



- a. "Club" means any non-curricular student group recognized by the Board or an individual Sumner County School that qualifies through the five, safe-haven provisions (20 U.S.C. § 4071 (c)) for protection under the Equal Access Act.
- b. "Prayer" means any communication with a deity (written or audible), including, but not limited to, a devotional, benediction, invocation, the Lord's Prayer, blessing, reading from a sacred text (unless done as a part of an authorized curriculum), sermon, or other calling upon a deity to offer guidance, assistance, or a blessing.
- c. "Religious Service" or "Religious Activity" means a convocation for a religious purpose, including, but not limited to, baccalaureate, religious youth group meeting or event, church service, Bible study, benediction, invocation, Prayer, blessing, inspirational message, sermon, devotional pledge, Bible reading, distributing religious materials, displaying religious symbols, devotion or any other title that in any way relates to Prayer or a deity.
- d. "Religious Title" means Benediction, Invocation, Prayer, Blessing, Inspirational Message, Sermon, Devotional Pledge, Bible Reading, Devotion or any other title that in any way relates to Prayer.
- e. "Religious Venue" means a property, facility, building, or place that is maintained and controlled by or for a religious body that is organized, in whole or in part, to sustain public worship.
- f. "School Event" means
  - i. Any activities sponsored, conducted, or supervised by a School Official in his or her Official Capacity.

ii. Any Sumner County School sporting events and practices.

iii. Any Club activities.

g. "School Official" means the Board, its members, officers, agents, affiliates, subsidiaries, servants, employees, successors, Defendants, and all other persons or entities in active concert or privity or participation with Defendants in their Official Capacities.

h. "Official Capacity": A person acts in his or her "Official Capacity" when (1) performing official duties or furthering the work of the Board or (2) acting under or with a power or authority granted by virtue of employment by, or association with, the Board. However, where the only power or authority the School Official exercises is the authority to be present at a Board facility and the School Official is not interacting with, or in the presence of, students, then the School Official is not acting in his or her Official Capacity.

2. No provision in this Consent Decree is intended to supplant or alter the rights afforded to student clubs by the Equal Access Act, 28 U.S.C. § 4071, *et seq.*

**Board Policy BBDB – Advertising and Distribution of Materials in the Schools**

3. Board Policy BBDB, as attached hereto within Collective Exhibit 1, is incorporated herein by reference and made a part hereof and shall be enforceable pursuant to this Consent Decree.

4. In addition, Board Policy BBDB, as attached hereto within Collective Exhibit 1, shall apply to all materials (political or non-political) in nature. Furthermore, school officials shall ensure that no person or organization is given preferential access to students.

**Board Policies IFCB and IKBDA**  
**Field Trips and Excursions; Selection of Non-School**  
**Facilities for School Sponsored Events/Activities**

5. Board Policy IFCB and IKBDA, as attached hereto within Collective Exhibit 1, are incorporated herein by reference and made a part hereof and shall be enforceable pursuant to this Consent Decree.

6. In addition, School Officials shall not penalize students for not participating in approved school sponsored trips and activities that take place at a Religious Venue.

7. Defendants are prohibited from holding a School Event at a Religious Venue unless the following criteria are met:

- a. More than 1,000 people are expected to attend the event (such number shall be based on the largest number of attendees of the event in the previous three (3) years);
- b. No facility owned by the school whose event is at issue can safely accommodate the expected number of attendees for the School Event; and
- c. The Religious Venue is the only such non-school venue within fifteen miles of the school whose event is at issue that can accommodate the expected number of attendees.

8. If it is necessary to hold a School Event at a Religious Venue, School Officials shall document in writing before the event takes place the following:

- a. the Religious Venue's name and physical address,
- b. the Religious Venue's owner and contact information,
- c. what role, if any, the person or persons responsible for the venue shall have in the School Event,

- d. the nature and purpose of the School Event,
- e. the expected number and category of attendees (students, School Officials, and others), which number shall be based on the largest number of attendees of such event in the previous three (3) years,
- f. the amount of available parking,
- g. an accounting of where the event has been held for the past five years,
- h. the compensation that will be paid to use this Religious Venue,
- i. the distance between the applicable school, whose event this is, and the Religious Venue,
- j. the identity of the School Officials involved in selecting the Religious Venue,
- k. the requirements of the event (requirements shall include what is required to hold the event, not the preferences of the organizers),
- l. an accounting of the efforts made by School Officials to find a suitable alternative non-religious venue and why such venues were rejected, and
- m. a certification that no other venue that is not a Religious Venue would be reasonably suitable for this School Event.

