

DECLARATION OF SEAN SHIELDS

I, SEAN SHIELDS, state and declare as follows:

1. I am a teacher of mathematics at Plainview School in Sheridan Lakes, Colorado. I have held this position since August of 2000.
2. I am also the father of three children who are students at Plainview School: Dominic, age 8, grade 2; Courtney, age 11, grade 5; and Ashlee, age 13, grade 7.
3. My wife, my children and I do not subscribe to any formal religion.
4. My family moved to this community in August of 2000. My parents have lived here for 8 years. My maternal grandparents have lived here for over 50 years and my mother grew up in this community. My father has been an employee at Plainview since his arrival.
5. Unless otherwise noted, I have personal knowledge of the matters set forth in this declaration which I have gleaned from my training and employment by Kiowa County School District RE-2, and my observation and understanding of its policies and practices. Otherwise, I have relied only on statements made by teachers or administrators employed by the District at the time of the statement. Plainview is a small school and at one time or another all teachers and administrators are expected to be responsible for such school related activities as graduation, school-sponsored dinners, and in-service training. These activities are therefore within the scope of their employment by the District.
6. Plainview School has 58 students enrolled in grades kindergarten through 12 from the communities of Plainview, Sheridan Lake, and the surrounding area. There are ten full-time teachers and four part-time teachers. The principal of the school is Mr. Joe Shields, my father. The school is located in Kiowa County School District RE-2 (sometimes referred to as Plainview District RE-2). Mr. Johnny Holcomb became the superintendent of the District in July of 2001.

7. It is the practice at Plainview School for each grade level, 7-12, to have a faculty sponsor. This year I am the sponsor for the eighth grade class. In addition, I sponsor the student council. Class sponsors are required to provide supervision at class sponsored activities and assist in moneymaking projects. As 8th grade sponsor, I am required to help coordinate and participate in the graduation ceremony.

8. It has become apparent to me during my tenure at Plainview School that sectarian religious messages and ceremonies are pervasive at school functions. As is discussed in more detail below, sectarian prayers are routinely given at such school functions such as teacher in-service training sessions. A prayer is offered at nearly every school function where food is involved. At many of these functions, members of the school board or the District Superintendent have given the prayer. In conversations with other faculty and staff members at Plainview School, I have learned that these incidents are not unique in the history of the school, but are part of a pattern that has been the norm for a number of years.

Prayer at Plainview Graduation Ceremonies and Other School Functions

9. For many years, a Christian minister has given a prayer at the annual ceremony for graduating seniors and continuing eighth graders. (I will refer to this combined ceremony as the “graduation ceremony.”) Last year, school officials established a process whereby graduating students vote for a “message” to be given as a part of the graduation ceremony. This new policy was due, in part, to my presence and continued complaints about ongoing religious practices. In reality, this voting process is merely a vehicle for permitting ongoing sectarian prayer.

10. I learned about Plainview’s practices with respect to prayer at graduation ceremonies during my first year of employment. In April of 2001, I learned from Tom Pape, social studies teacher and senior class sponsor, that the 2001 graduation ceremony would include an invocation to be given by a local minister. Mr. Pape told me that one of the local ministers, Mr. Fink, Mr. Gitchel, or Mr. Edwards, had delivered prayers at graduation exercises at the school for a number of years. Mr. Gitchel is also a part-time bus driver for the school and is very involved in school activities. Another minister’s wife, Debbie Fink, is the school’s music teacher.

11. I approached Janet Palmer, superintendent, to complain about this intrusion of religion into the graduation proceedings. In addition, Justin Crain, a graduating senior, also complained to Mrs. Palmer and I about the planned inclusion of a Christian prayer in the graduation ceremony. When he spoke to Mrs. Palmer, Mr. Crain threatened to sue the school. Her response was "Bring it on."

12. In response to our protests about two weeks prior to graduation, the seniors set up an election. Students were allowed to vote for one of three alternatives for the graduation ceremony: (1) a moment of silence, (2) a prayer to be delivered by an elected member of the senior class, or (3) no invocation or devotional moment. The votes for a moment of silence and prayer were tied, and those for nothing were fewer than those for either of the two other alternatives. A second election was then held to resolve the tie, and the majority of senior students voted for a moment of silence.

13. After this second election, a number of persons in the communities served by Plainview School wrote to Mrs. Palmer protesting the exclusion of Christian prayer from graduation. Mr. Pape, the senior class sponsor, was not allowed to see these letters but happened to see that one of them was written by Dorcus Berggren, a member of the community. This letter basically stated that the community, who had been very supportive of classes in the past, would remember this vote and stop supporting class activities, if the prayer was disallowed. To my knowledge, no one else was allowed to review the letters.

14. In reaction to these protests, the students set up another election and school administration was invited to attend. Mrs. Palmer and Joe Shields, who is my father and acting principal, attended this meeting with the members of the senior class on the subject of prayer at graduation. The result of this election was a majority vote in favor of prayer. After the vote, Mr. Shields asked Mrs. Palmer if it was right. She replied by shrugging her shoulders. Subsequently, Randy Williams, a graduating senior, volunteered to deliver a prayer. To the best of my knowledge, a member of the staff did not review the content of the prayer.

15. Graduation for the class of 2001 took place on May 13, 2001. It was held in the Plainview gymnasium, was planned and sponsored by school faculty and staff, including Mr. Pape, and was presided over by both Mrs. Palmer and Mr. Shields. The

student participants in the graduation ceremony were selected by class vote and Mr. Pape prescribed the course of proceedings. I was present and videotaped the ceremony. The text of the prayer given is transcribed below:

Dear heavenly father, we praise you for your many blessings and your never-ending love and grace.

We thank you for this beautiful day and for the friends and family who have come to celebrate with us.

Please help us find your will for our lives.

Dear lord, on this Mother's Day, please bestow a special blessing on these women who are so important to so many and so loved by you.

Lord Jesus, we behold your majesty with splendor and your excellence with purity.

Let us glorify you today and all the days to come.

We ask these things through your son, Jesus Christ.

There was no apparent audience participation in the prayer and no specific mention of it on the program.

16. Christian prayers are regularly made at other school functions without a vote from any of the persons attending the meeting. For example, at the first in-service, or orientation meeting, held at school for the faculty in August of 2001, Superintendent Holcomb prayed in advance of the lunch served. This prayer was quite similar to the one given at graduation and, as a tradition, is given every year. This in-service meeting, which is held every year prior to the start of school, was mandatory for all teachers.

17. As mentioned earlier, a prayer is offered at every school event where food is involved. This year, the District organized and sponsored several community forums where the community was invited to attend a potluck style dinner in the school cafeteria to discuss school issues with Mr. Holcomb, the District Superintendent. A prayer has preceded each of these dinners. I have not allowed my children to attend a single community dinner for fear of the discomfort that accompanies sitting through these prayers.

18. The annual academic/athletic awards banquet was held on May 16, 2002. The Superintendent and all faculty attend the banquet which was headed this year by the athletic director. This banquet, paid for and promoted by the school, began with a

moment of silence, rather than the traditional prayer. This is due, undoubtedly, to the recent investigations by the ACLU into religious practices at the school. It is the first time that such a banquet, that has not had church sponsorship, has been preceded by a moment of silence rather than a prayer. The banquet is on the school calendar and is held in the school gym.

19. For the May 25 graduation, the seniors have voted to have a student “message.” I know this because it is on the graduation program that has already been printed. Staff and administration are not supposed to know who the student speaker will be or what the subject of the message will be.

Other Religious Activities

20. In late 2001, I protested the hanging of a banner in the school which read “In God We Trust.” Initially, the board decided not to hang the banner. After numerous community complaints, and despite the strong protests of Mr. Pape and I, the board had a second vote and the banner was placed in the school lobby.

21. In December of 2001, I found a Bible in my mailbox at the school. It was inscribed with a personal message to me inscribed as follows:

Dear Mr. Shields,

Thank you for coming to our community & to Plainview to teach and love the students. We appreciate your teaching so very much.

We pray the Lord will strengthen you as you teach the children, so that they can go out from here and make a difference in our world.

The Lord’s Blessings on you.
In Christ

Moms in Touch
Sheridan Lake 2002
Ruth Buller, Barb Gitchel & Pastor Larry (Gitchel)

After investigation, I learned that every member of the faculty had been given a Bible at this time. I asked Superintendent Holcomb if he supported this activity and he replied that the Bibles were “just gifts.”

