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December 17, 2010



Rebecca S. Markert, Esquire
FREEDOM FROM RELIGION FOUNDATION
Post Office Box 750
Madison, WI 53701

Re: Ridgeview High School, Clay County, Florida
Prayer at Athletic Events and Staff Participation in FCA Meetings/Events

Dear Ms Markert:

I appreciated the opportunity to speak with you earlier this week regarding your letters of October 26, 2010, and December 1, 2010, regarding the above-referenced matters. As you know, I am the attorney for the School Board of Clay County, Florida, and those letters were forwarded to me by the Superintendent for review and investigation.

I have reviewed your letters and concerns. Additionally, I have interviewed and counseled the coach involved in this matter, have met with the school principal, and have done other extensive investigation. I have come to the following conclusions and, at the direction of the Superintendent, have taken the following actions:

Regarding the matter of pre-game prayer, I understand the rulings in the cases you cited and agree with your analysis as to the student-led prayer issue as it relates to the facts of the cases. In each of those cases the courts dealt with what could only be described as "organized" prayer. However, I am of the opinion that not all student-led pre-game prayer would be prohibited. I am of the opinion that spontaneous, student initiated, student-led prayer is protected free exercise of religion and we have no power to discourage or stop it. I rely on the ruling in Chandler v. Siegelman, 230 F.3d 1313 (11 CA 2000). We are part of the 11th Circuit and I consider this case controlling. However, I have explained to the coach that neither she, nor any other school employee, nor any surrogate adult is allowed to suggest or encourage any student to initiate prayer.

Rebecca S. Markert, Esquire
FREEDOM FROM RELIGION FOUNDATION
Page Two
December 17, 2010

I am very familiar with the Borden case from the 3rd Circuit to which you refer, and I consider it to be controlling in the matter of the coach or other school employee involvement in any pre-game locker room prayer. Accordingly, in the event that there is some spontaneous student-initiated, student-led prayer, the coach has been instructed to step away, not take a knee, not bow her head, not participate in any way, but to separate herself from the activity. She cannot stop the students from praying. At the same time, the coach must ensure that a coercive environment is not created. The coach cannot either encourage or discourage student-initiated/led prayer.

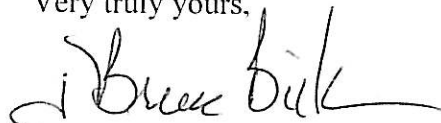
I am, for the most part, in agreement with your analysis of school employee participation in FCA matters and FCA insertion into "team building" matters and retreats. I have advised the coach and the principal that there should be no school employee participation in activities such as Fellowship of Christian Athletes and "Meet Me At The Pole" or any other religious extracurricular clubs, organizations, or groups. They understand and I am sure they will comply.

Additionally, there are to be no e-mails with personal testimony, no encouraging students to get involved with FCA, and no encouragement of any kind by the coach or any other school employee to get involved in any religious activity. Furthermore, "team building retreats" or similar activities which are for school-sponsored athletic teams must be completely secular and shall not include any religious activities.

In addition to counseling the individual coach, I made a presentation to all of the district principals as a group. I will be making the same presentation to all of the district assistant principals during the first week of January and have been requested to make the presentation to a number of the faculties of the high schools. Finally, at the direction of the Superintendent, I will meet with the entire faculty of the athletic department of Ridgeview High School during the first ten days of January to reiterate what is required. At the direction of the Superintendent, and as with all matters, we will continue to monitor and make adjustments to the program as needed to keep things on track.

I am certain that the steps we have taken are adequate. If you have any questions, please do not hesitate to call me.

Very truly yours,

A handwritten signature in black ink that reads "J. Bruce Bickner". The signature is written in a cursive style with a long horizontal flourish at the end.

J. Bruce Bickner

JBB:sgg