9. If School Officials determine that a Religious Venue is the only venue reasonably suitable for an event, the School Officials shall take all reasonable steps to ensure that no staff members or other people acting on behalf of the Religious Venue during the event (1) exercise control over the substance of the event or the students in attendance, or (2) initiate communication with the students in attendance. However, nothing herein shall prevent such people from providing logistical assistance to School Officials and attendees for purposes of the event.

10. The written documentation described in paragraph 8 shall be verified by the signature of at least one School Official. School Officials shall transmit a copy of this written documentation to the superintendent's office or his or her delegatee for maintenance and review by the public. The use of a Religious Venue for a School Event may only be done with the approval of the Director of Schools or his or her delegatee.

11. The provisions of Paragraphs 7 through 10, above, shall only apply to School Events for which the Board and/or School Officials have authority to select the venue.

**Board Policies IDE and JH  
Instructional Programs; Student Activities**

12. Board Policies IDE and JH, as attached hereto within Collective Exhibit 1, are incorporated herein by reference and made a part hereof and shall be enforceable pursuant to this Consent Decree.

13. In addition, School Officials shall not designate, nor shall School Officials or the Board officially recognize, a position within any non-religious Clubs and Organizations titled "Chaplain."

**Board Policy IKB**

14. Board Policy IKB, as attached hereto within Collective Exhibit 1, is incorporated herein by reference and made a part hereof and shall be enforceable pursuant to this Consent Decree. Furthermore, Board Policy IKB shall apply to the selection of course materials, including the selection of choral music to be performed by school-sponsored choral groups.

15. In addition, School Officials shall not permit the promotion of School Officials' personal religious beliefs to students in class or during or in conjunction with a School Event and shall not promote or participate in any Religious Service or Religious Activity while acting in an Official Capacity.

### **Board Policy IKBC – Displays of Political, Philosophical and Religious Items**

16. Board Policy IKBC, as attached hereto within Collective Exhibit 1, is incorporated herein by reference and made a part hereof and shall be enforceable pursuant to this Consent Decree. Furthermore, Board Policy IKBC shall apply to all information posted on any official website of either the Board or any school, entity, or organization under the Board's control.

### **Board Policy JHC – Student Clubs and Organizations**

17. Board Policy JHC, as attached hereto within Collective Exhibit 1, is incorporated herein by reference and made a part hereof and shall be enforceable pursuant to this Consent Decree. In addition, School Officials shall not lead, encourage, or solicit and shall not encourage, solicit, or invite any other person to engage in any Religious Service or Religious Activity during or in conjunction with a School Event.

### **Board Policy BBDA - Visitors to Schools**

18. Board Policy BBDA, as attached hereto within Collective Exhibit 1, is incorporated herein by reference and made a part hereof and shall be enforceable pursuant to this Consent Decree. Visitors of students in school cafeterias during lunch periods, however, shall be limited to family members.

### **Attorneys' Fees, Costs and Future Enforcement**

19. By entering into this Consent Decree, Defendants do not concede that Plaintiffs are entitled to attorney's fees pursuant to 42 U.S.C. § 1988, and Plaintiffs do not waive any right to seek an award of such fees.

20. Nothing in this Consent Decree will be construed to limit any party's right to enforce this Consent Decree according to its terms. If any court of competent jurisdiction determines that any provision contained in this Consent Decree, or any part thereof, cannot be enforced, the parties agree that such determination shall not affect or invalidate the remainder of the Consent Decree.

21. The parties to this Consent Decree shall endeavor in good faith to resolve informally any differences regarding interpretation of and compliance with this Consent Decree before bringing such matters to the Court for resolution.

