

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

MARY TOOTLE, DAVID TOOTLE, YANELIS
SANDS, CRAIG SANDS, JOYCE MCCALL,
AND JASON MCCALL

Plaintiffs,

v.

CHRIS GREEN, President of the Georgia Student
Finance Commission, in his official capacity,

Defendant.

CIVIL ACTION FILE NO. 26CV7733

VERIFIED COMPLAINT

INTRODUCTION

1. This case challenges the Georgia Promise Scholarship Program's eligibility requirements, which condition receipt of thousands of dollars in public benefits on Plaintiffs' willingness to forfeit their free exercise rights.

2. Plaintiffs are devout Christians who wish to exercise their First Amendment right of providing a religious education to their children.

3. Each family knows they could obtain a free education at their assigned public schools. But they also know that their assigned public schools would substantially interfere with their children's religious education and that public schools impose a pressure to conform to contrary viewpoints and lifestyles. From experience, they know that every subject would be taught in a secular manner, and that full school days would leave their children with little time for additional religious instruction. Plaintiffs also know that peers and teachers would favor secular ways of thinking that denigrate their children's faith and pressure their children to hide their rich spiritual heritage.

4. Plaintiffs each sacrificed to give their children a religious education and avoid Georgia’s public school system. But as inflation and costs of living increased, these families found their religious exercise unsustainably expensive.

5. In 2024, Georgia passed Senate Bill 233 establishing the Promise Scholarship Program. The Promise Scholarship grants families up to \$6,500 per child to attend a school of the parent’s choice, or homeschool. When they learned about this program, each family hoped that it would finally allow them to access public education benefits without abandoning their religious exercise rights.

6. However, to be eligible, the Promise Scholarship generally requires that a child must have been enrolled in a public school through two consecutive state enrollment counts—roughly one full school year—before becoming eligible (the attendance requirement), and the child must be assigned to a failing public school (the assignment requirement).

7. Plaintiffs regard both the attendance requirement and the assignment requirement as burdens on their free exercise. The attendance requirement substantially burdens free exercise by opening scholarship access only if Plaintiffs forfeit their right to provide a religious education to their children by enrolling them in public school for two semesters. The assignment requirement substantially burdens free exercise by opening scholarship access only if Plaintiffs subject their families to the stress and financial loss of moving to a failing public school district—harms Plaintiffs believe their religion obliges them to avoid.

8. These substantial burdens would be resolved if Defendant granted a religious accommodation from the attendance and the assignment requirements, so that Plaintiffs would no longer be compelled to forfeit their religious exercise to access public benefits.

9. And the Promise Scholarship is less than the State's per-pupil contribution to the public school districts to which Plaintiffs' children are assigned.

10. Georgia could have designed an economical education system that does not burden its citizens' constitutional rights. Instead, it has engineered a coercive system in which parents either receive public benefits without religious liberty, or religious liberty without public benefits. Such coercion is prohibited by the First Amendment.

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction over this action because Georgia's superior courts are courts of general jurisdiction empowered to grant the declaratory and equitable relief sought. Ga. Const. art. VI, § IV, ¶ I; O.C.G.A. §§ 9-4-2, 9-4-3, and 23-1-1. This Court also has concurrent jurisdiction over Plaintiffs' claim under 42 U.S.C. § 1983. *Haywood v. Drown*, 556 U.S. 729 (2009); *Howlett v. Rose*, 496 U.S. 356 (1990).

12. Venue is proper in DeKalb County because Defendant maintains his official residence in DeKalb County, where the Georgia Student Finance Commission has its principal office. Ga. Const. art. VI, § II, ¶¶ III, VI; O.C.G.A. § 9-10-30.

PARTIES

13. Mary and David Tootle are Catholics and residents of Chatham County, Georgia. They have five children, all of whom are school-aged. Three are homeschooled, and two attend private schools.

14. Yanellis and Craig Sands are Catholics and residents of Hall County, Georgia. They have seven children, five of whom are school-aged and are homeschooled.

15. Joyce and Jason McCall reside in Hall County, Georgia. They have three children, one of whom is school-aged and attends a Catholic hybrid homeschool. Mrs. McCall is Catholic. Mr. McCall is Christian and desires a Catholic education for his school-aged son.

16. Defendant Chris Green is the President of the Georgia Student Finance Commission (“GSFC”). As President of the GSFC, Green serves by statute as the president and chief executive officer of the Georgia Education Savings Authority (“GESA”) and is responsible for carrying out all of GESA’s administrative powers, duties, and functions. O.C.G.A. §§ 20-2B-4, 20-2B-8. The GSFC oversees GESA, which administers the Georgia Promise Scholarship, including by determining eligibility and distributing scholarship money. O.C.G.A. §§ 20-2B-1 *et seq.* Green is sued in his official capacity.

FACTUAL BACKGROUND

I. PLAINTIFFS’ RELIGIOUS OBLIGATIONS

17. The Tootles, Sandses, and Mrs. McCall are devout Catholics. Their faith and religious obligations are shaped by the Bible and Church tradition, including the Code of Canon Law, the Catechism of the Catholic Church, papal instruction, the Magisterium, and teachings of the saints. Plaintiffs exercise their religion by directing the religious upbringing and formation of their children. The burdens alleged in this Complaint fall on Plaintiffs’ own religious exercise.

18. Since the earliest centuries of Christianity, Church leadership has required parents to prioritize a Catholic education for their children.

19. The obligation to guide children’s moral development is grave.

20. Saint John Chrysostom, one of the early Church fathers, warned fourth-century Christian parents against caring only for their child’s worldly success while neglecting them in education and formation of their faith. “How is it not absurd,” he admonished, “to send children

out to trades, and to school, and to do all you can for these objects, and yet, not to ‘bring them up in the chastening and admonition of the Lord’?”¹

21. Fifteen hundred years later, as the American public school movement was beginning during the 19th century, Pope Pius IX admonished Catholics to reject the idea that they “may approve of the system of educating youth unconnected with Catholic faith and the power of the Church, and which regards the knowledge of merely natural things, and only, or at least primarily, the ends of earthly social life.”²

22. This understanding of a Catholic’s obligations persists today. The Second Vatican Council stated that “among all educational instruments the school has a special importance,” shaping intellect, character, and faith in ways the family alone cannot replicate.³

23. The Catholic Church’s Canon law is in accord, teaching that “[s]ince they have given life to their children, parents have a most grave obligation and possess the right to educate them.”⁴

24. Canon law adds: “Catholic parents also have the duty . . . of choosing those means and institutions through which they can provide more suitably for the Catholic education of their children.”⁵ “Parents are to entrust their children to those schools which provide a Catholic education.”⁶

¹ St. John Chrysostom, Homily 21 on Ephesians, in Nicene and Post-Nicene Fathers, First Series, Vol. 13 (Philip Schaff ed., 1889), trans. Gross Alexander, available at <https://www.newadvent.org/fathers/230121.htm>.

² Pope Pius IX, *Syllabus of Errors* (1864), available at <https://www.papalencyclicals.net/pius09/p9syll.htm>.

³ Second Vatican Council, *Gravissimum Educationis* ¶ 5 (Oct. 28, 1965), available at https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651028_gravissimum-educationis_en.html.

⁴ 1983 Code of Canon Law c. 226 § 2.

⁵ *Id.* c. 793 § 1.

⁶ *Id.* c. 798.

25. The Catechism of the Catholic Church codifies the same principle, charging parents with the “duty of choosing schools that will best help them in their task as Christian educators.” Public authorities are called to “guarantee[] this parental right.”⁷

26. Consistent with this long and unwavering teaching of their faith, Plaintiffs have a religious obligation to ensure “religious instruction [is] given to the young” and “every other subject taught [is] permeated with Christian piety.”⁸ They know that their assigned public schools cannot meet this obligation, for the simple fact that, as secular schools, they are not permitted to “permeate” every subject “with Christian piety.”

27. Plaintiffs also have a religious obligation to responsibly provide for their families’ material needs and foster a harmonious family life. These obligations are part of the Plaintiffs’ religious exercise.

28. This obligation is rooted in the Bible, where St. Paul warns fathers to not provoke their children.⁹ St. Paul also cautions that “whoever does not provide for . . . family members has denied the faith and is worse than an unbeliever.”¹⁰

29. St. Augustine, another early Church father, interpreted the Christian obligation to love God and love neighbor in light of St. Paul’s teachings. He concluded that a Christian must seek “domestic peace, or the well-ordered concord of those in the family” by responsibly caring for his family members.¹¹

⁷ *Catechism of the Catholic Church* ¶ 2229 (2d ed. 1997).

⁸ Pope Pius XI, *Divini Illius Magistri* ¶ 80 (Dec. 31, 1929), available at https://www.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_31121929_divini-illius-magistri.html.

⁹ Colossians 3:21 (New American Bible, Revised Edition).

¹⁰ 1 Timothy 5:8 (New American Bible, Revised Edition).

¹¹ St. Augustine, *City of God* Book XIX Chapter 14, in *Nicene and Post-Nicene Fathers, First Series*, Vol. 2 (Philip Schaff ed., 1887), trans. Marcus Dods, available at <https://www.newadvent.org/fathers/120119.htm>.

