

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

A.W., a minor by and through her next friend,  
C.W.,

Plaintiff,

vs.

CALCASIEU PARISH SCHOOL BOARD,

Defendant.

Case No.

Judge

**VERIFIED COMPLAINT FOR  
INJUNCTIVE AND DECLARATORY  
RELIEF**

**Civil Rights Action (42 U.S.C. § 1983)**

COMES NOW the Plaintiff, A.W., by and through her next friend, C.W.<sup>1</sup>, pursuant to the Federal Rules of Civil Procedure and for her causes of action against Defendant, avers the following:

**I. INTRODUCTION**

1. This is a civil rights action under 42 U.S.C. § 1983, the Equal Access Act, 20 U.S.C. § 4071, *et seq.*, and the First and Fourteenth Amendments to the United States Constitution, brought to remedy a violation of the constitutional and statutory rights of A.W, a student at FK White Middle School (“School”), located in Lake Charles, Louisiana.

2. Plaintiff brings this suit for the reason that the Fellowship of Christian Athletes (“FCA”) Club, which she is the Chaplain of, is being denied the right to utilize school bus transportation to take a club field trip on May 1, 2008 to an event titled “Just for Jesus,” and denied the same attendant rights, benefits, and privileges received by other student clubs which are permitted to

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<sup>1</sup>Pursuant to Section II.I.1.b of the Court’s Administrative Procedures for Filing Electronic Documents, A.W. is identified by her initials, rather than her full name, in order to maintain the privacy of her identity. For this reason also, A.W.’s parent’s name is herein indicated only by her initials.

take field trips. (*See* Pl.’s Mot. TRO Ex. A-1. (FCA Club field trip request form, indicating denial).)

3. Defendant School Board (“Board”), commonly called Calcasieu Parish School Board, has implemented policies and practices which allow students and student clubs to take field trips after submission of a written request form ten days in advance, and upon receipt of official approval from the reviewing school official.

4. Along with official trip approval come certain benefits and privileges, including, among others, school bus transportation of participating students to and from the destination.

5. Plaintiff’s FCA Club, however, is denied authorization to take its proposed field trip based on the religious speech of the Club, and is therefore denied equal access to all such benefits and privileges.

6. Without provision of school buses, which all other approved field trips receive, FCA club members will not be able to attend the Just for Jesus event because they have no alternative mode of transportation to get to the event.

7. The Board recognizes numerous non-curriculum related student clubs, including several FCA Clubs (including Plaintiff’s), Key Clubs, Abstinence Clubs, Beta Clubs, 4-H Clubs, Big Brother/Big Sister Clubs, Students Against Destructive Decisions (“SADD”), Book clubs, Interact clubs, International clubs, and Chess Clubs. (*See* Pl.’s Mot. TRO Ex. B-2-91 (documents pertaining to student clubs recognized by the Board at various schools under its jurisdiction).)

8. The Board permits these clubs, and a host of others, to take field trips and to receive all attendant benefits, including school transportation of participating students to and from the destination. (*See* Pl.’s Mot. TRO Ex. C-92-379 (dozens of approved field trip request forms).)

9. By way of example, a Key Club received authorization to take a field trip to the Lake Charles Civic Center for the stated purpose of “help[ing] at the Senior Citizens Mardi Gras dinner.” (*Id.*, Ex. C-111.)

10. An Abstinence Club received approval for a field trip, the stated purpose of which was to “support club members in making the choice to be involved in the Governor’s Program on Abstinence.” (*Id.*, Ex. C-112.)

11. A Big Brother/Big Sister Club received approval for a field trip to a pizza parlor for the stated purpose of an “end of year pizza party.” (*Id.*, Ex. C-117.)

12. A Beta Club received approval for a field trip to attend the “Beta District Convention.” (*Id.*, Ex. C-100.)

13. A 4-H club received approval for a field trip “to transport Calcasieu 4-H members from various areas of the Parish to attend 4-H night at the LSU football game.” (*Id.*, Ex. C-105.)

