

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

OCT 10 2006
By: JAMES W. McCORMACK, CLERK
DEPUTY CLERK

CHRIS LOWRY, by, through, and with
his Mother WENDY CROW;
COLTON DOUGAN, by, through, and with
his Father FRANK DOUGAN
and Mother LEIGH DOUGAN; and
MICHEAL JOSEPH, by, through, and with
his Mother HEIDI JOSEPH

PLAINTIFFS

VS.

CIV. NO. 5-06 CV00000262 JLH

WATSON CHAPEL SCHOOL DISTRICT;
CHARLES DANIEL KNIGHT, WATSON CHAPEL
SCHOOL DISTRICT SUPERINTENDENT,
in his Individual and Official Capacities; and
WATSON CHAPEL SCHOOL BOARD
PRESIDENT CHARLES DANIEL;
VICE PRESIDENT SANDRA C. BOONE;
SECRETARY DONNIE HARTSFIELD; and
MEMBERS DANNY HOLCOMB; JIM JOHNSON;
MAXINE NELSON; and JOHN TREGLOWN,
In their Individual Capacities

DEFENDANTS

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

1. On October 6, 2006, Plaintiffs Chris Lowry, Colton Dougan, and Micheal Joseph, students of the Watson Chapel School District ("WCSD"), wore black armbands to school to protest WCSD's uniform policy and the Defendants' method and manner of enforcing that policy.

2. Lowery, Dougan, and Joseph were all disciplined by Defendants for wearing the black armbands.

3. Other jewelry and adornments are allowed by the school uniform policy.

4. Pursuant to Rule 65 of the Federal Rules of Civil Procedure, and for the reasons set forth in their brief, the plaintiffs respectfully move this Court for a preliminary injunction:

- a. Enjoining each and all of the Defendants from disciplining the student Plaintiffs in any way for wearing the black armbands to school.
- b. Ordering Defendants to abate and expunge from all student records the unlawful discipline of the student Plaintiffs for wearing black armbands to protest the district's school uniform policy and the Defendants' enforcement of that policy;
- c. Enjoining Defendants from taking or enforcing the remainder of any disciplinary action against Plaintiffs on account of their armband protest; and
- c. Enjoining Defendants from using the unlawful disciplines to exclude the students from participation in school clubs, activities, and other events, curricular or extra-curricular.

5. Plaintiffs ask that the Fed. R. Civ. P. 65(e) bond be set at a nominal amount not to exceed \$10.00, as imposition of an injunction will impose no financial burden on the Defendants.

6. Plaintiffs submit and rely upon for support of their Motion the following Exhibits attached hereto:

Exhibit A – Affidavit of Wendy Crow

Exhibit B – Affidavit of Chris Lowry

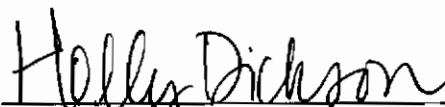
Exhibit C – Affidavit of Colton Dougan

Exhibit D – Affidavit of Micheal Joseph

Exhibit E – WCSD policy on School Apparel

WHEREFORE, Plaintiffs pray for the foregoing, as more fully set out in the Brief in Support of Plaintiffs' Motion for Preliminary Injunction, and for all other just and proper relief.

Respectfully submitted,

A handwritten signature in cursive script that reads "Holly Dickson". The signature is written in black ink and is positioned above a horizontal line.

HOLLY DICKSON

Arkansas State Bar No. 98137

ACLU of Arkansas

904 West Second Street, Suite 1

Little Rock, AR 72201

(501) 374-2842

ATTORNEY FOR THE PLAINTIFFS

AFFIDAVIT OF WENDY CROW

1. My name is Wendy Crow. My son Chris Lowry is 15 years old and in the eighth grade at Watson Chapel Junior High School.
2. My son and I disagree with the school district's uniform policy and the way it is being enforced.
3. I have had contact with many students and parents of students in the Watson Chapel School District who also disagree with the school district's uniform policy and the way it is being enforced.
4. I made black, stretchy armbands that my son and other students could wear to express their protest of the uniform policy. The armbands are about a quarter-inch wide, and plain black with no writing.
5. A group of parents, of which I was a part, handed out at least 206 armbands to parents and students for the students to wear in protest of the policy.
6. It was planned and publicized in the *Pine Bluff Commercial* newspaper and on several TV news programs that the armbands would be worn on Friday, October 6, 2006, to protest the uniform policy.
7. On Thursday, October 5, 2006, I started receiving numerous calls from concerned parents because Watson Chapel High School announced that any student wearing a black armband to school would be suspended for three days, and they would miss their semester tests, and the Junior High announced that anyone wearing an armband would be punished "accordingly."
8. Many parents said they would not let their children wear the armbands because they were afraid of the suspension and its consequences for their children.
9. I took my son to school on Friday, October 6, 2006, and allowed him to wear his armband. He had it on his left forearm, and not over the uniform at all.
10. Throughout the morning, I received calls from parents whose children had been suspended from school for wearing the armbands.
11. Junior High Principal Henry Webb called me at work around 11:30 a.m. He said, "Mrs. Crow, Chris is in violation of the uniform policy. I need you to come and pick him up." I went immediately to the school to pick Chris up.
12. When I went into the office to sign him out, I noticed that there were at least 20 signatures for students being signed out for "uniform violations." By the end of the day, six high school students were disciplined for wearing the armband, four of whom received a suspension. Twenty-five junior high school students were disciplined for

