

# FREEDOM FROM RELIGION *foundation*

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April 24, 2018

Dr. Brian Bell  
Director of Schools  
Alcoa City Schools  
524 Faraday St.  
Alcoa, TN 37701

Re: Unconstitutional administrator-led prayer

Dear Superintendent Bell:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to a constitutional violation that occurred in Alcoa City Schools. FFRF is a national nonprofit organization with 33,000 members across the country, including members in Tennessee and a chapter, FFRF East Tennessee. 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 is our understanding that on April 20, 2018, five students at Alcoa High School walked out to the school's courtyard to participate in National School Walkout Day. We understand that about 15 minutes after students walked out, Principal Becky Stone told the students that she was going to lead a prayer and gave students a choice to either stay and participate in the prayer or go back to class.<sup>1</sup> All of the students chose to participate in the prayer rather than going back to class. Principal Stone said, "...we circled around, held hands and prayed for our school, our students and our community."

We write to ensure that District employees are not promoting their personal religious beliefs to students in violation of the Establishment Clause of the First Amendment.

Public school teachers and administrators may not lead their students in prayer, encourage students to pray, participate in student-initiated prayer, or otherwise endorse religion to students. The Supreme Court has continually struck down teacher or school-led prayer in public schools. *See, e.g., Engel v. Vitale*, 370 U.S. 421 (1962) (declaring prayers in public schools unconstitutional); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963) (declaring unconstitutional devotional Bible reading and recitation of the Lord's Prayer in public schools); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturning law requiring daily "period of silence not to exceed one minute . . . for meditation or daily prayer"). The prayer at issue here took place on school property during the school day. Principal Stone was certainly acting in her official capacity as school principal at that time.

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<sup>1</sup> [https://www.thedailytimes.com/news/on-national-school-walkout-day-local-students-support-reflect-and/article\\_7390fe26-0ed9-5cc2-8e44-ff000cae1672.html](https://www.thedailytimes.com/news/on-national-school-walkout-day-local-students-support-reflect-and/article_7390fe26-0ed9-5cc2-8e44-ff000cae1672.html)

The District has an obligation under the law to make certain that “subsidized teachers do not inculcate religion.” *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971). Courts have held that “a school can direct a teacher to ‘refrain from expressions of religious viewpoints in the classroom and like settings.’” *Helland v. S. Bend Comm. Sch. Corp.*, 93 F.3d 327 (7th Cir. 1993) (quoting *Bishop v. Arnov*, 926 F.2d 1066, 1077 (11th Cir. 1991)). And the Supreme Court has recognized that “[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987).

It makes no difference from a legal standpoint that students were allowed to opt out of participating in this administrator-led prayer gathering. Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *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) (“Thus, the short, and to me sufficient, answer is that 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.’”).

Nothing in the law prevents students, teachers, or school employees from freely exercising their religion on their own time and in their own way. But public school representatives may not lead or organize students to prayer, and certainly not during the school day. This is a violation of students’ right of conscience and of the trust that parents have placed in the District to educate their children without encroaching on their right to raise their family in whatever religion they choose, or no religion. Please inform us in writing of the steps that the District takes to remedy this constitutional violation.

Sincerely,



Christopher Line  
*Patrick O'Reiley Legal Fellow*  
*Freedom From Religion Foundation*