

# FREEDOM FROM RELIGION *foundation*

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Gene Trent  
Board Chair  
Brevard Public School Board  
2700 Judge Fran Jamieson Way  
Viera, FL 32940

Re: Unconstitutional school board prayer proposal

Dear Chair Trent and Board members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding serious constitutional concerns over a recent proposal to start opening your school board meetings with school-sponsored prayer. FFRF is a national nonprofit organization with more than 41,000 members across the country, including more than 2,000 members in Florida, and a local chapter, the Central Florida Freethought Community. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that the Board currently opens its meetings with a moment of silence, but that it is considering replacing the moment of silence with an official prayer at the suggestion of new board member John Thomas. A recent article in Florida Today explains that Thomas is proposing the opening prayer as a “meaningful step toward demonstrating how governance can be conducted with integrity, inclusivity, and respect for shared community values.”<sup>1</sup> He claims that the prayer would “reflect[] the vision of our country’s founders, who upheld the right to religious expression without imposing a state-sponsored religion.”<sup>2</sup>

We write to request that the Board refrain from opening its meetings with government-sponsored prayer in violation of the First Amendment. The Board’s current practice of holding a moment of silence allows individuals who wish to pray to do so privately without infringing upon the rights of others. Bringing religion into school board meetings would create division, not demonstrate inclusivity, and stands in stark contrast to the founders’ vision for our secular country where government officials may not take sides on religious matters.

The Supreme Court has consistently struck down prayers offered at school-sponsored events. *See, e.g., Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (striking down school-sponsored prayers at football games); *Lee v. Weisman*, 505 U.S. 577 (1992) (finding prayers at public high school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturning law

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<sup>1</sup> <https://bit.ly/4hbRZn4>.

<sup>2</sup> *Id.*

requiring daily “period of silence not to exceed one minute . . . for meditation or daily prayer”); *Sch. Dist. Abington Twp. v. Schempp*, 374 U.S. 203 (1963) (declaring school-sponsored devotional Bible reading and recitation of the Lord’s Prayer unconstitutional); *Engel v. Vitale*, 370 U.S. 421 (1962) (holding formal recitation of prayers in public schools unconstitutional). In each of these cases, the Supreme Court struck down school-sponsored prayer because it is coercive and constitutes government favoritism toward religion, which violates the Establishment Clause of the First Amendment.

Further, federal courts have held that opening public school board meetings with sectarian prayer violates the Establishment Clause of the First Amendment. *See FFRF v. Chino Valley Unified Sch. Dist. Bd. of Educ.*, 896 F.3d 1132 (9th Cir. 2018), *petition for review en banc denied*, No. 16-55425 (9th Cir., Dec. 26, 2018); *Doe v. Indian River Sch. Dist.*, 653 F.3d 256 (3d Cir. 2011), *cert. denied*, 132 S. Ct. 1097; *Bacus v. Palo Verde Unified Sch. Dist.*, 52 Fed. Appx. 355 (9th Cir. 2002); *Coles v. Cleveland Bd. of Educ.*, 171 F.3d 369 (6th Cir. 1999). The Board’s proposed practice of opening meetings with prayer would cross the constitutional line. Prayer at school board meetings unconstitutionally coerces all attendees, including students, to participate in and observe prayer. Further, such school-sponsored prayers display clear favoritism for religion over nonreligion.

In *Indian River School District*, the Third Circuit Court of Appeals emphasized that school board prayer is analogous to other school prayer cases when it comes to protecting children from the coercion of school-sponsored prayer, which is heightened in the context of public schools. 653 F.3d 256, 275 (3d Cir. 2011), *cert. denied*, 132 S. Ct. 1097. In that case, the court held that school board meetings are “an atmosphere that contains many of the same indicia of coercion and involuntariness that the Supreme Court has recognized elsewhere in its school prayer jurisprudence.” *Id.* The court’s “decision [was] premised on careful consideration of the role of students at school boards, the purpose of the school board, and the principles underlying the Supreme Court’s school prayer case law.” *Id.* at 281. The final conclusion was that the school board prayer policy “[rose] above the level of interaction between church and state that the Establishment Clause permits.” *Id.* at 290.

A public school board is an essential part of the public school system. *See Coles v. Cleveland Bd. of Educ.*, 171 F.3d 369, 381 (6th Cir. 1999) (“[T]he school board, unlike other public bodies, is an integral part of the public school system.”). Public school boards exist to set policies, procedures, and standards for education within a community. The issues discussed and decisions made at board meetings are wholly school-related, affecting the daily lives of district students and parents. The Sixth Circuit noted in *Coles*, “although meetings of the school board might be of a ‘different variety’ than other school-related activities, the fact remains that they are part of the same ‘class’ as those other activities in that they take place on school property and are inextricably intertwined with the public school system.” *Id.* at 377.

In the most recent case striking down a school board’s prayer practice, the Ninth Circuit Court of Appeals reaffirmed that Establishment Clause concerns are heightened in the context of public schools “because children and adolescents are just beginning to develop their own belief systems, and because they absorb the lessons of adults as to what beliefs are appropriate or right.” *FFRF v. Chino Valley Unified Sch. Dist. Bd. of Educ.*, 896 F.3d 1132, 1137 (9th Cir. 2018), *petition for review en banc denied*, No. 16-55425 (9th Cir., Dec. 26, 2018). The court reasoned that prayer at school board meetings “implicates the concerns with mimicry and coercive pressure that have led us to ‘be [ ] particularly vigilant in monitoring compliance with the Establishment Clause.’” *Id.* at 1146 (quoting *Edwards v. Aguillard*, 482 U.S. 578, 583–84 (1987)).

Students and parents have the right—and often have reason—to participate in school board meetings. Students are asked to attend Board meetings for a variety of reasons, including to receive recognition and awards from the Board. Contrary to the suggestion that these school-sponsored prayers would demonstrate “inclusivity” or a “respect for shared community values,” opening school board meetings with official prayers would compound religious division and marginalize many students and families. It is coercive, embarrassing, and intimidating for nonreligious or minority faith citizens to be required to make a public showing of their nonbelief or differing beliefs (by not bowing their heads or praying) or else to display deference toward a religious sentiment in which they do not believe, but which their school board members clearly do. Thirty-seven percent of the American population is non-Christian, including the almost 30 percent<sup>3</sup> who are nonreligious. At least a third of Generation Z (those born after 1996) have no religion<sup>4</sup>, with a recent survey revealing almost half of Gen Z qualify as “nones” (religiously unaffiliated).<sup>5</sup>

Out of respect for the First Amendment and the diversity of the Brevard Public Schools community, we ask that the Board refrain from opening its meetings with official prayers. The Board’s current moment of silence allows all attendees to reflect on the moment how they choose, whether with prayer or otherwise. We request written assurances that the Board will not be implementing exclusionary prayers at its meetings. Thank you for your time and attention.

Sincerely,



Christopher Line  
Legal Counsel  
Freedom From Religion Foundation

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<sup>3</sup> Gregory A. Smith, *Religious ‘Nones’ in America: Who They Are and What They Believe*, Pew Research Center, Jan. 24, 2024, <https://www.pewresearch.org/religion/2024/01/24/religious-nones-in-america-who-they-are-and-what-they-believe/>.

<sup>4</sup> 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](http://www.deseret.com/2023/3/4/23617175/gen-z-faith-religious-nones-civic-life-volunteers-charity).

<sup>5</sup> 2022 Cooperative Election Study of 60,000 respondents, analyzed by Ryan P. Burge, [www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/](http://www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/).