

## Rock Island Division

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## Equitable Relief Sought and Jury Trial Demanded

## **INJUNCTIVE RELIEF, DECLARATORY RELIEF, AND DAMAGES**

#40 (“Moline” or “the District”), Dr. Rachel Savage (“Superintendent Savage”), in her official capacity as Superintendent of Schools, and the Moline-Coal Valley School District #40 Board Of Education (“the Board”) (collectively “Defendants”), Plaintiff, Child Evangelism Fellowship of Illinois, Inc. (“CEF” or “Plaintiff”) alleges and avers as follows:

## INTRODUCTION

1. For more than five years, Defendants have categorized CEF as a “Category II” church and church-affiliated group, treating them differently than similarly situated nonreligious organizations. Defendants’ discriminatory policies target religious organizations like CEF’s Good News Club, compel them to pay discriminatory facility use fees, prevent them from distributing literature to students to take home to their parents, and bar them from Backpack Nights. In other

words, Defendants have unconstitutionally relegated CEF to constitutional orphan status and discriminatory treatment in all forums available for similarly situated organizations in violation of the First and Fourteenth Amendments to the United States Constitution.

2. Ms. Dawn Wassell, the Local Director of CEF West Central, Illinois met with Superintendent Savage to express her concern about the District's religious discrimination. Ms. Wassell shared the current and historic legal protections afforded Good News Clubs and other character-building student clubs.

3. Superintendent Savage refused to receive a copy of the law, noting that she was purportedly already aware of it. She further requested Ms. Wassell not email her the law. Superintendent Savage also expressed that she had no choice but to enforce the School Board's policies. In other words, the District's Chief Executive Officer attempted to play a game of "the fabled three monkey: See no evil, hear no evil, speak no evil," *Rodi Yachts, Inc. v. M/V RENA*, 1991 WL 1181, \*6 (N.D. Ill. Jan. 2, 1991), and convert it "into an impermissible: See no truth, Hear no truth, Speak no truth," *Pacer v. Rockenbach Chevrolet Sales, Inc.*, 2007 WL 4109291, \*1 (N.D. Ill. Nov. 19, 2007) when it comes to the District's discriminatory treatment of CEF.

4. The First Amendment demands more than a child's game, and the District's policies—both on their face and as applied—are unconstitutional, unconscionable, and unlawful.

5. As discussed more fully *infra*, the District's policies represent a presumptively unconstitutional prior restraint that impermissibly grant District officials unbridled discretion to discriminate against religious organizations, impose blatantly unconstitutional viewpoint and content-based restrictions on CEF's First Amendment rights, violate the Equal Protection Clause of the Fourteenth Amendment by singling out CEF for disparate and disfavored treatment compared to similarly situated nonreligious organizations, and violate unequivocal and universal

condemnation of the exact same treatment of CEF in other contexts. In short, the District's policies are unconstitutional and must be enjoined.

6. Moreover, the District's administrative policies and regulations—both on their face and as applied—represent a presumptively unconstitutional prior restraint that impermissibly grant District officials unbridled discretion to discriminate against religious organizations, impose blatantly unconstitutional viewpoint and content-based restrictions on CEF's First Amendment rights, violate the Equal Protection Clause of the Fourteenth Amendment by singling out CEF for disparate and disfavored treatment compared to similarly situated nonreligious organizations, and violate unequivocal and universal condemnation of the exact same treatment of CEF in other contexts.

7. Defendants have discriminated against CEF in the traditional access forum for after-school programs, have discriminated against CEF in access to the literature distribution forum, have discriminated against CEF in terms of fees charged for use of District facilities, and have discriminated against CEF by denying them access to the Backpack Night forum. And Defendants' sole justification for treating CEF less favorably than other similarly situated nonreligious organizations is one thing: CEF's religious viewpoint. That is unconstitutional and unlawful, and this Court must issue a preliminary injunction pending trial and a permanent injunction upon final judgment enjoining this grossly unconstitutional treatment of CEF.

### **PARTIES**

8. Plaintiff, Child Evangelism Fellowship of Illinois, Inc., is a Christian non-profit organization incorporated under the laws of Illinois with its principal place of business in Illinois.

9. Defendant Moline-Coal Valley School District #40 ("Moline" or the "District") is the administrative body that operates the Moline-Coal Valley District #40 School System,

including Logan Elementary School, Franklin Elementary School, and Jane Adams Elementary School, all of which host chapters of CEF's Good News Club. The District's principal place of business is in Moline, Illinois. The District has the authority to sue and be sued.

10. Defendant Dr. Rachel Savage ("Superintendent Savage") is the Superintendent of Schools in charge of Moline-Coal Valley School District #40. Superintendent Savage is sued in her official capacity.

11. Defendant Moline-Coal Valley School District #40 Board of Education ("the Board") is the governing body that oversees the Moline-Valley School System, including Logan Elementary School, Franklin Elementary School, and Jane Adams Elementary School. The Board's is statutorily responsible for the adoption, enforcement, and application of all policies for the management and governance of the District's schools. The Board's principal place of business is in Moline, Illinois. The Board has the authority to sue and be sued.

### **JURISDICTION AND VENUE**

12. This action arises under the First and Fourteenth Amendments to the United States Constitution and is brought pursuant to 42 U.S.C. §1983. This action also arises under the laws of the State of Illinois, specifically the Religious Freedom Restoration Act of Illinois, 775 Ill. Comp. Stat. 35/20–25. Defendants have at all times relevant herein acted under color of the statutes, ordinances, regulations, customs, usages, or other laws of the State of Illinois.

13. The Court has jurisdiction under 28 U.S.C. §§1331 and 1343.

14. Venue is proper under 28 U.S.C. §1391(b) because Defendants reside in the District, and a substantial part of the events or omissions giving rise to CEF's claims occurred in the District.

15. The Court is authorized to grant declaratory judgment under the Declaratory Judgment Act, 28 U.S.C. §2201–02, implemented through Fed. R. Civ. P. 57, and is authorized to grant injunctive relief under Fed. R. Civ. P. 65.

16. The Court is authorized to grant CEF’s prayer for costs, including reasonable attorney’s fees, under 42 U.S.C. §1988 and 775 Ill. Comp. Stat. 35/20.

### **GENERAL ALLEGATIONS**

#### **A. CHILD EVANGELISM FELLOWSHIP’S GOOD NEWS CLUBS.**

17. CEF is a subsidiary of Child Evangelism Fellowship Inc., an international, non-profit, children’s ministry (incorporated in Missouri). CEF works around the world through local subsidiaries, like Plaintiff, to positively impact the lives of children and their families by establishing Good News Clubs in elementary and middle schools, led by local community volunteers.

18. Good News Clubs are Christian after-school enrichment programs providing religious and other teachings and activities to encourage learning, spiritual growth, and service to others, as well as social, emotional, character, and leadership development. There are currently more than 3,000 Good News Clubs in public elementary schools across the United States, including several in Illinois schools.

19. Good News Clubs typically meet once per week, immediately after school, and are led by trained and vetted volunteer teachers. Good News Clubs welcome all children without charging any fee and without regard for religious background or belief, requiring only written permission from parents.

20. Because participating children are never charged a fee or required to engage in fundraising, Good News Clubs have limited financial resources and rely on charitable donations

to cover operating expenses such as insurance, books, refreshments, and training and background checks for adult volunteers.

21. Good News Clubs meet on school campuses for the safety and convenience of students and their families. It is often difficult or impossible for parents to arrange transportation for their children from school to off-campus locations to attend Good News Club, and parents do not want to expose their children to the potential risks of walking or being transported by others off campus. CEF cannot afford the expense of maintaining or providing transportation to off-campus locations.

22. To advertise the wonderful opportunities Good News Club provides students and families and allow parents to know about and understand that Good News Club is an available option for students in the District, CEF requests access to literature distribution forums that are available at many public school districts, including Moline.

23. To advertise the wonderful opportunities Good News Club provides students and families and allow parents to know about and understand that Good News Club is an available option for students in the District, CEF requests access to Backpack Night and other similarly situated community and parent information forums that are available at many public school districts, including Moline.

24. CEF relies on school literature distribution programs and Backpack Nights to advertise the organization's programs and to secure parent permission slips for students to join the club.

25. On their face and as applied, the District's policies, customs, practices, and regulations do not allow CEF to participate in these literature distribution, advertising, and

Backpack Night forums on the basis of its religious viewpoint, while simultaneously allowing similarly situated nonreligious organization access to the same forums.

26. On their face and as applied, the District's policies, customs, practices, and regulations impermissibly discriminate against CEF in terms of the fees charged to obtain access to facilities use forums while simultaneously waiving or not charging the same fees to similarly situated nonreligious organizations.

**B. THE DISTRICT'S FACILITIES USE AND ADVERTISING FORUM POLICIES.**

27. A collection of policies governs the use of District facilities and distribution of materials by community groups. These policies are comprised of Illinois Compiled Statutes, Moline's School Board Policies, and Superintendent's Administrative Policies (hereinafter referred to as the "Use Policies"), and include *inter alia* Board Policy 8:20, Board Policy 8:25, Administrative Procedure 8:20, and Board Policy 8:20E Application.

28. Sections 10-20.41 and 34-18.35 of Act 5, Chapter 105 of the Illinois Compiled Statutes encourage school boards to allow community organizations to use school facilities but require local school boards to implement policies that govern the use of those facilities.

29. 105 ILCS 5/10-20.41 reads:

Use of facilities by community organizations. School boards are encouraged to allow community organizations to use school facilities during non-school hours. If a school board allows a community organization to use school facilities during non-school hours, the board must adopt a formal policy governing the use of school facilities by community organizations during non-school hours. The policy shall prohibit such use if it interferes with any school functions or the safety of students or school personnel or affects the property or liability of the school district.

105 ILCS 5/10-20.41. In addition, 105 ILCS 5/34-18.35 provides the same language for governing the use of facilities by community organizations, but it applies in limited districts.

30. Under ILCS 5/10-20.41, the District has adopted policies, practices, and administrative procedures that govern the community use of school facilities and the distribution of community group materials to students and parents.

31. Board Policy 8:20, Community Use of School Facilities is one such policy that governs the use of District facilities for after-school programs of interest to students in the District. (A true and correct copy of Board Policy 8:20 is attached hereto as EXHIBIT A and incorporated herein.)

