

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD W. REYNOLDS and ERIN L. REYNOLDS, individually and on behalf of their minor children, A.R. and E.R.; A.B., a minor child by and through Next Friend, EDWARD W. REYNOLDS; MONICA C. SCHAFER; and CHRISTOPHER D. JOHNECHECK,

Plaintiffs,

-vs-

GREG TALBERG, individually and in his official capacity as member of the Williamston Community School District Board; CHRISTOPHER LEWIS, individually and in his official capacity as a member of the Williamston Community School District Board; NANCY DEAL, individually and in her official capacity as a member of the Williamston Community School District Board; SARAH BELANGER, individually and in her official capacity as a member of the Williamston Community School District Board; KATHY HAYES, individually and in her official capacity as a member of the Williamston Community School District Board; JOEL GERRING, individually and in his official capacity as a member of the Williamston Community School District Board; and the WILLIAMSTON COMMUNITY SCHOOL DISTRICT,

Defendants.

COMPLAINT

FILE NO: _____

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**GREAT LAKES JUSTICE CENTER:
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NOW COME the above-named Plaintiffs, by and through their undersigned counsel, and together bring this Complaint against the above-named Defendants, their employees, agents, and successors in office, and in support thereof allege the following upon information and belief:

INTRODUCTION

1. This case seeks to protect and vindicate statutory and fundamental constitutional rights. Plaintiffs bring a civil rights action under the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983, and for other statutory and constitutional violations, challenging Defendants’ acts, policies, practices, customs, and procedures, which deprived Plaintiffs and their children of their right to privacy, self-autonomy and personal identity, and freedom of speech. Defendants unjustly discriminate against Plaintiffs because of their sincerely held religious beliefs and their viewpoints by adding specially protected categories of “sexual orientation,” “gender expression,” and “gender identity” to Defendants’ non-discrimination and gender/transgender policies and practices. Specifically, Defendants’ non-discrimination and gender/transgender policies and practices seek to silence and punish Plaintiffs’ sincerely held religious beliefs and viewpoint.

2. As set forth in this Complaint, the policies, practices, customs, and procedures of Defendants (hereinafter collectively referred to as “School District”) were the cause of, and the moving force behind, the statutory and constitutional violations in this case.

3. Plaintiffs seek injunctive relief enjoining the unconstitutional application of the School District’s policies, practices, customs and procedures as set forth in this Complaint; a declaration that Defendants violated Plaintiffs’ clearly established statutory and constitutional rights; a declaration that the training, supervision, policies, practices, customs, and procedures of the School District as set forth in this Complaint violate the United States Constitution and the

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Michigan Constitution; and a judgment awarding nominal damages and compensatory damages for the loss of Plaintiffs' constitutional rights. Plaintiffs also seek an award of their reasonable costs of litigation, including attorneys' fees and costs, pursuant to 42 U.S.C. §1988 and other applicable law.

JURISDICTION AND VENUE

4. This action arises under the Constitution and laws of the United States and of the State of Michigan. Jurisdiction is conferred on this court pursuant to 28 U.S.C. § 1331 and 1343, as well as under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*, and 42 U.S.C. § 1983, and other Federal and State laws and regulations, to redress violations of federal statutes and state law.

5. This Court has jurisdiction pursuant to Article III of the United States Constitution, 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(1), (2), (3), and (4). Declaratory relief is authorized pursuant to 28 U.S.C. § 2201 and 2202.

6. This Court has supplemental jurisdiction regarding the remaining state claims pursuant to 28 U.S.C. § 1367.

7. Plaintiffs' claims for declaratory and injunctive relief are authorized by 28 U.S.C. § 2201 and 2202, by Rules 57 and 65 of the Federal Rules of Civil Procedure, and by the general legal and equitable powers of this court. Plaintiffs' claims for damages are authorized under 42 U.S.C. § 1983, 42 U.S.C. § 2000d-7, and by the general legal and equitable powers of this court.

8. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this district.

PLAINTIFFS

9. Plaintiffs Edward W. Reynolds and Erin L. Reynolds are married and residents in the Williamston public school district in the State of Michigan. They are the parents of two children who were enrolled in the School District. Plaintiffs, as part of their personal identity and autonomy, raise their children in their religious faith and have been forced as a matter of conscience to remove their children from the School District as a direct result of the Defendants' actions, policies, practices, customs, and procedures that give rise to this case. Plaintiffs bring this action on behalf of their children, A.R. and E.R., as their next of kin. Named Plaintiffs A.R. and E.R. appear through their next friend, Edward W. Reynolds, who is sufficiently familiar with the facts of each child's situation to fairly and adequately represent each child's interests in this litigation, and Edward W. Reynolds requests that this Honorable Court recognize and appoint him as the next friend for A.R. and E.R.

10. Plaintiff A.B. is a minor student at the School District and a resident of the Williamston public school district in the State of Michigan whose constitutional and statutory rights are being infringed upon as a direct result of Defendants' policies and actions. Edward W. Reynolds requests that this Honorable Court recognize and appoint him as the next friend for A.B., who also respectfully requests that A.B.'s identity remain undisclosed because of the sensitive nature of the government action in this case, to protect his privacy, and to avoid retaliation or harassment.

11. Plaintiff Monica C. Schafer is a resident of the Williamston public school district in the State of Michigan. She is the mother of children currently enrolled in the School District. Plaintiff Schafer, as part of her personal identity and autonomy, raises her children in her religious faith which is being infringed upon as a direct result of Defendants' actions.

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12. Plaintiff Christopher D. Johnecheck is a resident of the Williamston public school district in the State of Michigan. He is the father of children currently enrolled in Defendants' school district. Plaintiff Johnecheck, as part of his personal identity and autonomy, raises his children in his religious faith which is being infringed upon as a direct result of Defendants' actions.

13. Plaintiffs are Christians who adhere to the teachings of the Bible and are morally bound to follow the universal, consistent moral teaching of the Christian faith. All Plaintiffs find their dignity, personal identity, and autonomy in the exercise of their sincerely held Christian religious beliefs.

14. Plaintiffs do not oppose or demean any person for who they truly are as a person. Plaintiffs oppose the conduct choices now being promoted by the School District, and the resulting violation of Plaintiffs' statutory and constitutional rights.

15. Plaintiffs sincerely believe the Bible's teaching on sexual orientation and gender reiterates a truth that is evident to right reason and recognized as such by all the major cultures of the world.

16. Plaintiffs sincerely believe the Bible teaches that human beings were created male and female and that gender is neither fluid nor a social construct.

17. Plaintiffs sincerely believe that a person's sex is established by the Creator with its own nature, essential properties, and purpose.

18. As part of their personal identity and autonomy, Plaintiffs sincerely believe that they have a duty and obligation to live out their faith in all areas of life, including defending their faith in public. The School District's policies punish them and their children for exercising their constitutionally and statutorily protected rights.

DEFENDANTS

19. The Williamston Community School District is a public state entity established and organized under, and pursuant to, the laws of the State of Michigan with the authority to sue and be sued in its own name. Defendant operates numerous schools located within the School District. At all times relevant, the School District and School Board have acted and continue to act under color of state law.

20. The School District and its officials are responsible for creating, adopting, approving, ratifying, and enforcing the policies, practices, customs and procedures of the district, including the challenged policies, practices, customs, and procedures set forth in this Complaint.

21. Greg Talberg is an individual and School District school board member and board President who voted in favor of the policies at issue in this case. As a school board member, he requires the students and parents of the School District to comply with the contested policies set forth in this Complaint. Defendant Talberg violated Plaintiffs' clearly established constitutional and statutory rights and acted outside the scope of his authority in approving these policies.

22. Christopher Lewis is an individual and School District school board member who voted in favor of the policies at issue in this case. As a school board member he requires the students and parents of the School District to comply with the contested policies set forth in this Complaint. Defendant Lewis violated Plaintiffs' clearly established constitutional and statutory rights and acted outside the scope of his authority in approving these policies.

23. Nancy Deal is an individual and School District school board member and board Secretary who voted in favor of the Policies at issue in this case. As a school board member she requires the students and parents of the School District to comply with the contested policies set forth in this Complaint. Defendant Deal violated Plaintiffs' clearly established constitutional and

statutory rights and acted outside the scope of her authority in approving these policies.

24. Sarah Belanger is an individual and School District school board member and board Treasurer who voted in favor of the Policies at issue in this case. As a school board member she requires the students and parents of the School District to comply with the contested policies set forth in this Complaint. Defendant Belanger violated Plaintiffs' clearly established constitutional and statutory rights and acted outside the scope of her authority in approving these policies.

25. Kathy Hayes is an individual and School District school board member who voted in favor of the Policies at issue in this case. As a school board member she requires the students and parents of the School District to comply with the contested policies set forth in this Complaint. Defendant Hayes violated Plaintiffs' clearly established constitutional and statutory rights and acted outside the scope of her authority in approving these policies.

