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16 **IN THE UNITED STATES DISTRICT COURT**
17 **FOR THE DISTRICT OF ARIZONA**
PHOENIX DIVISION

18 E.K., a minor by and through her next
19 friend, L.K.,

20 Plaintiff,

21 v.

22 Deer Valley Unified School District
No. 97, of Maricopa County;
23 Dr. Virginia Mcelyea, in her official
capacity as Superintendent of
Deer Valley Unified School District
24 No. 97, of Maricopa County; and
Debra Poulson, in her official
25 capacity as Principal of Mountain
Ridge High School,

26 Defendants.
27
28

CASE NO. 2:08-cv-00194-DGC

AMENDED VERIFIED
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

1 COMES NOW the Plaintiff, E.K., by and through her next friend, L.K.¹,
2 pursuant to Federal Rule of Civil Procedure 15(a)(1), and files this Amended Verified
3 Complaint.

4 After filing the initial Complaint, Plaintiff's Counsel sent a letter, along with
5 a copy of the Complaint, to the members of Defendant School District providing them
6 an opportunity to resolve this case prior to the Complaint being served. Since that
7 time, Plaintiff has had two meetings with Defendant Principal Poulson, and Counsel
8 for the parties have had several telephonic discussions. The end result? Defendants
9 persist in their discrimination against Plaintiff by continuing to prohibit her video
10 inviting students to pray at the flagpole from being played over the announcements
11 based solely on its religious content and viewpoint, even though Defendants allow
12 other noncurriculum clubs to have videos played informing students of their
13 activities. Further, Defendants have also denied Plaintiff her right to distribute a flyer
14 inviting students to pray at the flagpole pursuant to standardless policies regarding
15 the distribution of student literature, and pursuant to a District ban on literature that
16 contains religious symbols.

17 **I. INTRODUCTION**

18 1. This is a civil rights action under 42 U.S.C. § 1983; the Equal Access
19 Act, 20 U.S.C. § 4071, *et seq.*; the First and Fourteenth Amendments to the United
20 States Constitution; and the Arizona Religious Freedom Restoration Act, §§ 41-1493-
21 1493.02, brought to remedy a violation of the constitutional and statutory rights of
22 E.K., a student at Mountain Ridge High School, located in Glendale, Arizona.

23 2. Plaintiff brings this action because the Defendants are denying her
24 student club, Common Cause, rights, benefits, and privileges equal to those received
25

26 ¹Pursuant to Section E.1.b. of the Court's Electronic Case Filing Administrative
27 Policies and Procedures Manual, E.K. is identified by her initials, rather than her full
28 name, in order to maintain the privacy of her identity. For this reason also, E.K.'s
parent's name is herein indicated only by her initials.

1 by all other officially recognized student clubs at Mountain Ridge High School, and
2 because Defendants are abridging her right to peacefully distribute religious literature
3 during noninstructional time.

4 3. The Defendants have implemented policies and practices which permit
5 chartering of clubs, *i.e.*, official recognition, that are both curriculum related and non-
6 curriculum related.

7 4. Along with official recognition, the student clubs at Mountain Ridge
8 High School are extended certain benefits and privileges.

9 5. These benefits and privileges include permitting student club members
10 to submit written and video club announcements that can then be read or shown to the
11 student body on a daily basis.

12 6. Through these announcements, club members are allowed to inform the
13 student body not only of the dates, times, and locations of future club meetings, but
14 also of information related to the specific types of activities that will occur at such
15 meetings, and other relevant information and messages that club members want to
16 convey to both attract interested students and raise awareness of the club and its
17 purposes.

18 7. In January of this year, Plaintiff sought to utilize these two valuable
19 communicative avenues by submitting written and video announcements that, if
20 approved by the Defendants and allowed to run, would have informed interested
21 students that Plaintiff and other Common Cause members meet once a week around
22 the flagpole before school for a short time of prayer.

23 8. Plaintiff merely desired to utilize these two forms of announcements in
24 the same manner as other student clubs at the school, including, but not limited to, the
25 Young Democrats of America; Teenage Republicans; Interact Club; Family, Career
26 and Community Leaders of America (“FCCLA”); Anime Club; International Club;
27 Chess/Gamers Club; Gay-Straight Alliance; Best Buddies; Trap Door Society; and
28 Students Against Destructive Behavior (“SADD”).

1 9. Yet, Plaintiff's proposed written and video announcements were
2 summarily rejected by the Defendants due to the religious nature of Plaintiff's
3 intended activities and the religious content and viewpoint of her Club's speech.

4 10. For *decades* now it has been well-established that the Equal Access Act,
5 along with the First and Fourteenth Amendments, (i) prohibit governmental
6 discrimination of this exact type and (ii) guarantee access and treatment of religious
7 student clubs equal to that of other non-curriculum related student clubs.

8 11. Defendants have also implemented policies and practices that permit the
9 distribution of student literature, but which contain no standards whatsoever to guide
10 decision-makers and which ban the distribution of literature containing religious
11 symbols.

12 12. Pursuant to these policies and practices concerning literature
13 distribution, Defendants have prohibited the Plaintiff from distributing flyers during
14 noninstructional time that invite students to pray at the flagpole because the proposed
15 flyer contains a religious symbol.

16 13. Due to the Defendants' unlawful treatment of Plaintiff and her Club,
17 Plaintiff now brings this action requesting that this Court enjoin Defendants from
18 violating her constitutional and statutory rights, as well as the rights of others
19 interested in Common Cause.

20 14. In bringing this action Plaintiff also requests that this Court order the
21 Defendants to provide to Plaintiff and her Club all of the rights, benefits, and
22 privileges they provide to other officially recognized student clubs – including an
23 equal opportunity to utilize written and video announcements to convey messages
24 about the Club's intended activities and purpose.

25 **II. JURISDICTION**

26 15. This action arises under the United States Constitution, particularly the
27 First and Fourteenth Amendments; under federal law, particularly 28 U.S.C. § 2201,
28 42 U.S.C. §§ 1983 and 1988, and the Equal Access Act, 20 U.S.C. §§ 4071-4074; and

1 under state law, particularly Ariz. Rev. Stat. §41-1493-1493.02.

2 16. This Court is vested with original jurisdiction over these federal claims
3 by operation of 28 U.S.C. §§ 1331 and 1343, and over the supplemental state law
4 claim under §1367.

5 17. This Court is vested with authority to grant the requested declaratory
6 judgment by operation of 28 U.S.C. §§ 2201 and 2202, and pursuant to Rule 57 of the
7 Federal Rules of Civil Procedure.

8 18. This Court is authorized to issue the requested injunctive relief pursuant
9 to 42 U.S.C. §1983 and Rule 65 of the Federal Rules of Civil Procedure.

10 19. This Court is authorized to award the requested nominal damages of one
11 (1) dollar pursuant to 28 U.S.C. § 1343.

12 20. This Court is authorized to award attorneys' fees pursuant to 42 U.S.C.
13 § 1988 and pursuant to Ariz. Rev. Stat. §41-1493.01(D).

14 **III. VENUE**

15 21. Venue is proper in the United States District Court for the District of
16 Arizona under 28 U.S.C. § 1391, in that the events giving rise to the claim occurred
17 within the District and because all parties are residents of the District.

18 **IV. IDENTIFICATION OF PLAINTIFFS**

19 22. Plaintiff E.K., a minor, is a resident of Glendale, Arizona and a student
20 at Mountain Ridge High School ("MRHS").

21 23. E.K. is a professing Christian.

22 24. Pursuant to her sincerely held religious beliefs, E.K. desires to meet with
23 other students through Common Cause at MRHS, and to share her Christian faith
24 with her classmates through Common Cause activities.

25 25. E.K. further desires to utilize all avenues to reach out and invite other
26 students to Common Cause club meetings and events such as the weekly prayer
27 around the flagpole.

