

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**AMERICAN CIVIL LIBERTIES UNION)
OF TENNESSEE; JANE DOE as the Natural)
Parent and Next Friend of her Minor Children)
HARLEY DOE, TAYLOR DOE, and HUNTER)
DOE; JANE ROE, as the Natural Parent and)
Next Friend of her Minor Child JENNIE ROE;)
JANE SMITH, as the Natural Parent and)
Next Friend of her Minor Children PAT SMITH,)
JAMIE SMITH, and JESSIE SMITH; and)
JOHN and JANE JONES, as the Natural)
Parents and Next Friends of their Children)
RORY JONES and RILEY JONES;)**

Plaintiffs,

vs.

**THE SUMNER COUNTY BOARD OF)
EDUCATION; BENNY BILLS, Former)
Director of Schools for the Sumner County)
Board of Education; DEL PHILLIPS, Director)
of Schools for the Sumner County Board of)
Education; TIM BREWER, Member, Sumner)
County Board of Education; DAVID BROWN,)
Member, Sumner County Board of Education;)
BETH COX, Member, Sumner County Board of)
Education; ANDY DANIELS, Member, Sumner,)
County Board of Education; WILL DUNCAN,)
Member, Sumner County Board of Education;)
SHANNON DUNN, Member, Sumner County)
Board of Education; GLEN GREGORY,)
Member, Sumner County Board of Education;)
DANNY HALE, Member, Sumner County)
Board of Education; DON LONG, Member,)
Sumner County Board of Education; VANESSA)
SILKWOOD, Member, Sumner County Board)
of Education; TED WISE, Member, Sumner)
County Board of Education; FRANK)
CARDWELL, Principal, Beech High School;)
AHMED WHITE, Principal, T.W. Hunter)
Middle School; OPAL POE, Former Principal,)
Robert E. Ellis Middle School; DARREN)
FRANK, Principal, Robert E. Ellis Middle)
School; ROBIN HOOD, Principal, Madison)
Creek Elementary School; JEWELL MCGHEE,)
Former Principal, Indian Lake Elementary)
School; ONDIE MITCHELL, Principal, Indian)**

Civil Action No. 3:11-cv-0408

**Judge Kevin Sharp
Magistrate Judge Joe Brown**

Lake Elementary School

)

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Defendants.

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**FIRST AMENDED COMPLAINT FOR
DECLARATORY, INJUNCTIVE RELIEF AND NOMINAL DAMAGES**

Plaintiffs American Civil Liberties Union of Tennessee; Jane Doe, individually and as the natural parent and next friend of her minor children, Harley Doe, Taylor Doe, and Hunter Doe; Jane Roe, individually and as the natural parent and next friend of her minor child, Jennie Roe; Jane Smith, individually and as the natural parent and next friend of her minor children Pat Smith, Jamie Smith, and Jessie Smith; and John and Jane Jones, individually and as the natural parents and next friends of their minor children Riley Jones and Rory Jones (“Plaintiffs”) respectfully represent as follows:

I. SUMMARY OF ACTION

1. This is a civil rights case arising out of unconstitutional religious activities that have taken place and that continue to take place throughout the public schools of Sumner County, Tennessee (“Sumner County Schools”). This action seeks declaratory and injunctive relief and nominal damages for the pattern and practice of the Defendants’ endorsement and promotion of religious activities during, but not exclusively at, the following: 1) graduation ceremonies and events; 2) classroom instruction and activities; and 3) non-instructional time. Plaintiffs allege that these actions by Defendants are in violation of the Establishment Clause of the First Amendment of the United States Constitution because the Defendants are acting under color of law contrary to 42 U.S.C. § 1983; and in violation of Article I, Section 3 of the Tennessee Constitution. Plaintiffs ask that these actions be declared unconstitutional and illegal, and that this Court enjoin Defendants from engaging in any further such activity.

II. JURISDICTION

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) for causes of action arising under the First and Fourteenth Amendments to the Constitution of the United States of America and 42 U.S.C. § 1983 and § 1988 and 28 U.S.C. § 2201 and § 2202.

III. PARTIES

3. The Plaintiffs herein are:

- a) The American Civil Liberties Union of Tennessee, Inc. (“ACLU-TN”), is a nonpartisan domestic nonprofit organization with its principal office in Nashville, Davidson County, Tennessee. ACLU-TN has individual members throughout Tennessee, including many who are residents of Sumner County, Tennessee. ACLU-TN’s membership includes parents of students that attend the Sumner County Public Schools. ACLU-TN’s mission is to promote and protect constitutional rights in Tennessee. ACLU-TN has worked to protect religious freedom throughout Tennessee for four decades, through public education, advocacy, lobbying, and litigation.
- b) Jane Doe, an individual of the full age of majority who is domiciled in Sumner County, Tennessee and who is the natural parent and next friend of her minor children, Harley Doe, Taylor Doe, and Hunter Doe:

- 1) Harley Doe attends Beech High School.
- 2) Taylor Doe attends T.W. Hunter Middle School.
- 3) Hunter Doe attends Madison Creek Elementary.

- c) Jane Roe, an individual of the full age of majority who is domiciled in Sumner County, Tennessee and who is the natural parent and next friend of her minor child, Jennie Roe:

- 1) Jennie Roe attends Beech High School.

- d) Jane Smith, an individual of the full age of majority who is domiciled in Sumner County, Tennessee and who is the natural parent and next friend of her minor children Pat Smith, Jamie Smith, and Jessie Smith:

- 1) Pat Smith attends Robert E. Ellis Middle School.

- 2) Jamie Smith attends Indian Lake Elementary School.

- 3) Jessie Smith attends Indian Lake Elementary School.

- e) John and Jane Jones, individuals of the full age of majority who are domiciled in Sumner County, Tennessee and who are the natural parents and next friends of their minor children Rory Jones and Riley Jones:

- 1) Rory Jones attends Robert E. Ellis Middle School.

- 2) Riley Jones attends Indian Lake Elementary School.

4. Defendants are:

- a) The Sumner County Board of Education, the local education agency (LEA) for Sumner County, Tennessee, authorized pursuant to T.C.A. § 49-1-102(c) and acting under the color of law.
- b) Defendant Benny Bills, former Director of Schools for the Sumner County Board of Education, whose duties included “seeing that the laws relating to the schools and rules of the state and the local board of education are faithfully executed” pursuant to T.C.A.

§ 49-2-301 (b)(1)(A). At all material times through, on information and belief, June or July 2011, this Defendant was employed by the Sumner County Board of Education and acting under color of law.

- c) Defendant Del Phillips, Director of Schools for the Sumner County Board of Education, whose duties include “seeing that the laws relating to the schools and rules of the state and the local board of education are faithfully executed” pursuant to T.C.A. § 49-2-301 (b)(1)(A). On information and belief, this Defendant has been employed by the Sumner County Board of Education as the Director of Schools and acting under color of law since June or July 2011.
- d) Defendant Tim Brewer is a member of the Sumner County Board of Education. At all material times, this Defendant as a member of the Sumner County Board of Education was acting under color of law.
- e) Defendant David Brown is a member of the Sumner County Board of Education. At all material times, this Defendant as a member of the Sumner County Board of Education was acting under color of law.
- f) Defendant Beth Cox is a member of the Sumner County Board of Education. At all material times, this Defendant as a member of the Sumner County Board of Education was acting under color of law.
- g) Defendant Andy Daniels is a member of the Sumner County Board of Education. At all material times, this Defendant as a member of

the Sumner County Board of Education was acting under color of law.

- h) Defendant Will Duncan is a member of the Sumner County Board of Education. At all material times, this Defendant as a member of the Sumner County Board of Education was acting under color of law.
- i) Defendant Shannon Dunn is a member of the Sumner County Board of Education. At all material times, this Defendant as a member of the Sumner County Board of Education was acting under color of law.
- j) Defendant Glenn Gregory is a member of the Sumner County Board of Education. At all material times, this Defendant as a member of the Sumner County Board of Education was acting under color of law.
- k) Defendant Danny Hale is a member of the Sumner County Board of Education. At all material times, this Defendant as a member of the Sumner County Board of Education was acting under color of law.
- l) Defendant Don Long is a member of the Sumner County Board of Education. At all material times, this Defendant as a member of the Sumner County Board of Education was acting under color of law.
- m) Defendant Vanessa Silkwood is a member of the Sumner County Board of Education. At all material times, this Defendant as a member of the Sumner County Board of Education was acting under color of law.

- n) Defendant Ted Wise is a member of the Sumner County Board of Education. At all material times, this Defendant as a member of the Sumner County Board of Education was acting under color of law.
- o) Defendant Frank Cardwell is the principal of Beech High School and employed by the Sumner County Board of Education. At all material times, this Defendant as an employee of the Sumner County Board of Education was acting under color of law.
- p) Defendant Ahmed White is the principal of T.W. Hunter Middle School and employed by the Sumner County Board of Education. At all material times, this Defendant as an employee of the Sumner County Board of Education was acting under color of law.
- q) Defendant Opal Poe is the former principal of Robert E. Ellis Middle School and, on information and belief, was employed by the Sumner County Board of Education until June or July 2011. At all material times until June or July 2011, this Defendant as an employee of the Sumner County Board of Education was acting under color of law.
- r) Defendant Darren Frank is the principal of Robert E. Ellis Middle School and, on information and belief, has been employed by the Sumner County Board of Education in that capacity since June or July 2011. At all material times since June or July 2011, this Defendant as an employee of the Sumner County Board of Education was acting under color of law.
- s) Defendant Robin Hood is the principal of Madison Creek Elementary School and employed by the Sumner County Board of

Education. At all material times, this Defendant as an employee of the Sumner County Board of Education was acting under color of law.

- t) Defendant Jewell McGhee is the former principal of Indian Lake Elementary School and, on information and belief, was employed by the Sumner County Board of Education until June or July 2011. At all material times until June or July 2011, this Defendant as an employee of the Sumner County Board of Education was acting under color of law.
- u) Defendant Ondie Mitchell is the principal of Indian Lake Elementary School and, on information and belief, has been employed by the Sumner County Board of Education in that capacity since June or July 2011. At all material times since June or July 2011, this Defendant as an employee of the Sumner County Board of Education was acting under color of law.
- v) All individual defendants who remain employed by the Sumner County Board of Education are sued in their official capacities and in their individual capacities.
- w) All individual defendants who are no longer employed by the Sumner County Board of Education are sued in their individual capacities.

5. Upon Plaintiffs' information and belief all individually named Defendants are of the full age of majority.

IV. STANDING

6. All Plaintiffs have standing to pursue this matter.

7. ACLU-TN has membership standing as one or more of its members reside in Sumner County, Tennessee and has/have a child/children that attend the Sumner County Schools.

8. The individual Plaintiffs are all domiciled in Sumner County, Tennessee (“Sumner County”).

9. The individual Plaintiffs are citizens and taxpayers in Sumner County, make purchases in Sumner County, and pay sales tax slated by both the state and Sumner County for public education.

10. The Does, Roes, Smiths, and Joneses collectively have suffered actual and palpable injury as they were present and witnessed the Defendants’ illegal actions that constitute governmental intrusion upon a family’s private religious belief.

11. The Defendants’ actions alleged in this Complaint were, and continue to be, highly offensive to Plaintiffs.

12. Alternatively, the individual Plaintiffs allege taxpayer standing.

13. Under Tennessee’s Basic Education Program, T.C.A. § 49-1-301, *et seq.*, Tennessee county school systems are required to contribute to the funding of school classroom and non-classroom functions.

14. Sumner County Schools meet their local funding requirement through a combination of local property taxes and sales taxes.

15. The unconstitutional behavior complained of in this Complaint was furthered and occasioned by an indirect disbursement of school funds raised indirectly through taxes paid by Plaintiffs.

16. The expenditure of school funds to advance the unconstitutional activities complained of necessarily allows Plaintiffs to have standing as taxpayers to complain of the unconstitutional actions.

17. Throughout the School District, school officials have persistently and pervasively used their official positions to promote their religious beliefs. Specifically, for at least the past five years, school officials have cultivated well-established policies, practices, and customs authorizing, sponsoring, or supporting a particular religious viewpoint.

18. In accordance with District-wide policy, practice, and custom, school officials frequently sponsor or approve the promotion of a particular religious belief during various school events and activities, including graduations, reward programs, and extracurricular activities.

19. Students, such as the Plaintiffs, are a captive audience for school officials' religious displays and activities, and therefore, are subjected to unconstitutional religious coercion.

V. FACTS

20. In accordance with District-wide policy, practice, and custom, school officials promote their personal religious beliefs, as well as proselytizing to students in class and during extracurricular activities.

21. School officials provide the sound system through which religious events are advertised, in addition to selecting and making available the venue for the presentation of these religious messages.

22. School principals, including Defendant Frank Cardwell, Defendant Ahmed White, Defendant Opal Poe, Defendant Darren Frank, Defendant Robin Hood, Defendant Jewell McGhee, and Defendant Ondie Mitchell have, or had, final control over the content and design of school events and activities.

