

**IN THE CIRCUIT FOR THE 14TH JUDICIAL DISTRICT OF TENNESSEE
COFFEE COUNTY
AT MANCHESTER**

**HEATHER MURCHISON, individually and)
as the parent and guardian of N.S.,)
a minor child,)**

Plaintiff,)

v.)

No. _____

**DR. CHARLES LAWSON, in his official)
capacity as Director of Schools AND the)
COFFEE COUNTY, TENNESSEE BOARD)
OF EDUCATION,)**

Defendants.)

VERIFIED COMPLAINT FOR DECLARATORY & INJUNCTIVE RELIEF

COMES NOW the Plaintiff, Heather Murchison, as the parent and guardian of N.S., a minor child, by and through undersigned counsel, and for her Verified Complaint for Declaratory and Injunctive Relief against Defendants, Dr. Charles Lawson, Director of Schools, and the Coffee County, Tennessee Board of Education (collectively “the Board”) states as follows:

PARTIES

1. Plaintiff, Heather Murchison (hereinafter “Mrs. Murchison”), is a citizen and resident of Manchester, Coffee County, Tennessee.
2. Mrs. Murchison is parent and legal guardian of the minor child, N.S., who is also a citizen and resident of Manchester, Coffee County, Tennessee.
3. Defendant, Dr. Charles Lawson, is named in his official capacity as Director of Coffee County Schools and may be served with process at his office located at 1343 McArthur Street, Manchester, Tennessee 37355.

4. The Coffee County School Board (hereinafter “the Board”) is a local body politic comprised of seven (7) elected board members created to perform certain, specified governmental functions related to the education of children within the school district and has only such powers and authority as expressly conferred on it by the Tennessee State Legislature at T.C.A. §49-2-203.

JURISDICTION & VENUE

5. Jurisdiction and venue are appropriate before this Court pursuant to T.C.A. §16-10-101 and §20-4-101 in that all parties reside within this judicial district and the acts complained of herein arose within this district.

FACTS COMMON TO ALL COUNTS

6. N.S. is a 9th grade student at Coffee County Central High School (“CCHS”), located within the Coffee County, Tennessee school district.
7. Mrs. Murchison brings this cause of action on her own behalf, and on behalf of her minor child, N.S.
8. Dr. Charles Lawson is the duly appointed and acting Director of the Coffee County, Tennessee school district.
9. On or about August 10, 2020, the Board met and approved mandates with the following requirements:
 - a) Masks shall be worn in all areas, including transportation, when individuals are not separated by at least six feet.
 - b) If distancing is greater than six feet, the use of masks is at the discretion of school system personnel (ex. bus drivers, teachers administration).
 - c) Documentation will be required for mask medical exemptions.

- d) Mask use during extracurricular activities will be under the guidance of the governing body, such as TSSAA.
10. The mandates are an attempt by the Board to issue generalized health regulations and impose the same on its students.
 11. The mandates, as approved by the Board, require N.S. to wear a face mask before he is allowed to enter CCHS to attend school or utilize school transportation (i.e. school buses).
 12. N.S. did, in fact, enter CCHS for the purpose of attending school on August 13, 2020, and again on August 18, 2020.
 13. On both occasions N.S. refused to wear a mask based upon personal healthcare decisions made by himself, in conjunction with his legal guardian, Mrs. Murchison.
 14. On both occasions, CCHS staff refused to allow N.S. to attend class, but instead placed him in in-school suspension; separate and apart from his classmates.
 15. On both occasions, CCHS failed to provide N.S. with any educational instruction within in-school suspension throughout the day.
 16. CCHS staff members and the Board have communicated to Mrs. Murchison that N.S. will not be allowed to attend in-person classes at CCHS without wearing a face mask for so long as the mandates remain in effect.
 17. On August 13, 2020, CCHS football coach and staff member Brock Freeze referred to N.S. as “stupid” and “a stupid spoiled brat,” in front of the CCHS football team in retaliation for Plaintiffs’ choice not to wear a mask.
 18. Absent a specific grant of authority to local school boards, “the system of public education in [Tennessee] shall be governed in accordance with laws enacted by the

general assembly and under policies, standards, and guidelines adopted by the state board of education that are necessary for the proper operation of public education in kindergarten through grade twelve (K-12). The policies, standards and guidelines shall be formulated by the state board of education, with such assistance from the commissioner of education as the state board may request.” *See* T.C.A. §49-1-102; *see also* Tennessee Constitution, Art. XI, §12.

