



**ADVOCATES
FOR FAITH & FREEDOM**
Protecting Religious Liberty in the Courts!

February 7, 2014

**VIA ELECTRONIC
AND U. S. MAIL**

Mr. Vincent O'Neal, President
Temecula Valley Unified School District
31350 Rancho Vista Road
Temecula, California 92592
Email: voneal@tvusd.k12.ca.us

Re: *Appeal from the Findings in Uniform Complaint#14-115-1*

Dear Superintendent Ritter and Honorable Board of Education:

On behalf of our clients, the Williams family, we are appealing the decision in Uniform Complaint #14-115-1. If you recall, Brynn Williams, a first grader at Helen Hunt-Jackson Elementary was stopped short in presenting her family's Christmas tradition and was not allowed to read a Bible verse. The Complaint is provided as Attachment 1 to this appeal. The appeal is based on Temecula Valley Unified School District's ("District") failure to:

- (1) properly investigate the facts;
- (2) address the complaint regarding the lack of proper policies and the need for employee training;
- (3) prevent abuse of process;
- (4) provide a complaint procedure free from retaliation; and
- (5) provide an unbiased investigation.

In addition, to the problems with the investigation and procedures, two additional concerns have arisen during the proceedings. Those concerns are: (1) another violation of a first grader's civil rights at a different elementary school; and (2) policies regarding religious civil rights are being enforced inconsistently within the District schools. Both issues are discussed under Section 2, "The District's Failure to Address the Complaint Regarding the Lack of Proper Policies and the Need for Employee Training" as subsections of that section.

1. The District Failed To Properly Investigate The Facts Relating To The Complaint

Brynn's mother, Gina Williams, is disheartened by the statements of the principal because they do not accurately represent Gina's experience of what actually occurred in their one-on-one meeting. Gina Williams posted her experience on Facebook, Attachment 2, the same day that it occurred, December 20, 2013. Gina wrote "[t]he school's response today was basically Brynn has a right to write about her faith, but cannot speak about it to others, so as to not offend anyone." Gina's rendition of the facts has never altered. Regardless, the following facts are not in dispute by any of the parties:

- The principal, teacher and the family all agree Brynn was stopped during her presentation and was not allowed to finish.
- The teacher's public statements confirm that Brynn's presentation was in writing and Brynn read from it.
- Both the teacher and the family agree Brynn was stopped before she could read the Bible verse in her speech.

Because Brynn's entire written prepared speech was approximately 25 SECONDS long and Teacher Williams already knew what Brynn was going to say (Teacher Williams' statements to School Board, dated January 21, 2014, stated she helped Brynn read it, Attachment 3), it is highly suspect that Brynn was stopped exactly at the place when Brynn was about to read a Bible verse.

Since Teacher Williams helped Brynn read her written speech (see teacher statements - Attachment 3), if Teacher Williams had been properly trained in students' freedom of religious rights and fully understood Board Policy 6141.2(a), she would not have chosen to stop Brynn in light of time constraints so she could ask clarifying questions. Teacher Williams would have understood that religious civil rights, by law and District policy, take priority over a teacher's clarifying questions. When Teacher Williams stopped Brynn from completing her speech in the interest of time, she violated Board Policy 6141.2(a). Board Policy 6141.2(a) states, "[s]taff shall be highly sensitive to their obligation not to interfere with the religious development of any student in whatever tradition the student embraces." At no time was Teacher Williams' actions "highly sensitive" to Brynn's religious rights. By the Teacher Williams' own admission she did interfere with Brynn's speech. Therefore, the investigative findings are incorrect. Teacher Williams did, in fact, violate Board Policy 6141.2(a) and free speech rights. Obviously, when Gina Williams shared her concerns with the principal, Paradise did not understand Board Policy 6141.2(a) "highly sensitive" directive either.

Due to the numerous erroneous determinations that "no evidence" exists when evidence does exist and was not properly analyzed, a detailed analysis has been completed viewing the evidence in light of collaborating statements by the parties. A comprehensive analysis of the errors within the findings is included as Attachment 4. Based upon the undisputed facts, in conjunction with inconsistent statements made by both the teacher and principal at the school

board meeting, the only reasonable conclusion is that Brynn Williams' rights were violated, and the District has failed to properly investigate the Complaint.

2. **The District Failed To Address The Complaint Regarding Adoption Of A Policy To Address Civil Rights Violations And The Need For Employee Training**

The focus in the Complaint has never been on the principal or the teacher, but rather, on the policies of the District. Our letter intentionally did not mention the names of either the principal or the teacher. The letter actually states, "Therefore, [Advocates] will not assume that the principal or teacher had malicious intent in this recent incident. Rather, our complaint is focused on District's policies and . . . failure . . . to conduct training." (See Attachment 1). Unfortunately, it appears from their comments that the principal and teacher viewed our Complaint to be a personal attack upon them. This is certainly not the case as we purposefully left their names out of the Complaint. Our focus has always been on the district's policies and training. We have never contended that the teacher or principal were "bullies" or unprofessional. Instead, we stated they are merely school officials who have responsibility for implementing the District's practices and policies, whether they agreed with the policies or not. Their misunderstanding, based upon their statements made during a school board meeting, further supports our contention that employees of the school district are confused and uninformed as to the civil rights of their students regarding religious freedom. Attachment 4 provides numerous examples where District employees do not understand Board policies or how to apply them.

A. **The District Has an Ongoing Problem with Religious Liberty Violations.**

As a result of the recent media exposure, we have become aware of yet another incident in which a student attending one of the District's schools has had to experience hostility towards her religion. [REDACTED], a student at [REDACTED] Elementary School, endured a humiliating experience during her attempted participation in the school-sponsored book donation program. [REDACTED]'s parents were upset regarding how their daughter was treated and, at the time, they were not sure of how to proceed. This case is yet another example of District employees lacking knowledge of First Amendment rights. The facts provided by [REDACTED], [REDACTED]'s father, are as follows:

[REDACTED] Elementary School offers a "Birthday Book Program" which students may elect to celebrate their birthday by donating a book to the school. The donated book has the student's name inserted on the front inside cover. The school's procedure is to formally recognize the student at Friday Flag Salute Assembly. The student is called up in front of the entire school; they hold their book up and get a picture taken with their donated book.

[REDACTED], a first grader at the time, brought her favorite book to school to donate. She handed the Bible over to the teacher and said, "John is my favorite book!" The teacher smiled and accepted the book with a thank you. A few days later, the teacher handed the book back to [REDACTED], [REDACTED]'s father, explaining, "The principal said students cannot donate the Bible. It cannot be in

the library.” On Friday the same week, as ██████ waited in anticipation of her time to come up before the school during Friday Flag Salute, ██████ was not called up. Mr. ██████ had to explain to ██████ that her book had been rejected and thus, she could not be recognized. Mr. ██████ was upset because he felt that not only had the book been rejected but so was the student. Mr. ██████ was upset that the school put a program into place that allows students to contribute books without letting students know that certain books are forbidden.

Once again, an employee of the District did not understand the laws as they apply to First Amendment religious issues. As already described in the Brynn letter, the Establishment Clause “mandates governmental neutrality” not only among different religions, but also “between religion and non-religion.” *McCreary Cnty. v. ACLU*, 545 U.S. 844, 860, 125 S.Ct. 2722, 162 L.Ed.2d 729 (2005) “The government neutrality required under the Establishment Clause is ... violated as much by government disapproval of religion as it is by government approval of religion.” *Vernon v. City of Los Angeles*, 27 F.3d 1385, 1396 (9th Cir. 1994); see also (*Vasquez v. Los Angeles County*, 487 F.3d 1246 (9th Cir. 2007) (“[I]f a reasonable observer would conclude that the message communicated is one of . . . disapproval of religion, then the challenged practice is unlawful”). Here, the principal’s rejection of the Bible as a viable donation towards the school library was a message of disapproval or unlawful hostility towards religion.

In this case, we believe the principal was enforcing policies as she had been trained. Those policies conflict and violate the civil rights of students under the First Amendment. It is well established that school boards have broad discretion in determining and purchasing textbooks and deciding curriculum, *Meyer v. Nebraska*, 262 U.S. 390, 627 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510, 534 (1925); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); however, library books are not required reading. As a result of the optional nature of library books, they are reviewed under First Amendment jurisprudence. See *Board of Education v. Pico*, 102 S.Ct. 2799 (1982). “The right of freedom of speech and press . . . embraces the right to distribute literature, and necessarily protects the right to receive it.” *Martin v. Struthers*, 319 U.S. 141, 143 (1943). ██████ has a right to give the school the Bible under the book donation program, students at ██████ Elementary School have a right to go to the library and read it, and the school has the right to receive it.

The U.S. Supreme Court stated “it might be well said that one’s education is not complete without a study of comparative religion or the history of religion . . . the Bible is worthy of study for its literary and historic qualities.” *Schools District of Abington Township v. Schempp, et. al.*, 83 S.Ct. 1560, 1573 (1963). The Supreme Court of California held that the Bible is not a book prohibited by any of the statutes of the State of California. *Evans v. Selma Union High School Dist. of Fresno County*, 193 Cal. 54, 57 (1924). The Bible is eligible to be purchased and to be placed in a school library. *Id.* at 59-60. “Regarded merely as literature, the King James version is a recognized classic.” *Id.* The U.S. District Court of Colorado added “it is inconceivable that the Bible should be excluded from a school library. The Bible is regarded by many to be a major work of literature, history, ethics, theology, and philosophy.” *Robert v. Madigan*, 702 F.Supp. 1505,1513 (1989). While schools have a right to reject vulgar books from

school libraries, the courts have never ruled the Bible to be such a book. While we do not believe the District actually has a policy of not allowing the Bible in school libraries, if the principal's statement were true, the District would be in violation of student's civil rights including, but not limited to, freedom of the press.