30. The Catechism also teaches that parents must “provid[e] for their [children’s] physical and spiritual needs”¹² and obliges Catholics to grow in prudence, defined as “the virtue that disposes practical reason to discern our true good in every circumstance and to choose the right means of achieving it.”¹³

31. Pope Leo XIII explained that “[i]t is a most sacred law of nature that a father should provide food and all necessities for those whom he has begotten.”¹⁴

II. THE TOOTLES

32. The Tootles reside in Chatham County, Georgia, with their five school-aged children.

33. The Tootles are devout Catholics, who attend Holy Mass every week as a family. Mrs. Tootle serves her parish as a substitute Sunday school teacher, and she serves on a board working to establish a classical school in Savannah.

34. A primary way the Tootles exercise their faith is by teaching their children what their Catholic faith values and requires.

35. Based on their address in Chatham County, the Tootles’ children are assigned to bottom-performing public schools.

36. To educate their two oldest children, the Tootles assembled a homeschool curriculum permeated with Catholic materials, including the Baltimore Catechism and literature reflecting their Catholic values.

¹² *Catechism of the Catholic Church* ¶ 2228 (2d ed. 1997).

¹³ *Id.* at ¶ 1806.

¹⁴ Pope Leo XIII, *Rerum Novarum* ¶ 13 (1891), available at https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html.

37. Last year, Mrs. Tootle enrolled their fourth oldest child in her assigned public school for first grade after the Tootles examined the school, its teachers, and its curriculum and hoped that it would not substantially interfere with their daughter's religious education.

38. After a year though, the Tootles discovered that their hope was unfounded. Their daughter witnessed parents using drugs on school grounds and teachers whose lifestyles undermined the religious teachings on sexuality and family life that the Tootles instill in their children. The Tootles also found that after attending a full day of school and completing homework using a purely secular curriculum, their daughter was often too exhausted to receive supplemental religious instruction at home.

39. The Tootles withdrew their daughter from public school, and now homeschool her to ensure she receives a religious upbringing like her older siblings. The Tootles' experience with their daughter's assigned public school confirmed what their faith teaches: enrolling their children in that school substantially interferes with the religious upbringing their religion obliges them to provide. What they had hoped would be a tolerable accommodation proved to be a substantial interference with their daughter's religious formation.

40. The Tootles applied for, and received, a Promise Scholarship for their daughter for the 2026-2027 school year because she met the assignment requirement and the attendance requirement. The Tootles plan to use that money to pay for homeschool supplies, including texts which integrate their Catholic faith into every subject their daughter learns.

41. The Tootles' youngest son attends a Catholic school in Savannah. As a rising kindergartener, he was exempt from the Promise Scholarship's attendance requirement. The Tootles applied for and received a Promise Scholarship for him as well. The Tootles use that

scholarship to pay tuition, and their Catholic school integrates Catholic teaching into every subject and the entire school day.

42. Because they received Promise Scholarships already, the Tootles' youngest daughter and son will not lose their Promise Scholarships if the Tootles move or their children's assigned public schools improve, in accordance with Georgia law.

43. Although their younger children already receive Promise Scholarships, the Tootles' older children do not satisfy the Promise Scholarship attendance requirement.

44. Based on their prior experience with public school, the Tootles know that enrolling their older children in a public school is a substantial burden on the Tootles' right to direct the religious upbringing of their children, because public school enrollment substantially interferes with the religious upbringing of their children and makes their children face pressure to conform to contrary viewpoints and lifestyles.

45. The Tootles are thus put to a choice for their three older children.

46. On the one hand, they could endure a substantial burden on their free exercise and enroll their children in their assigned public schools, which the State has designated among the lowest-performing public schools. After doing so, the Tootles could secure Promise Scholarships for their older children—the same public benefit that their younger children already have.

47. On the other hand, the Tootles could continue providing a religious upbringing in an environment that does not pressure their children to conform to contrary viewpoints and lifestyles. But this choice means the Tootles forfeit tens of thousands of dollars in public education benefits from the Promise Scholarship Program.

48. The Tootles meet every other Promise Scholarship eligibility requirement and are ready and able to apply for the Promise Scholarship for their three older children. They feel coerced into forfeiting their free exercise rights to access an otherwise available public benefit.

III. THE SANDSES

49. The Sandses have seven children, and five are school-aged. Their oldest child is a rising eighth grader. They also have twins entering sixth grade, a rising second grader, and a rising kindergartener. They are all homeschooled.

50. Based on their address in Hall County, Georgia, the Sandses' two younger children are assigned to a grade school that was on Georgia's failing school list for the 2025-2026 school year, but is not on the failing school list for the 2026-2027 school year.¹⁵ The Sandses' assigned middle school is not on either list, but their assigned high school is on both.

51. Rather than send their children to a failing school, the Sandses homeschool them. Each year, they enroll their children in a Catholic homeschooling curriculum and pay thousands of dollars for each child's educational supplies.

52. The Sandses also have participated in a homeschooling cooperative at their parish. The cooperative provides teachers for select classes.

53. The curriculum the Sandses buy for their children includes science, math, reading, history, and religion courses. Each course incorporates Catholic teaching into every lesson. For instance, their children's writing lessons are based on passages from the Bible, and their science curriculum reinforces God's love for them. The Sandses' U.S. history curriculum highlights the

¹⁵ The list of eligible schools for the 2025–2026 school year is available at Governor's Office of Student Achievement, *Georgia Promise Scholarship Public School List* (Feb. 14, 2025), <https://goews.georgia.gov/document/document/georgia-promise-scholarship-public-school-list/download>. The list for the 2026–2027 school year is available at Governor's Office of Student Achievement, *Georgia 2025 Promise Scholarship Public School List for the 2026–2027 Academic Year* (2026), <https://mygeorgiapromise.org/wp-content/uploads/2026/02/2025-Georgia-Promise-Scholarship-Public-School-List26-27.pdf>.

roles of Catholics in America to inspire children to serve God and country, while also reminding them of their rich Catholic heritage. The Sandeses rely on a Christian art curriculum too, which teaches their children art history and technique with Christian source material.

54. The Sandeses take advantage of the flexibility inherent in homeschooling too. Often, the Sandeses take field trips to important Catholic historical sites across the country to supplement history lessons. They also celebrate the Catholic liturgical calendar and frequently attend Mass and education opportunities at their parish. Because her daughter has a dream of becoming a nun, Mrs. Sands has taken her daughter to a retreat at a convent.

55. The Sandeses know that if their children had to attend public school, none of these enriching experiences would be possible. Their children would learn from purely secular sources that ignore Catholic thought. Their teachers would be prohibited from guiding conversations on Catholic faith and morals. Full school days and strict weekly schedules would prevent them from going on field trips, attending Mass, or engaging in specialized religious study.

56. One of the Sandeses' daughters, a rising sixth grader, was recently diagnosed with dyslexia. Mrs. Sands explored what public benefits may be available to her daughter. She found that her daughter's dyslexia qualified her for the Georgia Special Needs Scholarship, which would provide funds to address her special educational needs. But Mrs. Sands also learned that, in order to qualify for the scholarship, she would have to first enroll her daughter in the failing public school for a year.

57. Mrs. Sands decided not to enroll her daughter in their assigned public school because she did not want to lose a full year of religious education with her daughter. She knew that, given her daughter's disability, her daughter would be unable to participate in supplemental

religious education after her full school day ended and she completed homework. She also knew that the public school would not permeate its lessons with teachings of her daughter's faith.

58. Mrs. Sands was particularly concerned that peers and teachers at public school would pressure her daughter to conform to the styles, manners, and ways of her peer group. Mrs. Sands witnessed this when her daughter encountered neighbors who attend their assigned public school. Because the neighbors encouraged her daughter to adopt immodest speech and clothing, while advocating for viewpoints and lifestyles contrary to the Sandeses' faith, Mrs. Sands reasonably feared pressure from peers at school would discourage her daughter from becoming a nun.

59. Mrs. Sands also did not want her daughter to lose religious education, while her twin brother continued receiving it.

60. The Sandeses could not afford to hire special education tutors because tutors cost thousands of dollars each month. Instead, Mrs. Sands found a Catholic homeschooling curriculum designed for special education students. This curriculum allows Mrs. Sands to continue educating her daughter in her faith while still addressing her special needs.

61. Due to the very real threat that public school enrollment will undermine the religious beliefs and practices the Sandeses wish to instill in their children, a requirement to send their children to a public school presents a substantial burden on the Sandeses' free exercise rights.

62. Recently, the Sandeses discovered rising kindergarteners are exempt from the attendance requirement. They hoped their rising kindergartener would be eligible for a Promise Scholarship under Georgia law because the Sandeses meet all other eligibility requirements.

63. Unfortunately, the Sandeses later learned that although their assigned grade school was a failing school for the 2025-2026 school year, it was not a failing school for the 2026-2027 school year.

64. The Sandeses know that if they move their family so that their son would be assigned to any of the seven failing elementary schools in Hall County for the 2026-2027 school year, they could unlock up to \$84,500 in potential Promise Scholarships over the course of their son's K-12 education (assuming maximum annual awards and continued eligibility, appropriations, and program operation).

65. The Sandeses believe that they have a religious obligation to avoid significant moving debts, home equity loss on their recently-purchased house, and family stress required to move.