19. Neither, the Tennessee General Assembly, nor the State Board of Education have promulgated any mandate that students within the state wear a face mask as a condition precedent to entry into a public school.
20. Moreover, the Tennessee State Legislature, in its limited grant of authority, has not authorized local boards of education to promulgate compulsory health mandates before allowing a student to attend public school within a school building. *See* T.C.A. §49-2-203.
21. In fact, the only authority granted to local boards of education with respect to health care regulations of their students and employees is limited to such board’s ability to demand a physical examination by a competent physical where there is reason to believe a student/employee has tuberculosis or other, communicable disease and exclude them from school until such time as it is certified that their disease is cured. *See* §49-2-203(b)(2).
22. At no time relevant to these proceedings did N.S. have or otherwise exhibit symptoms of tuberculosis or any other communicable disease.

23. The Tennessee Constitution guarantees to school children the right to a free and public education. See Tenn. Small School Systems v. McWherter, 851 SW.2nd 139, 151 (Tenn. 1993).
24. Further, the Tennessee Constitution imposes upon the General Assembly the obligation to maintain and support a system of free public schools that affords substantially equal education opportunities to all students. *Id.* at 140-141.
25. However, a number of school systems within the State, including the separate, Manchester City School system located within Coffee County, Tennessee, do not presently have a mask mandate in effect for their students, employees and staff.
26. Thus, in denying N.S. entry into CCHS based solely upon his failure to abide by its unlawful mask mandate, the Board has denied N.S. substantially equal education opportunities available to other students within the state; including his own sister, O.S., who lives in Plaintiffs' household and attends a Manchester City School.

COUNT I

DECLARATORY JUDGMENT

27. Plaintiffs hereby restate and reallege the facts and allegations contained in paragraphs 1 through 26 inclusive, as if fully restated herein.
28. Plaintiffs seek a declaration finding the Board's mandates are beyond the authority granted to it by the General Assembly and are otherwise in violation of Tennessee law.
29. Plaintiffs seek a declaration that the Board's mandates operate to deny N.S. substantially equal access to educational opportunities as are afforded to other public-school students within the state in violation of the Tennessee Constitution.

30. A justiciable controversy exists between Plaintiffs and Defendants concerning the mandate being forced upon N.S. as a condition precedent to being allowed to attend public school, in-person, within this state.
31. This Court is vested with the power to declare the rights of the parties and to provide such other and further relief as may be necessary to enforce the same.

COUNT II

COMPLAINT FOR PERMANENT INJUNCTION

33. Plaintiffs hereby restate and reallege the facts and allegations contained in paragraphs 1 through 33 inclusive, as if fully restated herein.
34. Plaintiffs will suffer immediate and irreparable harm should N.S. continue to be denied educational opportunities by the Board which are otherwise afforded to him under applicable law.
35. Plaintiffs have no adequate remedy at law because N.S.'s only option is to be deprived of his equal right to access with the public-school building at CCHS, or subject the minor child to the Board's unlawful mandates.
36. Plaintiffs have shown that the Board's mandate requiring N.S. to wear a face mask as a condition precedent to being allowed attendance within CCHS is beyond the authority delegated to the Board by the General Assembly and is otherwise unlawful.
37. Absent the issuance of a permanent injunction, there is sufficient probability that the Board will continue to violate Plaintiffs' rights by enforcement of its unlawful mandate.

WHEREFORE, BASED UPON THE FOREGOING, PLAINTIFFS PRAY:

1. That summons issue and Defendants be required to answer this Complaint in accordance with Tennessee law and the Rules of Civil Procedure.
2. That this Court enter a judgment finding that the Board's mandate is illegal in that it exceeds the scope granted to the Board by the General Assembly.
3. That this Court enter a judgment finding that the Board's mandate is illegal in that it operates to deny N.S. substantially equal access to education opportunities available to other public-school students within this state.
4. That this Court enter a temporary injunction prohibiting Defendants from enforcing the Board's mandate as to N.S.
5. That this Court enter a permanent injunction prohibiting Defendants from enforcing the Board's mandate as to N.S.
6. That they be awarded their costs and attorney fees necessitated by this action.
7. For such other, general relief as may be appropriate.

Respectfully submitted,

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We go surety for the costs of this matter not to exceed \$500.00

Jeremy W. Parham

AFFIRMATION

I, Heather Murchison, having been duly sworn, hereby affirm under penalty of perjury that the allegations set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief.

Heather Murchison

Date

Sworn to and subscribed before me
this ____ day of August 2020.

Notary Public

My commission expires: _____