

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

DOES 1–7,

Plaintiffs,

v.

BOSSIER PARISH SCHOOL BOARD and
SCOTT SMITH in his official capacity
as Bossier Parish Superintendent,

Defendants.

Civil Docket No. 5:18-cv-152

CHIEF JUDGE HICKS

MAGISTRATE JUDGE HORNSBY

AMENDED COMPLAINT

INTRODUCTION

1. Public schools are charged with ensuring that students of every background are able to learn, to live, and to work together while acquiring the skills and values necessary to participate as equal citizens in our inherently pluralistic society. *See Brown v. Board of Educ.*, 347 U.S. 483, 493 (1954). Religious differences abound in our Nation and in the State of Louisiana. Hence, most public schools eschew teaching religious doctrine or endorsing religious practices and instead respect students’ and their families’ beliefs and religious diversity, as our constitution requires.

2. But not Bossier Parish public schools. Although Bossier is home to children from a variety of religious and philosophical backgrounds and is constantly infused with diverse newcomers brought in by Barksdale Air Force Base, school officials

throughout the Bossier Parish School System coerce students into religious practices and subject them to unwelcome religious messages and indoctrination. Bossier Parish principals, teachers, and coaches regularly force students who practice minority religions or no religion, or who consider their faith a private matter, to choose between participating in school events that endorse religious beliefs to which they do not adhere and that require religious practices they do not wish to take part in, or excluding themselves from learning experiences and the school community.

3. School officials throughout the Bossier Parish School System regularly deliver or promote the delivery of Christian prayers at school-sponsored events. Prayers begin and often end graduation ceremonies, sporting events, sports teams' practices and banquets, pep rallies, and student-council meetings. Many of these school-sponsored events are also held in churches, including within the sanctuary or other rooms bearing religious iconography, thus creating an atmosphere closer to Sunday school than to public school.

4. What is more, some Bossier Parish teachers proselytize during class, pray aloud for students, require young students to memorize sectarian prayers, and tell students of all religious backgrounds that to be a good person one must be Christian. Bossier Parish teachers and administrators have also placed religious displays in their classrooms and offices, advertised events sponsored by local churches, and incorporated religious teachings, beliefs, or doctrine, like creationism, into the curriculum. Further, some Bossier Parish teachers, staff, and administrators have endorsed and conferred special favors on sectarian religious clubs and have developed

practices that expose the private beliefs of students who do not wish to participate in these organizations, subjecting these children to coercive pressure to join, and ostracism by their classmates if they do not.

5. By officially promoting and endorsing religious beliefs, the Bossier Parish School Board and the Bossier Parish Superintendent have violated the Establishment Clause of the First Amendment to the U.S. Constitution. Plaintiffs bring this action to enforce their rights under the Constitution to decide for themselves about the religious upbringing of their children, free from interference by public-school officials.

JURISDICTION AND VENUE

6. Under 28 U.S.C. §§ 1331 and 1343, this Court has jurisdiction over Plaintiffs' claims arising under the First and Fourteenth Amendments to the U.S. Constitution, 42 U.S.C. § 1983, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2210.

7. Venue is proper in this District under 28 U.S.C. § 1391(b) because all parties reside in the Western District of Louisiana, except Doe 5 (whose child or children reside and attend school in the jurisdiction), and the events or omissions giving rise to Plaintiffs' claims occurred and continue to occur in the Western District of Louisiana.

PARTIES

8. The Bossier Parish School System serves more than 22,500 students. *See* Bossier Parish School Board, *Welcome to Bossier Schools*, <http://bit.ly/2mPq8yW>.

9. The Board has established twenty elementary schools, seven middle schools, and seven high schools to serve the students in the Parish. *See id.*

10. The School System serves a diverse and often transitory student population because many local families are affiliated with Barksdale Air Force Base, the largest employer in Northwest Louisiana. *See* Sarah Crawford, *On-Base Barksdale Families to Have Choice of Schools for Kids*, SHREVEPORT TIMES (July 13, 2017), <http://bit.ly/2umW9UK>.

11. Defendant Bossier Parish School Board is a corporate body within the State of Louisiana responsible for establishing, operating, improving, and evaluating the public-school system in Bossier Parish. *See* LA. STAT. ANN. §§ 17:51, 17:81, 17:1373.

12. The Board is charged with creating policies that serve the best interests of all students enrolled in the public schools in Bossier Parish. LA. STAT. ANN. § 17:81.

13. Defendant Bossier Parish Superintendent Scott Smith, appointed by the Board, is responsible for enforcing state school law and the Board's policies within the Bossier Parish School System. *Id.*

14. The Superintendent must closely monitor schools' compliance with federal, state, and local law, visiting each school as often as possible during the year and reporting on the schools' status to the Board. LA. STAT. ANN. § 17:91.