26. Joel Gerring is an individual and was a School District school board member who voted in favor of the Policies at issue in this case. As a school board member he required the students and parents of the School District to comply with the contested policies set forth in this Complaint. Defendant Gerring violated Plaintiffs' clearly established constitutional and statutory rights and acted outside the scope of his authority in approving these policies.

STATEMENT OF FACTS

27. The School District adopted the following policies, practices, customs, and procedures promoting and forcing the approval of only one viewpoint on the issues of sexual orientation, gender identity, and gender expression:

- A. **Policy 4900 – Fair Employment Clause** (adopted November 6, 2017). The policy added a new privileged category of “sexual orientation.” This policy mandates non-

discrimination on the new category for the awarding of any “contracts in excess of \$15,000.00” (see Exhibit A).

B. **Policy 7500 – Guidance Program** (adopted November 6, 2017). The policy added new privileged categories of “sexual orientation, gender identity, gender expression” despite language stating that the policy already applied to “all individual students” (see Exhibit B).

C. **Policy 8010 – Equal Educational Opportunity** (adopted November 6, 2017). The policy added new privileged categories of “sexual orientation, gender identity, gender expression.” This policy mandates “non-discrimination” for “any educational program or activity conducted by the district” including participation in “athletics” and “extracurricular activities.” The policy permits any individual to use the same showers, locker rooms, restrooms, and other facilities and programs designated for the opposite biological sex (see Exhibit C).

D. **Policy 8011 – Gender Identity** (adopted November 6, 2017). The policy added new privileged categories of “sexual orientation, gender identity, or gender expression.” Defendants have required the acceptance of any sexual orientation or gender identity asserted by a student without question; the policy does not require the parents to be notified of any such assertion or choice by their child. Parents are further required to comply with this policy regardless of their sincerely held religious or other beliefs. The policy permits any individual to use the same showers, locker rooms, restrooms, and other facilities and programs designated for the opposite biological sex (see Exhibit D).

E. **Policy 8040 – School Admissions** (adopted October 2, 2017). The policy added new privileged categories of “sexual orientation, gender identity, gender expression” for

the admission of Non-Resident Students. The policy permits any individual to use the same showers, locker rooms, restrooms, and other facilities and programs designated for the opposite biological sex (see Exhibit E).

F. **Policy 8260-R – Bullying** (adopted October 2, 2017). The policy defines “harassment” to include new privileged categories of “sexual orientation, gender identity, gender expression.” The policy prohibits “aggressive behavior” against other students and can lead to the expulsion of a student and exclusion of a parent from school property. Defendants’ policy defines “aggressive behavior” to include speech and unintentional “emotional” harm (see Exhibit F).

G. **Policy 8720 – Student Organizations** (adopted October 2, 2017). The policy added new privileged categories of “sexual orientation, gender identity, gender expression,” despite language already requiring membership to be “open to all interested and eligible students” (see Exhibit G).

28. The School District adopted, authorized, and approved these policies, which promote and force the approval of alternate sexual lifestyles and behavior in direct opposition to, and with the disapproval of, Plaintiffs’ personal identity, autonomy, and their sincerely held religious beliefs and convictions and in violation of federal and state statutes and constitutional provisions.

29. The School District adopted, authorized, and approved these policies, which promote and force the approval of alternate sexual lifestyles and behavior in a manner that infringes upon Plaintiffs’ personal identity, autonomy, and their sincerely held religious beliefs and convictions and constitutional right to oppose such policies and freely speak out on such issues in accordance with their sincerely held religious beliefs.

30. The School District adopted a policy position that discriminates against Plaintiffs' personal identity, autonomy, and their sincerely held religious beliefs and silences and punishes any opposition to the policies. The School District treats such opposition as bullying and hate speech. The School District, through its policies, practices, customs, and procedures, accepts, promotes, and endorses its policy position in its public schools that forces Plaintiffs' to violate their sincerely held religious beliefs.

31. The School District adopted, authorized, and approved policies, practices, customs, and procedures that portray alternate sexual lifestyles solely in a positive light and prohibit any contrary viewpoint, such as Plaintiffs' sincerely held religious viewpoint. Religious viewpoints, such as those held by Plaintiffs, that do not affirm and promote alternate sexual lifestyles are treated as harassment, bullying, hate speech, and homophobic.

32. The School District through its training, supervision, policies, practices, customs, and procedures indoctrinate students to believe that religious opposition to such alternate sexual lifestyles is harassment, bullying, hate speech, and homophobic. This indoctrination creates a hostile school environment that favors the stated alternate sexual lifestyles and disfavors and is hostile toward sincerely held religious beliefs opposing such actions and to those holding more traditional views.

33. Pursuant to Policy 7175-R (see Exhibit H), the School District requires all parents to comply with the Student Handbook. Parents must also mandate that their child comply with all school rules and regulations, including those policies at issue herein.

34. Policy 8190 (Behavior Code – see Exhibit I) references the expectations for student and parent behavior and consequences for violation of the behavioral expectations in the School District's "Code of Conduct" handbook.

35. The School District Student Handbook incorporates the Code of Conduct and makes it clear that all students and parents are expected to obey all Board Policies and the rules contained in the Code of Conduct.

36. If a student violates any Board Policy, Code of Conduct or Student Handbook requirement, the student is subject to discipline ranging from a warning to suspension to expulsion (Policy 8350, Policy 8350-R, Code of Conduct, Student Handbook).

37. The School District through its training, supervision, policies, practices, customs, and procedures is violating Policy 7800 (Exhibit J) that requires students in the School District to be tolerant of religious points of view, not to disparage religious beliefs, and to foster understanding of religious points of view. Mandating affirmation of alternative sexual lifestyles under threat of discipline or negative consequences for failing to comply with the above policies violates policy 7800.

38. The School District through its training, supervision, policies, practices, customs, and procedures mandating affirmation and approval of alternative sexual lifestyles contrary to Plaintiffs' religious beliefs constitutes harassment and bullying aimed at all parents and students who disagree with the School District. These policies are the moving force behind the constitutional and statutory violations set forth in this Complaint.

39. The School District through its training, supervision, policies, practices, customs, and procedures directs and trains teachers and all school employees to enforce its policies and viewpoint, and to stop speech or action that it improperly labels as bullying, hate speech, homophobic, or otherwise not approving of alternative sexual lifestyles. Merely expressing disagreement with the policies or alternative sexual lifestyles is treated as bullying or harassment by the School District.

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40. The purpose of the School District's training, supervision, policies, practices, customs, and procedures is to indoctrinate students into believing that alternative sexual lifestyles are approved by all and to shame and blame those who believe it is wrong and immoral. In particular the purpose is to make those who oppose alternative sexual lifestyles on moral and religious grounds to feel guilty for holding those beliefs and to portray those beliefs as intolerant, harmful, hateful, and destructive. In sum, the purpose of the School District's policy changes is to place blame, guilt, and shame onto those who oppose these alternative sexual lifestyle categories on moral and religious grounds, and to violate, stifle, and chill the constitutional rights of parents and students.

41. The School District has created a school environment that favorably promotes the agenda of alternative sexual lifestyle activists while creating an environment that is hostile toward and disfavors students and families that oppose these policies based upon their sincerely held moral and religious beliefs, and who object to the close interaction of males and females together in intimate settings such as showers, locker rooms and bathrooms.

42. The School District's policies, practices, customs, and procedures encourage school officials, and others, to silence and disparage opinions, ideas, and viewpoints that disfavor alternative sexual lifestyles.

43. The School District's training, supervision, policies, practices, customs, and procedures chill speech and the expression of religious viewpoints, such as those held by Plaintiffs.

44. The School District's training, supervision, policies, practices, customs, and procedures allow biologically intact males to enter and use the locker rooms, showers, bathrooms and other facilities used exclusively by biological females.

45. The School District's training, supervision, policies, practices, customs, and

procedures allow biologically intact females to enter and use the locker rooms, showers, bathrooms and other facilities used exclusively by biological males.

46. The School District’s training, supervision, policies, practices, customs, and procedures demean and diminish the personal autonomy and dignity of Plaintiffs and all students who have a differing viewpoint and disagree with the School District’s policies and actions.

COUNT I – DEFENDANTS ACTED WITHOUT LEGAL AUTHORITY

47. Plaintiffs hereby incorporate and repeat herein paragraphs 1 through 46 above as if fully restated herein.

48. The School District and its Board are responsible for creating, adopting, approving, ratifying, and enforcing the policies, practices, customs and procedures of the School District as set forth in this Complaint.

49. The School District Board acts as a “legislative body in formulating and adopting policy” (see Exhibit K – Board Policy/By-Laws 1000) and shall make reasonable policies necessary to carry on the functions of a public school (see Exhibit L – Policy 1032 Powers and Duties).