23. School officials have final control over whether to include religious messages at school events and activities.

Distribution of Bibles

24. Beginning at least as early as 2006, there has been a pattern and practice of the endorsement of religion by Sumner County Schools in that, year after year, the Defendants have allowed members of Gideon's International into the schools to distribute Bibles directly to public school students.

25. On October 13, 2010, two men visited the Indian Lake Elementary School to distribute New Testament Bibles to the children. The Bibles were placed on a table in the hallway (outside of Christina Pursley's classroom) and the children were instructed by their teacher, Christina Pursley, to line up and take a Bible if they wanted one. On information and belief, every child took a Bible. Fifth grade teacher Pursley instructed each student to write his or her name and the date in his or her Bible. Plaintiffs hereby incorporate as Exhibit 1 to this Amended Complaint Exhibit 1 to the initial complaint [Doc. No. 1-1.]. This exhibit depicts the cover and first pages of the type of Bible described in this paragraph.

26. In the fall of 2006, Jennie Roe attended Madison Creek Elementary School. While a Fifth grade student at Madison Creek, Jennie Roe received a New Testament Bible from people who entered her school to distribute Bibles to students during instructional time.

27. Plaintiffs Jessie Smith, Hunter Doe, and Riley Jones have not yet reached the Fifth grade where Gideon's Bibles are traditionally distributed in the aforementioned elementary schools, but anticipate that they too may be given a Bible during instructional time when they enter the Fifth grade at their public elementary schools.

Invocations at School Board Meetings

28. On information and belief, it has often been the custom and practice of the Sumner County Board of Education to begin each School Board meeting with a prayer.

29. On at least one occasion, the opening prayer has consisted of a lengthy sermon which was delivered by Reverend Will Duncan. Rev. Duncan is a school board member and a

Defendant in this action. Plaintiffs hereby incorporate as Exhibit 2 to this Amended Complaint Exhibit 2 to the initial complaint, which was filed subsequent to the filing of the initial complaint pursuant to the Court's order [Doc. No. 19.]. This exhibit is a DVD of the Sumner County Board of Education meeting in which Rev. Duncan offered a prayer and sermon.

30. Students oftentimes attend School Board meetings along with members of the general public.

Teacher Endorsement of Religion

31. As of April 2011, a cross was on display in the classroom of T.W. Hunter Middle School teacher Erin Smith. The cross was displayed above the white board, which is used for student instruction and was clearly visible to T.W. Hunter Middle School students.

32. The Fellowship of Christian Athletes Club at T.W. Hunter Middle School meets from 7:10 a.m. until 7:30 a.m. in the band room. Teachers have attended and actively participated in these meetings in addition to serving in a supervisory capacity.

33. Routinely during the lunchtime periods at T.W. Hunter Middle School, Guidance Counselor Robin Spangler has announced to all of the students in the cafeteria words to the effect of "It is time for Bible Study. Anybody who would like to join can meet in X classroom." On information and belief, Ms. Spangler attends these Bible Study sessions with the students.

34. On the evening of November 9, 2010, the Ellis Middle School chorus performed its fall program at the school. The middle school students, including Rory Jones, performed nine songs that evening. Of the nine songs, two were patriotic in nature (Star Spangled Banner and United We Stand); however, the remaining seven songs were religious in nature. Plaintiffs hereby incorporate as Exhibit 3 to this Amended Complaint Exhibit 3 to the initial complaint [Doc. No. 1-2.]. This exhibit depicts the program for the chorus program described in this paragraph.

35. On information and belief, these songs were selected and approved by the faculty and administration of Ellis Middle School.

Graduation Ceremonies Held at Churches

36. Station Camp High School, Beech High School, and White House High School held school graduation ceremonies at Long Hollow Baptist Church on May 20-21, 2011. Graduation ceremony practices were also held at Long Hollow Baptist Church. Plaintiffs hereby incorporate as Exhibit 4 to this Amended Complaint Exhibit 4 to the initial complaint [Doc. No. 1-3.]. This exhibit lists the locations of Sumner County School graduations for the 2010-2011 school year.

37. Station Camp High School, Beech High School, and White House High School have held their school graduation ceremonies at Long Hollow Baptist Church in past years. Graduation ceremony practices were also held at Long Hollow Baptist Church. Plaintiffs hereby incorporate as Exhibit 5 to this Amended Complaint Exhibit 5 to the initial complaint [Doc. No. 1-4.]. On information and belief, this internet post from Long Hollow Baptist Church demonstrates that three Sumner County School graduations took place at Long Hollow Baptist Church for the 2009-2010 school year.

38. On information and belief, alternate non-religious facilities were available to hold such ceremonies; however, Defendants chose to hold these activities at this Church. While Defendant Benny Bills has executed an affidavit attesting to the lack of alternate facilities for the May 2011 graduation ceremonies, on information and belief, other reasonable venues exist for future graduation ceremonies. Plaintiffs hereby incorporate as Exhibit 6 to this Amended Complaint Exhibit 6 to the initial complaint [Doc. No. 1-5.]. This exhibit is a copy of Defendant Benny Bills' affidavit.

Other School Events Held at Churches

39. During the 2009-2010 and 2010-2011 school years, T.W. Hunter Middle School administrators planned and promoted an event for the school's students to celebrate the end of the Tennessee Comprehensive Assessment Program ("TCAP") testing period. This event is called "TCAP'aloosa."

40. For "TCAP'aloosa" during the 2009-2010 school year, the administration of T.W. Hunter Middle School rewarded students for TCAP preparation by busing such students to Long Hollow Baptist Church to spend the day at the church watching movies, eating treats, and playing games.

41. If students elected not to attend "TCAP'aloosa" during the 2009-2010 school year, they were required to remain at the school and were given additional work assignments to complete.

42. During the 2010-2011 school year, the administration of T.W. Hunter Middle School initially planned to hold "TCAP'aloosa" at Long Hollow Baptist Church.

43. Upon being notified in April 2011 of Plaintiffs' allegations that the hosting of "TCAP'aloosa" at Long Hollow Baptist Church violated the Establishment Clause, Defendant Benny Bills moved "TCAP'aloosa" to a non-religious venue. *See* Exhibit 6. Plaintiffs hereby incorporate as Exhibit 7 to this Amended Complaint Exhibit 7 to the initial complaint [Doc. No. 1-6.]. This exhibit demonstrates that "TCAP'aloosa" was originally scheduled to take place separately from field day. After the above-described rescheduling of "TCAP'aloosa," the event took place in conjunction with field day.

44. "TCAP'aloosa" has been heavily promoted in T.W. Hunter Middle School by flyers, announcements, and staff.

45. "TCAP'aloosa" has not been the only time students are bussed to Long Hollow Baptist Church by the Sumner County Schools during the school day.

