

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

JONATHAN ANDERSON, on his own behalf,)
and as parent and next friend of his)
minor child, **J.A.**, a student in Chesterfield)
County School District,)

Plaintiffs,)

v.)

NO. _____)

**CHESTERFIELD COUNTY SCHOOL)
DISTRICT; CHESTERFIELD COUNTY)
SCHOOL BOARD; JOHN WILLIAMS,)
in his official Capacity as Superintendent)
of the Chesterfield County School District;)
and **LARRY STINSON**, in his official capacity)
as Principal of New Heights Middle School,)**

Defendants.)

_____)

COMPLAINT

Introduction

1. The First Amendment to the U.S. Constitution prohibits public schools from proselytizing students, sponsoring prayer, or otherwise promoting religion. When public school officials engage in these unconstitutional activities, they harm schoolchildren by coercing them into religious practice and subjecting them to unwelcome indoctrination and religious messages; they harm parents by usurping their right to control the religious upbringing of their children; and they harm families and the community as a whole by sending a divisive message of religious favoritism for those who adhere to school officials' preferred faith.

2. In spite of these harms, and well-established law, on September 1, 2011, New Heights Middle School officials held an evangelical revival assembly to “save” students by encouraging them to accept Jesus Christ into their hearts. The school-day assembly featured a minister who delivered a sermon, a Christian rapper (known as “B-SHOC”), and church members who prayed with students. Students were urged to sign a pledge dedicating themselves to Christ. The event was remarkable because it showed how brazen school officials have become in flouting the law and infringing students’ and parents’ First Amendment rights.

3. But the B-SHOC event was not the first or last time that the Chesterfield County School District has violated the Establishment Clause. Rather, the District has a longstanding custom, policy, and practice of coercing and encouraging religious activities, as well as conveying religious messages, throughout District schools, including at New Heights Middle School. District officials have repeatedly incorporated prayer and proselytizing into various school-sponsored events, such as school-day assemblies, choral concerts, awards ceremonies, and football games. School officials also openly encourage students to attend religious events, such as student religious clubs, and participate in those activities themselves. In addition, religious iconography and messages adorn the main office, lobby, and hallways of New Heights Middle School and school officials even had a cross depicted in the eye of the school’s hawk mascot when it was recently painted on the gymnasium floor.

4. When Plaintiffs, Jonathan Anderson (“Father”) and his son J.A. (“Son”) (who attends New Heights Middle School)¹ expressed concern that the practices did not comport with their non-Christian beliefs, one teacher told Son that he should not disclose the fact that he is a

¹ Because Plaintiff is a minor, he is referred to in these proceedings only by his initials.

non-believer. And Defendant Larry Stinson, principal of New Heights, told Father that he needed to “get right with God.”

5. Plaintiffs believe that Son’s right to attend a public school should not be conditioned upon acceptance of unwelcome exposure to government-sponsored religious practices and messages. Father believes that religious education and instruction is a matter for parents, not public school officials. And he believes that neither he nor his son, nor anyone else, should be made to feel like outsiders in their own community merely because they do not subscribe to the particular religious beliefs and practices promoted by school officials.

6. Accordingly, Plaintiffs seek a declaratory judgment that the Defendants’ policies and practices are unconstitutional because they are religiously coercive; endorse and promote religion; and have the purpose and effect of advancing religion. Plaintiffs further seek preliminary and permanent relief enjoining the School District and school officials from (1) participating in, organizing, promoting, advancing, aiding, endorsing, or causing prayer, religious devotionals, or proselytizing during class and school-sponsored events; (2) encouraging students to participate in religious events and activities, or otherwise promoting religious events and activities; (3) displaying religious iconography or messages in a manner that (a) does not have a non-religious, educational, curriculum-related purpose or (b) conveys official approval of its religious message or content; (4) permitting the distribution of Bibles or other religious literature on campus during the school day; (5) conveying messages endorsing religion; and (6) otherwise unconstitutionally endorsing religion or religiously coercing students or parents.