28 26. At Common Cause meetings, E.K. desires to worship, pray, sing, and

1 enjoy fellowship together with other MRHS students.

2 27. E.K. also desires, at Common Cause meetings, to discuss relevant issues
3 facing students, which include, but are not limited to, faith and religion; current
4 political and social topics; homosexual behavior; assisting disadvantaged peers at
5 MHRHS; service to others; leadership; promoting respect and dignity toward others;
6 and underage drinking.

7 28. L.K., next friend, is E.K.'s parent and guardian, and at all times relevant
8 to this Complaint is a resident of Glendale, Arizona.

9 **V. IDENTIFICATION OF DEFENDANTS**

10 29. Defendant Deer Valley Unified School District No. 97, of Maricopa
11 County (the "District") is a body politic and corporate that may sue and be sued.

12 30. The District is organized under the laws of the State of Arizona.

13 31. The District is charged with the administration and operation of MRHS.

14 32. The District is responsible for the enactment, enforcement, and existence
15 of policies and practices related to the formation and organization of student clubs,
16 and the distribution of student literature, at MRHS.

17 33. The District is also responsible for the enactment, enforcement, and
18 existence of policies and practices related to the rights, benefits, and privileges
19 afforded to such student clubs, and the distribution of student literature, at MRHS.

20 34. The District bears responsibility for denying, and has denied, Plaintiff's
21 Common Cause club the same rights, benefits, and privileges given to other student
22 clubs at the school, and Plaintiff's right to distribute religious literature, pursuant to
23 its policies and practice.

24 35. The District is likewise responsible for the implementation and
25 application by the Superintendent and Principal of its policies and practices
26 pertaining to student clubs and student literature distribution.

27 36. The District is similarly responsible for delegating to the Superintendent
28 and Principal final authority as to the official recognition of student clubs, and as to

1 whether student literature may be distributed.

2 37. Defendant Dr. Virginia McElyea is the Superintendent of the District's
3 public schools, including MRHS.

4 38. Defendant McElyea possesses responsibility, final authority, and
5 discretion, as delegated by the District, as to administration of District policies related
6 to student activities and expression on campus.

7 39. Defendant McElyea possesses responsibility, final authority, and
8 discretion, as delegated by the District, regarding the administration of District
9 policies related to the establishment of student clubs, the benefits student clubs
10 receive, and the distribution of literature by students.

11 40. In this capacity, Defendant McElyea possesses final supervisory
12 responsibility over the Principal of MRHS.

13 41. Defendant McElyea is responsible for the Policies and practice leading
14 to the denial of equal benefits to the Common Cause Club, and to the denial of
15 Plaintiff's right to distribute religious literature.

16 42. Defendant McElyea is also responsible for the denial of equal benefits
17 to the Common Cause Club, and for the denial of plaintiff's right to distribute
18 religious literature.

19 43. Defendant McElyea is sued in her official capacity as Superintendent of
20 the District.

21 44. Defendant Debra Poulson is the Principal of MRHS.

22 45. Defendant Poulson is charged with the administration of MRHS,
23 including District-delegated responsibility, authority, and discretion as to
24 enforcement of District policies relating to student clubs and the distribution of
25 literature by students.

26 46. Defendant Poulson is responsible for the Policies and practice leading
27 to the denial of equal benefits to the Common Cause Club, and to the denial of
28 Plaintiff's right to distribute religious literature.

1 47. Defendant Poulson is also responsible for denying equal benefits to the
2 Common Cause Club, and for denying Plaintiff her right to distribute religious
3 literature.

4 48. Defendant Poulson is sued in her official capacity as Principal of MRHS.

5 49. Defendant Poulson made the decision to deny equal benefits to
6 Plaintiff's Club, and to deny Plaintiff her right to distribute religious literature,
7 pursuant to the Policy and practice implementation and direction of the District.

8 50. This decision by Defendant Poulson to deny equal benefits and
9 privileges to Plaintiff's Club, and to deny Plaintiff her right to distribute religious
10 literature, was made at the direction of the Superintendent and of the District.

11 VI. STATEMENT OF FACTS

12 **Mountain Ridge High School**

13 51. Mountain Ridge High School ("MRHS") is a public high school located
14 in Glendale, Arizona.

15 52. MRHS is under the direction of the District.

16 53. MHSR includes grades 9 through 12 and constitutes a secondary school
17 under Arizona law.

18 54. Upon information and belief, both MHSR and the District receive federal
19 financial assistance.

20 **The Student Club Forum at MRHS**

21 55. The District, acting through Defendants McElyea and Poulson, as
22 Superintendent and Principal, respectively, grants official club status to non-
23 curriculum related student clubs.

24 56. The District, acting through Defendants McElyea and Poulson, allows
25 said clubs to meet on school premises at MRHS during non-instructional time.

26 57. Non-curriculum related clubs currently recognized by the District
27 include, among others, Young Democrats of America; Teenage Republicans; Family,
28 Career and Community Leaders of America ("FCCLA"); Anime Club; Chess/Gamers

1 Club; Gay-Straight Alliance; Interact Club; Youth Alive; International Club; Best
2 Buddies; Trap Door Society; and SADD. (Non-exhaustive list of student clubs
3 recognized by Defendants is attached as Exhibit A.)

4 58. The above mentioned clubs address issues involving current political and
5 social issues, including those that are controversial in nature; homosexual behavior;
6 promoting respect and dignity toward others; faith and religion; community service;
7 leadership; assisting students at MRHS with intellectual disabilities; underage
8 drinking; drug use and addiction; and teen suicide, just to name a few.

9 59. Participation in such clubs is not required by MRHS faculty in
10 connection with curriculum course work.

11 60. Participation in such clubs is not directly encouraged by MRHS faculty
12 in connection with curriculum course work.

13 61. Pursuant to their Policies and practice, the Defendants permit student
14 club members of the aforementioned clubs and others to submit written
15 announcements to be read over the school's public address system, as well as video
16 announcements to be played to the student body.

17 62. In these written and video announcements, club members are permitted
18 to inform the student body not only of club meeting logistics (*i.e.*, date, time, and
19 location), but also of information related to the specific types of activities that will
20 occur at such meetings and other relevant information and messages that club
21 members want to convey so as to attract interested students and to raise awareness of
22 the club and its purposes.

23 63. By way of example, the Young Democrats of America are permitted to
24 air video announcements informing interested students of meeting dates, times, and
25 locations, as well as specific activities planned for upcoming meetings, such as (i)
26 discussing "controversial issues;" (ii) "[v]olunteering at a campaign office for one of
27 the 2008 democratic presidential candidates;" and (iii) "protest[ing] major issues."
28

1 64. The Young Democrats also convey through their video announcements
2 that:

- 3 • “Voters ages 18-29 were 21% of the electorate (41.9 million) in
4 2006;”
- 5 • “In 2006, young voters ages 18-29 supported Democratic
6 candidates by an impressive 58%,” and
- 7 • “Remember . . . We’re Young. We’re Democrats. and . . . We’re
8 Voting”

9 (emphasis in original).

10 65. In the same vein, the thespian Trap Door Society Club is permitted to air
11 video announcements urging students to come to meetings and participate in activities
12 related to its adaptation of “Still Life With Iris,” a play following the journey of a girl
13 as she searches for her past, meets new friends, and uncovers mysteries.

14 66. Also, FCCLA is permitted to have written announcements read to the
15 student body urging individuals to “get ready for [the Club’s] adopt-a-family and . . .
16 December Secret Santa,” and to participate in the club’s cookie dough sale effort.
17 (True and accurate copies of FCCLA written announcements are attached as Exhibit
18 B.)

