

FREEDOM FROM RELIGION *foundation*

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December 23, 2024

SENT VIA EMAIL & U.S. MAIL: garyclifford@glendora.k12.ca.us; paullopez@glendora.k12.ca.us; danielcayem@glendora.k12.ca.us; monicagarcia@glendora.k12.ca.us; michaelmunoz@glendora.k12.ca.us

Board President Gary Clifford
Glendora USD Board of Education
500 N. Loraine Ave.
Glendora, CA 91741

Re: Unconstitutional school board prayer practice

Dear President Clifford & Board Members:

I am writing in response to President Clifford's December 20th email in which he stated:

Thank you for your email and Letter [REDACTED]. I read the letter. Of consequence is the fact that we did not start the meeting with prayer. Being reverent to the law, and the board, I did seek legal advice. The meeting was not officially started until after the prayer. You can note that the prayer was done outside the parameters of the agenda meeting.

Thank you for your concern for our Glendora residents. You can assure them that there will be no prayer during the meeting.

Also note that the attendee did fill out a speaker card for public comment. I chose to engage the prayer BEFORE the gavel hit the deck.

Beginning public school board meetings with prayer violates the First Amendment even if the prayer technically occurs right before the official meeting is brought to order. The fact that the prayer occurred prior to the official start of the meeting is not legally relevant. For example, in a case FFRF and residents brought challenging the invocation practice of the City Council of Parkersburg, West Virginia, the Court concluded that the Council's legislative prayer practice violated the Establishment Clause even though the prayer occurred before the Council's meeting was officially brought to order. *Cobranchi v. City of Parkersburg*, No. 2:18-CV-01198, 2022 WL 1557670, at *1, *10 (S.D.W. Va. May 17, 2022).

As we previously explained, opening public school board meetings with prayer is even more constitutionally problematic. As the Board is aware, the Ninth Circuit Court of Appeals, which has jurisdiction over California, held that prayers before public school board meetings "are not within the legislative-prayer tradition that allows certain types of prayer to open legislative sessions." *Freedom From Religion Found., Inc. v. Chino Valley Unified Sch. Dist. Bd. of Educ.*, 896 F.3d 1132, 1142 (9th Cir. 2018). Opening the Board's meetings with prayer violates the First Amendment, even if the Board arbitrarily holds the prayer right before the meeting officially starts. This is a transparent attempt to circumvent the First Amendment.

Thus far, we have received complaints from at least ten Glendora USD community members regarding the December 9th meeting's opening prayer. Given this fact, it appears the Board's constituents are not asking for, nor do they desire, the Board to violate the First Amendment by opening its meetings with prayer. If the Board continues to open meetings with prayer, it will not only be sending an exclusionary message to its community and marginalizing many attendees, it will also be exposing itself to costly and unnecessary litigation. We urge the Board to respect the Constitution and refrain from opening any future meetings with prayer.

Thank you again for your time and attention.

Sincerely,

A handwritten signature in black ink, reading "Samantha F. Lawrence". The signature is written in a cursive style with a large initial "S" and "L".

Samantha F. Lawrence
Staff Attorney
Freedom From Religion Foundation