50. The School District Board’s authority derives from the Michigan Constitution and state law, and the Board operates as a “general powers school district” (see Exhibit M – Policy 1010 District Legal Status; MCL 380.11a).

51. Defendants operate under the auspices of, and under the authority granted by, the state legislature and are a state body bound by, and subordinate to, the state legislature.

52. Despite Plaintiffs’ objections to Defendant School District’s policies (4900, 7500, 8010, 8011, 8040, 8260-R, and 8720), Defendant passed said policies and now enforces and demands that all parents and students obey and submit to said policies.

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53. The School District acted outside the scope of its authority in adding the new “non-discrimination” categories of “sexual orientation, gender identity, or gender expression.”

54. The School District is not granted authority to act as the state legislature by extending protection to categories not enumerated in Michigan’s civil rights laws because the Michigan Legislature occupies the field in this area.

55. The Michigan Legislature enacted the Elliott-Larsen Civil Rights Act (ELCRA) (MCL 37.2101 et. seq.), a pervasive regulatory scheme that regulates and controls discrimination issues in Michigan.

56. The Michigan Legislature’s purpose in enacting ELCRA was to prevent discrimination and provide uniformity across the State of Michigan.

57. The School District only has the general powers delegated to it by the State Legislature (MCL 380.11a). The School District is not granted authority to add additional categories not enumerated in ELCRA.

58. Article IV, §1 of the Michigan Constitution provides that “[t]he legislative power of the State of Michigan is vested in a senate and a house of representatives.” The Legislature has explicitly refused to add sexual orientation, gender expression, or gender identity categories at least eleven times over the past thirty years. The School District cannot supplant or preempt the Michigan Legislature’s authority in this field.

59. The School District has the constitutional duty to apply and enforce state law as written and enacted by the Michigan Legislature.

60. Because the School District’s amended policies are not expressly or impliedly mandated or authorized by state law, its actions are an *ultra vires* activity for which the School District is liable.

61. The Michigan Legislature explicitly rejected legislation eleven times since 1999 to add categories to ELCRA such as sexual orientation, gender identity, and gender expression (see Michigan Legislature HB 5959 (2014), HB 5804 (2014), SB 1053 (2014), SB 1063 (2012), HB 4192 (2009), HB 4160 (2007), SB 0787 (2005), HB 4956 (2005), SB 0609 (2003), HB 4850 (2003), and HB 5107 (1999)).

62. Defendants lack any legal authority to independently expand the ELCRA non-discrimination categories by adding categories to its policies that the legislature has explicitly rejected.

63. As a direct and proximate result of the School District’s constitutional violations and *ultra vires* activity, Plaintiffs have suffered, are suffering, and will continue to suffer, irreparable harm, including the loss of their fundamental constitutional rights, entitling them to declaratory and injunctive relief. Additionally, Plaintiffs are entitled to nominal damages and compensatory damages for the loss of their constitutional rights.

COUNT II –THE SCHOOL DISTRICT VIOLATED THE MATT EPLING SAFE SCHOOL LAW
(MCL 380.1310b)

64. Plaintiffs hereby incorporate and repeat herein paragraphs 1 through 63 above as if fully restated herein.

65. The School District and its Board are responsible for creating, adopting, approving, ratifying, and enforcing the bullying policies, practices, customs and procedures of the School District as set forth in this Complaint.

66. The Matt Epling Safe School Law (MCL 380.1310b(5)(c)) provides that all school district bullying policies must include “[a] provision indicating that all pupils are protected under the policy and that bullying is equally prohibited **without regard to its subject matter or motivating animus.**” (emphasis added).

67. By adding and specifically listing new privileged categories to its bullying policy (8260-R), the School District violated the The Matt Epling Safe School Law because it referred to a specific subject matter and motivating animus.

68. As a direct and proximate result of the School District's statutory violations, Plaintiffs have suffered, are suffering, and will continue to suffer, irreparable harm, entitling them to declaratory and injunctive relief.

COUNT III - PARENT'S FUNDAMENTAL CONSTITUTIONAL RIGHTS
(Fourteenth Amendment; MCL 380.10)

69. Plaintiffs hereby incorporate by reference paragraphs 1 through 68 as if fully restated herein.

70. By reason of the aforementioned training, supervision, acts, policies, practices, customs and procedures created, adopted, and enforced under color of state law, Defendants deprived Plaintiffs of their fundamental constitutional right to control and direct the upbringing and education their children in violation of the Fourteenth Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. §1983.

71. Defendants violated MCL 380.10 by infringing on Plaintiffs' fundamental parental rights and by failing to cooperate with parents and failing to provide a safe and positive educational environment for all students.

72. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 8011, gives the School District unilateral authority to decide what is in the best interest of a child and the authority to refuse to notify a parent of the assertion of any gender or sexual orientation choice purportedly made by their child at school. Such a policy violates the parent's statutory and constitutional right to control and direct the upbringing and

education of their children consistent with their religious faith and it violates MCL 380.10 by failing to cooperate with parents.

73. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 8011, requires the School District to allow students and other individuals to use the showers, locker rooms, bathrooms and other facilities of the opposite sex, thereby violating the parents' constitutional right to control and direct the upbringing and education of their children.

74. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 8010, requires the School District to allow students to participate in athletics, extracurricular activities and other educational programs of the opposite sex, thereby violating the parents' constitutional right to control and direct the upbringing and education of their children.

75. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 7500, requires the School District to only provide counseling services that approve and promote alternative sexual lifestyles, thereby violating the parents' constitutional right to control and direct the upbringing and education of their children.

76. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 8260-R, requires the School District to punish students for alleged harassment or bullying of other students for merely expressing opposition to the School District's approved alternative sexual lifestyles, or for acting with purported "aggressive behavior" against other students with whom they simply disagree, thereby violating the parents' constitutional right to control and direct the upbringing and education of their children.

77. The School District's training, supervision, policies, practices, customs, and

procedures, for example, Policy 8720, requires the School District to require students to approve, affirm, and promote alternate sexual lifestyles through their student organizations, thereby violating the parents' constitutional right to control and direct the upbringing and education of their children.

78. The School District's training, supervision, policies, practices, customs, and procedures, will punish and impose discipline on any student and parent for alleged violations of Defendants' new policies, simply for exercising their right to raise and educate their children. Defendants' actions injure Plaintiffs by violating their constitutional rights through threat of discipline and sanction by the School District for failure to comply with its new policies.

79. As a direct and proximate result of Defendants' violation of the Fourteenth Amendment, Plaintiffs have suffered, are suffering, and will continue to suffer, irreparable harm, including the loss of their fundamental constitutional rights, entitling them to declaratory and injunctive relief. Additionally, Plaintiffs are entitled to nominal damages and compensatory damages for the loss of their constitutional rights.

COUNT IV - RIGHT TO PRIVACY, PERSONAL AUTONOMY, AND PERSONAL IDENTITY
(Fourteenth Amendment; 42 U.S.C. § 1983)

80. Plaintiffs hereby incorporate by reference paragraphs 1 through 79 as if fully restated herein.

81. By reason of the aforementioned training, supervision, acts, policies, practices, customs and procedures created, adopted, and enforced under color of state law, Defendants deprived Plaintiffs of their right to privacy, personal identity and personal autonomy in violation of the Fourteenth Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

82. By favoring and enforcing policies that approve of and promote alternative sexual

lifestyles over Plaintiffs' right to privacy, personal identity and personal autonomy, Defendants violate Plaintiffs' Fourteenth Amendment rights.

83. Defendants' conduct deprives Plaintiffs of their personal choices central to individual dignity and autonomy, including intimate choices defining personal identity and beliefs by stigmatizing and labeling their sincerely held religious beliefs as discriminatory or an act of bullying.

84. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 8011, allows the School District to refuse to notify a parent of the assertion of any gender or sexual orientation choice purportedly made by their child at school, thereby violating the parent's right to personal identity and personal autonomy.

85. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 8011, requires the School District to allow students and other individuals to use the showers, locker rooms, bathrooms and other facilities of the opposite sex, thereby violating parents' and students' constitutional right to privacy, personal identity, and personal autonomy.

86. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 8010, requires the School District to allow students to participate in athletics, extracurricular activities and other educational programs of the opposite sex, thereby violating the parents' and students' constitutional right to privacy, personal identity, and personal autonomy.

87. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 7500, requires the School District to only provide counseling services that approve and promote alternative sexual lifestyles, thereby violating parents' and

students' constitutional right to privacy, personal identity, and personal autonomy.

88. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 8260-R, requires the School District to punish students for alleged harassment or bullying of other students for merely expressing opposition to the School District approved alternative sexual lifestyles, or for acting with purported "aggressive behavior" against other students with whom they simply disagree, thereby violating parents' and students' constitutional right to privacy, personal identity, and personal autonomy.

89. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 8720, requires the School District to require students to approve and endorse alternate sexual lifestyles through their student organizations, thereby violating parents' and students' constitutional right to privacy, personal identity, and personal autonomy.

90. The School District's training, supervision, policies, practices, customs, and procedures, will punish and impose discipline on any parent or student for exercising their right to privacy, personal identity, and personal autonomy. Defendants' actions injure Plaintiffs by violating their constitutional rights through threat of discipline and sanction by the School District for failure to comply with its new policies.

91. As a direct and proximate result of Defendants' violation of the Fourteenth Amendment, Plaintiffs have suffered, and will suffer, irreparable harm, including the loss of their fundamental constitutional rights, entitling them to declaratory and injunctive relief. Additionally, Plaintiffs are entitled to nominal damages and compensatory damages for the loss of their constitutional rights.

COUNT V - FREEDOM OF SPEECH
(First Amendment; 42 U.S.C. § 1983)

92. Plaintiffs hereby incorporate by reference paragraphs 1 through 91 as if fully

restated herein.

93. By reason of the aforementioned training, supervision, acts, policies, practices, customs and procedures created, adopted, and enforced under color of state law, Defendants deprived Plaintiffs of their right to freedom of speech in violation of the First Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

94. By punishing Plaintiffs' speech and religious viewpoint, Defendants violate Plaintiffs' First Amendment right to freedom of speech through favoring and mandating its viewpoint on all parents and students.

95. The School District's training, supervision, policies, practices, customs, and procedures, which were the moving force behind the violation of Plaintiffs' right to freedom of speech, were viewpoint based in violation of the First Amendment.

96. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 7500, requires the School District to only provide counseling services that approve and promote alternative sexual lifestyles, thereby violating, and substantially interfering with, the parents' and students' right to freedom of speech.

97. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 8260-R, requires the School District to punish students for alleged harassment or bullying of other students for merely expressing opposition to the School District approved alternative lifestyles, or for acting with "aggressive behavior" against other students with whom they simply disagree, thereby violating, and substantially interfering with, the parents' and students' right to freedom of speech.

98. The School District's training, supervision, policies, practices, customs, and

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procedures, for example, Policy 8720, requires the School District to require students to approve and endorse alternate sexual lifestyles through their student organizations, thereby violating, and substantially interfering with, the parents' and students' right to freedom of speech.

99. The School District's training, supervision, policies, practices, customs, and procedures, will punish and impose discipline on any parent or student for exercising their right to freedom of speech. Defendants' actions injure Plaintiffs by chilling their speech activity through threat of discipline and sanction by the School District for failure to comply with its new policies.

100. As a direct and proximate result of Defendants' violation of the First Amendment, Plaintiffs have suffered, and will suffer, irreparable harm, including the loss of their fundamental constitutional rights, entitling them to declaratory and injunctive relief. Additionally, Plaintiffs are entitled to nominal damages and compensatory damages for the loss of their constitutional rights.

COUNT VI - FREE EXERCISE OF RELIGION
(First Amendment; 42 U.S.C. § 1983)

101. Plaintiffs hereby incorporate by reference paragraphs 1 through 100 as if fully restated herein.

102. By reason of the aforementioned training, supervision, acts, policies, practices, customs and procedures created, adopted, and enforced under color of state law, Defendants deprived Plaintiffs of their right to the free exercise of their sincerely held religious beliefs in violation of the First Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

103. Defendants violate Plaintiffs' First Amendment right to freely exercise their religious beliefs by mandating policies that approve of and promote alternative sexual lifestyles which substantially interferes with Plaintiffs' religious free exercise rights.

104. Defendants' policies violate the First Amendment by punishing parents and

students who exercise their religious beliefs in connection with human sexuality and the promotion of traditional sexual lifestyles.

105. Plaintiffs' compliance with their sincerely held religious beliefs is a religious exercise.

106. Defendants' policies and practices are not laws of general applicability as they specifically target Christians who share Plaintiffs' sincerely held religious views, but leave untouched students who ascribed to other or no faith traditions.

107. By design, Defendants' policies and practices are imposed on some religious parents and students, but not on others, resulting in unjust discrimination amongst religious beliefs.

108. Defendants' policies and practices further no compelling governmental interest as they directly violate Plaintiffs' First Amendment rights to free exercise of religion.

109. Defendants' policies and practices fail to provide the least restrictive means of furthering any stated interest and are not narrowly tailored.

110. Defendants' policies and practices create government-imposed, coercive pressure on Plaintiffs to change or violate their sincerely held religious beliefs.

111. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 8011, allows the School District to refuse to notify parents of the assertion of any gender or sexual orientation choice purportedly made by their child at school, thereby violating, and substantially interfering with, the parents' constitutional right to freely exercise their religion.

112. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 8011, requires the School District to allow students and other individuals to use the showers, locker rooms, bathrooms and other facilities of the opposite sex,

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thereby violating, and substantially interfering with, the parents' and students' constitutional right to freely exercise their religion.

113. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 7500, requires the School District to only provide counseling services that approve and promote alternative sexual lifestyles, thereby violating, and substantially interfering with, the parents' and students' constitutional right to freely exercise their religion.

114. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 8260-R, requires the School District to punish students for alleged harassment or bullying of other students for merely expressing opposition to the School District approved alternative lifestyles, or for acting with purportedly "aggressive behavior" against other students with whom they simply disagree, thereby violating, and substantially interfering with, the parents' and students' constitutional right to freely exercise their religion.

115. The School District's training, supervision, policies, practices, customs, and procedures, for example, Policy 8720, requires the School District to require students to approve and endorse alternate sexual lifestyles through their student organizations, thereby violating, and substantially interfering with, the parents' and students' constitutional right to freely exercise their religion.

116. The School District's training, supervision, policies, practices, customs, and procedures, will punish and impose discipline on any parent or student for exercising his or her right to free exercise of their religious beliefs. Defendants' actions injure Plaintiffs by chilling their religious activity and religious speech through threat of discipline and sanction by the School District for failure to comply with its new policies.

117. As a direct and proximate result of Defendants' violation of the First Amendment,

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Plaintiffs have suffered, and will suffer, irreparable harm, including the loss of their fundamental constitutional rights, entitling them to declaratory and injunctive relief. Additionally, Plaintiffs are entitled to nominal damages and compensatory damages for the loss of their constitutional rights.

COUNT VII - MICHIGAN CONSTITUTIONAL VIOLATIONS

118. Plaintiffs hereby incorporate by reference paragraphs 1 through 117 as if fully restated herein.

119. By reason of the aforementioned training, supervision, acts, policies, practices, customs and procedures created, adopted, and enforced under color of state law, Defendants deprived Plaintiffs of their rights under Michigan’s Constitution of 1963 as follows:

A. **Article I, §2 Discrimination.** Defendants’ Policies 4900, 7500, 8010, 8011, 8040, 8260-R, and 8720, for all the reasons as stated above (in particular, paragraphs 102-111), deny Plaintiffs the enjoyment of their civil or political rights and discriminate against them in the exercise of those rights because of religion.

B. **Article I, §4 Freedom of worship and religious belief.** Defendants’ Policies 4900, 7500, 8010, 8011, 8040, 8260-R, and 8720, for all the reasons as stated above (in particular, paragraphs 102-111), deny Plaintiffs and students at the School District the right and “liberty to worship God according to the dictates of his own conscience,” and further “diminishes the civil and political rights, privileges and capacities” of Plaintiffs and students at the School District on account of their religious belief.

C. **Article I, §5 Freedom of speech and of press.** Defendants’ Policies 4900, 7500, 8010, 8011, 8040, 8260-R, and 8720, for all the reasons as stated above (in particular paragraphs 93-100), deny Plaintiffs and students at the School District the right to “freely speak, write, express and publish his views on all subjects” and restrain or abridge their

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liberty of speech.

D. Article VIII, §2 Free public elementary and secondary schools; discrimination.

Defendants' Policies 4900, 7500, 8010, 8011, 8040, 8260-R, and 8720, for all the reasons as stated above, deprive Plaintiffs and students at the School District their right to participate in Michigan's "system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin."

120. The School District's training, supervision, policies, practices, customs, and procedures, will punish and impose discipline on any parent or student for exercising his or her state constitutional right to free speech and other rights as stated above. Defendants' actions injure Plaintiffs by chilling their speech and constitutionally protected activity through threat of discipline and sanction by the School District for failure to comply with its new policies.

121. The School District's training, supervision, policies, practices, customs, and procedures, have forced Plaintiffs Edward and Erin Reynolds to remove their children from the School District and enroll them in a private school at their own expense, thereby depriving Plaintiffs Reynolds and their children, A.R. and E.R., of their constitutional right to receive a free public education as guaranteed under Article VIII, §2, by forcing them to choose between exercising their religious beliefs or receiving the free public education.

