AMERICANS UNITED
FOR SEPARATION OF CHURCH AND STATE

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December 17, 2019

By U.S. Mail & Email
Paul Caputo, Superintendent (pcaputo@scasd.us)
James Becker, High School Principal (jbecker@scasd.us)
Southern Columbia Area School District
800 Southern Drive
Catawissa, PA 17820

Re: *Southern Columbia Area High School football coaches praying with students*

Dear Mr. Caputo and Mr. Becker:

We have received a complaint that Southern Columbia Area High School's football coaches kneel and pray with students prior to games. Public schools exist to serve all schoolchildren regardless of faith or belief and must be welcoming to all. When coaches lead or participate in prayer with students at public-school events they convey disrespect for students' and families' beliefs and send the message that students who do not practice the officially favored faith or do not participate in the prayer are unwelcome outsiders who do not belong. This practice also violates the Establishment Clause of the First Amendment to the U.S. Constitution. Please put a stop to this practice.

Public-school officials must not take any action that communicates "endorsement of religion." *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 305 (2000). They are also prohibited from coercing people to take part in religious exercises or from otherwise imposing religion on students. *Lee v. Weisman*, 505 U.S. 577, 587 (1992). Because students are impressionable and their attendance at school is mandatory, courts are "particularly vigilant in monitoring compliance with the Establishment Clause in elementary and secondary schools." *Edwards v. Aguillard*, 482 U.S. 578, 583-84 (1987).

The courts have therefore repeatedly prohibited school officials—including athletic coaches—from leading, encouraging, or participating in prayers with students. *See, e.g.*, *Lee*, 505 U.S. at 587, 592 (school district must not allow clergy to lead prayer at graduation); *School Dist. v. Schempp*, 374 U.S. 203, 222-26 (1963) (school officials violated Establishment Clause by leading students in recitation of Bible verses and the Lord's Prayer at beginning of school day); *Engel v. Vitale*, 370 U.S. 421, 430-33 (1962) (school officials forbidden to lead students in classroom

prayer at beginning of school day); *Steele v. Van Buren Pub. Sch. Dist.*, 845 F.2d 1492, 1493 (8th Cir. 1988) (band teacher must not lead students in prayer before practices or rehearsals). Indeed, in *Borden v. School District*, 523 F.3d 153, 177 (3d Cir. 2008), the U.S. Court of Appeals for the Third Circuit held that the Establishment Clause prohibited a high-school football coach not only from "[leading] prayers himself," but also from "taking a knee and bowing" during prayers initiated and led by students on the football team. *See also Kennedy v. Bremerton Sch. Dist.*, 869 F.3d 813 (9th Cir. 2017) (public school acted properly in prohibiting football coach from kneeling and praying on the fifty-yard line immediately after games in view of students and spectators); *id.* at 834 (Smith, J., specially concurring) (coach's conduct violated Establishment Clause); *Doe v. Duncanville Indep. Sch. Dist.*, 70 F.3d 402, 406 (5th Cir. 1996) (basketball coach must not pray with students at games or practices).

Please put a stop to coaches praying with students. We would appreciate a response to this letter within thirty days that advises us how you plan to proceed. If you have any questions, you may contact Ian Smith at (202) 466-3234 or ismith@au.org.

Sincerely,

Ian Smith, Staff Attorney