

# FREEDOM FROM RELIGION *foundation*

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April 10, 2024

**SENT VIA EMAIL & U.S. MAIL: slstarch@k12.wv.us**

Serena L. Starcher  
Superintendent  
Raleigh County School District  
105 Adair St  
Beckley, WV 25801

Re: Unconstitutional Proselytizing by Elementary School Teacher

Dear Superintendent Starcher:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation occurring in the Raleigh County School District. FFRF is a national nonprofit organization with more than 40,000 members across the country, including members in West 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.

A concerned Bradley Elementary School parent has informed us that [REDACTED] a physical education teacher at the school, has been abusing his position to proselytize and impose his personal religious beliefs onto students. Our complainant reports that Mr. [REDACTED] begins his classes with bible stories, and ends them by leading students in prayer. It is our understanding that this school-sponsored religious activity has been occurring since at least 2019.

We write to ask that the District take immediate action to ensure that Mr. [REDACTED] is no longer discussing his religious beliefs with students, preaching to students, praying with students, or in any way promoting religion to students.

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. *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). “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. When a teacher abuses his position to coerce young students to pray, that teacher violates students’ First Amendment rights. Mr. [REDACTED]’s actions have undeniably crossed the constitutional line.

The District has an obligation under the law to make certain that its teachers are not violating the rights of its students by proselytizing or using their position to promote their personal religious beliefs. Certainly, “a school can direct a teacher to ‘refrain from expressions of religious viewpoints in the classroom and like settings.’” *Helland v. S. Bend Comm. Sch. Corp.*, 93 F.3d 327 (7th Cir. 1993) (quoting *Bishop v. Arnov*, 926 F.2d 1066, 1077 (11th Cir. 1991)). The Supreme Court has recognized that “[f]amilies entrust

public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987). Parents have the constitutional right to determine their children’s religious or nonreligious upbringing. Here, Mr. [REDACTED] has violated the trust that our complainant and all other parents place in Raleigh County’s teachers to follow the Constitution and refrain from imposing their own religious beliefs on the children they teach.

It is important to note that this case is readily distinguishable from the Supreme Court’s recent ruling in *Kennedy v. Bremerton School District*. In *Bremerton*, the Court held that a high school football coach’s silent, private post-game prayer was constitutional. 142 S.Ct. 2407, 2415–16 (2022). Throughout its opinion, the Court repeatedly stressed that the coach silently prayed alone. *Id.* (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. Additionally, the Court concluded the coach’s quiet private prayer was private speech. *Id.* at 2423–24 (the coach’s prayer was not given while he was performing official duties such as instructing players, discussing strategy, or encouraging better performance). In contrast, Mr. [REDACTED] is coercing a captive audience of young school children to participate in Christian prayer and listen to bible stories during the school day while acting in his official capacity as a public school teacher.

The District must make certain that none of its employees are unlawfully and inappropriately indoctrinating students in religious matters by preaching to students or leading students in prayer. We ask that the District immediately investigate this situation and ensure that Mr. [REDACTED] fully complies with the Establishment Clause and stops violating the rights of his students and their parents. The District should also provide additional training to administrators and teachers at Bradley Elementary School regarding their constitutional obligations. Please respond in writing, confirming that this letter has been received and outlining the steps the District will take to resolve this serious constitutional violation so that we may notify our complainant.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is written in a cursive, flowing style.

Christopher Line  
Staff Attorney  
Freedom From Religion Foundation