122. As a direct and proximate result of Defendants' violation of the state constitutional provisions specified above, Plaintiffs have suffered, are suffering, and will continue to suffer, irreparable harm, including the loss of their fundamental constitutional rights, entitling them to declaratory and injunctive relief. Additionally, Plaintiffs are entitled to nominal damages and compensatory damages for the loss of their state constitutional rights.

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COUNT VIII - TITLE IX VIOLATION (20 U.S.C. §1681 et. seq.)

123. Plaintiffs hereby incorporate by reference paragraphs 1 through 122 as if fully restated herein.

124. Title IX provides that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance" (20 U.S.C. § 1681(a)).

125. Under Title IX, discrimination "on the basis of sex" encompasses discrimination based on biological differences between men and women.

126. The School District is an educational program receiving Federal financial assistance.

127. Pursuant to 42 U.S.C. 2000d-7, the School District is not immune from this action and is liable for all damages that naturally flow from its improper training, supervision, policies, practices, customs, and procedures.

128. By allowing biologically intact males to participate in athletics and other programs for the opposite sex at the School District, the School District has and continues to subject parents and students to discrimination and the loss of participation in educational programs and activities at the School District "on the basis of sex," which violates the parents' and students' rights under Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681, et seq.). The School District is discriminating against biological girls by permitting biological boys to take spots on a female sports team, thus denying girls the benefits of educational and sports programs.

129. By allowing biologically intact females to participate in athletics and other

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programs for the opposite sex at the School District, the School District has and continues to subject parents and students to discrimination and the loss of participation in educational programs and activities at the School District "on the basis of sex," which violates the parents' and students' rights under Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681, et seq.). The School District is discriminating against biological boys by permitting biological girls to take spots on a male sports team, thus denying boys the benefits of educational and sports programs.

130. By means of these policies, the School Board willfully and intentionally discriminates against parents and students participating in, denying them the benefits of, and subjecting them to discrimination in educational programs and activities at the School District "on the basis of sex," which violates their rights under Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681, et seq.).

131. As a direct and proximate result of Defendants' willful and intentional violations of Title IX as specified above, Plaintiffs have suffered, are suffering, and will continue to suffer, irreparable harm, including the loss of their statutory rights, entitling them to declaratory and injunctive relief, as well as nominal damages and compensatory damages, and to the termination of federal financial assistance to the School District under Title IX.

COUNT IX - CONSTITUTIONAL VAGUENESS VIOLATIONS
(First and Fourteenth Amendments; 42 U.S.C. § 1983)

132. Plaintiffs hereby incorporate by reference paragraphs 1 through 131 as if fully restated herein.

133. The Due Process clauses of the United States Constitution and the Michigan Constitution require that the law provide predictability for all citizens. U.S. Const., Am. 14; Mich. Const. 1963, Article 1, §17.

134. An unambiguously drafted school policy affords prior notice to the parents and students of conduct proscribed. A fundamental principle of due process, embodied in the right to prior notice, is that a policy is void for vagueness where its prohibitions are not clearly defined.

135. The School District's policies must give an ordinary parent and student notice of what is prohibited, so that a person may act accordingly.

136. If a parent or student has to guess at what a policy means, or if the policy is not clearly defined, then the policy is void for vagueness.

137. The School District's policies (4900, 7500, 8010, 8011, 8040, 8260-R, and 8720) are vague and do not provide clear direction to the parents and students of the school district in that definitions of terms like "sexual orientation," "gender identity," "gender expression," "transgender," "harassment," "aggressive behavior," and "bullying" are not clearly defined and do not protect the constitutional rights of parents and students.

138. The School District's training, supervision, policies, practices, customs, and procedures, permits arbitrary enforcement and will punish and impose discipline on any parent or student for alleged violations of Defendants' vague new policies in violation of the United States and Michigan Constitutions.

139. As a direct and proximate result of Defendants' constitutional violations, Plaintiffs have suffered, are suffering, and will continue to suffer, irreparable harm, including the loss of their fundamental constitutional rights, entitling them to declaratory and injunctive relief. Additionally, Plaintiffs are entitled to nominal damages and consequential damages for the loss of their constitutional rights.

COUNT X - ELLIOTT-LARSEN CIVIL RIGHTS ACT VIOLATION -
INTIMIDATING, HOSTILE, AND OFFENSIVE ENVIRONMENT
(MCL 37.2103(i)(iii))

140. Plaintiffs hereby incorporate and repeat herein paragraphs 1 through 139 above as if fully restated herein.

141. Defendant School District operates its schools which are a place of public accommodation as defined in Michigan's Elliott-Larsen Civil Rights Act (hereinafter referred to as the Act), MCL 37.2301(a)(iii).

142. Defendant School District is a person, as that term is defined in the Act, MCL 37.2103(g).

143. Defendant School District passed policies (4900, 7500, 8010, 8011, 8040, 8260-R, and 8720) that violated the Act and deprived Plaintiffs of their civil rights by:

A. Subjecting parents and students, because of their sex, to conduct and communication of a sexual nature, which has the purpose and effect of denying them the full benefit of the public accommodation facilities at Defendants' school buildings and denies them full and equal access to the use and privileges of its public accommodation.

B. Instituting a policy of a sexual nature which permits males to utilize the female's facilities at the schools, including, but not limited to, the locker room, showers, changing rooms, and restrooms while females are simultaneously using said facilities.

C. Instituting a policy that allows any male to simply claim he sincerely self-identifies as a female and he would then be given full access to simultaneously use any and all facilities at the schools with all females.

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D. Instituting a policy of a sexual nature which permits females to utilize the male's facilities at the schools, including, but not limited to, the locker room, showers, changing rooms, and restrooms while males are simultaneously using said facilities.

E. Instituting a policy that allowed any female to simply claim she sincerely self-identifies as a male and she would then be given full access to simultaneously use any and all facilities at the schools with all males.

F. Instituting a policy that creates an intimidating, hostile, and offensive public accommodation for the following reasons:

- i. Females cannot privately use the locker room, showers, and restrooms at the schools without the offensive presence of a male.
- ii. Females would be subjected to any male who wished to be present in the locker room/changing room while a female was changing her clothes, taking a shower, or using the restroom.
- iii. Minor girls would be subjected to having a male presence in the same area where they would be changing clothes, showering, or using the restroom.
- iv. Males cannot privately use the locker room, showers, and restrooms at the schools without the offensive presence of a female.
- v. Males would be subjected to any female who wished to be present in the locker room/changing room while a male was changing his clothes, taking a shower, or using the restroom.
- vi. Minor boys would be subjected to having a female presence in the same area where they would be changing clothes, showering, or using the restroom.

144. The School District’s policies have the purpose or effect of substantially interfering with the parents’ and students’ right to access and utilize public accommodations and public services, including education, and creates an intimidating, hostile, or offensive public accommodation, public service, and educational environment for all the above-stated reasons.

145. As a direct and proximate result of Defendants’ violations of the Act, Plaintiff parents and students have suffered, are suffering, and will continue to suffer, damages, including the following:

- A. Loss of use of school facilities.
- B. Fear about using the school facilities.
- C. Embarrassment and humiliation.
- D. Severe emotional distress.
- E. Loss of access to a free public education.
- F. All other damages that reasonably flow from Defendants’ outrageous and illegal policies, practices, procedures, and actions.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs ask this Honorable Court:

- A. to declare that Defendants’ policies (4900, 7500, 8010, 8011, 8040, 8260-R, and 8720) are invalid and unconstitutional for all the reasons as set forth in this Complaint;
- B. to declare that Defendants acted unconstitutionally, outside their authority, and in an *ultra vires* manner as set forth in this Complaint;
- C. to declare that Defendants violated Plaintiffs’ fundamental constitutional rights as set forth in this Complaint;
- D. to declare that Defendants’ training, supervision, policies (4900, 7500, 8010, 8011,

8040, 8260-R, and 8720), practices, customs, and procedures violate Plaintiffs' fundamental constitutional rights, including their fundamental parental right to raise and educate their children, to freedom of speech, right to privacy, personal autonomy and personal dignity, and right to freely exercise their religious beliefs, all under the First and Fourteenth Amendments to the United States Constitution and Title IX of the Education Amendments of 1972 as set forth in this Complaint;

E. to declare that Defendants' policies violate Michigan's Constitution and the Elliott-Larsen Civil Rights Act for all the reasons as stated above;

F. to declare that Defendants' policies are vague and unconstitutional for the reasons as set forth in this Complaint;

G. to issue preliminary and permanent injunctions enjoining Defendants' policies for all the reasons as set forth in this Complaint;

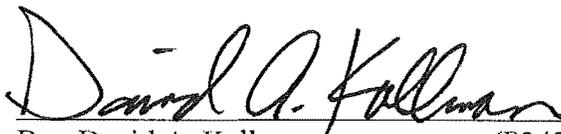
H. to award Plaintiffs nominal damages and compensatory damages against all Defendants;

I. to award Plaintiffs their reasonable attorney fees, costs, and expenses pursuant to 42 U.S.C. § 1988, Title IX, and other applicable law; and

J. grant such other and further relief as is just and appropriate.

Respectfully submitted,

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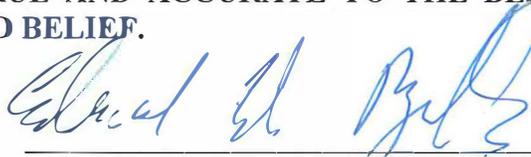


By: David A. Kallman (P34200)
Attorney for Plaintiffs

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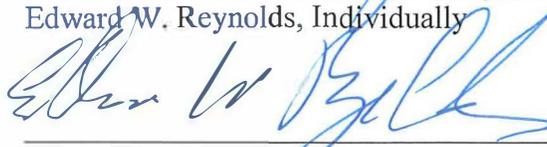
I HEREBY STATE AND AFFIRM THAT I HAVE HAD READ THE FOREGOING COMPLAINT AND THAT IT IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

DATED: January 16, 2018.