14. In addition to the above field trips, the Board also approves field trips for a broad range of other activities, including, but not limited to:

- bowling at “Petro bowl” for students to “learn[] a team sport” (*Id.*, Ex. C-246);
- going “alligator hunting” (*Id.*, Ex. C-233);
- “perform[ing] at the Black Heritage Festival” (*Id.*, Ex. C-237);
- visiting the “New Orleans School of Cooking” to “participate in a cooking class and tour La. oldest city and learn about the history of Cajun/Creole cooking” (*Id.*, Ex. C-285);
- going to “Skate City” to “learn how to roller skate” (*Id.*, Ex. C-245);
- playing “putt-putt” with the purpose of “shar[ing] the sport of golf” (*Id.*, Ex. C-228);
- visiting the mall to “see Santa, Chick FilA, [and] Chipmunk Christmas movie” (*Id.*, Ex. C-227);
- going to the movie theater to watch “Mr. Magorium’s Wonder Emporium” (*Id.*, Ex. C-226);
- going to the movie theater “to see Beowulf” (*Id.*, Ex. C-241);
- visiting “Reeves Uptown Catering Place” for a “Choral Christmas performance” (*Id.*, Ex. C-248);
- visiting “Grant Tree Farm” to study “lifecycles of organisms” (*Id.*, Ex. C-250);
- attending the “Mardi Gras parade” (*Id.*, Ex. C-360);
- taking a “nature walk” (*Id.*, Ex. C-225);
- going to the “Houston Museum of Fine Arts” (*Id.*, Ex. C-276);

- “attend[ing] the Texas Renaissance Festival School Days” (*Id.*, Ex. C-229);
- attending a “free children’s Celtic concert” (*Id.*, Ex. C-223);
- visiting “Holy Trinity Episcopal Church” where students “will observe and experience hands-on activities with pumpkins and value reading” (*Id.*, Ex. C-220);
- attending a “Houston Astros Game” as :the end of the year activity for the Builder’s club” (*Id.*, Ex. C-99);
- visiting “the LA Dep of Wildlife and fisheries facility” (*Id.*, Ex. C-92);
- going to “Rosa Hart Civic Center “to attend the Rudolph ballet” (*Id.*, Ex. C-255);
- “visit[ing] Jean LaFitte Cajun Prairie Museum, eat Cajun food at Cajun Restaurant, dance/listen to Cajun music” (*Id.*, Ex. C-257);
- visiting “Moody Gardens” to “instruct students on the rainforest and the role of coral reefs in the ocean” (*Id.*, Ex. C-264);
- going to “Dry Creek Baptist Camp” to engage in :community building exercise – ropes course” (*Id.*, Ex. C-274); and
- “walk[ing] to the nursing home to deliver handmade crafts and visit with the residents” (*Id.*, Ex. C-97).

15. The Board also approves field trips for a broad range of purposes, including, but not limited to:

- “character building” (*Id.*, Ex. C-144);
- “interact[ing] with people outside [the] school environment” (*Id.*, Ex. C-138);
- “understand[ing] the importance of healthy living choices” (*Id.*, Ex. C-140);
- “enhance[ing] physical well-being and practice[ing] good manners in a group” (*Id.*, Ex. C-141); and
- “provid[ing] an experience that is culturally diverse” (*Id.*, Ex. C-123).

16. The Board also routinely permits field trips for, and bus transportation to, religious activities, including:

- a field trip to Lake Charles Civic Center where “students, teachers, parents, and community [members] meet to pray for our young people and our world” (*Id.*, Ex. C-156);
- a field trip for Plaintiff’s FCA club to attend the National Day of Prayer (*Id.*, Ex. C-151);
- a field trip where those attending will “promote the National Day of Prayer” (*Id.*, Ex. C-157);
- a field trip to “Greater Mt. Zion Church” where the students would “participate in a Church musical” (*Id.*, Ex. C-166).

17. Student clubs recognized by the Board (and permitted to take field trips and to utilize all accompanying benefits), address issues involving, among others, community service, respect and

dignity for others, sexual abstinence, making healthy living choices, current political and social topics, religious beliefs, and cultural diversity.

18. The First and Fourteenth Amendments, along with the Equal Access Act, prohibit governmental discrimination of this type against Plaintiff and guarantee access and treatment of religious student clubs equal to that of other student clubs.

19. Plaintiff brings this action (i) to enjoin Defendant from violating her constitutional and statutory rights, as well as the rights of members of the FCA Club, and (ii) to order Defendant to authorize Plaintiff and her Club to go on their proposed field trip, and to have equal access to all attendant field trip benefits, rights, and privileges, including school transportation.

