

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

ALASKA FIRST JUDICIAL DISTRICT AT KETCHIKAN

JUSTIN WILLIAM BREESE,
REBECCA LYNN KING, and on
behalf of FAWN K BREESE and
SATCHA J BREESE

Plaintiffs,

v.

KETCHIKAN GATEWAY
BOROUGH SCHOOL DISTRICT
and THE KETCHIKAN CHARTER
SCHOOL

Defendants.

1KE-22-2600

FILED in the Trial Courts
State of Alaska First District
at Ketchikan

JUL 25 2022

Clerk of the Trial Courts

By _____ Deputy

COMPLAINT

Plaintiffs Justin William Breese and Rebecca Lynn King hereby file this complaint against the Ketchikan Gateway Borough School District and the Ketchikan Charter School by stating and alleging the following:

I. INTRODUCTION

1. This case is a challenge to the Ketchikan Gateway Borough School Districts and Ketchikan Charter School's use of tribal values as a Positive Behavior Intervention Support, and posting of tribal values in classrooms, hallways, and common areas.
2. Using it in this way is a violation of the plaintiff's civil rights under Article I, § 4 of the Alaska Constitution.
3. Requiring Staff to teach these tribal values as believable by everyone is a violation under Article I, § 4 of the Alaska Constitution.
4. Similarly, these actions are also violations of the First Amendment of the United States Constitution.

THIS MATTER IS
FORMALLY ASSIGNED TO
KATHERINE H. LYBRAND
SUPERIOR COURT JUDGE

II. PARTIES

5. Plaintiff Justin Breese is a resident of Ketchikan, Alaska, and a parent of two children in the Ketchikan Gateway Borough School District.
6. Plaintiff Rebecca King is a resident of Ketchikan, Alaska, a parent of two children in the Ketchikan Gateway Borough School District, and a teacher at the Ketchikan Charter School.
7. Plaintiff Fawn K Breese is a resident of Ketchikan, Alaska, and a student at the Ketchikan Gateway Borough School District.
8. Plaintiff Satcha J Breese is a resident of Ketchikan, Alaska, and a student at the Ketchikan Gateway Borough School District.
9. Defendant Ketchikan Gateway Borough School District is responsible for the education of prekindergarten through grade 12 Ketchikan students.
10. Defendant Ketchikan Charter School is a charter school in Ketchikan authorized to develop and implement curriculum by Alaska Statute 14.03.225.

III. JURISDICTION

11. This Court has personal and subject matter jurisdiction in this matter.

IV. FACTUAL ALLEGATIONS

12. In the 2021/2022 school year the Ketchikan Gateway Borough School District began using the Tribal Values as a Positive Behavior Intervention Support and posting tribal values in classrooms, hallways, and common areas.
13. The Ketchikan Charter School Academic Policy Committee also adopted the use of the Tribal Values.
14. Positive Behavior Intervention Support is a way of describing and defining behaviors that are valued in school.
15. The Ketchikan Charter School also rewards students who embody "the value of the week."

16. The values are posted in classrooms, hallways, and common areas in the schools (see attached).
17. The values are posted without any lesson and are not part of a developed curriculum.
18. The tribal value "Reverence for Our Creator" states a religious view of the existence of a divine or supernatural Creator of all things.
19. The tribal values were developed and adopted by the Central Council for the Tlingit and Haida Indian Tribes of Alaska and are posted on their website <http://www.ccthita.org/index.html>.
20. Plaintiffs complained to the Ketchikan Gateway Borough School District about religious views being promoted by the district.
21. Defendants state in a written response that there is no creationism belief by the Tlingit and Haida Tribes.
22. Also posted on the website by the Central Council for the Tlingit and Haida Indian Tribes of Alaska is a history of their people stating:

"The Haida legend of "The Raven and the First People" expresses how Raven discovered mankind and is responsible for the present order of our universe. Likewise, the Tlingit legend of "Raven and the Creation Story" tells us how the Raven created the world.

and:

"The Creator has blessed our people with these lands and waters for their use as mariners, fishermen, hunters, gatherers, and traders."
23. The Central Council Tlingit and Haida Indian Tribes of Alaska also publish a reading list brochure for Tribal families which include:

"Shamans and Kushtakas: North Coast Tales of the Supernatural, by Mary Beck, Mythical legends of Tlingit and Haida Indians that reflect their religion, traditions, and values"
24. Tlingit and Haida beliefs and religion are passed down through oral tradition and do contain creation stories and beliefs.
25. Plaintiffs appealed the decision to the Ketchikan Gateway School District.
26. Defendants voted to uphold current practices.

