

**PAUL R. GREEN, P.A.**  
ATTORNEY AT LAW

6866 Oak Street, P.O. Box 605  
Milton, Florida 32572

Tel. 850-623-3841  
Fax 850-623-3555

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September 16, 2015

Amanda Knief  
American Atheists Legal Center  
1220 L Street, NW, Ste. 100-313  
Washington, DC 20005

RE: School Board of Santa Rosa County, Florida/Your letter of September 8, 2015

Dear Ms. Knief:

I am General Counsel to the School Board of Santa Rosa County, Florida. Mr. Timothy Wyrosdick, Superintendent of Schools, has provided me with a copy of your letter to him dated September 8, 2015. He has asked me to review the matter set forth in the letter and to prepare an appropriate response to you. Accordingly, I submit the following.

The teacher at the school says the student did not indicate he wished to refuse to stand, but rather that "I am tired" or, perhaps, "I'd rather not stand because I am tired". The teacher simply said to the student, "surely you aren't too tired to stand?" Apparently, the student did then decide to stand. No one in the class made an issue of this nor kidded, harassed or ridiculed the student.

I do not believe we have a significant different view on the status of the law in this matter. In addition to what you cited, I would note that in 2006 in a case heard by the U.S. District Court for the Southern District of Florida, the court held that requiring parents to consent, as required by the language of F.S. 1003.44, was also unconstitutional. So, apparently we have a Florida Statute which has been found to be unconstitutional in significant parts. Some Districts in Florida apparently provide the "Notice" via their School Board policies. You might want to check the School Board policies in the "Polk County School District" to see how they handled it. However, it appears to me that perhaps the provision in F.S. 1003.44, which requires the posting of a Notice, remains valid even though much of the remainder of the statute has been found unconstitutional.

If the requirement to post a Notice in the classroom is still the law, I will propose the following language be posted:

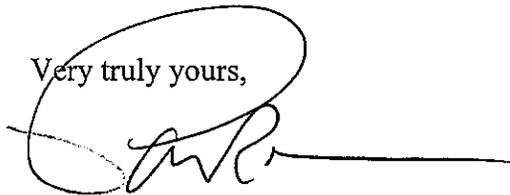
“Students are invited to stand for the Pledge of Allegiance to the flag of our country, but they are not required to do so.”

Further, verbal notification will be provided in situations where students do not have the ability to read the posted notice.

Certainly, there has not been retaliation in the case of your client nor any other student and there will be none should a student elect not to stand for the pledge of allegiance.

Please contact me directly if you wish to discuss the matter further.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Paul R. Green', with a long horizontal line extending to the right.

Paul R. Green

PRG/crm

cc: Timothy Wyrosdick  
Robert Sniffen