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PUBLIC MEETINGS - CALIFORNIA

Freedom From Religion Foundation, Inc. v. Chino Valley Unified School District Board of Education

United States Court of Appeals, Ninth Circuit - July 25, 2018 - F.3d - 2018 WL 3552446 - 18 Cal. Daily Op. Serv. 7430

Non-profit advocacy organization and public school students, parents, and employees brought action against local public school board and its members, alleging that board's policy and custom of opening board meetings with prayer, and its policy and custom of including Bible reading and preaching in meetings, violated First Amendment's Establishment Clause.

The United States District Court granted partial summary judgment in favor of advocates, enjoined board members from conducting prayers in board meetings, and entered declaratory judgment that prayers, Bible readings, and proselytizing in board meetings violated Establishment Clause. Board and its members appealed.

The Court of Appeals held that:

- Board and former member of board lacked standing to appeal;
- Board's policy and practice of starting open-to-public portion of board meetings with invocation did not fall under legislative-prayer tradition;
- Board's policy and practice of starting open-to-public portion of board meetings with invocation violated Establishment Clause;
- Injunction did not violate First Amendment right to free speech; and
- Board waived right to appeal declaratory judgment.

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