If you recall, the Ninth Circuit considers whether an objective observer in [REDACTED]'s shoes would have viewed the principal's conduct as showing disapproval or hostility toward [REDACTED]'s religion. *Brown v. Woodland Joint Unified School Dist.*, 27 F.3d 1373, 1383 (9th Cir. 1994). Here, the courts view from the eyes of a vulnerable first grader who has had her favorite book rejected, thus disapproved, by the principal because of its content. The principal's action was not only disapproving of Christianity, but hostile (in the legal sense of that word) toward Christianity and, therefore, unconstitutional. *See McCollum v. Bd. of Educ. of School Dist. No. 71*, 333 U.S. 203, 211–12, 68 S.Ct. 461, 92 L.Ed. 649 (1948) (“hostility to religion [and] religious teachings” is “at war with our national tradition as embodied in the First Amendment's guaranty of the free exercise of religion”). The U.S. Supreme Court has clearly declared that government “may not be hostile to any religion or to the advocacy of no religion.” *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968).

In this incident, the principal's actions constitute hostility toward religion, and as a result, [REDACTED] was not allowed to be recognized though she had complied with all the requirements of the book donation program. Since this would be the fourth incident where a student has informed us of civil rights violations, we believe there are other incidents as well.

B. District Policies Are Being Enforced in an Inconsistent Manner

This second incident came to our attention. A student at Margarita Middle School was given an assignment to “[d]esign a monument or plaque that celebrates the contributions Muslims have made on world civilization.” (See Attachment 5). While we are not contesting the right of the teacher to make this assignment, it shows how at one school the Bible is not allowed in the library; another school a student may not read the Bible during discretionary reading time; Brynn is not allowed to share her Bible verse; while in Margarita Middle School students are assigned to study a specific religion and recognize its contributions to the world. We, at Advocates for Faith and Freedom, believe that studying religions is part of the educational process; however, this incident contrasts the disparity in treatment among the schools as a result of lack of training of employees and a clear, understandable policy regarding religious freedom.

The question becomes how many more incidents does the District need before it becomes aware that it has a serious problem? How many more children must suffer humiliation and hostility towards their religion because of the lack of training? As requested in our previous three Complaints, including Brynn Williams, we believe it is time for the District to adopt or rewrite the existing policy regarding religious freedoms so that it makes clear how religion is to be handled. We continue to request that employees, especially principals, be trained to understand the laws and policies relating to religious freedom.

3. The District Failed to Prevent An Abuse Of Process During The Uniform Complaint Procedure

The District failed to prevent an abuse of process in three ways after the Complaint was received (acknowledging the fact that right from the start Principal Paradise should have informed Gina Williams there was a Uniform Complaint Procedure.) The first violation was a failure to adhere to the procedure outlined pursuant to the District's Administration Regulation 1312.3 (a). Under Step 1, Filing of Complaint – "within three days the compliance officer may informally discuss with the complainant the possibility of using mediation." Since the Complaint involved a first grader, mediation may have circumvented the hostility the Williams' family has had to endure and Brynn would not have had to be pulled out of school because of retaliation. However, mediation was never offered.

The second abuse of process resulted when the District allowed two employees at the center of the Complaint to use the public comment portion of a school board meeting to "try" their case without notice to the complainant and prior to the conclusion of the investigation. The Uniform Complaint Procedures requires appeals to be considered by the Governing Body of the District, i.e. the very school board that heard the employees' statements. To allow employees to state their case before the very authority responsible for hearing appeals is an abuse of process.

The third abuse of process is discussed in Section 4 below.

4. The District Failed To Prevent Retaliation Towards Complainant Williams

Incorporated in the Uniform Complaint Procedure is the requirement to ensure that the complainant is not subjected to retaliation as a result of filing a complaint. On Tuesday, January 21, 2014, the principal and teacher involved in the Complaint were allowed to retaliate against Complainant Williams during the public comment portion of the school board meeting. Both employees not only denied the actions within the Complaint but had organized a large group of parents to launch an assault on Complainant Williams, her child and the firm representing her.

Principal Paradise was allowed to misstate the allegations at a time when the investigation of the Uniform Complaint Procedure was still ongoing. Paradise declared that Advocates for Faith and Freedom was the complainant when the Complaint clearly indicates the Williams family is the complainant. Paradise proceeded to verbally attack the attorney firm, she had just declared was the complainant, by alleging that the law firm had somehow invented the facts of the Complaint in order to sensationalize a story, (See Principal Statements to the Board, Attachment 6). In reality, the facts of the case were placed on Facebook on December 20, 2013, eighteen days prior to Gina Williams contacting our office. The result of that misleading statement has been retaliation in threatening phone calls and emails to both the Williams family and the offices of Advocates for Faith and Freedom.

At the same meeting, Teacher Williams commented that her reputation was questioned, misleading the public to believe that a parent has no right to file a complaint (See Attachment 3). Teacher Williams made statements that the accusations were "untrue" while at the same time

confirming that she did, in fact, stop Brynn's presentation. Furthermore, Teacher Williams incorrectly stated the Complaint by informing the school board that she had been accused of bullying and hostility (a lay person meaning of the word; not the legal term) when the Complaint does not make those charges (See Attachment 1).

Teacher Williams' statement regarding "a school that has stood behind me 100% and . . . the tremendous amount of support from my current parents and past parents. . ." (See Attachment 3) has resulted in anger towards Brynn and her family. This "tremendous amount of support" constituted an angry mob of parents who had been falsely told that the Complaint included claims of bullying by Teacher Williams and physical injury to Brynn. The consequences of these misleading statements caused one of the parents to follow an attorney from Advocates for Faith and Freedom out of the school board meeting and into the parking lot in an attempt to threaten and intimidate the attorney because she was representing the Williams' concerns.

As a consequence of the District allowing two employees to make misleading, emotionally charged statements during the school board's public comment period and organizing parents with incorrect information, Gina Williams has had to pull Brynn from school for her safety. The barrage of hate blogs directed at the Williams' family provides evidence of the need to keep Brynn out of a now dangerous environment. Gina Williams acted in the best interest of her daughter by properly using the Uniform Complaint system to address her concerns. However, the District has violated Board Policy 1312.3(a) by allowing its employees to misstate the Complaint and organize parents with misleading statements intended to incite anger. Hence, the District has failed to prevent retaliation of Complainant Williams.

5. The District Failed To Provide An Unbiased Investigation

The District's investigator incorporated a number of statements in the letter, dated January 31, 2014, that show an improper bias towards the employees of the District in his investigation. Below are a few examples of the bias shown throughout the report.

In Allegation #1, the claim "no evidence exists that any student was abruptly interrupted during his/her presentation" constitutes a biased statement since the Complaint has never alleged that Brynn was "abruptly interrupted." The Complaint states, and it is undisputed, that Brynn was stopped and not allowed to finish her presentation. Nowhere in the Complaint is there an allegation of "abruptly interrupted." Therefore, the investigator has constructed an issue not a part of the investigation and then concludes there is no evidence to support it.

The investigator continues along this bias by claiming "no evidence that the purpose of those transitions was to edit the content of the sharing." The evidence shows that Brynn's presentation was written and she read from it. Brynn's entire written statement consisted of 51 words and takes **25 SECONDS** to say out loud (See Attachment 7). The investigator's report states as fact that there was ten minutes remaining and each student got the same amount of time. Brynn was allowed only 15 SECONDS (she had 24 words left unspoken). According to the teacher's statements, there was enough time for the teacher to suggest ways for the Williams

family to improve their family tradition (i.e. suggesting Brynn's father could lift up Brynn so she could place the Star of Bethlehem on the tree – 17 words). These facts are evidence that the teacher's claim that she stopped Brynn because of a timing issue, if not false then highly suspect of truthfulness, but in no way can be determined "no evidence."

From the findings in the report it appears that the investigator is unaware of the requirements of Board Policy 6141.2(a) as the report makes no mention of its significance as it relates to Teacher Williams stopping Brynn's speech fully knowing that Brynn had a Bible verse to share. As already stated above, given the teacher's admitted time restraints, Brynn should have been allowed to finish her speech and the teacher should have cut short her clarifying questions by 10 SECONDS in order to be "highly sensitive" to Brynn's needs. The investigator findings are completely void of the District's directive to be "highly sensitive."

At the crux of this Complaint is the lack of employee training and unclear policies, however, the investigator makes no mention of these concerns. What was the employees understanding of Board Policy 6141.2(a) at the time of the incident? How much time did the teacher need to ask clarifying questions? Why didn't the teacher decide to not ask clarifying questions as opposed to stopping a 25 SECOND presentation? How does a teacher ask clarifying questions when she has not allowed a student to finish her presentation? How much time did the students who followed Brynn's presentation need? Due to the investigators use of blanket statements of "no evidence" when evidence has been supplied; conclusions that are not in alignment with the facts; and failure to review employee action with existing board policy it can be concluded the investigator had a predetermined conclusion in this investigation – a bias. A more thorough analysis of these facts can be found in Attachment 4.

Remedies and Conclusion

In order to rectify the incorrect interpretation of constitutional rights and board policies, we demand that the school district adopt an official policy that expressly prohibits school officials (including teachers) from adopting any action and from engaging in any expression that can reasonably be viewed by a religiously affiliated student as disapproval of the student's religion. This policy will also need to affirm the right of students to express and communicate their own religious viewpoints on school property without fear of rebuke by school officials. This will help to ensure that young students are not intimidated by school officials into believing that there is something wrong with their religion or their religious views. Of course, this policy will function within the boundaries of jurisprudence that permit limitations on speech that causes substantial disruption, promotes drug use, or is lewd or obscene. Employees need to understand the board's directive of "highly sensitive."

Additionally, we demand that the school district adopt a policy that requires teachers and other school officials to be trained at least once per year on the First Amendment, particularly as it relates to the rights of students to express themselves with religious viewpoints and to be free from school officials' disapproval of their religion. Administrators should retain proof of such training in personnel files. As you are aware, ongoing discriminatory conduct can result in the

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school district losing valuable federal and state resources until the violations have been properly addressed.¹

Finally, it is imperative that Principal Paradise and Teacher Williams understand the Uniform Complaint procedure and the requirement to refrain from creating retaliatory circumstances as government employees. At the bare minimum, both those employees owe the Williams' family an apology. We believe the above stated actions will help to provide Brynn, and all students, with an environment of neutrality and true tolerance. We are in the process of drafting proposed policies relating to First Amendment freedoms and would be willing to share the policies and provide training to school employees.