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

16. Plaintiffs Does 1–4 and 6–7 are citizens of the United States and of the State of Louisiana.

17. Plaintiff Doe 5 is the parent of a citizen of the United States and of the State of Louisiana.

18. Each Plaintiff is a parent of at least one child currently attending Bossier Parish schools. Collectively, Plaintiffs' children attend and have attended elementary, middle, and high schools within the Bossier Parish School System since at least 2015.

19. Since enrolling in Bossier Parish schools, Plaintiffs' children have been subjected to school-sponsored prayer, proselytizing, and other religious inculcation on numerous occasions.

20. In connection with their parental duties and as members of the Bossier Parish school community, Plaintiffs themselves have likewise been exposed to official promotion of prayer and religious messages.

21. As parents, Plaintiffs believe that it is their responsibility and right—not the Board's or Superintendent's—to provide for their children's religious education. Plaintiffs object to and are offended by Bossier Parish schools' endorsement of religious practices in the classroom and at school-sponsored events and activities. Plaintiffs believe that Defendants have elevated and preferred some religious beliefs over others and religion over nonreligion, and have usurped and violated Plaintiffs' constitutional rights as parents.

22. Plaintiffs seek to bring this suit under pseudonyms in light of the virulent debate that has surrounded prior attempts to remind Bossier Parish officials of the constitutionally mandated requirement that public schools not promote religion and of the importance of that fundamental principle for respecting the religion of all students and families. Revealing Plaintiffs' names would necessarily reveal the

identities of their minor children, further exposing them to the ostracism that they have already experienced because of the official religious endorsements giving rise to this lawsuit.

GENERAL ALLEGATIONS

23. Plaintiffs reallege and incorporate by reference all the preceding paragraphs in this Complaint as if fully set out here.

24. Official promotion of religious beliefs and inculcation of religious favoritism occurs throughout the Bossier Parish School System.

25. Defendants were aware of, condoned, carried out, endorsed, and enabled the religious activities described here.

Official Prayer at School Events

26. The Board's "Prayer in Schools" policy states:

No law, rule, or policy shall prevent any student who attends a public elementary or secondary school and who is responsible for or presiding over a meeting of a school organization or assembly from calling upon a student volunteer to offer an inspirational quotation or statement, offer a voluntary prayer, or lead in silent meditation, at the sole option of the student volunteer.

Exhibit A (Bossier Parish School Board "Prayer in Schools" Policy).

27. This policy encourages and endorses official prayer at school events, where it is not constitutionally permitted.

Graduation Ceremonies

28. Throughout the Bossier Parish School System, prayers typically open and close graduation ceremonies, the most significant event in school children's lives (*Lee v. Weisman*, 505 U.S. 577, 595 (1992)).

29. Bossier Parish graduation ceremonies occur under the supervision of school administrators and faculty members.

30. These school officials determine the schedule for graduation ceremonies.

31. Official programs outlining the schedule of ceremonies are distributed to attendees at the graduation ceremonies.

32. Time is often officially allotted in the official schedule for prayer, including invocations at the beginning of the ceremonies and benedictions at the end.

33. At some Bossier Parish graduation ceremonies, faculty or administrators deliver prayers from the podium over the venue's public-address system.

34. At other Bossier Parish graduation ceremonies, students deliver the officially scheduled prayers from the podium over the venue's public-address system.

35. For some Bossier Parish graduation ceremonies, students are selected at random to recite the official prayer for the event.

36. For some Bossier Parish graduation ceremonies, schools select student-government officers to deliver the ceremonies' official prayers.

37. Some Bossier Parish schools have official policies requiring graduating students to stand and remove their caps while prayers are recited at the beginning and end of graduation ceremonies.

38. At some Bossier Parish graduation ceremonies, students and audience members are exhorted by the announcer to participate in the official prayers.

39. For example, at Parkway High School's 2016 graduation ceremony, after the students were instructed to turn their tassels, a student leader requested that the crowd bow their heads and pray with her as she said:

Dear heavenly father, on behalf of the graduating class of 2016, I would like to thank you for walking with us all these years. Thank you for knowing just the right person to put in our lives at just the right time. Father, I ask that you continue leading us in our newest journey in our lives, whatever that may be, and that we continue to walk on the path that you have set for us. God, I pray that your hands and wisdom continue to guide our hearts as we experience times of tribulation as well as times of joy, and that you never let us forget your presence. It is in your name we pray. Amen.

40. Similar prayers have been part of the official schedule of ceremonies at, for example, Airline High School's graduation ceremonies, Benton High School's graduation ceremonies, Bossier High School's graduation ceremonies, Haughton High School's graduation ceremonies, and Plain Dealing High School's graduation ceremonies.

41. Prayer is also recited at Bossier Parish elementary-school and middle-school graduation ceremonies as part of the official program.