32. Board Policy 8:20 provides that

School facilities are available to community organizations during non-school hours when such use does not: (1) interfere with any school function or affect the safety of students or employees, or (2) affect the property or liability of the School District. The use of school facilities for school purposes has precedence over all other uses. The District reserves the right to cancel previously scheduled use of facilities by community organizations and other groups. The use of school facilities requires the prior approval of the Superintendent or designee and is subject to applicable procedures.

Persons on school premises must abide by the District's conduct rules at all times.

Student groups, school-related organizations, government agencies, and non-profit organizations are granted the use of school facilities at no costs during regularly staffed hours. Fees and costs shall apply during non-regularly staffed hours and to other organizations granted use of facilities at any time. A fee schedule and other terms of use shall be prepared by the Superintendent and be subject to annual approval by the Board of Education.

Ex. A, at 1.

33. No standards or guidelines govern or limit the Superintendent's right to cancel prior events or access, to deny any request for access altogether, or provide guideposts for how the Superintendent is to determine the appropriate procedures governing access to District facilities.

34. Nothing in Board Policy 8:20 restricts or limits the District or any of its officials from making a determination concerning access to District facilities on the basis of a requesting organization's religious viewpoint or content.



35. The District also maintains Board Policy 8:25, Advertising and Distributing Materials in Schools Provided by Non-School Related Entities. (A true and correct copy of Board Policy 8:25 is attached hereto as EXHIBIT B and incorporated herein.)

36. Board Policy 8:25 states:

No material or literature shall be posted or distributed that would: (1) disrupt the educational process, (2) violate the rights or invade the privacy of others, (3) infringe on a trademark or copyright, or (4) be defamatory, obscene, vulgar, or indecent. No material, literature, or advertisement shall be posted or distributed without advance approval as described in this policy.

Ex. B, at 1.

37. Board Policy 8:25 states that Community, Educational, Charitable, and Recreational Organizations may also distribute literature and advertisements to students in the District. Ex. B, at 1.

38. In order to qualify for access to the literature distribution and advertising forums, the community organization's literature must be student oriented, prominently display the sponsor's name, and "be approved in advance by the Superintendent or designee." Ex. B, at 1.

39. Board Policy 8:25 also states that "[t]he District reserves the right to decide where and when any advertisement or flyer is distributed, displayed, or posted." Ex. B, at 1.

40. No standards or guidelines govern or limit the Superintendent's right to deny access to the literature distribution forum, nor are there guideposts for how the Superintendent is to determine the appropriate procedures governing access to District literature distribution forums.

41. Nothing in Board Policy 8:20 restricts or limits the District or any of its officials from making a determination concerning access to District literature distribution forums on the basis of a requesting organization's religious viewpoint or content

42. In accordance with Board Policies 8:20 and 8:25, Superintendent Savage adopted Administrative Procedure 8:20. (A true and correct copy of Administrative Procedure 8:20 is attached hereto as EXHIBIT C and incorporated herein.)

43. Administrative Procedure 8:20 sets a priority of access to District facilities, giving use for school purposes priority over all other uses and then creating a pecking order for how District facilities may be made available to the community after District programs and events are prioritized. *See* Ex. C at 1.

44. Administrative Procedure 8:20 sets some logistical and other requirements for the use of school facilities, including that “[g]roups and organization both school and community, shall provide adequate supervision and control,” that organizations that are granted access to District facilities are financially responsible for any damages caused, that all organizations granted access must provide evidence of adequate insurance prior to use, that “[a]ll requests for building usage shall be made through the School Board Administrative Assistant,” that the Administrative Assistant is responsible for collection of fees (if any), and that the District will attempt to honor specific facilities usage requests. Ex. C at 1.

45. Administrative Procedure 8:20 provides that access to District facilities, rental fees, and procedures for distribution of literature are governed by three categories. Ex. C at 1.

46. Category I includes the following: (1) All Moline-Coal Valley School PTA/PTO units, (2) Moline Little League Softball and Baseball, (3) All local scouting activities, (4) Moline Parks and Recreation Department, and (5) Other activities or groups, which have been formally approved by the Board of Education. Ex. C at 1.

47. Administrative Procedure 8:20 explicitly provides that organizations and groups listed in Category I are not charged a fee for facilities use. Ex. C at 1.

48. Administrative Procedure 8:20 permits the Cub Scouts to host one free three-hour meeting per month and allows the Boy Scouts and Girl Scouts to host one two-hour meeting per week at no charge. Ex. C, at 1.

49. In addition to the specific access granted at no cost to Category I organizations, each Category I organization is permitted to exceed its allotted free program access if it makes a specific request for additional time and pays a fee for any excess access. Ex. C, at 2.

50. Administrative Procedure 8:20 states that all Category I groups and organizations are permitted access to the literature distribution forum, provided only that the Public Relations Office approves the flyer for individual distribution, which may be personally distributed to the students and provided to the students and parents electronically. Ex. C, at 2.

51. Administrative Procedure also establishes Category II organizations, that are listed as “Non-Profit Community Groups.” Ex. C, at 2.

52. Category II groups include “Moline YMCA,” “Church and church-affiliated groups in the school district,” “Charitable groups in the school district,” and “Miscellaneous school or community groups.” Ex. C, at 2.

53. Category II groups are allowed to request access to the literature distribution forum, but are explicitly limited to only the “lobby posting forum,” and are not allowed access to the take-home flyer forum or electronic distribution forum. Ex. C, at 2.

54. Administrative Procedure 8:20 also establishes Category III groups, which are those the District deems “Commercial Groups.” Ex. C, at 2.

55. Category III groups are explicitly subject to the rental fees and are only permitted to post literature in the lobby if approved by the Public Relations Office. Ex. C, at 2.

56. Administrative Procedure 8:20 also sets a Building Rental Rate structure for the use of District facilities. *See* Ex. C, at 2–3.

57. Category I organizations are not required to pay any fee for the use of District facilities. Ex. C, at 3.

58. Category II organizations are charged \$30/hour for classroom usage, \$40/hour for Cafeteria and Gymnasium usage in Secondary schools and \$30/hour for elementary schools, and \$100 for auditorium usage. Ex. C, at 3.

59. Those rates increase for Sunday and Holidays. Ex. C, at 3.

60. Commercial groups in Category III are charged even higher fees. Ex. C, at 3–4.

61. The District has also established a Board Policy 8:20E, Application and Procedures for Use of School Facilities. (A true and correct copy of the Board Policy 8:20E Application is attached hereto as EXHIBIT D and incorporated herein.)

62. CEF met with Superintendent Savage to seek equal access to the District’s facilities under the Use Policies, Superintendent Savage denied CEF’s request. Instead, Superintendent Savage provided CEF a copy of Board Policy 8:20-E, an application for facility use in the District.

63. Board Policy 8:20E’s Application states that “[a]ll non-school related groups must agree to” hold the District harmless, pay damages caused to facilities, and supply proof of insurance. Ex. D, at 2.

64. Board Policy 8:20E’s Application also provides that “[a]ll non-school related groups must pay the following fees,” and provides a place for the insertion of the relevant fee. Ex. D, at 2.

65. Board Policy 8:20E’s Application explicitly provides that the purported rental fee may be “waived by Board policy.” Ex. D, at 2.

66. Board Policy 8:20E's Application also requires certain other logistical information be acknowledged and agreed to by the applicant. Ex. D, at 2–3.

67. At the end of Board Policy 8:20E's Application, it explicitly provides that “[t]he Superintendent or designee will base his or her decision on the information being provided in this application *as well as other criteria deemed important.*” Ex. D, at 3 (emphasis added).

68. Nothing in Board Policy 8:20, Board Policy 8:25, Administrative Procedure 8:20, nor Board Policy 8:20E provides any standards, guideposts, or limitations on what “other criteria” the District, the Superintendent, or the designee may use to deny access to the District’s facilities.

69. Nothing in Board Policy 8:20, Board Policy 8:25, Administrative Procedure 8:20, nor Board Policy 8:20E provides any standards, guideposts, or limitations on what “other criteria” the District, the Superintendent, or the designee may use to deny access to the District’s literature distribution forums.

70. Nothing in Board Policy 8:20, Board Policy 8:25, Administrative Procedure 8:20, nor Board Policy 8:20E provides any standards, guideposts, or limitations on what “other criteria” the District, the Superintendent, or the designee may use to establish or “waive” the rental fees associated with any granted access.

71. Nothing in Board Policy 8:20, Board Policy 8:25, Administrative Procedure 8:20, nor Board Policy 8:20E provides any time limitation on the District, the Superintendent, or any District official to make the relevant determinations concerning access to District facilities.

72. Nothing in Board Policy 8:20, Board Policy 8:25, Administrative Procedure 8:20, nor Board Policy 8:20E provides any time limitation on the District, the Superintendent, or any District official to make the relevant determinations concerning access to District literature distribution forum.

**C. THE DISTRICT'S DISCRIMINATORY AND UNCONSTITUTIONAL TREATMENT OF CEF.**

73. In 2014, CEF applied for and was granted access to various elementary school facilities in the District's area to host its Good News Club program for students in the District.

74. Initially, CEF hosted Good News Clubs at Eugene Fields Elementary School and Ridgewood Elementary School.

75. As parents saw the tremendous benefits of the Good News Club, demand increased for CEF to expand its programs to other schools in the area.

76. CEF then applied for and was granted access to Hillcrest Elementary School and Longfellow Elementary School, where it hosted its Good News Club programs.

77. Eventually, demand increased again and parents in the District began requesting CEF host its programs in District elementary schools.

78. In 2017, CEF applied for and was granted access to District facilities at Jane Adams Elementary School and Hamilton Elementary School.

79. CEF currently hosts its Good News Club programs at District facilities at Logan Elementary School, Franklin Elementary School, and Jane Adams Elementary School.

80. From the Fall of 2017 until the Spring of 2020, the District did not charge CEF facilities use or rental fees for any Good News Club meetings.

81. The Good News Club was treated like similarly situated community groups and provided equal access to District facilities despite their religious viewpoint.

82. In 2020, CEF was informed that, pursuant to a new District requirement, the District would begin charging CEF facilities use or rental fees in order to continue hosting its Good News Club program, despite the fact that other similarly situated nonreligious organizations would continue to be permitted to host their meetings and groups free of charge.

83. On February 10, 2020, Stephanie Murphy, Moline's Board of Education Recording Administrative Assistant and Facility Use Coordinator, communicated with CEF that the District would require CEF to pay a total of \$367.50 to host its God News Club program in the District. (A true and correct copy of the February 10, 2020 correspondence is attached hereto as EXHIBIT E and incorporated herein.)