Edward W. Reynolds, Individually

DATED: January 16, 2018.



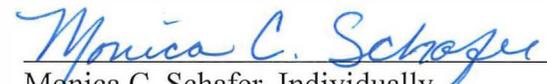
Edward W. Reynolds, as Next Friend for A.R.,
E.R. and A.B.

DATED: January 16 2018.



Erin L. Reynolds, Individually

DATED: January 16, 2018.



Monica C. Schafer, Individually

DATED: January 16, 2018.



Christopher D. Johncheck, Individually

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EXHIBIT A

4900 Fair Employment Clause

It shall be the intent of the board to award all contracts in excess of \$15,000 to qualified contractors and subcontractors who do not discriminate against any employee or applicant for employment because of age, sex, race, color, religion, creed, age, physical handicap, ancestry, national origin, sexual orientation, height, weight, or marital status. Compliance with this policy shall be assured by contractual provisions.

Prior to awarding a bid or purchase order for construction, materials and services, a firm shall be in compliance with all state and federal laws, and verify same. The superintendent shall review and evaluate all such plans and his approval or disapproval shall be subject to review by the board. A bidder has five working days to appeal the decision of the superintendent.

The above policy shall not apply to those contractors employing less than five persons.

Approved: August 18, 1997

Revised: October 2, 2017

Revised: November 6, 2017

LEGAL REF: MCL 37.2101-2211 (Michigan Civil Rights Act); Fair Employment Practices Act;

MCL 37.1101-1303 (Handicappers Civil Rights Act); Act 251 of P.A. 1955, Act 344 of P.A. 1965, and Act 349 of P.A. 1966

EXHIBIT B

7500 Guidance Program

The guidance program shall be organized to meet the needs, interests and abilities of all individual students with their own particular capabilities, their aptitudes and their personalities. It is a district goal to make each student an active participant in the learning process and not simply a passive absorber of knowledge.

The guidance and counseling services of the district shall be available to any student and shall not discriminate against any student on the basis of sex, race, age, color, national origin, religion, sexual orientation, gender identity, gender expression, or disability.

Educational Guidance

The educational guidance program shall relate to the educational objectives and needs of the students.

Personal Guidance

The guidance program shall provide for the individual needs of the students.

Vocational Guidance

The district shall assist students in formulating vocational goals and objectives. Cooperative vocational education, job placement, apprenticeship training, where offered, is non-discriminatory with regard to race, age, color, sex, national origin, sexual orientation, gender identity, gender expression, or disability.

Approved: August 18, 1997

Revised: October 2, 2017

Revised: November 6, 2017

LEGAL REF: MCL [380.1233](#); Family Rights and Privacy Act; Title VI, Civil Rights Act of 1964, Section 100.4 (a & b); Title IX, Education Amendments of 1972, Section 106.4; Section 504, Rehabilitation Act of 1973, Subpart 104.5

EXHIBIT C

8010 Equal Educational Opportunity

Every child, regardless of race, creed, color, sex, national origin, religion, sexual orientation, gender identity, gender expression, cultural or economic background, or handicap, is entitled to equal opportunity for educational development.

No student will be excluded from participating in, denied the benefits of, or subjected to discrimination under any educational program or activity conducted by the district. The board shall treat its students without discrimination as this pertains to course offerings, athletics, counseling, employment assistance, and extracurricular activities.

No district employee or student enrolled in the district, on the basis of sex, shall be excluded from participation in, be denied the benefits or, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.

A grievance procedure for responding to claims of discrimination based upon sex by an employee or student of the district has been developed and is available in the superintendent's office.

This statement and information about complaints about Title IX compliance shall be disseminated to students, parents, employees, applicants, and the general public in a manner as determined by the superintendent.

Approved: August 18, 1997

Revised: October 2, 2017

Revised: November 6, 2017

LEGAL REF: Civil Rights Act of 1964, as amended, 1972, Title VI, Title VII. Executive Order 11246, 1965, as amended by Executive Order 11375, Equal Employment Opportunity Act of 1972, Title IX 45CFR, Parts 81, 86 (Federal Register, June 4, 1975, August 11, 1975.) Act No. 453 of the Public Acts of 1976 (Michigan Civil Rights Act); MCL 380.1146

EXHIBIT D

8011 Gender Identity

The Williamston Community Schools fosters an educational environment for all students that is safe, welcoming, and free from stigma and discrimination, regardless of sex, sexual orientation, gender identity, or gender expression. WCS requires compliance with local, state, and federal laws concerning bullying, harassment, privacy, and discrimination (See Policy 8260 and 8260-R Bullying).

WCS shall accept the gender identity that each student asserts reflecting the student's legitimately held belief once the student and/or his or her parent/guardian, as appropriate, notifies District administration that the student intends to assert a gender identity that differs from previous representations or records. The District will customize support to allow each student's equal access to the District's educational programs and activities.

Parental and family support are key determinants of transgender and nonconforming student health; therefore, student support teams, staff, and community partners should provide resources to help families and students locate information, counseling, and support services. School officials must consider the health, safety, and well-being of the student, as well as the responsibility to keep parents informed.

This policy applies to the entire school community, including educators, school district staff, students, parents, and volunteers.

Legal References: Title IX, Education Amendments of 1972, 20 U.S.C. 1681 et seq.; Title VII, Civil Rights Act of 1964, 42 U.S.C. 2000e, et seq.; Elliott-Larsen Civil Rights Act, MCL 37.2101, et seq.

Adopted: November 6, 2017

EXHIBIT E

8040 School Admissions

The board expects the administrative procedures for the admission of students to be designed in such a fashion that enrollment is handled expeditiously and with the least possible inconvenience to parent(s)/guardian(s), or other caregivers, and students. The enrolling school administrator shall enter on the student's permanent record card the student's legal name and the name, address and telephone number of his/her lawful custodian(s), or other relatives acting as caregivers, as required in board policy 8090 Release of a Student During the School Day. Any unusual custody circumstances shall be explained and updated insofar as possible. The district may require "Power of Attorney" papers for relatives of the student acting as caregivers in the stead of the legal parent(s)/guardian(s).

First Time Enrollments

The parent(s)/guardian(s), or person in *loco parentis* applying to have a child registered for the first time in a school and, beginning in 2002-2003, the parent(s)/guardian(s) or person in *loco parentis* of a child entering the sixth grade, shall present to school officials, at the time of registration or not later than the first day of school, a certificate of immunization or statement of exemption under section 1177 of the Revised School Code. A social security number for the child will be requested. Social security numbers are to be used only as an identifier in data collection and analysis.

Resident Students

In order to obtain an estimate of the number of resident students who are expected to enroll in school during the following year, a pre-enrollment period shall be scheduled annually during the spring months.

New Resident Students

New resident students are urged to contact the superintendent's office as soon as possible after establishing residence in the District.

Non-Resident Students

A non-resident student shall be defined as any student who does not meet the requirements to be a resident student of the district, as defined in state law. The enrollment of non-resident students is a privilege granted by the district and is not a legal right provided to the non-resident student and/or his/her parent/guardian. Non-resident students shall not be granted or refused enrollment based upon disability, religion, race, color, national origin, sexual orientation, gender identity, gender expression, sex, height, or weight, or generally, in violation of any state or federal law prohibiting discrimination.

The superintendent will consider and may permit the enrollment of non-resident students upon receiving a release from the school district of residence or upon payment of tuition unless exempt from either by state law.

Enrollment requests from non-resident students will be subject to space availability as determined by the superintendent considering resident student enrollment projections.

Requests from the parents/guardians of special education students for admission shall be considered in accordance with applicable state and federal laws. The student's current Individual Education Plan (IEP) shall be used to determine if the requested school or program can meet the student's needs. When necessary, a written cooperative agreement with the student's resident district shall cover, but not be limited to, an arrangement on the responsibility for the payment of the added costs of special education programs and services, including transportation, for the student.

