

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. _____

ERICA CORDER,

Plaintiff,

v.

LEWIS PALMER SCHOOL DISTRICT, #38,

Defendant.

VERIFIED COMPLAINT FOR DECLARATORY RELIEF AND DAMAGES

COMES NOW the Plaintiff, ERICA CORDER, by and through her undersigned counsel, and respectfully requests this Court to issue Declaratory Judgment and award damages for Defendants' violations of the United States Constitution and of Colorado's statutory guarantee of a student's right to freedom of expression. In support thereof, Plaintiff files this civil action and shows unto the Court as follows:

1. This is a civil action whereby Plaintiff prays for Declaratory Judgment to determine the constitutionality of the Defendant's policies and actions in infringing Plaintiff Erica Corder's rights of free speech in violation of the First and Fourteenth Amendment to the United States Constitution and the Colorado Revised Statutes Annotated Chapter 22, Section 1-120.

2. Plaintiff also seeks damages.

3. An actual controversy exists between the parties involving substantial constitutional issues, in that Defendant's policies and actions violate Plaintiff's rights under the United States Constitution.

JURISDICTION AND VENUE

4. This action arises under the First and Fourteenth Amendments to the United Constitution, 42 U.S.C. §1983.

5. This Court has jurisdiction of this claim under, and by virtue of, 28 U.S.C. §§1331, 2201-02.

6. Venue is proper under 28 U.S.C. §1391(b). Each and all of the acts alleged herein were done by Defendants under the color and pretense of the statutes, ordinances, regulations, practices, customs, and uses of the Lewis Palmer School District.

7. This Court is authorized to grant Declaratory Judgment under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-02 implemented through Rule 57 of the Federal Rules of Civil Procedure.

8. This Court is authorized to grant Plaintiff's prayer for relief regarding costs, including a reasonable attorney's fee, under 42 U.S.C. §1988.

9. This Court has supplemental jurisdiction over any and all claims arising under state law by virtue of 28 U.S.C. §1367.

PARTIES

10. Plaintiff, ERICA CORDER, was at all times relevant herein a student at Lewis Palmer High School and a valedictorian of the class of 2006.

11. Defendant, LEWIS PALMER SCHOOL DISTRICT, is the governing body of public schools in the county of El Paso, organized, and authorized under and pursuant to the laws of Colorado, with the authority to sue and be sued, and was at all times relevant herein, operating within the course and scope of its authority and under color of state law.

STATEMENT OF FACTS

12. ERICA CORDER (“Miss Corder”) was a student of Lewis Palmer High School from 2002 until 2006 and was a valedictorian of the class of 2006.

13. In previous years, 15-20 students achieved the status of valedictorian each year and in most years each student was permitted to give a short speech at graduation.

14. For the 2005-2006 school year, 15 students, including Miss Corder, qualified as valedictorians.

15. Mark Brewer was Principal of Lewis Palmer High School during the 2005-2006 school year.

16. Prior to the 2006 graduation exercises, Principal Brewer informed the valedictorians that they could decide whether they would all address the graduating class or whether they would choose a small number to deliver a message during the commencement ceremony.

17. Principal Brewer did not provide any further instructions to the valedictorians concerning how the speeches would be conducted or the content of the speeches.

18. The students chose to have all 15 valedictorians speak during the graduation ceremony.

19. The students determined the order of the valedictorian speakers for the graduation

ceremony.

20. The valedictorians decided that each of them would speak for approximately 30 seconds.

21. The valedictorians decided on a general topic of discussion for each speaker.

22. Two of the valedictorian speakers were selected to provide the opening section of the speech.

23. Other valedictorian speakers were chosen to discuss their freshman, sophomore, junior, or senior year experiences.

24. The valedictorians chose Miss Corder and one other valedictorian to offer the concluding section of the speech.

25. Defendant has adopted a written policy, JICED “Student Expression Rights” (the “Written Policy”) (A true and correct copy of policy JICED is attached to this Complaint, marked as Exhibit A and incorporated into this Complaint by reference.)

26. The Written Policy prohibits students from presenting, publishing or distributing expression that is “disruptive to the classroom environment or to the maintenance of a safe and orderly school, as follows:

1. Obscene
2. Libelous, slanderous, defamatory, or otherwise unlawful under state law
3. Profane or vulgar
4. False as to any person who is not a public figure or involved in a matter of public concern

5. Creates a clear and present danger of the commission of unlawful acts, the violation of lawful school regulations, or the material and substantial disruption of the orderly operation of the school
6. Violates the rights of others to privacy
7. Threatens violence
8. Attacks any person because of race, color, sex, age, religion, national background, disability or handicap
9. Tends to create hostility or otherwise disrupt the orderly operation of the educational process
10. Advocates illegal acts of any kind, including the use of illegal drugs, tobacco or alcohol

27. The Written Policy does not provide that students must submit proposed expression for approval or otherwise provide for prior review, yet Principal Brewer required that each of the valedictorians orally present his or her speech to him before the student would be permitted to recite the speech at commencement.

28. Plaintiff is informed and believes and based thereon alleges that the purpose of the unwritten requirement that the speeches be presented to Principal Brewer prior to the ceremony was to permit him to review the content of each student's speech.

29. Plaintiff presented a speech to Principal Brewer prior to the ceremony. That speech did not mention her religious faith or Jesus.

30. At the graduation ceremony, Plaintiff gave the following speech :

Throughout these lessons our teachers, parents, and let's not forget our peers have supported and encouraged us along the way. Thank you all for the past four amazing years. Because of your love and

devotion to our success, we have all learned how to endure change and remain strong individuals. We are all capable of standing firm and expressing our own beliefs, which is why I need to tell you about someone who loves you more than you could ever imagine. He died for you on a cross over 2,000 years ago, yet was resurrected and is living today in heaven. His name is Jesus Christ. If you don't already know Him personally I encourage you to find out more about the sacrifice He made for you so that you now have the opportunity to live in eternity with Him. And we also encourage you, now that we are all ready to encounter the biggest change in our lives thus far, the transition from childhood to adulthood, to leave Lewis-Palmer with confidence and integrity. Congratulations class of 2006.

31. At the conclusion of her speech, Plaintiff returned to her seat. At the conclusion of the ceremony, Plaintiff was escorted by a teacher to see assistant principal Bob Felice.