46. On Tuesday, May 3, 2011, the Sixth grade students from Hawkins and Ellis Middle Schools were transported by Sumner County School buses to Long Hollow Baptist Church for a daylong event titled Teens Against Alcohol and Tobacco Use (“TAATU”). Plaintiffs hereby incorporate as Exhibit 8 to this Amended Complaint Exhibit 8 to the initial complaint [Doc. No. 1-7.]. This exhibit is a permission slip for the TAATU event.

47. During the 2009-2010 school year, a T.W Hunter Middle School day of activities at Long Hollow Baptist Church was promoted and endorsed by school officials and teachers as a reward to students for selling a particular number of magazines in a school-wide fundraiser.

48. During the 2009-2010 school year at T.W. Hunter Middle School, the Cross Country team banquet was also held at a local church.

Youth Minister at Lunch

49. With the knowledge and authorization of Sumner County School administrators and teachers, youth ministers from local churches have routinely joined students for lunch at Sumner County Schools. Such ministers have generally signed in at the front office. Such ministers have generally moved from table to table, addressing students as they eat lunch and speaking to students about their churches and their ministries. Such ministers have often spent the entire lunch period speaking with students in an attempt to get the students to attend their churches. One such minister, Brian Mills, has expressly addressed this purpose in blog posts. Plaintiffs hereby incorporate as Exhibit 9 to this Amended Complaint Exhibit 9 to the initial complaint [Doc. No. 1-8.]. This exhibit is a copy of Mr. Mills’ blog posts. Students are generally not free to leave their lunchroom table, even when these youth ministers visit other students at their table. These actions all occur with the implicit, if not explicit, authorization of Sumner County School administrators and teachers.

50. Jennie Roe was approached by one such minister last school year. Sumner County School students continue to be subjected to such unwanted contact with youth ministers.

Violations of the District's Literature Distribution Policy

51. As of the filing of the initial complaint, the Sumner County Board of Education Policy on "Advertising and Distribution of Materials in the Schools" read:

"3. Charity, civic, or other non-profit, non-religious non-political organizations may advertise events pertinent to the students' interest or involvement. The distributors of any such material must follow the procedures set by the principal."

52. Yet, in violation of this policy, religious organizations have been allowed to distribute promotional materials to school children within the district. Plaintiffs hereby incorporate as Exhibit 10 to this Amended Complaint Exhibit 10 to the initial complaint [Doc. No. 1-9.]. This exhibit is an example of promotional materials for church-related events that have been distributed in the Sumner County Schools.

53. In fact, the Quest and Crusade events held by Long Hollow Baptist Church are heavily advertised through fliers and posters at T.W. Hunter Middle and Beech High Schools.

54. During the 2010-2011 school year, students at Walton Ferry Elementary received fliers that advertised a "Fall Fest" activity for children at Cornerstone Church. Plaintiffs hereby incorporate as Exhibit 11 to this Amended Complaint Exhibit 11 to the initial complaint [Doc. No. 1-10.]. This exhibit is a copy of such fliers.

55. During the spring of 2010, Cornerstone Church sponsored an Easter Egg Hunt at Walton Ferry Elementary School during the school day. During this event, students received plastic Easter Eggs, which contained small slips of paper that were redeemable for free candy and prizes at Cornerstone Church and encouraged them to come to Cornerstone Church for "crazy events" and "tons of fun." Plaintiffs hereby incorporate as Exhibit 12 to this Amended Complaint Exhibit 12 to the initial complaint [Doc. No. 1-11]. This exhibit is a copy of such small slips of paper.

The Establishment Clause Violations Continue
Despite Being Put on Notice of the Problems

56. On December 1, 2010, Plaintiffs' counsel, Tricia Herzfeld, sent an Open Records request to Director of Schools Benny Bills requesting a variety of information about school policies and copies of any complaints the District had received relating to religion in the Sumner County Schools. Plaintiffs hereby incorporate as Exhibit 13 to this Amended Complaint Exhibit 13 to the initial complaint [Doc. No. 1-12]. This exhibit is a copy of such letter.

57. On December 10, 2010, School Board Attorney Jim Fuqua responded essentially denying Herzfeld's request for information. Plaintiffs hereby incorporate as Exhibit 14 to this Amended Complaint Exhibit 14 to the initial complaint [Doc. No. 1-13]. This exhibit is a copy of such letter.

58. In response to that letter, in December 2010, Herzfeld and Fuqua had a telephone conversation wherein Herzfeld informed Fuqua of the numerous complaints she had received and specific violations that were occurring at the Sumner County Schools in violation of the Establishment Clause.

59. Though the Board was put on actual notice of Establishment Clause violations by these communications and had constructive notice before then, it has failed to properly investigate these constitutional violations and has refused to take action sufficient to correct the abridgement of students' Establishment Clause rights and to prevent school officials from promoting their personal religious beliefs.

60. Despite being put on notice nearly a year ago of Establishment Clause violations, the School Board has failed to sufficiently address these issues, and violations of the Establishment Clause continue to the present day.

61. In the face of concrete and undeniable practices, the School Board has instead stood by and remained deliberately indifferent to the constitutional violations. In fact, after being expressly notified on April 12, 2011 of the systemic Establishment Clause violations being

reported in the Sumner County Schools, Defendants have insisted on continuing many of their activities, including busing school children to school-related activities at Long Hollow Baptist Church. Plaintiffs hereby incorporate as Exhibit 15 to this Amended Complaint Exhibit 15 to the initial complaint [Doc. No. 1-14]. This exhibit is a copy of the April 12, 2011 letter notifying Defendants of such continuing constitutional violations.

62. Defendants have used School District employee time to plan and participate in the endorsement of religion at a variety of school functions including graduation ceremonies. On information and belief, the District has incurred the cost of printing numerous graduation programs and permission slips. The use of state funds to advance school officials' religious beliefs will continue absent the issuance of an injunction by this Court.

63. The School Board has failed to proscribe by policy the clear and persistent pattern of endorsing particular religious beliefs at school events or to direct the Director of Schools to issue an administrative order to cease such practices.

64. In fact, after being put on notice of the allegations, Defendants have persisted in their conduct.

VI. CAUSES OF ACTION

COUNT I: ESTABLISHMENT CLAUSE VIOLATION

(42 U.S.C. § 1983)

65. Plaintiffs re-allege and re-aver all of the allegations contained in the previous paragraphs.

66. Defendants have deprived, and are continuing to deprive, Plaintiffs of their rights under the Establishment Clause of the United States Constitution.