Non-resident students admitted pursuant to the following exceptions will not be required to pay tuition or seek approval from their district of residence if:

1. The student was a victim of a criminal sexual assault or other serious assault, that (1) occurred "at school" in the student's district of residence, or (2) that was committed by one or more students from the student's district of residence, or (3) that was committed by employee of the student's district of residence.
2. The student was enrolled as a resident in the district at the beginning of the school year and became a non-resident after the pupil membership count day (fourth Wednesday in September).
3. The student is the child of an employee who is under a full-time or part-time employment during the current school year. This exception shall cease to exist when the parent/guardian ceases to be an employee of the district. However, under such circumstances, a student may finish the school year without payment of tuition or approval from his/her resident district if the parent/guardian discontinues employment with the district after the pupil membership count day.

Unless as otherwise required by law, transportation for enrolled non-resident students shall be furnished by their parents/guardians.

Resident Attendance in another District – Non-Schools of Choice

The superintendent may approve resident students attending another school district when the needs of the student dictate as determined by the school's counselors, teachers, administrators and the student's parent(s)/guardian(s).

Assignments

To Classes

To the extent possible, class assignments will be made in such a way as to give each student the greatest freedom of choice consistent with the student's interests and abilities.

Transfers and Withdrawals

All students who plan to transfer to another district or who intend to withdraw entirely from the school are encouraged to give advance notice, insofar as this is possible, in order that the school rolls may accurately reflect the current student enrollment of the district.

LEGAL REF: MCL 380.10; 380.1134-1135; 380.1147-1148; 380.1177; 380.1204a; 380.1282; 380.1324; 380.1401; 380.1416; 388.1606; OAG, 1979-1980, No 5642, p 587 (February 4, 1980); OAG, 1981-1982, No 5925, p 234 (June 23, 1981); OAG, 1981-1982, No 5995, p 412 (October 12, 1981); OAG, 1987-1988, No 6467, p 196 (September 16, 1987)

Approved: August 18, 1997

Revised: February 2, 1998

Revised: November 15, 2004

Revised: October 2, 2017

EXHIBIT F

8260-R Bullying

Procedure

Any student who believes he/she has been or is the victim of bullying, cyberbullying, hazing, or other aggressive behavior should immediately report the situation to the Principal or Assistant Principal. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building Principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be aggressive behavior directed toward a student. Reports shall be made to those identified above. Reports may be made anonymously, but formal disciplinary action may not be taken solely on the basis of an anonymous report.

The Principal (or other administrator as designated) shall promptly investigate and document all complaints about bullying, cyberbullying, aggressive or other behavior that may violate this policy. The investigation must be completed as promptly as the circumstances permit after a report or complaint is made.

If the investigation finds an instance of bullying, cyberbullying or aggressive behavior has occurred, it will result in prompt and appropriate remedial action in accordance with Code of Conduct or remedial action as determined by the Superintendent. This may include up to expulsion for students, up to discharge for employees, exclusion for parents/guardians, guests, volunteers and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement or other appropriate officials.

The individual responsible for conducting the investigation shall document all reported incidents and report all verified incidents of bullying, cyberbullying, aggressive or other prohibited behavior, as well as any remedial action taken, including disciplinary actions and referrals, to the Superintendent. The Superintendent shall submit a compiled report to the Board and Michigan Department of Education on an annual basis. The superintendent is charged with maintaining a formal system of assurances of confidentiality for all parties.

Non-Retaliation/False Reports

Retaliation or false allegations against any person who reports, is thought to have reported, files a complaint, participates in an investigation or inquiry concerning allegations of bullying, cyberbullying or aggressive behavior (as a witness or otherwise), or is the target of the bullying, cyberbullying or aggressive behavior being investigated, is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy, independent of whether a complaint of bullying or cyberbullying is substantiated. Suspected retaliation should be reported in the same manner as bullying/cyberbullying/aggressive behavior.

Making intentionally false reports about bullying/cyberbullying/aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

Prevention/Training

The Superintendent shall establish such Task Force, committees and/or training necessary to fully implement the policy.

Definitions

The following definitions are provided for guidance. Each incident will be assessed according to the standards of a reasonable person.

"Aggressive behavior" is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well-being. Such behavior includes, for example, bullying, cyberbullying hazing, stalking, intimidation, menacing, coercion, name-calling, taunting, making threats, and hitting/pushing/shoving.

"At School" is defined as in a classroom, elsewhere on school premises, on a school bus or other school related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

It also includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if either owned by or under the control of the District.

"Bullying/Cyberbullying" is defined as in a classroom, elsewhere on school premises, on a school bus or other school related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. It also includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if either owned by or under the control of the District.

1. Substantially interfering with educational opportunities, benefits, or programs of one (1) or more students;
2. Adversely affecting the ability of a student to participate in or benefit from the school District's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress;
3. Having an actual and substantial detrimental effect on a student's physical or mental health; and/or
4. Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Bullying can be physical, verbal, psychological, or a combination of all three. Some examples of bullying are:

1. Physical - hitting, kicking, spitting, pushing, pulling; taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
2. Verbal - taunting, malicious teasing, insulting, name calling, making threats.
3. Psychological - spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation. This may occur in a number of different ways, including but not limited to notes, emails, social media postings, and graffiti.

"Harassment" includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature, often on the basis of age, race, religion, color, national origin, marital status or disability, but may also include sexual orientation, gender identity, gender expression, physical characteristics (e.g., height, weight, complexion), cultural background, socioeconomic status, or geographic location (e.g., from rival school, different state, rural area, city, etc.).

"Intimidation/Menacing" includes, but is not limited to, any threat or act intended to: place a person in fear of physical injury or offensive physical contact; to substantially damage or interfere with person's property; or to intentionally interfere with or block a person's movement without good reason.

"Staff" includes all school employees and Board members.

"Third parties" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in District business, and others not directly subject to school control at inter-district or intra-district athletic competitions or other school events.

For further definition and instances that could possibly be construed as Harassment, see policy 8018; Hazing, see Policy 8270.

Approved: May 7, 2012

Revised: April 20, 2015

Revised: March 21, 2016

Revised: October 2, 2017

LEGAL REF: MCL 380.1310B Matt's Safe School Law, PA 241 of 2011, amended March 31, 2015); Model Anti-Bullying Policy, Michigan State Board of Education

EXHIBIT G

8720 Student Organizations

The district encourages students to broaden their knowledge and citizenship by the formation of clubs and other groups organized to promote or pursue specialized activities outside the regular classroom environment provided membership is open to all interested and eligible students, approval of the building principal and the board is obtained and a member of the faculty attends the meetings or activities as an official advisor.

Student Clubs

The administrative council shall establish regulations for the operation of school-sponsored clubs. Such clubs shall operate for the welfare and in the best interests of the students and the school. School-sponsored clubs are those directly under the control of school personnel. Non-school clubs may not conduct their activities on school property without prior permission from the board.

Student Equal Access

Student initiated, non-curricular related groups shall be permitted to conduct voluntary meetings on high school premises only before or after the school day, provided that the meetings do not materially and substantially interfere with the orderly conduct of the educational activities of the school or violate board policy or state and federal law.

Such meetings shall be open to all students without regard to race, creed, color, sex, sexual orientation, gender identity, gender expression, handicap, religion, or national origin.

No public funds may be expended on behalf of the student groups covered by this policy except for the incidental cost of providing space for the meeting.

Students seeking to establish voluntary, non-curriculum related student group shall first seek approval of the building principal.

Student Government

A student council may be established in each attendance center provided that it is under the direct control of the building principal or designated faculty representative. Student councils shall exercise only that authority expressly delegated to them by the building principal.

Student Publications

School-sponsored student publications shall be under the control and supervision of the building principal. All material published in school-sponsored publications must have the prior approval of the faculty sponsor.

Students are exposed to diverse opinions on an infinite number of topics through the various mass media. Students who have facts and opinions should be allowed to express them in print as well as through oral communication. However, student editors and writers must observe the same legal responsibilities as those imposed upon conventional newspapers and communication media. Thus, no student shall distribute in any school any student publication which:

Is obscene as to minors according to current legal definitions;

Is libelous according to current legal definitions; or

Creates a material or a substantial disruption of the normal school activity or appropriate discipline in the operation of the school.

Student Social Events

Student social events, such as dances and parties, contribute an important element in the development of the individual. All such events must have the prior approval of the building principal and the faculty sponsor of the club or class sponsoring the event..