84. Attached to the District's February 10 correspondence, it provided CEF with a Facilities Use Agreement for the remainder of the Spring semester, permitting it to access the Franklin Elementary School art room on specific dates for a specific fee. (A true and correct copy of the Facilities Use Agreement is attached hereto as EXHIBIT F and incorporated herein.)

85. CEF was surprised by the sudden change of course and the requirement to pay rental fees because no school district in Illinois, including the District, had ever requested CEF pay facility use fees to use school classrooms.

86. On March 3, 2020, counsel for CEF sent a letter to the District, noting that the District's discriminatory policy and treatment of CEF's Good News Club program was unconstitutional under the First Amendment, that similarly situated nonreligious organizations were not being charged a fee, and requested that Superintendent Savage waive the facilities use fees. (A true and correct copy of the March 2020 letter from counsel is attached hereto as EXHIBIT G and incorporated herein.)

87. Despite counsel's efforts, the District and CEF were unable to resolve the matter concerning the District's discriminatory treatment of CEF.

88. Then, the unthinkable happened. COVID-19 entered the picture and eliminated not only the Good News Clubs but also in-person attendance at any elementary school in the District.

89. In fact, in May 2020, all schools in the District were shut down for in-person instruction and no after-school program met in the District at all for an extended period of time.

90. After the world returned to some sanity and in-person instruction reopened in the District, CEF again sought and was granted access to District facilities to hosts its Good News Clubs.

91. However, though the pandemic had been largely resolved, the District's discriminatory treatment of CEF did not.

92. From December 8, 2021, upon return of CEF and its Good News Clubs to the District, CEF has continued to be charged a discriminatory and unconstitutional fee that has been waived or is not required of other similarly situated nonreligious organizations offering programs of interest to students in the District.

93. To date and for the period in which CEF was able to pay the fees and continue to host its Good News Club programs, CEF has been charged a total of \$5,351.25 for accessing District facilities.

94. On November 15, 2023, CEF attempted to resolve this issue again.

95. CEF's Director Dawn Wassell met with Superintendent Savage to inquire why CEF is categorized as a church-affiliated group, and why religious groups, in general, were separated into a category that requires they pay facility use fees and denies them access to the literature distribution forum.

96. Superintendent Savage informed Ms. Wassell that CEF's treatment was required by the District's policies, and that she had no choice but to impose the fees.

97. Notably, Superintendent Savage ignored Board Policy 8:20E's Application and its explicit notation that the Superintendent could waive fees. Thus, Superintendent Savage, though



having unbridled discretion to waive fees exercised such discretion not to waive them for religious organizations like CEF.

98. At this meeting, CEF attempted to provide Superintendent Savage copies of relevant legal precedent supporting CEF's request for equal access to District facilities, for equal treatment in rental fees, and for equal access to the literature distribution forum.

99. Superintendent Savage refused to accept the information and instructed Ms. Wassell not to send her the materials via email.

100. On February 5, 2024, CEF spoke with local Girl Scout leadership about that organization's access to District facilities, rental fees, and access to the literature distribution forum.

101. Consistent with Board Policy 8:20 and Administrative Procedure 8:20, the Girl Scouts confirmed that the organization is not charged any rental or facilities use fees and that they are able to distribute all of their materials to students in the District through the literature distribution forum.

102. The Girls Scouts also confirmed that they are granted access to the District's separate Backpack Night forum for the distribution of their literature, which CEF has been denied access to throughout its presence in the District.

103. In addition to speaking with the local Girl Scouts organization, CEF received a public notice on the District's social media pages advertising a Girls on the Run and Boys on the Run Program that was taking place at District facilities. The Moline-Coal Valley School District posted an image on their Facebook page of a 5k race hosted by the Girls on the Run and Boys on the Run groups, as well as participants of the race. (A true and correct copy of the Moline-Coal

Valley School District's Facebook Post is attached hereto as EXHIBIT H and is incorporated herein.)

104. On February 18, 2025, CEF's counsel sent another letter to District outlining the constitutional infirmity of the District's discriminatory treatment of CEF, requesting equal access to District facilities and literature distribution forums, equal treatment in terms of facilities use fees, and a refund of all past discriminatory fees charged to CEF. (A true and correct copy of the February 2025 letter is attached hereto as EXHIBIT I and incorporated herein.)

105. The District's counsel confirmed receipt of the letter and stated that a substantive response would be forthcoming. (A true and correct copy of the correspondence from the District's counsel is attached hereto as EXHIBIT J and incorporated herein.) It never came.

106. Despite counsel's assurances, no response was forthcoming and no response has ever been provided to CEF or its counsel.

107. The District has simply ignored CEF's correspondence and demands for equal access and constitutionally demanded equal treatment.

**D. THE DISTRICT'S POLICIES, PRACTICES, AND PROCEDURES, ON THEIR FACE AND AS APPLIED, HAVE CAUSED, ARE CAUSING, AND WILL CONTINUE TO CAUSE IRREPARABLE CONSTITUTIONAL INJURY ON CEF.**

108. The District's denial of CEF's attempts to secure equal access to District facilities, on an equal basis with similarly situated nonreligious organizations has caused, is causing, and will continue to cause irreparable constitutional injury on CEF.

109. The District's Policies, practices, and procedures discriminated against CEF on the basis of CEF's religious viewpoint and imposes irreparable injury on CEF by classifying CEF as a Category II user, charging CEF discriminatory facilities use fees, and discriminatorily prohibiting access to the literature distribution forum.

110. Despite refusing CEF's numerous requests for equal access, the District allows several similarly situated nonreligious organizations access to its facilities use forum at no cost, to access the Backpack Nights advertising forum, and to access the literature distribution forum while simultaneously prohibiting CEF the same access.

111. Specifically, the District's Policies, practices, and procedures allow the Girl Scouts, the Boy Scouts, Cub Scouts, Girls on the Run, Boys on the Run, Two Rivers YMCA, Moline Little League Softball and Baseball, and other groups approved by the School Board who offer programs similar to CEF from a nonreligious perspective while denying CEF equal access to those groups.

112. The District's Policies, practices, and procedures explicitly and facially allow disparate treatment of CEF on the basis of its religious viewpoint and content.

113. The District's Policies, practices, and procedures explicitly and facially relegate CEF to constitutional orphan status.

114. The District's Policies, practices, and procedures explicitly and facially allow the District to charge CEF fees while allowing similarly situated nonreligious organizations to access District facilities at no cost.

115. The District's Policies, practices, and procedures explicitly and facially allow the District to discriminate against CEF in access to the literature distribution forums while allowing similarly situated nonreligious organizations to access the literature distributions forums with no restriction.

116. The District's continual denials and nonresponses to CEF's requests for equal access to District facilities access forums, literature distribution forums, and Backpack Night forums violates CEF's constitutional rights.

117. CEF has been irreparably harmed by Defendants' unconstitutional facility use and literature distribution policies, and the application of those policies and procedures.

118. By forcing CEF to pay a discriminatory facility use fee, CEF incurs substantial financial hardship and a diminution in the financial resources donated from its supporters.

**COUNT I – VIOLATION OF THE FREEDOM OF SPEECH CLAUSE OF THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION.**

119. Plaintiff incorporates all factual allegations contained in the foregoing paragraphs 1 through 118, as though fully set forth herein.

120. The Free Speech Clause of the First Amendment to the United States Constitution, incorporated and made applicable to the states by the Fourteenth Amendment, protects CEF's freedom of speech.

121. The District grants numerous similarly situated nonreligious groups benefits, access to its facilities to meet and discuss a variety of topics, participation in access to Backpack Nights, and access to the literature distribution forums while simultaneously prohibiting CEF equal access to those forums and charging them a fee to otherwise access such forums.

122. The District's Use Policies, practices, and procedures create a limited public forum to which CEF has a right to access under the First Amendment.

123. The District's Use Policies, on their face and as applied, discriminate on the basis of CEF's religious viewpoint.

124. The District's Use Policies, on their face and as applied, discriminate against the religious content of CEF's Good News Club.

125. The District's Use Policies, on their face and as applied, discriminate against religious groups, religious speech, and religious viewpoint.

126. The District's Use Policies, on their face and as applied, constitute an unconstitutional prior restraint on speech.

127. The District's Use Policies, on their face and as applied, lack objective, neutral, and concrete criteria on which school officials are to decide facility use requests and impermissibly grants District officials unfettered discretion to decide which organizations will be permitted to access its forums.

128. The District's Use Policies, on their face and as applied, contain no deadline or time limits by which an official must grant or deny an applicant's facility use or material distribution requests, providing an avenue for requests to remain pending indefinitely.

129. The District's Use Policies, on their face and as applied, fail to leave open sufficient alternative channels of communication.

130. The District's Use Policies, on their face and as applied, are unconstitutionally vague.

131. The District's Use Policies, on their face and as applied, are constitutionally overbroad.

132. The District's Use Policies, on their face and as applied, serve no legitimate, important, or compelling government interest.

133. The District's Use Policies, on their face and as applied, are not narrowly tailored to serve any legitimate, important, or compelling government interest, and are not even rationally related to any such interest.

134. As a direct and proximate result of Defendants' violation of the Free Speech Clause, Plaintiff has suffered, is suffering, and will continue to suffer, irreparable harm, including the loss of its fundamental constitutional rights.

135. CEF has no adequate remedy at law for the continuing violation of its free speech rights.

WHEREFORE, CEF respectfully requests relief against Defendants as hereinafter set forth in its prayer for relief.

**COUNT II – VIOLATION OF THE ESTABLISHMENT CLAUSE OF THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION.**

136. Plaintiff incorporates all factual allegations contained in the foregoing paragraphs 1 through 118, as though fully set forth herein.

137. The Establishment Clause prohibits government from establishing a religion, showing hostility towards religion, and showing favoritism towards one religious sect over another or toward non-religion over religion.

138. The Establishment Clause does not require or permit Defendants to differentiate access to District facilities, or shield Defendants from liability for providing unequal access to its facilities, rental fees, literature distribution forums, or Backpack Night forum, based on religious identity, speech, or viewpoint of any organization, including CEF.

139. Defendants are required to grant CEF equal access to District facilities as that afforded to other similarly situated nonreligious activities and organizations and may do so without any constitutional concerns.

140. Defendants are required to grant CEF equal access to Backpack Nights forum as that afforded to other similarly situated nonreligious activities and organizations and may do so without any constitutional concerns.

