



June 4, 2012

Via Fax, Email, and US Mail

IMMEDIATE ATTENTION REQUIRED

Don McLaurin, Chairman (and on behalf of the Board of Directors)
South Carolina Public Charter School District
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Mike Guarino, Board Chair (and on behalf of the Provost Academy Board)
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Dear District and School Officials:

We are writing to you on behalf of Mariah Kirby, whose First Amendment rights District officials are violating by requiring that she remove a religious reference from her graduation speech. Mariah is a student at Provost Academy, an online public charter school within the South Carolina Public Charter School District. Because she was recently awarded Student of the Year, and because she is the first student graduate from Provost who started there as a Freshman, Provost Academy officials asked Mariah, along with the school's valedictorian and salutatorian, to compose a short speech to deliver at the school's graduation ceremony this Saturday, June 9, 2012. School officials did not place any content limitations on Mariah's speech. Rather, when she asked what the speech should be about they told her "anything." She composed her speech and emailed a draft to school officials on May 31, 2012. In a reply email, school officials told

her that she had to remove the sentence stating “Proverbs 13:4 says ‘The soul of the sluggard craves and gets nothing, while the soul of the diligent is richly supplied.’” They told Mariah she could not “use a religious quote because we are a public school.”

It is our opinion that the District’s requirement that Mariah remove the religious reference from her speech violates her First Amendment rights. As the Eleventh Circuit held, “students still ... possess free speech rights” at a graduation ceremony and “the government may not engage in viewpoint discrimination.” *Adler v. Duval County Sch. Bd.*, 206 F.3d 1070, 1081 (11th Cir. 2000), *opinion reinstated*, 250 F.3d 1330 (11th Cir. 2001). It is precisely this form of viewpoint discrimination that is occurring here. Mariah’s speech addresses a topic that is commonly addressed at graduation ceremonies: having the courage and drive to chase your dreams. Mariah’s speech expresses her religious perspective on this topic through her quotation of Proverbs 13:4. Censoring this religious reference from Mariah’s speech violates her First Amendment rights.

Time is of the essence, as graduation is June 9, 2012, just a few days away. Thus, **we ask that you respond to this letter in writing by the close of business on Monday, June 4, 2012,** regarding whether Mariah will be permitted to quote Proverbs 13:4 in her graduation speech. If the District decides to restrict this biblical reference from her speech, we will pursue immediate legal action against the District. I look forward to your prompt reply and (hopefully) a quick resolution of this matter in a manner that respects Mariah’s First Amendment rights.

Sincerely,



Jeremy D. Tedesco, Litigation Counsel
J. Matthew Sharp, Litigation Staff Counsel