22. This Consent Decree shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors, and assigns, including any affected present or future students.

23. The Defendants, their agents, representatives, successors, and assigns shall take no action that would disclose the identities of the Plaintiffs, including the release of filed or unfiled court documents, or otherwise compromise the Plaintiffs' anonymity. In addition, Defendants, their agents, representatives, successors, and assigns shall take no action against the Plaintiffs in retaliation for the filing of this lawsuit or agreeing to this Consent Decree.

24. The claims against the Defendants in their individual capacities are dismissed with prejudice.

25. The Board shall notify all of its employees, agents and volunteers of the contents of this order and shall train them on its terms accordingly. This Consent Decree shall be disseminated in the same manner as Board Policies and Procedures, and a copy shall be maintained at the school district's administrative offices.



26. The Defendants shall continue to maintain a process for the investigation of student initiated complaints.

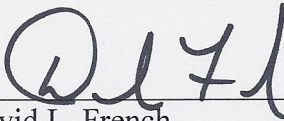
27. This Court retains jurisdiction of this case to enforce the terms of this Consent Decree.

**IT IS SO ORDERED.**

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United States District Judge

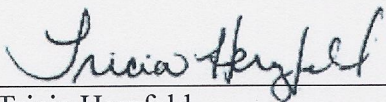
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# COLLECTIVE EXHIBIT 1



Book  
Board Policy Manual  
Section  
I - Instructional Program  
Title  
Extracurricular Activities  
Number  
IDE  
Status  
Active  
Legal  
Adopted  
July 24, 1990

The Board recognizes the value of student activities-clubs, programs, plays, publications, trips, projects, intramural activities, field days and other activities in promoting the goals of the school system.

Such activities are a vital part of the educational program and shall be planned and supervised as carefully as other components of the instructional program.

The principal of each school shall be responsible for the organization and adequate supervision of all student activities, with the assistance of delegated members of the faculty and the cooperation and involvement of parents and the community at large when applicable.

Activities which restrict participation because of race, color, religion, sex or national origin are forbidden. Activities sponsored by outside groups or agents will be carefully reviewed and approved only if they are co-sponsored by the school.

Board policies concerning school district personnel conduct during instructional hours, including but not limited to Board Policy IKB, likewise govern school district personnel conduct during all extracurricular activities contemplated by this policy.



Book  
Board Policy Manual  
Section  
J - Students  
Title  
Student Activities  
Number  
JH  
Status  
Active  
Legal  
Adopted  
December 5, 1989

The student activity program and organizations are an extension of the academic curriculum and are intended to complement the basic instructional program.

Each sponsor will treat student activities with the same attention given regular classes; i. e., plan and evaluate the activity and make recommendations concerning changes, continuance or deletion from the school's activity program.

In an effort to provide students with expanded opportunities, the Board recognizes the necessity of varied activities designed to appeal to all students.

Board policies concerning school district personnel conduct during instructional hours, including but not limited to Board Policy IKB, likewise govern school district personnel conduct during all student activities contemplated by this policy.



Book

Board Policy Manual

Section

I - Instructional Program

Title

Selection of Non-School Facilities for School Sponsored Events/Activities

Number

IKBDA

Status

Active

Legal

School Board members recognize that certain schools within the District do not have the appropriate facilities to provide the most effective means for accomplishing general curriculum and extracurricular objectives and require off campus facilities to maximize the effectiveness of certain events.

To accomplish the objective of utilizing an off-campus facility for a school-sponsored event or activity requires thoughtful selection and careful advance preparation of the event or activity.

To this end, those individuals responsible for planning school-sponsored events and activities that will require use of an off-campus facility shall consider and document the features and amenities necessary for the event or activity (along with a brief explanation as to the necessity of each feature and amenity).

Such individuals shall then adequately research available facilities in the area and document the following as to each facility considered:

1. Features and amenities available;
2. Distance from school; and
3. Associated costs.

The facility selected shall be the one that best balances the legitimate needs of the activity or event with any associated costs.



