

# CASTING LIGHT

THE SUNSHINE STATE'S PROBLEM OF  
RELIGION IN ITS PUBLIC SCHOOLS

FREEDOM  
FROM RELIGION  
*foundation*

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The Freedom From Religion Foundation is a national state/church watchdog and the nation's largest association of freethinkers (atheists, agnostics and other nonbelievers). Founded nationally in 1978, it is a 501(c)(3) educational nonprofit with more than 35,000 dues-paying members, and about 30 staff members, including 10 attorneys. It works to educate the public, as well as governmental and public school officials. Every year, FFRF attorneys end hundreds of First Amendment violations through educational letters. When education alone fails, FFRF files legal challenges to uphold the Establishment Clause of the First Amendment, and has brought more than 90 lawsuits, ending many state/church violations. FFRF publishes a newspaper, Freethought Today, and regular educational TV and video programs. FFRF awards more than \$100,000 annually in student scholarships in its six student essay competitions, tuition relief programs and student activist scholarships. It publishes books and provides speakers for events, as well as conducting legal seminars. It grants annual awards to state/church activists and plaintiffs.

For more information on the Freedom From Religion Foundation please visit [ffrf.org](http://ffrf.org).

FFRF has more than 1,700 Florida members and an active local chapter, Central Florida Freethought Community. Central Florida Freethought Community is FFRF's most active chapter and a huge asset to the nonreligious community in Florida. CFFC actively supports the separation between religion and government as the best means to guarantee equal treatment for all, regardless of religious belief, represents the nonreligious in Florida communities through regular charity events, helping to dispel misconceptions about atheists and other nonbelievers, and also works to educate Florida citizens on matters relating to nontheism and the importance of a separation between religion and government. CFFC is building a community of atheists, humanists, freethinkers and skeptics in Florida to have a place to socialize and discuss important issues, as well as creating a landing pad for those who may be doubting their faith or leaving their religion. CFFC receives regular contact from Florida parents whose children are being exposed to religious pressure or proselytizing in their public schools.

For more information on the Central Florida Freethought Community please visit [www.cflfreethought.org](http://www.cflfreethought.org).

*The public school is at once the symbol of our democracy and the most pervasive means for promoting our common destiny. In no activity of the State is it more vital to keep out divisive forces than in its schools, to avoid confusing, not to say fusing, what the Constitution sought to keep strictly apart.*

**—McCollum v. Board of Education  
333 U.S. 203, 231 (1948)**

Florida has one of the largest public school student populations in the country, and its school districts are growing increasingly diverse. Yet most Florida school districts have been slow or unwilling to address Establishment Clause concerns.

This report examines the common types of Florida public school violations reported to FFRF, and spotlights some of the repeat offending districts. The purposes of this report are to call out the serious Establishment Clause violations that are systemic in many of Florida's public school districts and to engage Florida schools in protecting students' rights of conscience and parents' rights to direct the religious upbringing of their children by correcting such violations and preventing their recurrence.

## **INTRODUCTION: THE PROBLEM**

The Freedom From Religion Foundation works to protect the constitutional principle of separation between state and church, and prioritizes the correction of violations in our public schools. Public school representatives —

including teachers, coaches, administrators, volunteers and other officials — are prohibited from promoting or endorsing religion while acting in their official capacity as public school employees or volunteers for school-related activities. Courts have been vigilant in enforcing this constitutional boundary in the context of public schools because of the coercive pressures inherent in public schools. Student attendance is compulsory by law, therefore students — who are young, impressionable, and eager to conform to the expectations of teachers and school officials — are a captive audience.

While FFRF receives many complaints from parents and students about Establishment Clause violations in public school districts throughout the country, Florida stands out as one of the states with the most widespread and intractable Establishment Clause problems in its public schools. Every year Florida ranks among the top five states with the most violations reported to FFRF. There are 67 public school districts in Florida and FFRF has received complaints about religious promotion occurring in nearly all of them.