19 67. Moreover, the International Club is permitted to have written
20 announcements read to the student body regarding upcoming meetings, including
21 performances by musical groups Nosotros Sound (“bringing [students] the sounds of
22 Latin-America”) and Kawambe-omowale (“an African drum and dance troupe”).
23 (True and accurate copies of International Club written announcements are attached
24 as Exhibit C.)

25 68. Plaintiff’s Common Cause club, on the other hand, while permitted to
26 use the written and video announcements to convey information related to the date,
27 time, and location of its meetings, is completely prohibited by Defendants from
28 communicating even the fact that religious activities are intended to take place at its

1 meetings.

2 69. The absurd and unconstitutional consequence of Defendants’ policies
3 and practice is this: Plaintiff and her fellow Club members are permitted to use the
4 announcement forum to inform students of details regarding the *when* and *where* of
5 Club meetings, but not the *what* – that is, what will actually take place at the meeting.

6 **Defendants’ Denial of Equal Benefits to Plaintiff and Common Cause**

7 70. On January 14, 2007, Plaintiff submitted a written announcement to
8 Defendants to be read during the morning public address announcements.

9 71. Plaintiff’s proposed written announcement read in full: “Common Cause
10 will be having weekly prayer every Friday morning at 7:20 at the administration
11 flagpole, come join us!”

12 72. That same day, Plaintiff also submitted a video announcement to
13 Defendants to be played during the morning announcements, which sought to convey
14 the following message:

15 “Our Motto Is . . . Don’t Worry About Anything . . . Instead,

16 PRAY About Everything!

17 Common Cause Presents . . . We Pray . . . Together . . .

18 Encouragingly . . . Hopefully . . . Upliftingly

19 COME JOIN Common Cause

20 – 7:20 am Friday Mornings

21 – At the Flag Pole outside the Administrative Office”

22 73. On January 15, 2008, Plaintiff met with Assistant Principal Michelle
23 Pitts, and was told that pursuant to District Policies and practice – and at the direction
24 of Defendant Principal Poulson – Plaintiff would not be permitted to broadcast her
25 written and video announcements for the reason that the proposed announcements
26 contained the words “prayer” and “pray.”

27 74. Assistant Principal Pitts instructed Plaintiff that allowing the proposed
28 announcements would “violate the separation of church and state.”

1 75. At the meeting, Plaintiff was ridiculed by Ms. Pitts who asked her
2 whether she had even done any research on this constitutional issue.

3 76. When Plaintiff respectfully responded that in fact she did know her
4 constitutional rights, and that she had a right to broadcast the written and video
5 announcements because of the First Amendment, Assistant Principal Pitts stated that
6 none of that mattered.

7 77. Moreover, during the meeting, Plaintiff noticed that on the written Club
8 announcement she had submitted, the word “prayer” had been crossed out.

9 78. When Plaintiff asked for the announcement form back, Assistant
10 Principal Pitts ripped it up in front of Plaintiff and discarded it.

11 **Defendants’ Discrimination Against Plaintiff’s Religious Speech Subsequent to**
12 **the Filing of the Initial Verified Complaint**

13 79. On the same day the initial Complaint was filed, Plaintiff’s Counsel sent
14 a letter and a copy of the Complaint to the School District, providing them an
15 opportunity to resolve the case prior to being served.

16 80. Shortly thereafter, Principal Poulson initiated two meetings with Plaintiff
17 regarding Plaintiff’s use of the announcements to communicate information about
18 Common Cause to the student body.

19 81. On February 5, 2008, Principal Poulson told Plaintiff that the audio
20 announcement inviting students to pray at the flagpole was permissible.

21 82. Three days later, Plaintiff’s announcement inviting students to come and
22 pray at the administration flag pole was read over the announcements.

23 83. At the February 5 meeting, Principal Poulson and Plaintiff also discussed
24 whether an announcement informing students of the topic and Bible verses Common
25 Cause would be studying at its meeting could be read over the announcements.

26 84. Principal Poulson stated that such an announcement could not mention
27 a specific book of the Bible, but could only generally state that Common Cause
28 discussed the Bible at its meetings.

1 85. Principal Poulson and the Plaintiff briefly discussed the video inviting
2 students to pray at the flagpole, but Principal Poulson stated she needed more time
3 to decide whether it could be played.

4 86. At the February 5 meeting, Prinicipal Poulson and Plaintiff also discussed
5 whether Plaintiff could hand out flyers during noninstructional time inviting students
6 to weekly prayer at the administration flagpole.

7 87. Principal Poulson stated that Plaintiff could not hand out flyers to
8 students.

9 88. First, Principal Poulson stated that any flyer distributed by Common
10 Cause or Plaintiff could not contain any religious symbol.

11 89. Second, Principal Poulson stated that no students were allowed to
12 distribute literature student-to-student at any time during the school day.

13 90. Regarding the distribution of religious literature, School District policy
14 states, “The distribution of religious literature to and among students is subject to
15 reasonable time, place, and manner or other constitutionally acceptable restrictions
16 imposed on distribution of non-school literature.” A true and accurate copy of this
17 policy is attached as Exhibit D.

18 91. The only School District policy specifying any restrictions on student
19 literature distribution states, “Approval must be obtained from the administration at
20 least two days prior to distribution. A student denied approval may have the right of
21 appeal to the Principal as part of due process.” A true and accurate copy of this
22 policy is attached as Exhibit E.

23 92. The District’s literature distribution policies do not provide any criteria
24 or standards to guide decision-makers in deciding whether to permit or deny student
25 literature distribution.

26 93. The District’s literature distribution policies fail to provide a specific and
27 prompt time frame in which the decision-maker must approve or deny the requested
28 literature distribution.

1 94. The District's literature distribution policies also fail to specify the effect
2 of the decision-maker's failure to promptly act on a student's request to distribute
3 literature.

4 95. The District's literature distribution policies do not specify who
5 proposed literature is to be submitted to, and does not provide for a clear appeal
6 process should the requested distribution be denied.

7 96. Principal Poulson initiated another meeting with Plaintiff on February
8 7, 2008.

9 97. At this meeting, Principal Poulson and the Plaintiff discussed the video
10 announcement inviting students to pray at the flagpole.

11 98. Principal Poulson stated that the video was problematic because School
12 District policy prohibits the display of religious symbols, and the video contained a
13 small cross next to the Club's name.

14 99. Subsequent to these meetings between Principal Poulson and Plaintiff,
15 and in a good faith effort to settle the lawsuit, Counsel for Plaintiffs sent Counsel for
16 Defendants an email requesting approval for two proposed written announcements
17 (one for the prayer at the pole event, and one for the club's weekly meeting), the
18 video inviting students to prayer at the flagpole, and a proposed flyer Plaintiff desires
19 to distribute to invite students to pray at the flagpole. True and correct copies of the
20 two announcements and the flyer are attached as Exhibits F (prayer at pole
21 announcement), G (Common Cause club meeting announcement), and H (prayer at
22 pole flyer).

23 100. Counsel for the Plaintiff and Defendants had a telephonic meeting on
24 February 20, 2008, to discuss whether the written announcements, video, and flyer
25 would be approved.

26 101. On behalf of the Defendant District, Counsel for Defendants stated that
27 the announcement inviting students to pray at the flagpole was permissible.

28 102. Counsel for Defendants stated that the announcement regarding the clubs

1 weekly meeting—which reads “There will be a Common Cause meeting this week in
2 A185. We will be discussing pride and character in Psalms and Matthew. Make sure
3 to bring your Bibles! See you there!”—was close to being too religious because it
4 invited students to bring their Bibles to the meeting, but that the announcement was
5 permissible.

6 103. While Counsel for Defendants stated that references to books of the
7 Bible were permissible in the Club’s meeting announcements, Principal Poulsen told
8 Plaintiff that specific books of the Bible could not be included in such
9 announcements.

