

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JOHN DOE and JANE DOE, as the)	
Natural Parents and Next)	
Friends of Their Minor Child,)	
JAMES DOE,)	
)	
Plaintiffs,)	
)	
v.)	
)	
)	No. 3:06-0924
THE WILSON COUNTY SCHOOL)	Judge Echols
SYSTEM; DR. JIM DUNCAN,)	
Individually and as Director of)	
Wilson County Schools; WENDELL)	
MARLOWE, Principal of the)	
Lakeview Elementary School;)	
YVONNE SMITH, Assistant)	
Principal of Lakeview)	
Elementary School; and JANET)	
ADAMSON, Teacher at Lakeview)	
Elementary School,)	
)	
Defendants.)	

ORDER

For the reasons explained in the Memorandum entered contemporaneously herewith, the Court rules as follows:

(1) The Court finds **in part in favor of Plaintiffs** and **in part in favor of the Defendants** and Intervenor-Defendants. More specifically, the Court finds in part in favor of John and Jane Doe, as parents and next friends of their minor child James Doe, against all individual Defendants and their successors and against the Intervenor-Defendants on the Does' First Amendment claims brought pursuant to 42 U.S.C. § 1983, and the Court finds in part in favor of all individual Defendants and their successors and the Intervenor-Defendants against John and Jane Doe, as parents and next friends of their minor child James Doe, on the Does' First Amendment claims brought pursuant to

42 U.S.C. § 1983. **The Court finds that the Does did not prove by a preponderance of the evidence that Defendant Wilson County School System should be held liable** under 42 U.S.C. § 1983;

(2) The Court finds that Intervenor-Defendants have not presented a justiciable controversy concerning whether their First Amendment rights have been violated by the Defendants;

(3) The individual Defendants and their successors and all parties' officers, agents, servants, employees, and attorneys acting in concert or participation with them are hereby permanently enjoined, restrained, and directed as follows:

(a) Lakeview School administrators, teachers and staff must follow all written policies of the Wilson County Board of Education concerning religious activities and practices in the Wilson County public schools, use of public school facilities by school and non-school related groups, and distribution of advertising materials in the public schools by school and non-school related groups;

(b) **The Praying Parents group may meet on Lakeview School property** in the same manner as other groups are allowed to meet on Lakeview School property (whether such other groups are religious or non-religious or school or non-school related), and the time, place and restrictions on any such meetings of the Praying Parents group on school property must be determined, as for other groups, by Lakeview School administration in advance in accordance with the applicable written policies of the Wilson County Board of Education;

(c) **The Praying Parents group may have direct access to the Lakeview School teachers' lounge and the mailboxes of Lakeview School administrators, teachers and staff** in the same manner as other groups are allowed to have direct access to the teachers' lounge and the mailboxes of Lakeview School administrators, teachers and staff (whether such other groups are religious or nonreligious or school or non-school related) and such direct access of the Praying Parents group to the

teachers' lounge and the mailboxes must be approved by Lakeview School administration in advance, as for other groups, in accordance with the applicable written policies of the Wilson County Board of Education;

(d) The Praying Parents group may distribute materials about their activities and advertise their activities through flyers, posters, "Eagle Eye" notices, and announcements in the same manner and to the same extent as other groups are allowed to distribute materials about their activities and advertise their activities through flyers, posters, "Eagle Eye" notices, and announcements (whether such other groups are religious or non-religious or school or non-school related) and such distribution and/or advertisement by the Praying Parents group must be approved by Lakeview School administration in advance, as for other groups, in accordance with the applicable written policies of the Wilson County Board of Education;

(e) Lakeview School kindergarten teachers may include in their instruction about the origin and history of the Thanksgiving holiday and the culture of the Pilgrims a short, generic prayer blessing as an example of the type of Thanksgiving prayer that may have been said by the Pilgrims so long as any such prayer is in keeping with historical and contemporary values and the origin of the holiday, the prayer blessing is presented in an unbiased and objective manner without sectarian indoctrination, parents of kindergarten students are given express, advance notice of the inclusion of the prayer blessing in the Thanksgiving unit, and parents of kindergarten students are given the opportunity to request in advance that a student be excused from participating in the prayer blessing;

(f) Lakeview School kindergarten teachers may include a nativity scene, accompanied by the singing of religious carols, in the annual Christmas program so long as the nativity scene is displayed as an example of the cultural and religious heritage of the holiday, the display is temporary in nature, the display is presented in an unbiased and objective manner without sectarian

indoctrination, the parents of kindergarten students are given express, advance notice of the inclusion of the nativity scene and the singing of religious carols in the annual Christmas program, and parents of kindergarten students are given the opportunity to request in advance that a student be excused from participating in the nativity scene and the singing of religious carols;

(g) Lakeview School may permit the See You At The Pole™ event and the National Day of Prayer event to take place on school property during non-instructional hours if the Wilson County Board of Education approves of such activities in advance in accordance with applicable written Board policy; further, no school system employee may organize or promote such events or attend or participate in such events except for the limited purpose of supervising students and/or public school property; further, any flyers, signs, posters, notices or announcements promoting such events must include a disclaimer that the Wilson County School System and the administration of the Lakeview School do not endorse or sponsor the events; further, “I Prayed” stickers may not be worn by Lakeview School administrators, teachers and staff during instructional time, but students may do so; and further, any equipment owned by the Wilson County School System may be used at the event if reasonable compensation is paid for its use in accordance with applicable written Board policy.

(4) Entry of this Order on the docket shall constitute entry of final Judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

IT IS SO ORDERED.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE