

Dr. Doug Otto, Plano ISD Superintendent of Schools
Statement Regarding Pending Lawsuit (4-5-2005)

Good afternoon. I am Doug Otto, superintendent of schools. Thank you for attending this press conference. I will share a statement, which takes about five minutes, and then will provide a copy of the information to you. Following my remarks, I will answer questions from the floor. I am pleased that Mary Beth King, president of the Board of Trustees, and School District Attorney Mari McGowan, from the law firm of Abernathy, Roeder, Boyd & Joplin, P.C. Attorneys at Law, are joining me today.

Plano ISD is a public school district of more than 52,000 students and 4,000 teachers at 65 campuses whose primary mission is to educate students. The educational process includes teaching civic principles that serve as guideposts for how we live together and negotiate our differences in society. These guideposts have allowed our community to unite by focusing on our common ground while respecting differing views, whether they are political, religious or racial.

Although the District has made great efforts in that regard, a small number of individuals believe that Plano ISD has not adequately implemented those civic principals or that we have failed to respect our differences appropriately.

In December, four families filed suit against the District and six current and former employees. The suit accused the District of acting hostile toward their Christian beliefs because we did not allow their children to distribute

religious materials to fellow students. This mistrust of the District greatly concerns me.

The lawsuit disputes the District's distribution policy for nonschool literature. This litigation has placed Plano ISD teachers in a compromising position in which they feel they must be constitutional scholars regarding the first amendment and religion. This lawsuit reflects a lack of trust between staff and a few families because of our sincere intent for all Plano ISD students to be provided their first amendment rights.

I am deeply concerned about the impact of this lawsuit on Plano ISD staff and the toll it has taken on their professional careers and private lives. Although this lawsuit has a direct impact on Plano ISD, all educators are now wary that their actions, however well intended, could result in litigation.

The District is obligated to all persons of faith and non-faith to be neutral in allowing religious liberty, while not violating the rights of others. Although the current lawsuit deals only with distribution of Christian material, the District currently embraces religious diversity and expressions in many ways without complaint. Plano ISD has been diligent to pursue a common ground for all.

In that spirit, I am recommending that the Board of Trustees make changes to the Student Expression: Distribution of Nonschool Literature Policy, FNAA (Local), at tonight's Board meeting that will allow greater distribution by students and others of all materials, including religious materials by all faiths. This outreach is extended to the four families who

have filed the lawsuit and to any others who feel our distribution policy has been too restrictive.

With the Board's approval on the first reading, Plano ISD will implement this revised policy on Wednesday. We will meet with principals and request that they share this information with their staff members immediately.

The recommendation is not made because the District believes it has violated anyone's constitutional rights or that it is intimidated by the Plaintiffs or fearful of losing the case. I am making the recommendation in an effort to take the first step in restoring trust in those, however few, who have come to view the District with suspicion.

If the Board approves the policy, the District will also make an offer of judgment in the pending lawsuit case tomorrow in an effort to end the litigation. The offer denies liability or wrongdoing, but offers the Plaintiffs a nominal sum of money and to pay reasonable attorney's fees.

I would like to take a moment to discuss briefly the proposed changes in the distribution policy.

The existing policy provides a forum to share materials by placing items on a distribution table from which students may choose to take or not take an item. The revised policy will create more opportunities for students to exchange materials while remaining non-disruptive to the educational process.

At elementary schools, students will be permitted to exchange materials 30-minutes before and after school at any entrance or exit and in any gathering areas approved by the principal. Students may also distribute materials at designated recess periods and from the distribution table. Distribution is not permitted in the classrooms during school hours, with the exception of three annual parties, which are usually the winter holiday party, Valentine's Day party, and end of school party.

This policy provides more leeway and freedom for secondary students because of their age. These students may distribute 30-minutes before and after school at any entrance or exit, during recess periods, and from the distribution table. In addition, secondary students may distribute materials in the hallways during non-instructional time and in the cafeterias during lunch and non-instructional times.

At both the elementary and secondary levels, principals may develop other reasonable time, place, and manner restrictions regarding the distribution of materials at areas designated by the principal.

Teachers have the responsibility of teaching citizenship to the students in this district. We consider the manner in which we treat each other as part of those citizenship values. We feel that providing more freedom in the distribution policy will be more accommodating to our students.

I wholeheartedly commend Plano ISD teachers for doing an outstanding job each day in the hundreds of classrooms throughout the district. The Board

and Administration work diligently to ensure that teachers have quality teaching time in their classrooms. The framework of this revised policy should relieve many concerns for our teachers.

Plano ISD is participating in other efforts to ensure there is a balance of religion, culture and heritage in all schools. Last week, district staff, officials and citizens participated in training sessions presented by Dr. Charles C. Haynes, Ph.D., a senior scholar with the First Amendment Center. Dr. Haynes is author of numerous books and articles including *Religious Liberty and the Public Schools* and *Religion in American History: What to Teach and How*. We found these sessions to be informative and very worthwhile.

Once again, we appreciate the attendance of the press at this news conference as we share the District plans regarding the lawsuit, the policy changes, and other related activities. These actions should also allow the District to conserve taxpayer dollars to pay for the increasing costs of education.

Plano ISD is proud to support its students, teachers, and community. We will continue to direct our efforts toward making this a great district for learning and for teaching, which includes understanding our differences and the basic civic principles which unite us all.

Thank you for your attention. I will now open the floor to questions.

For additional information:

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Additional visuals available: elementary school classroom footage

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