

School Tells Students to Stop Praying During Free Time

Alliance Defending Freedom attorneys filed suit in federal court Friday on behalf of a Pine Creek High School senior told that he and a group of other students may no longer informally meet to pray and discuss religious topics during free time as they have for the past three years.

School officials claimed the “separation of church and state” required the religious-speech ban during an open period of the day equivalent to recess when students are free to spend time together, text on their phones or discuss any other topic. Academy School District #20 and its legal counsel support the school’s decision despite the fact that ADF attorneys explained in an Oct. 7 letter to the district that the policy violates the First Amendment, which protects the students’ religious speech.

“Public schools should encourage the free exchange of ideas. Instead, this school implemented an ill-conceived ban that singles out religious speech for censorship during free time,” said ADF Senior Legal Counsel Jeremy Tedesco.

“Far from being unconstitutional, religious speech is expressly protected by the First Amendment, and public schools have no business stopping students from praying together during their free time,” added ADF Legal Counsel Matt Sharp.

The school district’s Open Time Policy permits all students to leave class 15 minutes after the beginning of the “seminar” home-room period on Mondays and Wednesdays. Students who are earning more than a “D” grade can do the same on Fridays. School district policies and procedures define “open time” in numerous places as consisting of lunchtime and the seminar period.

During the free time, students are permitted to engage in a virtually unlimited variety of activities, including gathering with other students inside or outside; reading; sending text messages to their friends; playing games on their phone; visiting the bathrooms; getting a snack; visiting teachers and conducting official meetings of school clubs.

For three years, student Chase Windebank met during the free period on Mondays and Fridays with students in an unoccupied choir room to pray, sing Christian songs and discuss issues of the day from a religious perspective. On Sept. 29, Assistant Principal James Lucas told Windebank that the meetings could continue but any religious speech would have to stop because of the “separation of church and state,” an inaccurate shorthand description of the First Amendment, which actually protects private religious expression.

Lucas and Principal Kolette Back said Windebank and the other students could only engage in religious speech before or after school. Because the school forced the students to meet for prayer and religious discussion either before or after school—and because of the difficulties students have in meeting at those times due to sports, work or other factors—the number of students participating has dwindled from approximately 90 students to as low as 12.

ADF attorneys sent a letter to the school district explaining the unconstitutionality of the school’s policy and practice, but the district responded in its own letter that it stands by the school’s decision. That prompted the lawsuit *Windebank v. Academy School District #20*, filed in the U.S. District Court for the District of Colorado.