141. Defendants are required to grant CEF equal access to the literature distribution forums as that afforded to other similarly situated nonreligious activities and organizations and may do so without any constitutional concerns.

142. The District's Use Policies, on their face and as applied, violate the Establishment Clause by showing hostility towards the religious identity, speech, and viewpoint of Plaintiff, and favoring nonreligious groups, speech, and viewpoints.

143. As a direct and proximate result of Defendants' violation of the Establishment Clause, Plaintiff has suffered, is suffering, and will continue to suffer, irreparable harm, including the loss of its fundamental constitutional rights.

144. CEF has no adequate remedy at law for the continuing violation of its constitutional rights.

WHEREFORE, CEF respectfully requests relief against Defendants as hereinafter set forth in its prayer for relief.

**COUNT III – VIOLATION OF THE RIGHT TO FREE EXERCISE OF RELIGION  
UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION.**

145. Plaintiff incorporates all factual allegations contained in the foregoing paragraphs 1 through 118, as though fully set forth herein.

146. The Free Exercise Clause of the First Amendment to the United States Constitution, incorporated and made applicable to the states by the Fourteenth Amendment, protects CEF's free exercise of religion.

147. The District's Use Policies, on their face and as applied, violate CEF's constitutional right to free exercise of religion.

148. CEF has a sincerely held religious belief that it should teach the Bible and provide moral guidance and character training to children from a religious viewpoint.

149. CEF exercises this religious belief by hosting its Good News Club program in the public forums made available at public school facilities after school hours.

150. The District's Use Policies, on their face and as applied, substantially burden CEF's sincerely held religious beliefs by denying CEF access to District facilities on an equal basis with similarly situated nonreligious activities and organizations.

151. The District's Use Policies, on their face and as applied, specifically target religious organizations for disparate treatment.

152. The District's Use Policies, on their face and as applied, are neither neutral nor generally applicable.

153. The District's Use Policies, on their face and as applied, create a system of individualized exemptions under which school officials may—through its unbridled discretion—discriminatorily grant facilities access, at no charge, and access to the literature distribution forums to favored groups while denying access to CEF.

154. The District's Use Policies, on their face and as applied, constitute a religious gerrymander by unconstitutionally orphaning CEF's religious speech while permitting favored non-religious organizations access to Defendants' facilities at no charge.

155. The District's Use Policies, on their face and as applied, serve no legitimate, important, or compelling government interest.

156. The District's Use Policies, on their face and as applied, are not narrowly tailored to serve any legitimate, important, or compelling government interest, and are not rationally related to any such interest.

157. The District's Use Policies, on their face and as applied, unconstitutionally chill and fail to accommodate CEF's exercise of religion.



158. As a direct and proximate result of Defendants' violation of the Free Exercise Clause, Plaintiff has suffered, is suffering, and will continue to suffer, irreparable harm, including the loss of its fundamental constitutional rights.

159. CEF has no adequate remedy at law for the continuing violation of its constitutional rights.

WHEREFORE, CEF respectfully requests relief against Defendants as hereinafter set forth in its prayer for relief.

**COUNT IV – VIOLATION OF THE EQUAL PROTECTION CALUSE OF THE  
FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.**

160. Plaintiff incorporates all factual allegations contained in the foregoing paragraphs 1 through 118, as though fully set forth herein.

161. The Fourteenth Amendment to the United States Constitution guarantees Plaintiffs' right to equal protection of the law.

162. The District's Use Policies, on their face and as applied, violate CEF's constitutional right to equal protection by treating CEF less favorably than other similarly situated nonreligious organizations on the basis of CEF's religious identity and the religious content and viewpoint of its message.

163. The District's Use Policies, on their face and as applied, serve no legitimate, much less compelling, government interest.

164. The District's Use Policies, on their face and as applied, are not narrowly tailored to serve any legitimate or compelling government interest.

165. As a direct and proximate result of Defendants' violation of the Equal Protection Clause, Plaintiff has suffered, is suffering, and will continue to suffer, irreparable harm, including the loss of its fundamental constitutional rights.

166. CEF has no adequate remedy at law for the continuing violation of its constitutional rights.

WHEREFORE, CEF respectfully requests relief against Defendants as hereinafter set forth in its prayer for relief.

**COUNT V – VIOLATION OF THE ILLINOIS RELIGIOUS FREEDOM RESTORATION ACT 775 ILLINOIS COMPILED STATUTE (“ILCS”) 35 – RELIGIOUS DISCRIMINATION**

167. Plaintiff incorporates all factual allegations contained in the foregoing paragraphs 1 through 118, as though fully set forth herein.

168. The Illinois Religious Freedom Restoration Act provides:

(b) The purposes of this Act are as follows:

- (1) To restore the compelling interest test as set forth in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), and *Sherbert v. Verner*, 374 U.S. 398 (1963), and to guarantee that a test of compelling governmental interest will be imposed on all State and local (including home rule unit) laws, ordinances, policies, procedures, practices, and governmental actions in all cases in which the free exercise of religion is substantially burdened.
- (2) To provide a claim or defense to persons whose exercise of religion is substantially burdened by government.

775 ILCS 35 § 10(b).

169. The Act continues:

Free exercise of religion protected. Government may not substantially burden a person’s exercise of religion, even if the burden results from a rule of general applicability, unless it demonstrates that application of the burden to the person (i) is in furtherance of a compelling governmental interest and (ii) is the least restrictive means of furthering that compelling governmental interest.

775 ILCS 35 § 15.

170. Illinois RFRA defines “Government” as any “branch, department, agency, instrumentality, and official (or other person acting under color of law) of the State of Illinois or a political subdivision of the State, including a home rule unit.” 75 ILCS 35 § 5.

171. Illinois RFRA defines “Exercise of religion” as “an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.” 775 ILCS 35 § 5.

172. Illinois RFRA demands that, should the government substantially burden a person’s free exercise of religion, it bears the burden of demonstrating that its burden on religious exercise furthers a compelling government interest and is the least restrictive means of achieving that compelling government interest. 775 ILCS 35 § 15.

173. Illinois RFRA plainly applies to Defendants, as they constitute a “branch, department, agency, instrumentality, and official (or other person acting under color of law) of the State of Illinois or a political subdivision of the State.” 75 ILCS 35 § 5.

174. CEF has a sincerely held religious belief that it should teach the Bible and provide moral guidance and character training to children from a religious viewpoint.

175. CEF exercises this religious belief by hosting its Good News Club program in the public forums available at public school facilities after school hours.

176. The District’s Use Policies, on their face and as applied, substantially burden Plaintiff’s sincerely held religious beliefs by denying CEF access to Defendants’ facilities on an equal basis with similarly situated nonreligious activities and organizations.

177. The District’s Use Policies, on their face and as applied, specifically target religious organizations for disparate treatment.

178. The District's Use Policies, on their face and as applied, are neither neutral nor generally applicable.

179. The District's Use Policies, on their face and as applied, include a system of individualized exemptions under which school officials may discriminatorily grant facilities access, free of charge, to favored groups while denying similar access to CEF.

180. The District's Use Policies, on their face and as applied, constitute a religious gerrymander by unconstitutionally orphaning CEF's religious speech while permitting favored non-religious organizations access to Defendants' facilities, free of charge.

181. The District's Use Policies, on their face and as applied, serve no legitimate, important, or compelling government interest.

182. The District's Use Policies, on their face and as applied, are not the least restrictive means to serve any legitimate, important, or compelling government interest, and are not rationally related to any such interest.

183. The District's Use Policies, on their face and as applied, unconstitutionally chill and fail to accommodate CEF's exercise of religion.

184. As a direct and proximate result of Defendants' violation of the Illinois Religious Freedom Restoration Act, Plaintiff has suffered, is suffering, and will continue to suffer, irreparable harm, including the loss of its fundamental rights.

185. CEF has no adequate remedy at law for the continuing violation of its State right to freely exercise its religion.

WHEREFORE, CEF respectfully requests relief against Defendants as hereinafter set forth in its prayer for relief.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Issue a preliminary injunction pending trial, and permanent injunction upon judgment, restraining and enjoining Defendants and their officers, agents, employees, and attorneys, and all other persons acting in concert or participation with them, from enforcing, threatening to enforce, attempting to enforce, or otherwise requiring compliance with Defendants' Use Policies (including, but not limited to, Moline-Coal Valley School Board policies 8:20, 8:20-E, and 8:25, and the Superintendent's 8:20AP and 8:25AP) such that:

1. Defendants must provide CEF access to Moline-Coal Valley School District facilities to conduct after school programs equal to the access provided to similarly situated nonreligious organizations;
2. Defendants must provide CEF the same fee waiver to conduct after school programs provided to similarly situated "Category 1," nonreligious organizations or otherwise amend the Board's Policies, Procedures, and Practices to treat CEF equally to similarly situated organizations in terms of classification type and facilities use or rental fees;
3. Regardless of classification type under the District's Policies, Practices, and Procedures, CEF shall be allowed access to Defendants' facilities on an equal basis with similarly situated nonprofit organizations, including but not limited to the Boy Scouts, Girl Scouts, Cub Scouts, Girls on the Run, and Boys on the Run; Moline Little League Softball and Baseball;
4. Defendants must provide CEF the same access to Moline-Coal Valley School District literature distribution forums and Backpack Nights forum provided similarly situated nonreligious organizations, including but not

limited to the Boy Scouts, Girl Scouts, Cub Scouts, Girls on the Run, and Boys on the Run; Moline Little League Softball and Baseball;

5. Defendants must amend the Use Policies and any other written or unwritten policy, practice, guideline, or application pertaining to community use of school facilities to ensure Defendants evaluate all Facilities Use Applications using only neutral and objective criteria, including (i) whether the organization applying to use public school facilities is a not for profit community organization providing educational or recreational activities to students; (ii) whether the organization has timely submitted the appropriate written application established District policies; (iii) whether the organization otherwise agrees to abide by the logistical and administrative requirements, such as *inter alia* insurance, indemnity, and damages; (iv) that the District shall not take into account the religious nature, content, or viewpoint of the applicant's program;
6. Defendants shall revise and amend the relevant Use Policies to provide for precise time parameters governing the initial review and determination of all applications to use public school facilities and appeals of any adverse determinations and to provide for a written response outlining the specific reasons for any denial of a use application as follows: (i) Defendants shall amend the relevant District policies to require that an application shall be approved or disapproved by the relevant District official or designee within a period not to exceed fourteen (14) days from the submission of the written application; (ii) Defendants shall amend the relevant District policies to

require that an application which has been denied by the District has a right of appeal within a specific time period that must be adjudicated within a specific time period not to exceed ten (10) days;

7. Defendants must not violate Plaintiff's constitutional rights; and
8. Defendants must not violate CEF's rights under the Illinois Religious Freedom Restoration Act (775 ILCS 35/1).