Kind regards,



Robert H. Tyler, Esq.
General Counsel
Advocates for Faith & Freedom

RHT/MJN:jal

cc: Mr. & Mrs. Williams (via Electronic Mail Only)
Mr. Henry H. Voros (via Electronic Mail Only)

Attachments

¹ Cal. Educ. Code title 1 § 250.

ATTACHMENT “1”



**ADVOCATES
FOR FAITH & FREEDOM**
Protecting Religious Liberty in the Courts!

January 13, 2014

**VIA ELECTRONIC
AND U.S. MAIL**

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Re: *Brynn Williams' Constitutional Right to Share her Family Traditions*

Dear Superintendent Ritter and Honorable Board of Education:

I am writing on behalf of Brynn Williams, a 1st grade student at Helen Hunt-Jackson Elementary School, and her parents concerning her humiliating experience during her class presentation on Thursday, December 19, 2013. As a matter of introduction, Advocates is a nonprofit public interest law firm and education organization. We represent clients across the nation to preserve their religious liberty and other constitutional protections. It is our preference to meet and educate appropriate officials. However, when necessary, we proceed to litigation in order to secure these rights. This letter is to serve as a formal complaint on behalf of Brynn Williams and her parents.

If you recall, our firm sent a previous letter to the Temecula Valley Unified School District ("District") on October 7, 2013 (see Attachment 1), requesting that the District provide staff training and compliance to educational rules and regulations as they relate to religious freedom. That letter was sent on behalf of an unrelated middle school student whose religious liberties were infringed upon by one of his teachers. This is now the third time in which our firm has been required to intervene on behalf a student to protect their religious liberties within the Temecula Valley Unified School District. In the two prior cases, the students were clear victims of bullying, not by another student, but by a teacher. Each case involved a teacher expressing hostility toward a student's religious speech or viewpoint.

It appears by the recent incident involving Brynn Williams that the District has done nothing to address the lack of appropriate staff training resulting in ongoing discriminatory practices by its employees. According to the statements of the teacher and principal, they were simply carrying out District approved policies pertaining to religion. Therefore, we will not

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assume in this letter that the principal or teacher had malicious intent in this recent incident. Rather, our complaint is focused on the District's policies and the District's failure to properly address civil rights violations after having been made aware of their existence and after having been asked to adopt remedial policies and to conduct training to eliminate the violations.

Factual Concerns Giving Rise To The Brynn Williams Incident

On Wednesday, December 18, 2013, Brynn brought home a "share" bag as part of a school assignment. Brynn's teacher had, over the course of approximately three weeks, given every child in her class a canvas bag with verbal instructions to find something at home that represents a family Christmas tradition, put it in the bag, bring it to school, and be prepared to share the family tradition. To Brynn's recollection, there were no other rules or restrictions to the assignment. Brynn decided the Star of Bethlehem that adorns the top of the family Christmas tree represents her family's tradition of remembering why Christmas is celebrated. Brynn worked diligently on a one minute presentation in order to explain to the class that her family's tradition is to remember the birth of Jesus at Christmas time. Brynn and her father prepared her speech in writing, which is included as Attachment 2. A picture of the "Star of Bethlehem" is included at Attachment 3.

Brynn was the last student of the class to give her presentation. Brynn began by saying, "Our Christmas tradition is to put a star on top of our tree. The star is named the Star of Bethlehem. The 3 kings followed the star to find baby Jesus, the savior of the world. John ..." Brynn's teacher said, "Stop right there! Go take your seat." and did not allow Brynn to finish her presentation after she spoke the name "John." Brynn was the only student not allowed to finish her one-minute presentation. After Brynn took her seat, the teacher explained to Brynn in front of all the other students that she was not allowed to talk about the Bible or share its verses. That same day in the car driving home Brynn told her mother, Gina Williams, that she was not allowed to finish her presentation and thought she was in trouble because she talked about Jesus

The following day, Gina scheduled a meeting and went to discuss the situation with the principal who informed her that California's Educational Codes support the teacher's actions. The principal explained that the school district has strict rules about sharing beliefs publicly because there have been lawsuits. The principal had apparently spoken to the teacher and said that the teacher had to stop Brynn because "we don't want to offend other students". Moreover, Gina was told by the principal that, "Brynn can write about her beliefs in her journal, in her class work and on her homework, but she is not allowed to share her beliefs aloud to other students." About that time, the principal saw Brynn waiting outside her office and invited her in. The principal told Brynn that she had heard that yesterday's presentation was wonderful and Brynn's eyes filled with tears at the memory of the unhappy incident. The principal then asked Brynn to complete the presentation in front of her without any other students around. Several days later, the principal sent Board Policy 6141/2(a) via email. Notwithstanding her previous comments defending the teacher's actions, the principal's email to Gina suggested that the teacher "did not 'stop' Brynn's presentation, but rather the class ran out of time."

Brynn's First Amendment Right To Free Speech

One of the most fundamental principles of the U.S. Constitution is that government (including public schools) may not suppress the speech of private citizens (including students), because that speech contains a religious perspective. *Good News Club v. Milford Central Sch. Dist.*, 533 U.S. 98 (2001); *Lamb's Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993). The United States Supreme Court established that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker v. Des Moines Independent Community School District*, 89 S.Ct. 733, 736 (1969). The Supreme Court held, "[s]chool officials do not possess absolute authority over their students. Students in school as well as out of school are 'persons' under our Constitution. They are possessed of fundamental rights which the State must respect. . ." *Id.* at 739. Under the *Tinker* decision, the Court stated "that student expression may not be suppressed unless school officials reasonably conclude that it will 'materially and substantially disrupt the work and discipline of the school'". *Tinker* 89 S.Ct. at 740. The only exceptions to the *Tinker* "substantial disruption" rule is if the student message is lewd¹, can be viewed as school-sponsored², or encourages illegal drugs³.

The First Amendment exists to protect, among other principles, Brynn's freedom to communicate religious views on her elementary school campus. "At the core of the First Amendment's right to free speech is the right of one student to express a religious viewpoint without fear." *Morgan v. Swanson*, 659 F.3d 359, 396 (5th Cir. 2011). Therefore, any act to suppress a student's free speech, in this case censorship of Brynn's presentation of her family traditions, has violated Brynn's constitutional rights unless the school district can reasonably conclude that Brynn's speech was going to materially and substantially disrupt the school's work or discipline. Here, the school district cannot reasonably come to that conclusion. The Court explained in *Tinker*:

The principal use to which the schools are dedicated is to accommodate students during prescribed hours for the purpose of certain types of activities. Among those activities is personal intercommunication among the students. This is not only an inevitable part of the process of attending school; it is also an important part of the educational process. A student's rights, therefore, do not embrace merely the classroom hours. When he is in the cafeteria, or on the playing field, or on the campus during authorized hours, **[s]he may express [her] opinions, even on controversial subjects.** . . . *Tinker*, 89 S.Ct. at 739 (emphasis added).

In addition to the free speech protections provided under the U.S. Constitution, Brynn is protected by (1) the California Constitution free speech clause⁴ and the free exercise and

¹ *Bethel School District No. 403 v. Fraser*, 478 U.S. 675 (1986).

² *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988).

³ *Morse v. Frederick*, 551 U.S. 393 (2007).

⁴ CAL. CONST. ART. 1 § 2 (a) "Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press."

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enjoyment of religion clause⁵, (2) the California Educational Code protecting free speech⁶ and (3) the Temecula Valley Unified School District Board Policy⁷ protecting religious expression. The law is extensive regarding the value of free speech for all students. Cases arising within California will most certainly receive extensive First Amendment protection because California statute confers a greater degree of protection than the U.S. Constitution. *Lovell By & Through Lovell v. Poway Unified Sch. Dist.*, 90 F.3d 367, 371 (9th Cir. 1996) (citing Cal. Ed. Code § 48907(a)). "The Supreme Court has held that the First Amendment guarantees only limited protection for student speech in the school context. . . . The California Education Code extends students' free speech rights while on campus to the same extent those rights may be exercised outside of the school context." *Lovell By & Through Lovell* at 371.

Moreover, it is significant that the school district's Board Policy 6141.2 (a) expressly states that "[s]tudents may express their beliefs about religion in their homework, artwork and other class work if the expression is germane to the assignment." When Brynn decided to share her family tradition at Christmas which involved a religious belief, it appears that the teacher violated 6141.2(a) by not allowing Brynn to complete her presentation. It is unclear however, whether the school district interprets this policy to the extent that the policy would protect Brynn's speech and it is unclear whether the school district provides its teachers any guidance for implementing the policy. Regardless, the teacher humiliated Brynn in front of all her classmates when she stated that Brynn could not talk about the Bible or read any verses.

It is abundantly clear that the school has allowed Brynn's free speech rights to be violated due to its conduct, its policies and its failure to adequately train its employees.

The First Amendment Prohibits Disapproval and Hostility Toward Religion

It is often the case that school officials censor religious viewpoints based on a misunderstanding of the First Amendment's Establishment Clause (sometimes referred to as "the separation between church and state"). The Establishment Clause forbids the government (i.e. school officials and teachers) from "establishing religion". See *Lemon v. Kurtzman*, 403 U.S. 602 (1971). The Supreme Court held, "there is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect." *Westside Community School v. Mergens*, 496 U.S. 226, 250 (1990). (emphasis in original). While school personnel may be limited in their official endorsement of religious views, students have no such legal prohibition.

⁵ CAL. CONST. ART. 1 § 4 ("Free exercise and enjoyment of religion without discrimination or preference are guaranteed.")

⁶ CAL. EDUC. CODE § 48907 (a)(2011), ("Pupils of the public schools, including charter schools, shall have the right to exercise freedom of speech . . . except that expression shall be prohibited which is obscene, libelous, or slanderous.")