10 104. Counsel for Defendants also stated that the video inviting students to
11 pray at the flagpole could not be played because it was too religious.

12 105. Once again, there are no standards contained in any Policies to guide
13 Defendants in their ad hoc decision making.

14 106. Obviously all of the statements made by Counsel for Defendants were
15 made for and on behalf of the District, which he represents.

16 **VII. ALLEGATIONS OF LAW**

17 107. All of the acts of Defendants, their officers, agents, employees, and
18 servants were executed and are continuing to be executed by the Defendants under
19 the color and pretense of the policies, statutes, ordinances, regulations, customs, and
20 usages of the State of Arizona.

21 108. Plaintiff is suffering irreparable harm from the conduct of Defendants.

22 109. Plaintiff has no adequate or speedy remedy at law to correct or redress
23 the deprivation of her rights by Defendants.

24 110. Unless the conduct of Defendants is enjoined, Plaintiff will continue to
25 suffer irreparable injury.

26 **VIII. CAUSES OF ACTION**

27 **1. First Cause of Action: Violation of the Equal Access Act**

28 111. Plaintiff realleges all matters set forth in paragraphs 1 through 110 and

1 incorporates them herein.

2 112. MRHS is a public secondary school under Arizona law, located in
3 Glendale, Arizona.

4 113. The Board and MRHS receive federal financial assistance.

5 114. Defendants have created a “limited open forum” at MRHS within the
6 meaning of the Equal Access Act, Title 20 U.S.C. § 4071, *et seq.*, by permitting one
7 or more non-curriculum related student groups to meet on school premises during
8 non-instructional time.

9 115. Such clubs include Young Democrats of America; Teenage Republicans;
10 Gay-Straight Alliance; Interact Club; Youth Alive; FCCLA; International Club;
11 Anime Club; Chess/Gamers Club; Trap Door Society; Best Buddies; and SADD.

12 116. These clubs address issues involving current political and social issues,
13 including those that are controversial in nature; homosexual behavior; promoting
14 respect and dignity toward others; faith and religion; community service; leadership;
15 assisting students at MRHS with intellectual disabilities; underage drinking; drug use
16 and addiction; and teen suicide, just to name a few.

17 117. Plaintiff’s Common Cause Club has voluntary membership.

18 118. Common Cause is open to any student at MRHS.

19 119. Common Cause desires to assemble on the campus of MRHS during
20 non-instructional time for the purpose of Club meetings, exchange of ideas and
21 information, singing and praying, and discussion of issues, from a religious
22 perspective, that are significant to them.

23 120. Such issues include, but are not limited to, faith and religion; current
24 political and social topics; homosexual behavior; assisting disadvantaged peers at
25 MHRHS; service to others; leadership; promoting respect and dignity for others; and
26 underage drinking.

27 121. Common Cause’s activities are voluntary, student-initiated, and student-
28 directed.

1 122. Plaintiff does not desire school officials to lead, direct, plan, sponsor, or
2 otherwise control the content or direction of the Club's meetings.

3 123. Non-MRHS students do not direct, conduct, plan, control, or attend
4 Common Cause Club meetings during non-instructional time on school premises.

5 124. Common Cause's activities on campus do not materially and
6 substantially interfere with the orderly conduct of educational activity within MRHS.

7 125. Defendants have denied a fair opportunity, have discriminated against,
8 and have denied Plaintiff and her fellow Club members equal access to all school
9 facilities, benefits, and privileges, because of the religious content of the speech and
10 association at Common Cause meetings.

11 126. Defendants permit student clubs such as Young Democrats of America,
12 FCCLA, and International Club to have written announcements read, and video
13 announcements shown, to students to call attention to each club's planned activities
14 (*e.g.*, discussion of controversial issues, participating in community service projects,
15 and/or singing and listening to music) and to attract new members.

16 127. Defendants, however, bar Plaintiff and her Club from equal access to the
17 written and video announcement forum, and thereby prevent her from informing
18 students of planned Club activities (*e.g.*, prayer around the flagpole, singing and
19 listening to religious music, fellowship with and service to others, etc.).

20 128. Defendants' Policies and practice cannot be justified by a compelling
21 governmental interest, nor are they narrowly tailored to advance any such interest.

22 129. Defendants' Policies and practice, both facially and as applied,
23 accordingly abridged and continue to violate the rights of Plaintiff under the Equal
24 Access Act, 20 U.S.C. §§ 4071-4074.

25 WHEREFORE, Plaintiff respectfully prays that this Court grant the equitable
26 and legal relief set forth hereinafter in the Prayer for Relief.

27
28

1 **2. Second Cause of Action: Violation of the Free Speech Clause of**
2 **the First Amendment**

3 130. Plaintiff realleges all matters set forth in paragraphs 1 through 110 and
4 incorporate them herein.

5 131. Defendants' Policies and practice regarding student literature distribution
6 permit the distribution of student literature, but prohibit the distribution of literature
7 that contain religious symbols.

8 132. This is unconstitutional content- and viewpoint- based discrimination
9 which no compelling interest exists to justify.

10 133. Defendants' Policies and practice regarding student literature
11 distribution are also a prior restraint operating in advance of speech taking place.

12 134. Defendants' denial of Plaintiff's proposed religious flyer arose from
13 unfettered discretion vested in them by policies that require pre-screening of all
14 student literature but which provide no criteria to guide decision-makers.

15 135. The Defendants' student literature distribution policies are overbroad
16 because they sweep too broadly and prohibit protected expression with no sufficient
17 justification.

18 136. Defendants' student literature distribution policies are vague and lack
19 the clarity required of restrictions on protected speech.

20 137. Defendants have also, by Policy and practice, created an open forum by
21 permitting the formation of student clubs at MRHS.

22 138. Defendants' Policies and practice prohibit the equal treatment of
23 Plaintiff's Club sponsored by religious students and containing religious speech in
24 this forum.

25 139. Defendants are prohibiting Plaintiff's speech despite the fact that she
26 desires to address the same or similar issues currently being addressed by other
27 student clubs, including issues related to faith and religion; current political and
28 social topics; homosexual behavior; assisting disadvantaged peers at MHRS;

1 community service; leadership; promoting respect and dignity for others; and
2 underage drinking.

3 140. For example, members of the Young Democrats of America Club are
4 permitted by Defendants to air video announcements containing specific messages
5 related to the club's planned activities and overall purpose – including discussion of
6 controversial issues, volunteering at campaign offices, and learning about differing
7 positions and viewpoints held by political parties.

8 141. Similarly, the Trap Door Society Club is permitted to air video
9 announcements urging to students to come to meetings and participate in its
10 adaptation of a “Still Life With Iris”; FCCLA can have its written announcements
11 read to the student body urging individuals to participate in community service
12 activities; and the student International Club is permitted to inform students through
13 its written announcements of upcoming musical performances.

14 142. Yet, when Plaintiff desired to convey specific information about her
15 Common Cause meetings, that is, prayer around the flagpole, through these precise
16 communicative avenues, her requests were summarily denied by the Defendants.

17 143. This unequal treatment of Plaintiff's Club containing religious speech
18 or activities is a content-based restriction in an otherwise open forum.

19 144. This denial of Plaintiff's religious speech – while permitting similar, but
20 secular, speech from clubs such as Young Democrats and FCCLA – also constitutes
21 viewpoint discrimination, which is unconstitutional in any type of forum.

22 145. The Free Speech Clause additionally recognizes and protects the right
23 to association.

24 146. Plaintiff's Club is an expressive association that desires to advocate its
25 Christian message and viewpoints at MRHS.

26 147. Defendants violate Plaintiff's Club's right to association by denying
27 them all of the rights, privileges, and benefits attendant to official club status, based
28 solely on the Club's intended religious speech, ideologies, philosophies, and beliefs.

