

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DOE ONE and DOE TWO,)
)
 Plaintiffs,)
)
 v.) No: CA-
)
 KEYSTONE SCHOOL DISTRICT and JOHN)
 R. SLAGLE, in his official capacity as school)
 board president,)
)
 Defendants.)
 _____)

VERIFIED COMPLAINT

A. NATURE OF ACTION

1. Plaintiffs, a graduating high school senior and a tax-paying parent in the defendant Keystone School District, file this action to enjoin the District from unconstitutionally endorsing and promoting religion in two ways: 1) presenting an invocation, benediction or any other prayer at the May 27, 2005, graduation ceremony; and 2) starting school board meetings with a sectarian (Christian) prayer. Plaintiffs allege that both practices violate the Establishment Clause of the First Amendment to the United States Constitution.

B. JURISDICTION

2. This action seeks to vindicate rights protected by the First and Fourteenth Amendments to the United States Constitution and is brought under 42 U.S.C. §1983. The Court has jurisdiction over this civil rights action under 28 U.S.C. §1331(a) and §1343(a)(3) and (4). This Court also has jurisdiction pursuant to 28 U.S.C. §§2201 and 2202 to declare the rights of the parties and to grant

all further relief found necessary and proper.

C. VENUE

3. Venue is proper in the Western District of Pennsylvania because both parties reside in this district and the events giving rise to the claims occurred, and will continue to occur, within this judicial district. 28 U.S.C. §1391.

D. PARTIES

4. DOE ONE is a pseudonym for a student in the Keystone School District. The student is over age eighteen and is a senior who expects to graduate with the class on May 27, 2005.

5. DOE TWO is a pseudonym for one of DOE ONE's parents. DOE TWO is a taxpaying resident of the Keystone School District.

6. Based on personal information and belief, Plaintiffs fear that they will be subject to harassment and possible retaliation by peers and school officials for bringing this action if their identity is revealed.

7. Defendant Keystone School District is a political subdivision of the Commonwealth of Pennsylvania. The District's headquarters are located at 451 Huston Avenue, Knox, PA 16232.

8. Defendant Mr. John R. Slagle is the President of the Keystone School District Board of Directors. At all relevant times hereafter mentioned he was the superintendent of School District's Board president. Mr. Slagle is, and at all times hereinafter mentioned was, acting under color of state law. In his capacity as Board President, he is responsible for, inter alia, ensuring that the school district and its officials and employees act in conformity with the United States Constitution. He is sued in his official capacity.

E. FACTUAL ALLEGATIONS

9. The school district's graduation ceremony has in the past, including last year, contained a prayer, i.e., an invocation and/or benediction.
10. Upon information and belief, the prayer was delivered by a School District employee.
11. Defendants intend to continue the practice of including prayer at graduation during this year's ceremony, which is scheduled for Friday, May 27, 2005.
12. Plaintiffs plan to attend this year's graduation.
13. Plaintiffs do not wish to be subjected by the school district to prayers and other religious practices.
14. School Board meetings open with the superintendent leading other board members and the audience in a prayer.
15. These prayers invariably mention Jesus, making them sectarian.
16. Some students, notably student-government leaders, are required to, and do, attend school board meetings.
17. Additionally, other students are occasionally invited to attend, typically to receive from the Board an award or some other recognition.
18. Plaintiffs have attended School Board meetings and been subjected to the sectarian prayer.
19. Additionally, the School District includes official prayer at other school-sponsored events, such as student assemblies and banquets.
20. Officially-sponsored prayers at public-school events, including graduation ceremonies, board meetings, student assemblies and banquets are unconstitutional, regardless whether invited clergy, school officials or students recite them.

21. When public schools include officially-sanctioned prayer at school-sponsored events, they violate the Constitution by putting the power, prestige and endorsement of the state behind whatever prayer is offered, no matter who offers it. This makes students and invited guests who subscribe to different beliefs and recite different prayers, or no prayer at all, feel like outcasts or second-class citizens.
22. Absent preliminary injunctive relief by this Court, Defendants will violate Plaintiffs' First Amendment rights by subjecting them to unwelcome religious practices at the May 27 graduation ceremony and at future school board meetings.
23. There is no adequate remedy at law to address the constitutional violations.

F. CAUSES OF ACTION

First Claim: Graduation Prayer Violates the Establishment Clause of the First Amendment to the United States Constitution

24. The Defendants' inclusion of official prayer, be it termed an invocation, benediction or something else, at the graduation violates Plaintiffs' rights under the Establishment Clause of the First Amendment to the United States Constitution.

Second Claim: Prayer at School Board Meetings Violates the Establishment Clause of the First Amendment to the United States Constitution

25. The Defendants' inclusion of official prayer at School Board meetings violates Plaintiffs' rights under the Establishment Clause of the First Amendment to the United States Constitution.

G. RELIEF

WHEREFORE, Plaintiffs request that this Court:

- a. Declare that the Defendants' inclusion of official prayer at graduation and School Board meetings violates the Establishment Clause of the First Amendment to the United States Constitution;
- b. Enjoin, preliminarily and permanently thereafter, Defendants, the Keystone School District's elected officials, employees, agents, assigns and anyone acting in concert with them from the following:
 - i. Reciting or allowing any prayers, be they called an invocation, benediction or anything else, as part of the May 27, 2005, graduation program;
 - ii. Reciting prayers publicly during School Board meetings.
- c. Award Plaintiffs costs and attorneys' fees pursuant to 42 U.S.C. §1988; and
- d. Grant such other relief as the Court deems just and appropriate.

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Plaintiffs' attorney

May 26, 2005

VERIFICATION

I, DOE TWO, hereby affirm under the penalty of perjury that the factual statements contained in the foregoing Verified Complaint are, to the best of my recollection and belief, true and accurate.

DOE TWO

Date