

FREEDOM FROM RELIGION *foundation*

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September 4, 2024

SENT VIA EMAIL & U.S. MAIL: jerry.hill@lcschools.org

Jerry Hill
Superintendent
Lauderdale County School System
P.O. Box 278
Florence, AL 35631

Re: Multiple constitutional violations and **Open Records Request**

Dear Superintendent Hill:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding multiple constitutional violations occurring in the Lauderdale County School District. We are still awaiting a response to our November 8, 2023 letter regarding a student being coerced into taking a bible at Underwood Elementary School. We look forward to your response to that letter, and this one as well.

Another concerned parent has come forward with multiple constitutional violations occurring in the District. The parent reported that on August 11, 2024, Lexington Methodist Church hosted a “Fall Tailgate” event at Lexington High School that included religious worship music and prayer. The event appeared to be an official school event which included performances by the school’s marching band and cheerleaders, as well as speeches from multiple coaches. The parent reported that the school’s band director informed students that they would be playing at this religious event on July 28, 2024. Our complainant also reported that each football game begins with a prayer said over the loudspeaker by a student.

Our complainant and their child are non-religious and strongly support the separation between church and state. The District’s promotion of, and preference for, Christianity at the expense of non-Christian students raises serious constitutional concerns. The District’s actions demonstrate an unconstitutional 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 immediately ensure that its schools comply with the First Amendment of the Constitution and respect the rights of all of its students, Christian and non-Christian alike. The District cannot partner with a church to hold a religious event that fuses Christian worship with the school’s sports programs, nor can it host prayer at its 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); *McCollum v. Bd. of Ed.*, 333 U.S. 203 (1948). By partnering with a church to hold a religious worship event and opening other 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 including Christian prayer and worship as part of official school events unconstitutionally coerces all in attendance, including students, to observe and participate in a religious ritual.

Finally, the religious favoritism and coercion occurring within the District is particularly troubling for those parents and students who are not Christians, like our complainant. The District’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.¹ At least a third of Generation Z (those born after 1996) have no religion,² with a recent survey revealing almost half of Gen Z qualify as “nones” (religiously unaffiliated).³

In order to protect the First Amendment rights of students, families, employees, and community members, the District must immediately cease including prayer at school-sponsored events. It cannot partner with a church to host a religious event again in the future. Please respond in writing with the steps the District is taking to address these violations so that we may inform our complainant, and please respond to the following open records request. Thank you for your time and attention.

¹ 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/>.

² 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.

³ 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/.

Open Records Request

Pursuant to the Alabama Public Records Act (Al. Code § 36-12-40), I request a copy of the following records since January 1, 2024:

- (1) Any emails, texts, or other communications relating to the August 11, 2024 tailgate event;
- (2) Any permits, permission slips, contracts, or other rental agreements executed by the District regarding the August 11, 2024 tailgate event;
- (3) Any expenditures, receipts, or invoices regarding the August 11, 2024 tailgate event;
- (4) A copy of the District's facility use policy and rate schedule.

If you do not maintain these public records, please forward this request to the proper custodian and let me know the name and address of the custodians of these records. If you choose to deny this request, please respond with a written explanation of the denial, including any references to applicable statutory exemptions relied upon. If any of these records are available through electronic media, they may be e-mailed to records@ffrf.org. If I can provide any clarification that will help expedite your attention to my request, please contact me at 608-256-8900 or chris@ffrf.org. Thank you for your time and attention.

Sincerely,



Chris Line
Staff Attorney
Freedom From Religion Foundation