



May 22, 2009
By U.S. mail and facsimile

Diane Coleman, Member
Ed Gray III, Member
JoAnn Simpson, Member
Diane Scott, Member
Hugh Winkles, Member
SANTA ROSA COUNTY SCHOOL BOARD
5086 Canal Street
Milton, Florida 32570

Tim Wyrosdick, Superintendent
SANTA ROSA COUNTY SCHOOL DISTRICT
5086 Canal Street
Milton, Florida 32570

Bill Emerson, Director of High Schools
SANTA ROSA COUNTY SCHOOL DISTRICT
5086 Canal Street
Milton, Florida 32570

Dale Westmoreland, Principal
JAY HIGH SCHOOL
13863 Alabama St.
Jay, Florida 32565

Dear Board Members, Superintendent Wyrosdick, Director Emerson, and Principal Westmoreland:

The Alliance Defense Fund ("ADF") represents Johnny Wolfe, a teacher at Jay High School. Mr. Wolfe has asked that we notify you about recent unlawful discrimination against him by District officials. Please send all correspondence concerning this matter to my attention.

District officials informed Mr. Wolfe that he and other teachers are prohibited from participating in the private baccalaureate services scheduled to occur on Sunday evening, May 31, 2009, and would be terminated if they chose to do so. This non-school event is sponsored by the local ministerial association, which is renting a school facility in accordance with the District's facility use policy for community groups.

As we highlighted in our May 14, 2009 letter to the District, while we appreciate the District's concern for abiding by the recent Consent Order filed in *Doe v. School Board for Santa Rosa County*, No. 08-cv-361 (M.D.Fla. 2008), allowing District employees on their own time and in their individual capacities – which is exactly the case on a Sunday night to attend or participate in a private religious service – in no way violates this Order. And if it did, the Order itself would be unconstitutional. We appreciate the fact that you're dealing with a difficult situation, but your interpretation of the Consent Order (an order that you voluntarily agreed to) violates your employees' constitutional rights. Without question, Mr. Wolfe's, and any other teacher's, personal capacity participation in the private baccalaureate services is private speech. The District's restriction on this private religious expression violates the First Amendment.

Please respond to this letter in writing by 12:00 p.m. EST on Tuesday, May 26, 2009 and provide assurances that District officials will immediately cease from prohibiting Mr. Wolfe and any other District employees from attending or participating in the baccalaureate, or any other religious service or event, while on their own time and in their personal capacities.

Please also assure us that the District will immediately notify all of its employees of this decision in writing, and send a copy of such notification to us.

If you choose not to provide these assurances by the date and time above, we will advise Mr. Wolfe of his right to seek legal redress in federal court.

Sincerely,



David A. Cortman
Senior Legal Counsel

cc: Johnny Wolfe