

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL: Jeff.Eakins@sdhc.k12.fl.us

Jeff Eakins
Superintendent
Hillsborough County Public Schools
901 E. Kennedy Blvd.
P.O. Box 3408
Tampa, FL 33601

Re: Multiple Constitutional Violations

Dear Superintendent Eakins:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding multiple constitutional violations occurring in Hillsborough County Public Schools. FFRF is a national nonprofit organization with more than 30,000 members across the country, including more than 1,500 members and a chapter in Florida. FFRF's purposes are to protect the constitutional separation between state and church, and to educate the public on matters relating to nontheism.

Multiple people have reported constitutional violations occurring in Hillsborough County Public Schools. Please investigate the following issues and inform us in writing of the steps you are taking to remedy these violations of the First Amendment.

Football Chaplain at Robinson High School

It is our understanding that the Robinson High School football team has a team "chaplain." We understand that Ron Satterwhite, Director of Missions for the Mt. Salem-Wyaconda Southern Baptist Association, has been acting as football chaplain for Robinson High School for over ten years. We understand that he prays with and proselytizes to students. Please see the enclosed screenshot, which shows Mr. Satterwhite praying with the team in the school's locker room.

Public school football teams cannot appoint or employ a chaplain, seek out a spiritual leader for the team, or agree to allow someone to act as chaplain, because public schools may not promote religion. *See generally, Santa Fe Indep. Sch. Dist.*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Ark.*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). It is therefore inappropriate and illegal for the Robinson High School football team to have a team chaplain, as this signals a blatant promotion of religion over nonreligion generally, and in this case, Christianity in particular.

Hillsborough County Public Schools cannot give a non-school affiliated adult access to the children in its charge, and it certainly cannot grant that access to a minister to advance his faith. The Supreme Court has repeatedly held that public schools may not be co-opted, either by staff or outside adults, to proselytize students. *McCullum v. Bd. of Educ.*, 333 U.S. 203, 210 (1948) (holding that the Constitution forbids the "utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith"). Federal courts have accordingly enforced injunctions against school districts who, by action or inaction, grant outside

adults access to other peoples' children to evangelize. *See, e.g., Roark v. South Iron R-1 Sch. Dist.* 540 F. Supp.2d 1047, 1059 (E.D. Mo., 2008); *upheld in relevant part by* 573 F.3d 556, (8th Cir. 2009) (holding that school policy allowing evangelical Christian organization to distribute bibles in school violated Establishment Clause).

It is beyond the scope of a public school system to officially endorse a position whose responsibilities include advocating Christianity to students. "The preservation and transmission of religious beliefs and worship is a responsibility and a choice **committed to the private sphere.**" *Santa Fe*, 530 U.S. at 310 (quoting *Weisman*, 505 U.S. at 589) (emphasis added). Endorsement of Christianity within the District's athletic programs is particularly troubling for those parents and students who are not Christians or do not subscribe to any religion. The "[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents 'that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.'" *Id.* (quoting *Lynch v. Donnelly*, 465 U.S. at 668) (O'Connor, J., concurring). With 30% of Americans now being non-Christian, this likely represents a significant number of children and families in your community.¹

We ask that the District take immediate action to end any official chaplaincy program at Robinson High School. We further request that all coaches be reminded that they may not promote religion while acting in their official capacity, nor enlist an outside adult to do the same. Please inform us in writing of the steps you are taking to remedy this violation of the First Amendment so that we may notify our complainant.

Display of Church Sign on School Grounds

A concerned local resident has reported that Newsome High School permanently displays an advertisement for Next Level Church on school property, not just during times when the church is renting school property. Please see the enclosed photo.

Newsome High School may not display religious messages on school grounds. Courts have continually held that school districts may not display religious messages or iconography in public schools. *See generally, Stone v. Graham*, 449 U.S. 39 (1980) (ruling that the Ten Commandments may not be displayed on classroom walls); *Lee v. York Cty.*, 484 F.3d 689 (4th Cir. 2007) (ruling that a teacher may be barred from displaying religious messages on classroom bulletin boards); *Washegesic v. Bloomingdale Pub. Schs.*, 813 F. Supp. 559 (W.D. Mich. 1993), *aff'd*, 33 F. 3d 679 (6th Cir. 1994) (ruling that a picture of Jesus may not be displayed in a public school).

Public schools have a constitutional obligation to remain neutral toward religion. When a school permanently displays an advertisement for a church on its property, it has unconstitutionally entangled itself with a religious message, here a Christian message. This alienates those non-Christian students, teachers, and members of the public whose religious beliefs are inconsistent with the religious messages being promoted by the church.

If the church wishes to advertise its services on rented school property, it may only use school property during the time it has actually rented the property—on Sundays. It must put up the signs no earlier than when the rental time begins and take them down when the rental time ends.

¹ Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (2017), available at: <https://www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf>

To avoid continuing to violate the Establishment Clause, Newsome High School must immediately remove the sign for Next Level Church. We also ask that the District ensure that all its faculty, staff, and administrators are aware of the full extent of the constitutional barrier between public schools and religion. Please inform us in writing of the steps the District is taking to remedy this violation.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation

