

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL: marylin.batista@browardschools.com

Marylin Batista
Interim General Counsel
Broward County Public Schools
600 SE Third Avenue
Fort Lauderdale, FL 33301

Re: Unconstitutional Religious Displays and Religious Endorsement by Teacher

Dear Atty. Batista:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation occurring in Broward County Public Schools. We are still awaiting a response to our September 21, 2021 letter regarding religious content in a school assignment. We request a response to our previous letter and this new one as well.

A concerned parent has reported that a teacher at Bair Middle School is displaying multiple religious displays in their classroom, including what appears to be a religious activity participated in by students. One of these displays teaches students how to pray. It shows a praying child along with messages like, "Praise God," "Confess Your Sins," and "Thank God." Another display is a large cross and the bible verse, "For GOD so LOVED the world that He gave His one and only SON, that whoever believes in Him shall not perish but have ETERNAL LIFE. John 3:16." Other displays include the Lord's Prayer, a list of books from the Old and New Testaments, and a list of "God's Promises For Kids." These "promises" include:

God will love you forever! God will never leave you! God will comfort you! God will help you! God is always faithful! God will keep you safe! God keeps his promises!

Please see the enclosed photos.

We write to ask that the District remove these religious endorsements from its property immediately and ensure that the teacher who put these up is not proselytizing to students in other ways. Given the egregious nature of this violation, the District should also reprimand the teacher as they clearly do not understand their obligations under the Establishment Clause as a public school teacher. All District staff members should be given additional training regarding the Establishment Clause to ensure this kind of blatant and egregious violation will not occur again in the future.

As you are aware, the District violates the Constitution when it allows its schools to display religious symbols or messages. 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). Public

schools must remain neutral with regard to religion. When teachers use their position to promote their personal religious beliefs, it creates the impression in the minds of nonbelieving students and parents “that they are outsiders, not full members of the political community.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)).

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); *Washegesic v. Bloomingdale Pub. Schs.*, 33 F. 3d 679 (6th Cir. 1994) (ruling that a picture of Jesus may not be displayed in a public school).

Furthermore, the District has an obligation under the law to make certain that “subsidized teachers do not inculcate religion.” *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971). Certainly, “a school can direct a teacher to ‘refrain from expressions of religious viewpoints in the classroom and like settings.’” *Helland v. S. Bend Comm. Sch. Corp.*, 93 F.3d 327 (7th Cir. 1993) (quoting *Bishop v. Arnov*, 926 F.2d 1066, 1077 (11th Cir. 1991)). The Supreme Court has recognized that “[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987).

These religious displays are particularly inappropriate given that about 38% of Americans born after 1987 are not religious.¹ The displays alienate those nonreligious students, families, teachers, and members of the public whose religious beliefs are inconsistent with the message being promoted by the school.

The District must make certain that none of its employees are unlawfully and inappropriately indoctrinating students in religious matters by filling their classrooms with religious displays, giving religious assignments, teaching about religion, or promoting their personal religious beliefs. We ask that the District immediately investigate this situation and ensure that the teacher who has put up these displays either fully complies with the Establishment Clause and stops violating the rights of her students and their parents, or is removed from her position. All District staff members should be given additional training regarding the Establishment Clause. Please respond in writing, outlining the steps the District will take to end this serious constitutional violation so that we may notify our complainant.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation

¹ Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.





