

2. In spite of these harms, and well-established law, on September 1, 2011, New Heights Middle School officials held an evangelical revival as

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) 0.0004 Tc-brffi Sc -2.-25.990.sua5 -2ool Distr13icials.

8. This Court has subject-matter jurisdiction over this matter pursuant to 28 U.S.C. §

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

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-f concertsAlpaticioh

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 Ne

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

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

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 t

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 lette

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

Respectfully submitted,

/s/ Susan Dunn

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