

EXHIBIT E

LEGAL DEPARTMENT
LESBIAN GAY
BISEXUAL
TRANSGENDER &
AIDS PROJECT



March 26, 2010

via e-mail and facsimile

Michele H. Floyd, Attorney
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Benjamin E. Griffith
Griffith & Griffith
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AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
LESBIAN GAY BISEXUAL
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PLEASE RESPOND TO
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SUITE 2300
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LOS ANGELES OFFICE:
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TREASURER

Re: McMillen v. Itawamba County School District

Dear Ms. Floyd and Mr. Griffith:

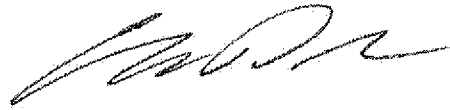
We write regarding your representations regarding the “private” prom being held at Tupelo Furniture Mart. At the preliminary injunction hearing, defendants made representations, upon which the Court relied, that this prom would be open and welcoming to all IAHS students. *See Order Denying Plaintiff’s Preliminary Injunction Motion at p. 11.* Moreover, although defendants stated that they are not involved in the planning of this “private” prom, it was clear from the testimony that the school district was at a minimum communicating with the parents who are organizing the event.

Based on the limited information regarding the “private” prom provided to plaintiff, it is not clear—despite your representations to the Court—that Ms. McMillen will be welcome to this event with her same-sex date and wearing a tuxedo. We request that you immediately provide us with all the information that you have regarding this event, including what rules will be enforced, and inform us if your representations to the Court were in fact accurate. Specifically, we request that you determine if Ms. McMillen will be welcome to this event, if she will be permitted to bring a same-sex date, and if she will be permitted to wear a tuxedo. Please note that given security concerns caused by defendants’ actions in canceling the prom, Ms. McMillen and her date may be accompanied by her father and possibly a security guard.

March 26, 2010

Please respond to this letter by no later than **Wednesday, March 31, 2010.**

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Sun', written in a cursive style.

Christine P. Sun
Senior Counsel
ACLU National LGBT Project

cc: Counsel of record

EXHIBIT F

ITAWAMBA COUNTY SCHOOL DISTRICT

605 South Cummings Street
Fulton, Mississippi 38843

Teresa McNeece
Superintendent of Education

Telephone: (662) 862-2159
Facsimile: (662) 862-4713

March 30, 2010

Christine P. Sun
American Civil Liberties Union
125 Board Street, 18th Floor
New York, NY 10004

VIA E-MAIL
csun@aclu.org

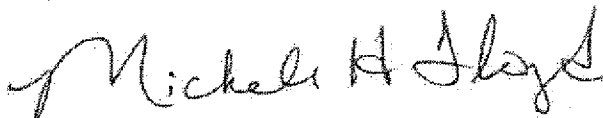
Re: *McMillen vs. Itawamba County School District, et al*

Dear Ms. Sun:

In response to your letter dated March 26, 2010, please be advised that the prom for the juniors and seniors of Itawamba Agricultural High School will be Friday night from 7:30 p.m. until midnight at the Fulton Country Club in Fulton, MS. Please advise your client, Constance McMillen, of this information, and advise her that she will be allowed to bring her same-sex date and wear a tuxedo. However, her date must be no younger than a 9th grade student nor older than a college aged student.

Additionally, I was informed that Ms. McMillen was not at school today because she is alleging that she is being harassed by other students and possibly employees. It is my understanding that Ms. McMillen's grandmother told Mr. Trae Wiygul about this but would not tell him any names nor would she give him any details. If Ms. McMillen is in fact being harassed, we cannot assist her if we do not know who is doing the harassing. We take allegations of harassment very seriously, and this behavior, if happening, will not be tolerated. It is very important to us that our schools are a safe environment for all our students. Would you please talk with Ms. McMillen and get the names of the people that Ms. McMillen's grandmother purports to be harassing Ms. McMillen and the contents of any alleged harassing statements?

Sincerely,



Michele H. Floyd

Ms. Sun
March 30, 2010
Page 2

cc: Kristy L. Bennett
ACLU of Mississippi
P. O. Box 2242
Jackson, MS 39220
(Via e-mail kbennett@aclu-ms.org)