66. The Sandeses reasonably fear that even if they moved, the State would remove the school they move to from the failing school list, just as it did for their currently assigned elementary school.

67. As a result, even if the Sandeses decided to move, they would still be substantially burdened by facing delay, uncertainty, and expense in selling their home and finding a new home so they can access the Promise Scholarship.

68. Nonetheless, the Sandeses feel pressured to bear tremendous up-front moving costs, contrary to their religious obligations, so they can access what could amount to nearly \$280,000 in potential public benefits over their children's educational careers.

69. The Sandeses meet every other Promise Scholarship eligibility requirement and are ready and able to apply for the Promise Scholarship for their children. But they are forced to choose between following the precepts of their Catholic faith and forfeiting education benefits,

on the one hand, and abandoning teachings of their Catholic faith and receiving education benefits on the other hand.

IV. THE MCCALLS

70. The McCalls have a son who is a rising fourth grader. In addition to their school-aged son, the McCalls have two older children. Both older children have now graduated from high school. The McCalls' assigned elementary school, middle school, and high school are all on Georgia's failing school list for 2026-2027.

71. The McCalls' oldest child, a son, attended kindergarten at his assigned public school. During this year, the McCalls experienced tremendous difficulty educating their son in his faith. With many hours blocked off each day for purely secular education, they realized that they had to compete with their son's school for his attention. By the time he arrived home from school, he no longer had the mental capacity or energy for supplemental education on his faith.

72. Because public school interfered with their ability to educate their son in his faith, the McCalls decided to withdraw their oldest son from public school after his kindergarten year. They started homeschooling him with a Catholic homeschool curriculum for first grade.

73. The curriculum permeated its lessons on traditional subjects with Catholic teaching. For instance, their son learned to read using Bible passages, to appreciate art by examining paintings of Christian history, to write by repeating Catholic words and phrases, and to love his country by studying lives of American saints.

74. Thanks to this homeschool curriculum, secular subjects were no longer mutually exclusive with religious education. Instead, they were complementary.

75. The McCalls' oldest son was homeschooled through eighth grade. He attended a Catholic hybrid homeschool for high school. In this program, he attended school three days each week, and studied at home two days each week. The high school curriculum similarly ingrained

Catholic education into all subjects, and included classes dedicated to teaching religion. The McCalls paid tuition to attend this school.

76. On school days, the school arranged for the McCalls' son to receive sacraments. The school's chapel allowed personal prayer at any time throughout the day. The school day started and ended with prayer, as did each individual class.

77. Moreover, every teacher at the school was a devout Catholic who encouraged the McCalls' son in his faith. Nearly every student was also from a devout Catholic family.

78. The McCalls found that the school helped them to educate their son in his faith, supported him with a community and curriculum based on shared values, and never interfered with or undermined their religion.

79. Lower grades at the hybrid homeschool only attend school two days each week. As a result, Georgia considers these children to be homeschooled, and requires parents to register with the state. However, parents still pay tuition for the days children do attend school.

80. The McCalls also homeschooled their second-oldest child, a daughter, until she was a rising sixth grader. The McCalls enrolled their daughter in an online state charter school for sixth grade and the first semester of the seventh grade. She attended a public school starting the second semester of seventh grade.

81. While attending public school, the McCalls' daughter was not surrounded by children and families who supported her in her faith. She was unable to make many friends, because her peers generally did not share her desire to remain virtuous, for instance by dressing modestly. Her peers did not understand her religion and often excluded her. She felt a tremendous pressure to conform, and had to hide her faith while at school.

82. In addition to lacking a community of peers and adults supporting her in her faith, she also was instructed in a purely secular manner. None of her lessons discussed Catholic history and tradition, or the requirements of her faith. Nor did she have access to sacraments or a chapel, and no faculty members encouraged her to pray throughout the day.

83. The McCalls also observed that their daughter's secular education requirements interfered with their ability to supplement with religious education, because she no longer had time or attention for additional study.

84. The McCalls decided to enroll their daughter in the hybrid homeschool after this failed effort at public school. The McCalls were saddened to learn that after her short time in public school, their daughter had fallen behind her grade level in multiple subjects, even though she was on-level when she started. The McCalls were forced to spend additional money on tutors to bring their daughter back to her grade level and graduate high school on time.

85. The McCalls' daughter graduated from the hybrid homeschool and is now a Catholic missionary. Looking back, she considers her time in public school to have been traumatic. She credits constant access to a chapel with the Blessed Sacrament at her school, as well as routine access to priests, for helping her recover after attending public school.

86. The McCalls' school-aged son will soon be in the fourth grade at the hybrid homeschool, where he has been since kindergarten. Like his siblings, he is led in prayer before every lesson, and at the beginning and end of every day. His teachers are devout Catholics who encourage him in his faith. He has dedicated religion classes each day and constant access to a chapel for private prayer. His friends pray with him and compete to show who knows more about the Catholic faith.

87. His traditional subjects are permeated with and reinforced by Catholic teaching. His history lessons emphasize the virtues and faith of Catholics throughout different time periods. His science lessons include Bible quotations.

88. The McCalls pay thousands of dollars annually to avail themselves of their free exercise right to provide a religious education to their son.

89. Given their prior experience with their daughter's public school, they know that sending their son to his assigned public school will interfere with and undermine his religious education.

90. The McCalls cannot meet the attendance requirement because it conflicts with their religious exercise. They meet every other Promise Scholarship eligibility requirement and are ready and able to apply for the Promise Scholarship.

91. The McCalls are being forced to choose between their First Amendment right of religious exercise, and the otherwise available public benefit of the Promise Scholarship.

V. GEORGIA'S OBLIGATION TO PROVIDE AN ADEQUATE PUBLIC EDUCATION

92. Georgia's citizens have obligated the State to provide public education since its Constitution of 1877.

93. In Georgia's 1877 constitution, the state was obliged to establish "a thorough system of common schools for the education of children . . . as nearly uniform as practicable, the expenses of which shall be provided for by taxation, or otherwise."¹⁶

¹⁶ Constitution of the State of Georgia (1877), art. VIII, § I, available at Digital Commons @ University of Georgia School of Law, https://digitalcommons.law.uga.edu/ga_constitutions/3.

94. Georgia’s 1945 constitution, however, no longer required a system of common schools. Rather, the State’s “primary obligation” was to provide “an adequate education for the citizens.” This “adequate education” was to be “provided for by taxation.”¹⁷

95. Georgia’s current constitution, effective in 1983, maintains similar language: “The provision of an adequate public education for the citizens shall be a primary obligation of the State of Georgia.” Ga. Const. (1983) art. VIII, § I, ¶ I. “Public education for the citizens prior to the college or postsecondary level shall be free and shall be provided for by taxation.” *Id.*

96. The Georgia Supreme Court has held that “the right to a free education is guaranteed by the Constitution of the State of Georgia.” *Crim v. McWhorter*, 242 Ga. 863, 867 (1979); *see also D.B. v. Clarke Cnty. Bd. of Educ.*, 220 Ga. App. 330, 331 (1996) (“the right to a free education is guaranteed” by Article VIII of the 1983 Georgia Constitution).

97. As the United States Supreme Court has observed, “[i]n the founding era and the early 19th century, governments provided financial support to private schools, including denominational ones,” and “[e]ven States with bans on government-supported clergy, such as New Jersey, Pennsylvania, and Georgia, provided various forms of aid to religious schools.” *Espinoza v. Montana Dep’t of Revenue*, 591 U.S. 464, 480-481 (2020).

98. For example, in 1783, the Georgia legislature authorized the governor to grant 1,000 acres of public land to any person authorized by a county to erect schools, and denominational groups, including Catholics, received such support.¹⁸

¹⁷ Constitution of the State of Georgia (1945), art. VIII, § I, available at Digital Commons @ University of Georgia School of Law, https://digitalcommons.law.uga.edu/ga_constitutions/26/.

¹⁸ *Brief for Professor Charles L. Glenn as Amicus Curiae Supporting Petitioners*, *Carson v. Makin*, No. 20-1088 (U.S. Sept. 10, 2021), at 17.

99. During Reconstruction, the Bishop of Savannah reached an agreement with the City of Savannah under which Catholic parochial schools received public funds to teach Catholic children—an arrangement that lasted until 1917.¹⁹

100. Today, Georgia provides public education through three methods: public schools, the Georgia Special Needs Scholarship, and the Georgia Promise Scholarship.

101. **Public schools.** Georgia’s public schools are principally operated by local school districts.

102. The McCalls and Sandeses reside in Hall County. The Tootles live in Chatham County.

103. Based on audit information from the Georgia Department of Education, the state contributed \$6,900 for every child enrolled in a Hall County public school in 2025, and \$6,700 for every child enrolled in a Chatham County public school.²⁰

104. In addition to state funding, Georgia public schools receive funding from local taxes and the federal government. The majority of public school revenue for Hall and Chatham Counties comes from local taxes, including property taxes. In all, Chatham County Public Schools received \$25,443 in total revenue per enrolled child in 2025, and Hall County Public Schools received \$16,498.

105. The Tootles, Sandeses, and McCalls pay thousands of dollars in local and state taxes every year to fund their assigned public schools, whether their children attend those public schools or not.

