

FREEDOM FROM RELIGION *foundation*

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January 4, 2024

SENT VIA EMAIL & U.S. MAIL: superintendent@palmbeachschools.org

Michael J. Burke
Superintendent
Palm Beach County School District
3300 Forest Hill Boulevard
West Palm Beach, FL 33406

Re: Unconstitutional Proselytizing by High School Teacher

Dear Superintendent Burke:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation that recently occurred in the Palm Beach County School District. FFRF is a national nonprofit organization with more than 40,000 members across the country, including more than 2,000 members in Florida and a local chapter, 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 Palm Beach County School District parent has reported that [REDACTED], a math teacher at Santaluces High School, has abused her position by proselytizing and imposing her personal religious beliefs on her students. Our complainant reports that Mrs. [REDACTED] distributed proselytizing Christmas pamphlets from New Life Alliance Church to all of her students. The pamphlet proselytizes through a fictitious description of the history of the candy cane and many accompanying bible verses. Please see the enclosed photos.

The pamphlet also tells students that they “belong to Jesus” and “are to follow only Him.” It instills the mythology at the heart of the Christian religion that Jesus led a “pure, sinless life” only to die on the cross “for all of us so that we can have eternal life through Him.” It further teaches students:

Turned over, the candy case is a “J,” the first letter of Jesus’ name. (Luke 1:31). It is made of hard, white candy which represents Jesus’ virgin birth and His pure, sinless life. He is the only human being ever who never committed a single sin, even though He was tempted just as we are. (1 Peter 2:22). It’s hardness reminds us that Christ is the “rock” of our salvation.

The wide red stripe on the candy cane represents the blood Jesus shed on the cross for all of us so that we can have eternal life through Him. He restores us and cleans us with His shed blood - the only thing that can wash away our sin. (Luke 22:20).

AND, if we share our candy cane and give some to someone else because we love that person, we are sharing the love of Jesus. (1 John 4:7, 8). God gave Himself to us when He sent Jesus to earth to save us. He loves us so much that He wants us to spend eternity

with Him. We are assured of that when we accept Jesus into our hearts as our Savior. (John 1:12, John 3:3, 16).

The pamphlet also includes a prayer for students to “accept Jesus into [their] hearts”:

Dear God, Thank You for loving me enough to send Jesus for Christmas. I believe Jesus died for my sins, and I accept Him now as my Savior. I promise to follow Him and share His love with others the best that I can. Amen.

The pamphlet invites students to “join us as we worship our Savior Jesus,” and lists the Sunday School and worship service times for the church as well as the address and website.

Our complainant and their child are extremely upset by Mrs. [REDACTED] inappropriate conduct and are worried that she may continue proselytizing her students if the District does not take action.

We write to ask that the District take immediate action to ensure that Mrs. [REDACTED] will not do anything like this again in the future. She cannot use her position to proselytize to students, invite students to church, or in any way promote or endorse religion to students. Given her egregious behavior, Mrs. [REDACTED] should be reprimanded. Mrs. [REDACTED] and all district teachers should be given additional training on this issue in order to ensure the constitutional rights of students in the classroom are respected.

It is a fundamental principle of Establishment Clause jurisprudence that a public school may not advance, prefer, or promote religion. *See generally, 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, attempt to convert students and invite them to their church, it creates the impression in the minds of 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)).

The District has an obligation under the law to make certain that its teachers are not violating the rights of its students by proselytizing and coercing students to participate in religious events or attend church. 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). If the District continues to turn a blind eye to the overt proselytization and inappropriate conduct occurring in Mrs. [REDACTED] classroom, it becomes complicit in an egregious constitutional violation and breach of trust.

Please note that it is not a violation of the free speech rights of teachers when a school district regulates what they teach or distribute 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 class. “Because the speech at issue owes its existence to [his] position as a teacher, [the School District] acted well within constitutional limits in ordering [the teacher]

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”); *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.”). Courts have upheld the termination of teachers who violate the principle of separation between church and state. *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).

It is important to note that this case is readily distinguishable from the Supreme Court’s recent ruling in *Kennedy v. Bremerton School District*. In *Bremerton*, the Court held 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. Additionally, the Court concluded the coach’s quiet private prayer was private speech. *Id.* at 2423–24 (the coach’s prayer was not given while he was performing official duties such as instructing players, discussing strategy, or encouraging better performance). In contrast, Mrs. [REDACTED] distributed proselytizing materials to students during class time and in her official role as a teacher.

The District must make certain that none of its employees are unlawfully and inappropriately indoctrinating students in religious matters by discussing their personal religious beliefs, preaching, inviting students to their church, or otherwise creating a religious environment in their classrooms. We ask that the District immediately investigate this situation and ensure that Mrs. [REDACTED] fully complies with the Establishment Clause and stops violating the rights of her students and their parents, or is removed from her position. The District should also provide additional training to administrators and teachers at Santaluces High School regarding their constitutional obligations. Please respond in writing, confirming that this letter has been received and outlining the steps the District will take to resolve this serious constitutional violation so that we may notify our complainant.