Jurisdiction and Venue

7. Plaintiffs bring this action pursuant to 42 U.S.C. § 1983 for violations of civil rights under the First and Fourteenth Amendments to the United States Constitution.

8. This Court has subject-matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343(a)(3) (civil rights).

9. This Court has the authority to grant declaratory relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

10. Venue is proper in this judicial district and division pursuant to 28 U.S.C. §1391(b) and the Local Civil Rules of the U.S District Court for the District of South Carolina. Plaintiffs and Defendants reside in this district and division, and the unlawful practices that give rise to the claims herein occurred within this district and division.

Parties

11. Plaintiff J.A. is a minor child and student enrolled at New Heights Middle School in the Chesterfield County School District. He and his father, Jonathan Anderson, reside in the District. Father sues both on his own behalf, and as parent and next friend of Son. As a student at New Heights Middle School, Son is subject to the customs, policies, and practices of the Defendants. As his parent, Father also is subject to the customs, policies, and practices of the Defendants. Specifically, as set forth in greater detail below, Father and Son have been subjected to unwanted school-sponsored prayer and proselytizing at various school events. They also have been subjected to unwelcome religious messages and other promotion of religion by school officials.

12. Father and Son do not subscribe to Christian beliefs or any other specific religious doctrine. They are non-believers who live their lives in accordance with principles of free thought and reject the validity of all religious systems. They value their right to adopt no religious beliefs just as much as others surely value their right to follow a particular faith. Father and Son object to and are offended by the District's practices because these practices promote

religious beliefs with which they do not agree. Further, Father and Son believe that, by promoting a particular religious viewpoint, the District's practices are religiously divisive and exclusionary because not all students and families share the District's preferred beliefs. They believe that these practices send the message that those students and families who practice officials' preferred faith are favored by the District, while those who do not, such as Plaintiffs, are outsiders who are not entitled to the same rights as others. As a result, Plaintiffs feel like second-class citizens in the District and their community.

13. Son feels extremely uncomfortable and upset because he is routinely subjected to unwelcome religious messages and coerced both directly and indirectly to participate in religious activities that do not comport with his personal beliefs and conscience. Indeed, when he has stated his non-believer views or explained that he is not a Christian, he has faced disparagement, ridicule, and harassment from school officials and his classmates. Son believes that he should not be made to feel like an outcast at his own school by District officials who, through their promotion of religion generally and Christianity more specifically, repeatedly send the message that he is disfavored simply because he has exercised his constitutional right to adopt no faith at all. As a result, Son feels very unwelcome in school, the District, and the community at large.

14. Father also is uncomfortable with and upset by the prayers and proselytizing at school events, as well as the religious iconography posted throughout New Heights Middle School. As a parent, Father regularly visits the school and attends events there. He believes that he should not have to be subjected to unwelcome religious messages and exercise simply to remain an engaged and responsible parent. He also believes that the religious education a child receives, if any, is the province of parents and families, not public school officials.

15. In sum, by adopting a policy and practice of promoting religion at New Heights Middle School and other District schools, the District has harmed Son by, among other things, coercing him into state-sponsored religious exercise and repeatedly exposing him to unwelcome proselytizing and other religious messages. The District also has harmed Father by conditioning his ability to visit Son's school and attend Son's school events on his acceptance of prayer, proselytizing, and other religious messages. Additionally, the District has impeded Father's right to control his child's religious education and upbringing free from governmental intrusion or interference. As a result of the District's actions, Plaintiffs have been rendered outsiders at New Heights Middle School, Chesterfield County School District, and the community at large.

16. If the District's custom, policy, and practice of promoting prayer and other religious activities remains in place, Plaintiffs will continue to suffer these harms throughout the 2011-2012 school year and beyond.

17. Defendant Chesterfield County School District, pursuant to South Carolina Code § 59-17-10 is a "body politic and corporate" with the power to sue and be sued. The Chesterfield County School Board is the governing body of the Chesterfield County School District. The Board controls, operates, and supervises all District schools, including New Heights Middle School and Central High School, and is responsible for prescribing and enforcing rules and regulations.

