

Ninth Circuit Invalidates School District's Meeting Invocation Policy

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ATTORNEYS

A school district's meeting invocation policy has been ruled unconstitutional because of the special context in which board of education meetings are conducted. This Ninth Circuit Court of Appeals ruling is limited to school districts and does not affect invocation policies adopted by cities or other public agencies.

Terence Boga

In *Freedom From Religion Foundation v. Chino Valley Unified School District*, the Ninth Circuit considered a First Amendment challenge to a school district's meeting invocation policy that allowed prayer delivery at board of education meetings. The policy required the district to maintain a list of local religious leaders and to schedule speakers on a "first come, first serve or other random basis." Additionally, the policy allowed the school board president to solicit a volunteer from the board or from the audience in situations where a scheduled speaker missed the meeting. A group of students, parents, district employees, and attendees of school board meetings contended that the policy resulted in impermissible religious activity in a public school setting.

The Ninth Circuit ruled that the policy violated the First Amendment's Establishment Clause. The court reasoned that, unlike invocations at a legislative session or a city council meeting, prayers at a school board meeting do not serve a secular purpose. The court emphasized that prayers at a school board meeting typically take place before schoolchildren whose attendance is not truly voluntary. The court also highlighted numerous instances in which members of this particular school board had endorsed prayer, read Bible verses, and expressed preference for Christian beliefs.

For more information on the *Freedom From Religion Foundation v. Chino Valley Unified School District* case or any First Amendment matter, please **contact Terence Boga** or any of the members of the Firm's Public Law Department.