



MASSACHUSETTS LIBERTY LEGAL CENTER

Ms. Kristen Moffat
Principal
Dr. Leroy E. Mayo Elementary School
351 Bullard St.
Holden, MA 01520

October 8, 2025

Via Email and U.S. Mail
Kristin_moffat@wrsd.net

Re: ██████████'s Right to Religious Expression

Dear Ms. Moffat,

I write on behalf of my client, ██████████. Recently, her son ██████████ was denied the ability to share books with Christian themes with his classmates at school. This was a violation of his First Amendment rights to free speech and free exercise of religion. The purpose of this letter is to explain Israel's rights and to ensure that your staff respect them going forward.

Background

██████████ is a first-grade student at Mayo Elementary. On October 2nd, ██████████ messaged ██████████'s teacher, ██████████, to let her know that ██████████ was going to participate in [National Bring Your Bible to School Day](#) by bringing his Bible and some Christmas storybooks to give to his friends. That morning, ██████████ gave some Christmas storybooks to a friend in the hallway area near their cubbies, before classes began. The friend put the books in her backpack. ██████████'s brother, ██████████, is also in first grade and brought Christian-themed books in to share with his friends.

Shortly after the school day started, ██████████ took the books that ██████████ had given to his friend out of the friend's backpack and put them back in ██████████'s backpack. She also went over to ██████████'s classroom and told him he could not share the books he brought, stating that "We don't do that at Mayo."

██████████ then received a voicemail from Assistant Principal Melissa Provost asking that she call back to discuss "██████████ bringing in some Bibles this morning." She then emailed ██████████ and stated that "We respect your family's beliefs; however, we also need to ensure all students feel comfortable and included. The concern was that ██████████ was handing out materials to other students. While students may bring personal items, including a Bible, for their own use, distributing them to peers is not allowed during the school day." You later sent a follow-up email stating that "the distribution of any literature here at school that is unrelated to school is not allowed. The distribution of any non-school related materials requires approval from the



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Superintendent's office or the Principal's office. We asked ██████ to place the books he brought to school today in his backpack unless it was free reading time.” You did not cite any policy regarding the distribution of non-school materials by students, however, and we were unable to identify one in the Wachusett Regional School District policy manual or Mayo Elementary student handbook.

The Law

Students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”¹ Under both the First Amendment to the U.S. Constitution and Massachusetts state law, schools may not prevent a student from exercising these fundamental rights unless doing so would cause a material and substantial disruption to the school's ability to fulfill its educational goals.² Schools must be able to show actual disruption or concrete facts that point to a likelihood of disruption; mere “undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression.”³

Schools may not prohibit speech just because it is religious.⁴ Doing so constitutes viewpoint discrimination, an especially egregious form of censorship.⁵ The Supreme Court has held that schools do not violate any separation between church and state when they allow students to express their personal religious views at school.⁶ And just because other students might find religious expression “offensive” or “controversial,” this does not mean the expression is not protected by the First Amendment.⁷ Indeed, the First Amendment exists to protect controversial speech.

¹ *Tinker v. Des Moines Indep. Community Sch. Dist.*, 393 U.S. 503, 506 (1969). See also *Shelton v. Tucker*, 364 U.S. 479, 487 (1967) (“The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools”).

² *Tinker*, 393 U.S. at 509; M.G.L. c. 71, § 82 (“The right of students to freedom of expression in the public schools of the commonwealth shall not be abridged, provided that such right shall not cause any disruption or disorder within the school. Freedom of expression shall include without limitation, the rights and responsibilities of students, collectively and individually, (a) to express their views through speech and symbols, (b) to write, publish and disseminate their views, (c) to assemble peaceably on school property for the purpose of expressing their opinions.”).

³ *Tinker*, 393 U.S. at 508.

⁴ See, e.g., *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 107 (2001); *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995).

⁵ *Rosenberger*, 515 U.S. at 829.

⁶ See, e.g., *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 302 (2000) (“[T]here is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect”).

⁷ See *Tinker*, 393 U.S. at 509 (stating that a school may not restrict speech based on “a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint”).