20. Because the Just for Jesus event is just a few short days away (May 1, 2008), and because Plaintiff's and her fellow FCA club members' rights will be irreparably and permanently harmed should they not be able to attend the Just for Jesus rally, she also seeks a temporary restraining order requiring the Defendant to permit the Plaintiff and her FCA club to attend the Just for Jesus event, providing school transportation.

## **II. JURISDICTION AND VENUE**

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

22. This Court possesses jurisdiction over Plaintiff's claims by operation of 28 U.S.C. §§ 1331 and 1343.

23. This Court is vested with authority to grant Plaintiff's requested declaratory relief by operation of 28 U.S.C. §§ 2201 and 2202, and pursuant to Rule 57 of the Federal Rules of Civil Procedure.

24. This Court is authorized to grant Plaintiff's requested injunctive relief pursuant to 42 U.S.C. § 1983 and Rule 65 of the Federal Rules of Civil Procedure.

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

26. This Court is authorized to award attorneys' fees pursuant to 42 U.S.C. § 1988.

27. Venue is proper under 28 U.S.C. § 1391 in the United States District Court for the Western District of Louisiana because the events giving rise to the claim occurred within the District and because all parties are residents of the District.

### **III. IDENTIFICATION OF THE PARTIES**

28. Plaintiff A.W., a minor, is a resident of Lake Charles, Louisiana, and a student at FK White Middle School ("FKWMS").

29. Plaintiff brings this suit individually as chaplain of the FCA and on behalf of the Club and its members.

30. C.W., next friend, is A.W.'s parent and guardian, and at all times relevant to this Complaint, is a resident of Lake Charles, Louisiana.

31. Defendant Calcasieu Parish School Board ("Board") is a political subdivision of the State of Louisiana; is a body corporate; and may sue and be sued in its corporate name.

32. The Board is charged, inter alia, with the administration and operation of FKWMS which, upon information and belief, is a public secondary school.

33. The Board is responsible for the enactment, enforcement, and existence of policies and practices related to the administration of student clubs at FKWMS.

34. The Board is also responsible for the enactment, enforcement, and existence of policies and practices related to the rights, benefits, and privileges afforded to such student clubs at FKWMS.

35. The Board is responsible for denying Plaintiff's request for permission to take an approved field trip pursuant to its policy and practice.

36. At the Board's April 8, 2008 meeting, and pursuant to its policy and practice, the Board voted to deny the FCA club's request to attend the Just for Jesus event as an approved field trip, thereby denying school transportation to the event.

#### **IV. ALLEGATIONS OF FACTS**

##### **FK White Middle School**

37. FKWMS is a public middle school located in Lake Charles, Louisiana.

38. FKWMS is under the direction of the Board.

39. FKWMS includes grades 6-8 and, upon information and belief, constitutes a secondary school under Louisiana law.

40. Upon information and belief, FKWMS and the Board receive federal financial assistance.

##### **The Board's Student Club Fourm**

41. The Board, acting through School principals and Calcasieu Parish School System Superintendent Wayne Savoy, grant club status to numerous non-curriculum related student clubs.

42. The Board, acting through FKWMS Principal Chris Fontenot and Superintendent Savoy, allows said clubs to meet on school premises at FKWMS during non-instructional time.

43. Non-curriculum related clubs currently recognized by the Board include, among others, Plaintiff's FCA club, the 4-H Club, the Key Club, Big Brother/Big Sister, Abstinence clubs

(“GPA”), Chess club, TGIF club (a Christian club), Book club, Interact, International club, Students Against Destructive Decisions (“SADD”), Builders Club, and Rebel Riot (a Christian club).

44. These clubs address issues involving, among others, religious beliefs; cultural diversity; promoting respect and dignity for other students; community service; cultivating leadership and teamwork; fostering strong moral character; encouraging loyalty to school, community, and nation; sexual abstinence; avoiding substance abuse and other destructive decisions; and current political issues.

45. Participation in such clubs is not required by school faculty in connection with curriculum course work.

46. Participation in such clubs is not directly encouraged by school faculty in connection with curriculum course work.

47. Defendant, pursuant to its Policies and practice, permit such clubs to conduct meetings during non-instructional time on campus.

48. Defendant, pursuant to its Policies and practice, permit such clubs to take field trips.

49. Defendant, pursuant to its Policies and practice, permit such clubs to utilize school transportation to and from such field trips.