⁷ TVUSD Board Policy 6141.2 (a) ("Students may express their beliefs about religion in their homework, artwork and other class work if the expression is germane to the assignment. Such work shall be judged by ordinary academic standards, free of discrimination based on religious content.")

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The Establishment Clause “mandates governmental neutrality” not only among different religions, but also “between religion and non-religion.” *McCreary Cnty. v. ACLU*, 545 U.S. 844, 860, 125 S.Ct. 2722, 162 L.Ed.2d 729 (2005) (“When the government acts with the ostensible and predominant purpose of advancing religion, it violates that central Establishment Clause value of official religious neutrality, there being no neutrality when the government’s ostensible object is to take sides”). “The government neutrality required under the Establishment Clause is . . . violated as much by government disapproval of religion as it is by government approval of religion.” *Vernon v. City of Los Angeles*, 27 F.3d 1385, 1396 (9th Cir. 1994); *see also* (*Vasquez v. Los Angeles County*, 487 F.3d 1246 (9th Cir. 2007) (“[I]f a reasonable observer would conclude that the message communicated is one of . . . disapproval of religion, then the challenged practice is unlawful”). Here, the teacher’s censorship of religious content from Brynn’s personal speech was a school-sponsored message of disapproval toward religion.

Further, in the eyes of a vulnerable first grader, the teacher’s action was not only disapproving of Christianity, but hostile toward Christianity and, therefore, unconstitutional. *See McCollum v. Bd. of Educ. of School Dist. No. 71*, 333 U.S. 203, 211–12, 68 S.Ct. 461, 92 L.Ed. 649 (1948) (“hostility to religion [and] religious teachings” is “at war with our national tradition as embodied in the First Amendment’s guaranty of the free exercise of religion”). The U.S. Supreme Court has clearly declared that government “may not be hostile to any religion or to the advocacy of no religion.” *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968). Likewise, California Education Code § 220 broadly prohibits discrimination, harassment, intimidation and bullying based on religion and, consequently, provides additional protection for Brynn’s speech.

When assessing hostility in the public school setting, the Ninth Circuit considers whether an objective observer in Brynn’s shoes would have viewed the teacher’s conduct as hostile toward Brynn’s religion. *Brown v. Woodland Joint Unified School Dist.*, 27 F.3d 1373, 1383 (9th Cir. 1994). Here, the objective observer would be based upon a first grade student and the vulnerability of a first grader must be taken into consideration. It is hardly questionable whether a first grader would be in fear and intimidated when, in the middle of Brynn’s presentation, her teacher demands, “Stop right there!” In fact, Brynn felt as if she had done something seriously wrong. In the eyes of a first grader, the censorship resulted in a message of governmental disapproval and created a hostile environment, especially since it felt like she was being reprimanded in front of the entire class for sharing her family tradition and beliefs.

Eradicating governmental disapproval and hostility experienced by Brynn as a result of her religion is exactly why the Establishment Clause exists. Moreover, the First Amendment exists to protect, among other principles, Brynn’s freedom to communicate religious views on her elementary school campus. *Morgan*, 659 F.3d at 396 (“At the core of the First Amendment’s right to free speech is the right of one student to express a religious viewpoint without fear.”)

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Conclusion

As you may know, the violation of an individual's constitutional rights, even for a moment, results in irreparable injury. *See Elrod v. Burns*, 427 U.S. 347, 373 (1976). We are very concerned since this is not the first time we have had to remind the Temecula Valley Unified School District and its officials regarding the constitutionally protected rights of students to be free from the disapproval and hostility of teachers due to the students' religious speech and viewpoints. We have requested in the past that the school district become familiar with students' religious liberties and train its staff accordingly to prevent the type of situation that occurred to Brynn from happening in the future.

In order to rectify the incorrect interpretation of constitutional rights and Board Policies, we demand that the school district adopt an official policy that expressly prohibits school officials (including teachers) from adopting any action and from engaging in any expression that can reasonably be viewed by a religiously affiliated student as disapproval of the student's religion or hostile toward the student's religion. This policy will also need to affirm the right of students to express and communicate their own religious viewpoints on school property without fear of rebuke by school officials. This will help to ensure that young students are not intimidated by school officials into believing that there is something wrong with their religion or their religious views. Of course, this policy will function within the boundaries of jurisprudence that permit limitations on speech that causes substantial disruption, promotes drug use, or is lewd or obscene.

Additionally, we demand that the school district adopt a policy that requires teachers and other school officials to be trained at least once per year on the First Amendment, particularly as it relates to the rights of students to express themselves with religious viewpoints and to be free from religious hostility and free from school officials' disapproval of their religion. Administrators should retain proof of such training in personnel files. As you are aware, ongoing discriminatory conduct can result in the school district losing valuable federal and state funding until the violations have been properly addressed.⁸

Lastly, we demand that the school district issue a formal apology to Brynn Williams for violating her religious liberties and expressly authorize her to make her entire presentation to her first grade class as she had planned.

⁸ CAL. EDUC. CODE TITLE 1 § 250.

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We believe the above stated actions will help to provide Brynn, and all students, with an environment of neutrality and true tolerance. We would be willing to assist the school district in drafting the proposed policies and providing training to school officials on the First Amendment.

If we do not hear from you by January 20, 2014, we will be forced to take legal action. Please contact me with any questions or to commence discussions.

Kind regards,



Robert H. Tyler, Esq.
General Counsel
Advocates for Faith & Freedom

RHT/MJN:jal

cc: Principal, Jackson Elementary School (via electronic mail w/attachments)
Teacher, Brynn Williams class (via electronic mail w/attachments)
Mr. and Mrs. Williams

Attachments

Attachment 1



**ADVOCATES
FOR FAITH & FREEDOM**

Protecting Religious Liberty in the Courts!

October 7, 2013

VIA U.S. MAIL

Karen Hayes, Principal
Margarita Middle School
30600 Margarita Road
Temecula, California 92591

Timothy Ritter, Superintendent
Temecula Valley Unified School District
31350 Rancho Vista Road
Temecula, California 92592

Re: CONFIDENTIAL: Teacher ██████████ Conduct Regarding Violations of
Protected Student Constitutional Rights and School District Policies

Dear Educators:

I am writing on behalf of ██████████ a 7th grade student at Margarita Middle School, concerning his humiliating and demoralizing experience while in Mr. ██████████ Language Arts class in the beginning of the 2013 school year (Aug./Sept.). As a matter of introduction, Advocates is a nonprofit public interest law firm and education organization. We represent clients across the nation to preserve their religious liberty and other constitutional protections. It is our preference to meet and educate appropriate officials. However, when necessary, we proceed to litigation in order to secure these rights.

Sometime in Aug./Sept. 2013, Mr. ██████████ assigned students to select a non-fiction book and read for thirty minutes as homework. ██████████ complied with the assignment selecting the Bible as his book and read from the Book of Genesis. In class the next day, Mr. ██████████ instructed the students to place their non-fiction books on their desks so he could approve their homework. When Mr. ██████████ approached ██████████'s desk he said, "Oh, the Bible is not non-fiction." ██████████ explained he believed the Bible to be non-fiction and Mr. ██████████ said, "I'll come back to you", not giving ██████████ credit for his homework at that time.

After checking all the other students' homework, Mr. ██████████ went to the front of the class and asked in a sharp, humiliating, and demeaning tone of voice, used to show that he did not believe the Bible to be non-fiction, "How many think the Bible is non-fiction?" It was clear to ██████████ that Mr. ██████████'s expectation was that no student would dare raise their hands. In an ironic set of events, all but two students raised their hands to signify they believed the Bible to be non-fiction. Mr. ██████████ then asked the class, "Well, raise your hand if you think its fiction?" This time two kids raised their hands. If that wasn't enough, Mr. ██████████ then directs the

Reply To: 24910 Las Brisas Road † Suite 110 † Murrieta, California 92562 † T 951.304.7583 † F 951.600.4996

15560-B Rockfield Boulevard † Irvine, California 92618 † T 949.707.2733

www.faith-freedom.com

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class to, "Tell your partner if you think it's fiction". Next, one of the students asked Mr. [REDACTED] "What do you think?" He replied in a negative tone, "It's fiction." At that point, the school bell rang and the class was dismissed. [REDACTED] left the classroom feeling extremely intimidated, harassed, and bullied.

When [REDACTED] arrived home he informed his mother, [REDACTED] what had transpired in school. Afterward, Ms. [REDACTED] met with Pam Blasich, the Assistant Principal. Evidently, a girl in Mr. [REDACTED]'s Language Arts Class, following [REDACTED]'s class, had also read the Bible for homework. Ms. Blasich informed Ms. [REDACTED] that she had asked two girls from [REDACTED]'s class what had occurred and both girls confirmed that they had felt extremely uncomfortable with Mr. [REDACTED]'s actions. Subsequently, [REDACTED] has not wanted to attend school, feigning illness in an apparent attempt to avoid Mr. [REDACTED]'s hostility.

Mr. [REDACTED]'s conduct was not only unconstitutional but clearly violated the public trust afforded to teachers. The First Amendment of the United States Constitution guarantees citizens the freedom to exercise their religious beliefs and that government will not establish any religion. The latter right is commonly referred to as the "Establishment Clause." Under the Establishment Clause, the United States Supreme Court has held that government may "neither advance nor disprove of religion." See *Lemon v. Kurtzman*, 403 U.S. 602, 612 (1971). The Court has specifically stated, "[t]he First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion". *Epperson v. State of Ark.* 393 U.S. 97, 104 (1968). Clearly, Mr. [REDACTED]'s statements are in violation of the Establishment Clause evidenced by his disapproval of the Bible. Furthermore, Mr. [REDACTED]'s actions violated his obligation to remain neutral illustrated by his illegal hostility towards [REDACTED]'s religious beliefs. While Mr. [REDACTED] has the right to express his own personal view, in this situation, his statements were never stated as personal opinions, but rather, used his position of authority to force his view on his students.