18. Defendant John Williams is the superintendent of the Chesterfield County School District. Defendant Larry Stinson is the principal of New Heights Middle School. Williams and Stinson are responsible for, among other things, enforcing school rules, regulations, and policies. They are sued in their official capacities.

19. Defendants, at all relevant times, were acting and continue to act under color of law.

Factual Allegations

20. Defendants have a custom, policy, and practice of promoting and sponsoring prayer, proselytizing, and other religious activities and messages at New Heights Middle School and other District schools. Since enrolling at New Heights Middle School, Son has been subjected to school-sponsored prayer, proselytizing, and other religious inculcation on numerous occasions. In connection with his parental duties and community membership, Father also has been exposed to official school promotion of prayer and religious messages.

A. Official Prayer, Proselytizing, and Inculcation of Religion During School Events

21. Defendants have a custom, policy, and practice of promoting and sponsoring prayer, proselytizing, and inculcation of religion during school events at New Heights Middle School.

22. As a member of the chorus, Son attends and participates in school chorus concerts during the fall, winter, and spring. The chorus typically performs each concert at least twice – once during a mandatory school-day assembly attended by all students and once in the evening for parents, friends, and families. Each chorus concert attended by Son has included school-sponsored prayer.

23. During the Fall 2010 school assembly concert, for example, Principle Stinson delivered a prayer. Similarly, Principal Stinson opened up the Fall 2010 evening concert with a Christian prayer, during which he prayed for a good concert and referred to Jesus.

24. During these prayers, nearly all audience members, school staff, and students, including chorus members waiting on the bleachers to perform, bowed their heads. Further,

before one concert, fellow students pressured Son to bow his head during the prayers as well. With his principal leading a prayer and everyone around him praying, Son felt extremely uncomfortable. He felt very nervous about what his classmates and teachers would think about him due to his refusal to bow his head or participate in the prayer.

25. Father also attended the evening chorus concerts to support Son and was so offended by the prayers that, on at least one occasion, he left the gymnasium when Principal Stinson began to pray.

26. The planned program for the upcoming Winter choral performance includes several overtly religious songs. In another context, it might be constitutionally permissible for a public school chorus to rehearse and perform these songs for non-religious, educational purposes. But when preceded by the type of Christian prayer or other proselytizing that has occurred at every choral concert, they will broadcast a clearly sectarian message. When Son objected to singing these songs, he was told to lip sync.

27. The chorus concerts are not the only New Heights Middle School events that have featured officially sponsored prayer and proselytizing. At last year's annual student awards ceremony, Principal Stinson delivered a Christian prayer during which he praised God for helping students learn better and achieve. And the school regularly incorporates prayer, proselytizing, and other inculcation of religion into assemblies.

28. Recently, for example, the school tapped a student to lead the opening prayer during a school-day assembly held on November 10, 2011, in honor of Veterans Day. The mandatory assembly took place during the school day and was attended by all students.

29. At the beginning of the assembly, Principal Stinson introduced the designated prayergiver, a student who was seated in the front of the gym next to school officials, and

informed the audience that the student would lead everyone in a prayer. Stinson then passed the student a microphone, and the student delivered a prayer. Principal Stinson, teachers, and nearly all students bowed their heads for the prayer.

30. In addition to a choral performance, in which Son participated, the assembly featured a speech by a Vietnam War veteran. Introducing the guest, Principal Stinson noted the important role that God had played in the veteran's survival at war. The guest then detailed his war experiences and spoke about his belief that God saved his life. After the veteran's speech concluded, Principal Stinson thanked him for attending the assembly and also thanked God. Son felt very angry during the assembly. He ardently supports veterans and our troops, but, as a non-believer, was offended that the focus of the Veterans Day Assembly was on God and religious beliefs and that, as usual, the school assembly had included prayer.

31. In October 2011, during a drug awareness assembly, Principal Stinson spoke at length about the role that religion and God played in helping his family members through drug-related issues.