Book  
Board Policy Manual  
Section  
I - Instructional Program  
Title  
Displays of Political, Philosophical and Religious Items  
Number  
IKBC  
Status  
Active  
Legal

Any items of political, philosophical, or religious nature, or otherwise related to Sumner County Board of Education Policies IKB and IKBB publicly visible within classrooms or other areas within the schools shall have a legitimate pedagogical purpose.

This policy, or any policy of the School Board, shall not be construed to limit the free speech, free exercise rights, or other rights of teachers or school district personnel as contemplated by Tenn. Code Ann. 49-6-8004 or any other rights afforded by state and federal law.





Book  
Board Policy Manual  
Section  
I - Instructional Program  
Title  
Controversial Issues  
Number  
IKB  
Status  
Active  
Legal  
Adopted  
July 24, 1990

The Board recognizes that politically, religiously, philosophically, and socially controversial issues are an inherent part of our democratic and educational traditions.

The discussion of issues by school district personnel in the classroom, however, must be relevant to the subject matter being taught, related to prescribed educational objectives, appropriate for the age and maturity of students, and shall not materially or substantially disrupt or threaten to disrupt the discipline of the school.

To ensure that controversial issues are presented and discussed fairly and objectively and with instruction as their goal, the following guidelines shall be observed:

1. All personnel will seek to create an atmosphere in which differences of opinion can be voiced without fear and hostility and with mutual respect for all viewpoints;
2. Teachers will encourage the withholding of judgment and the making of conclusions until relevant and significant facts have been assembled, critically examined, and checked for accuracy.
3. Teachers will seek to develop in students a sense of responsibility for their beliefs, opinions, attitudes and actions;
4. Teachers shall place major emphasis upon "why" and "how" to think rather than "what" to think; and



5. If the subject matter being taught involves conflicting opinions, theories, or schools of thought, the teacher will allow differing sides of an issue to be explored in order to help students develop their own critical faculties.

Teachers and other school district personnel, while acting in their official capacity, shall not voluntarily initiate discussion on expression of such controversial issues absent a legitimate pedagogical purpose.

**CALENDAR  
DATE:**

NONE

# Sumner County Board of Education

Descriptor Term:

**Field Trips and Excursions**

Descriptor Code:

**IFCB**

Issued Date:

**05/19/98**

Rescinds:

**IFCB**

Issued:

**04/05/94**

**AUTHORITY:** TCA 49-2-203

**PURPOSE:** To establish requirements for taking field trips

**APPLICATION:** Director, Principals, Staff

**DEFINITIONS:** None

**POLICY:**

Field trips designed to stimulate student interest and inquiry and to provide opportunities for social growth and development are considered appropriate extensions of the classroom. To the extent that they provide the most effective means for accomplishing general curriculum objectives, field trips may be authorized by the building principal.

To be educationally beneficial, a field trip requires thoughtful selection, careful advance preparation of the class, and opportunities for students to summarize the experience at the conclusion of the trip. To this end, teachers and principals will be expected to consider the following factors in selecting field trips:

1. Value of the activity to the particular class group or groups;
2. Relationship of the field trip activity to a particular aspect of classroom instruction;
3. Suitability of the activity and distance traveled in terms of the age level;
4. Mode and availability of transportation; and
5. Cost.

The following guidelines shall be followed in planning and conducting field trips and excursions:

1. Any teacher desiring to take a group of students on an educational field trip must obtain advance approval of the principal;
2. The trip must have a definite purpose and reflect careful planning. Students should be prepared by general class discussion and/or research. Any school-sponsored trip not meeting the "educationally beneficial" requirements listed previously in this policy must have prior approval of the Director of Schools or his/her designee;
3. If bus transportation is required, the principal or his designee shall make the necessary arrangements. A fee will be charged to the school for mileage when school system buses are used;
4. Signed parental permission forms must be obtained for every student making an off-campus trip beyond the immediate vicinity of the school. It is the responsibility of the principal to ensure that these forms are kept on file for the remainder of the school year. The form for parental permission must include: purpose, date, time of departure and return, travel plans, destination, number of chaperones, personal expense involved, rules of conduct and penalties for violation, and other facts necessary for parents to be fully informed. This information is to be completed by the school before the form is signed by the parent;

