

FREEDOM FROM RELIGION *foundation*

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September 6, 2023

SENT VIA EMAIL & U.S. MAIL: Mark.Vianello@yourcharlotteschools.net

Mark Vianello
Superintendent
Charlotte County Public Schools
1445 Education Way
Port Charlotte, FL 33948

Re: Unconstitutional Religious Promotion in Football Program

Dear Superintendent Vianello:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation occurring in Charlotte County Public Schools. FFRF is a national nonprofit organization with more than 40,000 members across the country, including more than 2,000 members and a local chapter in Florida, the Central Florida Freethought Community. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned Charlotte County Public Schools community member has reported that the Port Charlotte High School football team has become entangled with religion. Our complainant reports that the team has a Christian chaplain named Tom Parker and that the team regularly engages in religious exercises and prayer, including a recent baptism ceremony for players in Boca Grande. It is our understanding that Rusty Russell, lead pastor at New Day Christian Church, is an assistant coach for the team and has been using his position to promote religion within the football program. Russell regularly brags about baptizing players on his Facebook page. On July 24, 2023, Russell shared a post from New Day Christian Church:

Yesterday, Pastor Rusty and Port Charlotte High School Football Coaches/New Day Members, Coach Jordan Ingman and Coach Jarret Debus, baptized 13 football players and Coach Brennan Norus, Jace Norus' brother.

God used Jace's influence, and then FCA camp this week, to bring good out of tragedy. God is going to do amazing things in each young man's life! PRAISE GOD!

On July 27, 2023, Russell posted, "Yesterday we were privileged to baptize 9 more football players and one more coach who couldn't make it Sunday! God has brought beauty out of ashes." On August 30, 2023, Russell shared a post from New Day Christian Church: "We're so

amazed at what God is doing! Four more PCHS football players were baptized yesterday at Boca Grande. This makes 30 players and coaches total baptized!" Please see the enclosed screenshots.

While we understand that these baptisms took place in the wake of the death of a beloved assistant football coach, it is inappropriate and unconstitutional for public school coaches to engage in religious practices and prayer with students. Charlotte County Public Schools must ensure that this school-sponsored religious coercion ends immediately. The team's coaches must immediately cease infusing the football program with religion. They must immediately cease engaging in religious activities with the team, including any prayers or religious rituals, and Tom Parker cannot be allowed to act as team chaplain or to engage in religious activities with players as part of the football program. All coaches and staff should be instructed regarding their obligations as public school employees.

It is illegal for public school athletic coaches to lead their teams in prayer or instruct others to lead their team in prayer or religious activities. The Supreme Court has continually struck down school-sponsored prayer in public schools. *See, e.g., Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000) (holding student-led prayer over the loudspeaker before football games unconstitutional. "Regardless of the listener's support for, or objection to, the message, an objective Santa Fe High School student will unquestionably perceive the inevitable pregame prayer as stamped with her school's seal of approval" because it occurred at a "regularly scheduled school-sponsored function conducted on school property."); *Lee v. Weisman*, 505 U.S. 577 (1992) (finding prayers at public high school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturning law requiring daily "period of silence not to exceed one minute . . . for meditation or daily prayer"); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963) (holding school-sponsored devotional Bible reading and recitation of the Lord's Prayer unconstitutional); *Engel v. Vitale*, 370 U.S. 421 (1962) (declaring school-sponsored prayers in public schools unconstitutional).

It is unconstitutional for public school employees to direct students to partake in religious activities or to even participate in the religious activities of their students. *See, e.g., Borden v. Sch. Dist. of the Twp. of East Brunswick*, 523 F.3d 153 (3d 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) (holding a basketball coach's participation in student prayer circles unconstitutional). The Fifth Circuit held that a coach's attempts to engage in religious activities with players at team events were unconstitutional because the religious promotion took place "during school-controlled, curriculum-related activities that members of the [athletic] team are required to attend. During these activities [district] coaches and other school employees are present as representatives of the school and their actions are representative of [district] policies." *Duncanville*, 70 F.3d at 406.

You may be aware that the Supreme Court recently held in *Kennedy v. Bremerton School District* that a high school football coach's silent, private post-game prayer was constitutional. 142 S.Ct. 2407, 2415–16 (2022). Throughout its opinion, the Court repeatedly stressed that the coach silently prayed alone. *Id.* (the coach "offered his prayers quietly while his students were

otherwise occupied.”). The prayers “were not publicly broadcast or recited to a captive audience. Students were not required or expected to participate.” *Id.* at 2432. Here, rather than praying privately after games, the team’s coaches have infused religion into the football program, allowing Tom Parker to preach to the team and engaging in religious worship and activities with students.

“The preservation and transmission of religious beliefs and worship is a responsibility and a choice **committed to the private sphere.**” *Santa Fe*, 530 U.S. 290 at 310 (quoting *Lee*, 505 U.S. 577 at 589 (emphasis added)). The religious coercion occurring within the District’s football program is particularly troubling for those parents and students who are not Christians or do not subscribe to any religion. This “[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to . . . nonadherents ‘that they are outsiders, not full members of the political community and an accompanying message to adherents that they are insiders, favored members of the political community.’” *Id.* at 309-310 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). Thirty-seven percent of the American population is non-Christian, including the almost 30 percent¹ who are nonreligious. At least a third of Generation Z (those born after 1996) have no religion², with a recent survey revealing almost half of Gen Z qualify as “nones” (religiously unaffiliated).³

We ask that the District investigate this matter and take immediate action to protect its students. The team’s coaches must be directed to cease including coercive religious activities and practices in the football program, and the District should consider reprimanding them for their conduct. We further request that all District coaches be reminded that they may not push their personal religious beliefs onto students while acting in their official capacity, nor enlist an outside adult to do the same. Please inform us in writing of the steps the District is taking to remedy this serious violation of the First Amendment.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosure

¹ Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.

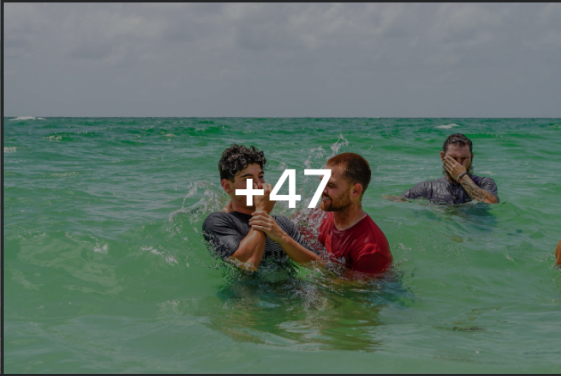
² Samuel J. Abrams, *Perspective: Why even secular people should worry about Gen Z’s lack of faith*, Deseret News (Mar. 4, 2023), www.deseret.com/2023/3/4/23617175/gen-z-faith-religious-nones-civic-life-volunteers-charity

³ 2022 Cooperative Election Study of 60,000 respondents, analyzed by Ryan P. Burge www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/.



Rusty Russell

July 24 · 🌐



New Day Christian Church is with PCHS Pirates Football.

July 24 · 🌐

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PRAISE GOD! 🙌



Rusty Russell

July 27 · 🌐



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Rusty Russell

August 3 · 🌐



New Day Christian Church

August 3 · 🌐

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