1 148. Defendants' Policies and practice also impose an unconstitutional prior
2 restraint because they vest District officials with the unbridled discretion to permit
3 or refuse protected speech equal access to the forum.

4 149. If Defendants claim they have no written policies relating to video and/or
5 written announcements submitted by student club members, their practices amount
6 to a Policy.

7 150. Moreover, if Defendants possess no specific written policies to guide
8 their actions as to submitted written and video club announcements, this too amounts
9 to an unconstitutional prior restraint.

10 151. Defendants' lack of specific written policies permit District officials to
11 exercise unbridled discretion in permitting or refusing protected speech on the basis
12 of the religious content and/or viewpoint of a student club's proposed speech.

13 152. Defendants' Policies and practice are additionally overbroad because
14 they sweep within their ambit protected First Amendment expression.

15 153. The overbreadth of Defendants' Policies and practice chills protected
16 speech by discouraging individuals and groups from attempting to utilize the written
17 and video announcement communicative channels for purposes of engaging in certain
18 protected speech.

19 154. Defendants' Policies and practice chill, deter, and restrict Plaintiff from
20 using District facilities on an equal basis with others to discuss issues from a religious
21 perspective.

22 155. Defendants have interpreted and applied the Policies to disqualify
23 Plaintiff from accessing equally all facilities under their control and otherwise open
24 to student groups, solely because of the religious nature of Plaintiff's activities, as
25 well as the religious content and viewpoint of the Club's speech.

26 156. Defendant's Policies, as interpreted and applied by them to prohibit
27 equal use as requested by Plaintiff, are not the least restrictive means necessary to
28 serve any compelling interest which Defendants seek thereby to secure.

1 157. Defendants' Policies and practice regarding student clubs and student
2 literature distribution, both facially and as applied, accordingly violate Plaintiff's
3 right to Free Speech as guaranteed by the First Amendment to the United States
4 Constitution as incorporated and applied to state action under the Fourteenth
5 Amendment.

6 WHEREFORE, Plaintiff respectfully prays that the Court grant the equitable
7 and legal relief set forth hereinafter in the Prayer for Relief.

8 **3. Third Cause of Action: Violation of the Equal Protection Clause**
9 **of the Fourteenth Amendment**

10 158. Plaintiff realleges all matters set forth in paragraphs 1 through 110 and
11 incorporates them herein.

12 159. The Equal Protection Clause of the Fourteenth Amendment requires that
13 the government treat similarly situated persons equally.

14 160. Defendants' Policies and practice concerning student literature
15 distribution permit the distribution of student literature, but prohibits the distribution
16 of literature that contain religious symbols, like the Plaintiff's.

17 161. By discriminating against the religious content and viewpoint of
18 Plaintiff's flyer, Defendants are treating Plaintiff differently from other similarly
19 situated students on the basis of the religious content of her speech and views in a
20 manner that infringes on a fundamental right.

21 162. Defendants do not have a legitimate, let alone compelling, justification
22 for this disparate treatment.

23 163. Defendants have also opened the forum to Plaintiff's Club by permitting
24 the formation of other student clubs.

25 164. Defendants, however, have denied Plaintiff's Club equal access to all
26 school facilities, benefits, and privileges.

27 165. Clubs such as the Young Democrats, International Club, FCCLA, Trap
28 Door Society, and many others are permitted by the Defendants to advertise their

1 specific meeting activities through the submission and broadcast of written and video
2 announcements.

3 166. At the same time, the Defendants completely shut out Plaintiff from
4 access to these same communicative channels to advertise the specific activities
5 scheduled to take place at Common Cause meetings.

6 167. By discriminating against the content and viewpoint of Plaintiff's
7 speech, Defendants are treating Plaintiff and Plaintiff's Club differently than other
8 similar situated public school students and student clubs on the basis of the religious
9 content and viewpoint of Plaintiff's speech.

10 168. Defendants' Policies and practice violate various constitutional rights of
11 Plaintiff, such as rights of free speech and free exercise.

12 169. Defendants lack a rational or compelling state interest for such disparate
13 treatment of Plaintiff.

14 170. Defendants' denial of access to Plaintiff is not narrowly tailored.

15 171. Accordingly, the Policies and practice of Defendants concerning student
16 clubs and student literature distribution, both facially and as applied, violate
17 Plaintiff's right to equal protection of the laws as guaranteed by the Fourteenth
18 Amendment to the United States Constitution.

19 WHEREFORE, Plaintiff respectfully prays that the Court grant the equitable
20 and legal relief set forth hereinafter in the Prayer for Relief.

21 **4. Fourth Cause of Action: Violation of the Due Process Clause of**
22 **the Fourteenth Amendment**

23 172. Plaintiff realleges all matters set forth in paragraphs 1 through 110 and
24 incorporates them herein.

25 173. Defendants' Policies and practice concerning student literature
26 distribution are vague and allow for unbridled discretion and *ad hoc* enforcement of
27 school policy to prohibit protected expression.

28 174. Defendants' Policies and practice concerning student literature

1 distribution are also vague because they lack any criteria to guide a decision-maker,
2 fail to provide a time frame in which a decision must be made, fail to specify who to
3 submit proposed literature to, and do not provide a clear appeal process if a request
4 to distribute literature is denied.

5 175. The District's literature distribution policies also fail to specify the effect
6 of the decision-maker's failure to promptly act on a student's request to distribute
7 literature.

8 176. Plaintiff also sought, and continues to seek, equal access to all of the
9 rights, benefits, and privileges provided to other student clubs.

10 177. Further, Plaintiff's Club satisfies the Policies' criteria for student club
11 recognition, whether labeled by Defendants as an honor or interest club.

12 178. Despite Plaintiff's satisfying the Policies' criteria, Defendants' Policies
13 and practice have been written and applied to prohibit Plaintiff and her Club from
14 gaining equal access to relevant benefits and privileges due to the Club's religious
15 speech.

16 179. Specifically, Defendants Policies and practice have been written and
17 applied to prevent Plaintiff and her Club from using the written and video
18 announcement forum to promote what types of activities will take place at its
19 meetings, which include, among others, prayer around the flagpole.

20 180. Defendants' Policies and practice are vague and allow for unbridled
21 discretion in determining which student clubs do and do qualify for access to all club
22 rights, benefits, and privileges.

23 181. Defendants' Polices grant unbridled discretion in that they lack any
24 definitions or guidelines as to how to determine whether a student club satisfies club
25 criteria and thereby qualifies for access to all club rights, benefits, and privileges.

26 182. Defendants' Policies and practice regarding student clubs and student
27 literature distribution, both facially and as applied, accordingly violate Plaintiff's
28 rights under the Due Process Clause of the Fourteenth Amendment to the United

1 States Constitution.

2 WHEREFORE, Plaintiff respectfully prays that the Court grant the equitable
3 and legal relief set forth hereinafter in the Prayer for Relief.

4 **5. Fifth Cause of Action: Violation of the Free Exercise Clause of**
5 **the First Amendment**

6 183. Plaintiff realleges all matters set forth in paragraphs 1 through 110 and
7 incorporates them herein

8 184. Plaintiff desires to engage in expressive activities on the basis of
9 sincerely held religious beliefs and to share her beliefs with others.

10 185. Defendants' Policies and practice substantially burden Plaintiff's free
11 exercise of religion by conditioning receipt of government benefits on foregoing her
12 free exercise rights.

13 186. Defendants' Policies and practice force Plaintiff to choose between
14 engaging in religious speech and foregoing the governmental benefit of equal access
15 to the Club and distribution of religious literature, or foregoing the free exercise of
16 religion to receive the access and to distribute literature.