#### **Defendant’s Denial Of Equal Benefits To Plaintiff And The FCA Club**

50. Plaintiff, pursuant to her sincerely held religious beliefs, desires to attend, with her FCA Club, a field trip on May 1, 2008, to a Christian event titled “Just for Jesus.”

51. The FCA club requested one (1) bus to attend the event, and estimated that approximately 35 students would attend the event. (*See* Pl.’s Mot. TRO Ex. A-1.)

52. The Board regularly approves field trip requests where a far greater number of buses and students are going to the same location and event. (*See* Pl.’s Mot TRO Ex. C-174-188.) (field trip requests approved where far more buses and students were traveling as compared to Plaintiff’s request).)

53. The FCA club’s trip to and from the Just for Jesus event, which is being held at Lake Charles Civic Center, is approximately ten (10) miles.

54. The Board regularly approves field trip requests for destinations that are well over 100 miles round trip for the students attending. (*See* Pl.’s Mot TRO Ex. C-189-205) (field trip requests approved where destination was far greater than the Plaintiff’s requested location).)

55. At the “Just for Jesus” event, Plaintiff and other FCA club members will, among other things, interact with students from other religious denominations; experience cultural differences among students; view a NASA space video and listen to several astronauts’ stories about orbiting in the Apollo 8 spacecraft; learn about serving others and inspiring better moral behavior; view Christian dance, art, and choir performances by other students and clubs; and listen to a short presentation of the Gospel.

56. Also at the event, Plaintiff and other Club members will experience presentations about, and discuss alternative viewpoints related to, evolutionary theory, handling peer pressure, developing good morals and character, abstaining from drugs and premarital sex, reaching out to others, community service, healthy living, and good manners.

57. The Club submitted a written request to FKWMS Principal Fontenot asking for the Just for Jesus event to be an approved field trip for which transportation would be provided. (*See* Pl.’s Mot. TRO Ex. A-1.)

58. Defendant, acting pursuant to its Policies and practice and through FKWMS Principal Fontenot, denied the Club's request. (*See id.*)

59. At its April 8, 2008 meeting, the Board voted to deny equal treatment for the FCA club's request, thereby denying approval for the event and denying school transportation.

60. On April 14, 2008, counsel for the Plaintiff sent a letter to the Board advising it that the denial of the FCA club's field trip request violated the Plaintiff's and FCA club member's First Amendment and Equal Access Act rights, and provided the Board an opportunity to reverse its discriminatory decision by granting equal access to the FCA club's field trip request.. (*See Pl.'s Mot. TRO Ex. D-380-381.*)

61. On April 17, 2008, counsel for Defendants sent a letter to counsel for Plaintiffs stating that the Board's denial of the FCA club's field trip request would stand. (*See id. Ex. E-382-383.*)

62. On April 21, 2008, counsel for Plaintiff spoke with counsel for Defendant by phone and advised him of the Plaintiff's intent to file a lawsuit against the Board and seek a temporary restraining order requiring the Board to approve the field trip request if the Board did not grant equal treatment to the FCA club.

63. During this call, counsel for Plaintiff also advised Defendant's counsel of a successful lawsuit brought against East Baton Rouge Parish School Board for its denial in November 2007 of a club's field trip request to attend a Just for Jesus event.

64. Counsel for Defendant stated that the Board's decision would not change.

65. On April 22, 2008, counsel for Plaintiff left a voicemail message for Defendant's counsel, advising him that a complaint and motion for a temporary restraining order would be filed in the next few days should the Board fail to grant the FCA club equal access.

66. As of the filing of this lawsuit and motion for temporary restraining order, Defendant's counsel has not returned this call.

67. Defendant has denied, and continues to deny, Plaintiff and her Club permission to take the requested field trip, as well as all of the attendant rights, privileges, and benefits equal to all other non-curriculum related clubs (*e.g.*, use of school transportation to get to and from the event).

68. Defendant has not afforded Plaintiff and her FCA Club such equal recognition, rights, benefits, and privileges due to the religious nature and speech of the Club.

69. All of the students in the FCA club are under sixteen years of age, and are not licensed to drive in the State of Louisiana.

70. Without school transportation to the proposed field trip destination on May 1, 2008, most, if not all, of the FCA club members who desire to go on the field trip will not be able to attend.

