

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL: travis.fleshner@a-pcsd.net

Superintendent Travis Fleshner
Aplington-Parkersburg Community School District
610 North Johnson Street
Parkersburg, IA 50665

Re: Coach leading prayer

Dear Superintendent Fleshner:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Aplington-Parkersburg Community School District. FFRF is a national nonprofit organization with about 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 been informed that Aplington-Parkersburg High School's head football coach, [REDACTED], is leading prayer with his football team after every football game. During a Varsity football game on or around September 6, 2024, the Grundy Center CSD football team joined APHS's varsity team on the field after the game to pray. Please see the enclosed screenshot.

Government actors, like Coach [REDACTED], may not lead prayer over a captive audience. His actions violate the Establishment Clause. We ask the District to advise their employees against leading students in prayer.

Public school students have a constitutional right to be free from religious indoctrination in their public schools, including when attending school-sponsored events and participating in their school's athletics program. It is well settled that public schools may not show favoritism toward or coerce belief or participation in religion. *See 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). The Supreme Court has struck down prayer at school-sponsored events. *See Lee*, 505 U.S. 577 (prayers at a public school graduation unconstitutional).

School officials may not invite anyone to give any type of prayer, invocation, benediction, or sermon at public events, nor may they give a prayer themselves. *See Santa Fe*, 530 U.S. 290 (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. 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.

The Supreme Court’s decision in *Kennedy v. Bremerton School District* did not change the pre-existing First Amendment law in any way. 597 U.S. 507 (2022). In *Kennedy*, the Court ruled that a high school football coach’s private, silent post-game prayers were constitutional. *Id.* at 513. *Kennedy* is wholly inapposite to the violations occurring in the District. In *Kennedy*, the Supreme Court continuously stressed that coach Kennedy’s prayers were personal and private, and his prayers did not occur during the course of his official public duties. *Id.* at 514. Furthermore, in *Kennedy*, the Court repeatedly stressed that “[t]he contested exercise before us **does not** involve **leading prayers with the team** or before any other captive audience.” *Id.* at 525 (emphasis added). Coach Kennedy “**moved on from leading prayer** with the kids to take a silent prayer at the 50 yard line.” *Id.* at 517 (quoting the Ninth Circuit’s *Kennedy* opinion) (emphasis added). So, even the *Kennedy* majority acknowledged that school officials may not lead students in prayer. That is precisely what Coach [REDACTED] appears to be doing; therefore, he is violating the Establishment Clause.

Student athletes are especially susceptible to coercion. When their school’s athletic program compels them to participate in prayer, student athletes undoubtedly feel that participation is essential to pleasing their team’s coach. Prayer at student athletic events places athletes in a dilemma: They must either worship—against their conscience—or openly dissent, risking their team standing. That ultimatum is exactly what the Establishment Clause guards against.

In order to respect students’ First Amendment rights, the District must ensure all coaching staff cease leading students in prayer going forward. That necessarily includes post-game football team meetings. Please respond in writing with the steps the District is taking to remedy this constitutional violation and ensure that it does not recur. Thank you for your time and attention to this matter.

Sincerely,



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

Enclosure