

# LIBERTY COUNSEL



**DISTRICT OF COLUMBIA**  
109 Second Street NE  
Washington, DC 20002  
Tel 202-289-1776  
Fax 407-875-0770  
LC.org

**FLORIDA**  
PO Box 540774  
Orlando, FL 32854  
Tel 407-875-1776  
Fax 407-875-0770

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

**REPLY TO FLORIDA**

September 8, 2023

**Via Email Only:**

[REDACTED]  
[REDACTED]  
Vigo County School Corporation  
[REDACTED]  
[REDACTED]  
[REDACTED]

RE: Vigo County School Corporation - Religious Accommodation Request

Dear Mr. [REDACTED]:

Thank you for your August 25, 2023 response on behalf of Vigo County School Corporation (“District”) regarding Liberty Counsel’s August 17, 2023 letter requesting the District provide teacher [REDACTED] with a reasonable accommodation from the District’s previous directive (relating to Mr. [REDACTED] supervising a minor girl in the boys’ locker room).<sup>1</sup> Our letter set forth Mr. [REDACTED] three primary religious beliefs (here, “Religious Belief No. 1, 2 and 3,” respectively) impacted by the District in its handling of the situation.<sup>2</sup> The letter made two initial Requests, that the District:

1. **Approve Mr. [REDACTED]’s request for a reasonable accommodation, including without limitation, a reassignment of duties or assistance in performing those duties, and**
2. Refrain from engaging in any covert or overt discrimination, retaliation, or adverse action against Mr. [REDACTED] on the basis of his religious beliefs and request for religious accommodation. (Emphasis added).

<sup>1</sup> Beginning August 17, 2023 Mr. [REDACTED] would have to observe and personally supervise the locker room, to which the minor female child was given access and permitted (and on information and belief, remains permitted) to completely undress at her discretion during change-outs for P.E.

<sup>2</sup> “Mr. [REDACTED] has sincerely-held Christian religious, scientific, and moral beliefs about the nature of sex and sexuality; as well as about the rights of the boys and their parents. Mr. [REDACTED] religious beliefs are violated if he is forced by the District to do any of the following:” 1. “Observe a female (who is not his wife) in a state of nudity or undress;” 2. “Cause minor boys to unknowingly undress in front of and be observed by a minor female;” and 3. “Lie to students and parents (whether by omission or commission).”

The District's August 25 response letter stated in regard to Request No. 1, "Mr. [REDACTED] receives assistance in performing duties," and that this assistance means the District "already accommodated Mr. [REDACTED] request before receiving" Liberty Counsel's letter.

While Mr. [REDACTED] appreciates the District relenting as to Religious Belief No. 1 and providing an accommodation as to that specific Religious Belief, the District did not offer any accommodation to him until **after** Liberty Counsel sent our letter on his behalf. The fact that assistance in performing duties may be available was beside the point: the District demanded that Mr. [REDACTED] **personally supervise and observe** the locker room and offered no other person to take his place, until receiving a letter from Liberty Counsel. Still, the District's accommodation of this Request satisfies Religious Belief No. 1 as set forth in the letter. Mr. [REDACTED] further appreciates the District's assurances with regard to Request No. 2.

This leaves outstanding the remaining items: Religious Beliefs Nos. 2 and 3; and whether the District has sufficient information to determine "whether the child's mother intends to subject her minor daughter to a double mastectomy and/or to subject her minor daughter to female genital mutilation (FGM) before the child turns 18 years old, in violation of Indiana law, thus triggering an "obligation as a mandatory child abuse reporter to file a report with law enforcement. See Ind. Code § 35-42-2-10 and § 31-33-5."

Therefore, please advise Liberty Counsel as to:

- A. How the District intends to accommodate Religious Belief 2 and Religious Belief 3, that Mr. [REDACTED] may not, consistent with his faith, "**Cause minor boys to unknowingly undress in front of and be observed by a minor female;**" and "**Lie to students and parents (whether by omission or commission)**" about the fact that the boys have been undressing in front of and are being observed by a minor female since August 17, 2023 without their or their parents' knowledge and consent; and
- B. Whether the District intends to file a report with law enforcement as a mandatory child abuse reporter under Ind. Code § 35-42-2-10 and § 31-33-5 under the facts known to the District.

Thank you for your continuing attention to this matter.

[REDACTED]

c.

[REDACTED]

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[REDACTED]  
[REDACTED]