### A state-level problem

Complaints range from teachers imposing their personal religion on students to administrators establishing chaplaincies to indoctrinate other people's children. These abuses of power fly in the face of well-established law, but school district employees and officials are taking cues from state officials. Florida state government seems intent on putting Christianity into Florida's public schools. For instance, the Florida Board of Education attempted to amend social studies standards to force students to recognize a fallacious, revisionist history of the United States, that insists "Judeo-Christian values influenced America's founding ideals and documents," specifically citing the Ten Commandments as establishing the rule of law in America. After public outcry of these lies, the standards were removed, but in last-minute, opaque political maneuverings at a July meeting, they added "the Judeo-Christian tradition" back into one standard, so that it now reads: "Analyze the influences of ancient Greece, ancient Rome **and the Judeo-Christian tradition** on America's constitutional republic."<sup>1</sup>

After the 2018 mass shooting at Marjory Stoneman Douglas High School that killed 17 and wounded another 17, even as the Florida Legislature ignored the pleas of students for meaningful reforms, it passed a law requiring every public school to display the Christian Nationalist motto, "In God We Trust."<sup>2</sup> In 2021, the legislature required all public schools to "set aside time for a moment of silence" so, as the lead sponsor put it in an early Facebook post, the new law will "bring our traditional values back into public schools."<sup>3</sup> (The responses to this post show that his base heard the dog whistle loud and clear. "Bring Prayer and God back in our schools, and God will bless us with 'His Presence!'"<sup>4</sup>) With state level leaders like this, it's no wonder teachers and staff feel comfortable violating rules that have protected students' rights of conscience for decades.

### A GROWING SEGMENT OF THE PUBLIC SCHOOL COMMUNITY IS BEING IGNORED

Today 24 percent of Americans are religiously unaffiliated and another 7 percent belong to religious minorities, making nearly one-third of our population non-Christian.<sup>5</sup> Nationally, 21 percent of younger Americans—those born after 1999, i.e., all current public school students—identify as either atheist or agnostic.<sup>6</sup>

In summary, 30 percent of adults in the U.S. are non-Christian, and that number is rising.<sup>7</sup> Among younger Americans, those born after 1987, over 46 percent are non-Christian, either practicing a minority religion or no religion at all.<sup>8</sup> By ignoring complaints of systemic, unconstitutional religious promotion in schools, Florida school districts are signaling to a significant, growing segment of the community that they do not matter. Even more important, such school districts, by flouting established law and legal precedent, are communicating the wrong lesson to *all* students, staff and parents, regardless of religious belief or lack of religious belief.

It is the obligation of public schools to model respect for the law, and to convey the reason why our laws and legal precedent leave religious education and ritual to parents, not the public school system.

### FFRF WORKS TO ENGAGE SCHOOL DISTRICT COOPERATION

When FFRF receives complaints directly from affected parents, students and others about religious rituals, indoctrination, or other inappropriate religious activity in a school district, FFRF reaches out to district administrators to bring these problems to their attention. FFRF asks school districts to investigate the complaints, stop unlawful practices, and educate staff in their district to prevent these problems from recurring. Many districts respond to our complaints by doing exactly that. But it is rare to receive such cooperation from most Florida public school districts.

### **Taking corrective action:** **Hillsborough County Public Schools**

FFRF prefers that school districts resolve Establishment Clause issues without FFRF having to take legal action. Taking corrective action swiftly and decisively signals to students and their families that the district understands its obligations to remain religiously neutral. One such example is Hillsborough County Public Schools, which FFRF had contacted over reports that it allowed a Fellowship of Christian Athletes representative to interact and proselytize with its students without restriction. The outside adult had been involved with the district's sports programs since at least 2014 and appeared to be the schools' sports chaplain. He was given complete, unsupervised access to proselytize other people's children.

After receiving FFRF's letter addressing these reports, the district took appropriate action and barred the individual from the campus, restricting FCA representatives' access to school campus, games and activities until they underwent a required training. It also required high school coaches to attend mandatory training on their obligations under the Constitution.

## **REPEAT OFFENDERS**

Below are among the repeat offending Florida school districts based on reports received. They are examples of the many Florida districts FFRF receives complaints from most frequently, yet have been the most unwilling to take sufficient action to correct constitutional violations:

### **Orange County Public Schools**

Regularly reported violations of Establishment Clause jurisprudence include:

- Church events and displays in schools
- Teachers promoting religion: prayer circles, baccalaureates, recitation of the Lord's Prayer, football mission trips, and other similar violations

Orange County Public Schools is among the most commonly reported Florida school districts when it

comes to Establishment Clause violations. FFRF and our regional chapter, CFFC, regularly receive complaints throughout every school year. In 2013, FFRF and CFFC had to sue the District to end censorship of freethought literature while allowing unfettered distribution of the Christian bible in its schools. In July 2014, after the Orange County School District agreed to let FFRF and CFFC distribute all of the literature it previously prohibited, Judge Kendall Sharp of the U.S. District Court for the Middle District of Florida dismissed the free speech case against the district. The district suspended all religious literature distributions the following school year. In February 2015, the district finally banned all religious distributions, which is what FFRF and CFFC asked for in our original letters to the district. Had the district taken this appropriate action in the first place, it could have saved \$86,000 in attorney fees and two years of legal wrangling.

Since FFRF & CFFC's lawsuit, students and parents have continued to report football coaches discussing religion with students and coaches taking student athletes to church. Teachers often participate in religious events or prayer circles with students. School employees often organize and promote baccalaureate ceremonies, which are religious services. Teachers lead religious clubs for students. Church banners are left on display throughout the District during times when school is in session and district property is not being rented. Dozens of parents have contacted FFRF from the District over the years to report such violations. The District has repeatedly refused to respond or, presumably, to resolve these complaints.

In July 2016, FFRF sent a comprehensive letter<sup>9</sup> documenting the many outstanding church/state violations occurring within the District. Since that time, the District appears to be unwilling to work to resolve systemic religious promotion in OCPS.

FFRF wrote to OCPS most recently in September 2021, after a high school football coach and his official chaplain bragged on a Christian radio show about how they were utilizing the school's football program to proselytize students. During that show, it was revealed that the chaplain had baptized several members of the football team and regularly leads players in bible studies. The coach stated that his goal is to help students "be the men or women that God has called them to be," and that is the "number one priority" of the football program. He went on: "It's not just winning games. Yes, we are going to be judged by that by the world, but at the end of the day we know we are called to answer to Our Heavenly

Father and what He's given us the opportunity to do. And we get the chance to use the platform of football to help develop and grow our young people into exactly who God's called them to be..." The chaplain even admitted to proselytizing nonreligious players, "One of the founding things in our program is that following Jesus is the best way to live. Right, like, I say that some of the guys sometimes, cause I know some of them don't believe, and I say look, man, I know, but can I just tell you this? If you'll do it Jesus' way, whether you believe or not, if you'll do it Jesus' way. You'll ultimately be better... You'll ultimately be better in every facet of your life."

FFRF anticipates that we may have to take legal action against the District in the near future if the District remains unresponsive to these continued complaints.

## Polk County Schools

Regularly reported constitutional violations include:

- Fellowship of Christian Athletes access — a FCA promo video even recorded in schools
- Bible distributions at graduation
- Football team chaplains

In 2019, FFRF contacted Polk County Schools regarding bibles being distributed to graduating students at multiple schools throughout the District. FFRF never received a response to our letter or several follow-ups.

FFRF wrote to the general counsel of PCS in November 2020 after FCA representatives were given access to school facilities and staff members to film a promotional video for Fellowship of Christian Athletes, whose mission is "to lead every coach and athlete into a growing relationship with Jesus Christ and His church."<sup>10</sup> FFRF has followed up on these violations with the District's legal counsel multiple times and has yet to receive a response from the District.