22. Last week, the school sent out permission slips with the students regarding distribution of Gideon bibles. Students presenting a signed permission slip to Mr. Holcomb could pick up these bibles after school.

23. In February of 2002, my daughter Ashlee, a seventh grade student at Plainview School, told me that she was uncomfortable with some of the songs the choir was practicing for performance by the school choir at an April concert, because they were religious in nature. The songs in question were “Didn’t My Lord Deliver Daniel” and “Do, Lord.” I reviewed the lyrics to these songs and found them inappropriate for performance by a public school choir.

24. Choir is a required course for junior high school students at Plainview, two days per week. Choir students are graded and those grades are included in their academic records. In addition, Ashlee enjoys singing and has been chosen to perform solos with the choir, which makes it especially difficult for her to deal with the injection of religion into what is otherwise a very positive and satisfying school activity for her.

25. Prior to the concert, Mrs. Fink told Ashlee that she could be excused from the practicing and performing of these songs if she chose. Ashlee was self-conscious about doing this and reluctant to call unfavorable attention to herself in that way, which I explained to Mr. Holcomb. At the time of the performance, Ashlee left the room and did not take part in the singing of those songs. This was a source of great embarrassment and discomfort for her.

26. Because of the pervasive religious culture at Plainview School, my children are often subjected to ostracism and ridicule. Last year, my children were continually badgered by other children about their religious beliefs. At times, they were driven to tears and complained both to me and the principal about this matter. This year, the pressure has come more from community members in the form of events and clubs such as the good news club, Awanis, and “4-12”. Other than the occasional religious comment, I am not often directly confronted on this issue. The Athletic Director of Plainview told me that the school hadn’t had any problems with religion before my arrival and he didn’t see the big deal. The superintendent has made comments such as “I

would say you were going to heaven for that, but you don't believe in that stuff." When I told him about the effects of such comments, he told me that he didn't realize that they were offensive.

27. While I have never seen first hand proselytizing of students, I had one student tell me that her keyboarding class had been discussing creationism and evolution and that it was she (on the side of evolution) vs. the other freshman student and the teacher, Mrs. Arns (on the side of creationism). The student said that she wished that I had been there during the discussion.

Upcoming Events at Plainview School

28. I have received a copy of a letter dated April 30, 2002, written to Superintendent Holcomb by Thomas T. Farley of the law firm of Petersen & Fonda P.C., legal counsel to the school district, advising the district on implementing this election and the giving of "messages" at graduation ceremonies. A copy of that letter is attached to this affidavit as Attachment 1.

29. Graduation for the class of 2002 is scheduled for May 25, 2002. I have learned that the senior class voted in an election regarding the giving of a "message" at graduation. Mr. Holcomb met with them prior to the election, spelling out the guidelines for a student message as written in the Farley letter. It is my understanding that a "senior message" will be given as part of the graduation ceremony and the identity of the speaker and the text of the message have not been released to the school administration.

30. Because Plainview School is small, graduation exercises for seniors are held in conjunction with continuation for eighth grade students. As the eighth grade class sponsor, I will be required to attend. If the school is permitted to proceed with its intended practice of praying – in the guise of the giving of "messages" or otherwise, I will be forced to sit through yet another experience of forced religious discourse in order to fulfill my obligations as a teacher. As a member of the staff and a parent of three children attending the school, I am always reluctant to attend a school event, because of their religious content. In addition, I must monitor extracurricular events that my children attend for religious influences.

31. As a seventh grade student at Plainview and an elected usher for the 8th graders, Ashlee will attend this year's graduation ceremony. As an usher, Ashlee and another 7th grader, will lead the procession of 8th graders down the aisle. She is nervous about the prayer that is likely to be given. Furthermore, as my children reach the age of continuation or graduation, they too will be subject to this intrusion unless they are willing to forgo attendance at their own graduations and continuations.

32. On Friday, May 24, the last teacher workday will be held for the year. Mr. Holcomb will be serving a lunch at the school for teachers only and I expect a prayer to be offered at this as well.

The above declaration is true and correct to the best of my knowledge and belief.

Sean Shields