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Students' rights to express their religious beliefs at school are also protected by the First Amendment's Free Exercise Clause.⁸ To the extent that other students can express personal beliefs at school, religious students must be able to express religious beliefs as well.⁹

Federal courts have specifically held that public schools may not ban the distribution of Bibles or other religious literature.¹⁰ In fact, there is binding federal court precedent on this exact topic from the U.S. District Court for the District of Massachusetts. In *Westfield High Sch. L.I.F.E. Club v. City of Westfield*, school administrators prevented a Christian student group from distributing candy canes with Christian messages to other students at lunch time and in between classes.¹¹ The school attempted to justify its actions by stating that its policies prohibited the distribution of all non-curriculum related literature by students, absent school approval.¹² However, the court held that because the school had no basis to forecast a substantial disruption based on the students' activities, and because the policy was not tied to a reasonable prediction of such disruption, the school and its policy likely violated the students' First Amendment rights.¹³ The court therefore enjoined the policy.¹⁴

For more information on this topic, see [this legal brief](#) on Bring Your Bible to School Day from our national partner, Alliance Defending Freedom.

Application

Applying the legal standards above to this case, it should be clear that you and your staff violated ██████'s rights to free speech and free exercise of religion when you prohibited him from sharing Christian books with a classmate. ██████ sharing books before class began in no way disrupted school activities: class was not interrupted; students were not distracted; no one was upset. Nor could the school have reasonably forecast disruption from ██████'s quiet, peaceful act of sharing books before class. Therefore, ██████'s expressive activity was fully protected by the First Amendment and by M.G.L. c. 71, § 82.

It makes no difference whether the school has a policy banning the distribution of literature that is unrelated to school activities, or requiring prior approval for such distribution. As in the *Westfield* case, such a policy would be facially unconstitutional because it would ban a

⁸ *Santa Fe*, 530 U.S. at 302.

⁹ *Good News Club*, 533 U.S. at 107.

¹⁰ See, e.g., *Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 178*, 9 F.3d 1295, 1297 (7th Cir. 1993) (enjoining policy prohibiting distribution of Bibles at elementary school); *Gregoire v. Centennial Sch. Dist.*, 907 F.2d 1366, 1382 (3d Cir. 1990) (enjoining ban on distribution of Bibles by students); *L. W v. Knox Cnty. Bd of Educ.*, 3:05-CV-274, 2006 WL 2583151 (E.D. Tenn. Sept. 6, 2006) (noting that elementary student's "constitutional right to read and study his Bible with friends [during recess] was clearly established").

¹¹ 249 F. Supp. 2d 98, 104-07 (D. Mass. 2003).

¹² *Id.* at 106.

¹³ *Id.* at 112-13; 126-27.

¹⁴ *Id.* at 129.



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broad range of nondisruptive expressive activities.¹⁵ While a reasonable time, place, and manner restriction on such activities (such as a prohibition on distributing literature during class) might be permissible, you have stated that literature distribution is *never* allowed, at least without prior approval. This does not pass constitutional muster.¹⁶ Thus, regardless of the school's policies on this matter, █████ had a constitutional right to share the books with his classmate in the manner that he did.

Conclusion and Notice

In light of the foregoing analysis, I am hereby notifying you that █████ and █████ intend to again bring Christian books into school to share with their classmates this upcoming Wednesday, October 15, 2025. They will do so outside of class time, either before classes start for the day, after the end of the school day, or during recess or lunch time. We expect that they will not face any opposition from the school in doing so. Please confirm that this will be the case. Should the school choose to again infringe on █████ or █████'s rights, we reserve all legal remedies to resolve this situation.

Very truly yours,

Sam Whiting
Counsel
Massachusetts Liberty Legal Center

cc: Mr. James Reilly, Superintendent, james_reilly@wrsd.net
Ms. Melissa Provost, Assistant Principal, melissa_provost@wrsd.net

¹⁵ *Westfield*, 249 F. Supp. at 126-27.

¹⁶ *See id.*