Approved: August 18, 1997

Revised: October 2, 2017

EXHIBIT H

7175-R Parent Involvement in the School Program

The Board of Education believes that durable and significant learning by a student is more likely to occur when there is an effective partnership between the school and the student's parents/guardians ("parents"). Such a partnership means a mutual belief in and commitment to significant educational goals for a student, a plan for the means to accomplish those goals, cooperation on developing and implementing solutions to problems that may be encountered and continuing communication regarding the progress in accomplishing the goal(s). To this end, parents should be meaningfully involved in:

- A. Developing and implementing appropriate strategies for helping their child achieve the learning objectives that lead to accomplishing the learning outcomes;
- B. Providing a school and home environment which encourages learning and augments, at home, the learning experiences provided by the school;
- C. Establishing the learning outcomes for their child with the goal of developing a responsible, adult member of society;
- D. Establishing and supporting a consistent and shared approach to child guidance and discipline;
- E. Providing for the proper health, safety and well-being for their child;
- F. Developing English language proficiency.

The Board is committed to communicating to parents at a level and in a language they can understand, where practicable.

The Board through this policy directs the establishment of a parent involvement plan by which a school-parent partnership can be established and provided to the parent of each child in the District. The plan must encompass parent participation, through meetings and other forms of communication. The Parental Involvement Plan shall be distributed to all parents and students through publication in the Student Handbook or other suitable means.

The Superintendent shall direct the development of a Parent Involvement Plan for the District (with building/program specific goals as desired) which may include, among other, the following strategies:

- A. Provide child's individual assessment results, reading results, progress reports, report cards, parent conferences.
- B. Requested parent conferences.
- C. Newsletters informing parents of upcoming District events.
- D. Folders sent home each week at the elementary level to keep parents abreast of progress and maintain open lines of communication. Teachers make calls, use e-mail and mail letters as needed to parents.
- E. Community involvement in the District is encouraged by continued positive partnership throughout the community.
- F. Parents are encouraged to serve as chaperones for class field trips and other activities.

Relations with Parents

The Board needs parents to assume and exercise responsibility for their children's behavior, including the behavior of students who have reached the legal age of majority, but are still supported by the parent. During the school hours, the Board, through its designated administrators, recognizes the responsibility to monitor student's behavior and, as with academic matters, the importance of cooperation between the school and the parents in matters relating to conduct. To this end, parents should be meaningfully involved in:

- A. Participation in school functions, organizations and committees;
- B. Supporting the teachers and the schools in maintaining discipline and a safe and orderly learning environment;
- C. Requiring their child to observe all school rules and regulations;
- D. Supporting or enforcing consequences for their child's willful misbehavior in school;
- E. Sending their children to school with proper attention to his/her health, personal cleanliness and dress;

- F. Maintaining an active interest in their child's daily work, monitoring and making it possible for him/her to complete assigned homework by providing a quiet place and suitable conditions for study;
- G. Reading all communications from the school, signing and returning them promptly when required;
- H. Cooperating with the school in attending conferences set up for the exchange of information of their child's progress in school.

Sec. 1112, 1118 ESEA M.C.L.A. 380.1294
Adopted: January 23, 2012

EXHIBIT I

8190 Behavior Code

The expectations for student behavior along with guidelines for consequences if a student fails to meet behavioral expectations shall be published in a district “code of conduct” which shall annually be reviewed by the board along with other district and building level handbooks.

It is the responsibility of each building principal/supervisor to ensure that parents and students are apprised of behavior expectations presented in the “code of conduct” handbook.

Approved: August 18, 1997

Revised: January 17, 2000

LEGAL REF:

MCL, 380.1311; 750.71 - 750.80; 750.520b; 750.520c; 750.520d; 750.520e; 750.520g; 750.237a; 380.1211; 380.1596; PL 103-227, 20 U.S.C. 3351; Gun-Free School Zones Act of 1994; P.L. 103-382

EXHIBIT J

7800 School Ceremonies and Observances

Opening Exercises

Classrooms may open the school day with appropriate exercises. Such may include the pledge to the flag, patriotic songs, and reading of excerpts of material which will implement the development of moral values, patriotism, and high standards of conduct. A student who expresses a religious objection to repeating the pledge to the flag shall not be required to participate. However, such students shall not cause a disturbance or interfere with the participation of others.

Recognition of Religious Beliefs and Customs

No religious belief or non-belief shall be promoted in the district by its employees, and none shall be disparaged. The board encourages all students and staff members to appreciate and to be tolerant of each other's religious views. The board shall utilize its authority to foster understanding and mutual respect among students and parents, whether it involves race, culture, economic background or religious belief. Students and staff members may be excused from participating in practices which are contrary to their religious beliefs unless there are clear issues overriding concern that would prevent it.

Approved: August 18, 1997

LEGAL REF: MCL 380.1175; 380.1217; AG Opinion #4405; *Lee v. Weisman*, 112 S. Ct. 2649 (1992)

EXHIBIT K

1000 - BOARD BYLAWS

Introduction and Information

The board shall establish programs and procedures which shall best produce the educational achievement needed by district's students and to do so within the financial limitations of the district. The board will function as a legislative body in formulating and adopting policy, by selecting an executive officer to implement policy and by evaluating the results.

In accordance with these principles, the board, through its operations, shall seek to achieve the following goals:

1. To function in a non-partisan, broadly representative manner and to emphasize that every board member should represent open-mindedly the entire district;
2. To concentrate the board's collective effort on its policy making and planning responsibilities, and to formulate board policies that best serve the educational interests of each student;
3. To provide the superintendent with sufficient and adequate guidelines for implementing board policies;
4. To maintain effective communication with the school community, the staff, and students; and
5. To conduct board business openly, soliciting and encouraging broad-based involvement in the board's decision-making processes by public, students, and staff.

Regular Election

The board shall be composed of seven members serving six-year terms, and elected at an election held on the first Tuesday following the first Monday in November of even years.

Nominating Petition

Candidates for election shall file nominating petitions in compliance with County election regulations.

Term of Office

The term of office of a board member shall begin on January 1 following the election, and shall end on December 31 of the year the term expires.

Special Elections

Special elections shall be called by the board at such time and place as it shall designate and for such purposes as determined by the board and in compliance with current law.

Advice of Legal Counsel

The board shall seek the advice of legal counsel concerning the proper procedure for conducting school elections.

Approved: August 18, 1997

Revised: March 16, 2009

Revised: March 19, 2012

EXHIBIT L

1032 Powers and Duties

The board shall observe and enforce the rules and regulations of the Michigan Department of Education affecting the operation and maintenance of a general powers school district.

The board of a general powers school district shall make reasonable bylaws, policies, and regulations relative to anything necessary for the proper establishment, maintenance, management and carrying on of the public schools of the district. This includes policies and regulations relative to the conduct of students while in attendance at school or en route to and from school.

The board shall act as a legislative body and shall appraise the work and programs of the district.

The board has expressed, implied and incidental powers as provided for in the Revised School Code and by the Constitution and Statutes of the State of Michigan.

Functions of the Board

The board considers its most important legal functions fall into the following categories:

1. Legislative or Policy Making - The board is responsible for the development of bylaws and policy, and for the employment of a superintendent who shall carry out the board's policies through the development and implementation of regulations.
2. Educational Planning and Appraisal - The board is responsible for acquiring and requiring reliable information from responsible sources which shall enable it to make the best possible decisions about the scope and nature of the educational program. The board is responsible for requiring appraisals of the results of the educational program.
3. Staffing and Appraisal - The board is responsible for employing a superintendent of schools and the staff necessary for carrying out the instructional program, for establishing salaries and salary schedules and other terms and conditions of employment, for establishing personnel policies and appropriate evaluation processes district-wide.
4. Financial Resources - The board is responsible for adopting a budget that will provide the financial basis for buildings, staff, materials and equipment which will enable the district to carry out the educational program. The board is responsible for exercising control over the finances of the district to assure proper use of and accounting for all district funds.
5. School Facilities - The board is responsible for determining school-housing needs, for communicating these needs to the community, for purchasing and disposing of properties, and for approving building plans that will support and enhance the educational program.
6. Communication With Public - The board is responsible for providing adequate and direct means for keeping the local citizenry informed about the schools and for keeping itself informed about the wishes of the public.
7. Judicial - The board is responsible for acting as a court of appeal for school staff members, students and the public when issues involve board policies and their fair implementation.

The board may exercise the above legal powers and duties only when convened in a legally constituted meeting.

Approved: August 18, 1997

Revised: November 17, 2014

LEGAL REF: Michigan Constitution, Article 8; MCL 380.11a; 380.1261, General Powers School Districts

EXHIBIT M

1010 District Legal Status

The legal basis for the Williamston Community Schools is vested in the will of the people as expressed in the Michigan Constitution, the statutes pertaining to education, various court interpretations and the powers implied by the above.

The official name of the school district shall be Williamston Community Schools, Ingham County, and the district shall operate as a general powers school district .

Approved: August 18, 1997

LEGAL REF: MCL 380.11a