42. For example, prayer has been a part of the official schedule of ceremonies at Benton Elementary School's kindergarten graduation ceremonies, Benton Middle School's eighth-grade graduation ceremonies, Carrie Martin Elementary School's preschool graduation ceremonies, Central Park Elementary School's fifth-grade graduation ceremonies, Elm Grove Elementary School's fifth-grade graduation ceremonies, Kingston Elementary School's kindergarten graduation ceremonies, Legacy Elementary School's kindergarten graduation ceremonies, Plantation Park

Elementary School's pre-kindergarten and kindergarten graduation ceremonies, Stockwell Elementary School's fifth-grade graduation ceremonies, T.O. Rusheon Middle School's eighth-grade graduation ceremonies, and W.T. Lewis Elementary School's kindergarten and fifth-grade graduation ceremonies.

43. School Board members and the Superintendent frequently attend Bossier Parish schools' graduation ceremonies.

44. The graduation prayers occur pursuant to a Bossier Parish School Board policy that explicitly and implicitly encourages prayer at graduation ceremonies.

45. The Board's policy on prayer in schools provides: "School officials shall be prohibited from censoring for religious content the speech of a high school student invited to speak at a commencement ceremony at the school he/she is attending." Exhibit A (Bossier Parish School Board "Prayer in Schools" Policy).

46. By allowing prayer at graduations while restricting school officials' editorial authority over religious speech alone, the Board's policy creates both perceived and actual endorsement of religion at Bossier Parish graduations.

Sporting Events

47. Public schools must not force students to make the difficult choice between attending sporting events, which many students feel both immense social pressure and genuine desire to attend, and avoiding personally offensive religious rituals. *See Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 311–12 (2000).

48. But prayer is recited over the public-address systems at nearly every football game hosted by Bossier Parish high schools.

49. At some Bossier Parish high-school football games, prayers have been recited over the public-address systems by the game's announcer.

50. At some Bossier Parish high school football games, prayers have been recited over the public-address systems by local clergy.

51. At some Bossier Parish high school football games, prayers have been recited over the public-address systems by students.

52. These speakers often ask attendees to stand, remove their hats, or bow their heads during the prayer.

53. For example, at a game between Parkway High School and Airline High School in September 2017, the official announcer at the Airline football stadium asked the crowd to rise for prayer before kick-off. A student then recited a prayer, thanking Jesus over the stadium's loudspeaker, before the school band played the national anthem.

54. Students on the field—athletes, cheerleaders, and members of the color guard, dance line, and band—under the pressure of public observation by the crowd, often bow their heads or gather in a huddle in the center of the field during these recitations over the public-address systems.

55. It is common practice for coaches to join their teams in prayer on the field during these recitations over the public-address systems.

56. Bossier Parish's coaches have also led student-athletes in prayer on the field after games.

57. School officials also encourage students to pray publicly with their teammates and coaches before or after other sporting events.

58. For example, the coach of a high-school track team has led the student-athletes in prayer after races; although these prayers were not recited over a public-address system, they were fully audible to the events' attendees as well as the student-athletes.

Other School Events

59. Official prayers are recited at other school-sponsored events at which attendance is mandatory or students feel immense social pressure to attend.

60. For example, at a pep rally hosted by the Board on November 7, 2017, to celebrate the School System's recent state evaluations, Airline High School's student-body president was invited to the podium to recite the following prayer:

Will you please bow your heads with me? Dear God. . . . I glorify you. I thank you for this school district and all of the administrators and teachers that invest in their students. I pray that you continue to protect our schools and our city. I pray that you give wisdom to our country's leaders, and that every decision they make is to glorify your name. I pray for Mr. Rowland and his family, and that he gets back to school soon. And thank you, Lord, for dying on the cross for our sins. Amen.

61. As the prayer was presented, Bossier Parish School Board members and School System administrators standing in front of the crowd of attendees showed their support for the prayer by bowing their heads.

62. Bossier Parish school bands, color-guard teams, cheerleading teams, and other students were in attendance at the event, which was also live-streamed, including to some Bossier Parish classrooms.

63. On Veterans Day, November 11, 2017, many Bossier Parish schools included prayers in the official schedules of their celebrations.

64. Given the proximity of Barksdale Air Force Base to the Bossier Parish School System, students and their families felt immense social pressure, and genuine desire, to attend the schools' Veterans Day celebrations.

65. Additionally, school choirs and bands were required to attend the events to perform celebratory songs after the conclusion of the prayers.

66. Prayers were included in the official programs for Veterans Day events at Benton Middle School, Greenacres Middle School, Kingston Elementary School, and Plain Dealing High School.

67. At a Veterans Day event hosted by a Bossier Parish elementary school in 2016, a local clergy member was invited to lead prayers and deliver a sermon. This event was held on school property on a weekday during school hours, and students were required to attend.

68. Elementary-school principals in Bossier Parish commonly invite elementary-school students to recite prayers at Drug Abuse Resistance Education (D.A.R.E.) program graduation ceremonies.

69. Apollo Elementary School's D.A.R.E. graduation ceremonies, Carrie Martin Elementary School's D.A.R.E. graduation ceremonies, Curtis Elementary School's D.A.R.E. graduation ceremonies, Kingston Elementary School's D.A.R.E. graduation ceremonies, and Princeton Elementary School's D.A.R.E. graduation ceremonies have all included prayers in their official programs.