67. By Defendants' conduct alleged *supra*, which has the primary purpose and effect of promoting and advancing religion, Defendants violated, and are continuing to violate, Plaintiffs' rights under the Establishment Clause, contrary to the First and Fourteenth

Amendments. The policies, practices, and customs established by the School Board, Defendant Bills, Defendant Phillips, Defendant Cardwell, Defendant White, Defendant Poe, Defendant Frank, Defendant Hood, Defendant McGhee, Defendant Mitchell, and/or other school officials are the cause in fact of the constitutional violations.

68. Defendants' conduct also coercively exposes Plaintiffs and other students to religious exercises sponsored by school officials. Defendants have forced a decision on the Plaintiffs: either forgo attending future school events, including graduation, or attend the events subject to religious ceremonies that are inconsistent with the Plaintiffs' consciences.

69. A reasonable, objective student, parent, or other observer aware of this Defendants' conduct would conclude that the Defendants have endorsed and continue to endorse religion in the public schools of Sumner County.

70. A reasonable, objective student, parent, or other observer aware of Defendants' conduct with regard to hosting school events at church and religious events at school during and after school hours, would have difficulty determining where the school ends and the church begins.

71. Unless restrained by this Court, Defendants will continue to subject Plaintiffs to the coercive advancement of school officials' religious beliefs. Plaintiffs have been and will continue to be irreparably harmed by the Defendants' denial of Plaintiffs' fundamental constitutional right to be free from government endorsement of particular religious beliefs.

72. Plaintiffs have no adequate remedy at law for the denial of their fundamental constitutional rights.

73. In depriving the Plaintiffs of these rights, Defendants acted under color of state law. This deprivation under color of state law is actionable under and may be redressed by 42 U.S.C. § 1983.

COUNT II: ARTICLE I, SECTION 3 OF THE TENNESSEE CONSTITUTION

74. Plaintiffs re-allege and incorporate by reference all of the preceding paragraphs in this complaint. Article I, Section 3 of the Tennessee Constitution provides:

“... [N]o preference shall ever be given, by law, to any religious establishment or mode of worship.”

75. Defendants have used School District employee time to plan and participate in programs that promoted the establishment of religion.

76. If defendants had not used state tax funds (or resources funded by the state) to support the District-wide promotion of religion, those tax funds (or resources) could have been used to advance the secular education of School District students or the amount of taxes paid by Plaintiffs might have been returned or decreased.

77. The use of state funds to advance school officials’ religious beliefs as described above will continue absent the issuance of an injunction by this Court.

VII. ANONYMITY OF PLAINTIFFS

78. Unless allowed to proceed in anonymity, Plaintiffs allege that they will be subject to ridicule and a hostile environment as more fully stated in their declarations filed under seal herewith.

VIII. RELIEF REQUESTED

WHEREFORE, Plaintiffs respectfully request the following relief:

- A. That the Plaintiffs be allowed to proceed in anonymity.
- B. A permanent injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure, which enjoins all Defendants, their successors, employees and agents from permitting, promoting, endorsing, authorizing, encouraging, and acquiescing in delivering of religious messages at: 1) school events and activities; 2) classroom instruction and activities; 3) graduation ceremonies; and 4) and other related activities.

C. An order directing Defendants to provide a copy of such written injunction to all School District officials, staff, faculty, and other School District employees and agents.

D. An order permanently enjoining Defendants and their officers, agents, affiliates, subsidiaries, servants, employees, successors, and all other persons or entities in active concert or privity or participation with them, from taking retaliatory action against Plaintiffs for bringing this lawsuit;

E. Entry of judgment for nominal damages of \$1.00 for Plaintiffs collectively;

F. An award to plaintiffs of reasonable attorneys' fees and costs incurred in connection with this action from the Defendants pursuant to 42 U.S.C. § 1988;

G. An order retaining the Court's jurisdiction of this matter to enforce the terms of the Court's orders; and

H. Such further and different relief as is just and proper or that is necessary to make the Plaintiffs whole.

Respectfully submitted,

By: /s/ Scott P. Tift
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing *First Amended for Declaratory, Injunctive Relief, and Nominal Damages* has been served on the following via the Court's ECF electronic filing system on this the 14th day of November, 2011:

Larry L. Crain
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/s/ Scott P. Tift

SCOTT P. TIFT
BARRETT JOHNSTON, LLC



Righteousness exalts a nation;
but sin is a reproach to any people.
—Proverbs 11:5

The
New Testament
of

OUR LORD AND SAVIOUR
JESUS CHRIST
WITH PSALMS AND PROVERBS

Translated out of the Original Tongues
and with the Former Translations
thoroughly compared

COMMONLY KNOWN AS THE
AUTHORIZED (KING JAMES) VERSION



THE GIDEONS INTERNATIONAL

Oct-13-2010

DATE

By

THE GIDIONS INTERNATIONAL

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*New
Testament*



*Psalms
Proverbs*



Exhibit 2

See Video Recording

Robert E. Ellis Middle School

Opal Poe, Principal

Margaret Lee, Assistant Principal

proudly presents the

COUGAR CHORUS

Under the direction of Andrea Smith

Accompanied by Laura Edwards

In their Fall Concert

November 9, 2010

6:30 PM

Program:

Star Spangled Banner Frances Scott Key, John Stafford Smith arr. by Boyd Bacon

There's a Great Day A-Comin' Spirituals, arr. by Patsy Ford Sims

Gloria Festiva Traditional Latin, arr. by Emily Crocker

Misty Morning Carl J. Nygard, Jr.

Bonse Aba Traditional Zambian Folk Song, arr. by Victor C. Johnson

Praise the Lord With Joyful Song Early American Tune, arr. by Hal H. Hopson

Shout Amen Jay Althouse

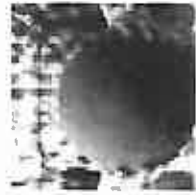
When You Believe Stephen Schwartz arr. by Audrey Snyder

Soloists: Emily Ernst, Katie Dunlap, Julia Degnan, Sam Hollingsworth

United We Stand (An American Medley) arr. by Sally Albrecht and Jay Althouse

Graduation and Prom Information
Sumner County

School	date	Graduation location	time
Beech HS	Saturday May 21st	Long Hollow Baptist Church	6:00 p.m.
Gallatin HS	Friday May 20th	Gym	7:00 p.m.
Hendersonville HS	Friday May 20th	Football Field	6:00 p.m.
Portland HS	Friday May 20th	Gym	6:00 p.m.
Station Camp HS	Friday May 20th	Long Hollow Baptist Church	6:30 p.m.
Westmoreland HS	Saturday May 21st	Gym	9:00 a.m.
White House HS	Saturday May 21st	Long Hollow Baptist Church	10:00 a.m.
E B Wilson	Saturday May 21st	Hendersonville High Auditorium	11:00 a.m.
Merrol Hyde Magnet	Saturday May 21st	Gym	7:00 p.m.
Adult Education	Saturday May 21st	Gallatin High School Gym	7:00 p.m.



