

FREEDOM FROM RELIGION *foundation*

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March 7, 2014

SENT BY U.S. MAIL & EMAIL TO: Woody.Rodriguez@ocps.net

Mr. Diego "Woody" Rodriguez
General Counsel
Orange County Public Schools
Ronald Blocker Educational Leadership Center
445 W. Amelia Street
Orlando, FL 32801

Re: District Entanglement with The Venue Church

Dear Mr. Rodriguez:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to yet another series of egregious constitutional violations occurring in Orange County Public Schools.

Since bringing our lawsuit against Orange County Public Schools, we have received continual reports of further illegal religious activity in your district, including a serious level of entanglement between The Venue Church and at least one school in your district, Apopka High School, and rampant religious activity within Apopka's football program. Each of these issues standing alone presents serious constitutional problems; in conjunction with other issues we have recently written to you about and our pending lawsuit, there appears to be a systemic lack of adherence to the strictures of the Establishment Clause in Orange County Public Schools.

We will address these issues in turn. An open records request follows.

#1: Partnership with The Venue Church

It is our understanding that The Venue Church (the Church) has attempted to ingratiate itself with the district. We understand that the Church holds weekly services and other church events at Apopka High School, and that the Church's goal is to "invest in students through interacting with the school to impact the community." It has no plans to invest in its own building. *See* Enclosure #1. "We are permanently planting churches in Central Florida Schools," the Church claims. Enclosure #2. We understand that the co-founder of The Venue Church and Apopka pastor Todd Lamphere is the chaplain of the Apopka football team. Enclosure #3.

The Florida Supreme Court has held that it is impermissible for a church to permanently occupy a school with no intention to build its own building: "[I]f the use of the school building were permitted for prolonged periods of time, absent evidence of an immediate intention on the part of the Church to construct its own building, we think it could hardly be contemplated that the public school system or its property could be employed in the permanent promotion of any particular

sect or denomination.” *Southside Estates Baptist Church v. Bd. of Trustees*, 115 So. 2d 697, 700 (Fla. 1959).

Orange County Public Schools must therefore sever its relationship with the Church, and going forward may not give special treatment to the Church and its administrators or promote the Church and its events.

#2: Coach-Led Prayer

It is also our understanding that coaches regularly pray with Apopka football players. Pictures clearly show the team, including coaches, praying together. Enclosure #4. Enclosure #5 shows Pastor Lamphere leading a prayer with the team. Enclosure #6 shows Pastor Lamphere leading the Apopka bowling team in a prayer, with adults participating as well. A video available on YouTube records the team shouting the following prayer:

Dear Lord, the battles we go through life,
We ask for a chance that's fair
A chance to equal our stride,
A chance to do or dare
If we should win, let's win by the code,
Faith and honor held high
If we should lose, we'll stand by the road,
And cheer as the victors go by
Day by day we get better and better
Till we can't be beat
Won't be beat.¹

It is illegal for a public school athletic coach to lead their team in prayer, or for a team to bring in a pastor or another outside person to pray with the team. The Supreme Court has continually struck down formal and teacher or school-led prayer in public schools. *See, e.g., Abington Township Sch. Dist. v. Schempp*, 374 U.S. 203 (1963) (declared unconstitutional devotional Bible reading and recitation of the Lord's Prayer in public schools); *Engel v. Vitale*, 370 U.S. 421 (1962) (declared prayers in public schools unconstitutional); *see also Lee v. Weisman*, 505 U.S. 577 (1992) (ruled prayers at public high school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturned law requiring daily “period of silence not to exceed one minute ... for meditation or daily prayer.”); *Jager v. Douglas County Sch. Dist.*, 862 F.2d 825 (11th Cir. 1989), *cert. denied*, 490 U.S. 1090 (1989) (holding unconstitutional pre-game invocations at high school football games). The Supreme Court has struck down pre-game invocations even when they are student initiated. *See generally, Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000) (struck down a school policy that authorized students to vote on whether to hold a prayer at high school football games). In all of the aforementioned cases, the federal courts have struck down prayer in public schools because it

¹ “Apopka vs Evans | Week 8 | 2013,” available at <https://www.youtube.com/watch?v=wleZJojDoT8>.

constitutes a government endorsement of religion, which violates the Establishment Clause of the First Amendment.

The Apopka football program prayers constitute an unconstitutional government endorsement of religion. The prayers are clearly offered as part of regularly scheduled school-sponsored functions. Therefore, a reasonable Apopka student would certainly perceive the prayer “as stamped with her school’s approval.” *See id.*

More notably, federal courts have specifically held public school coaches’ participation in their team’s prayer circles unconstitutional. *See, e.g., Borden v. Sch. Dist. of the Township of East Brunswick*, 523 F.3d 153 (3rd Cir. 2008), *cert. denied*, 129 S.Ct. 1524 (2009) (declaring the coach’s organization, participation and leading of prayers before football games unconstitutional); *Doe v. Duncanville Indep. Sch. Dist.*, 70 F.3d 402 (5th Cir. 1995) (declaring basketball coach’s participation in student prayer circles an unconstitutional endorsement of religion). In *Borden*, the Third Circuit Court of Appeals held the high school football coach, who had an extensive history of organizing, leading and participating in prayers before games, was unconstitutional because it violated the Establishment Clause. *Borden*, 523 F.3d at 174. In that case, the court stated that the coach’s involvement in the prayer by ‘taking a knee’ and ‘bowing his head’ during the prayers, even when student-led, “would lead a reasonable observer to conclude he was endorsing religion.” *Id.* at 176. The court continued, “ ‘if while acting in their official capacities, [school district] employees join hands in a prayer circle or otherwise manifest approval and solidarity with the student religious exercises, they cross the line between respect for religion and the endorsement of religion.’ ” *Id.* at 178 (quoting *Duncanville*, 70 F.3d at 406).

The court in *Borden* also rejected the coach’s argument that the school district’s policy of prohibiting its employees from engaging in prayer with students violated the employees’ right to free speech. *Id.* at 174. In fact, the court found that the school district had a right to adopt guidelines restricting this activity because of its concern about potential Establishment Clause violations. *Id.*

#3: Football Chaplain

In addition to being evidence of the entanglement between the Church and Apopka, the fact that Pastor Lamphere is the “chaplain” of the Apopka football team, and apparently the bowling team chaplain as well, is a constitutional violation in its own right.

It is inappropriate and unconstitutional for the district to offer a Christian minister unique access to befriend and proselytize student athletes. Accordingly, public high school football teams cannot appoint or employ a chaplain, seek out a spiritual leader for the team, or agree to have a volunteer team chaplain, because public schools may not advance or promote religion.

Non-school persons cannot be allowed to treat the school as a recruiting ground for their religious mission. Given that Pastor Lamphere last summer led a mission trip for Apopka football players and coaches, it seems this is exactly what has happened. Enclosure #7. This excessively close relationship between the Apopka football team and Pastor Lamphere

demonstrates an unlawful endorsement not only of religion over non-religion, but also of Christianity over all other faiths.

#4: Bible Verses on Signs and Apparel

A large banner reading “Prepare for Glory, 2 Corinthians 4:17” was constructed at the football field. Enclosure #8. The “glory” referenced in the bible verse is heaven: “For our light and momentary troubles are achieving for us an eternal glory that far outweighs them all.” Another banner at the football field reads “Hoka Hey, John 15:13,” which reads “Greater love has no one than this: to lay down one's life for one's friends.” Enclosure #9. Both banners contain the Apopka logo and are on school grounds.

There are also several t-shirts and jerseys in which the Apopka logo is combined with a religious message. For example, players have worn team undershirts/practice shirts containing the phrase “Not by might nor by power,” which is a reference to the bible verse Zechariah 4:6: “So he said to me, ‘This is the word of the LORD to Zerubbabel: “Not by might nor by power, but by my Spirit,” says the LORD Almighty.’” Enclosure #10. There is also a t-shirt reading “Unshakable faith, unbreakable brotherhood” with the Apopka logo on it. Enclosure #11. Another Apopka football t-shirt quotes and cites Proverbs 27:17 on the back: “As iron sharpens iron, so one person sharpens another.”

Courts have continually held that school districts may not display religious messages or iconography in public schools. *See, e.g. Stone v. Graham*, 449 U.S. 39 (1980) (ruling that the Ten Commandments may not be displayed on classroom walls); *Lee v. York County*, 484 F.3d 689 (4th Cir. 2007) (ruling that a teacher may be barred from displaying religious messages on classroom bulletin boards); *Bannon v. Sch. Dist. of Palm Beach Cnty.*, 387 F.3d 1208 (11th Cir. 2004) (ruling that a school may restrict students from painting religious messages in murals on the school walls); *Washegesic v. Bloomington Public Schools*, 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). FFRF and ACLU recently sued and settled a lawsuit over a portrait of Jesus in a Jackson, Ohio public school.

#5: Religious Media Company

Highlight reels of Apopka and other district football teams posted on YouTube by AH Media sometimes include Christian music underlying the footage.² If the district is contracting with AH Media to produce this content, or providing special access to this company to shoot video of district games, the content must be neutral towards religion. The district may not pay a company to produce videos that endorse Christianity.

Conclusion

All of these actions demonstrate that Orange County Public Schools is endorsing religion. Again. This “[s]chool sponsorship of religious message[s] is impermissible because it sends the

² *See, e.g.*, “Apopka vs Plant | State Semi-Final | 2013,” available at www.youtube.com/watch?v=k-VH2G13qkI; “Apopka vs University | Playoffs Rd 1 | 2013,” available at www.youtube.com/watch?v=VihWW7eM9nY.

ancillary message to...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*, 530 U.S. at 309-10 (2001) (quoting *Lynch v. Donnelly*, 465 U.S. 668 (1984) (O'Connor, J., concurring)). These actions undeniably turn any non-believing or non-Christian student, teacher, staff member, or visitor into an outsider.

It is very clear that a religious atmosphere has been directed and cultivated in the school district. No doubt some of these problems arise because of the school's unconstitutional relationship with Pastor Todd Lamphere and The Venue Church. We intend to address that relationship and other issues further after our open records request has been fulfilled.

The allegations set forth above are violations of the Establishment Clause which the district must remedy immediately. Specifically, we require written assurances that the District is:

- 1) Severing all ties with The Venue Church, including the landlord-tenant relationship,
- 2) Prohibiting teachers, coaches, and outside adults from praying with students,
- 3a) Ending the position of Team Chaplain for all athletic teams,
- 3b) Prohibiting Pastor Lamphere and other clergy members from having any special access to students in athletics or any other context,
- 4a) Taking down the banners with bible verses at Apopka's football field, as well as any other religious symbols in the district,
- 4b) Ceasing production of t-shirts with religious messages and references, and/or refusing to allow the official Apopka logo or other school logos to be used by non-school groups alongside religious messages,
- 5) Ensuring that AH Media does not promote religion in any contracted production of videos, or that it does not receive special access or treatment if it is not under contract with the school, and
- 6) Holding district-wide training to ensure that "subsidized teachers do not inculcate religion." *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971).

It is not viewpoint discrimination to sever ties with the Church because of these violations. There is not simply a concern about state-church entanglement here, there are clear and consistent violations of the separation of church and state, and completely ending the relationship between the District and the Church should be the consequence of that entanglement.

Sincerely,



Andrew Seidel
Staff Attorney

Enclosures

ALS:mez

Enclosure #1 – Venue Pamphlet

The Venue Church

moving forward while giving back



What We Do

WE BELIEVE building strong community means making sure kids and schools thrive. The Venue Church has the luxury of investing time and effort year-round in students and schools since it is not investing in church buildings. If the school has a need--we have a need--without agenda or strings attached. It's that simple, and that powerful.

The Vision is Compelling. Try to imagine seeing a vibrant church serving every one of our Central Florida school zones over the next 10 years! Why? Because churches serving schools changes everything!

Our Mission is Simple. It is to serve students and their families in the community by investing in their social, emotional, physical and spiritual wellbeing. By interacting with the community through the schools, the Venue Church gains the privilege of sharing the love of Jesus for eternal impact.

Our Strategy is Effective. We invest in students through interacting with the school to impact the community. By not investing in brick and mortar church buildings, The Venue Church has the flexibility to meet the needs of the community at the center of the community--the public school.

We begin by asking school administrators the Jesus Question: "What do you want me to do for you?", this establishes that the church is poised to serve in any way with no strings and no agenda. We have an initial focus on filling gaps and meeting the most basic needs within the school helping to build relationship and overcoming barriers. We support whatever vibrant parachurch clubs are already on campus. We connect with the school principal to build trust and to ensure that the school's greatest priorities are being addressed. We develop positive relationships with office, custodial and other staff allowing for smooth implementation of plans and projects.

We fit in with the school's schedule and culture, and we carefully follow the rules, which shows humility and helps us earn the privilege of being heard. We avoid school politics so we can connect with all stake holder groups within the school community (administrators, teachers, auxiliary staff, parent and community groups, etc.). We proceed slowly, develop the partnership intentionally, and commit for the long haul which will ensure sustainability.

Where and When We Do It

Apopka High School Auditorium -
Sunday Morning 10:00am
Lake Brantley High School Auditorium -
Sunday Morning 10:00am
South Seminole Middle School -
Sunday Evening 5:00pm*
(*Soft-launch period only)



Enclosure #2 – Venue “Permanently Planting Churches”

The Venue Church
moving forward while giving back

HOME CONTACT US THE VISION THE TEAM WHO WE ARE

GIVE ONLINE

Other things you need to know.

The school, not the church, is at the center of the community.
The Church must to serve the community to have credibility in the community.
We are permanently planting churches in Central Florida Schools.
Each church is joined relationally, organizationally, administratively and through shared teaching and vision.
These will be churches that give back to our schools and communities - with 1/3 of our budget and in other substantive ways.
Discipleship happens in city wide life groups.
Youth Ministry feeds into the christian programs on campus.
It is a church where the community feels comfortable, that pulls community sectors together and reflects the hope and heart of a community.