¹⁹ Isabel Mann, *Augustin Verot*, New Georgia Encyclopedia (Apr. 19, 2018), <https://www.georgiaencyclopedia.org/articles/history-archaeology/augustin-verot-1804-1876/>, archived at <https://archive.ph/SNGzo>.

²⁰ Georgia Department of Education, Georgia Insights Dashboard, <https://georgiainsights.gadoe.org/dashboards/district-financial-information/>. Hall County information is shown in **Ex. A**. Chatham County information is shown in **Ex. B**.

106. Each family would be able to provide a quality education to their children for far less money than their public schools require, and support their children’s religious upbringing while doing so.

107. **Special Needs Scholarship.** Another way the state provides public education is through Georgia’s Special Needs Scholarship Program (“GSNS”).

108. GSNS is a statewide program established in 2007 and codified at O.C.G.A. §§ 20-2-2110 through 20-2-2118.

109. GSNS authorizes students with educational needs unaddressed by their assigned public school to transfer to another public school, a state special school, or a private school funded by a tax-funded scholarship. O.C.G.A. § 20-2-2113(b).

110. A student generally must have spent the prior school year in attendance at a Georgia public school before receiving GSNS funding. O.C.G.A. § 20-2-2114(a)(2).

111. However, Georgia categorically exempts certain classes of children from its prior attendance requirement. These include children of active duty military, children who were recently adopted or placed into permanent guardianship from foster care, and children who have previously qualified for a GSNS. O.C.G.A. § 20-2-2114(a)(2)(A)-(C).

112. Georgia also has a system of individualized exemptions from the prior attendance requirement. The State Board of Education is authorized to require local boards of education to “waive the prior school year requirement . . . in its sole discretion, on a case-by-case basis.” O.C.G.A. § 20-2-2114(a)(3)(A).

113. Georgia funds GSNS by redirecting appropriations from the student’s resident district to the student’s private school.

114. The Office of Education and Workforce Strategy (formerly the Governor’s Office of Student Achievement), in conjunction with the Georgia Department of Education, reports annually to the General Assembly on GSNS participation and finances. O.C.G.A. § 20-2-2118.

115. In 2023–2024, 6,312 students used GSNS scholarships at almost 300 different private schools, with \$46,444,851 disbursed statewide and an average scholarship of \$7,358 per child.²¹

116. Based on the reported enrollment numbers and named participating schools, Plaintiffs estimate that over 170 children attended Catholic schools using the GSNS in the 2023-2024 school year.²²

117. The State therefore spent over \$1,250,000 to fund GSNSs for children to attend Catholic schools in 2023-2024.

118. **Promise Scholarship.** Georgia’s Promise Scholarship Program is established by the Georgia Promise Scholarship Act, codified at O.C.G.A. §§ 20-2B-20 *et seq.*

119. Governor Kemp signed the Promise Scholarship Act into law in 2024. When signing, Governor Kemp said, “We know it’s not the government’s role to dictate to families what the best choice is for their child. It is our job to support them in making that decision.”²³

120. Georgia’s Legislature created the Georgia Education Savings Authority (“GESA”) to administer the program, including eligibility determinations, account funding, rulemaking, vendor/school participation, and audits. O.C.G.A. §§ 20-2B-23, 20-2B-24, 20-2B-26.

²¹ Governor’s Off. of Student Achievement & Ga. Dep’t of Educ., Georgia Special Needs Scholarship Program End of School Year Report 2023-2024 School Year 3–5 (2024), <https://gosa.georgia.gov/document/document/2024-georgia-special-needs-scholarship-program-report/download>.

²² *Id.* at 17-28.

²³ Jeff Amy, *\$6,500 School Vouchers Coming to Georgia as Bill Gets Final Passage and Heads to Governor*, AP News (Apr. 23, 2024), <https://apnews.com/article/georgia-vouchers-education-savings-scholarship-acabd6eec69cfcb73a8ac9037e9373e>, archived at <https://archive.ph/L7Vyu>.

121. GESA is assigned to the GSFC for administrative purposes. O.C.G.A. § 20-2B-8.

122. The Promise Scholarship grants up to \$6,500 per child per school year. O.C.G.A. § 20-2B-24(a)(2).

123. Georgia law restricts eligibility for the Promise Scholarship to certain children.

124. Among other requirements, the attendance requirement mandates that a child be “currently enrolled and ha[ve] been continuously enrolled in a Georgia public school for a period of time that includes at least two consecutive enrollment counts conducted pursuant to Code Section 20-2-160”—i.e., roughly one full school year (two consecutive semesters). This attendance requirement does not apply to rising kindergarteners. O.C.G.A. § 20-2B-22(a)(2). Nor does this requirement apply to children of active duty military families.²⁴

125. The assignment requirement mandates that a child must reside in the attendance zone of a public school on Georgia’s list of the lowest-performing 25 percent of public schools. O.C.G.A. §§ 20-2B-22(a)(3), 20-2B-29.

126. Once a child receives a Promise Scholarship, he or she continues to be eligible until returning to a public school, graduating from high school, or reaching the age of 20 years, or, for special education students, reaching the age of 21 years. These children are not required to submit a new application while they continue participating (subject to annual renewal), and children who previously participated are prioritized over new applicants if they return to a public school and later reapply. O.C.G.A. § 20-2B-22(d); GESA Regs. §§ 4.2, 7.8.

127. Prior-participating children therefore remain eligible no matter where in Georgia they live—they are, in effect, exempt from the assignment requirement.

²⁴ Georgia Promise Scholarship Program Regulations, GESA (approved May 2026, effective July 1, 2026) [hereinafter GESA Regs.], § 4.1.3, <https://mygeorgiapromise.org/wp-content/uploads/2026/05/Georgia-Promise-Scholarship-Program-Regulations-Approved-May-2026.pdf>.

128. Once a child is enrolled in a Promise Scholarship, GESA makes quarterly payments to each student’s account in roughly equal installments. O.C.G.A. § 20-2B-24(b)(1)–(2).

129. Funds deposited in a Promise Scholarship account may be used for qualified educational expenses. These include: (1) tuition, fees, and required textbooks at participating private schools;²⁵ (2) curriculum materials and supplemental resources; (3) tutoring services provided by individuals certified by the Georgia Professional Standards Commission; (4) services from licensed physicians or therapists, including occupational therapy, behavioral therapy, and speech-language pathology; and (5) transportation costs up to \$500 per year.²⁶

130. Georgia law limits Promise Scholarship funding to 1% of the total appropriation for the Quality Basic Education Program each year. O.C.G.A. § 20-2B-24(a)(1).

131. For the 2025-2026 school year, Georgia funded the Promise Scholarship at the full 1% limit, which amounted to \$141,000,000.²⁷

132. The Georgia Student Finance Commission has reported that GESA approved 8,600 children to receive Promise Scholarships for the 2025-2026 school year.²⁸

²⁵ Homeschool students may also use Promise Scholarship funds. Georgia Education Savings Authority, Georgia Promise Scholarship Family Handbook Version as of Jan. 8, 2026, at 5, https://mygeorgiapromise.org/wp-content/uploads/2026/02/Family-Handbook_Updated-1.8.26.pdf.

²⁶ Georgia Student Finance Comm’n, Promise Scholarship Program: FAQs 2–3 (2025), <https://www.gafutures.org/media/1tne5lss/final-georgia-promise-scholarship-faqs.pdf>.

²⁷ Jeff Amy, *Georgia’s budget would spend on school vouchers and poor students. Here’s a look by the numbers*, AP News (Apr. 4, 2025), <https://apnews.com/article/georgia-budget-vouchers-poverty-students-ac392a60649c7ee314fb0a8a0ffb88e5>, archived at <https://archive.ph/qWVCH>.

²⁸ Kevyn Stewart, *8,600 Students Approved for Georgia Promise Scholarship Funding*, FOX 5 Atl. (July 24, 2025), <https://www.fox5atlanta.com/news/georgias-promise-scholarship-approves-8600-students-private-education-funding>, archived at <https://archive.ph/hsXhD>.

133. However, only 7,600 children actually used their approved scholarship money. Of those, 71% used the funds to attend a private school, including Catholic schools. Only about \$50,000,000 of the \$141,000,000 budgeted for the Promise Scholarship was spent.²⁹

134. Georgia therefore spent over \$35,000,000 to fund Promise Scholarships for children to attend private schools, including Catholic schools, in 2025-2026.

135. Georgia funded the Promise Scholarship with \$100,000,000 for the 2026-2027 school year.³⁰

136. The application period for the Spring 2027 semester opened on August 1, 2026, and closes August 31, 2026. A second and final application window for the 2026-2027 school year runs from November 1 through November 30, 2026. Applications for the Spring 2027 semester are limited to households with income at or below 400 percent of the federal poverty level; each Plaintiff family's income is within that limit.

137. Georgia denies Promise Scholarships to applicants who do not meet the attendance and assignment requirements. As a result, it is futile for Plaintiffs to apply without exemptions from these requirements. No administrative process can excuse compliance: Defendant's regulations provide that "[p]rogram requirements and governing laws are established by statute and shall not be subject to appeal." GESA Regs. § 19.5.

VI. PUBLIC EDUCATION SCHOLARSHIPS IN OTHER STATES

138. Many other states use tax dollars to empower every parent to choose what school their children attend for any reason, including purely religious reasons.

