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The Honorable Byron Donalds
Chair
PreK-12 Quality Subcommittee
Florida House of Representatives
308 House Office Building
402 S. Monroe Street
Tallahassee, FL 32399

The Honorable Chris Latvala
Vice Chair
PreK-12 Quality Subcommittee
Florida House of Representatives
308 House Office Building
402 S. Monroe Street
Tallahassee, FL 32399

Re: Oppose HB 195 – Bible Classes Create Serious Constitutional Risks

Dear Chair Donalds and Vice Chair Latvala:

On behalf of the Florida chapters, members, and supporters of Americans United for Separation of Church and State, I write to express our opposition to HB 195, which would require district school boards to offer three different courses on the Bible: one on the Hebrew Scriptures/Old Testament, one on the New Testament, and one that is a combination of both. Any public school class dedicated solely to the Bible presents serious constitutional risks: In theory the classes can meet constitutional demands, but in practice such classes frequently violate the Constitution and can lead to costly litigation.

Furthermore, creating three new mandatory classes would come with significant administrative costs: the school district would have to spend time, money, and other resources to hire, train, and pay teachers; develop curricula; and purchase classroom materials for three new classes.

This Bill is Unnecessary and Likely a Part of Project Blitz

Florida state law already permits school boards to offer Bible courses.¹ Nonetheless, this bill would *require* each and every school district to create three Bible courses. With no real need for this bill, it appears to have been inspired by Project Blitz, an aggressive campaign in states across the country to pass laws that seek to harness the power of the government to impose the faith of some onto everyone else, including our public school students.² Bible class bills like HB 195 are part of the Project Blitz playbook.³ The playbook starts with ‘In God We Trust’ bills, which Florida passed last year, and Bible class bills. It then escalates to bills that

¹ FLA. STAT. § 1003.45.

² Congressional Prayer Caucus Foundation, [Report and Analysis on Religious Freedom Measures Impacting Prayer and Faith in America \(2018-19 Version\)](#), 4-7, last accessed February 27, 2019.

³ This bill includes language identical to the bill in the Project Blitz 148-page playbook. *See id.* at 22-25.

promote public school sponsored prayer.⁴ The final step in its plan is passing bills that would weaponize religious freedom as a means to discriminate, transforming religious freedom from a shield that protects to a sword that harms others. This includes bills that allow taxpayer-funded agencies to turn away couples seeking to foster or adopt children in need of stable and loving homes because they are same-sex or the “wrong” religion.⁵ I have enclosed with this letter a statement from 43 national organizations, including 24 religious and denominational organizations, that oppose this playbook.

The Constitution Imposes Strict Requirements on Bible Courses

A long line of court decisions makes clear that it is difficult—and public schools often fail—to meet the constitutional requirements that apply to public school Bible courses.⁶

In accordance with the Constitution, public schools may *teach about religion* but they may not *teach religion*. Public school Bible courses must be taught from a secular, non-devotional, and objective perspective—public schools may not teach that the Bible is a true and literal historical record.⁷ The courses may not teach a particular religious doctrine or a sectarian interpretation of the Bible⁸ and should expose students to critical perspectives on the Bible and a diversity of biblical interpretations.

Despite these constitutional guidelines, many public school Bible courses still become nothing more than Sunday school lessons masquerading as legitimate instruction about religion.⁹ For example, an examination of public school Bible courses across Florida found that many violated the Constitution: lessons taught Christian interpretations of passages, students were required to memorize the Ten Commandments, and classroom materials were produced by religious publishing houses.¹⁰ Materials in Hillsborough County called the Bible

⁴ *Id.* at 11-13, 116-27.

⁵ *Id.* at 88.

⁶ See, e.g., *Doe v. Porter*, 370 F.3d 558, 562 (6th Cir. 2004) (prohibiting school district from offering a class “teach[ing] the Bible as religious truth”); *Herdahl v. Pontotoc Cnty. Sch. Dist.*, 933 F. Supp. 582, 596-97 (N.D. Miss. 1996) (prohibiting school district from offering classes teaching “the Bible not as a work of fiction, but as a historic record, i.e., as a record of what actually occurred in the past”); *Doe v. Human*, 725 F. Supp. 1503, 1506 (W.D. Ark. 1989) (prohibiting school district from offering Bible classes that are “predominantly religious and devotional in nature”—even if other parts of the course are “predominantly secular”), *aff’d mem.*, 923 F.2d 857 (8th Cir. 1990).

⁷ See *Herdahl*, 933 F. Supp. at 592; *Human*, 725 F. Supp. at 1506; *Wiley v. Franklin*, 468 F. Supp. 133, 149-50 (E.D. Tenn. 1979).

⁸ See *Herdahl*, 933 F. Supp. at 592, 600; see also *Wiley*, 468 F. Supp. at 149.

⁹ See e.g., Deborah Yetter, [‘Bible literacy’ courses in some Kentucky schools are breaking the law. ACLU says](#), Louisville Courier Journal, Jan. 9, 2018 (Although Kentucky’s Bible class law incorporated some constitutional limits, an examination of courses across the state found that many violated the Constitution: students were required to watch religious videos promoting Christianity and to memorize Bible verses, and classroom materials were taken from Sunday school websites.); *Porter*, 370 F.3d at 562 (holding that a Texas public school Bible class violated the Constitution because lesson plans were “singularly religious,” with one aimed to teach “children God’s commandments and that we should obey all of them,” and another to teach children to read their Bible and pray every day.); Mark A. Chancey, [Reading, Writing & Religion II: Texas Public School Bible Courses in 2011-12](#), 27-8, 52, Texas Freedom Network Fund, 2013 (Courses in Texas teach that the Bible is the written word of God, and that “God is perfect holy and pure.”); *Herdahl*, 933 F. Supp. at 594 (finding that a pastor in Mississippi admitted that he taught his Bible class at a public school in accordance with his personal beliefs); *Human*, 725 F. Supp. at 1506 (finding that a public school teacher in Arkansas emphasized that “Jesus is our gateway to Heaven.”).

¹⁰ [Florida ‘Bible History’ Courses Violate Constitution. New Investigation Reveals](#), People For the American Way Foundation, Jan. 13, 2000.

“the most reliable source for history we have,” and a workbook in Okaloosa County asked “What is Jesus Christ’s relationship to God, to creation, and to you?”¹¹

These experiences should serve as a warning, not an invitation to create new classes. And families whose religious freedom is violated would likely have no choice but to challenge these school districts in court.

* * *

Freedom of religion means that parents—not school officials or state legislatures—have the right to direct their children’s religious education and should be able to trust that their children will not be taught someone else’s religious beliefs. Public schools, which educate the vast majority of students in the state, should ensure that every student feels welcomed and included, regardless of their religion. Likewise, parents should be able to entrust their children to the public schools without the fear that their children will be proselytized or pressured into taking classes designed to promote a particular religion.

For all the above reasons and more, please oppose HB 195.

Sincerely,



Nikolas Nartowicz
State Policy Counsel

cc: Members of the House PreK-12 Quality Subcommittee

¹¹ *Id.*