B. Judgment declaring Defendants' Use Policies, including but not limited to Policy 8:20, Policy 8:25, Administrative Procedure 8:20, and Board Policy 8:20E's Application, as they relate to facilities use, rental and facilities use fees, literature distribution forums, and Backpack Night forums, and the unconstitutionally discriminatory tier/category system they create are, both on their face and as applied to CEF, unconstitutional and unlawful and otherwise declaring the rights and other legal obligations and relations of the parties within the subject matter here in controversy.

C. Judgment awarding CEF \$5,351.25, as and for actual damages in the amount of the facility fees paid by CEF's Logan Elementary School, Franklin Elementary School, and Jane Adams Elementary School Good News Club chapters.

D. Judgment awarding CEF nominal damages in the amount of \$100.00.

E. Judgment awarding CEF its cost and expenses in this action, including reasonable attorneys' fees and costs, in accordance with 42 U.S.C. 1988.

F. That the Court retain jurisdiction of the action for the purpose of enforcing the Court's order; and

G. Such other and further relief as the Court deems proper and just.

Date: February 10, 2026

Respectfully submitted,

/s/ Daniel J. Schmid

Horatio G. Mihet\*

Daniel J. Schmid

Avery B. Hill\*

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*Attorneys for Plaintiff*

\*Applications for Admission Pending



### **VERIFICATION**

I verify under penalty of perjury under the laws of the United States of American and the State of Illinois that the foregoing allegations that pertain to CEF are true and correct, based upon my personal knowledge (unless otherwise indicated), and if called to testify to their truthfulness, I would and could do so competently.

Executed this 3rd day of February 2026

/s/ Dawn Wassell

Dawn Wassell

Local Director

CEF's West Central, Illinois, Good News Clubs

Child Evangelism Fellowship of West Central, Illinois

**COMMUNITY RELATIONS****8:20 Community Use of School Facilities**

School facilities are available to community organizations during non-school hours when such use does not: (1) interfere with any school function or affect the safety of students or employees, or (2) affect the property or liability of the School District. The use of school facilities for school purposes has precedence over all other uses. The District reserves the right to cancel previously scheduled use of facilities by community organizations and other groups. The use of school facilities requires the prior approval of the Superintendent or designee and is subject to applicable procedures.

Persons on school premises must abide by the District's conduct rules at all times.

Student groups, school-related organizations, government agencies, and non-profit organizations are granted the use of school facilities at no costs during regularly staffed hours. Fees and costs shall apply during non-regularly staffed hours and to other organizations granted use of facilities at any time. A fee schedule and other terms of use shall be prepared by the Superintendent and be subject to annual approval by the Board of Education.

**LEGAL REF.:**

[20 U.S.C. §7905](#), Boy Scouts of America Equal Access Act.

[10 ILCS 5/11-4.1](#), Election Code.

[105 ILCS 5/10-20.41](#), [5/10-22.10](#), and [5/29-3.5](#).

[Good News Club v. Milford Central School](#), 533 U.S. 98 (2001).

[Lamb's Chapel v. Center Moriches Union Free School District](#), 508 U.S. 384 (1993).

[Rosenberger v. Rector and Visitors of Univ. of Va.](#), 515 U.S. 819 (1995).

CROSS REF.: 7:330 (Student Use of Buildings - Equal Access), 8:25 (Advertising and Distributing Materials in Schools Provided by Non-School Related Entities), 8:30 (Visitors to and Conduct on School Property)

ADOPTED: June 26, 2023

**Moline-Coal Valley CUSD 40**

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**COMMUNITY RELATIONS****8:25 Advertising and Distributing Materials in Schools Provided by Non-School Related Entities**

No material or literature shall be posted or distributed that would: (1) disrupt the educational process, (2) violate the rights or invade the privacy of others, (3) infringe on a trademark or copyright, or (4) be defamatory, obscene, vulgar, or indecent. No material, literature, or advertisement shall be posted or distributed without advance approval as described in this policy.

**Community, Educational, Charitable, or Recreational Organizations**

Community, educational, charitable, recreational, or similar groups may, under procedures established by the Superintendent, advertise events pertinent to students' interests or involvement. All advertisements must (1) be student-oriented, (2) prominently display the sponsoring organization's name, and (3) be approved in advance by the Superintendent or designee. The District reserves the right to decide where and when any advertisement or flyer is distributed, displayed, or posted.

**Commercial Companies and Political Candidates or Parties**

Commercial companies may purchase space for their advertisements in or on: (1) athletic field fences; (2) athletic, theater, or music programs; (3) student newspapers or yearbooks; (4) scoreboards; or (5) other appropriate locations. The advertisements must be consistent with this policy and its implementing procedures and be appropriate for display in a school context. Prior approval from the Board is needed for advertisements on athletic fields, scoreboards, or other building locations. Prior approval is needed from the Superintendent or designee for advertisements on athletic, theater, or music programs; student newspapers and yearbooks; and any commercial material related to graduation, class pictures, or class rings.

No individual or entity may advertise or promote its interests by using the names or pictures of the School District, any District school or facility, staff members, or students except as authorized by and consistent with administrative procedures and approved by the Board.

Material from candidates and political parties will not be accepted for posting or distribution, except when used as part of the curriculum.

**LEGAL REF.:**

[\*Lamb's Chapel v. Center Moriches Union Free Sch. Dist.\*](#), 508 U.S. 384 (1993).

*Berger v. Rensselaer Central Sch. Corp.*, 982 F.2d 1160 (7th Cir. 1993), *cert. denied*, 113 S.Ct. 2344 (1993).

[\*Sherman v. Community Consolidated Sch. Dist. 21\*](#), 8 F.3d 1160 (7th Cir. 1993), *cert. denied*, 8 F.3d 1160 (1994).

*Hedges v. Wauconda Community Unit Sch. Dist. No. 118*, 9 F.3d 1295 (7th Cir. 1993).

*Victory Through Jesus Sports Ministry v. Lee's Summit R-7 Sch. Dist.*, 640 F.3d 329 (8th Cir. 2011), *cert. denied*, 565 U.S. 1036 (2011).

*DiLoreto v. Downey Unified Sch. Dist.*, 196 F.3d 958 (9th Cir. 1999).

CROSS REF.: 7:325 (Student Fundraising Activities), 7:330 (Student Use of Buildings - Equal

Access)

ADOPTED: June 26, 2023

**Moline-Coal Valley CUSD 40**

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Moline-Coal Valley Community Unit School District 40

8:20-AP

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## **Community Relations**

### **Administrative Procedure – Community Use of School Facilities**

The school facilities of Moline-Coal Valley Community Unit School District 40 shall be made available to the various school and community groups according to the following procedure:

1. In all instances, use by the schools for school purposes will have priority over use by any other group. School personnel shall avoid conflicts with previously scheduled outside group activities.
2. Groups and organizations, both school and community, shall provide adequate supervision and control. Charges for damage that occurs as a result of any rental shall be due upon receipt of invoice from the Board of Education.
3. All individuals and groups who have authorization to use facilities shall provide an appropriate Certificate of Insurance prior to use.

All requests for building usage shall be made through the School Board Administrative Assistant who shall be responsible for the collection of all rental fees. Rental fees are listed in three categories.

#### **Category I**

1. All Moline-Coal Valley school PTA/PTO units
2. Moline Little League Softball and Baseball
3. All local scouting activities
4. Moline Parks and Recreation Department
5. Other activities or groups which have been formally approved by the Board of Education. There shall be no charge for building usage for organizations listed in the category. Time limitations on usage are as follows:
  - PTA/PTO, Moline Little League Softball and Baseball, and Cub Scouts may hold one three-hour meeting per month in a building either during the day or at night. In addition, a maximum of six (6) hours per year shall be allowed each organization for one fund-raising project.
  - Boy Scouts and Girl Scouts shall be permitted to hold one two-hour meeting per week either during the day or at night.
  - The hours allocated to the Moline Park Board shall not exceed those hours approved by the Board of Education.

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- Youth sports groups composed of more than 75% of players attending Moline-Coal Valley Community Unit School District 40 for those programs which fall under similar Moline High School teams (i.e. feeder programs), subject to the availability of gym times and the hours of custodians, shall not exceed those hours approved by the Board of Education.

Additional time will be made available only after filling the requests of other groups. Preference shall be given to teams which have more than 50% of active players attending the school in question.

The time schedule for these activities shall not interfere with school time or with programs sponsored by the school and held after school hours. The organizations listed in Category I will be charged the appropriate rental for hours that exceed the above limitation. Charges also will be levied for damage to the school area and for excessive cleanup time.

#### Category II

Groups in Category II are:

1. Moline YMCA
2. Church and church-affiliated groups in the school district
3. Charitable groups in the school district
4. Miscellaneous school or community groups (basketball or volleyball leagues, etc.)

Note: A custodial charge at the current overtime rate shall be added to all Category II rentals when additional custodial services are required.

In addition, a current Certificate of Insurance naming Moline-Coal Valley Community Unit School District 40 as an additional named insured as their interests may appear must be on file in the Office of the Administrative Assistant prior to the rental date.

#### Category III – Commercial Groups

Rental rates are established by the Board of Education and shall apply to all commercial groups and organizations.

Note: A custodial charge at the current overtime rate shall be added to all Category III rentals when additional custodial services are required.

In addition, a current Certificate of Insurance naming Moline-Coal Valley Community Unit School District 40 as an additional named insured as their interests may appear must be on file in the Office of the Administrative Assistant prior to the rental date.



Moline-Coal Valley Community Unit School District 40

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Page 3 of 5Rental Rates for Browning Field and Wharton Field House

Rates have been established for regular rental, other schools, and civic/non-profit organizations.

Building Rental RatesCategory II

Groups in Category II are:

1. Moline YMCA
2. Church and church-affiliated groups in the school district
3. Charitable groups in the school district
4. Miscellaneous school or community groups (basketball or volleyball leagues, etc.)