32. Mr. Felice informed Plaintiff that because of the speech she had just delivered she would not be receiving her diploma.

33. Mr. Felice told Plaintiff that she must schedule an appointment with Principal Brewer.

34. On May 30, 2006, five days after graduation and the day Plaintiff was supposed to receive her diploma, Plaintiff and her parents met with Principal Brewer.

35. At the meeting on May 30, 2006, Principal Brewer indicated to Plaintiff that her comments were "immature."

36. Principal Brewer's comments at the May 30 meeting caused Plaintiff to feel as if she had violated school policy even though her speech did not include any of the prohibited elements contained in the Written Policy.

37. Principal Brewer told Plaintiff that she would not receive her diploma unless and until she publicly apologized for the speech.

38. Plaintiff was compelled to prepare a public apology that met the approval of Principal Brewer before she would be permitted to receive her diploma.

39. At the time of the meeting, Plaintiff believed and understood that she would not receive her diploma, which was necessary for her admittance to college, unless she complied with Principal Brewer's demands.

40. Plaintiff also feared that any school discipline against her would generate negative publicity and prevent her from achieving her desire to be a school teacher.

41. Under duress and with the threat of not obtaining her diploma, Plaintiff submitted a written explanation to Principal Brewer that Plaintiff understood would be sent to the Lewis-Palmer community concerning the statements she made during graduation.

42. Plaintiff did not apologize for the content of her speech, but prepared a written statement explaining that the statements were her personal beliefs made without Principal Brewer's prior approval.

43. Plaintiff submitted the following draft apology to Principal Brewer:

At graduation I know some of you may have been offended by what I said during the valedictorian speech. I did not intend to offend anyone. I also want to make it clear that Mr. Brewer did not condone nor was he aware of my plans before giving the speech. I'm sorry I didn't share my plans with Mr. Brewer or the other valedictorians ahead of time. The valedictorians were not aware of what I was going to say. These were my personal beliefs and may not necessarily reflect the beliefs of the other valedictorians or the school staff.

44. Principal Brewer did not accept Plaintiff's written explanation and required that she include the following sentence in order to receive her high school diploma: "I realize that, had I

asked ahead of time, I would not have been allowed to say what I did.”

45. Plaintiff agreed to include the above sentence in the explanation to the Lewis-Palmer community under duress because Principal Brewer said he would not issue her high school diploma unless she acquiesced to his demands that she include the sentence in the explanation. (A copy of Plaintiff’s statement including the language demanded by Principal Brewer is attached as Exhibit B.)

46. Plaintiff understands and believes that Principal Brewer distributed Plaintiff’s statement via e-mail to the entire Lewis-Palmer school community.

47. Principal Brewer issued Plaintiff her high school diploma after he distributed Plaintiff’s statement via e-mail.

48. Defendant’s actions, by and through its agents, in compelling Plaintiff to publicly apologize for exercising her rights of free speech and free exercise of religion and in accusing Plaintiff of violating district policies regarding student expression has damaged, and continues to damage Plaintiff’s reputation in that Plaintiff continues to be portrayed as someone who violated school policy and continues to be used as a example of improper conduct during a valedictory speech.

49. On July 28, 2006, Plaintiff’s counsel sent a letter to the Lewis Palmer School District Board of Education explaining that Erica’s First Amendment rights had been violated and requesting that the District rescind Erica’s apology email and institute a new written policy to ensure that no future constitutional violations occur. (A copy of the letter is attached as Exhibit C.)

50. Dr. Michael Pomarico, then Superintendent of the Lewis-Palmer School District,

responded on behalf of the School board on August 4, 2006.

51. Dr. Pomarico said that he would review all the information, provide the Board with a comprehensive assessment of the issues, and make recommendations to the Board for any changes. (A copy of Dr. Pomarico's letter is attached as Exhibit D.)

52. On August 14, 2006, Plaintiff's counsel responded to Dr. Pomarico's August 4th letter and requested that the District provide a time frame for review or recommendations to the Board and address the injury to Plaintiff resulting from the unconstitutional actions taken against her. (A copy of the August 14, 2006, letter is attached as Exhibit E.)

53. Defendant has not officially responded, in writing, to the August 14, 2006 letter, but Plaintiff is informed and believes and based thereon alleges that Dr. Pomarico orally indicated to her father that Dr. Pomarico would be making a recommendation to Defendant's Board of Education regarding graduation speeches, but that the recommendation would be consistent with the District's Written Policy on Student Expression, Policy JICED.

54. Plaintiff is informed and believes that Defendant has not made any changes either to the Written Policy, nor to the unwritten policy of reviewing valedictory speeches prior to delivery, and that no recommendations regarding graduation speeches were offered to the Board.

55. Defendant has refused and continues to refuse to offer Plaintiff redress for her ongoing injuries.

56. Defendant has refused and continues to refuse to rescind the statement sent to the Lewis-Palmer community, to clarify that Plaintiff had not violated the Written Policy and to assert that Plaintiff was validly exercising her First Amendment rights when she made her valedictory

speech that included a reference to Jesus Christ.

57. Defendant, acting through its employees, has continued to portray Plaintiff as having violated school policy and her speech as an example of improper conduct during commencement because of the content of her speech.

58. On or about April 27, 2007, nearly one year after Plaintiff's speech, Nancy K. Marshall, a teacher working for Defendant, publicly criticized Plaintiff for the content of her 2006 speech and indicated that Plaintiff had violated the First Amendment and engaged in improper conduct by offering her speech. (A copy of the article is attached as Exhibit F.)

59. As a result of Defendant's Policies and Actions, Plaintiff has suffered and is continuing to suffer injury from loss of reputation and from being portrayed as someone who has violated school policy and engaged in improper conduct by presenting a speech that included a reference to Jesus Christ.

60. Plaintiff is informed and believes that Defendant has continued to implement its policy of prior review of graduation speeches in order to censor the content of the speeches.

**COUNT I - VIOLATION OF FREEDOM OF SPEECH UNDER THE FIRST
AMENDMENT TO THE UNITED STATES CONSTITUTION**

61. Plaintiff hereby incorporates and adopts each and every allegation in the preceding paragraphs numbered 1 through 60.

62. The Free Speech Clause of the First Amendment to the United States Constitution, in conjunction with the Fourteenth Amendment, prohibits Defendant from abridging Plaintiff's freedom of speech.

