

FREEDOM FROM RELIGION *foundation*

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September 16, 2021

SENT VIA EMAIL & U.S. MAIL: DJAlfonso1@aol.com

Dennis Alfonso
McClain, Alfonso, Meeker & Nathe
37908 Church Avenue
P.O. Box 4
Dade City, FL 33526

Re: Unconstitutional Religious Promotion in Football Program

Dear Mr. Alfonso:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation occurring in the Hernando County School District. We have appreciated your attention to, and quick resolution of, issues in the past, and I hope that we can quickly resolve this new issue as well.

It is our understanding that a coach at Springstead High School has been proselytizing to students, promoting his personal religious beliefs to students, praying with students, and even baptised students on school property during the school day. On September 4, 2021, Niko Belavilas posted a video of himself leading the Springstead High School football team in prayer in the team's locker room¹:

... We have so much more that God wants to do and show himself strong. When people look at you, the bible says in Epistles, when people look at you and they see Jesus. Some of you, the only bible people are ever gonna read, the only Jesus they are ever gonna see is in your life, bro. So play fast, fearless, ferocious, okay, hold nothing back... the verse yesterday 1 Corinthians 10:11, whether you eat, whether you drink, whether you play football do all things for the glory of God, and God will show himself strong. When you're facing little, He will bless you with much. Lord, we just thank You, Father, as You come the whole spirit, and power us, give us focus, give us energy, just give us wisdom, to the coaches, Lord, to the players, just let us talk to You, Daddy. Lead us in our stance and how we should play. Motivate us, inspire us, Lord, to give everything we've got every single play that we have no regrets, nothing held back and the name of Jesus will be glorified in this place... And God's hand was on that team, we declared done, and we are Yours, Father, we give glory in Jesus' name. Amen.

¹ <https://www.facebook.com/100024042112933/videos/pcb.1168911267253599/275741487423837>

On September 11, 2021, Niko Belavilas posted a message on Facebook, “Baptisms + Public school + During school hours = REVIVAL.” Please see the enclosed screenshots.

Belavilas also posted a video on Youtube² where he explains, “We got these baptisms. We’re in a public school. This ain’t even legal in some states. So God’s doing it. So public school plus baptism plus school hours that means straight fire of God Holy Spirit revival in Jesus’ name.” The video then shows students walking out to the school’s football field, where another coach explains, “we getting baptised today, baby, praise Jesus.” Belavilas proselytizes to the students, and at least one coach, before baptising students, and a coach, on the school’s football field, during what he described as “school hours.” It is not clear what Belavilas’ official position is, or whether he is officially employed as a coach in the school, but he certainly appears to be the team’s chaplain.

Hernando County Public Schools must ensure that this school-sponsored religious endorsement by coaches and staff ends immediately. Belavilas cannot be the team’s chaplain and given his conduct, can no longer be part of the team in any capacity. The team’s coaches should be reprimanded, and if they are not willing to immediately cease infusing the football program with religion, they should be terminated. All coaches and staff should be instructed regarding their obligations as public school employees.

Federal courts have specifically held public school coaches’ participation in their team’s religious activity 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 stated that the coach’s involvement 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.” *Borden*, 523 F.3d at 174. 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). Organization of and/or participation in a team baptism and prayers is clearly prohibited.

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. *See id.*

² <https://www.youtube.com/watch?v=VauAW3Ups-A>

Public school football teams cannot appoint or employ a chaplain, seek out a spiritual leader for the team, agree to allow someone to act as chaplain, or otherwise infuse the team with religion because public schools may not promote religion. *See generally*, *Borden*, 523 F.3d 153; *Santa Fe Indep. Sch. Dist.*, 530 U.S. 290 (2000); *Duncanville Indep. Sch. Dist.*, 70 F.3d 402; *Lee v. Weisman*, 505 U.S. 577 (1992). It is therefore inappropriate and illegal for the Springstead High School football team to have a team chaplain and for coaches to allow and participate in religious activities with students, as this signals a blatant promotion of religion over nonreligion generally, and in this case, Christianity in particular.

Hernando County Schools cannot give a non-school affiliated adult access to the children in its charge, and it certainly cannot grant that access to a religious leader to advance his faith. The Supreme Court has repeatedly held that public schools may not be co-opted, either by staff or outside adults, to proselytize students. *McCollum v. Bd. of Educ.*, 333 U.S. 203, 210 (1948) (holding that the Constitution forbids the “utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith”). Federal courts have accordingly enforced injunctions against school districts who, by action or inaction, grant outside adults access to other peoples’ children to evangelize. *See, e.g., Roark v. South Iron R-1 Sch. Dist.* 540 F. Supp.2d 1047, 1059 (E.D. Mo., 2008); *upheld in relevant part by* 573 F.3d 556, (8th Cir. 2009) (holding that school policy allowing evangelical Christian organization to distribute bibles in school violated Establishment Clause).

“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. at 310 (quoting *Weisman*, 505 U.S. at 589) (emphasis added). Endorsement of Christianity 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. The “[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.* (quoting *Lynch v. Donnelly*, 465 U.S. at 668) (O’Connor, J., concurring). With 46% of young Americans now being non-Christian, this likely represents a significant number of children and families in the District.³

Furthermore, public school districts have a constitutional obligation to ensure that staff members do not use their positions to proselytize. Federal courts have consistently rejected the promotion of religious viewpoints in the classroom and like settings. *See, e.g., Peloza v. Capistrano Unified Sch. Dist.*, 37 F.3d 517 (9th Cir. 1994) (holding that a school could prohibit a teacher from teaching creationism, finding that “to permit him to discuss his religious beliefs with students during school time on school grounds would violate the Establishment Clause”); *Webster v. New Lenox Sch. Dist. No. 122*, 917 F.2d 1004 (7th Cir. 1990) (ruling that a school board could limit a teacher’s comments on creationism because the board had the responsibility to ensure that the teacher was not “injecting religious advocacy into the classroom”). Courts have upheld the termination of teachers who refuse to remain neutral on matters of religion while acting in their

³ Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (2017), available at: <https://www.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf>

official capacities as government employees. *See, e.g., Grossman v. S. Shore Pub. Sch. Dist.*, 507 F.3d 1097 (7th Cir. 2007) (upholding termination of guidance counselor who prayed with students).