²⁹ Kevyn Stewart, *Georgia private school scholarship: Enrollment hits 7,600 statewide*, FOX 5 Atl. (May 12, 2026), <https://www.fox5atlanta.com/news/georgia-private-school-scholarship-enrollment-hits-thousands-statewide>, archived at <https://archive.ph/EgGbp>.

³⁰ H.B. 974, 158th Gen. Assemb., Reg. Sess. 130 (Ga. 2026).

139. Arizona’s Empowerment Scholarship Account (ESA) began in 2011, and every K-12 student is eligible. The Arizona Department of Education’s third quarter report for fiscal year 2025 shows that 87,602 students used Arizona’s ESA program. Most awards fall between \$7,000 and \$8,000 per student. Parents direct funds to approved education expenses, including private school tuition, curriculum, tutoring, and therapies.³¹

140. Florida has operated private school choice scholarship programs for over 20 years, and its education savings account program removed financial eligibility and enrollment caps in 2023. Every school-aged child in Florida is eligible to benefit from the educational savings accounts, without restrictions on location, prior public school enrollment, or family income. Average awards were about \$8,200 in 2024–2025.³² One study found that children benefitting from an earlier, similar program were more likely to enroll in college and to earn associate degrees than comparable public-school peers.³³

141. North Carolina’s Opportunity Scholarship launched in 2014. It offers universal eligibility, with no restrictions on location, prior public school enrollment, or family income.³⁴ Students may receive between \$3,574 and \$7,942 for the 2026–27 school year.³⁵ Parent-reported

³¹ Arizona Dep’t of Education, *ESA FY 25 Q3 Executive & Legislative Report* (Final, submitted May 30, 2025), available at <https://www.azed.gov/sites/default/files/2025/06/ESA%20FY25%20Q3%20Executive%20%26%20Legislative%20Report%20Final%20submitted%205.30.25.pdf>, archived at <https://archive.ph/3N3Rw>.

³² Florida Department of Education, *Family Empowerment Scholarship—Educational Options (FES-EO) FAQs* (May 2025), <https://www.fldoe.org/core/fileparse.php/18766/urlt/FES-EO-FAQs.pdf>, archived at <https://archive.ph/3vkNa>.

³³ Matthew M. Chingos & Daniel Kuehn, *The Effects of Statewide Private School Choice on College Enrollment and Graduation*, Urban Inst. (Dec. 2017), https://www.urban.org/sites/default/files/publication/93471/2017_12_05_the_effects_of_statewide_private_school_choice_on_college_enrollment_and_graduation_finalized.pdf, archived at <https://archive.ph/dVWT6>.

³⁴ North Carolina State Education Assistance Authority, *K–12 Programs: Eligibility Requirements* (last visited Aug. 24, 2026), <https://k12.ncseaa.edu/media/1svdoprl/k12-eligibility-requirements.pdf>, archived at <https://archive.ph/z8zc1>.

³⁵ North Carolina State Education Assistance Authority, *Opportunity Scholarship Income Guidelines 2026–2027*, https://k12.ncseaa.edu/media/boadvxj3/20250311-chart_k12_howtoreadincomechart_v3.pdf, archived at <https://archive.ph/amKZ2>.

satisfaction is very high, with 97% of parents satisfied with their children’s academic progress, and 99% saying that their children feel safe.³⁶ Independent research has found no consistent evidence that the scholarship program harmed standardized test scores of students who remained in traditional public schools.³⁷

VII. DEFENDANT’S ENFORCEMENT AND PLAINTIFFS’ IRREPARABLE INJURY

142. At all times relevant to this Complaint, each of the wrongful acts alleged here is attributable to Defendant, who acts under color of law for the State of Georgia.

143. Plaintiffs are currently suffering imminent and irreparable harm because of Defendant’s actions, which violate Plaintiffs’ rights under the United States Constitution and the Georgia Religious Freedom Restoration Act.

144. Immediate action by this Court is required to declare Plaintiffs’ rights and enjoin Defendant from continuing to deprive them of those rights, thereby preventing Plaintiffs from continuing to suffer irreparable injury.

³⁶ Parents for Educational Freedom in North Carolina, *Opportunity Scholarship Program Info*, PEFNC (reporting results of PEFNC’s December 2018 parent survey), https://www.pefnc.org/osp_info, archived at <https://archive.ph/n38IM>.

³⁷ North Carolina State University, *The Impact of the North Carolina Opportunity Scholarship Program*, N.C. State College of Education, <https://ced.ncsu.edu/elphd/research/the-impact-of-the-north-carolina-opportunity-scholarship-program/>, archived at <https://archive.ph/Cu9BL>; see esp. Evaluation Report 10, Competitive Effects of the Expansion of Means-Tested Private School Vouchers in North Carolina (Nov. 2025), <https://ced.ncsu.edu/elphd/wp-content/uploads/sites/16/2025/11/OS-Eval-Report-10.pdf>, archived at <https://archive.ph/jor5J>.

COUNT I
42 U.S.C. § 1983
VIOLATION OF THE FIRST AMENDMENT TO THE U.S. CONSTITUTION
FREE EXERCISE CLAUSE

145. Plaintiffs incorporate by reference all preceding paragraphs.

146. The Free Exercise Clause of the First Amendment to the United States Constitution protects Plaintiffs’ right to “direct the religious upbringing of their children,” including the religious act of providing a “religious education [to] their children.” *Mahmoud v. Taylor*, 606 U.S. 522, 546-547 (2025).

147. “Indeed, for [Plaintiffs], the religious education of children is not merely a preferred practice but rather a religious obligation.” *Id.* at 547.

148. “Public education is a public benefit, and the government cannot condition its availability on parents’ willingness to accept a burden on their religious exercise.” *Id.* at 561 (cleaned up).

149. Defendant enables certain parents to access the Promise Scholarship, which allows children to receive a public education at a Catholic school or homeschool, funded by state education dollars allocated to their children.

150. Plaintiffs wish to access the Promise Scholarship as well.

151. Plaintiffs satisfy every eligibility criterion—including Georgia residency, age and grade, household income, and non-participation in conflicting scholarship programs—except the ones that burden their religious exercise.

152. Defendant requires that a child must be assigned to a school Georgia has designated as failing to access the Promise Scholarship. O.C.G.A. § 20-2B-22(a)(3).

153. The assignment requirement excludes the Sandeses’ children from the Promise Scholarship, and Defendant enforces that exclusion.

154. The Tootles and the McCalls currently meet the assignment requirement, but may not in the future depending on whether Georgia removes their assigned schools from the failing list, or their district changes their assigned schools.

155. Each family has a religious obligation to provide materially for their children and avoid putting their families in positions of delay, uncertainty, and stress.

156. The assignment requirement burdens Plaintiffs' religious exercise by making them choose between the burden, expense, and distress of moving to access the Promise Scholarship, and complying with their religious obligations but remaining ineligible for the hundreds of thousands of dollars the Promise Scholarship would provide.

157. Children who previously participated in the Promise Scholarship are exempt from the assignment requirement. O.C.G.A. § 20-2B-22(d).

158. Defendant also requires that a parent send their child to a public school for two consecutive semesters to be eligible for the Promise Scholarship. O.C.G.A. § 20-2B-22(a)(2).

159. The attendance requirement excludes Plaintiffs' children from the Promise Scholarship, and Defendant enforces that exclusion.

160. The attendance requirement burdens Plaintiffs' religious exercise because sending their children to a public school would substantially interfere with the religious development of Plaintiffs' children and pose a very real threat of undermining the religious beliefs and practices Plaintiffs wish to instill. *Mahmoud*, 606 U.S. at 530.

161. Parents whose children are rising kindergarteners are exempt from the attendance requirement. O.C.G.A. § 20-2B-22(a)(2).

162. Parents who are active duty military are exempt from the attendance requirement. GESA Regs. § 4.1.3.

163. In order to exercise their First Amendment rights, Plaintiffs must forfeit the Promise Scholarship and incur thousands of dollars in private school tuition costs.

164. In order to access these otherwise available public benefits, Plaintiffs must ignore the requirements of their religion.

165. The choice to “either risk their child’s exposure to burdensome instruction, or pay substantial sums for alternative educational services” is a choice that “unconstitutionally burdens the parents’ religious exercise.” *Mahmoud*, 606 U.S. at 569.

166. “It is both insulting and legally unsound to tell parents that they must abstain from public education in order to raise their children in their religious faiths, when alternatives can be prohibitively expensive and they already contribute to financing the public schools.” *Id.* at 562.

167. When government conditions receipt of an otherwise available public benefit on forfeiture of religious obligations, it “effectively penalizes the free exercise of religion.” *Carson v. Makin*, 596 U.S. 767, 780 (2022).

168. The Free Exercise Clause protects against government actions that have a “tendency to coerce individuals into acting contrary to their religious beliefs.” *Lyng v. Nw. Indian Cemetery Protective Ass’n*, 485 U.S. 439, 450 (1988).

169. A person may not be “force[d] . . . to choose between following the precepts of her religion and forfeiting benefits, on the one hand, and abandoning one of the precepts of her religion . . . on the other hand.” *Thomas v. Rev. Bd. of Indiana Emp. Sec. Div.*, 450 U.S. 707, 717 (1981) (citations omitted).

