

# FREEDOM FROM RELIGION *foundation*

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June 2, 2017

**SENT VIA EMAIL AND U.S. MAIL:**  
**sprice@flatrock.k12.in.us**

Shawn Price  
Superintendent  
Flatrock Hawcreek School Corporation  
9423 N State Road 9  
Hope, IN 47246

**Re: Unconstitutional prayers at school events**

**Dear Superintendent Price:**

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to serious constitutional violations occurring in your school district. FFRF is a national nonprofit organization with more than 29,000 members across the country, including more than 400 members in Indiana. FFRF's purpose is to protect the constitutional principle of separation between state and church.

A concerned District parent contacted us to report that school-sponsored events in your District often include scheduled prayers, and that District staff regularly encourage or participate in student prayer.

First, we understand that this year's graduation ceremony included inappropriate religious content in at least three ways:

- Senior Faculty Advisor Becky Voyles asked the three student speakers whether one of them would be delivering a prayer, indicating that a prayer was expected;
- We understand that Principal James Mayer introduced adult representatives of the Chapel of the Good Shepherd church to students during a graduation practice, and the church representatives then distributed papers with bible verses to students, along with a gift card to Taco Bell; and
- The school reviewed and approved a student-led prayer that was directed toward "most gracious Heavenly Father."<sup>1</sup>

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<sup>1</sup> See [youtube.com/watch?v=x0P35iRCXqE](https://www.youtube.com/watch?v=x0P35iRCXqE) at 19:00.

Second, we understand that a scheduled prayer was delivered at the start of the Hauser Academic Excellence Banquet this year. The program for this event is enclosed and includes an “invocation” between Principal Mayer’s welcoming remarks and the meal. We understand that this prayer, as is typical at school-sponsored events, was said “in Jesus’ name.”

Finally, we understand that District staff regularly participate in student prayers at other events, such as athletic games and “See You At The Pole” prayer events.

It is illegal for public school employees to participate in student prayers or to encourage students to pray. School-sponsored events may not include scheduled prayers, including school-approved student graduation remarks. We are writing to request that you take immediate steps to ensure that these constitutional violations will not recur in the future.

The Supreme Court has continually struck down prayers at school-sponsored events, including public school graduations. *See Lee v. Weisman*, 505 U.S. 577 (1992) (declaring unconstitutional clergy-delivered prayers at a public school graduation). School officials may not invite a student, teacher, faculty member, or clergy to give any type of prayer, invocation, or benediction at a school-sponsored event. *See Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (holding that a school’s policy allowing student-delivered prayers at high school football games violates the Establishment Clause). The Supreme Court has settled this matter—high school graduations and other school-sponsored events must be secular to protect the freedom of conscience of all students.

A prayer taking place at a “regularly scheduled school-sponsored function conducted on school property” would lead an objective observer to perceive it as state endorsement of religion. *Id.* at 308. The Court stated that in this context, “Regardless of the listener’s support for, or objection to, the message, an objective . . . student will unquestionably perceive the inevitable . . . prayer as stamped with her school’s seal of approval.” *Id.*

The courts have continually reaffirmed that the rights of minorities are protected by the Constitution. It makes no difference how many students want prayer or wouldn’t be offended by prayer at their school events. As the Supreme Court has said, “fundamental rights may not be submitted to vote; they depend on the outcome of no elections.” *Id.* at 304–05 (quoting *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 638 (1943)). “The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts.” *Barnette*, 319

U.S. at 638. The District has a duty to remain neutral toward religion. By scheduling prayers at school events, the District abridges that duty and alienates the 35% of young Americans who are not religious.<sup>2</sup>

Public school employees must refrain not only from leading prayers themselves, but also from participating in students' prayers. It is unconstitutional for public school employees to participate in the religious activities of their students. *See, e.g., Bd. of Educ. of the Westside Cmty. Sch. v. Mergens*, 496 U.S. 226, 253 (1990) (holding that public school faculty may only be at student-led religious meetings in a "nonparticipatory capacity."). Federal courts have held that even a public school coach's silent participation in student prayer circles is unconstitutional. *See, e.g., Borden v. Sch. Dist. of the Twp. of E. Brunswick*, 523 F.3d 153 (3d Cir. 2008), *cert. denied*, 129 S.Ct. 1524 (2009) (declaring the coach's organization, participation, and leading of prayers before football games unconstitutional); *Doe v. Duncanville Indep. Sch. Dist.*, 70 F.3d 402 (5th Cir. 1995) (holding a basketball coach's participation in student prayer circles an unconstitutional endorsement of religion).

We ask that the Flatrock Hawcreek School Corporation take immediate action to ensure that District-sponsored events will not include scheduled prayer in the future, include student-delivered prayers that are reviewed and approved by the District. We also request assurances that in the future District representatives will not pray with students while acting in their official capacity as District representatives. Please inform us in writing of the steps you take to remedy these serious violations of the First Amendment.

Sincerely,



Ryan D. Jayne, Esq.  
*Elaine & Eric Stone Legal Fellow*  
*Freedom From Religion Foundation*

Enclosure

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<sup>2</sup> *America's Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at [pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://pewforum.org/2015/05/12/americas-changing-religious-landscape/).

## HAUSER ACADEMIC EXCELLENCE BANQUET 2016-17

Auditorium 6:00 p.m.

-Sponsored by Hauser Faculty/Staff-

*Please enjoy our delicious appetizers as you arrive and fellowship with the other honorees and their families.*

Welcomes

Mr. Mayer, Hauser Principal

Invocation

Pete Trotter, Hauser senior

Meal

Prepared and Served  
by Hauser Faculty/Staff

A Presentation Showcasing Our Honorees

Starring Hauser Students/Faculty

Presentation of Top 10% Awards\*

Mr. Mayer & Mrs. Madden

### 7<sup>th</sup> Grade

Callie Swegman  
Erinori Combs  
Andrew Hedrick  
Jonas Fleener  
Graham Kennedy  
Savannah VanderLind  
Megan Wilson  
Tyler Hollman  
Braden Young

### 8<sup>th</sup> Grade

Sam Johnson  
Carly Archer  
Shelby Fugate  
Melanie Taylor  
Madelyn Archer  
Brooke Hopkins

### 11<sup>th</sup> Grade

Sydney Schoen  
Joseph Sweet  
Emma Watkins  
Megan Swinford  
Grace Hasler  
Matthew Sweet  
Jordan Johnson  
Levi Bontrager

### 8<sup>th</sup> Grade

Addison Jones  
Lance Bruer  
Aunika Wasi  
Cade Whittington  
Tamara Essex  
Emily Harter  
Rachel Jones

### 10<sup>th</sup> Grade

Erin Newcomb  
Emily Jones  
Catherine Bruer  
Austin Bonefiel  
Sean Miller  
Jackalen Asher  
Justin Stafford

### 12<sup>th</sup> Grade

Pete Trotter  
Ella Hardy  
Gwen Shoaf  
Clayton Wilson  
Alexis Hoover

Closing

Mr. Mayer

\*Criteria for Top 10% Award: Accumulative GPA must be at least 3.07 and rank students in the top 10% of class. Seventh grade GPAs are based on one semester; 8<sup>th</sup> grade are based on 2 semesters; 9<sup>th</sup> grade are based on 1 semester; 10<sup>th</sup> grade are based on 2 semesters; 11<sup>th</sup> grade are based on 3 semesters; and 12<sup>th</sup> grade are based on 2 semesters.

*Congratulations on a successful year, and thank you for your dedication and hard work!*