70. The Bossier Parish Superintendent attended some of these events.

71. Prayer is also incorporated into the official schedule of events at many school awards ceremonies held by Bossier Parish schools.

72. For example, at a recent elementary-school awards assembly, per the programs distributed to family members in attendance, a student read a prayer at the start of the assembly thanking Jesus for the opportunities that his class had that year and entreating God to keep the students safe.

73. As with the prayers at some Bossier Parish graduation ceremonies and sporting events, these prayers were delivered on school property, at school-sponsored events, by speakers representing the school or student body, and under the supervision of school faculty or administrators.

Student Chaplains

74. In extracurricular programs throughout the Bossier Parish School System, students routinely elect “chaplains” from their membership.

75. Student-governments in Bossier Parish middle and high schools elect students to serve as chaplains each year.

76. These chaplains are authorized by school officials to open all student-government meetings with prayers.

77. These chaplains are also authorized by school officials to proselytize at school-sponsored events.

78. Some school-sponsored spirit teams also select student chaplains.

79. These chaplains are authorized by school officials to proselytize their fellow spirit-team members.

School Events Held in Churches

80. Bossier Parish schools regularly hold mandatory and ceremonial school-sponsored events in local churches—often in the churches’ sanctuaries or in rooms replete with religious iconography.

81. At some school-sponsored events held at churches, such as school-choir performances, students are required to attend; refusal to participate would negatively affect students’ grades.

82. For example, at a recent Bossier Parish middle-school Christmas choir concert, which was held within the Airline Baptist Church’s sanctuary, the students were required to perform on stage between a large Latin cross and a crèche.

83. Benton Middle School, Cope Middle School, Elm Grove Middle School, Haughton High School, Parkway High School, Stockwell Place Elementary School, and W.T. Lewis Elementary School, for example, have also held choir and band concerts at local churches, often inside the churches’ sanctuaries.

84. Other school-sponsored events held at churches, including pregame meals for high-school football teams, are mandatory for students wishing to participate in extracurricular activities.

85. Graduation ceremonies for Bossier Parish’s younger students—including Apollo Elementary School’s fifth-grade graduation ceremonies, Benton Middle School’s graduation ceremonies, Kingston Elementary School’s kindergarten graduation ceremonies, Legacy Elementary School’s kindergarten graduation ceremonies, Plantation Park Elementary School’s kindergarten graduation ceremonies, Stockwell Elementary School’s kindergarten graduation ceremonies, T.L.

Rodes Elementary School's kindergarten graduation ceremonies, and W.T. Lewis Elementary School's kindergarten graduation ceremonies—have been held in churches.

86. Student-honors nights, including class-award ceremonies held by Apollo Elementary School and Greenacres Middle School, and sports team annual banquets have also been held in churches.

87. Holding school events in churches forces students and their families to choose between entering a house of worship consecrated and sacred to a faith to which they do not subscribe, on the one hand, and forgoing participation in official school activities, on the other.

Religious-Content in School Performances

88. In Bossier Parish, the musical selections and other content featured in school performances often promote Christian religious beliefs.

89. Not only are Bossier Parish school choirs' performances frequently held in churches, but students are also often required to sing almost exclusively Christian worship songs. Thus, many Bossier Parish school-choir performances are religious ceremonies under the guise of study.

90. Many of the songs taught to and performed by Bossier Parish school choirs are hymnals, gospels, and worship songs.

91. For example, at a recent Bossier and Caddo Parish choral festival, most Bossier Parish school choirs sang exclusively or primarily worship songs. Parkway High School's musical selections were entirely religious—"For the Beauty of the Earth," "Ave Venum Corpus," and "Hear My Prayer"—as were the selections for Elm

Grove Middle School's beginning choir—"Somewhere Above the Clouds," "Dona Nobis Pacem," and "Joshua Fought the Battle." Airline High School's choir, Cope Middle School's advanced choir, Elm Grove Middle School's intermediate choir, and Haughton High School's women's choir sang mostly religious songs.

92. Some choir instructors in the Bossier Parish School System have been allowed to infuse their personal religious beliefs into their schools' choir performances.

93. For example, one Bossier Parish choir instructor has told her students that, because of her personal religious beliefs, she will not allow the choir to perform in venues other than churches. And for the performances she selects mostly Christian worship songs. Additionally, before the choir performs, this teacher plays recorded worship music while the students' families and friends in the audience find their seats.

94. Other school performances have also included unlawful religious content. For example, in December 2016, students at one Bossier Parish elementary school were required to perform a play about the birth of Jesus.

School Officials Proselytizing Students

During the School Day

95. Teachers and administrators in the Bossier Parish School System, particularly those entrusted with teaching young children, have openly proselytized students and created a religious environment in their offices and classrooms.

96. For example, at Kingston Elementary School, a kindergarten teacher required her students to memorize a Christian prayer and recite it every day before lunch.

