

FREEDOM FROM RELIGION *foundation*

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January 22, 2016

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Duval County School Board
1701 Prudential Drive
6th Floor, Room 642
Jacksonville, FL 32207

Re: Seacoast Charter Academy/Chat With The Supe!

Dear Duval County School Board Members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding constitutional concerns within Duval County Public Schools (DCPS). We were contacted by a concerned parent. FFRF is a national nonprofit organization with 23,000 members across the country, including nearly 1,200 members in Florida and a local chapter, Central Florida Freethought Community. Our purpose is to protect the constitutional principle of separation between state and church.

Seacoast Charter Academy

It is our understanding that Seacoast Charter Academy (SCA) is a charter school within Duval County Public Schools. We understand that DCPS is in charge of renewing SCA's charter. (STAT) We ask for a full investigation of these issues, particularly into finances and the state/church issue, before the next renewal of SCA's charter.

We understand that SCA was originally part of a private Christian school called Seacoast Christian Academy but for financial reasons Seacoast Christian Academy converted grades K-5 to a secular charter school, SCA. We understand some changes were made, such as, dropping the weekly chapel service. But the new charter school kept many of the same teachers from the Christian school and Marla Stremmel is currently the administrator of both Seacoast Christian Academy and Seacoast Charter Academy.

While it is possible that SCA is being run as a completely secular charter school, this seems unlikely given the strong connections that remain between SCA and Seacoast Christian Academy. Our complainant reports that teachers have been shared between the schools. Some teachers are teaching Christian curriculums focusing on the importance of Jesus Christ one day and then they are expected to ignore that element which may be very important to them when they teach at SCA.

Our complainant has already reported a violation. We understand that SCA hosted a Veterans Day program inside of Seacoast Christian Academy's auditorium. This auditorium features a large Latin cross at center stage and lots of religious iconography:

1. Banner reading "HOLY is the LORD"
2. Banner reading "Lord of Lords"
3. Statute of an angel
4. Banner reading "Victorious King"
5. Poster reading, "10 Ways to Pray for [our] Persecuted Family"
6. Banner proclaiming Jesus

We understand that this auditorium is used for Seacoast Christian Academy's chapel services and so it serves the same role as a church. Please see enclosed photos.

Using a chapel for public school programming is inappropriate and unconstitutional. Public schools must remain neutral with regard to religion. It is a fundamental principle of Establishment Clause jurisprudence that a public school may not advance, prefer or promote religion. *See generally, 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).

Other school districts that have used churches for school activities have had the practice struck down by the courts. *See Doe v. Elmbrook Sch. Dist.*, 687 F.3d 840 (7th Cir. 2012) (Overturning prior opinion and holding that a school's graduation held in a church violated the Establishment Clause); *Does v. Enfield Public Sch.*, 716 F. Supp. 2d 172 (D. Conn. 2010) ("By choosing to hold graduations at [a church], [a school] sends the message that it is closely linked with [the church] and its religious mission, that it favors the religious over the irreligious, and that it prefers Christians over those that subscribe to other faiths, or no faith at all."), *Musgrove v. Sch. Bd. of Brevard Co.*, 608 F. Supp. 2d 1303 (M.D. Fla. 2005) (ruling that plaintiffs had demonstrated likelihood of success on the merits of their claim that holding public high school graduations in a church violates the Establishment Clause). Exposing students to religious iconography during a school-sponsored Veteran's Day concert amounts to Duval County Public Schools endorsement of religion.

Selecting any chapel, including Seacoast Christian Academy's chapel, for a SCA holiday concert demonstrates the school's preference for religion over nonreligion, and more specifically, Christianity over all other faiths. The room is full of religious messages and iconography. This "... 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 accompanying message to adherents that they are insiders, favored members of the political community.'" *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. at 310.

Furthermore, this practice forces elementary school students, who may be of varying faiths or none at all, to enter a Christian house of worship in order to be allowed to participate in a school-sponsored field trip and concert. SCA should not ask public school students to attend field trips and school concerts in Christian houses of worship when there are public school and secular venues available.

We ask that you ensure that future SCA events do not take place in Seacoast Christian Academy's chapel or in any other Christian house of worship. We also ask that you look into SCA and ensure that there are no other constitutional violations occurring and that all staff and faculty understand their responsibilities in a secular charter school.

Chat With The Supe!

We understand that Superintendent Vitti hosts events called "Chat With The Supe!" where the general public has an opportunity to engage in informal conversation with Dr. Vitti to discuss the key issues, challenges, and concerns for Duval County Public Schools. Of the eleven events that the superintendent has hosted this year, seven of them have taken place in a church.

Superintendent Vitti should not ask the general public, which may include students and their parents, to enter Christian houses of worship in order to discuss important issues and concerns regarding Duval County Public Schools. There are almost certainly secular venues like libraries (where the other four events have been held) available for these events. Or better yet, use the schools the superintendent manages.

We ask that future events hosted by Superintendent Vitti be held in secular locations in order to respect the beliefs of all members of the general public that are invited to attend these events. Please inform us in writing at your earliest convenience of the steps that you are taking to remedy these situations, so that we may inform our complainant.

Sincerely,



Andrew L. Seidel
Staff Attorney

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Enclosure

cc: Dr. Nikolai P. Vitti, Superintendent



