FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 20, 2026

SENT VIA EMAIL & U.S. MAIL: burke.chenoweth@hart.kyschools.us

Burke Chenoweth
Superintendent
Hart County Schools
25 Quality St.
Munfordville, KY 42765

Re: Unconstitutional coach-led prayers

Dear Superintendent Chenoweth:

I am writing on behalf of the Freedom From Religion Foundation regarding a constitutional violation reported in Hart County Schools. FFRF is a national nonprofit organization with over 40,000 members across the country and members and a chapter in Kentucky. 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 has come to our attention that Hart County High School's football coaches led student-athletes in prayer before at least one football game. A video posted on an individual Facebook page shows an adult dressed in what appears to be Hart County High School Football branded merch leading student-athletes and other adults, who seem to be coaching staff, in prayer in the locker room.[1] The prayer-giver shouts lines of the prayer and everyone, including student-athletes, then repeats the line back. The student-athletes are kneeling while the coaches are bowing their heads. The prayer appears to be Psalm 23.

The District must immediately investigate this situation and ensure that Hart County High School football coaches cease pushing religion onto students in violation of the First Amendment.

Students have the First Amendment right to be free from religious indoctrination when participating in their public school's athletics program. The Supreme Court has continually struck down school-sponsored prayer in public schools. *See, e.g.*, *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000) (holding student-led prayer over the loudspeaker before football games unconstitutional); *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, 40 n.2 (1985) (overturning law requiring daily "period of silence not to exceed one minute . . . for meditation or daily prayer"); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963) (holding school-sponsored devotional Bible reading and recitation of the Lord's Prayer unconstitutional); *Engel v. Vitale*, 370 U.S. 421 (1962) (declaring school-sponsored prayers in public schools unconstitutional). Here, this coach seemingly pushed his personal religious beliefs onto students by coercing the entire football team to participate in a pregame locker room prayer. The coach's actions blatantly crossed the constitutional line and violated student-athletes' First Amendment rights.

Student-athletes are especially susceptible to coercion. Students know that their coaches control their positions on the team, including who plays in each game. When coaches lead students in prayer, students will no doubt feel that participating in the prayers is essential to avoiding punishment, pleasing their

[1] https://www.facebook.com/watch/?v=1612462834225082.

coach, and being viewed as a team player. They are unlikely to speak up against their coach pushing religion on them even if they do not feel comfortable. It is unrealistic and unconstitutional to put students to the choice of allowing their school coach to violate their constitutional rights or openly dissenting at the risk of punishment and further retaliation.

The Supreme Court's 2022 decision in *Kennedy v. Bremerton School District* did not alter the state of the law nor overturn the above referenced cases. In *Kennedy*, the Court held that a high school assistant football coach's quiet, private post-game prayer was constitutional. 597 U.S. 507, 512–14 (2022). Throughout its opinion, the Court repeatedly stressed that the coach quietly prayed alone. *Id.* (the coach "offered his prayers quietly while his students were otherwise occupied."). The prayers "were not publicly broadcast or recited to a captive audience. Students were not required or expected to participate." *Id.* at 542. In contrast, the video shows the coach leading students in shouted, pregame prayer while acting in his official capacity as a school employee.

"The preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere." *Santa Fe*, 530 U.S. at 310 (quoting *Lee*, 505 U.S. at 589). Parents, not coaches, have the constitutional right to guide their children's religious or nonreligious upbringing. In this case, Hart County High School violated parents' constitutional rights by allowing a coach to lead students in prayer while acting as a school employee. School-sponsored prayer also needlessly marginalizes students who are nonreligious or members of minority faiths. Statistically, nearly half of Americans born after 1996 are nonreligious.[2]

If the Hart County High School football staff now claim that participation in the coach-led locker room prayer was voluntary, voluntariness would still not be a defense. Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See 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.'").

In order to protect students' First Amendment rights, Hart County Public Schools must immediately investigate and ensure that Hart County High School's football coaches cease leading student-athletes in prayer or otherwise pushing religion onto students. Please respond in writing with the steps the District is taking to address this constitutional violation so that we may inform our complainant.

Sincerely,



Charlotte R. Gude
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation

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