

FREEDOM FROM RELIGION *foundation*

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

April 24, 2024

SENT VIA EMAIL & U.S. MAIL: [REDACTED]@hintonschool.com

Superintendent [REDACTED]
Hinton Community School District
315 West Grand Street
Hinton, IA 51024

Re: Inappropriate adult promotion of student religious club

Dear Superintendent [REDACTED]:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Hinton Community School District. FFRF is a national nonprofit organization with over 40,000 members across the country, including members in Iowa. 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 have received a report that a District employee is active in and directs the Fellowship of Christian Athletes—a religious student club. For instance, on October 13, 2023, via your X (formerly Twitter) and Facebook accounts, you thanked a coach for their work with Hinton FCA. On March 16, 2024, you again promoted “Huddle Up Time” where “Hinton FCA meets at 7:30 am on Fridays every couple of weeks.” You thanked Coach [REDACTED] for sponsoring the event and for his “influence and leadership.” You also use your Instagram account to promote Hinton FCA. Please see the enclosed screenshots.

We write to ask that you take immediate action to ensure that no District staff members are leading student religious groups.

It is well settled that public schools—including their employees—may not show favoritism towards or coerce belief or participation in religion. *See generally 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). Here, an employee of the school is leading a religious student group in prayer and worship. That is jarring. Worse yet, your private social media posts tend to praise the employee’s involvement.

Furthermore, District employees are forbidden from leading student religious groups. Students in secondary schools may organize religious clubs, but these must be entirely student-initiated and student-led, and take place outside of school hours. *See Bd. of Ed. of the Westside Cmty. Sch. v. Mergens*, 496 U.S. 226, 253 (1990) (holding the Equal Access Act constitutional). The Supreme Court recognized that the EAA prohibits participation of public school staff in the religious activities of students. “Under the [Equal Access] Act . . . faculty monitors may not participate in any religious meetings, and nonschool persons may not direct, control or regularly attend

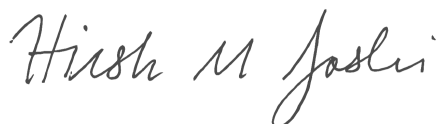
activities of student groups.” *Id.* at 253 (citing 20 U.S.C. § 4071(c)(3)). Here, you admit that coaches are actively leading students in religious activities. That is a violation of the Equal Access Act.

The Supreme Court’s decision in *Kennedy v. Bremerton School District*, did not change the law or overrule any of the above cases or the Equal Access Act. 597 U.S. 507 (2022). The *Kennedy* court repeatedly stressed the private nature of Kennedy’s prayer and that he was not on duty. *Id.* at 513-14. Not so here; this coach uses his access to students, received from his official job title as coach, to further his sectarian mission.

Employee participation in student religious organizations “sends a message to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (O’Connor, J., concurring)). Preference for Christian clubs risks alienating the thirty percent of Americans who are non-religious,¹ and the nearly forty-nine percent of Gen-Z who qualify as “nones.”²

To avoid further Establishment Clause concerns and out of respect for the diversity of the community, we ask that you investigate and counsel District employees to cease directing or otherwise controlling FCA activities. They may only be present in a supervisory manner. Any student clubs must be genuinely student-initiated and student-run. Please inform us in writing of 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,



Hirsh M. Joshi
Patrick O’Reiley Legal Fellow
Freedom From Religion Foundation

Enclosures

¹ Gregory A. Smith, *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/>.

² Ryan P. Burge, *2022 Cooperative Election Study of 60,000 respondents*, www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/.