97. A Legacy Elementary School teacher developed a daily practice of asking each of her students what they would like to pray for, before leading the class in Christian prayer.

98. This year, a Bossier Parish choir teacher closed her school's Christmas concert by making a speech to an audience of students and their families that praised God and the healing power of prayer.

99. At Airline High School, the health teacher tasked with teaching students about the perils of alcohol, drugs, dating violence, and unsafe sex has emphasized to her students the importance of religion in her life and has used Christian-themed films to cover the course's sensitive subject matter. This teacher also reportedly asked all the students in her class to share their favorite Bible verses and has asked an openly Muslim student to read aloud from the Bible during class.

100. An Elm Grove Middle School teacher invited her students to attend a fundraiser at a nearby church, and the event was promoted by other school officials over the school's public-address system.

101. Teachers at some Bossier Parish high schools reportedly promote their personal, religious views on the origins of life—praising creationism in class and attempting to discredit the scientific theory of evolution.

102. For example, Bossier High School’s biology department chair teaches “evolution and creationism in a full spectrum of thought.” *See* Exhibit B (electronic mail from Doug Scott, Assistant Principal of Bossier High School, to Michael Stacy, Bossier High School teacher (Oct. 22, 2014), released by the Bossier Parish School System in response to a public-records request in 2015).

103. At Airline High School, a science teacher invited students to make a presentation on the “Creation point of view” and then directed her class in a reading of Genesis and “some supplemental material debunking various aspects of evolution.” *See* Exhibit C (electronic mail from Shawna Creamer, Airline High School teacher, to Jason Rowland, Principal of Airline High School (May 7, 2015), released by the Bossier Parish School System in response to a public-records request in 2015). Airline High School science teachers have also informed their classes that, because of the teacher’s religious beliefs, they have different ideas about the origin of mankind than those they would cover in class. And those teachers have told their classes that Darwin’s theory of evolution is just a theory that could be disproven and therefore should not be accepted by the students as fact.

104. At several Bossier Parish schools, Latin crosses—the unmistakable symbol of Christianity—are displayed year-round in some teachers’ classrooms and administrators’ offices, creating religiously charged learning environments.

105. For example, a Kingston Elementary School teacher displays multiple crosses in her kindergarten classroom.

106. A teacher at Elm Grove Middle School hangs crosses and posters with religious scripture in her classroom.

107. Crosses and other religious items are also displayed in classrooms throughout Airline High School.

108. Apollo Elementary School's Assistant Principal displays two large Latin crosses on the walls of her office.

109. These displays in teachers' classrooms and administrators' offices convey official endorsement of a particular set of religious beliefs, and exclude students of minority faiths or no faith from these important public-school settings.

110. Further displaying religious favoritism, some Bossier Parish teachers admonish students for adhering to minority faiths. One Bossier Parish teacher told a student that she "needed Jesus" after she misbehaved in class. Another teacher told a child that Jesus was angry at those who did not attend church, and that non-Christians are bad people.

111. Some Bossier Parish teachers have also expressed an understanding that they have license from the Board and the Superintendent to promote their religious beliefs and exhibit religious favoritism in their classrooms. A Bossier Parish elementary-school teacher of thirty years said that she brings up her controversial religious beliefs on the issue of creationism in her class, although she now teaches social studies instead of science. *See* Exhibit D (electronic mail from Carolyn Goodwin, Stockwell Place Elementary teacher, to Charlotte Hinson, Caddo Parish teacher (Feb. 26, 2014), released by the Bossier Parish School System in response to

a public-records request in 2015). She wrote that “Bossier has it’s [sic] problems but there are so many awesome Christians from the top down. We pray at school functions and probably break the law all the time!!” *Id.*

During School Athletics Programs

112. Given the prominence of student-athletes in the school community, many students feel social pressure, along with a genuine desire, to join school athletics programs.

113. Additionally, participation in extracurricular-athletics programs is associated with high grade-point averages, better attendance records, lower dropout rates, fewer disciplinary problems, improvement in mental and physical health, and the opportunity to receive scholarships for higher education.

114. Religious adherence must not be a qualification for participation in school athletics programs.

115. Yet, in addition to official prayers at games, students who participate in Bossier Parish school athletics programs are regularly subjected to even more extensive official promotion of religion by school staff.

116. At least one Bossier Parish high-school football team holds weekly devotionals, which coaches sometimes attend, on the school’s football field after evening practices.

117. At practice or in the locker room, football coaches have quoted scripture to motivate students and pressured students to attend church and mission trips with their teammates.

118. On game day, at least one high-school football team requires students to attend pre-game meals hosted by local churches, during which church members pray for the team.

119. At least one high-school football team invites a youth minister to enter the locker room before games and lead students in prayer.

120. Bossier Parish football coaches have used their positions to distribute religious literature to players.

121. Some coaches have distributed Bibles to students as Christmas presents before the holiday break, and another invited students to take religious literature, including Bibles, from his office.

122. Coaches also facilitate the distribution of apparel from local churches to the players, including T-shirts that feature team names and logos alongside scripture and other religious messages.

