

PROCEDURES GOVERNING OPENING INVOCATIONS AT REGULAR SCHOOL BOARD MEETINGS

Pursuant to School Board Policy 0165, it is the policy of the Board to allow for an opening invocation—which may include a prayer or short solemnizing message—to be offered before its regularly scheduled meetings for the benefit of the Board. The purpose of the invocation is to assist Board Members in setting their minds to a higher purpose and to ease their task of governing the school district. The invocation will be offered only at meetings where the Board sits as a local legislative body. This policy is not intended, and shall not be construed in any way, to affiliate the Board with, or express the Board’s preference for, any faith or religious denomination.

PROCEDURES

Before each regular school board meeting, an individual or representative of a local spiritual assembly will be invited to solemnize the proceedings of the School Board by offering an invocation not to exceed two (2) minutes in length, which may include a prayer or brief solemnizing remarks, to accommodate the spiritual needs of the Board Members, assist them in setting their minds to a higher purpose, and ease their task of governing the school district. The following procedures and rules of conduct will be followed.

I. Compilation of Spiritual Assembly Database & Selection of Invocation Speakers

An invocation shall be voluntarily delivered by a spiritual leader or representative of a spiritual assembly that serves the residents of Miami-Dade County, Florida. To ensure that such person (the “Invocation Speaker”) is selected from among a wide, diverse pool of representatives, on a rotating basis, Invocation Speakers shall be selected as follows:

A. The Superintendent of Schools or designee shall compile and maintain a database (the “Spiritual Assembly Database”) of the names and addresses—including email addresses, if available—of spiritual leaders and representatives of spiritual assemblies that serve the residents of Miami-Dade County.¹ This will ensure that the invocation comports with the traditional and historical practice of petitioning for spiritual guidance upon the legislative deliberations of the School Board.

B. The Spiritual Assembly Database is compiled and used for the purposes of logistics, efficiency, and equal opportunity for all of Miami-Dade County’s spiritual leaders and assemblies, who may themselves choose whether to respond to the School Board’s invitation to deliver an invocation. The Spiritual Assembly Database

¹ Individuals and assemblies from surrounding areas may also be added to the Spiritual Assembly Database if it is evident that the individual or assembly serves the residents of Miami-Dade County.

shall be compiled by using reasonable efforts to identify spiritual leaders and assemblies that serve the residents of Miami-Dade County, with resort to:

1. Internet searches using terms including but not limited to “church,” “congregation,” “spiritual center,” “mosque,” “temple,” and “synagogue”;
2. Lists of invocation speakers already compiled by other local legislative bodies, as well as those of local fire departments, law enforcement agencies, or military units; and
3. Spiritual assemblies and individuals associated with Community-Based Organizations.

The Spiritual Assembly Database shall be reviewed and updated annually.

C. Any spiritual leader or representative of a spiritual assembly serving the residents of Miami-Dade County is eligible to be added to the Spiritual Assembly Database. If a spiritual leader or representative of a spiritual assembly is not already on the Spiritual Assembly Database, he or she may submit a written request to the Superintendent or Superintendent’s designee to be included in the database.

D. Should a question arise as to whether a spiritual leader or assembly serves the residents of Miami-Dade County, the Superintendent may refer to resources including the Florida Division of Corporations and criteria used by the Internal Revenue Service (“I.R.S.”) in its determination of those organizations that would legitimately qualify for I.R.C. § 501(c)(3) tax-exempt status or other I.R.S. tax-exempt status.

E. To ensure that a diverse group of individuals and assemblies deliver the invocation on a random, rotating basis, with no individual or organization given preference or advantage over another, a lottery system will be used. Each month, the Superintendent or designee will draw three (3) individuals or assemblies from the existing Spiritual Assembly Database using randomizing software. The first individual or assembly drawn from the Spiritual Assembly Database will then be mailed or emailed the following invitation from the Superintendent or designee, which the Superintendent or designee shall sign and date:

Dear Spiritual Leader:

The School Board of Miami-Dade County, Florida, makes it a practice to invite spiritual leaders and assemblies that serve the residents of Miami-Dade County to voluntarily offer an invocation before the beginning of its meetings. As a spiritual leader or representative of a spiritual assembly that serves the residents of Miami-Dade County, you have been randomly selected to deliver an invocation at the upcoming regular School Board meeting taking place on: _____.

If you are willing to deliver an invocation on the date listed above, please send a signed, written reply at your earliest convenience—but no later than five (5) business days from the date of this letter—to the Superintendent of Schools at the address on this letterhead. If no signed, written reply is received, an alternate speaker may be chosen to deliver the invocation.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect, the School Board requests only that the invocation be delivered to the Board itself, and that opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker or to disparage any faith or belief different than that of the invocation speaker.