63. Defendant violated Plaintiff's First Amendment right to freedom of speech when it refused to present her with her diploma unless she issued an apology for mentioning Jesus Christ in her graduation speech.

64. Defendant's policy requiring speeches to be rehearsed (the "Policy"), on its face and as applied, is an unconstitutional prior restraint on speech.

65. Defendant's Policy, on its face and as applied, does not have adequate standards or guidelines to control the discretion of the decision maker in deciding whether to edit, or even permit, the speech.

66. Defendant's Policy, on its face and as applied, is an unconstitutional prior restraint as it gives unfettered discretion to deny, edit, or permit student-initiated speech.

67. Defendant's Policy, on its face and as applied, is an unconstitutional prior restraint as it gives Defendant substantial power to discriminate against speech based upon the content or viewpoint of the speech and by punishing disfavored or disliked speech.

68. Defendant's Policy is overbroad.

69. Defendant's Policy prohibits a substantial amount of protected First Amendment speech.

70. Defendant's Policy is a content-based restriction on speech.

71. Defendant has violated Plaintiff's right to freedom of speech by punishing Plaintiff for the content of her message when her message did not contain any of the elements for which disciplinary action can be administered under policy JICED..

72. Defendant's Policy, on its face and as applied, is a viewpoint-based restrictions on

speech.

73. Defendant's Policy, as applied to Plaintiff, denied Plaintiff the right to freedom of speech by punishing Plaintiff on the basis of the religious viewpoint, and in particular the Christian viewpoint of her speech.

74. There is no compelling government interest sufficient to justify Defendant's Policy, which violates policy JICED as well as Plaintiff's constitutional rights.

75. Defendant's Policy is not the least restrictive means to accomplish any permissible government purpose sought to be served.

76. Defendant's Policy is not a narrowly tailored restriction on free speech.

77. Defendant's Policy does not serve a significant government interest.

78. Defendant's Policy does not leave open ample alternative channels of communication for Plaintiff.

79. Defendant's Policy is unreasonable and imposed unjustifiable and unreasonable restrictions on constitutionally protected speech.

80. Defendant's Policy unconstitutionally abridged Plaintiff's right to freely speak.

81. As a direct and proximate result of the Defendant's continuing violations of Plaintiff's rights, the Plaintiff has in the past suffered and continues to suffer direct and consequential damages, including but not limited to, denial of her constitutional rights and loss of reputation.

WHEREFORE, Plaintiff respectfully prays that the Court grant the declaratory relief set forth herein and award such damages to the Plaintiff as are reasonable, just and necessary.

**COUNT II – VIOLATION OF FREEDOM OF SPEECH UNDER THE FIRST
AMENDMENT TO THE UNITED STATES CONSTITUTION
(Compelled Speech)**

82. Plaintiff hereby reiterates and adopts each and every allegation in the preceding paragraphs numbered 1-81.

83. The Free Speech Clause of the First Amendment to the United States Constitution, in conjunction with the Fourteenth Amendment, prohibits Defendant from compelling Plaintiff to affirm a belief with which Plaintiff disagrees.

84. Defendant's actions in refusing to present Plaintiff with her diploma unless she issued an apology for mentioning Jesus Christ in her graduation speech constitutes compelled speech.

85. Defendant's actions, in threatening to withhold Plaintiff's diploma until she issued an apology for her actions, which apology the Principal then distributed to the entire Lewis Palmer school community, compelled Plaintiff to affirm a belief with which she disagrees concerning the authority of school officials to censor student speech based on the religious content or viewpoint of that speech.

86. Defendant's actions in requiring Plaintiff to include specific language in the apology constitutes compelled speech.

87. Before graduation, Plaintiff did not know that she was prohibited from including religious content or a religious viewpoint in her speech.

88. Defendant's requirement that Plaintiff state in the apology that "had I asked ahead of time I would not have been allowed to say what I did," compelled Plaintiff to make a false statement concerning her actions.

89. There is no compelling government interest sufficient to justify Defendant's actions, which violate its own policy as well as Plaintiff's constitutional rights.

90. Defendant's actions were not the least restrictive means to accomplish any permissible government purpose sought to be served.

91. Defendant's actions were not a narrowly tailored restriction on free speech.

92. Defendant's actions did not serve a significant government interest.

93. Defendant's actions did not leave open ample alternative channels of communication for Plaintiff.

94. Defendant's actions were unreasonable and imposed unjustifiable and unreasonable restrictions on constitutionally protected speech.

95. Defendant's actions unconstitutionally abridged Plaintiff's right to refrain from affirming a belief contrary to her beliefs.

96. As a direct and proximate result of the Defendant's continuing violations of Plaintiff's rights, the Plaintiff has in the past suffered and continues to suffer direct and consequential damages, including but not limited to, denial of her constitutional rights and loss of reputation.

WHEREFORE, Plaintiff respectfully prays that the Court grant the declaratory relief set forth herein and award such damages to the Plaintiff as are reasonable, just and necessary.

**COUNT III - VIOLATION OF THE RIGHT TO EQUAL PROTECTION UNDER THE
FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION**

97. Plaintiff hereby reiterates and adopts each and every allegation in the preceding paragraphs numbered 1-96.

98. Plaintiff's right to equal protection under the laws is protected by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

99. Defendant's Policies and Actions are unconstitutional abridgements of Plaintiff's affirmative right to equal protection of the laws, are not neutral, and specifically target Plaintiff's religious viewpoints and speech.

100. Defendant's Policies and Actions are unconstitutional because they treat religious speech differently than non-religious speech.

101. Defendant's Policies and Actions are an unconstitutional abridgement of Plaintiff's right to equal protection of the law because Defendant treated Plaintiff differently than it treated other similarly situated individuals based upon the religious content and viewpoint of Plaintiff's expression.

102. Defendant's Policies and Actions are an unconstitutional abridgment of Plaintiff's right to equal protection of the law because upon information and belief, Defendant allowed similarly situated speakers to give inspiring speeches without facing disciplinary action, but disciplined Plaintiff because her inspiring speech contained religious elements.

103. Defendant's Policies and Actions are not supported by a compelling governmental interest sufficient to justify its enforcement against Plaintiff.

104. Defendant's Policies and Actions are not the least restrictive means to accomplish any permissible government purpose sought to be served by the actions.