17 187. Defendants' Policies and practice substantially burden Plaintiff's free
18 exercise of religion by denying her permission to access all facilities equally and to
19 freely distribute religious literature in order to meet with like-minded individuals to
20 discuss religious topics and to spread her message.

21 188. Defendants' Policies and practice substantially burden Plaintiff's free
22 exercise of religion by denying her the ability to convey to interested students, via
23 written and video announcements, and peaceful, nondisruptive literature distribution,
24 information related to the types of activities that will take place at Common Cause
25 meetings (*e.g.*, prayer), as well as other relevant messages about the Club meant to
26 attract new members and to raise the overall profile of the Club.

27 189. Defendants' Policies and practice constitutes the imposition of special
28 disabilities on Plaintiff due to her religion and her intent to engage in religious

1 expression.

2 190. These special disabilities placed on Plaintiff are neither neutral nor of
3 general applicability.

4 191. These disabilities apply only to religious speech and exercise and to no
5 other speech.

6 192. Defendants' Policies and practice cannot be justified by a compelling
7 governmental interest and is not narrowly tailored to advance any such interest.

8 193. Defendants' interpretation and application of their Policies chill
9 Plaintiff's freedom of religious discussion and exercise, both of which are
10 fundamental rights guaranteed Plaintiff by the First Amendment.

11 194. Defendants' Policies and practice regarding student clubs and student
12 literature distribution, both facially and as applied, constitute an excessive burden on
13 Plaintiff's rights to freedom in the exercise of religion and have violated the Free
14 Exercise Clause of the First Amendment to the United States Constitution.

15 WHEREFORE, Plaintiff respectfully prays that the Court grant the equitable
16 and legal relief set forth hereinafter in the Prayer for Relief.

17 **6. Sixth Cause of Action: Violation of the Arizona Religious**
18 **Freedom Restoration Act, §§41-1493-1493.02**

19 195. Plaintiff realleges all matters set forth in paragraphs 1-110 and
20 incorporates them herein.

21 196. The Arizona Religious Freedom Restoration Act, Ariz. Rev. Stat. §41-
22 1493, states that government shall not substantially burden a person's exercise of
23 religion unless it demonstrates a compelling government interest that is furthered by
24 the least restrictive means.

25 197. Plaintiff holds religious beliefs that she must reach out to others through
26 the Common Cause Club and via literature distribution, and invite them to Club
27 meetings and activities for prayer and Biblical guidance on how to face contemporary
28 issues.

1 198. Defendants' Policies and practice burden Plaintiff's exercise of religion
2 by subjecting her and other Club members to greater restrictions that are not
3 applicable to any other students or student Clubs.

4 199. Defendants' Policies and practice impose an excessive burden on
5 Plaintiff's religious exercise that is not generally applicable—they apply only to
6 religious speech and exercise and no other speech.

7 200. Plaintiff is severely limited in the exercise of her religion, including
8 reaching out to others, based on the terms and application of Defendants' Policies and
9 practice.

10 201. Defendants have interpreted and applied their Policies and practice to bar
11 Plaintiff from equal treatment solely because of the religious nature of her activities
12 and the religious content and viewpoint of her speech.

13 202. Defendants' interpretation and application of their Policies imposes an
14 excessive burden on Plaintiff's right to the free exercise of religion.

15 203. No compelling government interest exists which could justify the
16 Defendants' discriminatory treatment of Plaintiff's religious speech.

17 204. Defendants' Policies and practice that discriminate against Plaintiff's
18 religious speech and the religious speech of the Club are not the least restrictive
19 means to serve any legitimate interest which Defendants seek thereby to secure.

20 205. Defendants' interpretation and enforcement of their Policies and practice
21 related to student club benefits and student literature distribution chill Plaintiffs'
22 freedom of religious discussion and exercise, which are fundamental rights
23 guaranteed Plaintiffs by Arizona Law.

24 206. Defendants' Policies and practice regarding student clubs and student
25 literature distribution, facially and as applied, thus violate Plaintiff's rights under the
26 Arizona Religious Freedom Restoration Act.

27 WHEREFORE, Plaintiff respectfully prays that the Court grant the equitable
28 and legal relief set forth hereinafter in the Prayer for Relief.

1 **IX. PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff respectfully prays for judgment as follows:

3 a. That this Court issue a Preliminary and Permanent Injunction, restraining
4 Defendants, their officers, agents, employees, and all other persons acting in active
5 concert with them from enforcing the Policies that prohibit Plaintiff's Common Cause
6 Club from receiving equal access to all club benefits and privileges, thereby requiring
7 Defendants to grant the Club equal access, and from enforcing their Policies that
8 prohibit Plaintiff from distributing religious literature;

9 b. That this Court render a Declaratory Judgement declaring as
10 unconstitutional facially and as-applied the District's Policies and practices that
11 prohibit Plaintiff and other Club members from receiving equal access to all club
12 rights, benefits, and privileges, and that prohibit Plaintiff from distributing religious
13 literature;

14 c. That this Court adjudge, decree, and declare the rights and other legal
15 relations of the parties to the subject matter here in controversy, in order that such
16 declarations shall have the force and effect of final judgment;

17 d. That this Court retain jurisdiction of this matter for the purpose of
18 enforcing any Orders;

19 e. That this Court award Plaintiffs' costs and expenses of this action,
20 including a reasonable attorneys' fees award, in accordance with 42 U.S.C. § 1988,
21 the Arizona Religious Freedom Restoration Act, and other applicable law;

22 f. That this Court award nominal damages in the amount of one (1) dollar
23 for the violation of Plaintiff's constitutional rights;

24 g. That this Court issue the requested injunctive relief without a condition
25 of bond or other security being required of Plaintiff; and

26 h. That this Court grant such other and further relief as the Court deems
27 equitable, just, and proper in the circumstances.
28

1 Respectfully submitted this 22nd day of February, 2008.

2 **THE ALLIANCE DEFENSE FUND** **THE ALLIANCE DEFENSE FUND**

3 s/Jeremy D. Tedesco
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*Application to permit appearance
pro hac vice forthcoming after
assignment of case number and Judge

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17 *Attorneys for Plaintiff*

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VERIFICATION

I, E.K., a citizen of the United States and a resident of the District, have read the foregoing Amended Verified Complaint for Injunctive and Declaratory Relief, and declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the factual allegations set forth therein are true and correct.

Executed this the 21 day of February, 2008.

E.K.

E.K.

1 EXHIBITS TABLE OF CONTENTS
2 AMENDED VERIFIED COMPLAINT

3 E.K., a minor by and through her next friend, L.K.

4 v.
5 Deer Valley Unified School District No. 97, of Maricopa County, *et al.*

6 **Exhibits**

- 7 A. List of officially recognized student clubs at Mountain Ridge High School.
8 B. Family, Career and Community Leaders of America (“FCCLA”) written
9 announcements for November 15, 28-29, 2007.
10 C. International Club written announcements for November 20-21, 2007.
11 D. School District Policy regarding distribution of religious literature
12 E. Excerpt from Mountain Ridge High School Student Handbook, specifying
13 School District Policy regarding student literature distribution
14 F. Written announcement regarding prayer at the pole
15 G. Written announcement regarding Club meeting
16 H. Prayer at the pole flyer
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Exhibit A

Mountain Ridge High School Report, brought to you by:

- Home
- Contact
- Relocation

Contact:

Clubs and Activities:

School:

- AIMS Test Scores
- Stanford 9 Test Scores
- Teacher Information
- Athletics
- Clubs and Activities

Clubs and Activities:

Clubs and Activities at Mountain Ridge High School include:

Marching Band, Wind Ensemble, Symphonic Band, Jazz Ensemble, Beginning Guitar, Color Guard, Winter Guard, Academic Decathlon, Common Cause, National Honor Society, Technology Club, Amnesty International, Dance, Newspaper, Teen Club, Art Club, DECA, Over the Ridge Readers, Thespians, Athletic Trainers Club, FBILA, Astronomy Club, Trap Door Society, FCA, Renaissance, VICA, Choir, Gamers Club, SADD, Yearbook, Interact Club, School to Work Club, Project Respect, International Club, Science Olympiad, Piece of Mind, Clay Club, Society of Female Scholars, Society of Male Scholars, Lionette, Dance Team, Speech and Debate, Mu Alpha Theta, Club Respect, Mock Trial, Stage Crafts, and Student Government

Relocation:



Send me a free relocation package!