32. On November 17, 2011, another assembly was held during school hours. The assembly featured snake handler Ron Cromer, who often shares about his Christian faith during his presentations. In giving his presentation that day, Cromer removed the snakes from a carrying case with a "Jesus fish" painted on it. During the assembly, he mentioned several times that the snakes were "God's creatures." Cromer also used the assembly as an opportunity to urge students to come to the PTO meeting that night where, on information and belief, he gave an explicitly religious lecture.

33. Religion also featured prominently in two other school assemblies held this school year. Near the beginning of the current school year, a mandatory assembly featured a

family of musicians that performed religious songs. The assembly was opened by a prayer delivered by Principal Stinson.

34. In September 2011, the school also held an evangelical revival assembly featuring a Christian rapper, a minister, and other volunteers from a local church who prayed with and proselytized students.

35. During the school-day assembly, an evangelical minister, Christian Chapman, delivered a sermon to students. Among other things, Chapman told students that “a relationship with Jesus is what you need, more important than anything else.” He also declared that atheism, evolution, and homosexuality are very wrong.

36. In addition, B-SHOC, a Christian rapper (whose musical catalog includes titles such as “Crazy Bout God” and “Christ-Like Cruisin”), performed overtly Christian songs. Both he and Principal Stinson urged students to attend the home church of Bridging the Gap Ministries, a local religious organization.

37. Further, members of a local church and other adults, including teachers, were instructed to pray with students before they returned to classes. And students were asked to sign a pledge dedicating themselves to Jesus Christ.

38. The assembly was recorded on video and eventually posted online. In the video, B-SHOC bragged about being in a public school and the video notes that “324 kids at this school have made a decision for Jesus Christ!” In a series of messages posted to his Twitter account, Chapman, who aims “to win as many as possible for Christ,” similarly exclaimed, “Total count is close to 400 public school teens surrendered their hearts to Jesus today!!!” And earlier in the day, he noted that, “There is a scoreboard in the gym that should say Jesus 225[,] satan 0.” Chapman also boasted on his Twitter account that there were “4 students who said they wouldn’t

go to the event because they were atheist but they just walked in ... A Jesus party is much better.”

39. School officials were intimately involved in and supportive of the assembly’s religious content. Teachers prayed with students during the event and assisted in passing out religious literature.

40. After the event, one teacher told students about the B-SHOC and Chapman event, “Remember kids, let Thursday be the beginning, not the climax.” She then encouraged students to attend “Hawks for Hope,” a religious club that meets at New Heights Middle School.

41. And the school’s website featured links to help students “Connect with Christian Chapman and B-SHOC” and a recap of the event, which stated:

A worship rally took place at New Heights Middle School on Thursday, September 1, 2011. When walking into the gym, you would normally see bleachers and basketball goals, but on this day, the lights were dimmed and smoke filled the air. A pastor and a rapper took center stage. B-SHOC, a Christian rapper performed first in the gym. He was able to get the kids to really interact with him. Jumping, clapping, singing... the students were all stirred up and captivated by B-SHOC’s mesmerizing light show. While performing, lyrics on the screen got the kids singing and rapping about Jesus. After B-SHOC’s interactive performance, Christian Chapman, a youth evangelist took over. He delivered a serious address, but at the same time brought a little humor into it. Through telling his own testimony and other personal experiences, he brought a powerful message to which the middle school students could easily relate. Before the day ended, 324 kids had either been saved, or had re-committed their lives to the Lord. These two men, with help from volunteers did an amazing job in speaking to the hearts of these kids. They touched the lives of some very important people – our youth. The overall experience was astounding.²

42. Moreover, in the video, Chapman noted during a follow-up evening session with parents and students that Principal Stinson was well aware of the constitutional problem with the assembly. He explained: “Your principal went to me today and I said, ‘How are you getting

² The District deleted this online material after the violations came to light in the media.

away with this?’ and he said, ‘I’m not . . . I want these kids to know that eternal life is real, and I don’t care what happens to me, they’re going to hear it today.’”

43. On information and belief, Chapman’s evening presentation to parents and students was part of the District’s “Title I Family Night” and was funded by federal Title I dollars.