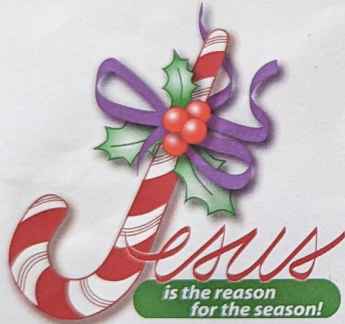
Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation

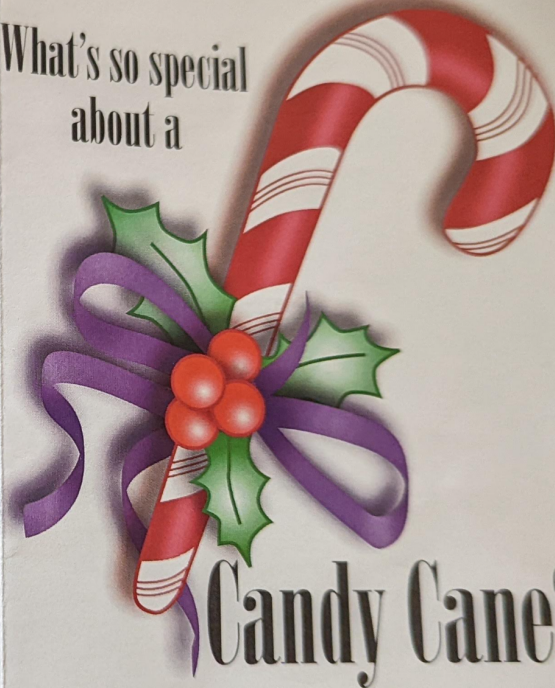
Enclosures

Please join us as we worship our Savior Jesus
 Sunday School 9am | Service 10:30am
Christmas Eve 2023
 10:30 am Morning Service
 6:00pm Candlelight Service



New Life Alliance Church
 1815 Forest Hill Blvd., WPB, FL 33460
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What's so special
 about a



Long ago there were two villages. One was in a valley, the other on a mountain top. The people in the mountain village wanted to give each person in the valley a Christmas gift... something special. Each gift had to be of equal value to each person. A decision was finally reached when the town's candy maker came up with an idea - the candy cane. Why a candy cane - and how is it tied in with the real meaning of Christmas?

1. The candy cane is in the shape of a shepherd's staff. Jesus is our Shepherd, and we are His flock. A sheep follows his own shepherd, knows his voice, trusts him and knows that he is totally safe with him. The sheep will follow no other shepherd than their own. In the same way, if we belong to Jesus, we are to follow only Him. (John 10:11; Psalm 23:1; Isaiah 40:11)
2. Turned over, the candy cane is a "J", the first letter of Jesus' name. (Luke 1:31) It is made of hard, white candy which represents Jesus' virgin birth and His pure, sinless life. He is the only human being ever who never committed a single sin, even though He was tempted just as we are. (1 Peter 2:22) It's hardness reminds us that Christ is the "rock" of our salvation.
3. The wide red stripe on the candy cane represents the blood Jesus shed on the cross for all of us so that we can have eternal life through Him. He restores us and cleans us with His shed blood - the only thing that can wash away our sin. (Luke 22:20)
4. The narrow red stripes on candy canes symbolize Jesus' stripes, or scars, which He got when He was arrested and whipped. The Bible says we are healed (of sin) because He took those wounds. (Isaiah 53:5; 1 Peter 2:24)
5. The flavoring in the candy cane is peppermint, which is similar to hyssop. Hyssop is of the mint family and was used in Old Testament times for purification and sacrifice. (John 19:29; Psalm 51:7)
6. When we break our candy cane, it reminds us that Jesus' body was broken for us. When we have communion, it is a reminder of what He did for us. (1 Corinthians 11:24)
7. AND, if we share our candy cane and give some to someone else because we love that person, we are sharing the love of Jesus. (1 John 4:7,8) God gave Himself to us when He sent Jesus to earth to save us. He loves us so much that He wants us to spend eternity with Him. We are assured of that when we accept Jesus into our hearts as our Savior. (John 1:12; John 3:3,16)

Some people believe this story of the candy cane is only a legend. Others believe it really happened this way. We do not know for sure exactly how the candy cane was invented, but one thing is certain... it is an excellent picture of Christ and His love for you. You can accept Jesus into your heart through a prayer like this:

Dear God, Thank You for loving me enough to send Jesus for Christmas. I believe Jesus died for my sins, and I accept Him now as my Savior. I promise to follow Him and share His love with others the best that I can. Amen.

From our family at New Life Alliance to yours, may you be blessed with a very meaningful and very Merry Christmas!

