

# FREEDOM FROM RELIGION *foundation*

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15 January 2013

**SENT BY MAIL AND EMAIL to [Supt@ocps.net](mailto:Supt@ocps.net)**

Dr. Barbara M. Jenkins  
Superintendent  
Orange County Public Schools  
445 W Amelia St  
Orlando, FL 32801

Re: Orange County Schools bible distribution

Dear Dr. Jenkins:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to the Orange County Public Schools' (OCPS) allowing outside groups to distribute bibles in public schools. Several concerned district residents and students contacted us. FFRF is a nationwide nonprofit organization, which works to protect the constitutional principle of separation of church and state. FFRF represents more than 19,000 members across the country including more than 900 members in Florida and a local chapter, the Central Florida Freethought Community, based in Orlando. We wrote last month to protest OCPS partnerships with churches.

It is our understanding that OCPS is allowing World Changers of Florida, Inc. to distribute bibles in all OCPS high schools. According to their website, World Changers of Florida (WCF) has several objectives including: "To support the biblical account of Creation, including having Creation theory taught in our public schools... [t]o defend the freedom to hold Christian prayer and Bible reading in public schools...[and] [t]o speak out against humanistic views contrary to the Biblically based founding fathers' Constitutional vision."<sup>1</sup>

According to news reports, this distribution will be "passive." WCF representatives "cannot have any contact with students and can't even speak to them. The Bibles will be placed on an unattended table for distribution in a location where students normally congregate outside of class. The students won't face pressure to take one."<sup>2</sup>

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<sup>1</sup> World Changers of Florida website, "Our Objectives" tab, [http://www.worldchangersfl.com/?page\\_id=12](http://www.worldchangersfl.com/?page_id=12) last accessed January 14, 2013.

<sup>2</sup> WESH News Report, January 14, 2013, available at [http://www.wesh.com/news/central-florida/orange-county/Orange-County-school-officials-approve-passive-distribution-of-Bibles-/12978032/18131328/-/format/rss\\_2.0/-/ibsuim/-/index.html#ixzz213e8xi5b](http://www.wesh.com/news/central-florida/orange-county/Orange-County-school-officials-approve-passive-distribution-of-Bibles-/12978032/18131328/-/format/rss_2.0/-/ibsuim/-/index.html#ixzz213e8xi5b)

It is unfortunate that this group is seeking to use public schools as a recruiting ground for its particular brand of religion.

We encourage you to amend OCPS policies so that only school-sponsored materials may be distributed to students and to **halt all distributions, including those scheduled for this week, until such a policy can be adopted.** This avoids the difficult First Amendment issues that arise when the school becomes involved in distributing materials for other groups. Many enlightened school districts across the country have sought to avoid the unseemly entanglement with religious groups by prohibiting third parties from distributing materials altogether.

For instance, one school district we recently wrote to changed its policy so that “distribution of materials produced by organizations or individuals external to the [school district] is prohibited at District locations unless the material has been approved in writing by the Superintendent or designee. Any such written materials may only be distributed by:

- Governmental agencies or representatives acting in their official capacities;
- Support organizations specifically created and existing for the direct benefit of the District, its schools and their students for purposes of the District’s curricular, co-curricular and extra-curricular activities and non-profit foundations which exist for the purpose of fundraising for the benefit of the District and District activities.
- Institutions, agencies, and/or individuals with public common education as the known beneficiary of their services and activities.”

This policy prohibits outside groups from turning schools into religious battlegrounds while preserving the distribution system for the benefit of the school. We encourage OCPS to adopt a similar policy or to prohibit distributions altogether.

Public schools have a constitutional obligation to remain neutral toward religion and to protect the rights of conscience of young and impressionable students. When a school distributes religious literature to its students, or permits evangelists to distribute religious literature to its students, it entangles itself with that religious message. As well as alienating non-Christian students, teachers, and members of the public whose religious beliefs are inconsistent with the message being promoted by the school, bible distribution alienates the 19% of the American population that is nonreligious.<sup>3</sup> Not only are 1-in-5 Americans nonreligious, younger Americans are the least religious population in the country: 1-in-3 Americans aged 18-29 are not religious.<sup>4</sup>

Public schools should focus on educating children and leave “the preservation and transmission of religious beliefs and worship” where it belongs, as “a responsibility and a

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<sup>3</sup> The Pew Forum on Religion & Public Life, *Asian Americans: A Mosaic of Faiths*, 148 (July 2012), based on aggregated data from Pew Research Center for the People & the Press 2011 surveys. Available at <http://www.pewforum.org/Asian-Americans-A-Mosaic-of-Faiths-overview.aspx>.

<sup>4</sup> “Nones on the Rise: One-in-Five Adults Have No Religious Affiliation,” Pew Research Center, The Pew Forum on Religion & Public Life (October 9, 2012) available at <http://www.pewforum.org/Unaffiliated/nones-on-the-rise.aspx>.

choice committed to the private sphere.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2001) (quoting *Lee v. Weisman*, 505 U.S. at 589).

If your policy remains unchanged, we are interested in distributing our own materials.<sup>5</sup> OCPS has now created a limited public forum for literature distribution and all participants must be treated alike. It is absolutely clear that the Free Speech Clause of the First Amendment prohibits viewpoint discrimination in such a forum. *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 106 (2001); *See also, Rosenberger v. Rector and Visitors of University of Virginia*, 515 U.S. 819, 829 (1995). OCPS cannot discriminate against any speaker wishing to use the forum, including FFRF. **If OCPS does not halt all distributions, including the bible distributions scheduled for this week, please contact me immediately so that we may arrange for the distribution of FFRF materials in OCPS schools sometime in the next two weeks.**

Clearly, the best course of action is to halt all distributions immediately and adopt a policy that limits distributions, similar to the one outlined above. May we hear from you, in writing, at your earliest convenience?

Sincerely,



Andrew L. Seidel  
Staff Attorney

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<sup>5</sup> A sample of our materials for distribution can be viewed here:  
<https://ffrf.org/shop/noncontracts>