSzgvJmqjP6BvYSrCedbMSbKAWSRsar3UiU3Vqzc4l)

⁴[https://www.facebook.com/\[REDACTED\]/posts/pfbid0aC5Aw9BZKXHbMUarwzn4TzMffYXfSZZv99Eq4V9j57thhCcBDoYeCCmPvYdRXP2l](https://www.facebook.com/[REDACTED]/posts/pfbid0aC5Aw9BZKXHbMUarwzn4TzMffYXfSZZv99Eq4V9j57thhCcBDoYeCCmPvYdRXP2l)

⁵[https://www.facebook.com/\[REDACTED\]/posts/pfbid02XDJRsjHwCwdB1owmGEDBfmjyJxM9h854fwFuMQhtmrRrYRkJgBzyiD5CtCxtT616l](https://www.facebook.com/[REDACTED]/posts/pfbid02XDJRsjHwCwdB1owmGEDBfmjyJxM9h854fwFuMQhtmrRrYRkJgBzyiD5CtCxtT616l)

⁶[https://www.facebook.com/\[REDACTED\]/posts/pfbid0oD3Npx2TJErVdYdXyukg72SB8YYVPAqMiU5pqGKNit982pgAhCeaXAFuUAPpxHyl](https://www.facebook.com/[REDACTED]/posts/pfbid0oD3Npx2TJErVdYdXyukg72SB8YYVPAqMiU5pqGKNit982pgAhCeaXAFuUAPpxHyl)

Please see the enclosed screenshots of the above referenced posts as well as the enclosed photographs of CMS staff leading and organizing the 180 Club meetings, and leading students in prayer.

Our complainant identifies as a Christian, but supports the separation of church and state. The District's blatant promotion of Christianity at the expense of non-Christian students seriously concerns our complainant. The District's actions demonstrate a pattern and practice of religious coercion and official favoritism towards one particular religion over all other religions and nonreligion.

We write to request that the District investigate and ensure that its schools comply with the First Amendment of the Constitution. Additionally, we request that the Board cease its unconstitutional prayer practice.

Prayer at School-Sponsored Events

Public school students have the First Amendment right to be free from religious indoctrination in their schools, including when participating in school-sponsored events. It is well-settled that public schools may not show favoritism towards nor coerce belief or participation in religion. *See generally Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *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). By opening school-sponsored events with Christian prayer, the District has violated the First Amendment. The Court's decision in *Kennedy v. Bremerton School District* did not alter the law regarding coercive religious practices in public schools, nor did it overrule these previous decisions.

The Supreme Court has continually struck down prayers at school-sponsored events, including sporting events. *See Lee*, 505 U.S. 577 (declaring clergy-delivered prayers unconstitutional at a public school graduation). School officials may not invite a student, teacher, faculty member, or clergy member to give any type of prayer, invocation, benediction, or sermon at a public high school-sponsored event, nor may they give a prayer themselves. *See Santa Fe*, 530 U.S. 290 (holding that student-delivered prayers at high school football games violate the Establishment Clause). "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*, 505 U.S. at 587. Furthermore, government-led prayer "has the improper effect of coercing those present to participate in an act of religious worship." *Santa Fe*, 530 U.S. at 312. Here, the District's practice of opening events with Christian prayer unconstitutionally coerces all in attendance, including students, to observe and participate in a religious ritual.

School Board Prayer

It is unconstitutional for a public school board to open its meetings with prayer. 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." *FFRF v. Chino Valley Unified Sch. Dist. Bd. of Educ.*, 896 F.3d 1132, 1137 (9th Cir. 2018). 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 Court reaffirmed in *Kennedy* that the schools cannot "'make a religious observance compulsory.'" *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 537 (2022) (quoting *Zorach v. Clauson*, 343 U. S. 306, 314 (1952)).

The Supreme Court’s decision in *Town of Greece v. Galloway*, permitting sectarian prayers at legislative meetings, like meetings of Congress, has no applicability to the constitutionality of prayers at public school board meetings. In *Chino Valley*, which was decided after *Town of Greece v. Galloway*, the court distinguished the Chino Valley School Board from the deliberative legislative bodies considered in *Marsh v. Chambers* and *Galloway* and held that the board’s prayer practice must be analyzed as a school prayer case. See *Marsh v. Chambers*, 463 U.S. 783 (1983). 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).

In *Lund v. Rowan Cty., N. Carolina*, the Fourth Circuit Court of Appeals, which controls in Virginia, found that even legislative prayer is unconstitutional when the members of the legislative body are the only ones giving prayers because the government is delivering prayers that were exclusively prepared and controlled by the government, constituting a “much greater and more intimate government involvement” in the prayer practice than those that have been found constitutional. 863 F.3d 268, 278 (4th Cir. 2017). Here, these government-delivered prayers are taking place in the public school context with its heightened Establishment Clause concerns, a violation of the Constitution.

Adult-Led Religious Clubs

Moreover, the District may not legally allow adults to lead, organize, or regularly participate in “student” religious clubs at CMS or any of the District’s other secondary schools. The Equal Access Act dictates the limited extent to which religious clubs may exist in public secondary schools. The EAA states that “**employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity.**” 20 U.S.C. § 4071(c)(2) (emphasis added). Any District staff in attendance at the club must be there in a purely supervisory role. All religious student clubs must be bona fide student clubs that are student-initiated, student-led, and student-organized. In this case, it is clear that the 180 Club at CMS was initiated by Ms. [REDACTED] and is currently led and organized by Ms. [REDACTED] and other staff members. Since the 180 Club at CMS is not legitimately student-initiated, student-run, or student-organized, it must be disbanded.

Finally, the religious favoritism and coercion occurring within the District and School Board meetings is particularly troubling for those parents and students who are not Christians, including those who don’t subscribe to any religion. The District and Board’s pervasive promotion of Christianity is inappropriate and needlessly alienates students, families, and employees who are part of the thirty-seven percent of Americans who are non-Christian.⁷ At least a third of Generation Z (those born after 1996) have no religion,⁸ with a recent survey revealing almost half of Gen Z qualify as “nones” (religiously unaffiliated).⁹

⁷ Gregory A. Smith, et. al, *Religious ‘Nones’ in America: Who They Are and What They Believe* (Jan. 24, 2024):<https://www.pewresearch.org/religion/2024/01/24/religious-nones-in-america-who-they-are-and-what-they-believe/>.
⁸ Samuel J. Abrams, *Perspective: Why even secular people should worry about Gen Z’s lack of faith*, Deseret News, Mar. 4, 2023, www.deseret.com/2023/3/4/23617175/gen-z-faith-religious-nones-civic-life-volunteers-charity
⁹ Ryan P. Burge, *2022 Cooperative Election Study of 60,000 respondents*, April 3, 2023, www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/.

In order to protect the First Amendment rights of students, families, employees, and community members, the District must immediately investigate these constitutional violations. The District must cease including prayer at school-sponsored events and it must ensure that the 180 Club at CMS is disbanded. Further, the Board must end its unconstitutional practice of opening meetings with government-led prayer. Please respond in writing with the steps the District and Board are taking to address these violations 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 style with a large, looping initial "S" and a distinct "F" and "L".

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

Enclosures