



October 7, 2014
VIA EMAIL, FAX, & U.S. MAIL

Linda Van Matre, President (on behalf of the Board)
Dr. Mark Hatchell, Superintendent
Academy School District 20
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Re: Unlawful Prohibition of Student Prayer Meetings

Dear Ms. Van Matre and Dr. Hatchell:

We have been contacted by Chase Windebank, a senior at Pine Creek High School and a leader of an informal group of students that prays together on Mondays and Fridays during the latter half of homeroom, which we understand is called seminar. School officials recently told Chase that his prayer meetings must stop immediately.

Our understanding of the relevant facts is as follows. The school permits students that do not have a D or F in any class to leave during the latter half of seminar on Monday, Wednesday, and Friday. Chase, along with many other students, has earned this freedom. Students use this time for a whole slew of non-school-related purposes. Among other things, students associate with friends outside, in the cafeteria, or in other open rooms to discuss virtually unlimited topics (*i.e.*, TV shows, sports teams, upcoming tests, politics, and much more).

Since freshman year, Chase has used this time on varying days to gather with friends to sing religious songs and pray together. This school year—until the gathering was shut down by school officials—Chase and his friends met in the choir room on Mondays and Fridays, with the permission of the choir teacher. At no time during the over three years that Chase has been holding this prayer meeting has there ever been any allegation that the meeting disrupted school activities.

On Monday, September 29, 2014, Assistant Principal Jim Lucas called Chase to a meeting. He informed Chase that due to "separation of church and state" he could no longer hold his longstanding, non-disruptive prayer meeting. Chase believed the school was violating his rights, but he complied under protest and cancelled his Friday meeting. In the meantime, he gathered information about his legal rights and presented his findings to Principal Kolette Back on Friday, asking that the bar on his group's meetings be immediately lifted. Principal Back told Chase she needed to speak with the District's attorneys and that she would have an answer for him the following Monday.

Desiring to recommence his group's meeting the following Monday, Chase went to see the Principal early Monday morning. Unfortunately, office staff told Chase that the principal was unavailable and that he would not have an answer until later this week. Chase was frustrated and disappointed that he had to cancel the Monday prayer meeting as well, but he did so out of respect for school officials. He then requested that we send this letter, in hopes that the situation could be resolved prior to his group's next meeting, Monday, October 13, 2014 (school is apparently cancelled this Friday).

We write to inform you that the school's bar on Chase's informal prayer group violates the First Amendment of the United States Constitution, which requires schools to permit student speech so long as it is not materially and substantially disruptive. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 511 (1969). Here, Chase's prayer meetings have a three year track record of no disruptions whatsoever. The School thus is violating Chase's and his classmate's rights under *Tinker* by banning the prayer meetings. In addition, the First Amendment bars religious content and viewpoint discrimination, which the school is plainly guilty of here. *See Good News Club v. Milford Central School*, 533 U.S. 98 (2001) (school district that had opened its facilities to community groups committed viewpoint discrimination when it prohibited a religious club from using school facilities to teach morals and character development to children from a religious perspective); *Widmar v. Vincent*, 454 U.S. 263, 269-70 (1981) (university guilty of content-based discrimination when it discriminated against student groups and speakers based on their desire to use school facilities to engage in religious worship and discussion).

In light of the clear violation of Chase's constitutional rights, and to prevent the imminent and ongoing violation of those rights, we ask that you immediately allow Chase to recommence his prayer meetings during the latter half of seminar on Mondays and Fridays, starting with this coming Monday. **Please respond to this letter no later than COB, October, 9, 2014, either (1) confirming that the meetings will be permitted from this point forward, or (2) providing a written explanation as to why they are being cancelled.**

If the school fails to allow Chase to hold his prayer meetings starting this coming Monday, we will inform him of his right to proceed with litigation to vindicate his constitutionally-guaranteed freedoms.

Sincerely,



Jeremy D. Tedesco, Senior Legal Counsel
J. Matthew Sharp, Legal Counsel
Rory T. Gray, Litigation Staff Counsel