

Barber v. Katy Independent School District et al.

Case No. 4:24-cv-01004

Plaintiff's Motion for Partial Summary Judgment

Exhibit A

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TRANSCRIPTION OF AUDIO

titled

"Barber vs. Katy Independent School District"

1 MR. ROUNDS: I put it in my email
2 yesterday. Okay? I am completely understanding of your
3 passion for your beliefs. However, in your role as
4 educators and teachers with Katy ISD, you cannot pray in
5 the presence of students, right? You do have the right
6 to pray privately during like break time, before school,
7 after school. You can get together and pray together in
8 -- in private, away from students. But you cannot do
9 that in front of students and you -- because here's
10 what's going to happen. I mean, first of all, you can't
11 -- you can't even pray in front of students, right?
12 That's part of board policy. And what's going to happen
13 is if you start, kids are going to come over -- some
14 kids are probably going to come over and want to join
15 you. And so when you -- when you do that, you're in
16 violation of board policy. I try to be as clear about
17 that and as -- as sensitive about that as possible. So
18 what -- what questions do you have? How can I help you?

19 MS. BARBER: When a kid came over, we
20 would just say, "Oh, he's already approved that. You
21 can come to the pole when Coach Thomas gets here." So
22 we -- that would've been handled. And that's not what
23 the paper that we showed you said. It said that you
24 could pray in front -- I mean, you could pray for kids.
25 There's chaplains that could be on campus, and we're not

1 even praying for the kids. So do you want us to go to
2 the parking lot?

3 MR. ROUNDS: So you have the right to pray
4 in private, but -- but not in front of students. And
5 there are students at the front and you -- so you can't
6 do that. The paper that you got is from an organization
7 outside of school. There are some things --

8 MS. BARBER: It's a state law.

9 MR. ROUNDS: Well, you let me finish, Ms.
10 Barber?

11 MS. BARBER: Okay.

12 MR. ROUNDS: There are some things on that
13 paper that are not a 100 percent accurate and some of
14 those things I met with you guys and -- and explained
15 that, so I've already been through that with you.

16 MS. BARBER: Okay.

17 MR. ROUNDS: Okay? So I -- look, I share
18 the same faith as you guys. I believe in the power of
19 prayer. It -- does it have to be prayer at the pole on
20 a national student-led -- student-initiated event? No,
21 it doesn't. You can do the same thing in your classroom
22 in private, away from kids. That is your right to do
23 that.

24 MS. BARBER: Sure.

25 MR. ROUNDS: What -- what -- what has been

1 approved is for -- approved the student who asks, "Can
2 we have prayer at the pole?" Sure. Students can do
3 that. Students can do that. But we cannot do -- do --
4 you know, we cannot pray with students.

5 MS. BARBER: Okay.

6 MR. ROUNDS: Okay? So --

7 MS. LEWIS: And I understand exactly what
8 you're saying, Mr. Rounds. You know, the Bible does
9 tell us to obey the laws of the land. And as a part of
10 Katy employees, we do have to obey the laws. If the
11 district says that we can't -- it doesn't stop prayer.
12 God hears the out-loud prayers as well as the silent, so
13 you just walking around that pole, praying within
14 yourself, nobody knows. God hears you, and the spirit
15 of God heals you. And he will honor that. And I can
16 understand that because there are some people that are
17 Muslims. There are some people that -- and they can go
18 home and say, "They're praying to their God and they
19 wanted me." You know, it could be -- it could be really
20 become political. But the fact is that we are there in
21 support to them to let them know that they're free to
22 come --

23 MS. PRINCE: Presence. Our presence.

24 MS. LEWIS: -- we are present to let them
25 know we got you. Whoever you pray to.

1 MS. BARBER: So that's fine. So if I walk
2 around the pole and I don't pray out loud, you're good
3 with that?

4 MR. ROUNDS: Here's -- what -- what --
5 what message, you know, are you sending? Because these
6 students --

7 MS. BARBER: I look like an idiot walking
8 around in a circle on the --

9 MR. ROUNDS: No, no, no.

10 MS. BARBER: No. That's what I'm saying.
11 That's the message I'm sending, that "Ms. Barber, why
12 are you walking around?" I'm sorry, I can't talk --
13 tell you about that. But if you'd like to ask Mr.
14 Rounds, you can do that.

15 MR. ROUNDS: Okay. That is not the
16 message I'm saying you're sending. If -- if this
17 student group -- this young man said he had some friends
18 and they were planning to -- to do the -- the prayer at
19 the pole, if they show up and they're there and you're
20 -- you're present with them, like, what -- what message
21 are you sending?

22 MS. BARBER: Mr. Rounds, I told you that
23 we would be gone by 8:20.

24 MR. ROUNDS: Okay. I don't -- I don't
25 understand why this is a source of confrontation, Ms.

1 Barber. It is not intended to be a source of
2 confrontation. As I mentioned, you can express your
3 faith. You can pray. It is your right to do that, but
4 you can't mix your right with the students.

5 MS. BARBER: Okay.

6 MR. ROUNDS: You have to separate that.
7 And -- and I -- and I agree with what you said, Ms.
8 Lewis. Like the power of prayer is going to happen if
9 you believe that regardless of whether you're standing
10 at the flagpole or if you're doing that in private at
11 your room.

12 MS. PRINCE: The last email said just like
13 you could just stand there as like -- monitor -- and
14 just -- so if they come there --unintelligible--.

15 MR. ROUNDS: Yeah. Yeah. Now monitor
16 means, you know, you're kind of off to the side --

17 MS. PRINCE: -- of the presence. Yeah.

18 MR. ROUNDS: right -- You're -- you're --
19 and Mr. Thomas is the designated monitor. I've already
20 talked to Mr. Thomas.

21 MS. PRINCE: Okay.

22 MR. ROUNDS: He's on the app, the
23 student's application as the monitor. So we've got that
24 covered. If you want to stand with Mr. Thomas to the
25 side --

1 MS. PRINCE: Where is he?

2 MR. ROUNDS: Let the students do their
3 thing --

4 MS. BARBER: He'll be there at 8:20
5 because that's when our --

6 MS. LEWIS: Yeah. So we just trust God
7 that our -- presence -- our presence --

8 MS. PRINCE: To make a statement that we
9 came out to support.

10 MS. LEWIS: -- along with his presence.
11 Do more than what we can do out loud because of the
12 circumstances. God --

13 (Cross-talk.)

14 MS. PRINCE: Be take away from what our
15 intention is.

16 MR. ROUNDS: Absolutely. Absolutely.

17 MS. BARBER: Perfect. I really appreciate
18 you pulling this in and clarifying this.

19 (Audio ended.)
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CERTIFICATE OF TRANSCRIBER

I, Nadine Rodriguez, do hereby certify that this transcript was prepared from the audio recording of the foregoing conversation. That said, transcription is a true and accurate record of the audio to the best of my knowledge, skills and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

November 26, 2024



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[1/31/2026 - independent]

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