

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

February 14, 2017

SENT VIA EMAIL AND U.S. MAIL:
WyrosdickT@santarosa.k12.fl.us

Mr. Tim Wyrosdick
Superintendent
Santa Rosa County School District
5086 Canal St.
Milton, FL 32570

Re: Religious movie promotion and preference

Dear Superintendent Wyrosdick:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding two concerns within Santa Rosa County School District (SRCSD). Concerned District community members brought these matters to our attention. FFRF is a Wisconsin-based national nonprofit organization with more than 27,000 members across the country, including more than 1,300 members in Florida and a local chapter, Central Florida Freethought Community. FFRF's purpose is to protect the constitutional principle of separation between state and church.

First, it is our understanding that earlier this school year Gulf Breeze High School and Gulf Breeze Middle School promoted an October 19 premiere of "I'm Not Ashamed," a faith-based movie that uses the 1999 Columbine school shooting as a setting to promote Christianity and disparage atheism. We are informed that posters for the event were hung in school hallways, movie trailers were played during morning announcements, and members of "The Dash," an outside group promoting the movie, were allowed inside the school to distribute event flyers to students during the school day. Students were offered early access to the premiere and were offered tickets during school lunch.

Second, it is our understanding that New Hope Community Church of Milton ("New Hope") has rented space at SRCSD's Russell Center each Sunday for nearly ten years. A brochure listing Russell Center event guidelines states that the rental fee is \$350 per event.¹ We reviewed records of New Hope's payments to SRCSD since January 2014 and discovered that they have been

¹ See locklintech.com/pdfs/RussellCenterBrochure.pdf.

charged only \$75 per day for renting the Russell Center. During this period, it appears that SRCSD has undercharged New Hope by more than \$40,000.²

SRCSD may not promote religious movies

Gulf Breeze High School and Middle School may not promote religious movies via the morning announcements or at school, including by granting adult-led religious groups like The Dash access to students during the school day in order to invite them to a religious movie.

As you know, it is well settled that public schools may not advance, prefer or promote religion. *See Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 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). The schools violated this basic standard by encouraging students to view a religious movie. Students would understand their school to endorse the religious message of “I’m Not Ashamed” when the school encourages them to attend the movie’s premiere.

Further, SRCSD may not allow non-school persons to treat schools as a recruiting ground for their religious mission. When a school allows representatives of an adult-led faith-based group to recruit students for a religious event, it has unconstitutionally entangled itself with a religious message—in this case, a Christian message. This practice alienates those non-Christian students, teachers, and members of the public whose religious beliefs are inconsistent with the message being disseminated by the school.

Public schools have an obligation to stay separate from religion because “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lee*, 505 U.S. at 589). These school visits apparently took place without parental knowledge or consent. Students are young, impressionable, and vulnerable to social pressure. Allowing representatives of The Dash to distribute tickets to a religious movie usurps the authority of parents, some of whom surely do not want their children approached by religious leaders at their child’s public school lunch.

We request written assurances that SRCSD schools will not promote religion, including religious movies, in the future, and will not grant outside groups access to students during the school day to promote religion.

² \$275 undercharged per event; 52 Sundays in 2014, 53 Sundays in 2015 and 2016. \$275 x 158 = \$43,450

SRCSO may not give churches preferential rental rates

It is unconstitutional for SRCSD to charge a religious organization a lesser fee for their religious event than the rate SRCSD charges all other organizations for the same rental. This preferential treatment for New Hope's events gives the appearance that SRCSD endorses the church's religious message. We request that SRCSD's agreement with New Hope be either terminated or amended immediately to ensure that New Hope will be charged according to SRCSD's published fee schedule for Russell Center rentals in the future.

Reducing rental fees for a religious organization's worship service promotes religion on behalf of SRCSD, no less than directly funding the event.

The Establishment Clause of the First Amendment prohibits the government from giving preferential treatment to religion. *Texas Monthly v. Bullock*, 489 U.S. 1, 25 (1989). In order for a government action to comply with the Establishment Clause, the action must have a secular purpose, must not have the primary effect of advancing religion, and must not cause excessive government entanglement with religion. *Lemon v. Kurtzman*, 403 U.S. 602, 612-13 (1971). Allowing a particular church to rent a SRCSD facility for \$275 less than the published rate has no secular purpose and has a primary effect of advancing the church's religious message.

Please inform us in writing at your earliest convenience of the steps SRCSD takes to remedy these serious violations.

Sincerely,



Ryan D. Jayne, Esq.
Elaine & Eric Stone Legal Fellow
Freedom From Religion Foundation