School-Sponsored Religious Clubs

123. Bossier Parish school officials are extensively involved in running and promoting religious clubs at almost every school in the system.

124. The Fellowship of Christian Athletes is sponsored by teachers at almost every school in the Bossier Parish School System.

125. Many teacher-sponsors encourage students to join the FCA by handing out promotional pamphlets during class.

126. At least one teacher has required students to attend FCA meetings unless they are able to provide her with a verbal excuse.

127. These promotional practices can lead to students' religious beliefs being identified in the classroom, to their teacher and their peers, especially when participation is so ubiquitous that the refusal to accept the teacher's invitation is conspicuous.

128. Other teacher-sponsors leave FCA materials in their classrooms after club meetings, creating a learning environment filled with religious literature and displays. For example, one teacher-sponsor leaves the FCA's "Bible verse of the day" written on her chalkboard after FCA meetings in her classrooms, displayed alongside the secular curriculum that she is hired to teach.

129. Bossier Parish schools also promote FCA clubs outside the classroom.

130. For example, schools facilitate the sale of FCA club apparel via their official websites.

131. FCA advertisements are displayed prominently on scoreboards in gyms and on fields and on the announcement boards in front of schools, not accompanied by advertisements for any other student club.

132. Coaches for Bossier Parish schools' sports teams also encourage student-athletes to attend FCA events.

133. Student-athletes and spirit-squad members have been required to attend FCA banquets before major games.

134. Students who participate in religious clubs are provided special privileges that other students are not.

135. For example, at some schools, students are permitted to wear an FCA T-shirt in lieu of their school uniform for their class photos, while no other alternatives to school uniforms are permitted.

136. Another religious club, First Priority, is granted special permission to send older students from Bossier Parish high schools to proselytize younger students at Bossier Parish middle schools during the school day.

**Community Members Distributing Religious Materials
on School Property During School Hours**

137. Bossier Parish schools have allowed representatives from local churches to enter school campuses during the school day to invite students to participate in religious activities and to distribute religious materials.

138. For example, at a Bossier Parish middle school, church representatives were allowed to enter the halls during the lunch period to distribute fliers for a church event that featured scripture as well as literature informing students how to “get saved.”

139. At another Bossier Parish school, a religious organization was invited into a classroom to advertise a fundraiser to support the organization, and students were sent home with donation cups that featured religious imagery.

140. By providing the local religious community with special access to schoolchildren during the school day, Defendants have endorsed the religious messages that these clergy and other religious representatives convey.

Endorsement of Religious Events Held on School Property

141. Bossier Parish schools and school officials endorse religious events on school property, including See You at the Pole, Bring Your Bible to School Day, and Fields of Faith.

142. For example, Bossier Parish school officials encouraged students to participate in a See You at the Pole event on September 27, 2017, for which students were encouraged to “gather [] at their flagpoles [and] pray [] for their school, friends, families, churches, and communities,” according to the event’s website, <http://syatp.com/>.

143. See You at the Pole was held on most schools’ front lawns before school hours and was publicized during the preceding school day over schools’ public-address systems.

144. At least one elementary school held their See You at the Pole event in their school’s gymnasium.

145. Bossier Parish schools officials also encouraged students to participate in Bring Your Bible to School Day on October 5, 2017, an event during which students were encouraged to “bring their Bibles to school and talk about it with friends,” according to the event’s website, <http://www.bringyourbible.org/>.

146. Although Bring Your Bible to School Day is labeled a student-led event, it was promoted by Bossier Parish teachers and administrators in their official capacities at school.

147. For example, at a Bossier Parish middle school, a banner was displayed outside the school gym to remind students to bring their Bibles on the designated day.

148. At some schools, teachers reminded their classes about Bring Your Bible to School Day the day before.

149. At other schools, students were reminded about Bring Your Bible to School Day via the schools' public-address systems.

150. On Bring Your Bible to School Day, Bossier Parish schools encouraged students to use and display their Bibles in the classroom.

151. Students were allowed to display their Bibles on their desk during classes, making students who did not bring a Bible on Bring Your Bible to School Day conspicuous.

152. Some schools also allowed students to read Bible verses over the schools' public-address systems on Bring Your Bible to School Day.

153. On October 18, 2017, Haughton High School hosted a Fields of Faith event at its football stadium, Harlan Stadium. *See* Fields of Faith, *Find a Field: Harlan Stadium*, <http://bit.ly/2BdjPdZ>.

154. Again, although Fields of Faith was ostensibly student-led, Bossier Parish school officials promoted the event at school and encouraged students to attend.

155. Additionally, Bossier Parish school officials, including coaches, attended and participated in Fields of Faith alongside local religious leaders.

The Board and Superintendent's Failure to Respond to Complaints

156. It has long been held that public schools must not endorse or promote religion to their students. Yet though the Bossier Parish School Board and Superintendent have been notified on multiple occasions that official promotion of religion is unconstitutional, they have failed to put a stop to the violations of students' and parents' rights and have instead encouraged, supported, and authorized ongoing violations.