Exhibit A

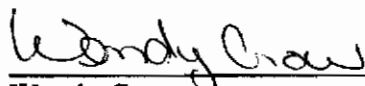
wearing the armband, sixteen of whom received a suspension. Two elementary students were also required to remove their armbands.

13. Chris brought home a slip stating that he was being suspended for one day for his second violation of the uniform policy.

14. I believe my son should be allowed to wear the armband to protest this policy, and he should not be subject to discipline for it.

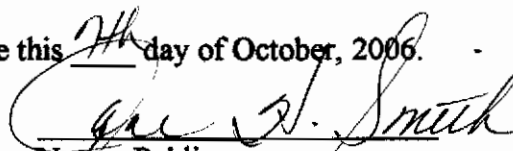
15. I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

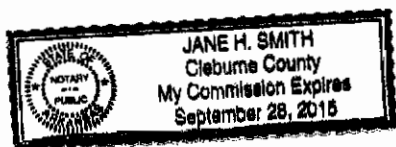
Further affiant sayeth not.


Wendy Crow

State of Arkansas
County of Pulaski

Subscribed and sworn to before me this 7th day of October, 2006.


Notary Public



AFFIDAVIT OF CHRIS LOWRY

1. My name is Chris Lowry. I am 15 years old and in the eighth grade at Watson Chapel Junior High School. My mother, Wendy Crow, knows that I am giving this affidavit and has read this affidavit, as well.
2. I have received one disciplinary slip this year for a violation of the school uniform policy for wearing a black lanyard with my school identification instead of the school-issued yellow lanyard, which says "Watson Chapel Wildcats" all over it. I received a one-day suspension. The uniform policy does not state that the lanyard is required to be the school-issued yellow lanyard.
3. I disagree with the school district's uniform policy and the way it is being enforced.
4. To show my disagreement with the school district's uniform policy, I wanted to wear a black armband on my arm. During the week prior to October 6, 2006, I discussed with my mother and friends wearing these armbands for this purpose.
5. On Friday, October 6, 2006, I wore to school a black armband on my arm at just below the elbow level.
6. The armband was made of a slightly elastic black cloth, about one-quarter inch wide.
7. As soon as I stepped foot on the school's front driveway, a teacher told me that I was in trouble for wearing an armband and the Assistant Principal, Dr. Johnson, told me to go to the library. On my way to the library, Principal Webb took me to his office, where I waited until Assistant Principal Glover told me to go to the library, and he accompanied me there. In the library, there were two Pine Bluff police officers and a Jefferson County Sheriff's Deputy, in uniform and armed, who appeared to be in charge. About 24 students were in the library waiting to be called in for armband-related violations.
8. Students were called out of the library one by one. I was the last called, after three class periods. I was sent to Principal Webb's office.
9. Mr. Webb asked to see my armband, and he kept it. He called my mother and told her to come get me for a second uniform violation. He then gave me a disciplinary slip for a one-day suspension, a copy of which is attached.
10. I went to in-school suspension in the "box," which is a dim room connected to the gym, where I waited for 15 minutes until my mother arrived.
11. I would like to be able to wear my armband to protest this policy and not face discipline for it.
12. I wear two necklaces to school every day; both fit snugly around my neck. One has seashells on it with a small skull in the middle. The other is a hemp-like rope necklace with a

Exhibit B

small glass pendant in the middle. Once this year the school secretary wanted me to take off the necklace with the small skull because she said it looked satanic, but she dropped the matter when I protested.

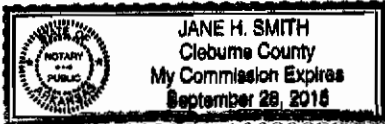
13. I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Further affiant sayeth not.