FFRF wrote to Polk County Schools' general counsel again in June 2021 after the husband of a school employee posted on Facebook, "I am super excited to be serving HCHS as the football team's chaplain." While FFRF received no response from the District or its counsel, a spokesman for the District told a local newspaper, "There is no position of team chaplain, and there is no intention of adding this position. I also wanted to let you know that Haines City High's principal was not aware that Matt Norman would be posting this message on his personal social media." The spokesperson correctly noted that "students may engage in prayer, so long as it is student-initiated, and students must not be forced to participate.



Anthony Troutman, left, then-coach of Kathleen High School, appearing in a promo video for West Central Florida FCA.

In addition, employees or representatives of the school district must not lead or participate in prayer." However, FFRF has requested a formal response from the District regarding these serious matters, but has not received one.

## Marion County Schools

Regularly reported constitutional violations include:

- FCA — access to athletes
- Elementary school concert in church
- Bring Your Bible to School Day promotion

FFRF has received repeated complaints of religious promotion and has sent several letters to Marion County Schools over the past few years, but it has failed to respond or take appropriate action to adhere to constitutional law and protect students' rights of conscience.

In December 2020, FFRF wrote to the District to address several Establishment Clause violations that had been reported. FFRF learned that the District apparently hosts an elementary school music festival at the First Baptist Church of Ocala each year. Elementary school students and parents are required to enter a house of worship in order to participate in a public school music program. Using a church for public school programming is not only inappropriate, but unconstitutional. It sends a message of endorsement of the particular church to impressionable students.

FFRF was also informed that a preacher named Rondo Fernandez had been given access to preach and proselytize to students throughout district schools. Parents report that he has been allowed into school locker rooms to distribute bibles to students. Mr. Fernandez has apparently set up a de facto ministry and food pantry, known as "The Rock," inside several District





Facebook page of Knox Robinson, head coach of the Lake Weir High School football team.

schools. The Rock includes multiple religious displays. When the program began, the previous Superintendent for the District even participated in an event, which included reading bible verses and praying. The Rock program at Howard Middle School includes a large cross on the wall.

FFRF also wrote to the District in October 2019, after it sent a memo to every District elementary school teacher promoting and endorsing Bring Your Bible to School Day.

FFRF will work with its local complainants to ensure that this school-sanctioned religious proselytizing is put to an end. The District cannot continue to be an avenue for religious recruitment and proselytization.

## THE LAW IS CLEAR: PUBLIC SCHOOLS MUST BE NEUTRAL TOWARD RELIGION

It is a fundamental principle of Establishment Clause jurisprudence that a public school may not advance, prefer, or promote religion. When teachers use their position to promote their personal religious beliefs, it creates the impression in the minds of students and parents “that they are outsiders, not full members of the political community.”<sup>11</sup> FFRF receives reports of many of the same types of violations, despite decades of case law establishing that public schools may not prefer or promote religion.

### School-led prayer

Public school teachers may not participate in student-initiated prayer, lead their students in prayer, encourage students to pray, or otherwise endorse religion to students. The Supreme Court has continually struck down teacher or school-led prayer in public schools.<sup>12</sup> The same restrictions apply to coaches,<sup>13</sup> administrators, volunteers, and any school employee acting in their official capacity.

As the Supreme Court has recognized, “[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.”<sup>14</sup>

Teachers do not have free speech or free exercise rights to pray with or promote religion to students while acting in their official capacities. Teachers have access to a captive audience of students due to their position as public educators. Therefore, the district has a duty to regulate religious proselytizing during the school day or school-sponsored activities.<sup>15</sup> The same applies to anyone volunteering on behalf of the school.

