

FLORIDA DEPARTMENT OF EDUCATION



John L. Winn
Commissioner of Education



September 19, 2005

MEMORANDUM

TO: Florida School District Superintendents

FROM: Linda Champion

SUBJECT: Guidelines and Certification Regarding Constitutionally Protected Prayer in All Public Elementary and Secondary Schools.

Section 9524 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001, requires that each local educational agency (LEA), as a condition of receiving ESEA funds, must certify in writing that it has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public schools as set forth in the attached "Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools" published by the U.S. Department of Education (USDE).

Please be reminded that each LEA is to provide this annual certification (see attached form) to the Florida Department of Education (Department) by October 1, 2005. The Department must provide USDE with a list of local education agencies that have not filed the required certification or against which complaints have been received by the Department. LEAs that fail to file the certification, or file it in bad faith, may be subject to enforcement measures by the state or the USDE. Such measures may include the withholding of federal funds.

Please review the governing constitutional principles and the specific applications set forth in the USDE guidance attached to this memorandum as you determine whether your district or

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agency has any policies or practices that may violate federal constitutional law. The attached certification should then be signed and forwarded to the following address: Department of Education, No Child Left Behind, Attn: Lou Marsh, 325 West Gaines Street, Turlington Building, Suite 348, Tallahassee, FL 32399-0400. Please contact Leanna Durkin at (850) 245-0501 or leanna.durkin@fldoe.org if you have any questions regarding your certification.

Thank you for your cooperation.

Attachments