105. Defendant's Policies and Actions do not leave open ample alternative channels of communication.

106. Defendant's Policies and Actions do not serve significant governmental interests.

107. Defendant's Policies and Actions are irrational and unreasonable, and impose irrational and unjustifiable restrictions on Plaintiff's constitutionally protected speech.

108. Defendant, in violation of the Equal Protection Clause, has caused, and will continue to cause, Plaintiff to suffer undue and actual hardship.

109. As a direct and proximate result of the Defendant's continuing violations of the Plaintiff's rights, the Plaintiff has in the past suffered and continues to suffer direct and consequential damages, including but not limited to, the loss of her constitutional rights and loss of reputation.

WHEREFORE, Plaintiff respectfully prays that the Court grant the declaratory relief set forth herein and award such damages to Plaintiff as are reasonable, just and necessary.

COUNT IV- VIOLATION OF FREEDOM OF RELIGION UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION.

110. Plaintiff hereby reiterates and adopts each and every allegation in the preceding paragraphs numbered 1-109.

111. Defendant's Policies and Actions substantially burdened Plaintiff's sincerely held religious beliefs.

112. Plaintiff believes Jesus Christ has helped her succeed throughout high school and is grateful for His help.

113. Plaintiff seeks for God to be glorified in all her actions and accomplishments.

114. Plaintiff desired to express her gratitude to Jesus Christ by sharing information about

Him with those at the graduation ceremony.

115. Plaintiff believed if she did not share with others how Jesus Christ had helped her, she would be disobeying God.

116. Defendant failed or refused to accommodate Plaintiff's sincerely held religious beliefs and, in fact, punished Plaintiff for her sincerely held religious beliefs.

117. Defendant's Policies and Actions serve no compelling governmental interest.

118. Defendant's Policies and Actions are not the least restrictive means to accomplish any permissible governmental purpose sought to be served.

119. The Defendant's Policies and Actions are not narrowly-tailored restrictions on Plaintiff's free exercise of religion, as guaranteed by the First Amendment to the United States Constitution.

120. Defendant targeted religion for disparate treatment by allowing other inspiring speeches to be delivered at graduation without incident but punishing Plaintiff for her speech containing religious elements.

121. As a direct and proximate result of the Defendant's continuing violations of the Plaintiff's rights, the Plaintiff has in the past suffered and continues to suffer direct and consequential damages, including but not limited to, the loss of her ability to exercise her constitutional rights and loss of reputation.

WHEREFORE, Plaintiff respectfully prays that the Court grant the declaratory relief set forth herein and award such damages to the Plaintiff as are reasonable, just and necessary.

**COUNT V- VIOLATION OF COLORADO STATUTE §22-1-120 RIGHT OF FREE
EXPRESSION FOR PUBLIC SCHOOL STUDENTS.**

122. Plaintiff hereby reiterates and adopts each and every allegation in the preceding paragraphs numbered 1 –121.

123. Plaintiff's right to freedom of expression is protected by CO ST. §22-1-120 which states, in relevant part, as follows:

The general assembly declares that students of the public schools shall have the right to exercise freedom of speech and of the press, and no expression contained in a student publication, whether or not such publication is school-sponsored, shall be subject to prior restraint except for the types of expression described in subsection (3) of this section...No expression made by students in the exercise of freedom of speech or freedom of the press shall be deemed to be an expression of school policy, and no school district or employee, or parent, or legal guardian, or official of such school district shall be held liable in any civil or criminal action for any expression made or published by students.

124. Plaintiff's action in delivering a student initiated speech during graduation is a protected form of expression under state law.

125. Plaintiff's speech did not contain obscenity, profanity, libel, slander, false statements or statements inciting criminal actions, which are the only exceptions listed in subsection (3) of CO ST. § 22-1-120.

126. Defendant's Policies and Actions violated Plaintiff's right to freedom of expression protected under state law.

127. Defendant's Policies and Actions curtailed and infringed upon Plaintiff's rights to freedom of expression in that Plaintiff's expression did not cause any disruption or disorder in the

school and was not obscene, libelous, slanderous, defamatory, profane, vulgar, false, inciteful, or derogatory toward any person because of race, color, sex, age, religion, national background, disability, or handicap.

128. As a direct and proximate result of Defendant's continuing violations of the Plaintiff's rights, the Plaintiff has in the past suffered and continues to suffer direct and consequential damages, including but not limited to the loss of her ability to exercise her constitutional rights and loss of reputation.

WHEREFORE, Plaintiff respectfully prays that the Court grant the declaratory relief set forth herein and award such damages to Plaintiff as are reasonable, just and necessary.

COUNT VI - VIOLATION OF THE ESTABLISHMENT CLAUSE OF THE UNITED STATES CONSTITUTION

129. Plaintiff hereby reiterates and adopts each and every allegation in the preceding paragraphs numbered 1 through 128.

130. The First Amendment's Establishment Clause, incorporated and made applicable to the states by the Fourteenth Amendment to the United States Constitution, prohibits government from establishment of religion.

131. The Establishment Clause prohibits excessive government entanglement with religion.

132. The Establishment Clause prohibits the government from showing hostility toward religion.

133. The Defendant's Policies and Actions constitute a violation of the Establishment

Clause because they are not neutral, but are hostile toward religion.

134. Defendant disciplined Plaintiff because her graduation speech included religious speech.

135. The Defendant's Policies and Actions permitted the Principal to prohibit and punish protected religious speech.

136. The Defendant violated the Establishment Clause because it treated Plaintiff less favorably than it treated those who delivered speeches without religious elements.

137. The Defendant's Policies and Actions constitute a violation of the Establishment Clause because they created an excessive entanglement with religion.

138. As a direct and proximate result of the Defendant's continuing violation of the Plaintiff's rights, the Plaintiff has in the past suffered and continues to suffer direct and consequential damages, including but not limited to, the deprivation of her constitutional rights and loss of reputation.