170. “We are a religious people whose institutions presuppose a Supreme Being. . . . When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions.

For it then respects the religious nature of our people and accommodates the public service to their spiritual needs.” *Zorach v. Clauson*, 343 U.S. 306, 313-14 (1952). *See also* Northwest Ordinance of 1789, 1 Stat. 50, 52 (1789) (“Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”).

171. When a law “substantially interfere[s] with the religious development” of the parents’ children, “we need not ask whether the law at issue is neutral or generally applicable before proceeding to strict scrutiny.” *Mahmoud*, 606 U.S. at 564, 565.

172. The attendance requirement triggers strict scrutiny because it substantially interferes with the religious development of Plaintiffs’ children.

173. “[G]overnment regulations are not neutral and generally applicable, and therefore trigger strict scrutiny under the Free Exercise Clause, whenever they treat *any* comparable secular activity more favorably than religious exercise.” *Tandon v. Newsom*, 593 U.S. 61, 62 (2021) (per curiam).

174. Defendant exempts from the attendance requirement parents who decline to enroll their child in a public school because their child is a rising kindergartener or because the parent is in the military.

175. Defendant treats these comparable secular activities more favorably than declining to enroll a child in a public school due to religious obligations and thus does not treat religious exercise fairly or equally.

176. Defendant exempts from the assignment requirement parents who choose to live outside a failing school zone due to any secular reason, such as finances, cost of living, family needs, or increased income, but had a Promise Scholarship at any point in the past.

177. Defendant treats this comparable activity more favorably than choosing to live outside a failing school zone due to religious obligations.

178. “A law is not generally applicable if it invites the government to consider the particular reasons for a person’s conduct by providing a mechanism for individualized exemptions . . . where the State has in place a system of individual exemptions, it may not refuse to extend that system to cases of religious hardship without compelling reason.” *Fulton v. City of Philadelphia*, 593 U.S. 522, 533-534 (2021) (cleaned up).

179. Defendant exempts military families and parents of rising kindergarteners from the attendance requirement because they decline enrollment for secular reasons, but does not exempt Plaintiffs because they decline enrollment for religious reasons.

180. Defendant exempts parents of children who already received a Promise Scholarship from the assignment requirement because they choose where to live for secular reasons, but does not exempt Plaintiffs because they choose where to live for religious reasons.

181. The military exemption from the attendance requirement appears nowhere in the statute; Defendant created it by regulation. GESA Regs. § 4.1.3. Defendant thus possesses—and exercises—discretion to create categorical exemptions from the attendance requirement, yet refuses any exemption for religious exercise.

182. Strict scrutiny therefore applies under *Mahmoud*, *Tandon*, and *Fulton*.

183. “To survive strict scrutiny, a government must demonstrate that its policy advances interests of the highest order and is narrowly tailored to achieve those interests.” *Mahmoud*, 606 U.S. at 565 (cleaned up).

184. Defendant cannot meet his burden to show that denying Plaintiffs an exemption to the assignment requirement “advances interests of the highest order” when he already exempts

parents of prior-participating children from that requirement, and when his assignment requirement allows some, but not all, school-aged children within a single residence to participate. *See Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 547 (1993) (cleaned up) (“It is established in our strict scrutiny jurisprudence that a law cannot be regarded as protecting an interest of the highest order ... when it leaves appreciable damage to that supposedly vital interest unprohibited.”).

185. Defendant cannot meet his burden to show that denying Plaintiffs an exemption to the attendance requirement “advances interests of the highest order” when he already exempts parents of rising kindergarteners and active duty military families from that requirement.

186. Defendant cannot meet his burden to show that denying Plaintiffs an exemption to the assignment requirement and the attendance requirement is narrowly tailored because his denial is maximally restrictive to Plaintiffs’ religious exercise but minimally restrictive to identical, but secularly-motivated, actions by other parents.

187. Defendant cannot meet his burden to show that denying Plaintiffs an exemption to the assignment requirement and the attendance requirement is narrowly tailored because multiple neighboring states allow similar scholarships for all citizens, including those with only religious reasons for accepting them, who have not previously attended public school, and who were not assigned to failing schools. *See Holt v. Hobbs*, 574 U.S. 352, 368-369 (2015) (finding that prison officials could not prove that their beard policy was a least restrictive means, in part because other states had less restrictive policies).

188. Because Defendant has no compelling interest in denying Plaintiffs exemptions to the assignment requirement and the attendance requirement, and because his policies are not narrowly tailored, his policies fail strict scrutiny.

189. “[S]o long as the government can achieve its interests in a manner that does not burden religion, it must do so.” *Fulton*, 593 U.S. at 541.

190. Defendant’s denial of exemptions to the assignment requirement and the attendance requirement is causing Plaintiffs irreparable harm.

191. To remedy their injuries, Plaintiffs are entitled to declaratory and injunctive relief.

COUNT II
GEORGIA RELIGIOUS FREEDOM RESTORATION ACT
O.C.G.A. §§ 50-15A-1 ET SEQ.

192. Plaintiffs incorporate by reference preceding paragraphs 1-144.

193. Georgia law states that government “shall not substantially burden a person’s exercise of religion” unless it “demonstrates that application of the burden to the person is: (1) In furtherance of a compelling governmental interest; and (2) The least restrictive means of furthering such compelling governmental interest.” O.C.G.A. § 50-15A-1(a)-(b).

194. “Exercise of religion” means “any exercise of religion, whether or not compelled by, or central to, a system of religious belief, including . . . the practice or observance of religion under . . . the Free Exercise Clause of the First Amendment to the Constitution of the United States.” O.C.G.A. § 50-15A-2(2).

195. The Free Exercise Clause protects Plaintiffs’ right to “direct the religious upbringing of their children,” including “the religious education of their children.” *Mahmoud*, 606 U.S. at 546-547 (cleaned up).

196. Plaintiffs have a religious obligation to provide a religious education to their children, which they cannot do by sending their children to a secular public school.

197. Defendant substantially burdens Plaintiffs' exercise of religion by refusing to exempt them from the Promise Scholarship's attendance requirement, thereby forcing them to send their children to a public school before they may be eligible.

198. Plaintiffs have a religious obligation to responsibly provide for their families and foster a harmonious family life.

199. Defendant substantially burdens Plaintiffs' exercise of religion by refusing to exempt them from the Promise Scholarship's assignment requirement, thereby forcing them to uproot their families and risk large financial losses before they may be eligible.

200. Defendant cannot meet his burden to show a "to the person" compelling interest in denying Plaintiffs an exemption to the assignment requirement of the Promise Scholarship when he already exempts parents of prior-participating children from that requirement and when his assignment requirement allows some, but not all, school-aged children within a single residence to participate. *See Lukumi*, 508 U.S. at 547 (cleaned up) ("It is established in our strict scrutiny jurisprudence that a law cannot be regarded as protecting an interest of the highest order ... when it leaves appreciable damage to that supposedly vital interest unprohibited.").

201. Defendant cannot meet his burden to show a "to the person" compelling interest in denying Plaintiffs an exemption to the attendance requirement when he already exempts parents of rising kindergarteners and active duty military families from that requirement.

202. Defendant cannot demonstrate that denying Plaintiffs an exemption to the assignment requirement and the attendance requirement is the "least restrictive means" of furthering any interest because his denial is maximally restrictive to Plaintiffs' religious exercise but minimally restrictive to identical, but secularly-motivated, actions by other parents.

203. Defendant cannot demonstrate that denying Plaintiffs an exemption to the assignment requirement and the attendance requirement is the “least restrictive means” of furthering any interest because multiple neighboring states allow similar scholarships for all citizens, including those with only religious reasons for accepting them, who have not previously attended public school, and who were not assigned to failing schools. *See Holt*, 574 U.S. at 368 (finding that prison officials could not prove that their beard policy was a least restrictive means, in part because other states had less restrictive policies).

204. Because Defendant cannot make the demonstration Georgia’s RFRA requires, his denial of exemptions to the assignment requirement and the attendance requirement unlawfully burdens Plaintiffs’ free exercise of religion.

205. Defendant’s denial of exemptions to the assignment requirement and the attendance requirement is causing Plaintiffs irreparable harm.

206. To remedy their injuries, Plaintiffs are entitled to declaratory, injunctive, and monetary relief.

PRAYER FOR RELIEF:

Plaintiffs request that the Court:

- a. Enter a declaration that O.C.G.A. § 20-2B-22(a)(2) and O.C.G.A. § 20-2B-22(a)(3) violate the Free Exercise Clause of the First Amendment;
- b. Enter a declaration that O.C.G.A. § 20-2B-22(a)(2) and O.C.G.A. § 20-2B-22(a)(3) violate the Georgia Religious Freedom Restoration Act;
- c. Enter preliminary and permanent injunctions prohibiting Defendant from enforcing O.C.G.A. § 20-2B-22(a)(2) and O.C.G.A. § 20-2B-22(a)(3) against Plaintiffs, or, alternatively, order Defendant to grant Plaintiffs a religious exemption from O.C.G.A. § 20-2B-22(a)(2) and O.C.G.A. § 20-2B-22(a)(3);
- d. Enter preliminary and permanent injunctions requiring Defendant to accept and adjudicate Promise Scholarship applications submitted on behalf of Plaintiffs' school-aged children without regard to the attendance and assignment requirements, subject to all other eligibility criteria and to the funding provisions of O.C.G.A. § 20-2B-24;
- e. Award nominal damages to Plaintiffs;
- f. Award actual damages incurred by Plaintiffs in being forced to pursue other educational opportunities for their children because of Defendant's infringement of their rights under the Georgia RFRA;
- g. Award attorneys' fees and costs under 42 U.S.C. § 1988 and O.C.G.A. § 50-15A-3; and
- h. Award such other relief as the Court may deem just and proper.

