

Settlement Agreement

The parties to this Settlement Agreement, Plaintiffs, Doe 1 and Doe 2 ("Plaintiffs"), and Defendant, The Giles County School Board ("Defendant" or "Board"), have agreed to resolve fully and completely, through voluntary settlement, all of the claims that Plaintiffs have made against Defendant in the lawsuit styled Doe 1 and Doe 2 vs. School Board of Giles County, CASE No. 7:11-cv-00435-MFU ("the Lawsuit") currently pending in the United States District Court for the Western District of Virginia, Roanoke Division, and any and all other claims Plaintiffs now have or have had against Defendant accruing on or before the effective date of this Settlement Agreement relating to the display of documents in Giles County schools (hereinafter "Settlement Agreement").

FOUNDATIONS DISPLAY: On June 7, 2011, the Board accepted and approved the proposal of Robert Lilly to create a Foundations of Law and Government Display ("Foundations Display"), to be posted on the walls of Narrows High School. The Display included the Resolution of the Board authorizing the Foundations Display, along with a Policy for posting future documents or displays, an Explanations Document containing a brief discussion of each document in the Foundations Display, and ten framed documents and symbols: Lady Justice; the Star-Spangled Banner; the Bill of Rights to the United States Constitution, the Virginia Statute for Religious Freedom, the Declaration of Independence, the Virginia Declaration of Rights, the Mayflower Compact, the Magna Carta and the Ten Commandments. See attached Exhibit 1 for the text of the Resolution and the Explanation Document of the Foundations Display documents.

LAWSUIT: A student and a parent, as Doe 1 and Doe 2, filed suit against the Giles County School Board on September 13, 2011.

WILBURN DISPLAY: On March 15, 2012, the Board approved the proposal of Shahn Wilburn of additional historic documents, to be displayed alongside the Foundations Display, in accordance with the Resolution and the Policy contained therein. These additional documents (hereinafter, "Wilburn Display") included an Explanations Document containing a brief discussion of each document in the Wilburn Display, and twelve framed documents, portraits, and symbols: the First Charter of Virginia; the Fundamental Orders of Connecticut; a Portrait of Patrick Henry; Patrick Henry's Give Me Liberty or Give Me Death Speech; a picture of a Minuteman with the text of the Second Amendment; a Portrait of George Washington; George Washington's Farewell Address; a Portrait of Thomas Jefferson; Thomas Jefferson's Letter to the Danbury Baptist Association; Thomas Jefferson's 1779 Thanksgiving Proclamation; Thomas Jefferson's Letter to Rev. Samuel Miller; and the Northwest Ordinance. See attached Exhibit 2 for the text of the Wilburn Display Explanation Document.

ROOTS OF DEMOCRACY SUBSTITUTION: On May 17, 2012, Robert Lilly, donor of the original Foundations Display, proposed a substitution of the "Roots of Democracy" from Page 74 of the United States History Textbook (Virginia Edition) published by Prentice Hall, for the text of the Ten Commandments in the Foundations Display, and offered this for the Board's consideration. Attached Exhibit 3 is a copy of the "Roots of Democracy" textbook page.

On May 31, 2012, after consideration, the Board voted unanimously to accept the substitution of the "Roots of Democracy" mentioned above for the text of the Ten Commandments in the Foundations Display.

NOW, THEREFORE, Plaintiffs and Defendant enter into this Settlement Agreement as follows:

1. The current Resolution which lists the original documents of the Foundations Display will be replaced with a Resolution that contains the policy regarding the posting of historical documents. The Resolution shall include the following modifications:

a. The following language will be added: "The documents or displays posted pursuant to this Policy are intended for historical purposes, and not for any partisan political purpose or for the establishment of religion."

b. The language "Some of these documents and symbols include, but are not limited to, the idea of equal justice under law as symbolized by Lady Justice; the Star-Spangled Banner; the Bill of Rights to the United States Constitution, the Virginia Statute for Religious Freedom, the Declaration of Independence, the Virginia Declaration of Rights, the Mayflower Compact, the Magna Carta and the Ten Commandments" will be replaced by the following: "Some of these documents and symbols include, but are not limited to, the idea of equal justice under law as symbolized by Lady Justice; the Star-Spangled Banner; the Bill of Rights to the United States Constitution, the Virginia Statute for Religious Freedom, the Declaration of Independence, the Virginia Declaration of Rights, the Mayflower Compact, the Magna Carta, and other important documents, concepts, and influences found in the curriculum of the Giles County schools, as illustrated in the sample history textbook page entitled 'Roots of Democracy.'"

