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September 7, 2016

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Via U.S. Mail/Email: [dniose@americanhumanist.org](mailto:dniose@americanhumanist.org)

David Niose  
American Humanist Organization  
Appignani Humanist Legal Center  
1777 T Street NW  
Washington DC 20009-7125

Dear Mr. Niose,

This letter shall confirm our telephone conversation of September 7, 2016 wherein we discussed the alleged constitutional violation of a student at Dwight D. Eisenhower High School in Blue Island, Illinois. As you are aware, I am legal counsel on behalf of Community High School District 218 of which Dwight D. Eisenhower is one of the schools in said district.

As discussed, Community High School District 218 takes seriously the allegations of the parent and student that have contacted your office. Additionally, the District reaffirms its obligation to follow both Illinois state law and the law of the Constitution of the United States and resulting U.S. case law. To that end, after an extensive investigation, Community High School District 218 will balance the requirements under 105 ILCS 5/27-3 which requires:

Sec. 27-3. Patriotism and principles of representative government- Proper use of flag-Method of voting- Pledge of Allegiance. American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag, shall be taught in all public schools and other educational institutions supported or maintained in whole or in part by public funds. No student shall receive a certificate of graduation without passing a satisfactory examination upon such subjects. Instruction shall be given in all such schools and institutions in the method of voting at elections by means of the Australian Ballot system and the method of the counting of votes for candidates. The Pledge of Allegiance shall be recited each school day by pupils in elementary and secondary educational institutions supported or maintained in whole or in part by public funds. (*emphasis added*).

Additionally, you correctly cite the Supreme Court cases in which the right of a student to

not stand or recite the pledge has been recognized and is case law. Accordingly, let me reaffirm that the District has never required students to participate in the recitation of the pledge and accordingly have investigated your allegations and acted accordingly with the teacher of who was involved in this action. Being that this is a personnel matter, I am not able to further discuss the personnel action that was taken, but be assured that it has been reviewed and internally handled. Additionally, after meeting with administrative teams, the Assistant Superintendent in charge of personnel, Dr. Michael Ryan, is in the process of personally addressing all of the school's staff within the District with the following statement:

“CHSD 218 respects and follows the State of Illinois School Code in providing students and staff an opportunity to recite the Pledge of Allegiance. However, we equally respect an individual's right to not stand for or recite the Pledge of Allegiance. Staff should neither encourage nor dissuade students or others from participating in the Pledge of Allegiance”

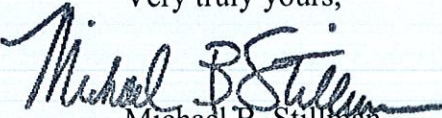
All staff members in the various buildings shall receive this exact recitation of the school's policy by next Tuesday. Be assured that the building in question, Eisenhower High School, has already received this statement. Additionally, Community High School District 218 will adopt a custom and practice to remind its teachers on a yearly basis of this fact.

The parent of the student that has contacted you has made numerous requests both to the School District and the media regarding punishment of the subject teacher. As discussed, Illinois state law is extremely clear on the rights of teachers and based upon my years of legal experience, none of the facts give rise to a potential termination hearing. Therefore, please advise your client of the status of Illinois state law and the impossibility of potential further significant termination action of the teacher.

As I made clear during our conversation, Community High School District 218 prides itself as being tolerant and is respectful of student rights. It is our hope that we can move on from this incident and will use it as a learning and training experience in the future. Additionally, we recognize the parent's concern of bullying or physical and/or mental threats against the student. As with any other student, these will always be investigated and never tolerated.

I hope this clearly addresses all of the items in our conversation and any concerns that you or the parent of the student may have. Thank you for your anticipated cooperation. If you should have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

  
Michael B. Stillman