WHEREFORE, Plaintiff respectfully prays that the Court grant the declaratory relief set forth herein and award such damages to the Plaintiff as are reasonable, just and necessary under the circumstances.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

A. That this Court render a Declaratory Judgment declaring that Defendant, Defendant's

officers, agents, employees and other persons acting in active concert with them, unlawfully obstructed Plaintiff from exercising Plaintiff's constitutionally protected rights by:

1. Subjecting Plaintiff to an unconstitutional prior restraint with regards to her graduation speech;
 2. Violating Plaintiff's Free Speech rights by prohibiting her speech based on the viewpoint of that speech;
 3. Violating Plaintiff's Free Speech rights by prohibiting her speech based on the content of that speech;
 4. Violating Plaintiff's Equal Protection rights by treating Plaintiff differently from similarly situated students;
 5. Withholding Plaintiff's diploma and delaying her official graduation based on the content and viewpoint of her graduation speech;
 6. Punishing Plaintiff for exercising her freedom of religion by sharing a student initiated graduation speech containing religious themes; and
-
6. Violating the Establishment Clause and becoming excessively entangled with religion by investing the power with the Principal to punish speakers for religious content in their graduation speeches.

B. That this Court render a Declaratory Judgment declaring that Defendant's unwritten policy of reviewing student graduation speeches, on its face, is:

1. An unconstitutional prior restraint; and
2. Unconstitutionally overbroad.

C. That this Court issue a permanent injunction enjoining Defendant, Defendant's agents, employees, and all persons in active concert or participation with it, from enforcing its unwritten policy or reviewing student graduation speeches to censor out religious speech.

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

E. That this Court retain jurisdiction of this matter for the purpose of enforcing this Court's order;

F. That this Court award Plaintiff the reasonable costs and expenses of this action, including attorney's fees, in accordance with 42 U.S.C. §1988;

G. That this Court award to Plaintiff such damages as are just and appropriate under the circumstances; and

H. That this Court grant such other and further relief as this Court deems equitable and just under the circumstances.

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VERIFICATION

All the above statements are true to the best of my knowledge. I understand that a false statement in this Verified Complaint may subject me to penalties of perjury.

____Erica Corder /s_____

Erica Corder

Student Expression Rights

While students do not shed their constitutional rights when they enter the school or engage in school-related activities, it is the Board of Education's responsibility to adopt rules reasonably necessary to maintain proper discipline among students and create an effective learning environment.

For purposes of this policy, student expression includes expression in any media, including but not limited to written, oral, visual, audio, and electronic media in all classroom and other school-related activities, assignments, and projects.

Students shall not turn in, present, publish or distribute expression that is disruptive to the classroom environment or to the maintenance of a safe and orderly school, as follows:

1. Obscene
 2. Libelous, slanderous, defamatory, or otherwise unlawful under state law
 3. Profane or vulgar
 4. False as to any person who is not a public figure or involved in a matter of public concern
 5. Creates a clear and present danger of the commission of unlawful acts, the violation of lawful school regulations, or the material and substantial disruption of the orderly operation of the school
 6. Violates the rights of others to privacy
-
7. Threatens violence
 8. Attacks any person because of race, color, sex, age, religion, national background, disability or handicap
 9. Tends to create hostility or otherwise disrupt the orderly operation of the educational process
 10. Advocates illegal acts of any kind, including the use of illegal drugs, tobacco or alcohol

Violation of this policy shall result in disciplinary action against the student consistent with district student discipline policy.

Adopted: November 16, 2000
Revised: July 19, 2001

LEGAL REFS.: CRS 22-1-120 (*rights of free expression for public school students*)
 CRS 22-32-110 (1)(r) (*power to exclude materials that are immoral or pernicious*)

CROSS REFS.: JICDA, Code of Conduct
 JICDD*, Violent and Aggressive Behavior
 JICEC*, Student Distribution of Noncurricular Materials
 JK, Student Discipline

Dear Lewis Palmer Graduates, Parents, and Staff,

At graduation I know some of you may have been offended by what I said during the valedictorian speech. I did not intend to offend anyone. I also want to make it clear that Mr. Brewer did not condone nor was he aware of my plans before giving the speech. I'm sorry I didn't share my plans with Mr. Brewer or the other valedictorians ahead of time. The valedictorians were not aware of what I was going to say. These were my personal beliefs and may not necessarily reflect the beliefs of the other valedictorians or the school staff. I realize that had I asked ahead of time I would not have been allowed to say what I did.

Erica Corder

EXHIBIT B

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Reply to: Virginia

July 28, 2006

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Dear Members of the Board of Education:

Liberty Counsel has been retained by Erica Corder and her parents to represent them regarding the incidents which took place at the 2006 graduation ceremony at Lewis-Palmer High School. By way of brief background, Liberty Counsel is a national public interest law firm with offices in Florida and Virginia and affiliate attorneys in all 50 states. We handle cases related to religious liberty, sanctity of life and the traditional family throughout the country. We have represented clients in federal courts at all level, including the United States Supreme Court, where our Founder and Chairman, Mat Staver, recently argued a case involving the display of the 10 Commandments in Kentucky. We regularly represent students in cases involving freedom of religion and freedom of expression on public school campuses, including the recent case in Russell County, Kentucky. Of particular note, we represented the student plaintiffs in the *Adler v. Duval County* case

discussed below, which has set the standard for religious messages at graduation. We successfully defended the students' rights through two district court Board of Education July 28, 2006 Page 2

determinations, five separate rulings by the 11th Circuit Court of Appeals, and two petitions to the United States Supreme Court.

Based upon our review of the pertinent facts and our extensive experience in litigating the issue of religious messages at graduation, the District has violated Erica Corder's First Amendment rights. Mr. Corder has previously brought this matter to your attention, but has not received sufficient response to his request for a resolution. The injuries Erica and her family have suffered as a result of the District's actions are continuing. The Corder family is committed to getting this matter resolved in as peaceful manner as possible in hopes that legal remedies will not necessary to address these constitutional violations.

In order that the Board can be fully informed regarding these issues, I will provide a summary of the pertinent facts and our legal analysis for your review.

Factual Summary

Erica was one of 15 members of the Lewis-Palmer High School graduating class who had a grade point average of 4.0 and therefore qualified as a valedictorian. The seniors were given the choice of selecting one or two people to speak or to permit all of the qualified students to speak. They chose to have all of the qualified students speak for about 30 seconds, and they were divided up into groups of two or three to work on a particular section. Erica was to give the conclusion. Erica composed a message and submitted it to her fellow students and the school.