71. Plaintiff and her fellow FCA club members seek to receive approval of their field trip request with school provided transportation to the Just for Jesus event on May 1, 2008, and to receive approval for field trip requests to attend future religious events and activities as soon as possible, and without fear that their field trip requests will be denied based on the religious content and viewpoint of their speech.

72. Plaintiff and the FCA Club seek school approval for and transportation to field trips to attend religious events and activities every school year, and desires to do so in the future.

73. As a result of Defendant's discriminatory denial of approval for and transportation to the Just for Jesus field trip, Plaintiff is chilled and deterred from seeking field trip approval for and transportation to other religious events and activities in the future.

## V. ALLEGATIONS OF LAW

74. All of the acts of Defendant, its officers, agents, employees, and servants, were executed and are continuing to be executed by the Defendant under the color and pretense of the policies, statutes, ordinances, regulations, customs, and usages of the State of Louisiana.

75. Plaintiff and other Club members are suffering irreparable harm from the conduct of Defendant.

76. Plaintiff and other Club members have no adequate or speedy remedy at law to correct or redress the deprivation of their rights by Defendant.

77. Unless the conduct of Defendant is enjoined, Plaintiff and other Club members will continue to suffer irreparable injury.

## VI. CAUSES OF ACTION

### **First Cause of Action: Violation of the Free Speech Clause**

78. Plaintiff re-alleges and incorporates herein, as though fully set forth, all previous paragraphs of this Complaint.

79. Defendant has, by Policy and practice, created an open forum by permitting the formation of student clubs at FKWMS, such as FCA Clubs (including Plaintiff's), Key Clubs, Abstinence Clubs, Beta Clubs, 4-H Clubs, Big Brother/Big Sister Clubs, Students Against Destructive Decisions ("SADD"), Book clubs, Interact clubs, International clubs, and Chess Clubs, to name a few.

80. Defendant's Policies and practice prohibit the equal treatment of Plaintiff's Club sponsored by religious students and containing religious speech in this forum.

81. Defendant is prohibiting Plaintiff's speech despite the fact that she desires to address the same or similar issues currently being addressed by other student clubs, including issues related

to religious beliefs; cultural diversity; promoting respect and dignity for other students; community service; cultivating leadership and teamwork; fostering strong moral character; encouraging loyalty to school, community, and nation; sexual abstinence; avoiding substance abuse and other destructive decisions; and current political issues, just to name a few.

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

83. Defendant's denial of Plaintiff's religious speech while permitting other secular speech also constitutes viewpoint discrimination.

84. Such viewpoint discrimination is unconstitutional in any type of forum.

85. The Free Speech Clause also recognizes and protects the right to association.

86. Plaintiff's FCA Club is an expressive association that desires to advocate its Christian message and viewpoints at FKWMS.

87. Defendant violates Plaintiff's Club's right to association by denying them field trip authorization, and all the rights, privileges, and benefits that accompany authorization, based solely on the Club's intended religious speech, ideologies, philosophies, and beliefs.

88. Defendant's Policies and practice impose an unconstitutional prior restraint because they vest Board officials with the unbridled discretion to permit or refuse protected speech equal access to the forum.

89. Defendant's written policies do not amply guide their decision-making as to student club field-trip authorization; this amounts to an unconstitutional prior restraint.

90. Defendant's Policies and practice are overbroad because they sweep within their ambit protected First Amendment rights in the form of religious speech.

91. The overbreadth of Defendant's Policies and practice chills protected speech by discouraging individuals and groups from seeking field trip authorization for purposes of engaging in certain protected speech.

92. Defendant's Policies and practice chill, deter, and restrict Plaintiff from taking field trips on an equal basis with others to discuss issues from a religious perspective.

93. Defendant has interpreted and applied the Policies to disqualify Plaintiff and her Club from taking field trips solely because of the religious nature of Plaintiff's activities and the religious content and viewpoint of the FCA Club's speech.

94. Defendant's Policies, as interpreted and applied by them to prohibit equal rights, benefits, and privileges requested by Plaintiff, are not the least restrictive means necessary to serve any compelling interest which Defendant seeks thereby to secure.

95. Defendant's Policies and practice accordingly violate Plaintiff's right to Free Speech as guaranteed by the First Amendment to the United States Constitution as incorporated and applied to state action under the Fourteenth Amendment.