Rental Rates for Category II – Non-Profit Community Groups

	<u>Regular Rate/Hour</u>	<u>Sunday, Holiday Rate/Hour</u>
*Classrooms	\$30	\$40
*Cafeteria (Meeting room only)		
Secondary	\$40	\$60
Elementary	\$30	\$50
*Gymnasium		
Secondary	\$40	\$60
Elementary	\$30	\$50
*Auditorium		
MHS	\$70	\$90
Plus \$30 per hour for stage lighting		
Plus \$20 per hour for Technical Director		
Middle Schools	\$60	\$80
Plus \$30 per hour for stage lighting		
*MHS Pool	\$70	\$90

Plus cost of certified lifeguards. Lifeguards must be approved before pool rental is authorized

Moline-Coal Valley Community Unit School District 40

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\*Note: A custodial charge at the current overtime rate shall be added to all Category II rentals when additional custodial services are requires.

In addition, a current Certificate of Insurance naming Moline-Coal Valley Community Unit School District 40 as an additional named insured as their interests may appear must be on file in the Office of the Director of Facilities and Employee Relations prior to the rental date.

Category III – Commercial Groups

Rental rates are established by the Board of Education and shall apply to all commercial groups and organizations.

Rental Rates for Category III – Commercial Groups

	<u>Regular Rate/Hour</u>	<u>Sunday, Holiday Rate/Hour</u>
*Classrooms	\$40	\$50
*Cafeteria		
(Meeting room only)		
*Secondary	\$40	\$60
*Elementary	\$30	\$50
*Gymnasium		
Secondary	\$60	\$80
Elementary	\$50	\$70
*Auditorium		
MHS	\$80	\$100
Plus \$30 per hour for stage lighting		
Plus \$20 per hour for Technical Director		
Middle Schools	\$70	\$90
Plus \$30 per hour for stage lighting		
*MHS Pool	\$90	\$110

Plus cost of certified lifeguards. Lifeguards must be approved before pool rental is authorized.



Moline-Coal Valley Community Unit School District 40

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\*Note: A custodial charge at the current overtime rate shall be added to all Category III rentals when additional custodial services are requires.

In addition, a current Certificate of Insurance naming Moline-Coal Valley Community Unit School District 40 as an additional named insured as their interests may appear must be on file in the Office of the Director of Facilities and Employee Relations prior to the rental date.

Rental Rates for Browning Field and Wharton Field House

\*Regular rental

The greater of \$900 per day plus custodial expense or 10% of the gross receipts.

\*Other schools

\$800 per day plus custodial expense

\*Civic and non-profit groups

\$600 per days plus custodial expense

CABINET REVIEWED: December 2017

*Exclusively for Moline-Coal Valley Community Unit School District 40 (Not in PRESS)*

Moline-Coal Valley Community Unit School District 40

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Page 1 of 3

**Community Relations****Exhibit - Application and Procedures for Use of School Facilities***To be submitted to the Superintendent*

**This application must be approved before a non-school related group is allowed to use school facilities.** School organizations, school-sponsored programs, and organizations whose primary purpose is to provide financial assistance to the school are all considered, for the purpose of this application, to be school-related. Use of school facilities for school purposes has precedence over all other uses.

<b>Organization name</b>	<b>Requested school facility</b>
<b>Adult Supervisor from Organization</b> (must be 21 years of age or older)	<b>Phone/email address</b>
<b>Program/Activity</b>	<b>Date(s) and start/end time(s)</b>
<b>Equipment needed</b>	<b>Materials to be brought into facility</b>
<b>Room arrangement, including decorations</b>	<b>Food service required</b>

**1. All non-school related groups must supply adequate supervision to ensure proper care and use of school facilities.**

- The non-school-related group is responsible to the Board for the use and care of the school facility. All adult supervisors must have cell phones with them at all times.
- Sufficient, competent adult supervision must be provided and the adult supervisor must ensure that no minor is left alone after the activity.
- Only the cafeteria, auditorium, gymnasium, and athletic field, along with needed hallways and parking areas, are available for community use. Entering any room or area not in use by the group is prohibited. The adult supervisor will vacate the facility at the scheduled end time. Use of the school facility is not permitted past the agreed end time.
- No furniture or equipment may be moved without prior approval from the Building Principal.
- Signs, displays, or materials may not be attached, nailed, or otherwise affixed to walls.

\_\_\_\_\_ *Initial here if this is agreeable*

Moline-Coal Valley Community Unit School District 40

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**2. All non-school related groups must agree to:**

- Indemnify and hold harmless the District and its agents and employees for and from any and all loss including attorneys' fees, damages, expense, and liability arising out of its use of school property.
- Pay any damages to school facilities, furniture, or equipment arising out of its use of school property whether such damage was accidental or deliberate. The cost of damages will be based on the repair or replacement cost, the choice of which is at the School Board's discretion.
- Supply proof of insurance naming [insert name of the District] as an additional insured and verifying that the group maintains adequate insurance coverage against personal injury and/or property loss: \_\_\_\_\_

Insurance provider name and contact number

\_\_\_\_\_  
Initial here if this is agreeable**3. All non-school related groups must pay the following fees:**

Rental charge (unless waived by Board policy): \_\_\_\_\_

Meal and beverage service (cost as determined by the cafeteria supervisor): \_\_\_\_\_

\_\_\_\_\_  
Initial here if this is agreeable**4. Payment Method:** ☐ Check ☐ Money Order ☐ Credit CardIf payment is by check, please make check payable to: The Moline-Coal Valley School DistrictIf payment by credit card, please indicate the following: ☐ Visa ☐ Master Card ☐ Am Ex

Expiration date: \_\_\_\_\_ Credit Card No. \_\_\_\_\_ Today's date \_\_\_\_\_

Authorized amount: \_\_\_\_\_ Authorized signature: \_\_\_\_\_

**5. All non-school related groups must agree to use appropriate emergency procedures including calling 9-1-1 for medical emergencies and whenever an AED is used.**\_\_\_\_\_  
Initial here if this is agreeable**6. All non-school related groups must agree to follow the District's Plan for Responding to a Medical Emergency at a Physical Fitness Facility, 4:170-AP6. Important:** The District will not supervise the activity nor will it supply trained AED users to act as emergency responders at any time, including during staffed business hours.☐ Activity being proposed is not in a physical fitness facility.\_\_\_\_\_  
Initial here if this is agreeable

☐ Copy of the District's Plan for Responding to a Medical Emergency at a Physical Fitness Facility has been provided. (77 Ill. Admin. Code §§527.400(a) and 527.800(c). **Important:** State law encourages all non-District coaches, instructors, judges, referees, or other similarly situated non-District anticipated rescuers who use the physical fitness facility in conjunction with the supervision of physical fitness activities to complete a course of instruction that would qualify them as a trained AED user under Ill. law (410 ILCS 4/10; 77 Ill. Admin. Code §527.100).

\_\_\_\_\_  
Initial here that a copy of the Plan was received and that the Applicant has read and understands the above note.



Moline-Coal Valley Community Unit School District 40

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Page 3 of 3

**7. If the request involves a physical fitness facility, the non-school related group must:**

- Designate at least one adult supervisor who agrees to be an emergency responder. All emergency responders are encouraged to be trained in CPR and trained AED users.
- Give a copy of the District's plan for responding to medical emergencies to each designated emergency responder.
- Require that 9-1-1 be called for medical emergencies and whenever an AED is used.
- Ensure that each designated emergency responder knows the location of first aid equipment and any AED.
- Ensure that only trained AED users operate an AED, unless the circumstances do not allow time for a trained AED user to arrive.
- Arrange for at least one emergency responder to have a tour of the facility before the activity.
- Ensure that if an AED is used, the Superintendent is informed and all appropriate forms are completed.

\_\_\_\_\_ Initial here if this is agreeable

I certify that I am authorized to act for the above-named organization. I understand that: (1) the granting of this request does not constitute recognition of my organization as a school-related group or activity, and (2) my organization may not represent itself or any of its activities as school-related.

I agree to: (1) abide by the conditions stated in this application, and (2) adhere to all Board policies and administrative procedures applicable to this use of the school's facility.

\_\_\_\_\_  
Applicant name (please print)

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
Address

\_\_\_\_\_  
Email address

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Date

The Superintendent or designee will base his or her decision on the information being provided in this application as well as other criteria deemed important. (Note to Superintendent or designee: After approving or denying this application, return a copy of it to the person making the request, keep the original in the central office, and send a copy to the appropriate Building Principal.)

☐ Approved

☐ Denied

\_\_\_\_\_  
Superintendent or designee

\_\_\_\_\_  
Date

LEGAL REF.: None

CROSS REF.: None

PRESS REVISED: May 2012, July 2017

REVIEWED: October 2017



On Feb 7, 2026, 8:04 PM Stephanie  
Murphy <[smurphy@molineschools.org](mailto:smurphy@molineschools.org)>  
wrote:

[Show quoted text](#)



**Stephanie Murphy** Feb 10

to me ▾



Here is the agreement. If anything has  
changed, please let me know and I can  
update the agreement.

Franklin will be closed on March 25 for  
spring break. Therefore, my calculations  
show you meeting 7x. The cost is \$30/hour  
and you meet for 1 hour 45 minutes.  
Therefore, your charge per meeting is \$52.50  
for a total of \$367.50. Please return 50% of  
the total (\$183.75) with your agreement to  
me at the address below. The final amount  
will be billed at the completion of your event.

Stephanie Murphy

Board of Education Recording  
Administrative Assistant  
Facility Use Coordinator



MOLINE-COAL VALLEY  
SCHOOL DISTRICT  
1619 11TH AVENUE, MOLINE, IL 61265

## Facility Usage Agreement

February 10, 2020

THIS AGREEMENT, between the Board of Education of School District No. 40, Rock Island County, Illinois, hereinafter called the Board of Education, *Child Evangelism Fellowship "The Good News Club"* hereinafter called the Visitor, Witnesseth:

The said Board of Education hereby grants unto the said Visitor, the right and privilege of occupying and using *Franklin Elementary Art Room on Wednesdays from February 26, 2020 through April 15, 2020 from 1:30 p.m. until 3:15 p.m.*

The Board of Education shall furnish heat, lights, and water.

The fee for the use shall be at the rate as follows:

*Compensation to be received in the amount of \$30 per hour. If custodial fees are required as a result of the program, they will be billed in the amount of \$49 per hour.*

A 50% deposit shall be paid at the time the rental agreement is signed and turned in before use. Any balance shall be paid at the completion of use unless billed by District, then the balance shall be paid 10 days from billing.

All facility usage shall comply with all Board of Education policies (see #8:20-AP and others).