Erica portion of the speech was as follows:

Throughout these lessons our teachers, parents, and let's not forget our peers have supported and encouraged us along the way. Thank you all for the past four amazing years. Because of your love and devotion to our success, we have all learned how to endure change and remain strong individuals. We are all capable of standing firm and expressing our own beliefs, which is why I need to tell you about someone who loves you more than you could ever imagine. He died for you on a cross over 2,000 years ago, yet was resurrected and is living today in heaven. His name is Jesus Christ. If you don't already know Him personally I encourage you to find out more about the sacrifice He made for you so that you now have the opportunity to live in eternity with Him. And we also encourage you, now that we are all ready to encounter the biggest change in our lives thus far, the transition from childhood to adulthood, to leave Lewis-Palmer with confidence and integrity. Congratulations class of 2006.

Immediately after the ceremony, Erica was told that she needed to speak with principal Mark Brewer before she could receive her diploma. She and her parents met with Principal Brewer and he said that he would withhold Erica's diploma unless and until she drafted an e-mail to all parents of the seniors to clarify that Mr. Brewer was not aware ahead of time and did not condone what Erica said. Mr. Brewer also requested that Erica apologize for her statement. Erica chose not to apologize because the statement was something that God had asked her to do and she did not believe that it was wrong.

Erica wrote the following in response to Mr. Brewer's request:

Dear Lewis Palmer Graduates, Parents, and Staff,

At graduation I know some of you may have been offended by what I said during the valedictorian speech. I did not intend to offend anyone. I also want to make it clear that Mr. Brewer did not condone nor was he aware of my plans before giving the speech. I'm sorry I didn't share my plans with Mr. Brewer or the other valedictorians ahead of time. The valedictorians were not aware of what I was going to say. These were my personal beliefs and may not necessarily reflect the beliefs of the other valedictorians or the school staff.

Mr. Brewer reviewed Erica's letter and insisted that the following sentence be added: "I realize that had I asked ahead of time I would not have been allowed to say what I did". Erica did not want to include that sentence, but understood that she had to in order to receive her diploma. Therefore, the sentence was added and the e-mail was sent to the parents. Mr. Brewer then presented Erica with her diploma.

Legal Analysis

The actions taken against Erica were illegal in at least two respects. First of all, it was illegal for the District to refuse to issue Erica's diploma unless and until she submitted a written apology/clarification. Erica fulfilled all the requirements to receive her high school diploma, with distinction. The school district was legally required to provide Erica with the diploma she had earned. The district's obligation was not contingent upon Erica's participating in graduation ceremonies, nor in Erica's expressing or refraining from expressing certain viewpoints during graduation. Erica had a contractual right to receive her diploma and the district breached its contractual obligations to Erica by imposing a condition on receipt of the diploma.

Furthermore, the District has violated Erica's constitutional rights. The First Amendment guarantees of freedom of speech and free exercise of religion apply to Erica just as they do to every other American. The United States Supreme Court has said that

“It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” *Tinker v. Des Moines Independent School District*, 393 U.S. 503, 506 (1969).

In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in schools as well as out of school are “persons” under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved. In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views.

Tinker, 393 U.S. at 511. This freedom of expression includes the freedom to pray or offer religious messages. The United States Supreme Court has stated that the school must remain neutral in matters of student prayers at graduation. This means that the school cannot require that prayer be offered or direct the content of a student message, *Lee v. Weisman*, 505 U.S. 577 (1992). However, it also means that the school **cannot prohibit voluntary prayer or religious messages nor censor religious content from student messages**. *Lee*, 505 U.S. at 598-599 (emphasis added). The United States Supreme Court **has not** taken the position that all graduation prayer is unconstitutional. Indeed, in *Lee*, the Court noted the following:

We recognize that, at graduation time and throughout the course of the educational process, there will be instances when religious values, religious practices, and religious persons will have some interaction with the public schools and their students.

Lee, 505 U.S. at 598-599. The Supreme Court recognized that “[a] relentless and all-pervasive attempt to exclude religion from every aspect of public life could itself become inconsistent with the Constitution.” *Id* The Court in *Lee v. Weisman* was concerned that school officials were actively involved in placing prayer on the agenda, inviting a religious clergyman to speak for the purpose of prayer, and giving the clergyman specific guidelines for saying nonsectarian prayers. Prayer can still be conducted at public school graduations if school officials use secular criteria to invite the speaker, and once there, the speaker voluntarily prays. A valedictorian, salutatorian, or class officer can also voluntarily pray as part of the ceremony or include religious content in her speech, as Erica did here.

In *Santa Fe Independent School District v. Doe*, 530 U.S. 290, 313 (2000) the

Supreme Court was quick to acknowledge that "nothing in the Constitution . . . prohibits any public school student from voluntarily praying at any time before, during, or after the school day." The Court also noted that the First Amendment does not "impose a prohibition on all religious activity in our public schools." *Id.* The principle is clear: a policy or practice whereby the government remains neutral by allowing a message of the speaker's choice, including a religious message, is constitutional.

The case of *Adler v. Duval County School Board*, 250 F.3d 1330 (11th Cir. 2001), *cert. denied*, 534 U.S. 1065 (2001), spells out the parameters of permissible graduation prayer. The Duval County policy at issue in *Adler* provided that the senior class could vote on whether to include an opening and/or closing student "message" at graduation. If the students voted to include a message, then the senior class elected a student to deliver the message, the content of which was entirely the student's decision. Under this policy, students could deliver a secular or religious message or no message at all. School officials were prohibited from directing, reviewing or censoring the message. The *Adler* Court observed the following about the school policy:

The Duval County policy, unlike the Santa Fe policy, does not subject the issue of prayer to an up-or-down vote; students do not vote on whether prayer, or its equivalent, should be included in graduation ceremonies. Rather, students vote on two questions that do not expressly or inherently concern prayer: (1) whether to permit a student "message" during the ceremony, and (2) if so, which student is to deliver the message. . . .

Although it is possible that under Duval County's policy the student body may select a speaker who then chooses on his or her own to deliver a religious message, that result is not preordained, and more to the point would not reflect a "majority" vote to impose religion on unwilling listeners. **Rather, it would reflect the uncensored and wholly unreviewable decision of a single student speaker.**

Adler, 250 F.3d at 1338-1339 (emphasis added). The highlighted sentence above describes Erica's message – a private comment that could not be reviewed nor censored by the school.

