

# FREEDOM FROM RELIGION *foundation*

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August 12, 2024

**SENT VIA EMAIL & U.S. MAIL: [rendell.mark@brevardschools.org](mailto:rendell.mark@brevardschools.org)**

Mark Rendell  
Superintendent  
Brevard Public Schools  
2700 Judge Fran Jamieson Way  
Melbourne, FL 32940

Re: Unconstitutional Religious Promotion in Football Program and **Records Request**

Dear Superintendent Rendell:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation that recently occurred in Brevard Public Schools. We are still awaiting a response to our July 28, 2023 letter regarding religious advertisements on school property. We look forward to your response to that letter and this one as well.

Multiple concerned community members have reported that the Astronaut High School football team has become entangled with religion. It is our understanding that Head Football Coach [REDACTED] hosted a baptism for his players after practice on July 18, 2024 under the guide of a Fellowship of Christian Athletes religious camp. We understand that Coach [REDACTED] asked Pastor Paul Ballington to baptize the students on school grounds after practice.<sup>1</sup>

We write to ask that you immediately investigate this incident and ensure that Coach [REDACTED] is no longer engaging in religious activities with the team or otherwise promoting his personal religious beliefs. Coach [REDACTED] cannot hide behind the Fellowship of Christian Athletes as an excuse to engage in religious activities with students. Any student religious clubs or activities must be organized and run by students, not school employees.

It is inappropriate and unconstitutional for public school coaches to engage in religious practices or prayer with students. Brevard Public Schools must ensure that any school-sponsored religious coercion ends immediately. The team's coaches must immediately cease infusing the football program with religion. They must immediately cease engaging in religious activities with the team, including any prayers or religious rituals. All coaches and staff should be instructed regarding their obligations as public school employees.

It is illegal for public school athletic coaches to lead their teams in religious activities. The Supreme Court has continually struck down school-sponsored religious activity in public schools. *See, e.g., Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000) (holding student-led prayer over the loudspeaker before football games unconstitutional. "Regardless of the listener's support for, or objection to, the

<sup>1</sup><https://flvoicenews.com/over-two-dozen-athletes-get-baptized-on-brevard-county-astronaut-high-school-football-field/>

message, an objective Santa Fe High School student will unquestionably perceive the inevitable pregame prayer as stamped with her school's seal of approval" because it occurred at a "regularly scheduled school-sponsored function conducted on school property."); *Lee v. Weisman*, 505 U.S. 577 (1992) (finding prayers at public high school graduations an impermissible establishment of religion); *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"); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963) (holding school-sponsored devotional Bible reading and recitation of the Lord's Prayer unconstitutional); *Engel v. Vitale*, 370 U.S. 421 (1962) (declaring school-sponsored prayers in public schools unconstitutional).

It is unconstitutional for public school employees to direct students to partake in religious activities. *See, e.g., 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 unconstitutional). The Fifth Circuit held that a coach's attempts to engage in religious activities with players at team events were unconstitutional because the religious promotion took place "during school-controlled, curriculum-related activities that members of the [athletic] team are required to attend. During these activities [district] coaches and other school employees are present as representatives of the school and their actions are representative of [district] policies." *Duncanville*, 70 F.3d at 406.

You may be aware that the Supreme Court held in *Kennedy v. Bremerton School District* 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. Here, rather than praying privately after games, the team's coaches have infused religion into the football program, engaging in religious worship and activities with 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. 290 at 310 (quoting *Lee*, 505 U.S. 577 at 589 (emphasis added)). The religious coercion occurring 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. This "[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.* at 309-310 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O'Connor, J., concurring)). Thirty-seven percent of the American population is non-Christian, including the almost 30 percent<sup>2</sup> who are nonreligious. At least a third of Generation Z (those born after 1996) have no religion,<sup>3</sup> with a recent survey revealing almost half of Gen Z qualify as "nones" (religiously unaffiliated).<sup>4</sup>

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<sup>2</sup> Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), [www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/](http://www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/).

<sup>3</sup> 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](http://www.deseret.com/2023/3/4/23617175/gen-z-faith-religious-nones-civic-life-volunteers-charity)

<sup>4</sup> 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/](http://www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/).

We ask that the District investigate this matter and take immediate action to protect its students. Coach [REDACTED] and any other coaches involved in this baptism, must be directed to cease including coercive religious activities and practices in the football program, and the District should consider reprimanding them for their conduct. We further request that all District coaches be reminded that they may not push their personal religious beliefs onto students 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 and please respond to the following public records request.

### **Open Records Request**

Pursuant to the Florida Sunshine Law (Fl. Stat. §119), I request a copy of the following records:

- 1) Any records related to the baptism event that took place on July 18, 2024, including any rental agreements, communications about the event sent to or from school employees, or communications sent to students about the event;
- 2) Any communications to or from Coach [REDACTED] regarding the Fellowship of Christian Athletes or the baptism event since January 2024;
- 3) All records related to the Fellowship of Christian Athletes camp held July 10-12, 2024.

If you choose to deny this request, please respond with a written explanation of the denial, including any references to applicable statutory exemptions relied upon.

If any of these records are available through electronic media, they may be e-mailed to at [records@ffrf.org](mailto:records@ffrf.org). If I can provide any clarification that will help expedite your attention to my request, please contact me at 608-256-8900. I appreciate your time and attention to this request.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is written in a cursive, flowing style.

Christopher Line  
Staff Attorney  
Freedom From Religion Foundation