### Prayer at school events

The Supreme Court has continually struck down prayers at school-sponsored events, including public school graduations and school athletic events.<sup>16</sup> School officials may not invite a student, teacher, faculty member, clergy member, or anyone to give any type of prayer, invocation, or benediction at a public school-sponsored event or school board meeting. Students and their parents should not have to choose between participating in school events or being exposed to school-sponsored prayer.

## School board prayer

The Establishment Clause prohibits public school boards from scheduling or conducting prayer as part of their meetings. A public school board is an essential and inextricable part of the public school system, and so its meetings must not include religious rituals.<sup>17</sup> It is coercive, embarrassing and intimidating for nonreligious students or parents to be required to make a public showing of their nonbelief (by not rising or praying) or else to display deference toward a religious sentiment in which they do not believe, but which their school board members clearly do.

## Religious instruction

Public schools may not provide religious instruction. In the seminal Supreme Court case on this issue, the Court held that that bible classes in public school were unconstitutional.<sup>18</sup> In that case, the Court ruled unconstitutional the school district practice allowing religious teachers, employed by private religious groups, to teach students a weekly bible class.

## Bible distribution

The distribution of bibles to students at public schools during the instructional day is prohibited.<sup>19</sup> Public schools have a constitutional obligation to remain neutral toward religion and to protect the rights of conscience of young and impressionable students. By allowing non-students on campus to distribute bibles to public school students, a public school is endorsing religion by placing its “stamp of approval” on the religious messages contained in the bible. There is no justification for public schools facilitating the distribution of bibles to students. Allowing any religious literature distribution turns a public school into a religious battleground, fraught with solicitation and propaganda.

## Outside adults recruiting and proselytizing students

Public school districts must not allow outside religious groups or individuals school resources or unique access and opportunities to befriend and proselytize students during school events and on school property. While religious extracurricular organizations are allowed to exist, they must be truly student-led and student-initiated. They may not be a conduit for outside adults to regularly visit campus and recruit or proselytize students. Another common example that also violates constitutional boundaries is youth pastors or other religious representatives allowed into public school lunchrooms to freely socialize with and groom students. No outside adults may be provided *carte blanche* access

to minors — a captive audience — in a public school. This conduct is inappropriate and should raise many red flags. Allowing outside adults to evangelize students at school is a betrayal of parental trust and a usurpation of parental rights.

## FLORIDA SCHOOL DISTRICTS MUST EDUCATE STAFF, ADOPT SOUND POLICIES

These Florida school districts and many others are violating students’ constitutional right to a public education free from religious rituals, proselytization and indoctrination. When schools promote religion, they also trample parents’ right to direct the religious (or nonreligious) upbringing of their children without interference. While educators and other school representatives have the right to practice their religion, that right is limited when acting in their official capacities on behalf of the school district.

Public school administrators must set clear expectations and regularly educate staff about compliance with constitutional obligations. Teachers, coaches, volunteers and any other school officials may neither encourage nor discourage their students when it comes to religion — they must remain neutral. All school-sponsored programming, including athletics, must be free from religious activity and pressure.

Public schools exist to educate children. They must not be used as recruiting grounds by outside religious groups or individuals. Public school districts should adopt clear policies that restrict outside adults from coming onto school grounds to befriend, recruit, pass out religious literature to, or proselytize students.

Courts have always been vigilant in protecting children from religious coercion in public schools, and with good reason. Teachers and school officials have enormous influence over students, and social pressure is inherent in the school environment. Religion is a divisive force in the school environment, isolating students who are in the minority and pressuring them to conform to teachers’ and the majority religious viewpoints. As educators in one of the nation’s most populous and increasingly diverse states, Florida school officials must prioritize making its public schools welcoming to all students.

FFRF and CFFC are eager to assist school districts in adopting sound policies and practices that respect the rights of conscience of all students and members of the district community.



