

# Supreme Court denies hearing to Birdville school board prayer challenge

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WASHINGTON—The U.S. Supreme Court announced Nov. 27 it would not hear a case challenging a Tarrant County school district’s practice that allows students to lead public prayers at school board meetings.

For 20 years, the Birdville Independent School District has allowed two students to speak at the beginning of its school board meetings. One student leads the Pledge of Allegiance to the U.S. and Texas flags, and the other offers a brief statement—sometimes a poem or inspirational quote but often a prayer.

Until February 2015, the board called the student-led presentations “invocations,” and the district selected students on merit. In March 2015, the district began referring to them as “student expressions” and began randomly selecting students from a list of volunteers.

The American Humanist Association filed suit two years ago against the district on behalf of 2014 Birdville High School graduate Isaiah Smith. He insisted the school board’s practice of beginning its meetings with student-led prayers made him feel uncomfortable because he believed the district was “favoring religion over nonreligion.”

## Circuit court decision stands

In March, the New Orleans-based [5<sup>th</sup> U.S. Circuit Court of Appeals](#) rejected Smith’s assertion the district’s policy violated the First Amendment, ruling

the student-led prayers fit within an exception to the Establishment Clause that allows legislative and deliberative bodies to conduct prayers in government buildings.

The circuit court noted the school board is a deliberative body, and most individuals who attend its meetings are adults, although some students attend to receive awards for academic or extracurricular achievement or for musical performances.

“Although it is possible to imagine a school-board student-expression practice that offends the Establishment Clause, this one, under its specific facts, does not,” the circuit court ruled.

The [Baptist Joint Committee for Religious Liberty](#) had joined with Americans United for Separation of Church and State, the Anti-Defamation League, the Central Conference for American Rabbis and others in filing a friend-of-the-court brief with the circuit court asserting the Birdville school district practice constituted school-sponsored religious exercises.

“Public schools have a responsibility to protect the religious liberty rights of all students at all school-sponsored events, including school board meetings,” said Holly Hollman, general counsel with the Baptist Joint Committee.

“The Birdville ISD school board and the 5th Circuit are failing to respect the importance of voluntary prayer and the separation of church and state. Government entities have no business acting as worship leaders for public school children.”

By denying a review of the case, the [Supreme Court](#) allows the 5<sup>th</sup> Circuit Court’s ruling to stand.

# District feels 'vindicated'

Roy Speckhardt, executive director of the [American Humanist Association](#), insisted the Supreme Court, by denying the petition for a hearing, was allowing an “unfair and inappropriate practice to continue.”

Speckhardt insisted the court disregarded “the serious coercion students face when a prayer is recited in a school-controlled environment with teachers and administrators watching and participating.”

Hours after the Supreme Court announced it declined to hear the case, Superintendent Darrell Brown of the Birdville schools issued [a statement](#) saying his district was “vindicated” by the judicial system.

“The speeches given by students at the board meetings are their own—not something they are told to say,” Brown said. “Occasionally, students will open the meeting with a prayer. We believe the students have the right to express themselves in this manner if they choose.”