44. Though teachers announced prior to the B-SHOC assembly that students could instead report to the in-school suspension (“ISS”) room, Son felt pressured to attend the assembly, especially because he believed that sending students to the ISS room was basically intended to punish them for refusing to go to the religious event. In ISS, students would be forced to sit in silence and could be ordered to do extra work that those attending the assembly would not have to do. Son was thus coerced into attending the B-SHOC assembly. On the way to the concert, his teacher exclaimed about the event, “Isn’t this going to be fun?” When Son said it would not be fun because he was an atheist, the teacher told him, “I wouldn’t brag about that.”

45. During the assembly, Son felt very uncomfortable and upset. Aware that Son is not a Christian, his classmates singled him out and told him he should listen to what was being said. On his way out, he was given religious literature by volunteers and teachers. This literature included fake money (in the form of a \$1 million bill), stating:

THE MILLION DOLLAR QUESTION: WILL YOU GO TO HEAVEN WHEN YOU DIE? HERE’S A QUICK TEST. HAVE YOU EVER TOLD A LIE, STOLEN ANYTHING, OR USED GOD’S NAME IN VAIN? JESUS SAID, “WHOEVER LOOKS AT A WOMAN TO LUST FOR HER HAS ALREADY COMMITTED ADULTERY WITH HER IN HIS HEART.” HAVE YOU LOOKED WITH LUST? WILL YOU BE GUILTY ON JUDGMENT DAY? IF YOU HAVE DONE THOSE THINGS, GOD SEES YOU AS A LYING, THIEVING, BLASPHEMOUS, ADULTERER AT HEART. THE BIBLE WARNS THAT IF YOU ARE GUILTY YOU WILL END UP IN HELL. THAT’S NOT GOD’S WILL. HE SENT HIS SON TO SUFFER AND DIE ON

THE CROSS FOR YOU. YOU BROKE GOD’S LAW BUT JESUS PAID YOUR FINE. THAT MEANS HE CAN LEGALLY DISMISS YOUR CASE. HE CAN COMMUTE YOUR DEATH SENTENCE. “FOR GOD SO LOVED THE WORLD THAT HE GAVE HIS ONLY BEGOTTEN SON. THAT WHOEVER BELIEVES IN HIM SHOULD NOT PERISH BUT HAVE EVERLASTING LIFE.” THEN HE ROSE FROM THE DEAD AND DEFEATED DEATH. PLEASE REPENT (TURN FROM SIN) TODAY AND TRUST ALONE IN JESUS, AND GOD WILL GRANT YOU ETERNAL LIFE. THEN READ YOUR BIBLE DAILY AND OBEY IT.

B. Other Official Promotion of Prayer and Religious Activities

46. Defendants have a custom, policy, and practice of promoting religious messages and activities in other contexts as well.

47. In math class, Son’s teacher works references to Bible scripture into her lessons.

48. In gym class, when Son forgot his gym clothes one day, he was ordered, as a punishment, to copy an essay stating that he was thankful for God and would not forget his clothing again. Similarly, when he forgot his belt (part of the school uniform) one day, Son was ordered to copy an essay stating that he thanks God every day and would not forget his belt again. On information and belief, the school has a custom, policy, and practice of assigning students to copy religious essays as punishment for infractions of school rules.

49. School officials also improperly organize and participate in religious activities and prayer during meetings of student religious clubs and encourage students to attend these meetings as well. For example, teachers have urged students to attend Hawks for Hope, a religious club that meets in the mornings in a school classroom and, on information and belief, the meetings are specially promoted by Principal Stinson during morning announcements.

50. Principal Stinson and other school officials also take part annually in Prayer Around the Pole, an event that is advertised around the school grounds and that takes place in the morning as students arrive for school. Indeed, Principal Stinson has led prayer during the event.

51. On information and belief, school officials also have given local ministers special access to these student club meetings and allowed them to take active roles in them.

52. On information and belief, school officials also grant religious groups special access to students to distribute religious literature. In the past, for example, religious groups have entered elementary school classrooms to distribute Bibles to students. Churches were also permitted on campus during Field Day to hand out religious tracts and Bibles. When Father objected to these activities, Principal Stinson told him that, in some cases, it was the only way kids could be introduced to Christ since many parents do not teach the Bible at home.