Long Hollow Student Ministry

Graduations are this weekend. 3 of them are @ Long Hollow Baptist Church, Friday 6pm Station Camp HS, Saturday 10am White House HS and Saturday 6pm Beech HS. We are excited about all the Seniors in Middle TN this weekend as they Graduate!!!

May 20, 2010 at 1:27pm [View Post](#)

AFFIDAVIT OF BENNY BILLS, DIRECTOR OF SUMNER COUNTY SCHOOLS

COMES NOW THE AFFIANT, BENNY BILLS, DIRECTOR OF SCHOOLS for SUMNER COUNTY, and being duly sworn, does hereby depose and say as follows:

1. I am an adult citizen and resident of Sumner County, Tennessee, and do make this affidavit based on my knowledge as the Director of Schools for Sumner County.

2. The TCAP'aloosa that is to be held for certain Sumner County students for 2011 will not be held this year on the premises of Long Hollow Baptist Church and will be held at another location with no religious affiliation.

3. The 2011 graduation ceremonies of Station Camp High School, Beech High School, and White House High School will be held at Long Hollow Baptist Church because there are no other suitable alternatives within Sumner County at which to hold this year's graduation ceremonies.

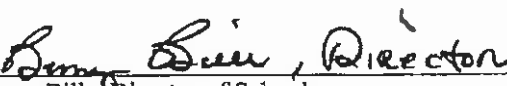
4. The gymnasiums of the high schools, specifically Beech High School, White House High School, and Station Camp High School, are not suitable for graduation ceremonies for a number of reasons. For example, the gymnasiums for each of these high schools do not have adequate space for a graduation without severely restricting the number of guests for each graduate. Moreover, their football stadiums are an unsuitable alternative because of the potential for inclement weather. In the event of inclement weather, only a fraction of the guests would be able to attend the graduations in the gyms. In addition, a rapid exodus from a football stadium in the event of inclement weather can be dangerous with a very large crowd trying to get into an inadequately sized gym. The gyms at each of these high schools are also inadequate to accommodate the quantity of handicapped guests normally present at the ceremonies.

5. Aside from Long Hollow Baptist Church, the only other large indoor venue in Sumner County is the gym at Volunteer State Community College, which seats approximately 3,000 people. In comparison, the Long Hollow Baptist Church facility seats approximately 5,000. Our experience in prior years is that a facility of this size is necessary to accommodate all graduation guests. As such, Long Hollow Baptist Church is the only adequate facility in the county at which to hold the graduation ceremonies.

7. In addition, Long Hollow Baptist Church provides the auditorium at no cost to the school system. Our current information is that the fee charged to non-profits wishing to use the gym at Volunteer State is \$850.00 per event, plus a cleaning charge of \$400 or more, plus an additional \$400 fee for using the school's portable sound system, plus \$50.00 per hour for the sound engineer, plus \$30.00 per hour for a technician, plus a \$200.00 security deposit.

8. Furthermore, our most recent understanding is that it would be difficult if not impossible for Volunteer State to accommodate the schedule of our graduation ceremonies, one occurring on Friday and the other two on Saturday.

Further affiant sayeth naught.


Benny Bills, Director of Schools

STATE OF Tennessee)
COUNTY OF Sumner)

Sworn to and subscribed before me this 21st day of April, 2011.

Barbara A. McDougal
Notary Public

My commission expires: Sept. 23, 2013

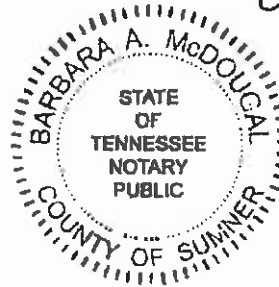


Exhibit 7**April 2011**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 Special Olympics	2
3	4	5	6	7	8	9
10	11	12	13 TCAP Testing →	14 →	15 →	16
17	18 TCAP Testing →	19 →	20	21	22 Good Friday No School	23
24	25 9th Gr → Registration	26 →	27 →	28 →	29 Kindergarten Registration 8th Gr Reality Store	30

May 2011

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5 TCAP*aloosa BBall Tryouts Girls 3-4 Boys 4-5:30	6 8th Gr Docents 8th Gr Field Trip BBall Tryouts Girls 3-4 Boys 4-5:30	7
8	9 Rising 6th Grade Day Meet Parents	10 EOC Algebra I Testing →	11 → Study Guides	12 →	13 → 8th Gr Recognition 6/7 Gr Dance 8 Gr Dance	14
15	16	17 Field Day	18 6/7 Gr Awards Answers to Study Guides	19 Study Day	20 Study Day	21
22	23 Study Day	24 Exam Day	25 Exam Day	26 Admin Day No Students	27 Report Card Day	28
29	30 Memorial Day	31 Hunter Hoops BBall Camp Grades 4-8	Hunter Hoops BBall Camp Grades 4-8	Hunter Hoops BBall Camp Grades 4-8	Hunter Hoops BBall Camp Grades 4-8	





Sumner County Board of Education

Benny Bills, Director of Schools
 695 East Main Street Gallatin, TN 37066-2472
 Phone: (615) 451-5200 Fax: (615) 451-5216

April 20, 2011

Dear Parents,

On Tuesday, May 3, 2011, your sixth grade student will have the opportunity to participate in TAATU (Teens Against Alcohol and Tobacco Use) Day. All six grade students from Ellis and Hawkins Middle Schools will participate in this day long event. Long Hollow Baptist Church will be hosting the students in order to accommodate our 400 sixth graders. The field trip will have many exciting speakers including Dr. Chad Swan, Hendersonville High School STARS students, NOAHS Promise Players, the HHS Safety Resource Officer, the Sumner County Anti Drug Coalition, TDAC, as well as a special performance by "The Magic of Stephen".

The cost of the field trip will be \$10. This fee will provide transportation (by school bus), a t-shirt for each student, and a pizza lunch. T-shirts will be given to the students on Tuesday morning and they will have time to change prior to leaving school. All permission slips must be signed and returned to Ellis with \$10 by Monday, May 2. I have attached a copy of the online payment form if you would like to pay with a debit or credit card.

I am also asking for parent volunteers to assist me in serving and supervising lunch. Please sign below if you can help me with this. You would need to meet me in the Sanctuary at Long Hollow at 11:00. There will be two lunch times with the second lunch ending at 12:30.

