

FREEDOM FROM RELIGION *foundation*

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September 22, 2025

SENT VIA EMAIL & U.S. MAIL: phillip.watts@breathitt.kyschools.us

Phillip Watts
Superintendent
Breathitt County Schools
P.O. Box 750
Jackson, KY 41339

Re: Unconstitutional religious assembly

Dear Superintendent Watts:

I am again writing on behalf of the Freedom From Religion Foundation (FFRF) concerning a report that Breathitt Elementary School permitted a Christian boy band to perform a religious concert for students. We wrote in August regarding prayer conducted at Breathitt High School's graduation ceremony. To date, we have not received a response to that letter. We hope to work with you to resolve both the issue with graduation prayer and this religious assembly.

A concerned District parent reports that on September 16, 2025, 3 Heath Brothers, a Christian boy band, performed for all students, including those as young as 6 years old, at Breathitt Elementary School for a school-sponsored assembly. We are informed that parents received no notice or option to opt their child out of this religious assembly.

We are also informed that 3 Heath Brothers distributed a Keys for Kids devotional pamphlet at the assembly. Keys for Kids is a youth ministry organization that exists "to ignite a passion for Christ in kids, teens, and families worldwide."¹ This pamphlet includes explicitly religious stories with references to bible verses, promotion of a religious podcast, and solicitation of donations. For example, the booklet tells students that "Lots of kids don't know they need Him to be saved from sin" and instructs that these other kids "need someone to tell them—and Jesus may want you to be that person." In another instance, it says, "It's good to do your best and recognize your abilities, but never forget that you have no reason to be proud. It's God—not you—who is the source of all good gifts." Please see the enclosed photos.

The parent who contacted us reports that their student believes that the pamphlet is a story book their parents should read to them, which required the parent to discuss religion with their child before they were ready. They report that they had a timeline and curriculum for exploring religion with their child but instead must have this conversation before they planned because of the school's actions.

¹ <https://www.keysforkids.org/About-Us/Statement-of-Faith>.

We write to ask the District to investigate this situation and take immediate action to ensure that it will never again host religious performers to proselytize students. Additionally, we request that the District issue guidance reminding its schools that they must comply with the First Amendment and cease entangling the public school environment with religion.

It is unconstitutional to take away instructional time from students to expose them to religious proselytizing. 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 Ed.*, 333 U.S. 203 (1948). Here, Breathitt Elementary School crossed the constitutional line and violated students' First Amendment rights by inviting a Christian band to perform for students and hand out devotional pamphlets during the school day. This religious assembly was particularly coercive given that students are a captive audience, and elementary students are particularly young. Elementary students cannot legally or practically be expected to dissent and leave what appeared to be a mandatory school assembly in order to resist their school violating their constitutional rights. Further, the school violated parents' First Amendment right to determine which faith, if any, they teach their children to believe.

The District cannot allow non-school persons to treat schools as a recruiting ground for their religious mission. Public schools are not an appropriate place for outside adults to convince students to convert to Christianity. This assembly constitutes "a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith." *McCullum v. Bd. of Ed.*, 333 U.S. 203, 210 (1948).

FFRF takes these kinds of violations seriously and we are willing to vigorously defend students' rights. We settled a lawsuit against a school district in West Virginia after it allowed a preacher to hold an assembly to proselytize students during the school day. *See Mays v. Cabell Cnty Bd. of Educ.*, No. 3:22-cv-00085 (S.D. W.Va., Filed Feb. 17, 2022). As part of that settlement, the district agreed to pay nearly \$175,000 in attorney fees.²

Elementary school students are vulnerable to peer pressure and feel an intense need to fit in with their classmates and be liked. The "[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents 'that they are outsiders, not full members of the political community and an accompanying message to adherents that they are insiders, favored members of the political community.'" *Santa Fe*, 530 U.S. at 309-10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O'Connor, J., concurring)). Hosting a religious assembly during the school day excludes and marginalizes students who are a part of the 49 percent of Generation Z who are religiously unaffiliated.³

The District must investigate this situation and ensure its schools immediately refrain from inviting religious performers to proselytize students. The District should also consider

² ffrf.org/news/news-releases/item/42958-ffrf-victory-w-va-families-secure-policy-changes-in-religious-revival-lawsuit.

³ 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/.

reprimanding those staff members involved with allowing this school-sponsored religious worship concert to take place. At the very least, all District staff members must be reminded of their constitutional obligations as public school employees. Please notify us in writing of the steps the District is taking to remedy this serious constitutional violation and prevent a recurrence so we may inform our parent complainant. Thank you for your time and attention.