In determining hostility in the public school setting, the Ninth Circuit court considers whether an objective observer in the position of a student would have viewed Mr. [REDACTED]'s conduct hostile. *Brown v. Woodland Joint Unified School Dist.*, 27 F.3d 1371, 1383 (9th Cir. 1994). Similarly, the U.S. Supreme Court declared that government "may not be hostile to any religion or to the advocacy of noreligion." *Epperson*, 393 U.S. 97, 104. Given the remarks made to Ms. Blasich by two students in [REDACTED]'s class, there can be no doubt that a court would find Mr. [REDACTED]'s conduct hostile toward [REDACTED]'s religion and beliefs. Thus, Mr. [REDACTED] has not only failed to be neutral but has crossed the line into prohibited hostility.

Aside from the violations of constitutionally protected rights, Mr. [REDACTED]'s conduct also violated the Temecula Valley Unified School District's ("District") Anti-Bullying Policy and the National Council of Teachers of English ("NCTE") Right to Read policies. Under Education Code § 220, the District prohibits discrimination, harassment, intimidation and bullying based on actual or perceived characteristics. The policy sets religion as one of the protected classifications. Here, Mr. [REDACTED]'s actions were meant to intimidate, at the very

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least, and, as a result, violated District policy. [REDACTED] as a teacher, is responsible for enforcing District policy as opposed to providing a poor example to students by harassing [REDACTED] in front of his peers because of his religious beliefs. Additionally, Mr. [REDACTED] is a teacher of English and should have been well aware of NCTE's "The Right to Read" policy which states, "[t]he right of any individual not just to read but to read whatever he or she wants to read is basic to a democratic society." Therefore, Mr. [REDACTED] has acted in disobedience to the District's Anti-Bullying Policy and the NCTE's Right to Read Policy.

It is important to note that [REDACTED] is going through a very difficult time in his life because his father has been battling cancer. Recently, [REDACTED]'s father was hospitalized and the family is suffering emotionally and, economically. At a time when [REDACTED] could use a safety net of school support and encouragement, especially from his teachers, [REDACTED] has been set apart for ridicule, harassment and intentional humiliation.

For these reasons, it is clear that Margarita Middle School and the Temecula Valley Unified School District must take immediate action to stop this type of student mistreatment. We request that Ms. Hayes counsel Mr. [REDACTED] regarding his behavior as soon as possible and that he is directed to refrain from any retaliatory actions against [REDACTED]'s grades in Language Arts should not suffer as a result of his reporting obvious unlawful conduct by his teacher. Moreover, it is clear the District is in need of employee training programs that address the conduct of its employees, especially its teachers, and take necessary, appropriate discipline to prevent hostility and unlawful violations of constitutionally protected First Amendment rights.

We are concerned since this is not the first time we have had to confront the Temecula Valley Unified School District regarding religious hostility expressed toward students by a teacher. In 2007, we sent a similar letter to the District because of hostility expressed by Teacher Karen Moreland toward students in another classroom setting. We request that the District's adopted Anti-Bullying Policy clearly include teachers and outline appropriate disciplinary steps for those teachers who violate it. If no policy is adopted or training commenced within a reasonable time, the District may be opposed to additional liability.

With respect to [REDACTED] Ms. [REDACTED] [REDACTED] and I are requesting a meeting with appropriate school personnel in order to properly address his feelings of intimidation and bullying. You are welcomed to contact my office at 951-600-2733, so we can facilitate a meeting as soon as possible.

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On behalf of [REDACTED], his parents, and all the students in the District, we request you, as administrators and educators, to be proactive in providing a learning environment free from all forms of discrimination and intimidation by training staff and requiring compliance to District policies. If you need additional information, please feel free to contact me.

Kind regards,



Robert H. Tyler, Esq.

RHT: mja

cc: Dr. Kristi Rutz-Robbins, President;
Temecula Valley Unified School Board

Attachment 2

Our Christmas tradition is to put
a star on top of our tree.

The star is named The star of Bethlehem.

The 3 Kings followed the star to find
baby Jesus, the saviour of the world.

John 3:16

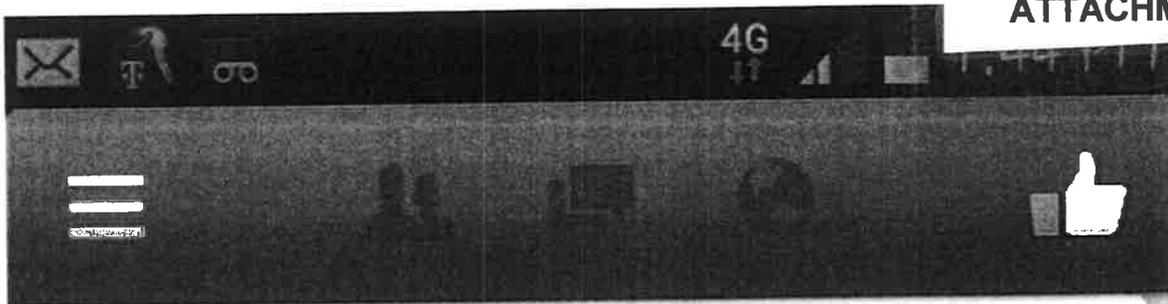
For God so loved the world that He

gave His only son, that whoever
believes in Him shall not perish but
have ever lasting life.

Attachment 3



ATTACHMENT “2”



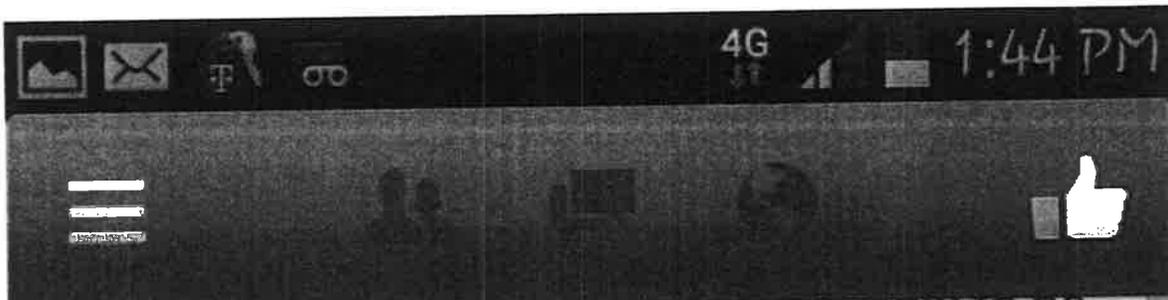
Gina Williams 😞 feeling discouraged

Dec 20, 2013

Yesterday, Brynn went in front of her class to share a "Christmas Family Tradition"..the night before, she brought home a "share bag". As she and Daddy worked carefully on this project, Brynn decided to share the star atop our Christmas tree. Daddy and Brynn discussed what she would say, and Shane wrote it down for her. She was very excited to be able to recite a bible verse that she knows by heart, which sums up exactly why we celebrate Christmas and explains the importance to our family tradition. In the middle of her presentation, her teacher told her to "stop right there." She was not allowed to finish, while all the other children did. Know that the teacher did not send home instructions for this project; no guidelines on what to do, or in this case, not to do. By having her prepare a presentation only to be

Write a comment ...

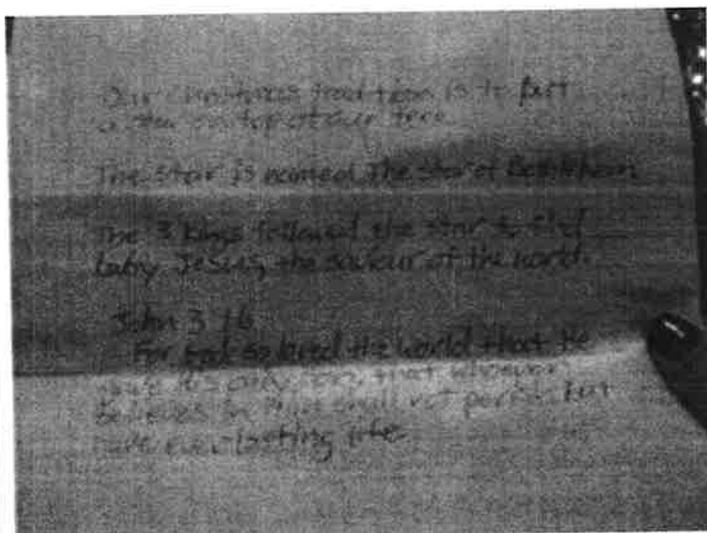
Send



having her prepare a presentation only to be cut off in the middle was not appropriate. She should have the right to share her personal beliefs, ESPECIALLY when she was specifically asked to. For a six year old, not being able to continue felt like she did something wrong:(

If you think that the things happening in the world around us do not immediately affect us, think again.

The school's response today was basically Brynn has a right to write about her faith, but cannot speak about it to others, so as to not offend anyone.



Write a comment ...

Send

ATTACHMENT “3”

TEACHER TAMMY WILLIAMS STATEMENTS MADE TO
SCHOOL BOARD ON JANUARY 21, 2014

Hello Board members,

My name is Tammy Williams and I'm a first grade teacher at Helen Hunt Jackson Elementary. Last Tuesday, my reputation was questioned by the family of a student in my class and the Advocates for Faith and Freedom with the accusations that I was hostile and I bullied a child in my class over her religious beliefs. I wanted to make a statement here tonight to respond to these untrue accusations.

On Thursday December 19th my class was getting ready for our holiday party that was to occur the next morning. We took longer than normal putting away things to ensure that our desks were clean, book boxes were put away so that our tables could be used for centers the next morning. This normally was done on Fridays. Because of this we were running behind. We had six students who had to share. I had a very limited amount of time and needed to make sure all students had time to share.

Now remember this was sharing, this was not oral reports. Students were asked to share a family tradition. It could be anything; not just a Christmas tradition. During sharing I work with students to look at the audience, use clear voices, and we work on listening skills and asking questions.