- 1 5. Overnight educational trips, field trips taken outside regular school hours, and chaperones must  
2 be approved by the principal and the Director of Schools or his/her designee in advance. Any  
3 school-sponsored trip which is both out-of-state and overnight must have prior approval by the  
4 Director of Schools or his/her designee. These groups must be accompanied by at least one  
5 regular staff member and others from the school who are appropriate for adequate supervision  
6 and shall be responsible for student conduct while away. There must be at least one female and  
7 one male chaperone if the trip is for a mixed group. The ratio of chaperones to students shall be  
8 at least 1:10;
- 9 6. Students shall not be penalized for participating in approved school-sponsored trips and  
10 activities. Teachers shall permit students to make up class assignments missed because of a trip  
11 or activity.
- 12 7. All accidents that occur on a school-sponsored trip must be reported by the teacher to the principal  
13 immediately upon returning to school. Serious accidents involving personal injury must be  
14 reported immediately to the principal and/or director. An emergency shall be dealt with promptly  
15 by the teacher or other members of the school staff by taking appropriate action, including  
16 sending the student to the hospital or summoning medical aid or ambulance. In cases where it  
17 is necessary to send the student to the hospital, reasonable effort must be made to notify the  
18 parent/guardian.
- 19 8. Board policies and school rules concerning conduct will be enforced on all trips.

20 A decision by the Director of Schools to deny permission for a field trip that is overnight, outside  
21 of regular school hours, or out of state can be appealed to the Board of Education for  
22 reconsideration.

23 The Director of Schools or his/her designee shall notify the Sumner County Risk Manager's Office  
24 prior to any out-of-state field trip.

25 The Director of Schools shall report the approval of any overnight and/or out-of-state field trips  
26 to the Board of Education at the Board's first regular meeting following approval.  
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Book  
Board Policy Manual  
Section  
B - School Board Operations  
Title  
Advertising and Distribution of Materials in the Schools  
Number  
BBDB  
Status  
Active  
Legal  
Adopted  
September 21, 2010

No part of the school system, including the facilities, the name, the staff, and the students, shall be used for advertising or promoting the interests of any commercial, political or other non-school agency or organization except that:

1. The school may cooperate in furthering the work of any non-profit, community-wide social service agency, provided that such cooperation does not restrict or impair the educational programs of the schools, and provided the principal follows other pertinent Board policy and Director of Schools' guidelines;
2. The school, upon approval of the Director of Schools, may participate in radio or television programs under acceptable commercial sponsorship when such programs are educationally beneficial;
3. Charity, civic, or other non-profit, non-political organizations may advertise events pertinent to the students' interest or involvement or make available materials for pickup. The distributors of any such material must follow the procedures set forth in subsection 4. below.
4. Specifically, in order to ensure that students (1) are not coerced, however subtly, into accepting such private organizations' materials; and (2) do not view the District as endorsing these materials, the District will, at a minimum:

- a. only allow private, non-school sponsored materials to be distributed as part of a neutral limited or other public forum that may be used by outside groups to distribute materials;
- b. limit but may eliminate altogether personal interaction between individuals distributing the materials and students so as to avoid coercion, proselytizing, or the appearance of endorsement;
- c. refrain from specially promoting or announcing, to the exclusion of all other materials, the availability of an individual private organization's materials; and require clear disclaimers of school endorsement to be posted at the distribution site.