In *Chandler v. James*, 180 F.3d 1254, 1261 (11th Cir. 1999), the Eleventh Circuit confirmed that since "genuinely student-initiated religious speech is private speech endorsing religion, it is fully protected by both the Free Exercise and the Free Speech Clauses of the Constitution." The same court also observed that the "Constitution does not require a complete separation of church and state such that religious expression may not be tolerated in our public institutions." *Chandler*, 180 F.3d at 1262. "If students, or other

private parties, wish to speak religiously while in school or at school-related events, they may exercise their First Amendment right to do so." *Id.* at 1264. **The court noted that the school should remain neutral in matters of religion, neither commanding, nor suppressing, but instead permitting religious expression.** During a later consideration of the same case, the Eleventh Circuit emphasized that "So long as the prayer is genuinely student-initiated, and not the product of any school policy which actively or surreptitiously encourages it, the speech is private and **it is protected.**" *Chandler v. Siegelman*, 230 F.3d 1313, 1317 (11th Cir. 2000).

Therefore, Erica's self-initiated religious message was purely private speech, fully protected by the First Amendment from infringement by school administrators. Neither Mr. Brewer nor anyone else associated with the school district had the right to censor Erica's speech nor to subject Erica to the kind of coercion to which she was subjected. Erica was punished for exercising her First Amendment rights in a very public manner. All of the members of the senior class and their families have been left with the impression that Erica did something wrong by expressing her personal views during the graduation ceremony. In addition, Erica was compelled to include a statement that sends a message to her fellow students that they dare not try to exercise their First Amendment rights because they will face similar discipline. By compelling Erica to include the statement that "I realize that had I asked ahead of time I would not have been allowed to say what I did," the District has compelled Erica to transmit the message that student speech will be censored by the school. As explained above, such censorship is unconstitutional, and communicating such a message to the students and parents at Lewis-Palmer High School represents an admission that the District intends to violate the First Amendment. Forcing Erica to transmit this message not only exacerbates the violation, but also impugns her reputation.

The Corder family has attempted to discuss a resolution of this matter with the District, but has been told that a response may take some time. At a minimum, the District must immediately rescind the message sent to the high school parents and publicly explain to all of the families to whom the message was sent about the District's violations of Erica's rights. An apology to Erica would also be appropriate. In addition, the District must institute a written policy that will ensure that no future constitutional violations will occur. More than one month has passed since graduation, and nothing has been done to remedy the injuries suffered by Erica. These injuries are continuing and must be remedied immediately.

Please provide a written response to this office within 14 days.

Sincerely,

/s/
Mary E. McAlister[†]

cc: Dr. Michael G. Pomarico
Steve and Erica Corder

[†] "Licensed only in California and Florida"



LEWIS-PALMER SCHOOL DISTRICT #38

146 Jefferson Street, P.O. Box 40
Monument, Colorado 80132-0040

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"In Pursuit of Excellence"

August 4, 2006

Mary E. McAlister
Attorney at Law
Liberty Counsel
100 Mountain View Road, Suite 2775
Lynchburg, VA 24502

Dear Ms. McAlister:

First, please allow me to introduce myself. My name is Michael G. Pomarico and I am the new superintendent in the Lewis-Palmer School District, located in Monument, Colorado. I am in receipt of your letter dated July 28, 2006, regarding the Erica Corder situation.

Let me say upfront that my knowledge of this situation comes from second-hand information, as I did not have the opportunity to observe first-hand the events that led to your correspondence of July 28th. Although I realize that this involves freedom of speech regarding religion, I think it is important to note that freedom of speech, at graduation or any other venue, applies to topics other than religion. In my previous experience and observation, I do know that many attempts at control, however minimal, were usually designed to protect the decorum of the ceremony for all who attend. This, of course, must be balanced against the protected rights of all students participating in the exercises.

It is important to note that some of the concern raised by this situation is the fact that this was not spontaneous testimonial but rather a predetermined deviation of norms established among the valedictorians. Again, being new, anything I have heard pro or con is second-hand and subject to each person's bias and/or interpretation of the events.

With that being said, I will speak to my intentions regarding this matter. I have agreed to review this situation. Part of that review will include the information you have provided as well as review by our own attorneys. Upon completion of that analysis I will provide a recommendation to the Board regarding what, if any, changes should be instituted related to our graduation procedures. I want to emphasize that the fact we will be reviewing these issues does not mean

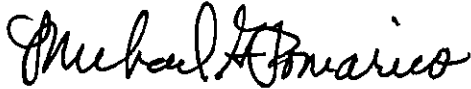
Mary E. McAlister
August 3, 2006
Page 2

we are trying to control free speech. The decision could be entirely different from what we now practice in terms of graduation procedures.

I assure you I have no preconceived ideas as to how this will evolve. I will make every attempt to provide the Board with a comprehensive assessment of the issues, including your analysis. My recommendation will be based on facts and not on emotion or my own personal feelings regarding the matter. In other words, I will not approach this with the idea of restricting free speech or any other predetermined course of action.

I want to thank you for your input regarding this matter.

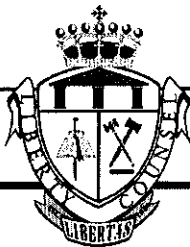
Sincerely,

A handwritten signature in cursive script that reads "Michael G. Pomarico".

Dr. Michael G. Pomarico
Superintendent of Schools

MGP:jj
cc:Board of Education

LIBERTY COUNSEL



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Reply to: Virginia

August 14, 2006

Dr. Michael Pomarico
Superintendent
Lewis-Palmer School District #38
146 Jefferson St
Monument, CO 80132-0040

Re: Erica Corder

Dear Dr. Pomarico:

Thank you for your reply to my previous letter regarding Erica Corder. The Corder family is pleased that you are reviewing the District's graduation policies and will be including the information provided in our previous letter in your review. However, there are a number of questions that remain unanswered and which need to be addressed.

First of all, you have not provided us a time frame for your review of the situation and any recommendation to the Board. The Corders believe that it is important that this matter, including whether religious content will be permitted in valedictory speeches in the future, be resolved as soon as possible. All of the families in the District are entitled to be fully informed about the District's policy on graduation speeches, since there appears to be a great deal of confusion at this time. Any proposed changes to, or development of, that policy should be communicated early in the school year so that the matter may be adequately analyzed and discussed prior to the time to prepare for graduation.

Therefore, on behalf of the Corders, we request that you provide us with a proposed time frame for reviewing the situation and presenting a recommendation to the Board. We also request that we be provided with copies of whatever changes are proposed to the policy so that we can review them and advise the Corders.

