



Written by [Bob Adelman](#) on November 14, 2014

## High-school Students Told They Could No Longer Pray During School Free Time

In his sophomore year at Pine Creek High School in Colorado Springs, Colorado, young Christian believer Chase Windebank decided to put his free time — formerly called “home room” but now called “seminar” time — to better use than many of his classmates. “Seminar” is an open time available to students on Mondays, Wednesdays, and Fridays to do what they wish: play video games, hang out with their friends, consult with their teachers, and so forth. He gathered a few of his Christian friends and, with the permission of the choir teacher, used his empty room to pray, read the Bible, sing, and talk about the world about them from a biblical perspective.



Soon upwards of 90 students were attending these informal meetings without one single word of protest from other students or the administration.

On September 29 [that all changed](#).

Windebank, now a senior at Pine Creek, was called into the assistant principal’s office and was informed that those informal meetings were suddenly and inexplicably illegal, that they somehow now violated “the separation of church and state,” which was incorrectly asserted to be part of the First Amendment to the U.S. Constitution.

Alliance Defending Freedom (ADF) attorney Jeremy Tedesco explained:

[Windebank] was told that he could no longer pray with his fellow students during free time because of the separation of church and state.

He was told that he could pray before the school day begins or after the school day ends but he could not do it during the school day.

Windebank enlisted the help of the ADF, which wrote a letter to the school’s administration, including the assistant principal and his boss, stating that such a policy was on its face unconstitutional and invalid and needed to be changed to allow Windebank and his friends to continue doing what they had been doing without trouble for the last three years.

Instead of acquiescing and mending their ways and changing the policy, the school instead pushed back. They stated, through the school’s attorney “that because of the separation of church and state and because they regarded the Seminar period as instructional time, they were banning students’ discussion of issues of the day from a religious perspective during the open time of Seminar period.”

So Seminar time wasn’t open time after all but fell under the aegis and control of the administration to determine what constituted proper activities and behavior. A spokesman for the school district, Nanette



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Anderson, confirmed,

Students were told that, according to state law and district policy, they could meet [only] during non-instructional time [now defined as] before or after school.

She noted further that that free time wasn't free after all. Seminar time, she wrote, is

the period of time during which students report to an assigned seminar class where attendance is taken.

This time is counted as academic time toward the minimum hours of instruction that schools are required by state law, and therefore, must be used for academic purposes.

Without putting too fine a point to it, what Anderson is saying is that religion, Jesus, the Bible, hymn singing, and praying don't qualify as "academic time."

As Todd Starnes, host of *Fox New & Commentary*, put it:

Chase and his Christian friends are still allowed to meet — provided they don't talk about anything religious or pray.

On Friday, November 7, ADF [filed suit](#) in Colorado District Court seeking to end the discrimination, claiming it to be unconstitutional and pushing to allow Windebank and his friends to continue as before.

The suit bases its claims on violations of the First Amendment's freedom of speech, freedom of association, and free exercise of religion guarantees:

Defendants violate Chase's right to freedom of association by denying his group the right to use school rooms and facilities to assemble and engage in religious expression — a right the District extends to other groups of students so long as they meet to discuss matters from a nonreligious point of view, or express themselves using no religious content.

The complaint also alleges that the school's policy and procedures gives unlimited power of suppression and censorship of speech perceived to be illegal to its officials:

Defendants' Open Time Policy and practice are not neutral because they target religious speech and permit District officials ... to arbitrarily decide what speech is permitted under the policy and practice and what speech is not.

The complaint also enlists the 14th Amendment in its array of guarantees violated by Pine Crest officials:

Defendants' Open Time Policy and practice of prohibiting Chase and his Christian friends from assembling and discussing matters solely because of the religious nature of their speech violates Chase's right to equal protection of the laws as guaranteed by the Fourteenth Amendment.

That the school's new policy is arbitrary and capricious was also enlisted among its arguments to the Court:

Chase and his classmates were permitted to meet together to sing, pray and discuss issues of the day from a religious perspective during open time for the previous three years, but were abruptly banned by Defendants shortly after the start of the 2014-2015 school year.

All of which, says the complaint, is evidence of "hostility toward religious expression" and requires "excessive entanglement with religion, both forbidden under the First Amendment's Establishment Clause."



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In its press release, ADF attorneys Tedesco and Matt Sharp defended their complaint against District 20. Said Tedesco:

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.

Added Sharp:

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.

As pressure to remove the Christian faith from the public square grows, lawsuits like this one are bound to increase. Freedoms that Americans have taken for granted for years are now under attack and are generating significant pushback from firms such as ADF. As these lawsuits gain more and more public attention, Americans will be wrested from their comfort and complacency and enter into the freedom fight. That's why efforts by The John Birch Society through its [Freedom Project Education](#) are seeing such explosive growth. Three years ago FPE hosted 70 students. Currently it is hosting well over one thousand, with expectations that that number will double within the next couple of years.

If it takes egregious abrogation of precious freedoms such as those by Pine Creek High School officials to wake people up, then it must be counted as a good thing. Some pray that the initial hearing will deny Chase and his friends their freedom to pray during their free time at school so that appeals to higher courts may be made. The more publicity such blatant violations gain, the greater the chances for the freedom fight to succeed.

*A graduate of Cornell University and a former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at [www.LightFromTheRight.com](http://www.LightFromTheRight.com), primarily on economics and politics.*



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