@APOPKA

@LAKE BRANTLEY

@SOUTH SEMINOLE MIDDLE

Enclosure #3 – Todd Lamphere as Football Chaplain

The Venue Church Team

The Venue Church Staff

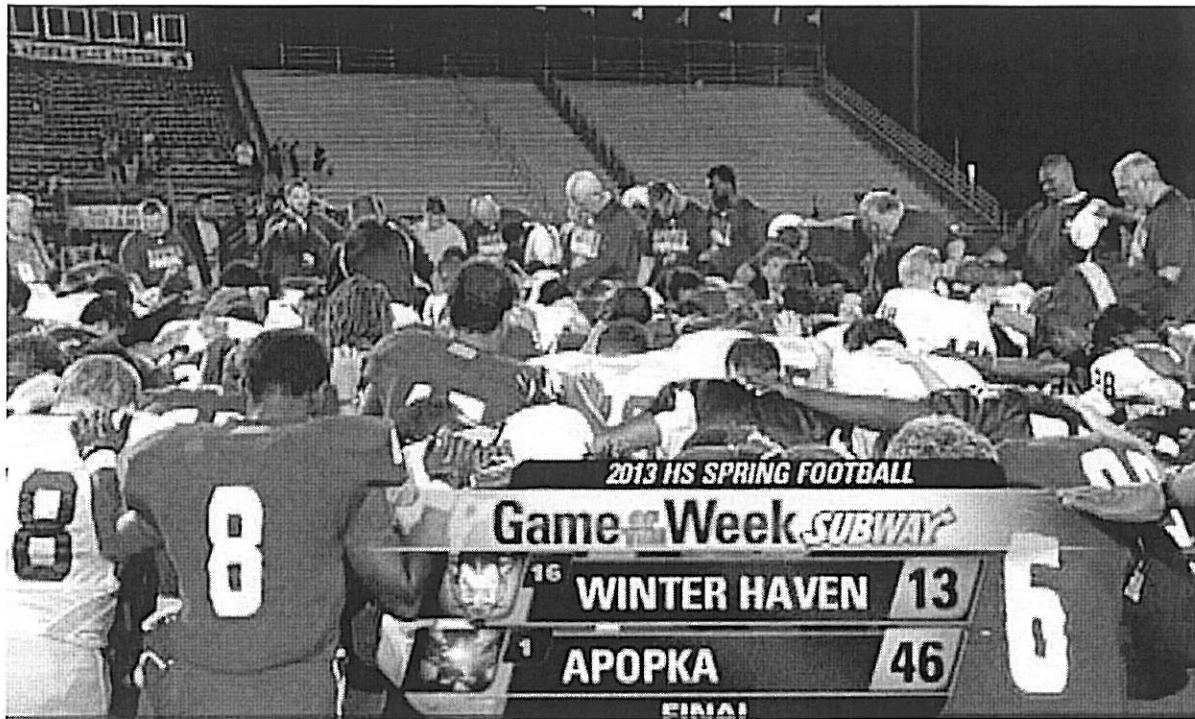
Ministry Leaders



Pastor and Co-Founder, Todd Lamphere. Email

Todd Lamphere has spent 28 years in ministry: 18 of those years as a Youth Pastor and 10 years as the Senior Pastor for First Baptist Church Altamonte Springs. He is the Chaplain of Apopka Blue Darter Football Team and past chaplain of Lyman and Lake Howell Football Teams. He is the Founder of the Nickelodean style game show, The Ultimate Slooze Show, the game where slime and ooze collide and Founder of 50-Days of Fitness. Pastor Todd also serves on the Board of Directors for Leadership Seminole.

Enclosure #4 – Football Team Coach Prayer



Enclosure #5 – Football Team Chaplain Prayer



Enclosure #6 – Bowling Team Chaplain Prayer



Enclosure #7 – *Orlando Sentinel* Article on Football Mission
Trip

4:45 PM EST
Thursday, Feb. 6, 2014

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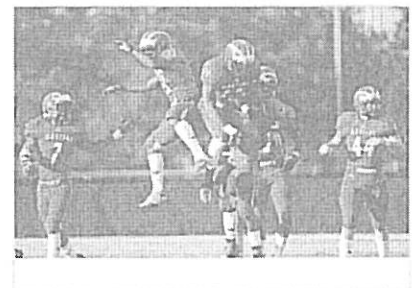
Apopka football players headed for mission trip to Bahamas

Former FSU linebacker Buster Davis loses a second high-school coaching job

June 5, 2013 | Buddy Collings, INSIDE HIGH SCHOOLS

Eight days after concluding spring practice and before summer weight training starts, 20 members of Apopka's reigning state champion football team and five coaches are heading to the Bahamas on Saturday for a mission trip.

They will stay a week and conduct youth football clinics at C.H. Reeves Junior High in Nassau on Monday and Tuesday. On Wednesday, the Apopka contingent is scheduled to assist the Bahamian flag football federation in operating a tournament.



They also will spend time with children at an orphanage.

"This is a really cool way for these guys to bless back with talents they've been blessed with," said **Todd Lamphere**, the Apopka team chaplain who has been doing mission trips in the Bahamas for 15 years. This is the first time he is bringing Apopka football players.

Several NFL players have Bahamian roots, including New York Jets rookie quarterback **Geno Smith**, but he was born in South Florida and grew up with football.

Pigskin knowledge is limited on the island. Lamphere said Reeves Junior High doesn't own a football.

"They do see it on television," he said. "The interest is there."

Apopka head coach **Rick Darlington** and his son, **Zack**, will fly to the island Sunday after returning from an unofficial recruiting visit to Nebraska. The Cornhuskers are one of about 20 schools that have offered the rising senior quarterback.

Rising junior prospect **Chandler Cox** is being checked this week for the elbow injury he sustained in Apopka's spring win vs. Winter Haven, but he plans to make the mission trip.

Glover on the go

Georgia track commit **Reggie Glover**, who graduated from Dr. Phillips on Wednesday, will fly to Albuquerque, N.M., on Friday to compete in the Great Southwest Classic. He is scheduled to run an all-star 4 x 100-meter relay, then the 400 on Saturday

Glover won Florida 400 and 4 x 400 state titles and led the nation with a 46.46-second time for the metric quarter-mile when Florida's season finished. He now ranks No. 3. FSU signee **Michael Cherry** took over the national lead with a 46.02 to win the Virginia AAA state title last weekend.

Job hunting

Former Daytona Beach Mainland, FSU and NFL linebacker **Buster Davis** resigned under pressure as head football coach at St. Petersburg Admiral Farragut last week after four months on the job.

"I wouldn't say a bad fit. Just wasn't the right fit," Davis stated in response to an email.