WHEREFORE, Plaintiff respectfully prays that the Court grant the declaratory and injunctive relief set forth hereinafter in the prayer for relief.

**Second Cause of Action: Violation of the Equal Access Act**

96. Plaintiff re-alleges and incorporates herein, as though fully set forth, paragraphs 1-77 of this Complaint.

97. FKWMS is located in Lake Charles, Louisiana, and, upon information and belief, is a public secondary school under Louisiana law.

98. The Board and FKWMS receive federal financial assistance.

99. Defendant has created a “limited open forum” at FKWMS within the meaning of the Equal Access Act, Title 20 U.S.C. § 4071, *et seq.*, by permitting one or more non-curriculum related student groups to meet on school premises during non-instructional time.

100. Such clubs include several FCA Clubs (including Plaintiff’s), Key Clubs, Abstinence Clubs, Beta Clubs, 4-H Clubs, Big Brother/Big Sister Clubs, Students Against Destructive Decisions (“SADD”), Book clubs, Interact clubs, International clubs, and Chess Clubs.

101. These clubs address issues involving religious beliefs; cultural diversity; promoting respect and dignity for other students; community service; cultivating leadership and teamwork; fostering strong moral character; encouraging loyalty to school, community, and nation; sexual abstinence; avoiding substance abuse and other destructive decisions; and current political issues, among others.

102. The FCA Club has voluntary membership.

103. The FCA Club is open to any student at FKWMS.

104. The FCA Club desires to take field trips for the purpose of exchange of ideas and information, and discussion of issues, from a religious perspective, that are significant to them.

105. Such issues include, among others, those related to religious beliefs; cultural diversity; leadership; moral character; love of community and country; sexual abstinence; service to others; current social and political issues; avoiding decisions that are harmful and destructive to a productive life; and promoting respect and dignity for all students at FKWMS.

106. The FCA Club’s activities are voluntary, student-initiated, and student-directed.

107. School officials do not lead, direct, plan, sponsor, or otherwise control the content or direction of the FCA Club’s meetings.

108. Non-FKWMS students do not direct, conduct, plan, or control FCA Club meetings during non-instructional time on school premises.

109. The FCA Club's activities on campus do not materially and substantially interfere with the orderly conduct of educational activity within FKWMS.

110. Defendant has denied a fair opportunity, have discriminated against, and have denied Plaintiff equal access to all field-trip related rights, benefits, and privileges, because of the religious content of the FCA Club's speech and association.

111. Defendant's conduct cannot be justified by a compelling governmental interest, nor is it narrowly tailored to advance any such interest.

112. Defendant has accordingly abridged and continues to violate the rights of Plaintiff under the Equal Access Act, 20 U.S.C. §§ 4071-4074.

WHEREFORE, Plaintiff respectfully prays that the Court grant the declaratory and injunctive relief set forth hereinafter in the prayer for relief.

**Third Cause of Action: Violation of the Equal Protection Clause**

113. Plaintiff re-alleges and incorporates herein, as though fully set forth, paragraphs 1-77 of this Complaint.

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

115. Defendant has opened the forum to Plaintiff's FCA Club by permitting the formation of other student clubs.

116. Defendant, however, has denied Plaintiff's FCA Club equal access to all club benefits, rights, and privileges.

117. By discriminating against the content and viewpoint of Plaintiff's speech, Defendant is treating Plaintiff and Plaintiff's Club differently than other similar situated public school students and student clubs on the basis of the religious content and viewpoint of Plaintiff's speech.

118. Defendant's Policies and practice violate various fundamental rights of Plaintiff, such as rights of free speech and free exercise.

119. Defendant lacks a rational or compelling state interest for such disparate treatment of Plaintiff.

120. Defendant's denial of access to Plaintiff is not narrowly tailored.

121. The conduct of Defendant accordingly violates Plaintiff's right to equal protection of the laws as guaranteed by the Fourteenth Amendment to the United States Constitution.

WHEREFORE, Plaintiff respectfully prays that the Court grant the declaratory and injunctive relief set forth hereinafter in the prayer for relief.

**Fourth Cause of Action: Violation of the Due Process Clause**

122. Plaintiff re-alleges and incorporates herein, as though fully set forth, paragraphs 1-77 of this Complaint.

123. Plaintiff sought, and continues to seek, equal access to all benefits and privileges provided to other clubs.

124. Further, Plaintiff's Club satisfies the Policies' criteria for field trip authorization to issue.

125. Yet, Defendant's Policies and practice have been written and applied to prohibit provision of the same field trip rights, benefits, and privileges to the FCA Club based on its religious speech.

