

Exhibit E

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

| | | |
|--|---|---------------------------------|
| STACI BARBER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Civil Action No.: 4:24-cv-01004 |
| |) | |
| KATY INDEPENDENT SCHOOL DISTRICT; |) | |
| BRYAN SCOTT ROUNDS, Principal of Cardiff |) | |
| Junior High, sued in his individual and official |) | |
| capacities, |) | |
| |) | |
| Defendants. |) | |
| |) | |

PLAINTIFF’S EXHIBIT E: TRANSCRIPT

The following exhibit consists of a full and accurate recording of Principal Scott Rounds’ meeting with Staci Barber on September 27, 2023. The exhibit was created through an Amazon transcription service that was then verified by Counsel. Counsel has also provided a full copy of the audio recording in question to opposing counsel. Counsel attests that this is an accurate transcription of the audio record created by Plaintiff Barber.

Principal Scott Rounds: I put it in my email yesterday. Okay? I am completely understanding of your passion for your beliefs. However, in your role as educators and teachers with Katy ISD, you cannot pray in the presence of students, right?

You do have the right to pray privately, uh, during, like, break time, before school, after school. You can get together and pray together in, in private away from students, but you cannot do that in front of students. Because here's what's gonna happen. I mean, first of all, you can't, you can't even pray in front of students, right?

Exhibit E

That's part of board policy. And what's gonna happen is if you start, kids are gonna come over. Some kids are probably gonna come over and want to join you. And so when you, when you do that, you're in violation of board policy. I tried to be as clear about that and as sensitive about that as possible.

So what, what questions do you have? How can I help you?

Staci Barber: When a kid came over, we would just say, oh, he's already approved that you can come to the pole, um, when Coach Thomas gets here. So that would have been handled. And that's not what the paper that we showed you said. It said that you could pray in front. I mean, you could pray for kids. There's chaplains that could be on campus, and we're not even praying for the kids. So do you want us to go to the parking lot?

Principal Scott Rounds: So you have the right to pray in private, but not in front of students. And there are students at the front. And so you can't do that. The paper that you got is from an organization outside of school.

Staci Barber: Well state law ...

Principal Scott Rounds: Let me finish Miss Barber. There are some things on that paper that are not a hundred percent accurate. And some of those things I've met with you guys and explained that. So I've already been through that with you.

Staci Barber: Okay.

Exhibit E

Principal Scott Rounds: Okay? So look, I share the same faith as you guys.

I believe in the power of prayer. Does it have to be prayer at the pole on a national, student-led, student-initiated event? No. It doesn't. You can do the same thing in your classroom, in private, away from kids. That is your right to do that.

Staci Barber: Very good.

Principal Scott Rounds: What has been approved is for . . . I approved a student who asked, can we have prayer at the pole? Sure. Students can do that.

Students can do that, but we cannot do, We cannot pray with students.

Staci Barber: Okay.

Principal Scott Rounds: Okay?

Other Teacher: And I understand exactly what you're saying, Principal Rounds. You know, the Bible does tell us to obey the laws of the land.

And as a part of Katy in parties, we do have to obey the laws. If the district says that we can't, it doesn't stop solemn prayer. God hears the out-loud prayers as well as the sound. So you just walk around that pole praying within yourself. Nobody knows.

God hears you and the spirit of God hears you, and he will honor that. And I can understand that because there are some people that are Muslims. There are some people that could say that and

Exhibit E

they can go home and say, they're praying to their God and they wanted me. You know, it could be, it could really become political.

But the fact is that we are there in support to them to let them know that they are free [unintelligible]. We are present to let them know we got you, whoever you pray to.

Staci Barber: So that's fine. So if I walk around the pole and I don't pray out loud, you're good with that?

Principal Scott Rounds: What message, you know, are you sending? Because if students ...

Staci Barber: I look like an idiot walking around in a circle. That's what I'm saying. That's the message I'm sending that, Miss Barber, why are you walking around? I'm sorry I can't tell you about that. But if you'd like to ask Mr. Rounds, you can do that.

Principal Scott Rounds: That is not the message I'm saying you're sending. If the student group, this young man said he had some friends and they were planning to do the prayer at the pole. If they show up and they're there and you're present with them, like, what message are you . . .

Staci Barber: Mr. Rounds, I told you that we would be gone by 8:20.

Principal Scott Rounds: I don't understand why this is a source of confrontation, Miss Barber. It is not intended to be a source of confrontation. As I mentioned, you can express your faith. You can pray.

Exhibit E

It is your right to do that, but you can't mix your right with the students. You have to separate that. And I agree with what you said, Miss Lewis. Like, the power of prayer is gonna happen if you believe that regardless of whether you're standing at the flagpole or if you're doing that in private at your room.

Other Teacher: The last email said just like you could oh, just stand there as a monitor.

Principal Scott Rounds: Yeah. Now monitor means, you know, you're kind of off the side. Yeah. And Mr. Thomas is the designated monitor. I've already talked to Mr. Thomas. He's on the student's application as the monitor. So we've got that covered. If you wanna stand with Mr. Thomas to the side and let the students do their thing.

Staci Barber: He'll be there at 8:20 because that's when our . . .

Other Teacher: So we just trust God that our presence can do more than what we can do out loud because of the circumstances.

Other Teacher: God can take away from what the intention is.

Principal Scott Rounds: Absolutely. Absolutely.

Staci Barber: Perfect. I really appreciate you pulling this in and clarifying this.

/s/ Nathan J. Moelker

Exhibit E

NATHAN J. MOELKER