Joshua Glick
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EXHIBIT G

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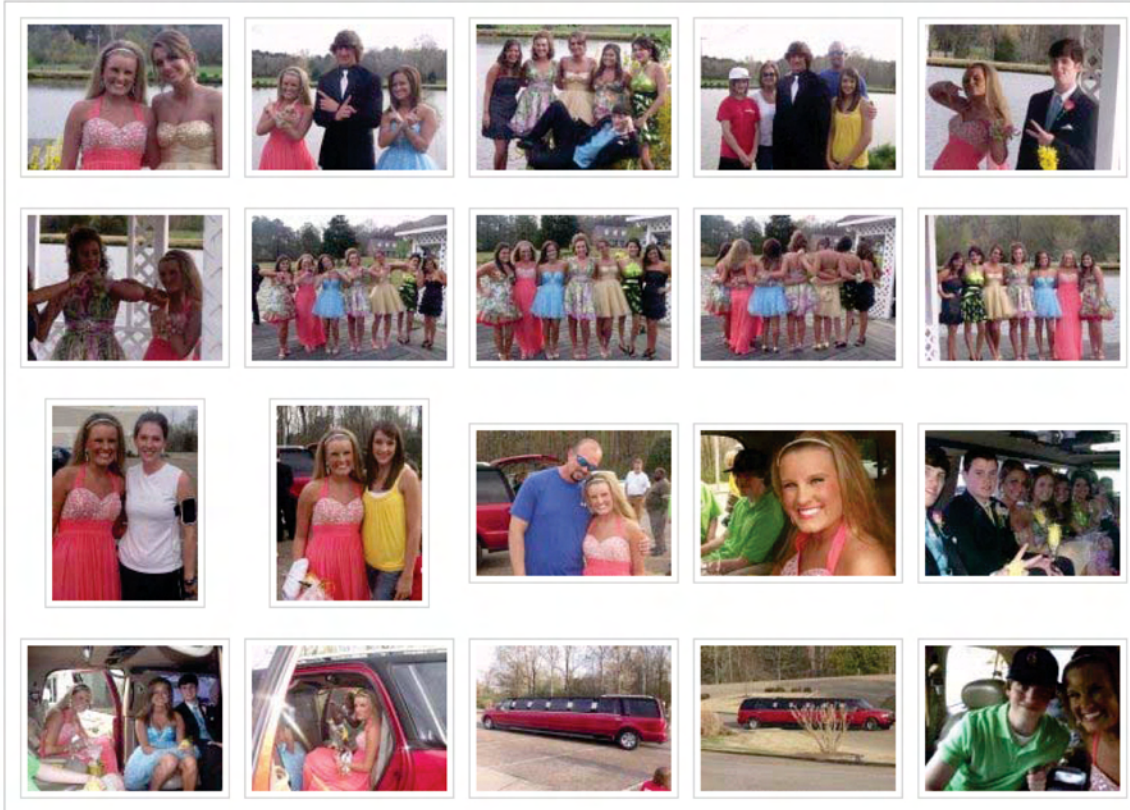
's Photos - Prom 2010! :)

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Added on Sunday

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Awesome pictures. Yesterday at 11:54am · Report



hey , i was reading about constance prom stuff just now and found where one website posted a link to your photo album...so if your pictures aren't private, you might wanna make them private..unless you don't care :) 6 hours ago · Report

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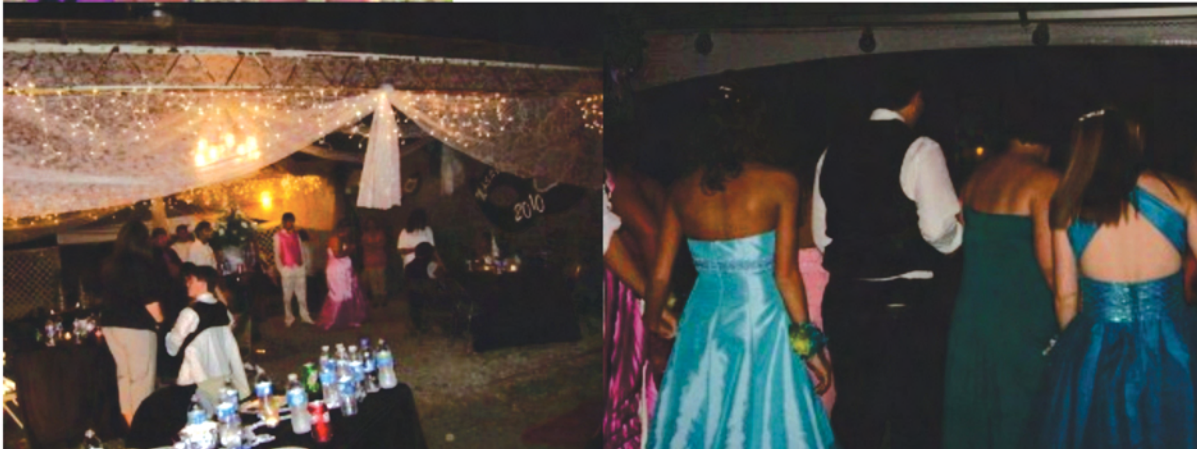
Username: Password: Remember Me

[Late Night: Let's Laugh!](#)

[Preacher Arrested on Easter Sunday for Hexing JP Morgan Chase Banks](#)


[Where's Constance? Photos from a Private Prom](#)

Lisa Derrick Monday April 5, 2010 7:27 pm




So a lot of the kids from [Itawamba Agricultural High '10](#) seem to have gone to the same prom this weekend,



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Itawamba Agricultural High '10 prom