This student was not the last student to present as was reported. I still had a couple of students after her (which was the student of the day and the student of the week). When she started her share, she pulled out her golden star that went on the top of the tree. I held it for her as **she pulled out her prepared written speech** by one of her parents. This was unusual because rarely does a student have a prepared statement to read for sharing. As I held the star, **the student began to read her statement. I helped her with a few words that she was having trouble with.** I decided that I would have the student stop sharing after she shared the story of Mary and Joseph. I felt it that it would take too long and I still needed her to take her question and ask a few clarifying questions for her myself. At this point, I simply said, "**Okay stop here**; you get one question." She simply put her paper down, picked a student to ask her a question. I asked her "Who puts the star on the tree? Then I asked her, "Do they take turns?" I even suggested that her Dad could lift her up and help her put the star on the tree herself. After that, she put her star away and sat down with the class while we finished the other students. I monitor all students this way. She at no time complained or acted sad, she was happy as she always is.

I want to be very clear about the following.

At no time did I ever tell this student that she could not read the bottom section because it was a Bible verse. Nor did she ask me if she could finish. I never told her to "Stop right there" or "Go take your seat" or reprimand her in front of the class for sharing from the Bible. It just did not happen. The subject matter was never discussed. I decided to

stop her at that point so other students would get their time in before the bell ring. My students have always been free to share their ideas.

What saddens me this story has been twisted into lies and brought to the media. I have never sat down or discussed directly with this family or with the student. I am instead being used to push an agenda for the Advocates for Faith and Freedom.

In closing, I was to express how blessed I am to work at a school that has stood behind me 100% and have a tremendous amount of support from my current parents and past parents who knew that the accusations are false, not from me, but because they knew I would never behave in a manner as I have just been accused. I thank you for listening.

ATTACHMENT “4”

RESPONSE TO FACTUAL FINDINGS IN ALLEGATION #1

Complaint: "Brynn's teacher said, 'Stop right there! Go take your seat.' and did not allow Brynn to finish her presentation after she spoke the name "John." Brynn was the only student not allowed to finish her one-minute presentation. After Brynn took her seat, the teacher explained to Brynn in front of all the other students that she was not allowed to talk about the Bible or share its verses."

Findings by the Investigator:

None of the statements made in Allegation #1 were substantiated by the documentation submitted, the interviews that were conducted, or a review of pertinent materials. The assignment exhibited no hostility toward religion and the teacher made no attempt to restrict the content of any of the students' "Sharing". The teacher did not interrupt Brynn's presentation for the purposes of preventing her from sharing specific content, nor did the teacher make a statement to the students in the classroom that sharing the Bible in school was inappropriate. In fact, there is strong evidence to conclude that the teacher provided direct support to Brynn during her presentation in order to assist her. The sole reason that the presentation was shorter than Brynn may have anticipated was due to the time restraints that existed that day.

The investigator's findings in Allegation #1 do not align with undisputed facts and statements by the teacher and student available to the investigator. Analysis of allegation #1 with the facts:

- a. Brynn's presentation was stopped before she finished. That fact is undisputed. The principal, teacher and the family all agree Brynn was stopped during her presentation and was not allowed to finish. The principal in her email, dated 12/24/13, stated that the teacher stopped Brynn's presentation (Attachment A). The teacher in her statement to the school board stated she stopped Brynn's presentation (Attachment 3). Brynn stated that the teacher stopped her presentation in her Complaint. Thus all parties agree that Brynn's presentation was stopped short. The mere fact that Brynn was stopped at all is hostility in the legal sense of the word because it conveyed disapproval in the eyes of a six year old. Board policy requires employees to be "highly sensitive"; therefore, stopping Brynn while the teacher spent time suggesting ways for the Williams' family to improve their family tradition is hostile. If there was time for the teacher to utilize 20 words off topic, there was time for Brynn to finish her 24 remaining words which required **10 additional seconds**.

Brynn claims the teacher said, "Stop right there!" The teacher claims she said "Okay, stop here."¹ Brynn has no motive to lie and the teacher is defending her actions. Either statement shows that Brynn was stopped in the middle of her presentation. It is more reasonable to believe that a teacher defending her actions would change her words, than the person that was the subject of those words.

The investigator's report claims "no evidence exists that any student was abruptly interrupted during his/her presentation." This finding is in direct contradiction to all the statements of the parties and identifies a bias of the investigator.

- b. Brynn's presentation was written and Brynn read from it. That fact is undisputed. Teacher Williams' stated "she [Brynn] pulled out her prepared written speech" and "the student began to read her statement." Brynn alleges she pulled out her paper and began to read from it. Thus, the fact that Brynn read from a prepared speech is undisputed.

Teacher Williams claims she had to help Brynn with a few words from her written speech. The investigator concurs that "the teacher provided direct support to Brynn". This statement proves that Teacher Williams saw Brynn's presentation and had advance knowledge that Brynn was

¹ Teacher Tammy Williams statement to the Temecula Valley Unified School Board members on January 21, 2014, under Public Comment.

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intending to read a Bible verse. Thus, Teacher Williams knew exactly when Brynn was going to read a Bible verse, and as such, it was no coincidence that Teacher Williams stopped Brynn's presentation in order to not allow the Bible verse to be read. All the evidence points to and supports the claim that Teacher Williams did not stop Brynn as a result of a timing issue.

The first half of Brynn's presentation took **15 SECONDS** to read. [There is a video recording of Brynn reading her presentation out loud on the internet and the investigator was made aware of this.] The portion of Brynn's speech she was allowed to say was: "Our Christmas tradition is to put a star on top of our tree. The star is named the star of Bethlehem. The three kings followed the star to find baby Jesus, the savior of the world." The investigator was informed that the first half of the presentation took 15 seconds because it had been timed.

The second half of Brynn's presentation would have taken 10 SECONDS. Brynn personally selected the Bible verse because she had it memorized – with no need to look at her written paper. **Total time for Brynn's presentation was 25 SECONDS.** It would be important for the investigation to know how much time Teacher Williams planned to give each student to present. It is our belief, and evidence fully supports that belief, that Teacher Williams' claim she stopped Brynn because of a time constraint is a pretext to the real reason why Brynn was stopped. Teacher Williams did not understand the civil rights of her students to read a Bible verse.

- c. Teacher Williams stated, "I decided that I would have the student stop sharing after she shared the story of Mary and Joseph."² Since Brynn had a written speech and it is an undisputed fact that she read from that speech, Teacher Williams' statement is false. Teacher Williams own statement verifies Brynn read from a prepared speech, the investigator's findings was "Brynn chose to do so [read from a prepared speech]." (A copy of Brynn's written speech is provided as Attachment 7). The fact that Brynn read from a prepared speech is undisputed. Since the prepared speech can be reviewed it is self evident that there is no mention of Mary or Joseph in Brynn's prepared written speech. Teacher Williams misrepresented the facts to the school board regarding this case. Therefore, Teacher Williams' testimony should have been reviewed by the investigator knowing that the truthfulness has been called into question based on the evidence. The investigator's report makes no mention of this important discrepancy.
- d. The investigator stated "[e]ach student was allocated a similar amount of sharing time" but did not qualify how much time each student was given. In this investigation, the amount of time given each student is a crucial piece of evidence, but omitted from the report. If all students were given the same amount of time and it is a fact that the first half of Brynn's presentation takes fifteen seconds to share, then the remaining two students should have been given fifteen seconds to share. This would mean the total time required for the remaining sharing time was thirty seconds (15 seconds for each child). Thus, after Brynn's presentation, less than one minute was required to finish the entire sharing assignment.
- e. The investigation uncovered as a stated fact that "approximately only 10 minutes remained in the school day." The remaining two students only required 15 seconds each to complete their sharing. Therefore, there was ample time for Brynn to finish her presentation. Since Brynn only required 10 SECONDS more, logically it does not make sense for the Teacher to stop the presentation with only one sentence remaining since there was a full ten minutes available. Remember it is a known fact that Teacher Williams was fully aware that Brynn had a Bible verse

² *Id.*

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(one sentence – only 24 words), left to present.

- f. Teacher Williams' statement is "I still needed her to take her question and ask a few clarifying questions for her myself." (See Teacher Williams' statement to the school board, Attachment 3). Since Brynn was not allowed to finish her presentation, asking clarifying questions does not make sense. Brynn, as presenter, may have given the information to the teacher in the presentation if allowed to finish. How does a teacher ask clarifying questions, if the student has not given all the information? In this case, Teacher Williams already knew what Brynn was going to say. If time was an issue, common sense dictates limiting clarifying questions and allowing the student to finish. However, if Teacher Williams stopped Brynn because she thought the Bible verse could not be read, then all of the actions make sense. The teacher has invented timing constraints as a pretext for the real reason she stopped Brynn from continuing.
- g. The investigator's report claims "there is no evidence that the purpose of those transitions (stopping Brynn from finishing her presentation) was to edit the content of the sharing." The evidence shows that Brynn was stopped in the middle of her presentation, Brynn's entire presentation was 25 seconds long; Teacher Williams had full knowledge of what was going to be presented; Teacher Williams stopped Brynn at exactly the point in her presentation where Brynn was going to recite a Bible verse; only two students remained to give a presentation; only 30 seconds was required for those presentations, and there was ten minutes remaining after Brynn had shared the first part of her presentation.

Conclusion:

THE ACTUAL FINDINGS OF ALLEGATION NO. 1 BASED UPON THE EVIDENCE ARE:

1. Brynn had prepared a written speech of 62 words;
2. Brynn was allowed to present 36 words which took 15 seconds to present;
3. Brynn's teacher helped Brynn with her written speech and thus knew the content of Brynn's speech;
4. Brynn's teacher did stop Brynn in the middle of her presentation at exactly the point when Brynn was going to read a Bible verse;
5. There were ten minutes remaining in class AFTER Brynn shared 36 words;
6. The unspoken part of Brynn's presentation consisted of 26 words which would have taken 10 seconds;
7. Each child was given the same amount of time for sharing;
8. Based on Brynn's time allotment, two children left to share only required 30 seconds to share;
9. This incident happened on a Thursday and there was another school day in which a child could have had 30 seconds to share;
10. Board Policy 6141.2(a) requires staff to be "highly sensitive" to students religious beliefs; and
11. Teacher Williams misinformed the school board when she told them that Brynn presented the story of Mary and Joseph. Mary and Joseph was not a part of Brynn's prepared written speech.