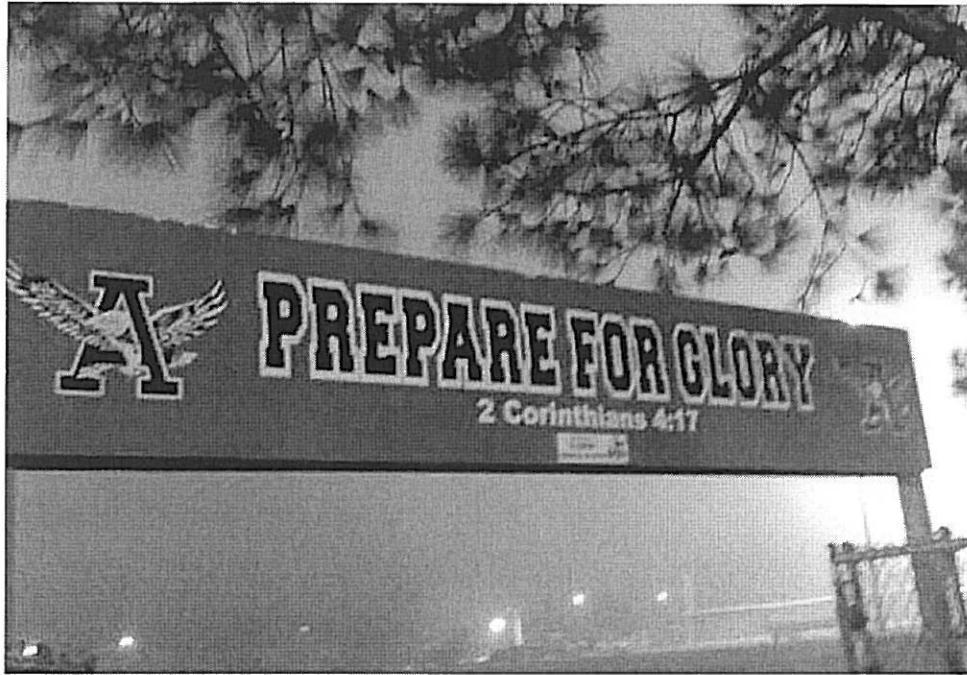
He also was let go by Duval Charter of Jacksonville seven games into its 2012 season in his first head-coaching gig. Still, Davis remains optimistic about his future as a coach and indicated he is looking at out-of-state possibilities.

He's a guy with charisma, confidence and a big personality, and some credentials as a former college assistant for Glenville State College of West Virginia (2010) and the University of South Dakota (2011).

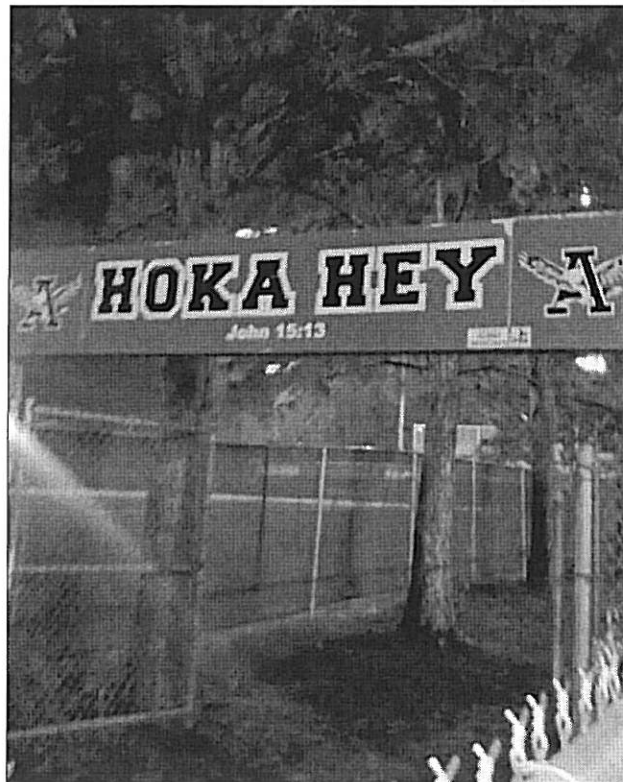
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Enclosure #8 – 2 Corinthians 4:17 Banner



Enclosure #9 – John 15:13 Banner



Enclosure #10 – Zechariah 4:6 Football Shirts



Enclosure #11 – “Unshakable Faith” T-Shirt