## ENDNOTES

- 1 Amendment to New Generation Sunshine State Standards - Social Studies 2021. See <https://www.fldoe.org/policy/state-board-of-edu/meetings/2021/2021-07-14/> then <https://www.fldoe.org/core/fileparse.php/19975/urlt/5-3.pdf> This is still a factually incorrect premise. For instance, in the many records of the Constitutional Convention and Federalist Papers, the Founders repeatedly and frequently cite historical precursors and Greece and Roman, but almost never turn to the bible or “Judeo-Christian tradition” for guidance. For the original amendments, see <https://ffrf.org/news/action/item/38726-tell-florida-christian-nationalism-should-not-be-taught-in-public-schools>
- 2 HB 839 (2018) is here: <https://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=61536>  
For this as a response to the MSD mass shooting, see, e.g., NPR, *Florida Lawmakers Advance Bill Requiring Schools To Display “In God We Trust,”* (February 22, 2018) <https://www.npr.org/sections/thetwo-way/2018/02/22/588002860/florida-lawmakers-advance-bill-requiring-schools-to-display-in-god-we-trust>
- 3 State Rep. Randy Fine, Facebook post (April 22, 2021) at <https://www.facebook.com/voterandyfine/posts/1614459248724624>
- 4 Id.
- 5 Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, Public Religion Research Institute (Sept. 6, 2017), available at [www.prri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf](http://www.prri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf).
- 6 *Atheism Doubles Among Generation Z*, The Barna Group (Jan. 24, 2018), [www.barna.com/research/atheism-doubles-among-generation-z/](http://www.barna.com/research/atheism-doubles-among-generation-z/).
- 7 *America’s Changing Religious Landscape*, Pew Research Center (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).
- 8 Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, Public Religion Research Institute (Sept. 6, 2017), available at [www.prri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf](http://www.prri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf).
- 9 <https://ffrf.org/uploads/legal/OrangeCountyPublicSchoolsFLComprehensiveLetterFINAL.pdf>
- 10 <https://www.westcentralfloridafca.org/who-we-are>
- 11 *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)).
- 12 See, e.g., *Engel v. Vitale*, 370 U.S. 421 (1962) (declaring prayers in public schools unconstitutional); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963) (declaring unconstitutional devotional Bible reading and recitation of the Lord’s Prayer in public schools); *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”).
- 13 *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 an unconstitutional endorsement of religion).
- 14 *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987).
- 15 *Johnson v. Poway Unified Sch. Dist.*, 658 F.3d 954, 970 (9th Cir. 2011), *cert. denied*, 132 S. Ct. 1807 (2012) (upholding decision of school board to require a math teacher to remove two banners with historical quotes referencing “God”); see also *Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006) (“We hold that when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.”).
- 16 See *Lee v. Weisman*, 505 U.S. 577 (1992); *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000).
- 17 See *FFRF v. Chino Valley Unified Sch. Dist. Bd. of Educ.*, 896 F.3d 1132 (9th Cir.), *en banc denied*, 910 F.3d 1297 (9th Cir. 2018); *Doe v. Indian River School District*, 653 F.3d 256 (3d Cir. 2011), *cert. denied*, 132 S. Ct. 1097; *Bacus v. Palo Verde Unified Sch. Dist.*, 52 Fed. Appx. 355 (9th Cir. 2002); *Coles v. Cleveland Bd. of Educ.*, 171 F.3d 369 (6th Cir. 1999).
- 18 *McCullum v. Bd. Of Educ.*, 333 U.S. 203 (1948).
- 19 See *Berger v. Rensselaer Central Sch. Corp.*, 982 F.2d 1160 (7th Cir. 1993) (holding that classroom distribution of Gideon bibles to fifth-graders violated the Establishment Clause of the First Amendment to the U.S. Constitution); see also *Tudor v. Bd. of Educ. of Rutherford*, 14 N.J. 31 (1953), *cert. denied*, 348 U.S. 816 (1954) (finding unconstitutional a school board resolution permitting Gideons to distribute bibles).

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