V. VIOLATIONS OF PLAINTIFFS CIVIL RIGHTS

27. Display, endorsement, and promotion by the Ketchikan Gateway Borough School District and The Ketchikan Charter School of "Southeast Traditional Tribal Values" which contain the religious directive "Reverence for Our Creator" is a violation of Article I, § 4 of the Alaska Constitution.
28. Display, endorsement, and promotion by the Ketchikan Gateway Borough School District and The Ketchikan Charter School of "Southeast Traditional Tribal Values" which contain the religious directive "Reverence for Our Creator" is a violation of the First Amendment of the United States Constitution.
29. The posting, supporting, and rewarding of these values by school employees at a school owned facility creates an inescapable conclusion that the school district endorses the religious belief of creationism.
30. The school district's endorsement and promotion of these religious values violates Rebecca Lynn King's civil rights pressuring her to teach, endorse, and promote religious values.
31. The posting of these values in all classrooms and in common areas violates Fawn K Breese and Satcha J Breese's civil rights by creating the appearance the district prefers religion over nonreligion and pressures them to adopt the school-sponsored viewpoint.
32. The selection of "the value of the week" and rewarding students who embody that highlighted value by the Ketchikan Charter School violates Satcha J Breese's civil rights by directly pressuring him to adopt the school-sponsored religious viewpoint.
33. The endorsement and promotion of "Southeast Traditional Tribal Values" which include religious statements is a violation of Justin William Breese and Rebecca Lynn King's civil rights by usurping their authority to pass on their beliefs to their children.

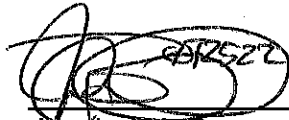
VI. REQUEST FOR RELIEF

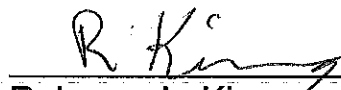
34. Defendants request the court grant the following relief:
 - A. Declare that the Ketchikan Gateway Borough School District using the tribal values as the basis for the Positive Behavior Intervention Support program is unconstitutional.

- B. Direct the Ketchikan Gateway Borough School District to remove postings in classrooms and common areas and allow the values stated in these posting only as part of an academic lesson about tribal values and beliefs.
- C. Award Justin Breese and Rebecca King reasonable costs and attorney's fees.
- D. Grant such other relief as the Court deems necessary and proper.

RESPECTFULLY SUBMITTED at Ketchikan, Alaska this 25 day of July 2022.

By:


Justin W. Breese


Rebecca L. King ✓



SOUTHEAST TRADITIONAL TRIBAL VALUES

“OUR WAY OF LIFE”

- Discipline and Obedience to the Traditions of our Ancestors
- Respect for Self, Elders and Others
- Respect for Nature and Property
- Patience
- Pride in Family, Clan and Traditions is found in Love, Loyalty and Generosity
- Be Strong in Mind, Body and Spirit
- Humor
- Hold Each Other Up
- Listen Well and with Respect
- Speak with Care
- We are Stewards of the Air, Land and Sea
- Reverence for Our Creator
- Live in Peace and Harmony
- Be Strong and Have Courage

Developed, Adapted, and Approved at the 2004 Elders Forum on Traditional Values

Sponsored by Central Council Tlingit and Haida Indian Tribes of Alaska, Circles of Care, SAMHSA Substance Abuse Planning Project, Elderly Nutrition Program, Johnson O'Malley Program and Alaska Rural Systemic Initiative, Association of Alaska School Boards