The Constitution's prohibition against school-sponsored religious exercise cannot be overcome by claiming such activities are "voluntary." As the Supreme Court said in *Engel*, "Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of students is voluntary can serve to free it from the limitations of the Establishment Clause" 370 U.S. at 430. In *Schempp*, the Court said the offending religious practices were not "mitigated by the fact that individual students may absent themselves upon parental request, for that fact furnishes no defense to a claim of unconstitutionality under the Establishment Clause." 374 U.S. at 224–25. It makes no difference if students were required to opt-in to the baptism. *See Karen B. v. Treen*, 653 F.2d 897 (5th Cir. 1981) (Finding required express written permission by parents for students to participate in prayer did not cure Establishment Clause violations); *Jager v. Douglas Cty. Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989) ("... whether the complaining individual's presence was voluntary is not relevant to the Establishment Clause analysis ... The Establishment Clause focuses on the constitutionality of the state action, not on the choices made by the complaining individual."). Even if coaches and staff aren't forcing players to get baptized or participate in religious activities and prayers, "[a] school risks violation of the Establishment Clause if any of its teachers' activities gives the impression that the school endorses religion." *Marchi v. Bd. of Cooperative Educ. Services*, 173 F.3d 469, 477 (2d Cir. 1999).

We ask that the District investigate this matter and take immediate action to protect its students. Belavilas cannot be involved with the team at all going forward, nor may anyone else serve as a team chaplain. Coaching staff must be directed to cease including religion in the football program, and the District should consider reprimanding them for their egregious conduct. We further request that all District coaches be reminded that they may not promote religion 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, appearing to read "Chris Line", with a stylized flourish at the end.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosures



Niko Belavilas is with Yadiel Vázquez and 2 others.

September 11 at 4:45 PM · 🌐



Baptisms+Public school+During school hours= REVIVAL 🔥🔥🔥

#TheSpringsteadRevival

<https://youtu.be/VauAW3Ups-A>





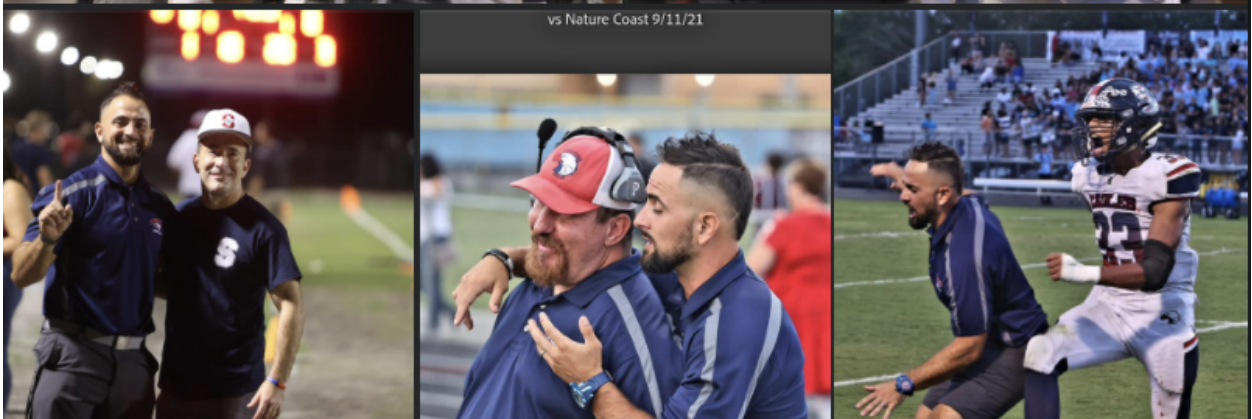
Niko Belavilas is with **Mark Pennington** and **3 others**. ...

September 12 at 10:17 AM · 🌐

Healing Miracles, young men giving Complete Glory to God after a big play, and courage beyond description... Fridays game was a hard fought loss on the score board but I've found in life true victory doesn't come by points but rather by what the Holy Spirit is allowed to accomplish in the Heart! These young men are more than conquerors! This night was truly amazing to witness.

3 And not only this, but we also exult in our tribulations, knowing that tribulation brings about perseverance; 4 and perseverance, proven character; and proven character, hope; 5 and hope does not disappoint, because the love of God has been poured out within our hearts through the Holy Spirit who was given to us. Romans 5:3-5

[#TheSpringsteadRevival](#)



vs Nature Coast 9/11/21



Niko Belavilas is with Yadiel Vázquez and 2 others.

September 4 at 2:21 PM · 🌐

Amazing Day Yesterday! We Had our second week of Jesus Club at Springstead and I was honored to minister with my brother [Kenny Beeker](#) and 7 kids signed up to Get Baptized at school next Friday! 🙌🔥✝️. Then we had our game versus weeki and God was truly Glorified on that field, so many testimonies! Its an honor to Chaplain with my brother [Cesar Omar De Pablo](#) ! God has marked Springstead and Spring Hill for a legendary Revival! 🙌🔥💖✝️🔪
🐶🐶



Play



0:21 / 1:19