The only logical, reasonable conclusion is that Brynn's version of what happened aligns with the facts. Given that Teacher Williams altered the facts by adding a Joseph and Mary story that was not a part of Brynn's speech it is quite possible that Teacher Williams has misstated other facts as well. Therefore, there is significant evidence that Brynn is telling the truth and was stopped because she was going to present a Bible verse. Teacher Williams, at the very least, violated the requirement to be "highly sensitive" to Brynn's religious beliefs and most likely stopped Brynn because she misunderstood the laws regarding Brynn's civil rights. The investigator was bias in his review of the facts and it appears needs training as well. His use of the term "hostile" is a general use when the use in the claim is a legal use to

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mean “not neutral” or “disapproval”. The act of stopping Brynn is “hostile” because it appeared to Brynn as “disapproval”.

RESPONSE TO FACTUAL FINDINGS IN ALLEGATION #2

Complaint: “The following day, Gina scheduled a meeting and went to discuss the situation with the principal who informed her that California’s Educational Codes support the teacher’s actions. The principal explained that the school district has strict rules about sharing beliefs publicly because there have been lawsuits. The principal had apparently spoken to the teacher and said that the teacher had to stop Brynn because ‘we don’t want to offend other students’. Moreover, Gina was told by the principal that, ‘Brynn can write about her beliefs in her journal, in her class work and on her homework, but she is not allowed to share her beliefs aloud to other students.’”

Findings by the Investigator: The statements made in Allegation #2 were not substantiated by the documentation submitted, the interviews that were conducted, or a review of pertinent materials. As a result of hearing this concern expressed for the first time, the principal was unable to comment specifically regarding the concern expressed by Mrs. Williams during this initial meeting. Rather, the principal was only able to commit to investigate the matter in order to gather the needed information before responding. The principal did not immediately reach any conclusion about the classroom sharing assignment, make any comments as to the appropriateness of a student sharing a Bible verse during a classroom oral presentation, or seek to defend the teacher’s actions during this meeting.

The investigator’s findings in Allegation #2 do not align with evidence submitted and the email sent by the principal which was available to the investigator. Analysis of allegation #2 with the facts:

- a) Gina Williams posted a summary of the discussion she had with Principal Paradise on her Facebook account the same day as she had the discussion with Principal Paradise, see Attachment 2. The investigator stated there was “no evidence”; however, a Facebook post is evidence. The specific portion of Gina’s post regarding the Principal’s comments were “[t]he school’s response today was basically Brynn has a right to write about her faith, but cannot speak about it to others, so as to not offend anyone.” Additionally, the investigator was informed that Gina Williams was upset with Principal Paradise’s response sufficiently enough to call her church and speak to Pastor Taige. Pastor Taige is a witness regarding what Gina Williams thought she heard Principal Paradise say. Thus, the investigator’s conclusion that there is “no evidence” is an incorrect analysis of the facts.
- b) According to the investigator, Principal Paradise “was only able to commit to investigate the matter in order to gather the needed information before responding.” If that statement were true (we believe it is not) then the email sent by Principal Paradise is in direct contradiction to that statement, see Attachment A. The email states “I am attaching TVUSD Board Policy **regarding religious beliefs per our discussion on Friday.**” This email from Paradise fully supports Gina Williams’ version of the conversation.

If one were to believe the investigator’s findings that “[t]he principal did not immediately reach any conclusion about the classroom sharing assignment, make any comments as to the appropriateness of a student sharing a Bible verse during a classroom oral presentation, or seek to defend the teacher’s actions during this meeting” then the email sent to Gina Williams left out Principal Paradise’s response. If the Principal needed to investigate prior to responding, why didn’t the principal fulfill her obligations to the parent and explain the policies relating to reciting a Bible verse.

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A reasonable person would find it odd that a principal would tell a parent she could not comment on district policies or the incident until she investigated and then send an email that does not comment on her findings regarding sharing a Bible verse in the classroom. Principal Paradise's version of the facts is not supported in the email by the statement regarding a discussion on Friday or by the lack of any report by the principal regarding her findings on sharing a Bible verse in class. Thus, the evidence supports Gina Williams' version of what occurred and does not support Principal Paradise's version.

- c) The investigator's findings show "[b]efore the meeting with the principal ended, Mrs. Williams requested that legal citations related to the subject of religion in the classroom be provided to her." Why would Mrs. Williams ask for the legal citations and not the findings if Principal Paradise did not share any comments or information about religious beliefs and only informed Mrs. Williams that she would get back to her? A parent who has been told by the principal that she would investigate and report her findings, wouldn't request legal citations. The request for legal citations supports Mrs. Williams' version of the story but does not support Principal Paradise's version of the story.
- d) According to Principal Paradise's school board statement "[Gina Williams] shared that she and her husband were upset that their child was unable to finish her presentation and that they thought it was because it contained a Bible verse." So Principal Paradise understood the parents' concern. Principal Paradise's email never once addresses that concern. The only logical reason for not addressing the concern in her email is that the principal had already addressed it at the meeting between her and Gina Williams on Friday.
- e) Even if one were to find Principal Paradise's version of the facts believable (we do not make that conclusion) those facts completely support Advocates for Faith and Freedom's claim that employees need training. When a parent comes to a principal with a religious freedom concern, that administrator should be knowledgeable about the laws pertaining to those freedoms. According to the investigator's findings, Principal Paradise allegedly total lack of information to the extent she could not enter into a discussion with the parent. When the highest school official at Helen Hunt-Jackson Elementary is completely devoid of information regarding her students' civil rights, especially religious freedom, then the District has a significant training issue. Principal Paradise was uninformed of Board Policy 6141.2(a) and other important Educational Codes as they relate to students' rights. Principal Paradise's statements and the investigator's findings support the claim that employees of the District need training in District policies relating to religious freedom.

Conclusion:

THE ACTUAL FINDINGS OF ALLEGATION NO. 2 BASED UPON THE EVIDENCE ARE:

1. The email sent by Principal Paradise alleges a discussion on religious beliefs held between her and Gina Williams on Friday, December 20, 2014;
2. Gina Williams posted a summary of the conversation with Principal Paradise on December 20, 2014, the same day as the conversation occurred;
3. Gina Williams told Pastor Taige of Calvary Chapel Bible Fellowship about the conversation she had with Principal Paradise;
4. Principal Paradise's version of the story requires Principal Paradise investigating the incident, researching the school rules that apply and reporting those findings back to parent, Gina Williams. Principal Paradise's email does not support Principal Paradise's version of the facts.

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The investigator's findings that the statements made in Allegation #2 are not substantiated are an incorrect analysis of the evidence. The investigator should have uncovered how long the meeting between Principal Paradise and Gina Williams was? What was Pastor Taige told? Why did the email not provide the findings of the principal's investigation, especially in light of the stated parental concerns regarding sharing of a Bible verse? The only logical and reasonable conclusion given the statement in the email from Principal Paradise to Gina Williams regarding a discussion, the Facebook post by Gina Williams, the discussion with Pastor Taige regarding the conversation is that Principal Paradise made the statements as reported by Gina Williams. Thus, Principal Paradise's actions were in violation of Brynn's civil rights and support a finding that District employees do not understand District and state policies and require training.

Side Note: The investigator stated that he was unable to interview Brynn and thus, could not fully investigate this allegation. This allegation was a conversation that occurred between Gina Williams and Principal Paradise without Brynn present. Therefore, Brynn's absence did not impede the investigation into this allegation whatsoever and the comment by the investigator is without merit.

RESPONSE TO FACTUAL FINDINGS IN ALLEGATION #3

Complaint: "Regardless, the teacher humiliated Brynn in front of all her classmates when she stated that Brynn could not talk about the Bible or read any verses. It is abundantly clear that the school has allowed Brynn's free speech rights to be violated due to its conduct, its policies and its failure to adequately train its employees."

Findings by the Investigator:

The statements made in Allegation #3 were not substantiated by the documentation submitted, the interviews that were conducted, or a review of pertinent materials. Brynn was not subjected to humiliation, or even disciplinary measures, as a result of her completion of this classroom assignment. As a result, her right to free speech was not negatively affected by this matter.

The investigator's findings in Allegation #3 do not align with evidence submitted and the undisputed facts agreed to by all the parties. Analysis of allegation #3 with the facts:

- a) It is an undisputed fact that Brynn was stopped from reading her entire 25 SECOND presentation. That is a "prior restraint" on speech and, in this case since it was religious speech, a violation of her religious freedom the moment Teacher Williams stopped her – for any reason. The investigator's statement that it could not be substantiated, after it is undisputed, shows an inappropriate bias towards one party of the complaint.
- b) The investigator states "Brynn was not subjected to humiliation." Any person, child or adult, who has prepared a speech to read in front of an audience and has begun to read it only to be stopped in the middle and not allowed to finish by an authority figure, will feel humiliated. By humiliated we mean embarrassed, disgraced or even shamed. For example, a teacher giving a presentation to other teachers told to stop in the middle of her presentation without any explanation would only surmise something was wrong. It is irrefutable that any speaker stopped by a superior and not allowed to finish a prepared speech without being told a reason for stopping her would feel embarrassed and humiliated. In this case, we are talking about a six year old child who, according to Louise Bates Ames, cofounder of the Gesell Institute, and Frances L. Ilg, (Child Psychologists), has a greater desire to please her

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teacher.³ The leading experts on child development would disagree with the investigator's findings based on the fact that Brynn was stopped in the middle of her speech, not allowed to finish, and according to Teacher Williams statement "[t]he subject matter was never discussed." Brynn was stopped from presenting, an undisputed fact, in front of 24 of her peers and never told why. In Brynn's own words, "At first I thought I was in trouble and then I decided, 'yes, I am in trouble'." One of the reasons Gina Williams and her husband were so upset is because Brynn thought she was in trouble for attempting to share a Bible verse. The investigator's finding that Brynn was not humiliated is a complete departure from the human experience and contradicts the findings of leading child psychologists studying six-year old cognitive development.

c) The investigator's finding that Teacher Williams hung Thanksgiving assignments in the hallway is irrelevant to this investigation further supporting the allegation of bias on the part of the investigator.