Chris Lowry
Chris Lowry

State of Arkansas
County of Pulaski

Subscribed and sworn to before me this 7th day of October, 2006.



Jane H. Smith
Notary Public

Watson Chapel Junior High School

HENRY WEBB
PRINCIPAL

JEFF GLOVER
ASSISTANT PRINCIPAL

DR. RONNIE JOHNSON
ASSISTANT PRINCIPAL

MEMBER OF NORTH CENTRAL ASSOCIATION

3900 Camden Rd.
Pine Bluff, Arkansas 71603
Phone 870-879-4420
Fax 870-879-4426

CHARLES D. KNIGHT
SUPERINTENDENT

IVY LINCOLN
ASSISTANT SUPERINTENDENT

DONALD ALMOND
COUNSELOR

DEBORAH SMART
COUNSELOR

Date: 10-6-2006

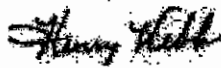
Dear Parent or Guardian:

Chris Lowry 8th has been suspended
(Student) (Grade)
from attending Watson Chapel Junior High for:

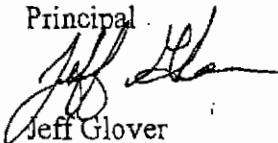
2nd dress code violaton.

This suspension is for 1 school day (s) and the student may re-enter school on 10-9-2006 provided the student is accompanied by either parent or guardian and has not been seen around the school campus at any time during this suspension. The basis for this suspension is defined in the Watson Chapel Junior High School Student Handbook. The parent or guardian has a right to request a principal's conference during the period of suspension and also is advised that this action may be reviewed by the Watson Chapel Superintendent.

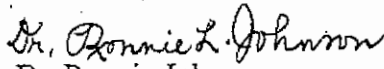
Yours truly,



Henry Webb
Principal



Jeff Glover
Assistant Principal


Dr. Ronnie Johnson
Assistant Principal

Handwritten initials:
24
02
HW

AFFIDAVIT OF COLTON DOUGAN

1. My name is Colton Dougan. I am 14 years old, and a ninth grader at Watson Chapel Junior High School. My mother and father, Frank and Leigh Dougan, know I am giving this affidavit and have read this affidavit.

2. I have not had any violations of the uniform policy until Friday, October 6, 2006.

3. I disagree with the school district's uniform policy and the way it is being enforced.

4. To show my disagreement with the school district's uniform policy, I wanted to wear a black armband on my wrist.

5. On Friday, October 6, 2006, I wore a black armband to school on my lower arm.

6. The armband is about one inch wide, made of stretchable material. It was not on my uniform at all, but just below my elbow and shirt.

7. In third period, just before lunch break, I was in p.e. class, and a p.e. teacher saw my arm band and, because I was wearing it, sent me to the office.

8. During the course of the day on Friday, I saw no disruption of the school or any classes on account of the armbands.

9. I went to the office, and waited to see the Principal, Mr. Webb.

10. Mr. Webb finally called me in, and asked me if anyone had called my parents. I said no. He asked me where I had gotten my armband, and I told him I'd gotten it from my parents.

11. Mr. Webb asked me to give him my armband, and I gave it to him. Then he called my parents.

12. I heard Mr. Webb say on the phone that I wouldn't be suspended because it was the first time I had violated the uniform policy.

13. After Mr. Webb talked to my parents, he said I could go back to class, but that I would have a disciplinary slip in my folder. He did not give me the slip, but I later saw that a slip with my name on it was in a basket on Vice Principal Glover's door. I did not read the slip.

14. I have had no disciplinary slips ever until the slip issued Friday, October 6, 2006.

Exhibit C

15. I am a member of Beta Club, and under Beta Club rules, I will no longer be eligible to be a member of Beta Club because of this disciplinary action.

16. I would like to be able to wear my armband to protest this policy and not face discipline for it.

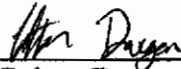
17. A large part of the student body was planning to wear the armbands, but we heard the school was suspending students. Before school, most of the students took their armbands off and hid them.

18. Students were worried that they would not be able to take nine weeks tests, which are set for next week, so most students took them off.

19. I wear a white, stretchy rubber bracelet that is about a half-inch wide to school everyday on my wrist. It says "Life Pure: 1 Timothy 4:12." I have not been disciplined for wearing this bracelet.

