

FREEDOM FROM RELIGION *foundation*

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March 29, 2024

SENT VIA EMAIL & U.S. MAIL: dorothy.zamora@hamiltonfl.com

Superintendent Dorothy Lee Wetherington-Zamora
Hamilton County School District
5686 US Highway 129 South, Suite 1
Jasper, FL 32052-3743

Re: Unconstitutional elementary school religious club

Dear Superintendent Wetherington-Zamora:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Hamilton County School District. FFRF is a national nonprofit organization with 40,000 members across the country, including more than 2,000 members and a 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.

It is our understanding that Hamilton County Elementary School has permitted the North Central Florida Fellowship of Christian Athletes to begin a new FCA club at Hamilton Elementary. A January 27, 2024 post from the official North Central Florida FCA Facebook account announced the “New Huddle” at Hamilton Elementary.¹ Please see the enclosed copy of the post.

Additionally, we are told that on February 9, 2024, [REDACTED], the District’s Assistant Superintendent, informed our complainant that the FCA is an official “student-led” organization at Hamilton Elementary. Further, Assistant Superintendent [REDACTED] told our complainant that there are no records of the FCA or an affiliated group currently renting space at Hamilton Elementary. Assistant Superintendent [REDACTED]’s response makes clear that Hamilton Elementary is allowing a religious club for children at the elementary school during the school day.

We write to request that the District immediately investigate this situation and ensure that the FCA club at Hamilton Elementary is disbanded.

It is well settled that public schools may not show favoritism towards or coerce belief or participation in religion. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *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); *McCollum v Bd. of Ed.*, 333 U.S. 203 (1948). It is inappropriate and unconstitutional for an elementary school to organize, lead, or encourage student participation in a religious club like the FCA.

¹<https://www.facebook.com/NorthCentralFloridaFCA/posts/pfbid0E2buhQCUTwwgscsrrDQEtviryNwqQD8oMxxPiswCW4N42uCr1bvPXsiYrumPDZNEI>.

Students have the First Amendment right to be free from religious indoctrination in their public schools. While the Equal Access Act protects students' right to form religious clubs in *secondary schools*, it does not apply to elementary schools. *See* 20 U.S.C. § 4071(a). Elementary students are too young to truly run a club entirely on their own initiative with no input from school staff or outside adults. The Establishment Clause prohibits school employees from organizing or leading a religious club for students and therefore prohibits religious clubs in elementary schools. Likewise, a public school cannot legally allow outside adults to run a religious club for children at an elementary school. Any claims that the Hamilton Elementary FCA club is "student led" are at best naive and at worst dishonest. Young children cannot practically initiate, organize, and run an FCA club on their own, meaning adults are the ones truly behind the club.

Based on Assistant Superintendent [REDACTED]'s response, it is our understanding that the Hamilton Elementary FCA club is taking place on school grounds during the school day. However, even if the Hamilton Elementary FCA club now claims to be run by an outside group using school property during noninstructional hours, it must satisfy the rules and regulations for rental of school facilities. *See generally Good News Club v. Milford Cent. Sch.*, 533 U.S. 98 (2001). If the FCA club is properly renting space at Hamilton Elementary for its meetings, the school cannot promote this religious club or allow the club to use school resources to promote or advertise itself.

Finally, the school's actions needlessly alienate and exclude students and families who are not Christian, including those 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 Hamilton Elementary should strive to be welcoming and inclusive of all students, not just those who subscribe to a particular brand of Christianity.

The District must immediately investigate this matter and ensure that the FCA club at Hamilton Elementary is disbanded. The District cannot allow Hamilton Elementary to violate students' First Amendment rights by organizing, leading, and promoting a religious club for elementary school children. Please respond in writing with the steps the District is taking to remedy this constitutional violation so that we may inform our complainant. Thank you for your time and attention to this matter.

Sincerely,



Samantha F. Lawrence
Anne Nicol Gaylor Legal Fellow
Freedom From Religion Foundation

Enclosure

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/.