

FREEDOM FROM RELIGION *foundation*

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September 11, 2026

SENT VIA EMAIL & U.S. MAIL: dustin.hicks@eastprairie.org

Superintendent Dustin Hicks
East Prairie R-II Schools
P.O. Box 10
East Prairie, MO 63845

Re: Unconstitutional proselytizing in athletics

Dear Superintendent Hicks:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring at East Prairie R-II Schools athletic events. FFRF is a national nonprofit organization with nearly 41,000 members across the country, including over 400 members in Missouri. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned parent reports that East Prairie High School has a custom and practice of beginning its athletics games with school-sponsored prayer. Per a video provided to FFRF, at the beginning of a recent junior high school football game, the official announcer asked all attendees to stand for the “invocation,” and then a local preacher led the entire audience in prayer. The prayer was overtly Christian, referencing Jesus Christ and God. We’re told that this is a regular occurrence, and that school-sponsored prayers opened games on September 3rd, 4th, and 10th.

The parent who contacted us expressed concern over the legality of the school-sponsored prayers given that the pre-game prayers were “school initiated” and that the school “compelled attendees to submit to the prayer.”

We ask that East Prairie R-II Schools (“the District”) investigate and ensure that East Prairie High School and all other District schools cease including school-sponsored prayer at athletics events.

Public school students have a constitutional right to be free from religious indoctrination in their public schools, including when attending school-sponsored events. It is well settled that public schools may not show favoritism toward or coerce belief or participation in religion. *See generally 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 specifically held that school-sponsored prayers before football games are unconstitutional. *See Santa Fe*, 530 U.S. 290.

School officials may not invite a clergy member, teacher, faculty member, student, or anyone else to give any type of prayer, invocation, benediction, or sermon at public school-sponsored events, nor may they give a prayer themselves. *See Santa Fe*, 530 U.S. 290. “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 overturn the above cited cases and is not applicable to this situation. 597 U.S. 507 (2022). In *Kennedy*, the Court ruled that a high school football coach’s quiet private prayers were constitutional. *Id.* at 513. Throughout the opinion, the Court repeatedly stressed that the coach “offered his prayers quietly while his students were otherwise occupied”; the prayers “were not publicly broadcast or recited to a captive audience”; “[s]tudents were not required or expected to participate.” *Id.* at 513–14. Here, the District reportedly has a custom and practice of inviting religious leaders to lead all attendees, including students, in prayer before athletics games. That is a far cry from coach Kennedy’s private, quiet prayer.

It is irrelevant whether student attendance at games is considered “voluntary” or “optional” — though it’s highly likely student-athletes and other students are required to attend the games. *See generally Lee*, 505 U.S. at 596 (“It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.”); *Schempp*, 374 U.S. at 288 (Brennan, J., concurring) (“... the availability of excusal or exemption simply has no relevance to the establishment question”); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) (“VMI cannot avoid Establishment Clause problems by simply asserting that a cadet’s attendance at supper or his or her participation in the supper prayer are ‘voluntary.’”); *Jager v. Douglas Cnty. Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989) (“... whether the complaining individual’s presence was voluntary is not relevant to the Establishment Clause analysis . . . The Establishment Clause focuses on the constitutionality of the state action, not on the choices made by the complaining individual.”). The District cannot use alleged voluntariness to circumvent the First Amendment.

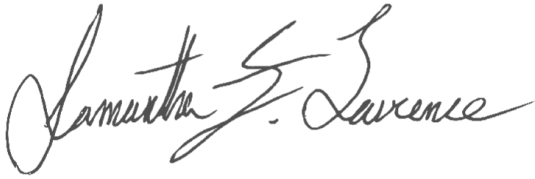
“The preservation and transmission of religious beliefs and worship is . . . a choice committed to the private sphere.” *Santa Fe*, 530 U.S. 290 at 310 (quoting *Lee*, 505 U.S. 589). Religious coercion occurring within the District is particularly troubling for those parents and students who are not Christian or who are nonreligious. The District’s “sponsorship of a religious message is impermissible because it sends the ancillary message to . . . 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.’” *Id.* at 309–10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). By having school-sponsored prayer at official school events, the District needlessly alienates non-Christian students, including atheists, agnostics, and members of minority faiths. Thirty-eight percent of the American population is non-Christian, including the almost 30 percent who are nonreligious.¹ More than

¹ Pew Research Center (2024), <http://bit.ly/3W6Cl3m>.

half of Generation Z (those born after 1996) is non-Christian, including 43 percent who are nonreligious.²

In order to protect students' First Amendment rights, East Prairie R-II Schools must investigate and ensure that East Prairie High School and all other District schools cease holding school-sponsored prayer before athletics games. Please respond in writing with the steps the District is taking to address this constitutional violation so that we may inform the parent who contacted us.

Sincerely,

A handwritten signature in cursive script that reads "Samantha F. Lawrence". The signature is fluid and stylized, with the first name being the most prominent.

Samantha F. Lawrence
Staff Attorney
Freedom From Religion Foundation

² Pew Research Center (2024), <http://bit.ly/48Drzce>.