Certification of AI Use in Accordance with the Court's September 19, 2025 Order

This document was generated with the assistance of Claude, Westlaw AI, and Codex (ChatGPT). I hereby certify under penalty of perjury that, despite reliance on an AI tool, I have independently reviewed this document to confirm accuracy, legitimacy, and use of good and applicable law. I hereby certify under penalty of perjury that every citation to law, case, statute, or the record in this document has been verified as accurate and that it exists as cited and for the proposition cited.

Dated: August 24, 2026

Respectfully submitted,

/s/ Nathan Loyd

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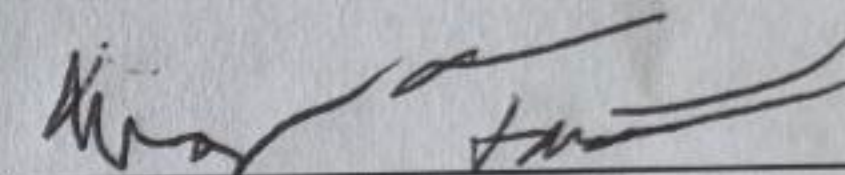
Counsel for Plaintiffs

VERIFICATION OF MARY TOOTLE

I, Mary Tootle, am a plaintiff in this action. I have read the above Verified Complaint and know its contents. The information supplied in the foregoing is based on my own personal knowledge or has been supplied by my co-plaintiffs, attorneys, or other agents or compiled from available documents. The information in the foregoing document is true to the extent of my personal knowledge. As to the information provided by my co-plaintiffs, attorneys, or other agents or compiled from available documents, including all contentions and opinions, I do not have personal knowledge but made a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, and believe it is true.

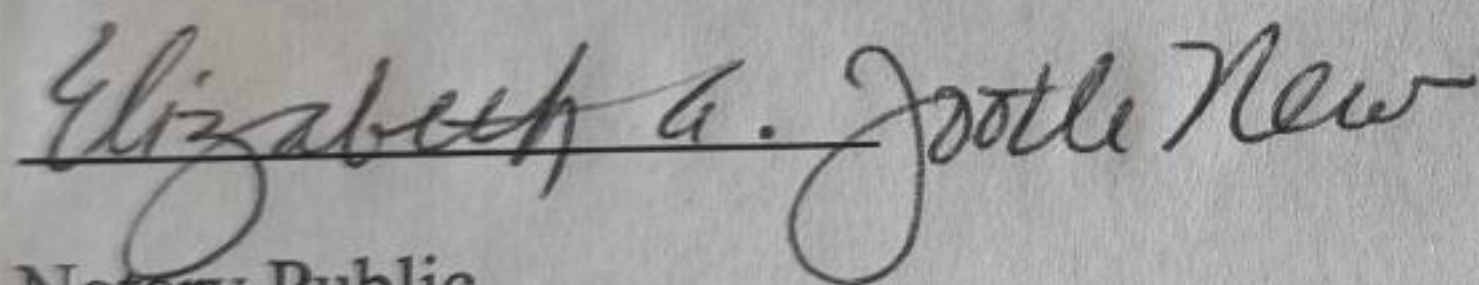
Thus, I am informed and believe that the matters stated in the foregoing document are true and on that ground swear or affirm that the foregoing is true and correct.

Executed this 14 day of Aug, 2026, at Savannah, Georgia.



Mary Tootle

Sworn to and subscribed before me this 14th day of August, 2026.



Notary Public

My commission expires: 3/6/2030



VERIFICATION OF DAVID TOOTLE

I, David Tootle, am a plaintiff in this action. I have read the above Verified Complaint and know its contents. The information supplied in the foregoing is based on my own personal knowledge or has been supplied by my co-plaintiffs, attorneys, or other agents or compiled from available documents. The information in the foregoing document is true to the extent of my personal knowledge. As to the information provided by my co-plaintiffs, attorneys, or other agents or compiled from available documents, including all contentions and opinions, I do not have personal knowledge but made a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, and believe it is true.

Thus, I am informed and believe that the matters stated in the foregoing document are true and on that ground swear or affirm that the foregoing is true and correct.

Executed this 14 day of Aug, 2026, at Savannah, Georgia.

David Tootle

David Tootle

Sworn to and subscribed before me this 14th day of August, 2026.

Elizabeth C. Jottel

Notary Public

My commission expires: 3/6/2030



VERIFICATION OF YANELLIS SANDS

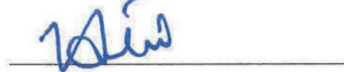
I, Yanellis Sands, am a plaintiff in this action. I have read the above Verified Complaint and know its contents. The information supplied in the foregoing is based on my own personal knowledge or has been supplied by my co-plaintiffs, attorneys, or other agents or compiled from available documents. The information in the foregoing document is true to the extent of my personal knowledge. As to the information provided by my co-plaintiffs, attorneys, or other agents or compiled from available documents, including all contentions and opinions, I do not have personal knowledge but made a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, and believe it is true.

Thus, I am informed and believe that the matters stated in the foregoing document are true and on that ground swear or affirm that the foregoing is true and correct.

Executed this 14th day of Aug, 2026, at Gainesville, Georgia.

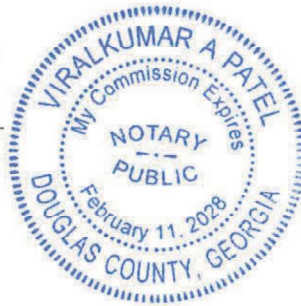

Yanellis Sands

Sworn to and subscribed before me this 14th day of Aug, 2026.



Notary Public

My commission expires: 02/11/2028

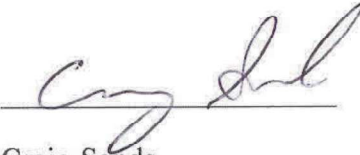


VERIFICATION OF CRAIG SANDS

I, Craig Sands, am a plaintiff in this action. I have read the above Verified Complaint and know its contents. The information supplied in the foregoing is based on my own personal knowledge or has been supplied by my co-plaintiffs, attorneys, or other agents or compiled from available documents. The information in the foregoing document is true to the extent of my personal knowledge. As to the information provided by my co-plaintiffs, attorneys, or other agents or compiled from available documents, including all contentions and opinions, I do not have personal knowledge but made a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, and believe it is true.

Thus, I am informed and believe that the matters stated in the foregoing document are true and on that ground swear or affirm that the foregoing is true and correct.

Executed this 14th day of Aug, 2026, at Gainesville Georgia.



Craig Sands

Sworn to and subscribed before me this 14th day of Aug, 2026.



Notary Public

My commission expires: 02/11/2028



VERIFICATION OF JOYCE MCCALL

I, Joyce McCall, am a plaintiff in this action. I have read the above Verified Complaint and know its contents. The information supplied in the foregoing is based on my own personal knowledge or has been supplied by my co-plaintiffs, attorneys, or other agents or compiled from available documents. The information in the foregoing document is true to the extent of my personal knowledge. As to the information provided by my co-plaintiffs, attorneys, or other agents or compiled from available documents, including all contentions and opinions, I do not have personal knowledge but made a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, and believe it is true.

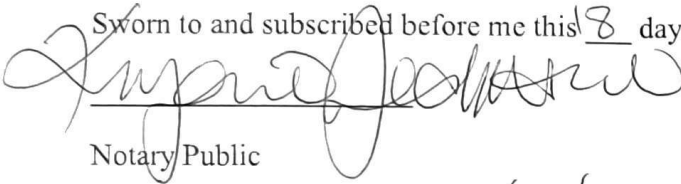
Thus, I am informed and believe that the matters stated in the foregoing document are true and on that ground swear or affirm that the foregoing is true and correct.

Executed this 18 day of August, 2026, at Boston, Georgia.



Joyce McCall

Sworn to and subscribed before me this 18 day of August, 2026.



Notary Public

My commission expires: 10/7/28



VERIFICATION OF JASON MCCALL

I, Jason McCall, am a plaintiff in this action. I have read the above Verified Complaint and know its contents. The information supplied in the foregoing is based on my own personal knowledge or has been supplied by my co-plaintiffs, attorneys, or other agents or compiled from available documents. The information in the foregoing document is true to the extent of my personal knowledge. As to the information provided by my co-plaintiffs, attorneys, or other agents or compiled from available documents, including all contentions and opinions, I do not have personal knowledge but made a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, and believe it is true.

Thus, I am informed and believe that the matters stated in the foregoing document are true and on that ground swear or affirm that the foregoing is true and correct.

Executed this 18 day of Aug, 2026, at Buford, Georgia.



Jason McCall

Sworn to and subscribed before me this 18 day of August, 2026.


