

FREEDOM FROM RELIGION *foundation*

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October 27, 2021

SENT VIA EMAIL & U.S. MAIL: longshob@highlands.k12.fl.us

Dr. Brenda Longshore
Superintendent
School Board of Highlands County
426 School Street
Sebring, FL 33870

Re: Unconstitutional Religious Promotion in Football Program

Dear Superintendent Longshore:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation occurring at Lake Placid High School. FFRF is a national nonprofit organization with more than 36,000 members across the country, including more than 1,800 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 District community member has reported that Lake Placid High School allows Pastor Dustin Woods of Grace Bible Church-Highlands to preach to and pray with its football team before each game. An article from October 3, 2021 in the Highlands News-Sun confirms this, and also explains that Carl White, the team's coach, has adopted a coaching style based around God.¹ The article further explains that as part of his religious coaching he holds "weekly sessions" in his home where players "support each other...with a basis in faith."² It also explains that originally there were only 12 players attending, but over time more players felt the need to attend these team worship events where either Coach White himself or an invited guest preach and worship with players.

The School Board of Highlands County must ensure that this school-sponsored religious endorsement by Coach White and Pastor Woods stops immediately. Pastor Woods cannot act as the team's chaplain and must no longer speak to players, lead students in prayer, or be involved with the football team in any way. Coach White should be reprimanded, and if he is not willing to immediately cease infusing the football program with religion, he should be terminated. All coaches and staff should be instructed regarding their obligations as public school employees.

¹https://www.midfloridanewspapers.com/highlands_news-sun/news/be-intentional-in-everything/article_d6b7941a-221-11ec-9ab0-db96be478cd0.html

² *Id.*

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 v. Sch. Dist. of the Twp. of East Brunswick*, 523 F.3d 153 (3rd Cir. 2008), *cert. denied*, 129 S. Ct. 1524 (2009); *Santa Fe Indep. Sch. Dist.*, 530 U.S. 290 (2000); *Doe v. Duncanville Indep. Sch. Dist.*, 70 F.3d 402 (5th Cir. 1995); *Lee v. Weisman*, 505 U.S. 577 (1992). It is therefore inappropriate and illegal for the Lake Placid 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.

Highlands 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 minister 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. *McCullum 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).

It is beyond the scope of a public school system to allow its coaches or local religious leaders to advocate Christianity to 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. at 310 (quoting *Weisman*, 505 U.S. at 589) (emphasis added). Endorsement of Christianity within the District’s athletic programs 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 members of the audience who are 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). Non-religious Americans make up the fastest growing segment of the U.S. population by religious identification—35 percent of Americans are non-Christians, and this includes the 23 percent of Americans who identify as religiously unaffiliated.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*

³ *The 2020 Census of American Religion*, Public Religion Research Institute (July 8, 2021), available at <https://www.prrri.org/research/2020-census-of-american-religion>.

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 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).

Please note that it is not a violation of the free speech rights of school staff to regulate what they teach to students through school-sponsored activities, like football and other athletic programs. Teachers and coaches have access to a captive audience of students due to their position as public educators. The District has a duty to prohibit religious proselytizing. In the context of coach-led prayer, the Fifth Circuit recognized that "the principle that government may accommodate the free exercise of religion does not supersede the fundamental limitations imposed by the Establishment Clause" and that the district therefore had an obligation to prohibit its coaches from endorsing prayer. *Duncanville Indep. Sch. Dist.*, 70 F.3d at 406. As for teachers and coaches, "Because the speech at issue owes its existence to [his or her] position as a teacher, [a School District] acted well within constitutional limits in ordering [a staff member] not to speak in a manner it did not desire." *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").

We ask that the District investigate this matter and take immediate action to protect its students. Pastor Woods cannot act as the team's chaplain, including speaking with and leading students in prayer, and should not be involved with the team going forward. Coach White must be directed to cease including religion in his football program and must stop holding religious worship services with players in his home, and the District should consider terminating him for his 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 violation of the First Amendment so that we may notify our complainant.

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

Enclosure



COURTESY FACEBOOK

The Lake Placid football team before a game. Pastor Dustin Woods of Grace Bible Church-Highlands speaks to the team before each game.