School building functions have precedence over the visitor's usage of the facility.

No intoxicating liquors of any kind shall be allowed on the Premises, and no games of chance will be permitted. The sale or providing of goods or services, including food and beverages, is prohibited unless approved in writing as follows:

The Visitor hereby agrees to provide and maintain adequate supervision at all times.

The Visitor shall not sublet the premises or any part thereof, nor maintain or grant any concession on the premises. The Visitor agrees to remain in the designated area.

The Visitor agrees that the property to be used hereunder, is in good condition, and agrees to pay for any and all damage occasioned thereto during or by his use thereof.

Said Visitor hereby agrees to save harmless, said Board of Education from all personal injuries and public liabilities, claims, demands, suits and to supply the required certificate of insurance to the Board of Education prior to any use of the Facilities.

Visitor  
Child Evangelism Fellowship

Board of Education  
Franklin Elementary

---

Dawn Wassell  
Phone: 309-235-7044  
Email: dwassell28@gmail.com

---

Dave McDermott  
Chief Financial Officer

Dated\_\_\_\_\_

**Tobacco products, including electronic cigarettes, is prohibited on all District Property**

**\*\*Please Note\*\*\* Franklin is unavailable March 25 due to Spring Break.**



## FLORIDA OFFICE:

PO Box 540774  
Orlando, FL 32854  
Tel 407-875-1776  
Fax 407-875-0770  
www.LC.org

## DISTRICT OF COLUMBIA OFFICE:

122 C Street NW, Ste 360  
Washington, DC 20001  
Tel 202-289-1776  
Fax 407-875-0770

## VIRGINIA OFFICE:

PO Box 11108  
Lynchburg, VA 24506  
Tel 407-875-1776  
Fax 407-875-0770  
liberty@LC.org

REPLY TO FLORIDA

March 3, 2020

**Via Email Only**

Dr. Rachel Savage, Superintendent  
Moline-Coal Valley School District  
1619 11th Avenue  
Moline, IL 61265  
rsavage@molineschools.org

RE: Improper charges for Good News Club facilities use

Dear Dr. Savage:

By way of brief introduction, Liberty Counsel is a national nonprofit litigation, education and public policy organization with an emphasis on First Amendment liberties, with offices in Florida, Virginia, and Washington, D.C. As part of Liberty Counsel's work in the public interest, Liberty Counsel provides *pro bono* assistance to CEF and its numerous state and local chapters. We also assist many other individuals, organizations, and government entities, including school districts, in First Amendment legal matters

I am writing to you in your capacity as representative of the Moline-Coal Valley School District ("MCVSD" or "District") to appeal the District's classification of Child Evangelism Fellowship ("CEF") as a "Category II" group for purposes of facilities use.

This improper category has led to CEF's Good News Club ("GNC") being charged inappropriate fees for facilities use in the amount of \$360. I am writing to request reclassification as a "Category I" group, and a refund of the amount paid. The superintendent's office has the authority to initiate revision of the currently-unconstitutional Administrative Procedure ("AP") 8:20, which is the source of the violation of CEF's right to be free from discriminatory treatment based on religion.

I am requesting that you please confirm in writing by March 17, 2020, the refund of the \$360 improperly assessed fees; and to be notified when AP 8:20 is revised this summer to remove the unconstitutional distinction between "religious" "church affiliated" nonprofit organizations.



Good News Club facilities use requests  
 March 3, 2020  
 Page 2

As you may know, CEF sponsors meetings of the after-school Good News Club which is a nurturing, welcoming, privately sponsored after-school enrichment club for students, offering training in morals, character, leadership and citizenship, from a Christian/Biblical perspective, through fun activities, projects, stories, songs and games. All children are welcome, regardless of religious belief, and may only attend with parental permission. Attendance is free, and no donations are solicited.

I understand that the GNC has met at Franklin Elementary for a number of years, as a "Category 1" group, with no facilities use fees assessed. Recently, the District began classifying the GNC as a "Category II" group, because its volunteers are affiliated with churches, thereby making the GNC "church affiliated" in the mind of the District. The District therefore required the GNC to pay facilities use fees in the amount of \$360. While CEF has been required to pay, the YMCA and the Girl Scouts receive fee waivers.

The fees assessed to the GNC will make it difficult for the club to continue, as it is led completely by volunteers, and does not charge children or parents. Moreover, whether a club for children is "affiliated to a church" or has a religious viewpoint is no justification for requiring fees from the GNC, while not requiring such fees of YMCA and Girl Scouts. While CEF values its good working relationship with district personnel, and the District may not intend to discriminate, the Category II classification and rationale is indeed discriminatory.

A fee waiver is appropriate under District policy, state law, and the First Amendment as interpreted by the U.S. Supreme Court, and applied to the states via the Fourteenth Amendment. School Board Policy ("BP") 8:20, "**Community Relations - Community Use of School Facilities**" states "Student and **school-related organizations** and municipalities **may be granted the use of school facilities at no cost.**" In addition, BP 8:20 references the seminal US Supreme Court decision involving the GNC, the eponymous "Good News Club v. Milford Central School, 121 S.Ct. 2093 (2001)," which required equal treatment of the Good News Club compared with Scouts. On its face, Board Policy 8:20 appears to be constitutional.

The Good News Club is "school related." It directly supports the mission of the school to teach good character, making a fee waiver appropriate. Illinois law *requires* schools to provide "character education," "which includes the teaching of **respect, responsibility, fairness, caring, trustworthiness, and citizenship**, in order to raise pupils' **honesty, kindness, justice, discipline, respect for others, and moral courage** for the purpose of ... raising the standard of **good character.**" See 105 I.C.S. 5/27-12. All of the bolded character qualities and concepts are taught in the Good News Club curriculum, at one time or another. There can be no question that this character training is "school related," in light of the statute.

However, AP 8:20's treatment of groups holding a religious viewpoint, such as churches and the GNC, is discriminatory and unconstitutional, based upon the holdings of the Supreme Court and numerous federal courts.

Good News Club facilities use requests  
March 3, 2020  
Page 3

On the one hand, AP 8:20 lists “all local scouting activities” within “Category I,” and provides “[t]here shall be no charge for building usage for organizations listed in [Category I].” AP 8:20 also states “Boy Scouts and Girl Scouts shall be permitted to hold one two hour meeting per week either during the day or at night,” again at no charge. “Youth sports groups composed of more than 75% of players attending Moline-Coal Valley Community Unit School District 40” are permitted to meet at no charge (here, more than 75% of the children who attend the GNC are attendees of the District).

On the other hand, despite AP 8:20’s favorable “Category I” treatment of Scouts and youth sports groups, AP 8:20 places “Church and church-affiliated groups in the school district,” (event those like the GNC which are focused on positive youth development, just like Scouts, but have a religious viewpoint) into “Category II,” and requires them to pay fees, because they have a religious viewpoint or are “affiliated” with a church. AP 8:20 thus draws impermissible distinctions between secular and religious groups which are otherwise similarly situated.

The U.S. Supreme Court has found the Good News Club is similarly situated to other adult-led groups with an emphasis on youth character development, particularly Scouts. See *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98 (2001). Notwithstanding CEF’s religious viewpoint, school districts must provide the same access to facilities space, facilities use fees (or waivers of fees) and distribution of information about the club, such as flyers or web announcements. See also *Hills v. Scottsdale Unified School District*, 329 F. 3d 1044 (9th Cir. 2003); *Child Evangelism Fellowship of New Jersey Inc. v. Stafford Township School District*, 386 F.3d 514 (3d Cir. 2004); *Child Evangelism Fellowship of MD, Inc. v. Montgomery Cty. Pub. Sch.*, 457 F.3d 376 (4th Cir. 2006).

A decision to require CEF to pay fees on the basis of CEF’s religious viewpoint (where similarly situated groups are given free use) would unnecessarily expose the District to liability for civil rights violations.

However, CEF values its good working relationship with the District, and District personnel. CEF only wants to be able to continue providing vital character education to the children, and would like to resolve these concerns amicably, which is why CEF has requested that Liberty Counsel bring these concerns to your attention.

Therefore, Liberty Counsel is requesting that you please consider the above points and please respond in writing **by March 17, 2020**, confirming that District

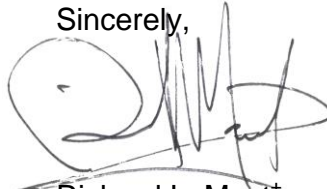
- 1) will immediately begin treating the GNC equally with other positive youth development groups, including waiver of facilities use fees;
- 2) will refund the \$360 in fees that have been improperly assessed; and
- 3) will revise the Administrative Procedure this summer to expunge it of discrimination on the basis of religion or religious viewpoint, and notify Liberty Counsel of that revision.

Good News Club facilities use requests  
March 3, 2020  
Page 4

Should you have questions prior to providing a written response, I am available to discuss via telephone at (407) 875-1776.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard L. Mast', with a large circular flourish on the left side.

Richard L. Mast<sup>†</sup>

CC

**Via Email:**

Daniel L. White<sup>††</sup>

DWhite@legacylawdfw.com

---

<sup>†</sup>Licensed in Virginia

<sup>††</sup>Licensed in Texas and Illinois

RLM/tge

<https://www.facebook.com/MolineSchools/posts/the-girls-on-the-run-and-boys-running-clubs-at-lincoln-irving-elementary-hosted-/4921175337892846/>**Moline-Coal Valley School District**

November 15, 2021 · 🌐

The Girls on the Run and Boys Running Clubs at Lincoln-Irving Elementary hosted their very own 5K race on November 1st! Participants train for weeks to complete a 3.1 mile 5K race. Training includes healthier eating habits, stretching, and charting progress up to the race. After the race, students are encouraged to continue to run. The winning student, 3rd grader Luis Angel Martinez-Hernandez, completed the 5K race in 22:58. Parents and staff members cheered all runners on and all runners received a completion medal and pizza afterward. The running programs teach self-confidence, health and wellness, and problem-solving within group discussions.

#molinepride



👍❤️ 93

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Write a comment...