Conclusion:

THE ACTUAL FINDINGS OF ALLEGATION NO. 3 BASED UPON THE EVIDENCE ARE:

1. Brynn is six-years old.
2. Teacher Williams as the teacher in Brynn's class is a figure of authority for Brynn.
3. Teacher Williams stopped Brynn in the middle of her speech.
4. Brynn was giving her speech in front of 24 other children known as her peers.
5. The investigator found that Teacher Williams did not make any comment regarding stopping Brynn in the middle of her speech. [This version of the facts seems highly improbable, but if true, makes the situation even more humiliating to Brynn because Brynn would not have any reason given for being stopped.]

The investigator's findings that there is "no evidence" that Brynn was humiliated is unreasonable because when a person must present information to 24 of their peers, is stopped in the middle of that presentation by an authority figure and given absolutely no reason why she was stopped, that is evidence of humiliation. Based upon these set of facts alone, it can be reasonably concluded that a six-year old thought she was in trouble or had done something wrong.

RESPONSE TO FACTUAL FINDINGS IN ALLEGATION #4

Complaint: "Here, the teacher's censorship of religious content from Brynn's personal speech was a school-sponsored message of disapproval toward religion. Further, in the eyes of a vulnerable first grader, the teacher's action was not only disapproving of Christianity, but hostile toward Christianity and, therefore, unconstitutional."

Findings by the Investigator:

The statements made in Allegation #4 were not substantiated by the documentation submitted, the interviews that were conducted, or a review of pertinent materials. The teacher, the school, and the District did not censor Brynn's response to the classroom assignment or portray an attitude disapproving of or hostile toward Christianity. The sole reason that the presentation was shorter than Brynn may have anticipated was due to the time restraints that existed that day.

The investigator's findings in Allegation #4 do not align with undisputed facts and statements by the teacher and student available to the investigator. Analysis of allegation #4 with the facts:

³ Louise Bates Ames and Frances L. Ilg, "Your Six-Year Old: Loving and Defiant"

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a) The investigator's finding that the teacher did not censor Brynn is not substantiated by the facts. Censor means "to edit" or "cut". In this case Brynn speech was edited or cut by 24 words. Thus, it must be concluded and is undisputed that the teacher did censor Brynn.

b) Since it is established fact that Teacher Williams knew what was in Brynn's speech, it is curious that she stopped Brynn at the moment she was going to recite a Bible verse. Teacher Williams' excuse of "time constraints" for stopping Brynn is not substantiated by the fact that:

1. Brynn had 24 words left to say;
2. Those 24 words would have taken only 20 SECONDS;
3. There were 10 minutes remaining in the class day after Brynn shared;
4. The remaining two students only required less than a minute to complete their sharing; and
5. The remaining time left after all sharing was completed would have been 9 minutes.

Teacher Williams' statement to the school board explained that the classroom had already been prepared for the next day so the remaining time could have been used for sharing. The teacher used 15 words that were not clarifying questions but a suggestion on how Brynn's family could improve their family tradition making the claim of time constraints suspect. If time had truly been an issue, Teacher Williams could have left out her suggestions and allowed Brynn to complete her presentation. More importantly, there was another school day left to present sharing and Board Policy 6141.2(a) required Teacher Williams to be "highly sensitive". Based on the facts, that the only time constraint was on Brynn presenting a Bible verse to her classmates.

Based on all of these facts, Teacher Williams' actions were in violation of Board Policy by either (1) intentionally hostile towards religion; or an unintentional message of disapproval. Either way, the evidence substantiates the claim that Teacher Williams at the minimum violated the board policy.

b) The investigator's findings state "[t]he teacher, the school, and the District did not censor Brynn's response. . ." The allegation has always been that Teacher Williams stopped Brynn's speech. This fact is undisputed. The Complaint has never stated that the school or the District censored Brynn's speech. The Complaint alleges that the teacher, as an agent of the District, does not understand First Amendment rights of students, and the District does not have a clear policy or provide adequate training. The investigator did not evaluate the District's policies or procedures for training. There was no factual finding regarding how employees of the District learn about laws and policies relating to students' civil rights and religious freedom. The record is void of any information relating to this important concern.

Conclusion:

THE ACTUAL FINDINGS OF ALLEGATION NO. 4 BASED UPON THE EVIDENCE ARE:

1. Teacher Williams' excuse of stopping Brynn because of time constraints is not substantiated by the evidence and appears as a pretext for the real reason Teacher Williams stopped Brynn – she did not believe Brynn could share a Bible verse out loud in class. The evidence shows there was sufficient time to allow Brynn an additional 10 SECONDS to finish her presentation.
2. Teacher Williams did stop Brynn and stopping Brynn is censorship.
3. Stopping Brynn in the middle of her speech if intentional is hostile towards religion; or if unintentional may be viewed as a message of disapproval of Brynn's words, i.e. her religious beliefs.

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A proper analysis of all the facts leads a reasonable person to the conclusion that Brynn was stopped not because of time constraints (10 seconds) but because Teacher William did not understand what can and cannot be said in a public classroom as it relates to religious beliefs. This is a training problem that school officials continue to deny.

ATTACHMENT A

----- Original message -----

From: Ami Paradise <aparadise@tvusd.k12.ca.us>
Date: 12/24/2013 7:28 AM (GMT-08:00)
To: williamsginalynn@aol.com
Subject: Brynn's Presentation

Dear Mrs. Williams,

I am attaching TVUSD Board Policy regarding religious beliefs per our discussion on Friday. In addition, I spoke with Mrs. Williams and she will contact you in regards as to what happened while Brynn was presenting to the class. When I discussed with Mrs. Williams, she shared that she did not "stop" Brynn's presentation, but rather the class ran out of time.

Please let me know if you have any additional questions. I wish you and your family a very happy holiday season!

Sincerely,
Ami Paradise

--

Ami Paradise, Principal
Helen Hunt Jackson Elementary
Temecula Valley USD
[951.302.5199](tel:951.302.5199)
aparadise@tvusd.k12.ca.us

ATTACHMENT “5”

empire
Design a monument or plaque that celebrates the contributions **made by Muslims to world civilization**. To earn a "B", your monument or plaque **should include the following**:

- Yasir Muslim
1. A plaque that **explains the five most important contributions of Muslims to world civilization**.
 2. Figures or visual symbols to represent those **same Muslim contributions to world civilization**.
 3. A rough outline map of the **Muslim world with a star to indicate the best city for the monument or plaque to be displayed**.
 4. A one sentence explanation of why the monument should be placed at the location you chose.
 5. Title your paper **"Muslim Contributions to World Civilization."**
 6. Any images and maps may be either drawn by **hand or computer generated images**.
 7. The plaque should be one sided and on regular-sized **paper. No covers, folders, etc.**
 8. **ADD COLOR and NO GLITTER!**

To earn an "A", either complete the same requirements but make it larger, up to poster board size, or, design some other type of monument. Include the same requirements as above, but maybe in a different form. An actual 3-D model? Blueprints?

ATTACHMENT “6”

**PRINCIPAL AMI PARADISE STATEMENTS MADE TO
SCHOOL BOARD ON JANUARY 21, 2014**

Honorable Board Members,

My name is Ami Paradise and I'm the principal of Helen Hunt Jackson Elementary school. I stand before you tonight as an educator, a wife, a mother of two great little boys, and I'd like to state publicly that I am a Christian.

Over the past week, I've received over countless phone calls and a 126 mean-spirited emails from across the country as a result of the claims that the Advocates for Faith and Freedom have made against one of my teachers, the school district, and myself. These claims are simply not true.

When I met with the parent on December 20, 2013, she shared that she and her husband were upset that their child was unable to finish her presentation and that they thought it was because it contained a Bible verse. There were absolutely no claims of humiliation or bullying by the classroom teacher. No claims that their child was told to take her sit or that she could not talk about the Bible. These claims have been made in the midst of a media spotlight in order to sensationalize a story. And the truth is simply that there were other students left to present before the end of the day and there was just not enough time.

Furthermore, when I met with this parent I never told her that her child may not share her beliefs aloud to other students nor did I try to stifle her freedom of speech in any way. I told the parent I would follow up with the classroom teacher, and I sent her the results of my findings along with a copy of the board policy regarding religion on December 24, 2013. I have not heard from that parent since. Not once to tell me that she did not agree with my findings, not once to ask for a classroom change for her child. In fact, with the exception of today, this student has attended school every day since this incident, in the same exact class where this alleged incident occurred.

Lastly, I would be remiss if I did not address the classroom teacher in the center of this controversy – Mrs. Tammy Williams. Mrs. Tammy Williams is one of the finest educators I have ever worked with. She is an amazing first grade teacher. She taught my own son last year, and I would not hesitate to put my younger son in her class. She does not deserve the harassment or bullying that she has received the questioning of her professional skills or judgment, or the claims that she harmed this child in any way.

I stand behind Mrs. Tammy Williams 110% and find it extremely unfortunate that the Advocates for Faith and Freedom have irrevocably caused damage to her good name. The days will pass and this story will not be at the top of the news for long, but the damage that it has done to the good names of my school, Helen Hunt Jackson elementary school, Mrs. Tammy Williams and myself will be difficult to repair.

Thank You!

ATTACHMENT “7”

Our Christmas tradition is to put
a star on top of our tree.

The star is named The star of Bethlehem.

The 3 kings followed the star to find
baby Jesus, the saviour of the world.

John 3:16

For God so loved the world that He
gave His only son, that whoever
believes in Him shall not perish but
have ever lasting life.