C. The Display of Religious Iconography and Messages Throughout New Heights Middle School

53. In addition to its custom, policy, and practice of proselytizing students, sponsoring prayer, and promoting other religious exercise, the District permits various religious iconography to be displayed throughout New Heights Middle School, reinforcing the perception that the District endorses religion generally, and Christianity in particular. Father regularly encounters these religious symbols and messages when he visits the school, and Son is regularly subjected to them merely by going about his daily business at school.

54. In the lobby area outside of the main office, a poster declares that “[t]hrough God all things are possible.”

55. In the lobby area foyer display case, a “Faith” sign hangs just below a plaque depicting Jesus and a prayer.

56. In the main office, a framed depiction of a purple cross is displayed on a table visible to all passersby.

57. In another hallway, a large, framed poster of the Ten Commandments is affixed to the wall. It is displayed alone.

58. Meanwhile, the school's career development teacher has posted a cross and dozens, if not hundreds of religious messages, including Psalms and other scriptural references, on the outside window of her office, visible to all passersby, as well as those who enter the office for guidance.

59. And the painting of the school mascot, a hawk, on the gymnasium floor, clearly depicts a cross in the hawk's eye.

D. Official Promotion of Prayer and Religious Activities at Other District Schools

60. Official prayer and promotion of religious activities also occurs at other District schools, including Central High School, which New Heights Middle School students will eventually attend. For example, Central High football games begin with a prayer delivered over the public address system.

61. School officials invited a local minister to give a closing prayer during a school-wide assembly at McBee High School in honor of the tenth anniversary of the 9/11 attacks.

62. Further, on information and belief, District officials were improperly involved in facilitating, supporting, and promoting B-SHOC concerts held at Central High School and McBee High School in October 2011.

E. Reaction to the District's Promotion of Religion

63. Based on the District's past custom, policy, and practice of promoting prayer, proselytizing, and other religious messages and activities at New Heights Middle School, Central High School, and other District schools, Plaintiffs reasonably believe and fear that the District

will continue to infringe their constitutional rights during the remainder of the 2011-2012 academic year and beyond.

64. The School Board has or should have had knowledge of the customs, practices, and policies alleged herein. On information and belief, school officials often lead prayer at various school events. In addition, on information and belief, District officials have attended and participated in various District-sponsored events that have unlawfully incorporated prayer or otherwise impermissibly promoted religion. On information and belief, District officials have also witnessed the religious displays posted throughout New Heights Middle School.

65. On September 22, 2011, Defendants, via letter, were further put on notice that the District had violated the First Amendment. Plaintiffs' counsel, the ACLU, sent a letter to the District objecting to the B-SHOC concert and seeking documents under South Carolina's Freedom of Information Act, §§ 30-4-10 et seq., relating to the B-SHOC event and other promotion of religion by the District. The letter also asked District officials to contact Plaintiffs' counsel if they were "amenable to taking immediate and concrete steps to remedy this problem." The District produced only a handful of responsive documents. Subsequently, on November 10, 2011, Plaintiffs' counsel sent a second letter explaining that the FOIA response was inadequate and requesting that the District provide additional public records. The letter also asked District officials to contact Plaintiffs' counsel to resolve the matter without litigation. The District did not heed this request.

66. Instead, District officials have defended the District's actions in expressly religious terms. When Father objected to the improper religious practices at New Heights Middle School, for example, Principal Stinson told him that he needed to "get right with God."

67. Moreover, on information and belief, a representative of the County in charge of a Facebook page for New Heights Middle School made a number of public pronouncements in support of the religious practices.³

68. Meanwhile, the issue has divided the community. Many in the community have also defended the school in expressly religious terms and have made clear that they view the school's actions as an endorsement of religion – one that they approve of, notwithstanding the law in this area and the fact that not all students and families are Christian.