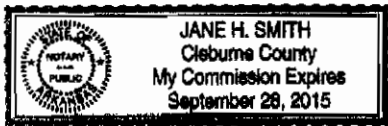
20. I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

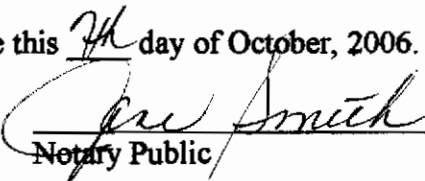
Further affiant sayeth not.


Colton Dougan

State of Arkansas
County of Pulaski

Subscribed and sworn to before me this 24 day of October, 2006.




Notary Public

AFFIDAVIT OF MICHEAL JOSEPH

1. My name is Micheal Joseph. I am 16 years old and in the 10th grade at Watson Chapel High School. My father, Morgan Joseph, knows that I am giving this affidavit and has read this affidavit, as well.

2. I have not had any violations of the uniform policy until Friday, October 6, 2006.

3. I disagree with the school district's uniform policy and the way it is being enforced.

4. To show my disagreement with the school district's uniform policy, I wanted to wear a black armband on my wrist.

5. On Friday, October 6, 2006, I wore a black armband to school on my wrist.

6. The arm band is about one inch wide, made of stretchable material. It was not on my uniform at all, but just around my right wrist.

7. I walked to school that morning. I was standing in the parking lot before school. Assistant Principal Hayden came to me and told me to go to the auditorium and wait until someone came and sent me home.

8. I went to the auditorium, and waited for two class periods. There were other students in the auditorium.

9. Assistant Principal Mrs. Williams came to the auditorium and took me outside to talk to her. She gave me a sheet of paper titled "Uniform Violation Report" and told me I was being suspended for one day for wearing a black armband. A copy of the Uniform Violation Report is attached to this affidavit.

10. School policy says we get a written warning for the first uniform violation, but I was suspended even though I had not had any previous violations.

11. Other students were sent to the office for wearing their armbands, also.

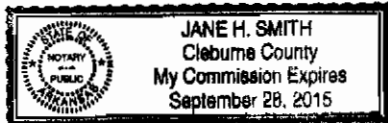
12. I would like to wear my armband to protest this policy and its enforcement.

13. I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Micheal Joseph
Micheal Joseph

State of Arkansas
County of Pulaski

Subscribed and sworn to before me this 7th day of October, 2006.



Jane H. Smith, Notary Public

Exhibit D

UNIFORM VIOLATION REPORT

Date 10-4-06 Teacher Hayden

Student Name Michael Joseph

Grade 10 Period 2

The above student is in violation of the WCHS Uniform Policy/Dress Code as stated in the WCHS Handbook.

The violation is as follows:

Black Arm Band

1 day suspension - Return 10-9-06

9:50 called & talked to mother - mother gave

student permission to walk home.

Teacher Signature

Watson Chapel Schools

MEMBER OF NORTH CENTRAL ASSOCIATION
4100 CAMDEN ROAD
PINE BLUFF, ARKANSAS 71603
Phone 870-879-0220 870-879-0221
FAX 870-879-0588

CHARLES D. KNIGHT
SUPERINTENDENT
IVY LINCOLN
ASSISTANT SUPERINTENDENT FOR FINANCE
BRENDA MELTON
ASSISTANT SUPERINTENDENT FOR INSTRUCTION
LEE BRUCE
TRANSPORTATION/MAINTENANCE DIRECTOR

DIRECTORS
CHARLES DANIEL
PRESIDENT
SANDRA C. BOONE
VICE PRESIDENT
DONNIE HARTSFIELD
SECRETARY
DANNY HOLCOMB
JIM JOHNSON
MAXINE NELSON
JOHN TREGLOWN

July 17, 2006

Dear Watson Chapel Students and Parents:

Here is the new uniform policy for the coming school year. It will be strictly enforced from the first day of school—no exceptions. Please take the time to plan your student's clothing before school starts in August. Our goal is to have school with minimum distractions from learning. The policy makes a big change from the previous policy on colors in the secondary schools, among other changes.

I know there is disagreement with parts of this policy, but after long deliberation, our Board of Education voted unanimously to adopt all of it. They were all of the opinion that for six and one-half hours per day, it would not be an undue hardship on anyone and it would be an educational benefit for everyone.

As chief administrative officer of this district, I will see that our entire faculty strictly enforces this policy. I will not spend time arguing or debating whether or not something is appropriate or not. This policy will be strictly enforced from day one. We want to have you involved in the educational process. More learning will occur if you are. It is our desire that all of you, students and parents of this district, work together for the betterment of this school, and that our students remain focused on learning rather than trying to circumvent a policy. Please read the policy carefully. The major changes are in grades 7-12.

