

FREEDOM FROM RELIGION *foundation*

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

February 29, 2024

SENT VIA EMAIL & U.S. MAIL: lderryberry@riverside.k12.ok.us

Lisa Derryberry
Superintendent
Riverside School District
4800 East Foreman Road
El Reno, Oklahoma 73036

Re: State Superintendent Ryan Walters

Dear Superintendent Derryberry:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that recently occurred in the Riverside School District. FFRF is a national nonprofit organization with more than 40,000 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.

It is our understanding that on February 28, 2024, Oklahoma State Superintendent of Public Instruction Ryan Walters visited Riverside Elementary School to observe, meet with students, and read to a 2nd grade class. Before reading to the class, Superintendent Walters led the students in prayer:¹

Dear God, thank You for these wonderful students and thank You for letting us be here today. God, I want You to please be with the state of Israel, our country, our nation, our state and our schools. Thank You so much for the opportunity to be here with these wonderful students today. Amen.

While we understand there is no way that you could have possibly anticipated that the State Superintendent of Public Instruction would violate the law and the constitutional rights of your young students and their parents by leading them in prayer, we ask that you refrain from allowing Superintendent Walters to address your students in the future.

Students have the First Amendment right to be free from religious indoctrination in their public schools. It is well settled that public schools may not show favoritism towards or coerce belief or participation in religion. *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); *McCollum v Bd. of Ed.*, 333 U.S. 203 (1948). The Supreme Court has continually

¹ <https://twitter.com/RyanWaltersSupt/status/1763041650316570659>

struck down prayers at school-sponsored events, even if student-led. *See Lee*, 505 U.S. 577 (declaring clergy-delivered prayers unconstitutional at a public school graduation). A public school district cannot circumvent the law by asking a student to deliver the prayers instead. *See Santa Fe*, 530 U.S. 290 (holding that student-delivered prayers pursuant to school policy 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* at 587. Furthermore, government-led prayer “has the improper effect of coercing those present to participate in an act of religious worship.” *Santa Fe*, at 312.

Here, the school crossed the constitutional line by allowing Superintendent Walters to lead students in prayer. Superintendent Walters was invited into the school and the school is responsible for who it allows to speak with its students. This prayer violated the First Amendment rights of all students in attendance and displayed clear favoritism towards religion over nonreligion. Riverside serves a diverse population with diverse religious beliefs, including non-Christians, atheists and agnostics. Thirty-seven percent of the American population is non-Christian, including the almost 30 percent² who are nonreligious. A recent survey revealed almost half of Gen Z qualify as “nones” (religiously unaffiliated).³

In order to comply with the Constitution, the District must ensure that Superintendent Walters and other guests at the school will not be given the opportunity to pray with students again in the future. Please inform us in writing of the steps the District is taking to address this constitutional violation. Thank you for your time and attention to this matter.

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

² Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.

³ 2022 Cooperative Election Study of 60,000 respondents, analyzed by Ryan P. Burgen, www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/.