I look forward to working with your child on this very important day. If you have any questions, please feel free to call me at 804-7546.

Sincerely,

Susan McDaniel
 Prevention Coordinator

I give my child _____ permission to attend TAATU Day at Long Hollow Baptist Church on Tuesday, May 3, 2011.

 Parent or Guardian

 Daytime Phone Number

 YES, I am able to assist in serving lunch. I will meet at Long Hollow Baptist Church in the Sanctuary 11:00.

Board of Education Members

Tim Brewer - David A. Brown - Beth Cox - Andy Daniels - Shannon Dunn - Will A. Duncan - Glen Gregory - Danny Hale - Don Long - Vanessa Silkwood - Ted Wiles

What to do on a school campus

I get asked this question a lot during the week through Facebook, emails and phone calls. I wrote a blog about it [HERE](#) but I thought I would add a little more to it today...

1. Obey all the rules. You work for the principal when you go on that campus so act like it.
2. Obey the dress code of the school (No hat's, no holes in your pants, no strange shirts, I personally would not wear your student ministry gear either.)
3. Start with the top and work your way down. Get to know the Principal and the office staff (take them some starbucks gift cards or chick-fil-a free sandwich cards or something. Put together a bag to give to the office and do this about once a month.
4. Do NOT CALL the teachers or administration BY THEIR FIRST NAME even if you are good friends. Show respect so that students see you showing respect. This goes a long way with the administration.
5. Get to know the coaches. Sometimes this takes time... feed the teams, speak to them when given the opportunity.
6. Keep going. Even when it feels awkward still go b/c relationships are not built in one time visit, but over time.
7. Have fun and have a positive attitude..
8. NEVER SAY NO TO THE SCHOOL, COACHES, FCA or any organization to allow you the opportunity to help the school.

Send me a [facebook message](#) and let me know if you are on a school campus and how it is going.

Posted by Brian Mills at 8:26 AM  [Links to this post](#)



Reactions: ☐ funny  ☐ interesting  ☐ cool 

Wednesday, August 19, 2009

Are you on School Campuses?

Today I traveled around with Jeff Lovingood and we went from school to school and Jeff introduced me to all the principals and coaches along with a lot of the administration.

I believe one of the greatest keys to student ministry is the school campus. Some say that they don't go because they are not allowed. Some don't go because they just don't want to and others don't go because they are scared.

IF you want to watch your student ministry grow you go where the students are. The students want to see you on their campus. This might take some work. Let me give you a few steps to help you with school ministry.

1. Be sure your pastor supports school ministry
2. Be sure your students understand the value of school ministry. When they see you it is a hook for them to use to get their friends to church.
3. Win favor with the school administration. Don't start with the students start with the administration. Go meet all administration, take them to lunch, or do something to meet them and connect with them.
4. Be there for the school don't expect the school to be there for you!!! You are there to serve the school not the school to serve you. See how you can help serve the school. This might take some of your budget.
5. GO!!! In some cases you will have to turn in a lot of paper work and go to a private room to go to a school lunch. Don't let that stop you. In other cases you can go set at a table. Either way anyone can go to a school event and connect with students. There is always an open door.
6. Support the schools in what they do.
7. Get youth workers that serve with you who work in the school. Your loudest supports are those on your team.
8. Don't be annoying to the schools or give them an excuse to kick you out!!!

Those are just a few thoughts. Hope it encourages you to work hard to reach teenagers.

Posted by Brian Mills at 3:38 AM  [Links to this post](#)



Reactions: ☐ funny (0) ☐ interesting (0) ☐ cool (0)

5 non-negotiable for our 210 student ministry staff...



Here are 5 non-negotiable for our 210 student ministry staff...

1. Spend time with God daily on our own
2. Must attend a school lunch 2x's a week
3. Must work "office hours." The good thing is our "office hours" include us being on school campuses, start bucks with students or wherever students are...
4. Return Phone Calls/e-mails/text – Let's not be too good to call anyone back
5. Follow up on all Visitors/Decisions within 24 hours

I must say I believe our staff is a very hard working staff with a great passion for Katy Texas. I'm honored to work with the team I work with.

Posted by Brian Mills at 8:11 AM  [Links to this post](#)

Reactions ☐ funny (0) ☐ interesting (0) ☐ cool (0)

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December 1, 2010

VIA FACSIMILE AND U.S. MAIL

Benny Bills
Director of Schools
695 East Main St.
Gallatin, TN 37066

Dear Mr. Bills,

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION
OF TENNESSEE

P. O. BOX 120160
NASHVILLE, TN 37212

Phone: (615) 320-7142
www.aclu-tn.org

By this letter, I request access to, and a copy of, public records in your possession, custody, or control, pursuant to the Tennessee Public Records Act, T.C.A. § 10-7-503(a). This gives me, as a citizen and resident of the State of Tennessee, the right to prompt access to public records for the purposes of inspection and copying.

I request access to and copies of any and all records, including emails, relating to:

1. All programs for school related activities (e.g. graduation/promotion ceremonies, band banquets, etc.) for the past 5 years;
2. Any district policies regarding access of outside groups or people to speak to students;
3. All documents that refer to or related to all person invited to speak at schools for the 2009-2010 and 2010-2011 school years including but not limited to all correspondence with those speakers, invitations to speak, programs or schedules indicating who is speaking and when at various school sponsored programs, assemblies, classes, etc.
4. All programs, advertisements, fliers, handouts and/or other promotional materials and/or communications about and/or with potential or invited speakers at every graduation, award(s) or promotion ceremony for 2009-2010 and 2010-2011 school years.
5. Please provide any video or audio recordings of all assemblies, graduation ceremonies, award ceremonies, promotion ceremonies

or other school sponsored events where outside speakers were invited to speak to students and/or staff. Please note that this request is directed to include those recordings that are in the possession of teachers and or staff. Please contact me if you require a blank CD/DVD/tape etc to transfer copy.

6. Any complaints received by any District employee regarding religion.

As used in this request, the term "records" includes but is not limited to all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, information stored or maintained electronically or other material, regardless of physical form or characteristics or any copy thereof. Please note that the term "record" refers to those items in your possession, custody, or control, or those items which were, but are no longer, in your possession, custody, or control.

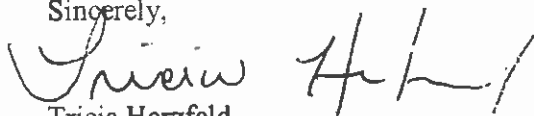
If you claim that any document or portion thereof is exempt from inspection under T.C.A. § 10-7-504, or any other statute or judicial decision, as to each document or portion you claim to be exempt, please state the basis for the exemption, and identify the document or portion by date; by sender, recipient, or author; and by a description of the contents sufficiently detailed to enable an independent evaluation of the exemption.