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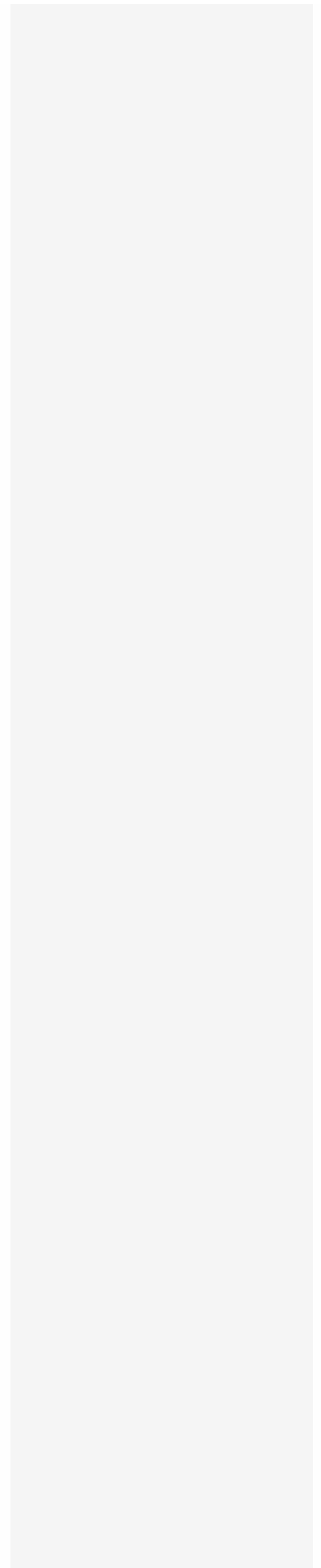
Itawamba Agricultural High '10 prom



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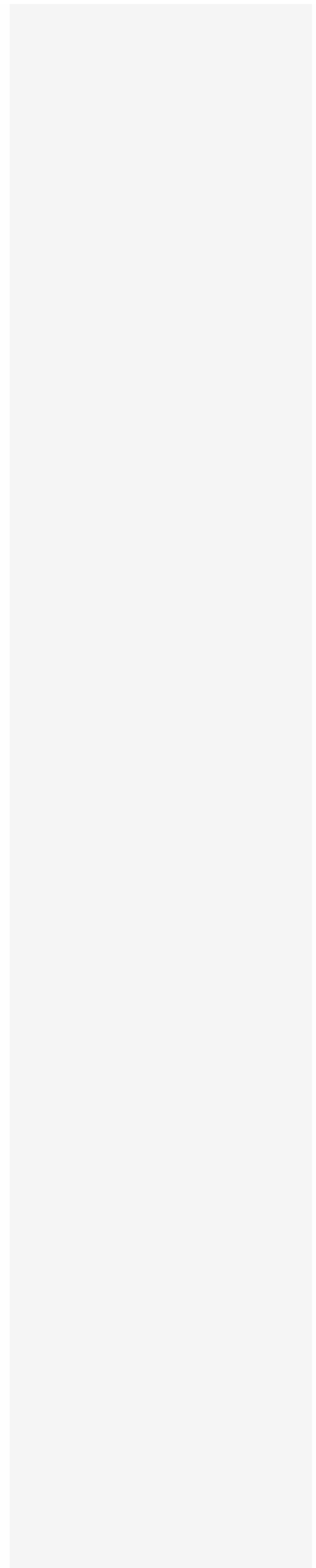


EXHIBIT H

LEGAL DEPARTMENT
LESBIAN GAY
BISEXUAL
TRANSGENDER &
AIDS PROJECT



April 15, 2010

via e-mail

Michele H. Floyd, Attorney
P.O. Box 1738
Fulton, MS 38843
mhfloyd@itawamba.k12.ms.us

Benjamin E. Griffith
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RICHARD ZACKS
TREASURER

Dear Ms. Floyd and Mr. Griffith:

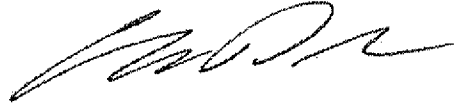
Pursuant to Mississippi Code § 37-15-31(1)(c), I write on behalf of Michael McMillen, the father of Constance McMillen, to request that the School Board consent to Constance transferring out of the Itawamba County School District to the Jackson School District. Mr. McMillen has contacted the Jackson School District separately to obtain its consent to the transfer.

As you may be aware, it is the recommendation of Constance's psychologist that she no longer attend IAHS. Mr. McMillen provided a copy of that recommendation to Superintendent McNeece last week. Moreover, given the misplaced enmity among the student body and the community against Constance for "causing" at least one prom to be canceled, Mr. McMillen believes that it would be in the best interests of Constance's well-being and her educational needs to transfer to another school district. *See Pascagoula Municipal Separate School Dist. v. Barton*, 776 So.2d 683 (2001) (holding that it would be arbitrary and capricious for school district to deny transfer request without consideration of the educational needs and welfare of the particular student involved).

Please contact me with a response as soon as possible. My direct dial is 212-549-2661.

Sincerely,

April 15, 2010

A handwritten signature in black ink, appearing to read 'C. Sun', written in a cursive style.

Christine P. Sun
Senior Counsel
ACLU National LGBT Project