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Exhibit B

ANNOUNCEMENTS – PLEASE POST
THURSDAY, NOVEMBER 15TH, 2007

GLENDALE COMMUNITY COLLEGE – What are you doing during Aca-Prep? Start now in looking at career programs by attending GCC's presentation during Aca-Prep this Friday. Sign-up in counseling. (Isenbarger)

ARMY NATIONAL GUARD – will be in the counseling office today during both lunches. (Isenbarger)

TURKEY GRAMS – Let your friends know how special they are by sending them a turkey gram. They will be delivered to 2nd hour Aca Prep classes on Friday. For \$1 you can send a special message & a bag of goodies. Purchase them at lunch at the FCCLA table on the grassy knoll. (Perkins)

FCCLA – Members, plan to attend an after school meeting today to prepare the turkey grams for Friday's delivery. We also need to remind you of our cookie dough sales running through Monday, Nov. 26. If you weren't in attendance at our meeting last Friday, Please stop by E110 to get your materials. (Perkins)

VICA - There is ANOTHER meeting this week. We will see you today in Mr. Prey's room C209 @2:20. Should be a fun and interactive meeting. (Prey)

DORRANCE SCHOLARSHIP - The Dorrance Scholarship Program will be awarding 25 \$9,000 scholarships to seniors in good standing who are the first generation to attend college (neither parent holds a four-year degree) and have applied and been admitted to an Arizona university. For more details and information stop by the counseling office or check dorrancescholarship.org (Weeks)

SWEEP - Please understand according to our school rules that the consequences for SWEEP do not start over 2nd semester. If you end the month of December with 5 SWEEPS, you start in January with 5 SWEEPS. Please consult your handbook if you have any questions. Also, please remember that starting at the 7th sweep, you will start receiving suspensions. (Admin)

LEAVING CAMPUS - Please be aware that you cannot leave campus for appointments without signing out at the front desk. If you do not follow the correct procedures, these absences will not be excused. Again, you cannot leave campus without signing out and then try to excuse them later. These absences will go into your total absences which cannot exceed 12 for the semester. Thank you. (Admin)

ANNOUNCEMENTS – PLEASE POST
WEDNESDAY, NOVEMBER 28TH, 2007

FASHION CLUB – Members, stop by Mrs. Vaughan-Barker's room, E120, ASAP for your club picture passes. (Vaughan-Barker)

RACQUETBALL CLUB MEMBERS – Please see Mrs. Howse to get a pass to be in the yearbook picture. Pictures will be taken Thursday morning. You can find Mrs. Howse in the "D" building, D119 (girl's locker room). (Howse)

COMMON CAUSE – Members please pick up a pass in the nurses' office for the club picture taken Thursday. (Miller)

FITNESS CLUB – Club pictures are tomorrow. Please come by and see Mrs. Saufley to get a pass to be excused for pictures. (Saufley)

TDS, THESPIANS, STAGECRAFT – If you are a member of TDS, Thespians or stage production please stop by F135 to pick up a club picture pass. Thanks. (Nardone)

NHS – Everyone is welcome to join NHS this Saturday, Dec. 1st, as they volunteer at the St. Mary's food bank from 8-11 a.m. If you would like to sign up go to room E106 for a release form. Members, this is a reminder that we will be meeting at the food bank in Surprise at 8 a.m. and also to abide by the dress code as described in the e-mail. See you this Saturday. (Romirovsky)

VICA – Club pictures for the yearbook will be this Thursday, Nov. 29th, at 12:30 p.m. In order to attend, you must pick up a pass from Mr. Prey today. Again, VICA members pick up a pass from Mr. Prey to be in the yearbook picture. (Prey)

ANIME CLUB – Stop by the Library today to pick up a pass for club pictures on Thursday. (Weidner)

ASU BARRETT HONORS COLLEGE – ASU Barrett Honors College will be on campus during Aca-Prep this Friday, November 30th to talk with honor students. Stop by counseling to pick up your pass before Friday. (Isenbarger)

FCCLA – All members who participated in the cookie dough sales must turn in their money to Mrs. Perkins in E110 today. Don't forget! Also, you need to get your Aca-Prep pass for Friday's meeting to get ready for our adopt-a-family and our December Secret Santa. Our meeting will be back in E110. (Perkins)

ANNOUNCEMENTS – PLEASE POST
THURSDAY, NOVEMBER 29TH, 2007

FASHION CLUB – Members, stop by Mrs. Vaughan-Barker's room, E120, ASAP for your club picture passes. (Vaughan-Barker)

SCHOLARSHIPS FOR MILITARY SCHOLAR PROGRAM - Seniors who have a parent on active duty, reserve/guard or retired military are eligible to apply for a scholarship. Pick-up additional information in the counseling office or your local commissary. Applications are also available at www.militaryscholar.org (Weeks)

PIECE OF MIND – Students, do you have any original poetry, short stories, essays or art works? Submit them to Piece of Mind, our school literary magazine in C116. (Sabel)

FITNESS CLUB – Club pictures are tomorrow. Please come by and see Mrs. Saufley to get a pass to be excused for pictures. (Saufley)

YEARBOOK – Have you been to any concerts lately or are you planning to attend one soon? Yearbook needs your concert pictures. Bring them down to C117 for your chance to get in the yearbook. (Korman)

NHS – Everyone is welcome to join NHS this Saturday, Dec. 1st, as they volunteer at the St. Mary's food bank from 8-11 a.m. If you would like to sign up go to room E106 for a release form. Members, this is a reminder that we will be meeting at the food bank in Surprise at 8 a.m. and also to abide by the dress code as described in the e-mail. See you this Saturday.
(Romirovsky)

ASU BARRETT HONORS COLLEGE – ASU Barrett Honors College will be on campus during Aca-Prep this Friday, November 30th to talk with honor students. Stop by counseling to pick up your pass before Friday. (Isenbarger)

FCCLA – Get your Aca-Prep pass for Friday's meeting to get ready for our adopt-a-family and our December Secret Santa. Our meeting will be back in E110. (Perkins)

GRAND CANYON UNIVERSITY – Stop by counseling to pick up an Aca-Prep pass to visit with the rep from Grand Canyon University this week. Friday will be too late to pick up the pass. You need to pick it up now. (Isenbarger)

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Exhibit C

ANNOUNCEMENTS – PLEASE POST
TUESDAY, NOVEMBER 20TH, 2007

EXTREME SPORTS – Do you do an extreme sport? Want to be in the yearbook? Then bring your photos into Mr. Korman's room C117. (Korman)

ROYALTY NOMINATIONS – Hey Ridge! Come out and nominate your royalty for Winter Formal. Everyone can nominate with an ID on Monday, November 26th at both lunches. Remember, only seniors can be nominated. Elections will be the following week. (Evans)

SPRING MUSICAL – Do you live to sing, dance or act? Come audition for this year's spring musical *Bye, Bye Birdie*. Pick up an audition packet outside F135. (Nardone)

ATTENDANCE - Just a reminder to be careful on the amount days you are missing from your classes. More credit is being pulled from several students and when your appeals are turned in; many of you continue to miss class. The letter of appeal that you write asking the attendance committees to let you keep your credit will be denied when you continue to be late to school and absent from your classes. (Admin)