If any record is otherwise withheld for any reason, please indicate the type of record withheld, the title or style of the record, the length or size of the record, the author of the record, a description of the subject matter of the record, the file(s) where the record (or copies thereof) may be located, and the reason(s) the record is being withheld.

Pursuant to state law, I request a copy of these public records be forwarded to the address indicated on this letter within seven (7) days. If you anticipate that the completion of this request will take longer to complete, please contact me with an anticipated time for completion of this request.

I agree to pay reasonable copying and postage fees up to \$15.00. Please notify me if the fees associated with filling this request will exceed this amount before completing the request.

Sincerely,


Tricia Herzfeld
Staff Attorney



Sumner County Board of Education

Benny Bills, Director of Schools
695 East Main Street Gallatin, TN 37066-2472
Phone: (615) 451-5200 Fax: (615) 451-5216

Monday, December 06, 2010

Tricia Hertzfeld
Staff Attorney
American Civil Liberties Union of Tennessee
P.O. Box 120160
Nashville, TN 37212

Re: Public Records Request

Dear Ms. Hertzfeld:

The request you have made would involve a cost in excess of \$15.00 and therefore I am writing to help reduce the cost by assisting you in making the request more specific. The Sumner County Board of Education would be glad to make available to you for inspection and copying all non-exempt public records in its possession.

As the system has forty-six schools, four thousand employees and over twenty-seven thousand students it will be difficult if not impossible to insure complete accuracy in responding to your request. Many of the records kept in individual schools are not indexed or maintained centrally. No records are maintained pertaining to some of the information you desire.

Even most of the Board's policies are not in electronic form and are contained in large note books containing several hundred pages. The index is often inadequate listing only one or two of several items covered by the policy. We have contracted with the Tennessee School Board Association to improve and make electronic copies of these policies, but their task is not complete after two years of work. We will welcome the ability to do key-word searches which we cannot now do.

We would be glad to provide you access to a policy manual and copy anything you wish. Alternatively we could copy the entire manual for you, but the cost would exceed the cost constraint contained in your letter.

A quick review of the index to the policy manual reveals two policies of which you may have an interest. They are policy IHFB and policy IKB. Copies are enclosed at no cost. Because of the inadequate quality of the index to policies and not knowing exactly what you want I can't guarantee that you would not find other policies of interest.

Board of Education Members

Tim Brewer - David A. Brown - Beth Cox - Andy Daniels - Shannon Dunn - Will A. Duncan - Glen Gregory - Danny Hale - Don Long - Vanessa Silkwood - Ted Wise

It is quite likely that individual schools have informal policies of which records may or may not be kept in the local school. If you can narrow your request to a specific school or category of school we can search further for you.

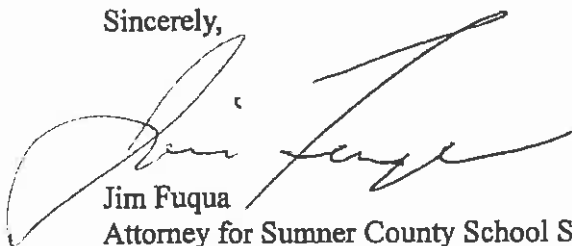
Your third and fourth requests are extremely general. I know of no document that condenses that information into a form that answers your request. There is no central repository and probably no formal local repository of old programs and the speakers. If there is a particular school that is of interest to you we would be glad to search for the types of documents you request. If your request remains general it could possibly entail thousands of old letters or programs if copies were retained. The cost of locating those documents could be far in excess of the constraints you have placed on the cost. Even limiting these requests to the eight high schools would take several hundred hours of personnel time and generate costs in the hundreds of dollars. Even then it would be impossible to ascertain if the discovered items were complete. The costs could not be computed until the search and copying were complete.

We would be glad to make available to you space and time in each school to examine all documents of a nature that were of interest to you. As the primary exempt documents are student records and employee records concerning employee's homes and health it is unlikely that any of the records you are seeking are exempt.

As to complaints received by any employee concerning religion we have made sent an inquiry to all principals and Central Office administrative staff concerning any such documents. It could take several weeks to get a response back from all of them. Hopefully they will all respond prior to the holidays.

If you have a specific matter that is troubling you we would be glad to investigate and correct any improper activity by any employee. With over four thousand employees it is a constant struggle to insure that they all are aware of and every law and court decision, but the school system does try to do so. To do so about any specific problem would require more information. We always try to resolve such issues in a manner that meets all legal requirements when they arise and to prevent them before they arise if we anticipate a problem.

Sincerely,



Jim Fuqua
Attorney for Sumner County School System

cc:file



April 12, 2011

VIA ELECTRONIC AND U.S. MAIL

Jim Fuqua
105 Hazel Path
Hendersonville, TN 37075-3886

Dear Mr. Fuqua,

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION
OF TENNESSEE

P. O. BOX 120160
NASHVILLE, TN 37212

Phone: (615) 320-7142
www.aclu-tn.org

As you are aware, ACLU-TN has been contacted by a number of families who feel their constitutional rights have been violated by the Sumner County Schools.

When we last spoke in December 2010, I informed you of the specific complaints we had received regarding apparent Establishment Clause violations in the Sumner County Schools. Since that time, we have discovered that many of the violations are even more blatant than we had originally realized. It appears as though these violations have continued unabated to the present date.

As we discussed, we want to give the school board an opportunity to settle this issue without the necessity of extended litigation. Given the widespread nature of the violations and the anticipated TCAP'aloosa and graduation events however, we feel as though this matter is urgent.

Please contact me no later than 5 p.m. on Thursday, April, 14, 2011 to discuss potential settlement options. Given the extraordinary nature of these violations we plan on filing the attached Complaint (including a request for a temporary restraining order) in federal court this Friday, April 15, 2011.

Please also note that the Doe, Roe and Smith families are represented parties and may be witnesses in a federal lawsuit challenging these actions. Please instruct all employees, staff members and administrators that any communication with any parent or student suspected of being a member of the Doe, Roe or Smith families about this complaint could be considered intimidation of a witness and/or retaliation for speaking out in protection of their constitutional rights. Such conduct will be brought to the attention of the Court if necessary. We trust that you will do everything in your power to avoid such issues.

Please feel free to contact me directly at (615) 320-7143 or tricia@aclu-tn.org so that we can discuss a timely resolution to these issues.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tricia Herzfeld", followed by a large, stylized flourish.

Tricia Herzfeld
Legal Director

cc: George Barrett, Esq.