

FREEDOM FROM RELIGION *foundation*

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September 10, 2024

SENT VIA EMAIL & U.S. MAIL: svetter@steelville.k12.mo.us

Superintendent Steve Vetter
Steelville R-III School District
817 West Main Street
Steelville, MO 65565

Re: Teacher Promoting Bible Study

Dear Superintendent Vetter:

I am writing on behalf of the Freedom From Religion Foundation regarding First Amendment and state constitutional violations occurring at Steelville Middle School. FFRF is a national educational nonprofit with more than 40,000 members across the country, including hundreds of members in Missouri. FFRF protects the constitutional separation between state and church and educates about nontheism.

A concerned District community member informs us that while teaching, sixth grade teacher [REDACTED] promoted to students a personal bible study that takes place every morning before school. [REDACTED] is seemingly orchestrating and teaching the before-school religious meeting.

We are further informed that, as part of her curriculum, [REDACTED] read a book about witches; she then denigrated witches and witchcraft because they conflict with her personal religious beliefs. [REDACTED] told the class that Christianity does not look kindly upon witches. This reportedly occurred on August 29 or 30, 2024.

Public officials may not promote or advertise religious ceremonies when acting in the course of their official duties. Particularly, teachers may not do so when speaking over a captive audience—their students. We ask the District to investigate and counsel all staff against promoting their personal religious beliefs in the classroom.

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 toward 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); *McCullum v. Bd. of Educ.*, 333 U.S. 203 (1948). By promoting her personal bible study in the classroom, [REDACTED] coerced students' attendance. [REDACTED] then preaches her personal religious beliefs in the classroom when discussing witchcraft. [REDACTED] utilized tax-supported spaces for these purposes, which is similarly inappropriate.

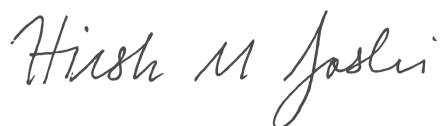
Here, ██████ placed students in a dilemma: Either they attend the bible study, affronting their conscience, or not attend—outing themselves as a different believer than ██████. That coercion is precisely what the Establishment Clause guards against. It was also inappropriate for ██████ to condemn witchcraft by introducing her personal religious beliefs into the classroom. ██████'s control over her curriculum also suggests that she planned this lesson *with the intent to denigrate* witchcraft. Whether or not intentional, her introduction of personal religious beliefs into her lesson was unconstitutional.

Missouri's Establishment Clause prohibits this coercion and preferential treatment for Christianity. *See* Mo. Const. Art. I § 7. Missouri's constitutional provisions "'declaring that there shall be a separation of church and state are not only more explicit but *more restrictive*' than the First Amendment." *Gibson v. Brewer*, 952 S.W.2d 239, 246 (Mo. banc 1997) (quoting *Paster v. Tussey*, 512 S.W.2d 97, 101-02 (Mo. banc 1974) (emphasis added)). The Supreme Court of the United States's decision in *Trinity Lutheran Church of Columbia, Mo., Inc. v. Comer*, 137 S.Ct. 2012 (2017), did not change that. *See Doe v. Marianist Province of U.S.*, 620 S.W.3d 73, 78 (Mo. banc 2021) (quoting *Brewer* and *Paster*). So, independently of the First Amendment, Missouri's Constitution prohibits this type of preferential treatment and coercion.

The Supreme Court's decision in *Kennedy v. Bremerton School District* did not change the law or overrule any of the above cases. 597 U.S. 507 (2022). The *Kennedy* court repeatedly stressed the private nature of Kennedy's prayer and that it occurred when he was not on duty. *Id.* at 513–14. Not so here; ██████'s curriculum and classroom speech fall within the scope of her official public duties, and thus *Kennedy* is inapplicable.

The District must make certain that its employees refrain from unlawfully and inappropriately promoting their personal religious beliefs or worship studies. Please respond in writing, outlining the steps the District will take to correct this constitutional violation so that we may notify our complainant.

Sincerely,



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