Peck v. Upshur County Bd. of Educ., 155 F.3d 274, 288 (4th Cir. 1998) and Rusk v. Sullivan, 379 F.3d 418 (6th Cir. 2004)

5. This policy shall not be deemed to limit or restrict the freedom of students, acting on their own, to distribute religious literature to a fellow student when conducted in a materially non-disruptive manner.
6. The school may, upon approval of the Director of Schools cooperate with any governmental agency in promoting non-religious activities which advance the education or other best interests of the students;
7. Political literature shall not be distributed through the school, nor sent home to parents, nor placed in teachers' mail boxes, lounges, or on school premises;
8. Political signs for people who are running for public office shall not be allowed on school property except on election day;
9. The Director shall provide a copy of this policy to the Registrar of Voters and request that a copy be presented to each election candidate in Sumner County at the time of qualification for election;
10. School publications may accept and publish paid advertising under procedures established by the Director of Schools; and
11. Logos, advertisements, or any form of recognition by outside entities may, upon approval of the Director of Schools with Board acknowledgment be placed upon school property; facilities, equipment, and or materials.



Book  
Board Policy Manual  
Section  
B - School Board Operations  
Title  
Visitors to Schools  
Number  
BBDA  
Status  
Active  
Legal  
Adopted  
August 5, 1997

The Board encourages parents and other citizens of the community to visit schools for the purpose of keeping informed of school programs and services, and also for the purpose of showing support for school activities. Students, however, may not bring visitors on campus during a school day without approval by the principal or designee.

Except on special occasions, such as school programs, open house and the like, all visitors, including parents, will report to the school office when entering the school and sign a log book prior to handling any business.

Authorization to visit elsewhere in the building or on the school campus will be determined by the principal or his designee. Guest passes providing visible guest identification shall be issued for all persons other than students and employees of the school in order to clearly identify the visitor as a guest and distinguish the visitor as a non-school employee or staff.

Any visitor present during the school day must only visit with the individual he or she is designated to be visiting and shall not abuse the privilege by approaching, unsolicited other students during the visit. However, nothing in this policy is intended to prohibit students from voluntarily approaching a visitor with whom he or she wishes to speak.

In order to maintain the conditions and atmosphere suitable for learning, no other person shall

enter onto the grounds or into the buildings of the schools during the hours of student instruction except students assigned to that school, the staff of the school, parents of students and other persons with lawful and valid business on the school premises.

The principal or his/her designee has the authority to exclude from the school premises any persons disrupting the educational programs in the classroom or in the school, disturbing the teachers or children on the premises, or on the premises for the purpose of committing an illegal act.

Law enforcement officials may be called if the situation warrants such measures.



Book  
Board Policy Manual  
Section  
J - Students  
Title  
Students Clubs and Organizations  
Number  
JHC  
Status  
Active  
Legal  
Adopted  
December 5, 1989

In an effort to provide students with expanded opportunities, the Board recognizes the necessity of varied activities designed to appeal to all students. Student organizations are an extension of the academic curriculum and are intended to complement the basic instructional program.

The principal, in cooperation with the faculty and student body representatives, shall approve all clubs and organizations within the school.

One or more staff members will serve as sponsor or supervisor of each activity and will attend all meetings.

The staff member(s) serving as the sponsor(s) or supervisor(s) for any student club, organization, or activity shall not engage in any conduct that creates an appearance of endorsement of the organization's or club's messages or ideas, but only serve in a supervisory role in maintaining order, safety, and control of the students during such activity.

Each sponsor will evaluate the activity and make recommendations concerning changes, continuance, or deletion from the school's activity program.



An approved copy of the aims, objectives, and constitution for each club or organization will be kept on file in the principal's office.

The superintendent shall approve any requirements imposed by clubs which have restricted membership.

Initiations shall be conducted with dignity in keeping with the purposes of the organization. The nature

of any initiation shall be outlined and presented in writing to the club sponsor and the principal of the school for approval prior to the actual initiation. Hazing of students is strictly prohibited. Any organization which permits an initiation to go beyond the scope of activities planned and previously approved will be suspended until reinstated by the principal.

Sororities, fraternities, and all secret organizations are prohibited.

Students who belong to the above-mentioned organizations shall not perform any act nor make manifest any relationship to these organizations on the school campus or in school-related activities. Principals will be empowered to take administrative action against members of the aforementioned clubs if such activities  
30 occur on the campus or in school-related activities.

Board of Education v. Mergens, 496 U.S. 226 (1990); Lamb's Chapel v. Center Moriches School District, 508 U.S. 384 (1993)