157. On September 24, 2015, the American Civil Liberties Union Foundation of Louisiana sent a letter to the Superintendent informing him that allowing Airline High School's FCA to install "prayer boxes" with Christian symbols would constitute unconstitutional school sponsorship of prayer. *See* Exhibit E (Letter from Marjorie R. Esman, Executive Director, ACLU of Louisiana, to Dr. D.C. Machen, Jr., Superintendent, Bossier Parish School System (Sept. 24, 2015)). Additionally, the ACLU informed the Superintendent that the school's principal had engaged in a "pattern of religious proselytization" by conveying religious content in messages posted on the school's official website. *Id.*

158. The Superintendent and Board failed to take any corrective action, allowing the principal to continue publishing his religious messages. *ACLU Targeting School for Prayer Boxes, Principal's 'God Bless You' Greeting*, FOX & FRIENDS WEEKEND (Oct. 4, 2015), <http://bit.ly/1FQe6fe>. In reaction to the ACLU's letter, a "prayer rally" protest was held on the front lawn of Airline High School on Saturday, October 3, 2015. Zack Kopplin, *Religious Rants in the Classroom*, SLATE (Nov. 2, 2015), <http://slate.me/1P6y351>. Staff "prayer groups" at other Bossier Parish schools, like

Princeton Elementary, publicly expressed support for the unconstitutional religious practices complained of in the ACLU's letter. *Id.*

159. On June 8, 2017, Americans United for Separation of Church and State, after receiving a complaint from a community member, mailed and e-mailed a letter to the Superintendent and the principal of Benton High School regarding prayers recited at Benton High School's graduation ceremony on May 20, 2017. *See* Exhibit F (Letter from Richard B. Katskee, Legal Director, Americans United, to Scott Smith, Superintendent, Bossier Parish School System, and Teri Howe, Principal, Benton High School (June 8, 2017)). Americans United requested a response but the Superintendent and principal failed to provide one; therefore, on September 1, 2017, Americans United mailed and e-mailed another request for response to this incident to the Superintendent and Benton High School's Principal. *See* Exhibit G (Letter from Richard B. Katskee, Legal Director, Americans United, to Scott Smith, Superintendent, Bossier Parish School System, and Teri Howe, Principal, Benton High School (Sept. 1, 2017)).

160. On September 29, the Board responded by refusing to change their policy. *See* Exhibit H (Letter from Jon K. Guice, Hammonds, Sills, Adkins & Guice, LLP, to Richard B. Katskee, Legal Director, Americans United (Sept. 29, 2017)).

161. On October 5, 2017, six organizations sent a letter via mail and e-mail to the Superintendent regarding the unconstitutionality of the Board's policies on standing for the national anthem and delivering prayers over the public-address system at football games. *See* Letter from Geoffrey T. Blackwell, Staff Attorney, American

Atheists, et al., to Scott Smith, Superintendent, Bossier Parish Schools (Oct. 5, 2017), <http://bit.ly/2mQ5Mqj>. As with the graduation-prayer policy, these policies violate well-settled constitutional law. *Id.*

162. In a radio interview about the issues raised in this letter, the Superintendent acknowledged that although the Fifth Circuit had struck down student-led prayer at public-school sporting events, Bossier Parish schools have continued to have prayers at their games for “many, many years.” Radio Interview with Scott Smith, Bossier Parish Schools Superintendent, on 101.7/710 KEEL (Oct. 11, 2017), <http://bit.ly/2BcGHKq> at 4:35.

163. Rather than change the official policies and practices to bring Bossier Parish schools in compliance with the law, the Superintendent stated that he was working on “creative ways” to continue to have prayer at sporting events sponsored by Bossier Parish schools. *Id.* at 5:15.

164. Elsewhere, the Superintendent stated that the Board will not change its policies “until we are instructed by a higher authority to reverse our district’s stance.” Nick Wooten, *6 Groups Take Aim at Bossier Schools over Student Protests*, SHREVEPORT TIMES (Oct. 12, 2017), <http://bit.ly/2DsRZzr>.

165. Americans United again sent the Board and Superintendent a letter on November 8, 2017, after receiving multiple new complaints about unconstitutional religious practices in Bossier Parish schools. *See* Exhibit I (Letter from Richard B. Katskee, Legal Director, Americans United, to Jon K. Guice, Hammonds, Sills,

Adkins & Guice, LLP (Nov. 8, 2017)). The November letter outlined many of the violations addressed in this Complaint.

166. The Bossier Parish School Board entered into an executive session at its November 16, 2017, meeting to discuss the letter. *See* Exhibit J (Notice of Official Meeting (Nov. 13, 2017)). But no policy change was announced or produced.

167. Thereafter, the Bossier Parish School Board held its system-wide teacher in-service day at Cypress Baptist Church, demonstrating to all of Bossier Parish's administrators and faculty that the Board intends to continue to infuse religion into its management of the School System.