On behalf of the School Board of Miami-Dade County, Florida, I thank you in advance for considering this invitation.

Sincerely,

Superintendent of Schools

F. If the invited individual or assembly declines this invitation in writing or fails to respond to the invitation within five (5) business days from the date of the letter, the next individual or assembly randomly drawn from the Spiritual Assembly Database will be invited to deliver the invocation in the same manner described above until the invitation is accepted.

G. No individual or representative of an assembly can be scheduled to deliver an invocation within one year after having already delivered the invocation. If an individual or assembly is randomly drawn a second time within one year after having already delivered an invocation, an alternate speaker will be invited in the same manner described above.

II. Delivery of Invocation and Rules of Conduct

In addition to the rules of decorum set out in School Board Policy 0169.1, *Public Participation at Board Meetings*, hereby incorporated by reference, the invocation will comply with the following rules:

A. Neither the School Board Chair, any other School Board member, nor the Superintendent shall deliver the invocation. The invocation will be delivered before the Pledge of Allegiance and before the Chair's gavel is pounded. Although the invocation shall be listed in the regular meeting agenda, it shall not be considered an agenda item for the meeting or part of the Board's public business. To clarify this point, each regular meeting agenda shall contain the following disclaimer in at least 10-point font:

Any invocation that may be offered before the official start of the regular School Board meeting is and shall be the voluntary offering of a private citizen to and for the benefit of the School Board pursuant to School Board Policy 0165. The views and beliefs expressed by the Invocation Speaker have not been previously reviewed or approved by the School Board. Nor are the views or beliefs expressed intended to express allegiance to or preference for any particular religion, denomination, faith, creed, or belief system of or by the School Board. No person in attendance at this meeting is or shall be required to participate in any invocation and such decision whether or not to participate will have no impact on any meeting attendee's right to actively participate in the public meeting.

B. No member or employee of the School Board, or any other person in attendance, shall be required to participate in any prayer that is offered, and such decision shall have no impact on the ability of the person to actively participate in the business of the School Board.

C. No member or employee of the School Board will direct members of the public to stand, bow, or in any way participate in the prayer; make public note of a person's presence or absence, or attention or inattention during the invocation; or indicate that decisions of the School Board will in any way be influenced by a person's acquiescence in the prayer opportunity.

D. No Invocation Speaker shall receive compensation for delivering the invocation.

E. No guidelines or limitations shall be issued regarding an invocation's content except that no invocation should proselytize any faith or disparage the religious faith or non-religious views of others. No member or employee of the School Board shall engage in any prior inquiry, review of, or involvement in, the content of any invocation offered by the Invocation Speaker.

F. Should the scheduled Invocation Speaker not appear at the appointed time to deliver the invocation, the School Board Chair will proceed with the pledge of allegiance and moment of silence, and no invocation will be delivered.

G. Neither the Board nor its employees will interrupt the invocation or dismiss the Invocation Speaker based on the content of the invocation. If, however, the Invocation Speaker: (a) has publicly stated an intention to misuse the opportunity to deliver the invocation by destroying the solemnity of the occasion; (b) uses the opportunity to deliver the invocation to mock or disparage the beliefs of others; (c) engages in substantially disruptive behavior or behavior that violates School Board Policy 0169.1; or (d) engages in behavior other than offering a verbal invocation intended to guide the Board Members in their duties as legislators, the invitation to

deliver the invocation may be immediately rescinded. If a violation of these rules occurs during the invocation, the invocation speaker may be asked to step down from the lectern and may be barred from further opportunities to deliver the invocation.

References: U.S. Const. Amend. 1; *Town of Greece v. Galloway*, 134 S.Ct. 1811 (2014); *Marsh v. Chambers*, 463 U.S. 783 (1983); *American Humanist Assoc. v. McCarty*, 851 F.3d 521 (5th Cir. 2017); *Pelphrey v. Cobb Cnty., Ga.*, 547 F.3d 1263 (11th Cir. 2008); *Atheists of Fla., Inc. v. City of Lakeland, Fla.*, 713 F.3d 577 (11th Cir. 2013); *Fields v. Speaker of Pa. H. of Reps.*, 936 F.3d 142 (3d Cir. 2019).

Reservation of Authority: The School Board reserves the right to revise these procedures as necessary. If any section, subsection, sentence, clause or provision of these procedures is held invalid by a court of competent jurisdiction, the remainder of these procedures shall not be affected by such invalidity.

(08/10/2023)