Notary Public

My commission expires: 10/7/28



EXHIBIT A



(<https://gadoe.org/>)



(<https://georgiainsights.gadoe.org>)

Data Requests & Contact
(<https://georgiainsights.gadoe.org/contact-request-data/>)

Dashboards (<https://georgiainsights.gadoe.org/dashboards/>) › District Financial Information

District Financial Information

 Who is the intended audience of this dashboard?

The District Financial Information dashboard allows users to view detailed breakdowns of revenues and expenditures for districts and schools.

Click the full-screen icon () at the bottom right of the dashboard below to view it full-screen.

This dashboard is best viewed on a laptop or desktop device.



(<https://gadoe.org/>)



(<https://georgiainsights.gadoe.org>)

Data Requests & Contact
(<https://georgiainsights.gadoe.org/contact-request-data/>)

System Revenues

Return to Search



System: Hall County

669-Hall County
SYSTEM NAME

2025
Fiscal Year

\$472,918,268.42
Total Revenue

28,665
FTE

\$16,498.11
Revenue Per FTE

2024 Millage

14.99



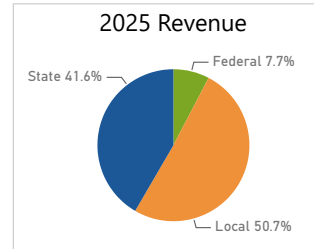
Local Property Tax Revenues



Other Local Tax Revenues



System Revenues

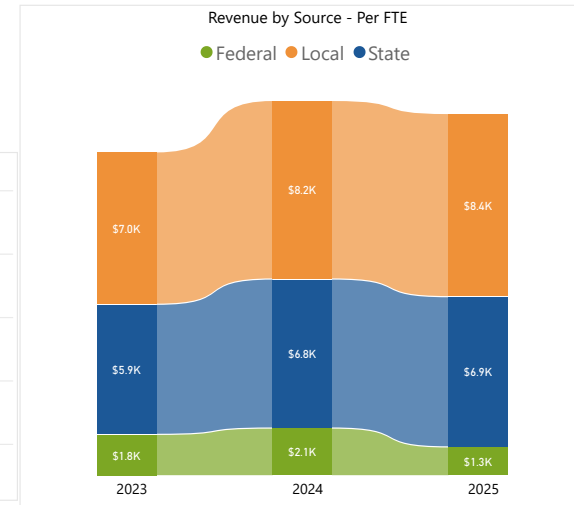
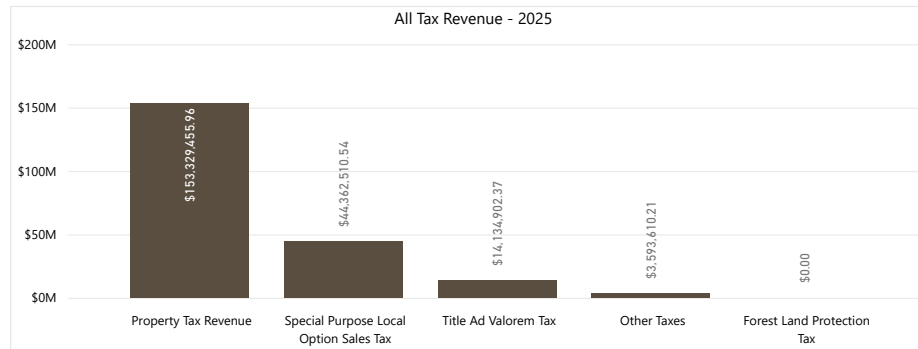


All Expenditures - By System

Expenditures - By School/Facility

PPE - By System and School

System Revenue per FTE			
Fiscal Year	FTE	Total Revenue	Revenue Per FTE
2023	28,422	\$419,121,774.73	\$14,746.39
2024	28,399	\$485,452,188.82	\$17,093.99
2025	28,665	\$472,918,268.42	\$16,498.11



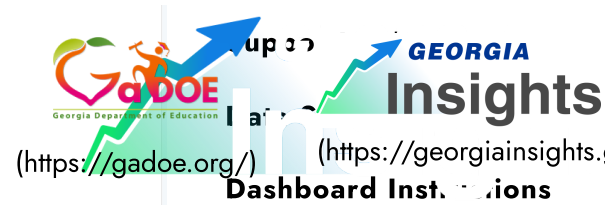
[Microsoft Power BI](#)

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← Click Here For

Overview



Overview

The District Financial Information dashboard allows users to view detailed breakdowns of revenues and expenditures for districts and schools. [\(https://georgiainsights.gadoe.org/dashboards/district-financial-information/\)](https://georgiainsights.gadoe.org/dashboards/district-financial-information/)

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Data Elements [\(https://georgiainsights.gadoe.org/data-elements/\)](https://georgiainsights.gadoe.org/data-elements/)

Georgia Insights is an initiative of the Georgia Department of Education focused on improving and increasing the role of data-informed decision making among education decision makers in the state. Georgia Insights is the go-to location for GaDOE's dashboards, data files, and data resources. By providing data in a streamlined, usable, and useful manner, Georgia Insights equips educators, parents, and communities with the tools and information needed to enact positive change in Georgia's schools.



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oe.org/gadoe/file/b9a190e1-e7a8-418e-a72b-1a6d670f1b1e/1/GaDOE-Website-Accessibility-Notice.pdf) |

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Service of Process Information(<https://lor2.gadoe.org/gadoe/file/6914cad8-8324-44a5-9827-33ed27b50efb/1/Service-of-Process-Information.pdf>)

EXHIBIT B



(<https://gadoe.org/>)



(<https://georgiainsights.gadoe.org>)

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(<https://georgiainsights.gadoe.org/contact-request-data/>)

Dashboards (<https://georgiainsights.gadoe.org/dashboards/>) › District Financial Information

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Data Requests & Contact
(<https://georgiainsights.gadoe.org/contact-request-data/>)

System Revenues

System: Chatham County

625-Chatham County
SYSTEM NAME

2025
Fiscal Year

\$888,363,100.75
Total Revenue

34,915
FTE

\$25,443.59
Revenue Per FTE

Return to Search



2024 Millage

17.48



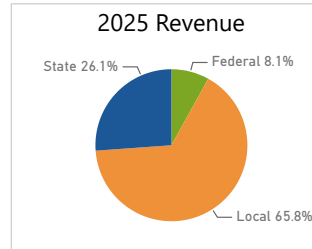
Local Property Tax Revenues



Other Local Tax Revenues



System Revenues

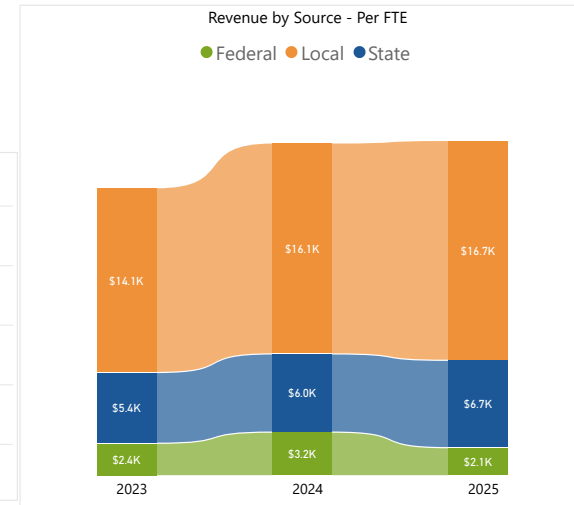
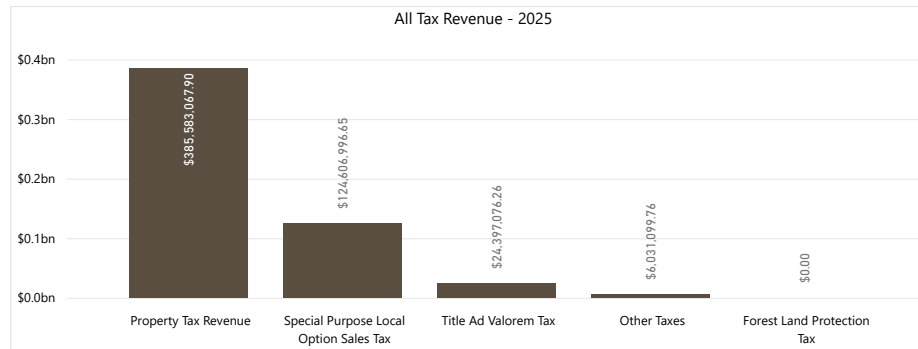


All Expenditures - By System

Expenditures - By School/Facility

PPE - By System and School

System Revenue per FTE			
Fiscal Year	FTE	Total Revenue	Revenue Per FTE
2023	35,160	\$768,032,222.49	\$21,843.92
2024	34,648	\$874,978,823.28	\$25,253.37
2025	34,915	\$888,363,100.75	\$25,443.59



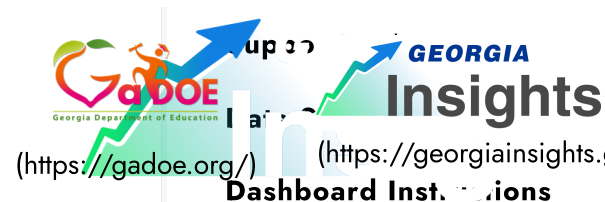
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Overview



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