168. As of this filing, Defendants have not responded to Americans United's November 8 letter.

169. In sum, Defendants have exhibited a pattern of flagrantly violating well-settled constitutional law, failing to respond to complaints about violations, and openly admitting that they will continue the unconstitutional practices until they are "instructed by a higher authority" to cease.

CLAIM FOR RELIEF

Violations of the Establishment Clause of the First Amendment to the U.S. Constitution

170. Plaintiffs reallege and incorporate by reference all of the preceding paragraphs in this Complaint as if fully set forth here.

171. Plaintiffs are entitled to relief under 42 U.S.C. § 1983 because Defendants have violated and continue to violate Plaintiffs' rights under the Establishment Clause of the First Amendment to the U.S. Constitution, as applied to state and local

governments and officials, including the public schools, through the Due Process Clause of the Fourteenth Amendment. Defendants are the cause in fact of the constitutional violations.

172. The Establishment Clause provides that “Congress shall make no law respecting an establishment of religion.” U.S. CONST. amend. I.

173. Defendants’ practices and policies, including Bossier Parish School Board’s “Prayer in Schools” policy, have the primary purpose and effect of encouraging the promotion of religion in Bossier Parish schools, in violation of the Establishment Clause.

174. Through their actions and inaction, Defendants have violated, and will likely continue to violate, Plaintiffs’ rights under the Establishment Clause, including in the following ways:

- a. Permitting Bossier Parish school officials—administrators, teachers, and staff—to express religious messages to students while functioning in their official capacity and fulfilling their official duties.
- b. Permitting practices that had and will continue to have the effect of endorsing religion.
- c. Excessively entangling government with religion.
- d. Permitting religious coercion by requiring students and their families to participate in religious activities in order to participate fully in school life at Bossier Parish’s public schools.

f. Usurping the role of Bossier Parish's parents in determining the religious upbringing of their children.

175. Defendants have also violated and continue to violate the Establishment Clause by failing to exercise their oversight authority to ensure that Bossier Parish schools comply with the constitutional requirement that public education be nonreligious and have failed to respond to multiple complaints about religious activities in the Bossier Parish School System.

176. Plaintiffs are harmed, intimidated, and distressed by Defendants' endorsement and promotion of religious views, which Plaintiffs believe should not be taught in public schools.

177. Plaintiffs have been, and will continue to be, injured by Defendants' failure of oversight because Plaintiffs' minor children are subject to unwanted religious coercion in Bossier Parish schools.

178. Unless restrained by this Court, Defendants will continue to subject Plaintiffs to these constitutional violations, 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.

179. As a result of these violations of Plaintiffs' rights under the Establishment Clause, Plaintiffs are entitled to declaratory and injunctive relief, and the other remedies listed below.

RELIEF REQUESTED

WHEREFORE, in light of the foregoing, Plaintiffs respectfully request the following relief against Defendants, Bossier Parish School Board and Bossier Parish Superintendent:

a. A declaratory judgment, under 28 U.S.C. §§ 2201 and 2202 and 42 U.S.C. § 1983, declaring that Defendants violated the Establishment Clause of the First Amendment to the U.S. Constitution;

b. A permanent injunction, in accordance with Federal Rule of Civil Procedure 65, requiring 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, to cease their unlawful conduct at all schools within the Bossier Parish School System, and specifically prohibiting Defendants from:

i. Endorsing, participating in, organizing, aiding, advancing, or causing prayer and promotion of religion in classrooms, during extracurricular activities, and at school-sponsored events.

ii. Hosting school-sponsored events in church sanctuaries or in church facilities with religious imagery.

iii. Teaching as fact religious beliefs on the origin of life.

iv. Displaying religious imagery in classrooms and administrative offices in a manner that (a) has a religious purpose or effect, or (b) conveys official endorsement of religious messages or content.

v. Allowing local church officials to enter school campuses during the curricular day to distribute religious literature or otherwise disseminate religious messages.

vi. Selecting primarily religious content for school performances.

vii. Providing religious student clubs with special privileges or official endorsement.

viii. Encouraging students to participate in religious events and activities, or otherwise promoting religious events and activities.

ix. Conveying religious messages.

x. Otherwise unconstitutionally endorsing religion or religiously coercing students or parents.

xi. Seeking to expose Plaintiffs' true identities or retaliating against Plaintiffs or their family members for objecting to Defendants' unlawful practices or bringing this action.

c. An order directing Defendants to provide a copy of the written injunction to all Bossier Parish School System officials, employees, and agents, and requiring Defendants to train all Bossier Parish School System officials, employees, and agents to prevent future unconstitutional endorsements of religion or religious coercion of students and parents;

e. An order awarding Plaintiffs attorneys' fees and costs incurred in this litigation under 42 U.S.C. § 1988 and other applicable law;

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

g. Any other relief that the Court deems just and proper.

Respectfully submitted this 15th day of February, 2018.

s/ William P. Quigley _____

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