

BY U.S. MAIL AND FACSIMILE (661-631-4649)

September 13, 2006

Linda Goodspeed
District Complaint Officer
Bakersfield City School District
1300 Baker Street
Bakersfield, CA 93305

Dear Mrs. Goodspeed,

Our clients are observant Christian students who attend school in the Bakersfield City School District. It is our understanding that on March 1, 2006, Ms. Nona Darling made a request to the school district for her two daughters, Danielle Darling and Alexandra Darling, to be excused from school at noontime for the observance of Ash Wednesday, a traditional Christian holy day. The request was denied, and the two students subsequently received unexcused absences on their records.

We write to request that you immediately cease and desist from your school district's illegal decision to penalize students for exercising their constitutionally guaranteed right to practice their religion by giving them unexcused absences when they are absent for religious purposes. Your school district's policy of marking students' religiously motivated absences as unexcused violates the Free Exercise Clause of the First Amendment of the United States Constitution, and Article 1, Section 4 of the Constitution of the State of California, which states, "Free exercise and enjoyment of religion without discrimination or preference are guaranteed."

We understand that it is possible that the school district may not have been aware of the constitutional rights and obligations at play when making its decision to punish Christian students for observing religious holy days. The purpose of this letter is to inform you that this practice is illegal. We request that the school district immediately cease and desist from its illegal policy. Specifically, we request that Danielle and Alexandra Darling's absences on March 1, 2006 be marked excused. We also request that the school district change its attendance and truancy policies to reflect that absences in observance of religious faith are excused.

Absent a decision by the school district to cease and desist from its unlawful policies, we will be forced to pursue litigation to vindicate the constitutional rights of our clients and other religiously observant students in the Bakersfield City School District. Should you have any questions, please feel free to contact our office immediately. We look forward to working with you to bring your school policies into speedy compliance with the United States Constitution and the California Constitution.

Sincerely,

Derek L. Gaubatz
Director of Litigation

cc: Allison Brown, U.S. Department of Justice, Civil Rights Division