c. The language "The Giles County School Board will allow the posting of the above named documents together, in a display in any school in the district as set forth herein. This historical document display shall include initially a picture of Lady Justice, the Star-Spangled Banner; the Bill of Rights to the United States Constitution, the Virginia Statute for Religious Freedom, the Declaration of Independence, the Virginia Declaration of Rights, the Mayflower Compact, the Magna Carta and the Ten Commandments" will be replaced by the following: "The Giles County School Board will allow the posting of the above named documents together, in a display in any school in the district as set forth herein. This historical document display shall include initially a picture of Lady Justice, the Star-Spangled Banner; the Bill of Rights to the United States Constitution, the Virginia Statute for Religious Freedom, the Declaration of Independence, the Virginia Declaration of Rights, the Mayflower Compact, the Magna Carta and a page from a Giles County Schools History textbook entitled, The Roots of Democracy."

2. The following language will be added to the policy regarding any proposed posting of additional documents or displays: "Any person or group proposing additional documents or displays pursuant to this Policy shall present to the Board the proposed document(s) or display(s) and the proposal shall have two readings prior to the vote by the Board. Any proposed document(s) or display(s) may be voted on by the Board at any time after the second reading."

3. The Explanations Document for the Foundations Display shall contain the following modifications:

a. In the first paragraph of the Explanations Document, the words "The Ten Commandments" will be replaced with: "a depiction of significant influences upon

American freedom from the Giles County Schools' Virginia-United States history textbook by Prentice-Hall entitled 'Roots of Democracy'"

b. The description of the Ten Commandments shall be replaced with the following: "The Roots of Democracy "infographic" is a graphic depiction of important influences upon American ideas about government. The Roots of Democracy is found on page 74 of the Prentice Hall Virginia-United States History textbook used in the Giles County Public Schools. ISBN 978-0-13-368652-4."

4. The Wilburn Display Explanation Document will be altered as follows. After the heading entitled "Jefferson's Letter to the Danbury Baptists - Jefferson's 1779 Thanksgiving Proclamation - Jefferson's Letter to Reverend Samuel Miller," the following language will replace the existing language: "Thomas Jefferson's Letters to the Danbury Baptist Association and to the Reverend Samuel Miller, and Jefferson's 1779 Thanksgiving Proclamation as Governor of Virginia set forth some of Jefferson's views on the relationship between church and state."

5. In the Foundations Display, the Roots of Democracy, Page 74 of the United States History Textbook (Virginia Edition) published by Prentice Hall, will remain as the replacement for the text of the Ten Commandments, with the contents of Page 74 as set forth in Exhibit 3. The text of the Ten Commandments will not be posted at any Giles County public school unless and until there is precedent in the Fourth Circuit or United States Supreme Court allowing the posting of the text of the Ten Commandments in the public schools.

6. The Plaintiffs agree that all the modifications herein to the Displays (Foundations Display and Wilburn Display), as set forth herein, including the substitution of the Roots of Democracy document, do not violate this Settlement Agreement and are in compliance with the Policy as revised herein.

7. The only remedy for any violation of this Agreement is temporary or permanent injunctive relief and reasonable attorney's fees for any enforcement action. The parties agree that neither civil nor criminal contempt proceedings are available to either party and said remedies are hereby waived.

8. The Protective Order protecting the identities of Doe 1 and Doe 2 shall remain in effect. No party shall disparage or retaliate against any other party.


9. Each party shall bear its own attorneys fees. The Plaintiffs' out of pocket costs in the amount of \$6,511.16 will be compensated either by the Board or the Board will arrange for the expenses to be compensated by a third-party. The costs will be paid by check made payable to "American Civil Liberties Union of Virginia Foundation, Inc." within thirty (30) days of the entry of the Order of Dismissal in this case.

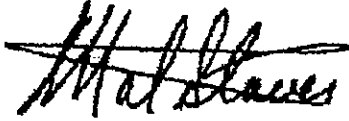
10. An Order of Dismissal shall be entered that shall include this Settlement Agreement as an attachment and incorporate all terms of this Settlement Agreement. The Order of Dismissal shall provide that the court will retain jurisdiction to enforce this Settlement Agreement for eight (8) years from the entry of the Order of Dismissal.

In consideration of the above terms, and with no admission of liability on the part of Defendant, Plaintiffs have agreed to voluntarily dismiss the current action with prejudice.

Dated: June 28th, 2012.

Respectfully submitted,


TERRY ARBOGET, for Giles County
School Board

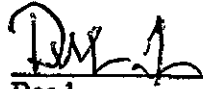


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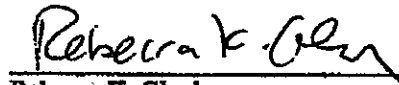
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Respectfully submitted,


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