**Terry Kruse**

Great job!!! 🍌🍌🍌

2y

Like

Reply

**John Katherman**

Very cool! 🍌

2y

Like

Reply

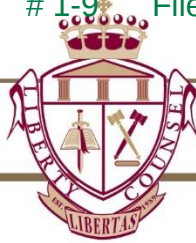


Top fan

**Susan Saelens Clark**

Woo Hoo! Lincoln Irving Rocks! 🍌❤️

# LIBERTY COUNSEL



DISTRICT OF COLUMBIA  
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Lynchburg, VA 24506  
Tel 407-875-1776  
Fax 407-875-0770  
Liberty@LC.org

## REPLY TO FLORIDA

February 18, 2025

### Via Email Only

Dr. Rachel Savage, Superintendent  
Moline-Coal Valley School District  
1619 11<sup>th</sup> Avenue  
Moline, IL 61265  
Email: rsavage@molineschools.org

RE: Unconstitutional Discrimination Against Good News Club

Dear Dr. Savage:

As you may recall from our previous correspondence, Liberty Counsel is a national nonprofit litigation, education and public policy organization with an emphasis on constitutional liberties, including religious liberty. As part of Liberty Counsel's work in the public interest, Liberty Counsel provides *pro bono* assistance to Child Evangelism Fellowship ("CEF") and its numerous state and local chapters, including the West Central Illinois Chapter of CEF.

I am writing to you in your capacity as representative of the Moline-Coal Valley School District ("Moline" or "the District") to appeal the District's classification of CEF and its Good News Club as a "Category II" group for purposes of facility use, literature distribution, and participation – or in this case exclusion from – Moline's Open House events. This letter unfortunately follows Liberty Counsel's letter of March 3, 2020, regarding the same issue – discrimination based on religious viewpoint. **I am requesting a written response with the requested assurances set forth below by February 28, 2025, or Liberty Counsel will take additional action to prevent irreparable harm to the rights of CEF.**

For years now, Moline has continued denying the constitutionally required equal treatment to CEF at Roosevelt Elementary School, Willard Elementary School, Logan Elementary School, Franklin Elementary School, and Jane Adams Elementary School. As you are undoubtedly aware, the First Amendment requires Moline to provide equal access to CEF, and excluding CEF from equal treatment to the district's facilities use, literature distribution, and fee forums on the basis of its religious viewpoint is plainly unconstitutional. Moline's failure to recognize GNC as a "Category 1" organization is discriminatory, a violation of the First Amendment to the United States Constitution, and contrary to decades of clearly established legal precedent.

As we explained previously, CEF promotes positive youth development and good character but does so from a religious viewpoint. CEF sponsors the Good News Club – a nurturing, welcoming, privately sponsored after-school enrichment club offering training in morals, character, leadership, and



citizenship from a Christian/Biblical perspective, through fun activities, projects, stories, songs, and games. All children are welcome, regardless of religious belief, and may only attend with parental permission. Attendance is free, and no donations are solicited.

Earlier in 2024, the Local Director for CEF of West Central, Illinois, Dawn Wassell, met with you after she was informed that CEF's clubs in Moline would be classified as "Category 2" organizations, be charged facilities use fees to access the after-school forum, and would be denied the opportunity to distribute literature to parents electronically and at Open Houses. The "Category 2" classification and the unconstitutionally discriminatory restrictions were based solely on CEF's religious viewpoint. However, the District permits and has permitted other similarly situated non-religious groups (like Girl Scouts and [Girls on the Run](#)<sup>1</sup>) to use Moline facilities free of charge, participate in electronic and paper flyer distribution, and advertise at Open Houses. You informed Director Wassell that you had no choice but to enforce Moline's Community Use of School Facilities Policy 8:20AP - a Superintendent-drafted administrative policy that facially discriminates against groups holding a religious viewpoint. That administrative procedure and the policies upon which it is based are unconstitutional and unlawful. The District's treatment of CEF under that administrative procedure is also unconstitutional and unlawful as a matter of long-settled First Amendment law.

Both Director Wassell's and our previous correspondence explained that the U.S. Supreme Court and numerous federal courts across the country, have determined that policies like Moline's 8:20AP are unconstitutional and that the discriminatory denial of equal access to CEF on the basis of its religious viewpoint is plainly prohibited by the First Amendment. Liberty Counsel's litigation on behalf of CEF has never failed to ensure CEF is provided equal treatment to public school facilities. However, you informed Director Wassell that you were already aware of relevant legal decisions on this matter and of Liberty Counsel's work, so instead of restating the decades long legal history associated with CEF's triumph over viewpoint discrimination in public schools, I have attached our previous correspondence. *See* Enclosure 1.

CEF desires only to have a good working relationship with the District, and to be treated equally with other groups as it seeks to support the shared goal of inculcating good character into District students. But the District's decision to require CEF to pay fees and to prohibit CEF from participating in Open Houses or otherwise available literature distribution forums, on the basis of CEF's religious viewpoint, has plainly, but unnecessarily, exposed Moline to liability for civil rights violations. **Therefore, to avoid CEF's pursuit of federal litigation to vindicate its First Amendment rights, and in addition to the points listed *supra*, I make this final request that the District provide the following assurances in its response:**

1. The District will immediately begin treating the GNCs in its district as a Category 1 group, including waiving their facility use fees and otherwise granting them equal access to Moline facilities;
2. The District will refund the facility use fees CEF has been improperly charged since 2020.
3. The District will inform Director Wassell that CEF is permitted to participate in the District's Open House events and announcement distribution channels, including permitting both electronic and paper distribution of GNC flyers; and
4. The District will revise Moline's Community Use of School Facilities Policy 8:20 Administrative Procedure, and any other Administrative Procedures that

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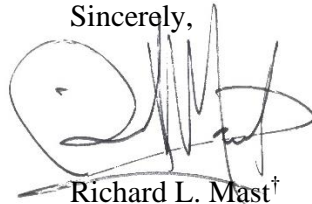
<sup>1</sup> <https://www.gotrquadcities.org/locations>

discriminates on the basis of religion or religious viewpoint and notify Liberty Counsel of that revision.

**Should the District fail to provide the foregoing written assurances by February 28, 2025 and to otherwise guarantee CEF is provided its constitutionally guaranteed equal access to all District public forums, CEF will be forced to conclude that the District remains intent on discriminating against CEF's religious viewpoint and will avail itself of other remedies.**

Should you have questions prior to providing a written response, I am available via email at Liberty@LC.org. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard L. Mast', with a small superscript '†' to the right.

Richard L. Mast<sup>†</sup>

CC

**Via Email:**

Jared M. Schneider<sup>††</sup>

**Moline-Coal Valley School Board**

Andrew “Andy” Waeyaert, Board President  
Erin Waldron-Smith, Board Vice President  
Audrey Adamson, Board Member  
Cheston “Chet” DeSmet, Board Member  
Ramona Dixon, Board Member  
Jason Farrell, Board Member  
Lindsey Hines, Board Member

awaeyaer@molineschools.org  
ewaldron@molineschools.org  
aadamson@molineschools.org  
cdesmet@molineschools.org  
rdixon@molineschools.org  
jfarrell@molineschools.org  
lhines@molineschools.org

---

<sup>†</sup>Licensed in Virginia

<sup>††</sup>Licensed in Illinois

**From:** [Richard Mast](#)  
**To:** [Frazier Satterly](#)  
**Subject:** Re: Moline School District No. 40 and the Good News Club  
**Date:** Thursday, March 13, 2025 12:45:48 PM  
**Attachments:** [image001.png](#)

---

Dear Frazier:

I hope you are well.

I am writing to make sure I have not missed a substantive response on behalf of Moline School District No. 40.

Please advise.

Thank you,

Richard

**Richard L. Mast, Esq.\***  
*Senior Litigation Counsel*  
**Liberty Counsel**  
PO Box 540774  
Orlando, FL 32854  
(407) 875-1776 phone  
(407) 875-0770 fax  
[LC.org](#)  
Offices in DC, FL, and VA  
\*Licensed in VIRGINIA

---

**From:** Frazier Satterly <FSatterly@hlerk.com>  
**Sent:** Wednesday, February 19, 2025 10:35 AM  
**To:** Richard Mast <RMast@LC.org>  
**Cc:** Jill M. Schmid <jill@lc.org>; Jared Schneider <jared@schneiderpc.com>  
**Subject:** RE: Moline School District No. 40 and the Good News Club

No problem. Also, it's Ms. Satterly.

Thanks,  
Frazier



**C. Frazier Satterly, Partner**  
Hodges Loizzi Eisenhammer Rodick & Kohn LLP  
401 SW Water Street, Suite 106, Peoria, IL 61602



p 309.671.9000 w [www.hlerk.com](http://www.hlerk.com) e [fsatterly@hlerk.com](mailto:fsatterly@hlerk.com)

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---

**From:** Richard Mast <RMast@LC.org>  
**Sent:** Wednesday, February 19, 2025 7:49 AM  
**To:** Frazier Satterly <FSatterly@hlerk.com>  
**Cc:** Jill M. Schmid <jill@lc.org>; Jared Schneider <jared@schneiderpc.com>  
**Subject:** Re: Moline School District No. 40 and the Good News Club

Dear Mr. Satterly:

Thank you for your response confirming receipt.

I look forward to the District's substantive response.

**Richard L. Mast, Esq.\***  
*Senior Litigation Counsel*  
**Liberty Counsel**  
PO Box 540774  
Orlando, FL 32854  
(407) 875-1776 phone  
(407) 875-0770 fax  
[LC.org](http://LC.org)  
Offices in DC, FL, and VA  
\*Licensed in VIRGINIA

---

**From:** Frazier Satterly <FSatterly@hlerk.com>  
**Sent:** Tuesday, February 18, 2025 5:00:01 PM  
**To:** Liberty Counsel <[liberty@lc.org](mailto:liberty@lc.org)>  
**Cc:** Rachel Savage <[rsavage@molineschools.org](mailto:rsavage@molineschools.org)>; Vincent Gallo <[vgallo@molineschools.org](mailto:vgallo@molineschools.org)>  
**Subject:** Moline School District No. 40 and the Good News Club

Mr. Mast,

Please be advised that my firm represents Moline Coal-Valley School District No. 40. I am in receipt of your correspondence dated February 18, 2025, to Dr. Rachel Savage, Superintendent. While a more substantive response to your correspondence is forthcoming, please direct any further communications to the Board of Education and the District Administration to my attention.

Thank you,  
Frazier Satterly



**C. Frazier Satterly, Partner**

Hodges Loizzi Eisenhammer Rodick & Kohn LLP

401 SW Water Street, Suite 106, Peoria, IL 61602

p [309.671.9000](tel:309.671.9000) w [www.hlerk.com](http://www.hlerk.com) e [fsatterly@hlerk.com](mailto:fsatterly@hlerk.com)

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