ELECTRONIC DEVICES - Please remember that cell phones and electronic devices are not allowed visible in the classroom. Consequences for having cell phones and electronics out during classroom time will be supported when reported by your teachers. If you are out of class on a hall pass, you are not allowed to use the electronics either. (Admin)

SPRING MUSICAL – Do you want to be a part of the spring musical, *Bye, Bye Birdie*? Come to the audition and crew workshops today in the auditorium. See you there. (Nardone)

INTERNATIONAL CLUB – Today is the second day of International Week. Join us for an exciting African adventure. Come hear Kawambe-omowale, an African drum and dance troupe, during lunch today. Don't forget to check out "Nosotros sound" tomorrow. (Friedman)

COMPUTER LAB – Take advantage of the after-school computer lab located in C102. On Tuesday & Thursday afternoons from 2:15-5 p.m. feel free to stop by the lab to work on school projects, reports or internet research. (Friedman)

SOCIETY OF FEMALE SCHOLARS – All members there will be a meeting tomorrow morning at 7 a.m. in the Lecture Hall. Attendance is very important. (Halliburton)

ANNOUNCEMENTS – PLEASE POST
WEDNESDAY, NOVEMBER 21ST, 2007

LOST & FOUND – All clothing, shoes, jackets, books & made-up in the Lost & Found box in the Nurses' office that is left after today will be donated to charity. (Miller)

ROYALTY NOMINATIONS – Hey Ridge! Come out and nominate your royalty for Winter Formal. Everyone can nominate with an ID on Monday, November 26th at both lunches. Remember, only seniors can be nominated. Elections will be the following week. (Evans)

ATTENDANCE - Just a reminder to be careful on the amount days you are missing from your classes. More credit is being pulled from several students and when your appeals are turned in; many of you continue to miss class. The letter of appeal that you write asking the attendance committees to let you keep your credit will be denied when you continue to be late to school and absent from your classes. (Admin)

ELECTRONIC DEVICES - Please remember that cell phones and electronic devices are not allowed visible in the classroom. Consequences for having cell phones and electronics out during classroom time will be supported when reported by your teachers. If you are out of class on a hall pass, you are not allowed to use the electronics either. (Admin)

IMMUNIZATIONS – Students who have immunizations due December 1st please note that Maricopa County's immunization clinic will be open the Friday after Thanksgiving. (Miller)

INTERNATIONAL CLUB – Join us today on our last International adventure. Today's group *Nosotros Sound* is bringing us the sounds of Latin-America. We hope you've enjoyed this week's activities. (Friedman)

COMPUTER LAB – Take advantage of the after-school computer lab located in C102. On Tuesday & Thursday afternoons from 2:15-5 p.m. feel free to stop by the lab to work on school projects, reports or internet research. (Friedman)

PIECE OF MIND – Students do you have any original poetry, short stories, essays or art works? Submit them to Piece of Mind, our school literary magazine in C116. (Sabel)

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Exhibit D

RELIGIOUS HOLIDAYS

Teachers may teach about the religious aspects of holiday celebrations. The secular aspects of holidays may be celebrated, but schools may not observe or promote the holiday as a religious event. For religious reasons, students may be excused from participating in certain events conducted during holiday seasons. Consistent with scope and sequence and adopted materials, religious music, art, or other artistic mediums may be part of holiday events such as concerts with attention given to balance and respect for student religious beliefs.

USE OF RELIGIOUS SYMBOLS

Religious symbols may be used as examples of religious or cultural heritage as part of a lesson which is to teach about a religion. These symbols may be displayed temporarily and only as part of an academic program which is part of the adopted curriculum. Attention should be given to balance and respect for those symbols displayed.

RELIGIOUS EXPRESSION BY STAFF MEMBERS

Staff members are required to be neutral concerning religion while carrying out their duties. Staff members who wish to pray or engage in other religious activities – unless they are silent – should do so outside the presence of students. Religious activity should not interfere with their duties or the rights of others.

BEFORE & AFTER SCHOOL RELIGIOUS EVENTS

Student (not staff) participation in before or after school events such as "See You At The Pole" is permissible. School officials may neither encourage nor discourage such events.

RELIGIOUS PERSUASION AND HARASSMENT

Students may attempt to persuade peers about religious topics just as they do when they discuss political topics but may not engage in harassment. School officials are expected to intercede to stop religious speech if it turns into religious harassment aimed at a single student or a group of students. Staff members must avoid the use of religiously persuasive or derogatory language and materials with students.

EQUAL ACCESS

In accordance with state law, student religious clubs must be permitted to meet during non-instructional times and have equal access to campus media to announce meetings if the same is accorded for student non-curricular clubs. All campus clubs must follow school guidelines for extra-curricular activities. Religious groups initiated by students must have a non-participatory staff member for the purpose of monitoring the students. School officials may neither encourage nor discourage such activities.

DISTRIBUTION OF LITERATURE

The distribution of religious literature to and among students is subject to reasonable time, place, and manner or other constitutionally acceptable restrictions imposed on distribution of non-school literature. Non-students shall not distribute religious or anti-religious literature on school property.

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Exhibit E

COUNSELING OFFICE

The MRHS Counseling Department offers a Comprehensive Competency Based Guidance program, which is proactive and preventive in its focus. The purpose of a CCBG program is to address the needs of ALL students. The MRHS Counseling program was designed using the model established by the Arizona State Department of Education, which incorporates the National Standards for School Counseling Programs of the American School Counselor Association. These standards promote and enhance the learning process. By following this model, MRHS Counselors meet the needs of ALL students while still attending to the various needs of individual students and identifying barriers or obstacles to academic success. Counselors assist students with strategies to enhance academics, provide career awareness, develop employment readiness, encourage self-awareness, foster interpersonal communication skills, and impart life success skills for all students.

To see a counselor, students should go to the Counseling Office before school, lunch, or after school to sign up for an appointment.

1. A counseling pass will be sent to the student's class as soon as possible. If the teacher feels the student cannot afford to miss class at that particular time, the student must respect the teacher's decision and reschedule the appointment.
2. The counseling pass will be time-dated for the student's return to class.
3. Parents are encouraged to call for appointments in order to avoid conflicts.
4. These procedures will be followed except in special or emergency situations.

DISTRIBUTION OF NON-SCHOOL PRINTED MATERIALS ON CAMPUS

Approval must be obtained from the administration at least two days prior to distribution. A student denied approval may have the right of appeal to the Principal as part of due process.

HEALTH CENTER

The Health Center provides health education, counseling and some emergency care for students and staff.

One full-time registered nurse serves as a health advisor on student health problems. When accidents or illness occur during school hours, emergency care will be given according to standard orders of care; further care is the responsibility of the parents. All accidents are to be reported to the nurse by the person involved and the supervising person.

Feminine products are available at no charge in the Health Center.

ILLNESS OR ACCIDENT

The health center can not diagnose medical conditions. The nurse may recommend further medical follow up.

PINK CARDS-EMERGENCY CARDS

Emergency cards must be filled out, signed and on file in the Health Center in order to attend MRHS. Emergency cards aid the Health Center personnel give each student care and aids during emergency times.

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Exhibit F

Proposed Written Announcement, Prayer at Pole Weekly Event:

Common Cause will be having weekly prayer every Friday morning at 7:20 at the administration flagpole, come join us!

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Exhibit G

Proposed Written Announcement, Subject of Weekly Meeting on 2/15/2008

There will be a common cause meeting this week in A185. We will be discussing pride and character in Psalms and Matthew. Make sure you bring your Bibles! See you there!

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Exhibit H

Prayer at the Pole!!!

Come join Common Cause Friday, February 15th at 7:20 a.m. at
the administration flagpole for prayer and fellowship!