Thank you very much for your assistance.

Sincerely,


Charles D. Knight



Exhibit E

STUDENT APPAREL

1. Students are required to wear the school uniform while in school, on school buses, and at designated school bus stops, unless directed otherwise by the school principal.
2. The intent of this rule is to promote equal educational opportunity through economical access to appropriate school clothing and orderly, uniform apparel standards for students.
3. Principals shall strictly enforce this policy with progressive disciplinary consequences.
4. Principals shall not allow individual exceptions—even for short periods of time—on any basis other than minimal variance to accommodate a documented handicapping condition.
5. Principals may permit group exceptions only for special school activities—such as JROTC uniform day or an occasional special apparel theme day.
 - A. Any theme day special apparel must be freely available to all students.
 - B. No school day shall be declared simply uniform-free.
6. Students are not required to wear the school uniform to after-school sporting events or similar activities outside the school day.
7. The uniform rules shall be strictly enforced by principals and teachers at all times and in all school settings, allowing no student to enter class out of uniform. Schools shall maintain a supply of uniforms for emergencies and new students.
8. Failure to wear the school uniform is a violation of the student discipline policy with all of the possible disciplinary consequences listed in the student handbook.
9. School uniform means
 - A. in grades 7-12, polo style shirt with placket, 2 or 3 buttons, long or short sleeves, and ribbed-knit collar in the color **hunter green only for the junior high and white only for the senior high school**
 - B. in grades K-6, polo style shirt with long or short sleeves, placket, 2 or 3 buttons, and ribbed-knit collar, or oxford style shirt with collar and long or short sleeves, in white, light blue, or burgundy
 - C. pants, shorts, jumper, skirt, capris, or skorts with plain or pleated front
 - a pants, capris, and shorts must be straight-legged, with or without cuffs
 - b pants, capris, and shorts must have belt loops in grades 7-12**
 - c colors for elementary—khaki or navy blue
 - d color for junior and senior high—khaki only
 - e no cargo pants, stretch pants, sweatpants, wind pants, or denim of any color**
 - D. solid color black or brown belt with pants, capris, or shorts in grades 7-12
 - E. solid color black or brown belt with any garment that has belt loops
 - F. student identification card issued by the school office
 - a worn where clearly visible at all times
 - b either pinned to the uniform or on a lanyard
 - c required as soon as issued by the office
 - d in all schools except Edgewood (Grades K-1).

- G. If an outer garment is needed for warmth, the uniform may include a solid color sweatshirt or sweater in black, golden yellow, or the shirt color designated for the school attended
 - a with or without school insignia, such as the school name and mascot, but with no other words, names, logos, or markings
 - b with or without an attached hood.
- H. If an undershirt is needed for warmth, the uniform may include a plain white tee shirt or plain white turtle-neck with no markings or logos
 - a The tee or turtle-neck may be visible at the neck above the placket of the polo shirt.
 - b The tee or turtle-neck may not be visible below the sleeve of the polo shirt.
- 10. The school uniform shall be kept in good repair with
 - A. no frayed hems or seams
 - B. no splits other than manufactured splits
 - C. no missing buttons, belt loops, or other parts.
- 11. The school uniform must fit with
 - A. no sagging**
 - B. no skin-tightness**
 - C. no plunging neckline**
 - D. no transparency**
 - E. full body coverage from the shirt placket to a dollar bill's width above the knee
 - F. shirt-tails long enough to remain tucked in during all physical activity.
- 12. The school uniform must be worn with waistbands fastened, shirttails tucked in, and belts buckled.
- 13. No hat or other head covering is permitted, except that hoods attached to an approved outer garment may be pulled up on the head outside for warmth; hoods may not be worn pulled up on the head inside buildings.
- 14. No towel, scarf, bandana, do-rag, shirt, string, chain, jewelry, special button, insignia, label, marking, different-colored stitching, fringe, brad, stud, picture, logo, ribbon, embroidery, initials, monogram, special buckle, or any other form of adornment may be worn on or over any part of the uniform, except the school name, school logo, or school insignia.
- 15. Personal jewelry may be worn attached to or hanging on the body, but jewelry may not overlap any part of the uniform. Sunglasses may be worn as eye protection outside, but sunglasses may not be visible inside the buildings.
- 16. Coats and jackets may be worn over the uniform, but
 - A. they must be unzipped or unbuttoned inside the buildings so that the uniform is fully visible in the front.
 - B. No pullover coats or jackets which do not open fully in the front may be worn over the uniform in the buildings.
- 17. Any attempt to defeat the uniformity intended by this policy is prohibited.