69. For instance, some members of the community have produced t-shirts with a cross, a Bible verse, and the New Heights hawk mascot, stating, “NOT ASHAMED TO SUPPORT NEW HEIGHTS MIDDLE SCHOOL. NOT ASHAMED THAT JESUS CHRIST IS MY SAVIOR.”

70. In an online petition in support of the B-SHOC rally and Principal Stinson, one parental supporter declared: “He didn't do anything wrong, he only wants others to know about Jesus!!!! He is the BEST thing that happened at New Heights. Had he not been there my daughter sure wouldn't be there now.” Another echoed the sentiment, writing, “Mr. Stinson is a great man of God. I am thankful to have him as my daughter's principal. He not only cares about their education, he cares about their life. He is showing them that Jesus loves them too. For those who want Jesus out of school, let me ask you a question. What about Satan? Do you want him in school? Cause he is roaming them halls every day. I pray that people will wake up and realize that we need Jesus back in our schools and in our lives.”

71. The divisive impact the District's customs, policies, and practices have had in the community is further evinced by the backlash that Father, Son and their family have experienced

³ The page has since been taken down.

after making their objections known. They have received harassing phone calls, and some have suggested that they should move away from the District or withdraw Son from school. Son has been falsely called a Satanist and other names by his classmates. The District's and community's reaction to these issues illustrates a key reason why the Establishment Clause mandates that the government stay neutral regarding religion in the first place: to prevent such sectarian strife and civic divisiveness.

Claim for Relief: Establishment Clause Violation

(42 U.S.C. §1983)

72. Plaintiffs re-allege and incorporate by reference all of the preceding paragraphs in this Complaint.

73. By Defendants' conduct alleged above, Defendants have violated, and are continuing to violate, Plaintiffs' rights under the Establishment Clause of the First Amendment to the U.S. Constitution and the Fourteenth Amendment to the U.S. Constitution. The customs, practices, and policies established by Defendants are the cause in fact of the constitutional violations.

74. Defendants' conduct coercively exposes Plaintiffs to unwanted religious exercises and messages sponsored by school officials.

75. Defendants' conduct also improperly endorses religion. A reasonable, objective student, parent, or other observer aware of the conduct alleged above would conclude that the Defendants have endorsed and continue to endorse religion at New Heights Middle School, Central High School, and other District schools.

76. Defendants' conduct, in addition, has the primary purpose and effect of promoting and advancing religion and excessively entangles the District with religion.

77. Unless restrained by this Court, Defendants will continue to subject Plaintiffs to these unconstitutional customs, policies, and practices, causing Plaintiffs irreparable harm by denying their fundamental constitutional rights to be free from governmental promotion of religious beliefs and messages and governmental coercion of religious practices.

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

79. In depriving Plaintiffs of these rights, Defendants acted, and continue to act, under color of state law.

Relief Requested

Plaintiffs respectfully request the following relief:

A. An order declaring Defendants' customs, policies, and practices alleged above to be in violation of the Establishment Clause of the First Amendment to the U.S. Constitution;

B. An order preliminarily and, thereafter 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 continuing their unlawful conduct at New Heights Middle School, Central High School, and all schools within the Chesterfield County School District, and specifically prohibiting Defendants from:

1. Participating in, organizing, promoting, advancing, aiding, endorsing, or causing prayer, religious devotionals, or proselytizing during class and school-sponsored events;
2. Encouraging students to participate in religious events and activities, or otherwise promoting religious events and activities;

3. Displaying religious iconography or messages in a manner that (a) does not have a non-religious, educational, curriculum-related purpose or (b) conveys official approval of its religious message or content;
4. Permitting the distribution of Bibles or other religious literature on campus during the school day;
5. Conveying messages endorsing religion; and
6. Otherwise unconstitutionally endorsing religion or religiously coercing students or parents.

C. An order directing Defendants to provide a copy of the written injunction to all School District officials, employees and agents;

D. Entry of judgment for Plaintiffs against Defendants for nominal damages of \$1;

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

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

G. Such further and different relief as is just and proper.

Respectfully submitted,

/s/ Susan Dunn

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Dated: December 5, 2011