Sincerely,

A handwritten signature in cursive script, reading "Charlotte R. Gude". The signature is written in dark ink and is positioned above the printed name.

Charlotte R. Gude

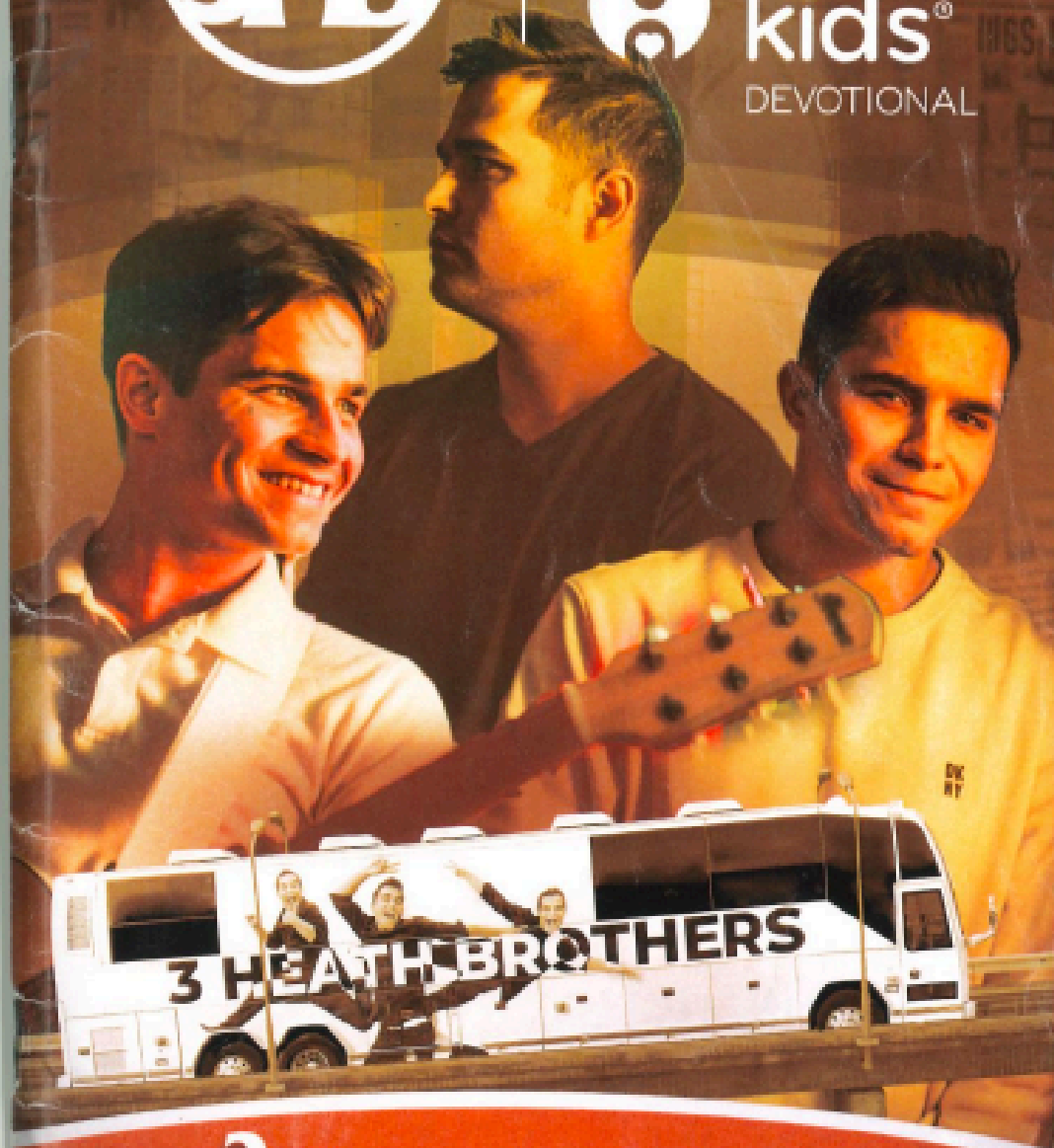
Patrick O'Reiley Legal Fellow

Freedom From Religion Foundation

Enclosures



keys
for
kids®
DEVOTIONAL



3 HEATH BROTHERS

SEPTEMBER • OCTOBER • NOVEMBER

A NEW STORY

I'm part of God's family now, Brock thought happily. Earlier that day he had decided to trust Jesus as his Savior. He smiled, thinking of others he knew who were also part of God's family—his parents, grandparents, and his friends at church. But then he thought of his two best friends at school. Clay and Miles don't go to church, he thought. *I wonder if they'll still want to be my friends when they find out I'm a Christian.*

The three boys had been friends since kindergarten. Clay was a practical joker, and Miles was a storyteller. In fact, they all liked to tell funny stories and make each other laugh—but now Brock was afraid they'd be laughing at him.