126. Defendant's Policies and practice are vague and allow for unbridled discretion in determining which club speech does and does not satisfy the criteria of being "valuable for the overall development of the student."

127. There are no definitions or guidelines on how to determine whether a student club's field trip request is permissible under this "standard."

128. A person of common intelligence would have no way of knowing what speech would be permitted at a field trip and what speech would not.

129. Likewise, school officials cannot enforce the Policy in a consistent manner, but rather engage in unbridled discretion due to the lack of guidelines in the Policy.

130. Defendant's Policies and practice accordingly violate Plaintiff's rights under the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

WHEREFORE, Plaintiff respectfully prays that the Court grant the declaratory and injunctive relief set forth hereinafter in the prayer for relief.

**Fifth Cause of Action: Violation of the Free Exercise of Religion Clause**

131. Plaintiff re-alleges and incorporates herein, as though fully set forth, paragraphs 1-77 of this Complaint.

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

133. Defendant's Policies and practice substantially burden Plaintiff's free exercise of religion by conditioning receipt of government benefits on foregoing her free exercise rights.

134. Defendant's Policies and practice force Plaintiff to choose between engaging in religious speech and foregoing the governmental benefit of equal access to field trips, or foregoing the free exercise of religion to receive field trip authorization.

135. Defendant's Policies and practice substantially burden Plaintiff's free exercise of religion by denying her field trip authorization equally in order to meet with like-minded individuals to discuss religious topics and to spread her message.

136. Defendant's Policies and practice substantially burden Plaintiff's free exercise of religion by denying her the ability to take club field trips, and to utilize all rights, benefits, and privileges attendant thereto, including school transportation and excused absences for students attending.

137. Defendant's conduct constitutes the imposition of special disabilities on Plaintiff due to her religion and her intent to engage in religious expression through the FCA Club.

138. These special disabilities placed on Plaintiff are neither neutral nor of general applicability, but rather target religion and the Plaintiff's religious beliefs and activities.

139. Defendant's conduct cannot be justified by a compelling governmental interest, and is not narrowly tailored to advance any such interest.

140. Defendant's interpretation and application of their Policies chill Plaintiff's freedom of religious discussion and exercise, both of which are fundamental rights guaranteed Plaintiff by the First Amendment.

141. Defendant's conduct constitutes an excessive burden on Plaintiff's rights to freedom in the exercise of religion and has violated the Free Exercise Clause of the First Amendment to the United States Constitution.

WHEREFORE, Plaintiff respectfully prays that the Court grant the declaratory and injunctive relief set forth hereinafter in the prayer for relief.

## VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for judgment as follows:

a. That this Court issue a temporary restraining order requiring the Defendant to immediately grant authorization for Plaintiff and other Club members to take their proposed field trip on May 1, 2008 to the Just for Jesus event, along with school provided transportation;

b. That this Court issue a Preliminary and Permanent Injunction, restraining Defendant, its officers, agents, employees, and all other persons acting in active concert with it, from enforcing the Policies that prohibit Plaintiff and other FCA Club members from receiving field trip authorization, and access to all field trip benefits and privileges, to attend their proposed religious activities and events, both now and in the future;

c. That this Court render a Declaratory Judgment declaring as unconstitutional facially and as-applied the District's Policies and practices that prohibit Plaintiff and other Club members from taking field trips to religious events and activities, and from receiving equal access to all club rights, benefits, and privileges;

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

e. That this Court retain jurisdiction of this matter for the purpose of enforcing any Orders;

f. That the Court award Plaintiff's costs and expenses of this action, including a reasonable attorneys' fees award, in accordance with 42 U.S.C. §§ 1988 and the Equal Access Act.

g. That this Court award damages for the violation of Plaintiff's constitutional rights;

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

i. That the Court grant such other and further relief as the Court deems equitable and just in the circumstances.

Respectfully submitted this the 24th day of April, 2008.

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By: s/J. Michael Johnson

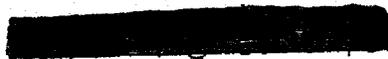
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**VERIFICATION**

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

Executed this the 23 day of April, 2008.

 *aw*  
A.W.