

# **EXHIBIT D**

**Subject:** Re: 2A State Football Championship  
**Date:** Monday, December 7, 2015 at 1:40:19 PM Central Standard Time  
**From:** Roger Dearing  
**To:** Heath Nivens, Tim Euler, Frank Ciresi

Mr. Nivens:

Thank you very much for your response. I am going to send a note to both you and Mr. Euler regarding the decision:

The issue of the prayer over the PA system at the football game, is a common area of concern and one that has been richly debated – and decided in the courts of the United States.

The issue is commonly referred to as the ‘separation of church and state’. The First Amendment to the United States Constitution contains a provision that prohibits the government from ‘establishing’ a religion. This has historically come to mean much more than just the federal government officially recognizing a religion, like the country of England does with the Christian Anglican Church or the country of Cambodia does with Buddhism. Rather, courts have interpreted this provision to generally mean that the government may not engage in activities that can be viewed as endorsing or sponsoring religion. For example, in 2000, the U.S. Supreme Court told a Texas high school that it cannot allow its football team members to lead a prayer on the field before the start of the game where the school allowed the team to use the stadium’s PA system to broadcast the prayer to the spectators. While no school employee was involved in the actual prayer, the Court said the school gave the impression that it was endorsing the prayer by allowing the use of its PA system and allowing the prayer as part of the pre-game ceremonies.

This incident involving the request for the FHSAA, which is determined to be a ‘State Actor’ by the Florida Courts, to allowing an opening prayer at the start of the football game over the PA system is directly on point with the decision which was handed down by the Supreme Court of the United States in 2000.

The fact of the matter is that both schools involved had prayer on the field, both before and after the football game. The issue was never whether prayer could be conducted. The issue was, and is, that an organization, which is determined to be a ‘state actor,’ cannot endorse nor promote religion. The issue of prayer, in and of itself, was not denied to either team or anyone in the stadium. It is simply not legally permitted under the circumstances, which were requested by Mr. Euler

Whether we agree with the decision of the United State Supreme Court or not, is of little consequence. The issue is that we will obey and uphold the law of the land.

[cid:73211284-2093-4995-94E3-95A4F7F5470B]

Dr. Roger Dearing

Executive Director

(352) 372 – 9551, Ext. 110

“Building leaders through teamwork, sportsmanship and citizenship”

[cid:107F2AD3-2013-440B-9405-8957CA0DCFB5]

From: Heath Nivens <[heathnivens@ucsjax.com](mailto:heathnivens@ucsjax.com)<<mailto:heathnivens@ucsjax.com>>>

Date: Wednesday, December 2, 2015 at 10:12 PM

To: rdearing <[rdearing@fhxaa.org](mailto:rdearing@fhxaa.org)<<mailto:rdearing@fhxaa.org>>>, Tim Euler

<[teuler@ccslancers.com](mailto:teuler@ccslancers.com)<<mailto:teuler@ccslancers.com>>>, Frank Ciresi

<[frankciresi@ucsjax.com](mailto:frankciresi@ucsjax.com)<<mailto:frankciresi@ucsjax.com>>>

Subject: Re: 2A State Football Championship

Dr. Dearing,

Thank you for the thought and consideration you and your team placed into the decision. The last thing either of our schools wish to do is bring a violation to the FHSAA. While I do not like the decision, I do understand it, respect it and appreciate the timely communication.

Thank you!

On Wednesday, December 2, 2015, Roger Dearing <[rdearing@fhsaa.org](mailto:rdearing@fhsaa.org)<<mailto:rdearing@fhsaa.org>>> wrote:  
Dear Mr. Euler and Mr. Nivens:

Thank you very much for your note. After consulting the Association attorney, and his review of 18 pages of case summaries, I'm afraid I am not able to comply with your wish.

Although both schools are private and religious-affiliated institutions, the federal law addresses two pertinent issues that prevent us from granting your request.

First is the fact that the facility is a public facility, predominantly paid for with public tax dollars, makes the facility 'off limits' under federal guidelines and precedent court cases.

Second, is the fact that in Florida Statutes, the FHSAA (host and coordinator of the event) is legally a 'State Actor', we cannot legally permit or grant permission for such an activity.

I totally understand the desire, and why your request is made. However, for me to grant the wish could subject this Association to tremendous legal entanglements.

I'm sorry, and I hope you can understand.

[cid:BF517C92-B3FF-4462-AE10-1B3F6C996F2B]

Dr. Roger Dearing

Executive Director

(352) 372 – 9551, Ext. 110

"Building leaders through teamwork, sportsmanship and citizenship"

[cid:8C692C89-96CB-486C-A8D2-66456FC6A312]

From: Tim Euler <[teuler@cslancers.com](mailto:teuler@cslancers.com)<[javascript:;><mailto:teuler@cslancers.com<javascript:;>>](mailto:teuler@cslancers.com)>>

Date: Wednesday, December 2, 2015 at 12:32 PM

To: rdearing <[rdearing@fhsaa.org](mailto:rdearing@fhsaa.org)<[javascript:;><mailto:rdearing@fhsaa.org<javascript:;>>](mailto:rdearing@fhsaa.org)>>

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Subject: 2A State Football Championship

Dr. Dearing:

I pray this emails finds you having a great start to the winter sports season and getting excited about the football State Championships coming up. I know that our community, Cambridge Christian School, is excited to travel to Orlando to compete against University Christian. I spoke with my Athletic Director today about the conference call earlier this week and he stated it went well. There was one item that I was a bit confused and frankly concerned about. University Christian requested that prayer occur before the game and that request was denied. I know our Athletic Director supported that request. This leads me to emailing you. I am requesting as Head of School at Cambridge Christian School, that the Florida High School Athletic Association allow two Christian schools to honor their Lord before the game and pray. I am requesting that it be allowed to occur over the loud speaker. I am more

than willing to lead the fans, players, and coaches in prayer or I am certain that Pastor Ciresi from University would be willing to do so. I do not believe, with two Christian Schools playing, this to be an unreasonable request. I look forward to hearing a response.

Thank you again for serving our schools and we are thankful for hours of hard work that FHSAA gives serving our schools.

Tim Euler, M. Ed.

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