Secondly, and most importantly, your letter did not address the ongoing injury to Erica and her family resulting from the unconstitutional and illegal actions taken against her by the principal. Your statement that "It is important to note that some of the concern raised

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by this situation is the fact that this was not spontaneous testimonial but rather a predetermined deviation of norms established among the valedictorians" itself reflects the ongoing injury being suffered by the Corders. You are inferring that Erica somehow did something wrong when she exercised her free speech rights at graduation. This is a misconception that was prompted by the principal's actions taken immediately after graduation and which continues to this day. As I stated in my previous letter, Erica was told that her diploma would not be awarded to her unless and until she "apologized" (the principal's word) for her speech. Since Erica's comments broke no lawful school rules, she did not believe that she needed to "apologize" for her comments. Nevertheless, she graciously offered to clarify that she did not intend to offend anyone, and that her remarks were her own and not disclosed to or reviewed by anyone ahead of time.

However, Mr. Brewer insisted that she draft an email **with the wording he required** or not receive her diploma. Although under compulsion, Erica in good faith drafted the following:

Dear Lewis Palmer Graduates, Parents, and Staff,

At graduation I know some of you may have been offended by what I said during the valedictorian speech. I did not intend to offend anyone. I also want to make it clear that Mr. Brewer did not condone nor was he aware of my plans before giving the speech. I'm sorry I didn't share my plans with Mr. Brewer or the other valedictorians ahead of time. The valedictorians were not aware of what I was going to say. These were my personal beliefs and may not necessarily reflect the beliefs of the other valedictorians or the school staff.

When Erica presented that email to Mr. Brewer, he was not satisfied. He implied that he would not give her the diploma unless she added the following statement to the email:

~~"I realize that had I asked ahead of time I would not have been allowed to say what I did".~~

These were not Erica's words, but Mr. Brewer's. Erica did not want to include them in the email that she had been compelled to write, because since the school had no policy on religious content in valedictory speeches, the only way she could have known this was if he had told her, which he had not done prior to graduation. Nevertheless, Erica believed that she would not get her diploma unless those words were added. Therefore, under duress, she added those words to the end of the email, which was then sent to parents and students. She finally received the diploma to which she had been entitled without the post-graduation conditions imposed by the principal.

As your statement quoted above indicates, the email Erica was compelled to write,

Dr. Michael Pomarico
August 14, 2006
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and in particular the inclusion of Mr. Brewer's words in the email, have given people the impression that Erica knowingly violated school rules about what could be said in a valedictory speech.

Certainly, the email gave the parents and students the idea that Erica did something wrong when she exercised her free speech rights during graduation. As your statement indicates, there is a widespread belief that Erica "deviated from the norm" when in reality all that she did was deviate from her prepared speech – **which we understand some other valedictorians did as well**. This was an issue between Erica and her fellow valedictorians – not between Erica and the school district. More particularly, the inclusion of the final sentence which was, once again, Mr. Brewer, not Erica talking, sends a clear message that the school was censoring the students' speech and that it planned to continue censoring students' speech in the future. Mr. Brewer's message, communicated through the coercive actions against Erica, was that students' messages will be examined and censored by the school. As I pointed out in my previous letter, such censorship is clearly unconstitutional.

Regardless of what is done about the District's graduation speech policies, this ongoing injury to Erica's free speech rights and reputation needs to be addressed. The Corders have asked repeatedly for a statement from the District addressing its errors, but have not received a response. Meanwhile, parents and students continue to believe, and communicate to others, that Erica violated some school rule in her comments. Her deviation from her prepared speech is not a matter for which the school district had the right to withhold her diploma, and that message needs to be transmitted to all people in the District in just as public a manner as was the original email. The District needs to make it clear that Erica did not violate school policy with her comments – because the school didn't have a policy about what could be said in valedictorian speeches – and that the District will not be censoring student speech in the future. As I indicated, this needs to be done immediately and regardless of what the Board does in regard to future graduation policies.

The Corder family would like to have a meeting between the parties and their attorneys to discuss these issues and possible resolutions.

As I indicated earlier, these concerns are ongoing and require immediate resolution. We appreciate your attention to this matter.

Sincerely,

Dr. Michael Pomarico
August 14, 2006
Page 4

Mary E. McAlister[†]

cc: Steve and Erica Corder

[†] "Licensed only in California and Florida"

Valedictorians should show respect for others' beliefs

Lewis-Palmer teacher reacts to last year's speech

To the Editor:

At last year's graduation, the speeches given by the valedictorians were excellent, with one exception.

One of the valedictorians chose this moment to express her deeply felt religious beliefs and the desire that all of those in attendance would agree with her and follow her path.

I fully respect her personal beliefs and I admire her desire to share them

with others. She obviously feels her religion strongly, but many people follow different paths.

As a teacher at LPHS who is Jewish, and as a parent of Jewish children, I was extremely offended by the part of her speech that implied we should all share her exact faith. There are many appropriate places to discuss one's religious views.

A graduation ceremony for a public high school that includes families and

graduating seniors of many different faiths is not one of them.

Many people have strong opinions about the definition and parameters of the separation of church and state, but it is the law. I too, have strong religious beliefs and I have always enjoyed discussing them with a wide variety of people. I have no problem with a group of like-minded people meeting to share their religion or beliefs in a situation where

participants are free to come or go, to participate or not.

But it is highly disturbing and was extremely offensive to be in a situation celebrating the achievement and futures of all of our graduating students and suddenly have someone implying that some of us are wrong or bad because we do not share the same religious beliefs. For me, this put quite a pallor on the graduation, and said to me that we have not done our jobs well enough as parents and teachers if our graduating students cannot recognize the insult these kinds of statements can be in public

situations.

Part of maturity is the ability to recognize the importance of and value in choosing the appropriate times and places to express oneself. I hope with time, this student can (or has come to) understand how hurtful and inappropriate her comments were to some members of our LPHS community. I sincerely hope as well, that this year's valedictorians will consider their comments carefully, and address their community members, teachers, families and classmates with the respect they deserve.

Sincerely,

Nancy K. Marshall

A Student's Rights

Student:

at Lewis-Palmer

High School have become

confused about their rights as a religious student at a public school.

Your

Religious

Beliefs

- The Right to Celebrate or

Study Religious Holidays on

Campus

-- it doesn't threaten violence to property or