Maybe I won't tell Clay and Miles I accepted Jesus, Brock thought when he got to school the next morning. He shuffled to his seat just as the bell rang. Clay waved and pointed to a plastic spider he had put on the chair in front of him. Clay would do anything for a laugh, but today Brock didn't feel like laughing.

"Hey guys, wait till you hear the new story I've got!" Miles said as they went out at recess. "You got any new ones you want to tell first?"

Brock took a big breath. He suddenly knew this was the right time to tell them he had decided to trust in Jesus. "Yeah," Brock spoke quickly before he lost his nerve. "You'll never guess what happened to me yesterday..."

When Brock finished telling them his new story, it was quiet for a moment. "Oh. Well, that's cool," said Miles. "I don't really know much about Jesus."

"I can tell you more, and you can come to church with me if you want," said Brock. "That's a good place to learn about Him. You can come too, Clay."

Clay shrugged. "I don't know. I have other stuff to do on the weekends. Hey, let's go get a ball game started."

"I'll ask my mom if I can come to church with you," Miles said as he and Brock followed Clay out to the ball field. "I'd like to hear more about Jesus. It sounds like a really good story." ♥ Darlene M. Root



TELL YOUR FRIENDS ABOUT JESUS | KEY VERSE: Go home to your friends, and tell them what great things the Lord has done for you. Mark 5:19



Are you afraid to talk to your friends about Jesus? Lots of kids don't know they need Him to be saved from sin. They need someone to tell them—and Jesus may want you to be that person. Trust Him to help you know what to say, and don't get discouraged if they don't respond right away. Keep praying for them and letting them see Jesus in the way you live your life.

ANOTHER TITANIC



My history report is due tomorrow, and I'm going to have the best one in the class!" announced Mateo as he and his dad got ready to play a game of ping-pong. "Most of the kids write the dumbest essays you've ever seen! I also got the top score on our spelling tests three weeks in a row. And the math we're learning is so simple, it's pathetic." Dad didn't look too happy as Mateo bragged about his schoolwork. "Let's get started," Mateo said, bouncing the ball on the table. "I'll soon have you begging for mercy with my alley slam shot!"

Dad grinned. "Maybe, but then again, you might find you've underestimated your opponent. By the way, I know just the thing you should write about for your next report—the sinking of the *Titanic*."

"That big ship?" asked Mateo. "I've heard about it. It was one of the greatest passenger ships of all time!"

Dad nodded. "It was elegant—crystal chandeliers, velvet curtains, fine china, even a ballroom with its own orchestra. It was the pride of its era. Everyone thought the ship was unsinkable. Only problem was, it sank."

"Why do you think that's such a good topic for me?" asked Mateo.

Dad twirled his paddle. "Because you remind me of the *Titanic*, Mateo."

"I do?" Mateo looked pleased. "You mean because it was a great ship and I do great in school and stuff?"

Dad shook his head. "No, I mean because you sound very proud when you talk about yourself. Pride can be like the iceberg that tore a hole in the *Titanic*. Jesus is the source of all your talents and abilities—and He didn't give them to you so you could put yourself above your peers. He wants you to use your gifts to serve Him and show others who He is. It's good to be thankful for them and do your best, but when you get puffed up and put others down, you're using the gifts Jesus gave you for yourself, not Him."

"I guess I see what you mean," said Mateo. "Jesus probably wants me to use my gifts to help kids in my class who are struggling." He grinned. "I'll start tomorrow. Now, about that alley slam shot! Are you ready?" ♥ Christi B. Kehn



BE HUMBLE, NOT PROUD | KEY VERSE: Pride leads to disgrace, but with humility comes wisdom. Proverbs 11:2 (NLT)



Do you try to be the best at everything you do? Do you take credit for every good grade, every victory, every prize you win? It's good to do your best and recognize your abilities, but never forget that you have no reason to be proud. It's God—not you—who is the source of all good gifts. Give Him the glory and trust Him to help you use your talents to point others to Jesus.