



## MASSACHUSETTS LIBERTY LEGAL CENTER

Dr. Mahmut Bekin  
Principal  
Pioneer Charter School of Science II  
97 Main St.  
Saugus, MA 01906

March 26, 2026

Via Email and U.S. Mail

### **Re: Legal Demand - Bible Study Club Facility Reservation**

Dear Dr. Bekin,

I represent Mr. Rayford Adam, a senior at Pioneer Charter School of Science II. As you know, Mr. Adam helps to lead the Bible Study Club at PCSSII and recently submitted a request to reserve the school gymnasium for one evening as part of an “Outreach Week” event on May 22. You denied his request on the basis that the event was religious in nature. For the reasons explained in this letter, this constituted a violation of Mr. Adam’s constitutional and statutory rights and we demand that you reverse this decision and approve his event request. We reserve all legal options to protect the rights of Mr. Adam and the Bible Study Club if we do not receive confirmation by **Friday, April 10** that the Club’s request will be granted.

### **Background**

The Bible Study Club is a student-led club dedicated to helping fellow students understand and explore the Bible and Christianity. It has about 25 student members and is one of a number of student-led clubs at PCSSII. Other student-led clubs include the African Student Union, the Islamic Studies Club, and the Robotics Club.

PCSSII is a public charter school. In recent years, it has allowed multiple cultural, religious, or student club events to take place in its gym. These have included an Iftar religious celebration held by the Islamic Studies Club, multiple Diwali celebrations,<sup>1</sup> a student-led “Daydream” hackathon event,<sup>2</sup> a Hispanic festival,<sup>3</sup> and multiple “African Gala” events hosted by the African Student Union.<sup>4</sup> Most recently, the African Student Union reserved the gym on March 18 and 19 to host a volleyball tournament.

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<sup>1</sup> See [https://saugus.pioneercss.org/apps/news/show\\_news.jsp?REC\\_ID=994653&id=0;](https://saugus.pioneercss.org/apps/news/show_news.jsp?REC_ID=994653&id=0;)  
[https://saugus.pioneercss.org/apps/news/show\\_news.jsp?REC\\_ID=940345&id=0.](https://saugus.pioneercss.org/apps/news/show_news.jsp?REC_ID=940345&id=0)

<sup>2</sup> See [https://saugus.pioneercss.org/apps/news/show\\_news.jsp?REC\\_ID=985996&id=0;](https://saugus.pioneercss.org/apps/news/show_news.jsp?REC_ID=985996&id=0;) see also <https://forms.hackclub.com/daydream-sign-up?event=rec5eHo2AqBiK9XPa> (stating that event is “run by high schoolers, for high schoolers”).

<sup>3</sup> See [https://saugus.pioneercss.org/apps/news/show\\_news.jsp?REC\\_ID=987580&id=0.](https://saugus.pioneercss.org/apps/news/show_news.jsp?REC_ID=987580&id=0)

<sup>4</sup> See [https://saugus.pioneercss.org/apps/news/show\\_news.jsp?REC\\_ID=842824&id=0;](https://saugus.pioneercss.org/apps/news/show_news.jsp?REC_ID=842824&id=0;)  
[https://advocateneeds.net/saugus/news/celebrating-african-culture/.](https://advocateneeds.net/saugus/news/celebrating-african-culture/)



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On Monday, March 16, Mr. Adam and two fellow Bible Study Club members met with you in your office to discuss their event request. They explained that the event would take place from 4-7 p.m. on May 22 in the gym and would involve free food, ice breaker games, student testimonies, teaching, and singing. The purpose of the event would be to “clearly communicate the heart and mission of [their] weekly Bible Study meetings to a broader student audience.” Mr. Adam and his friends also explained the legal basis for the event under the First Amendment and federal Equal Access Act. After listening to their presentation, you denied their request, communicating that PCSSII did not want to host religious events. You stated your concern that allowing student-led religious events on school grounds could be perceived as an endorsement of religion.

### The Law

When public schools open their facilities for use by non-governmental student organizations such as student-led clubs, they create, at the least, a limited public forum for student speech.<sup>5</sup> Under the First Amendment, while the government may impose reasonable time, place, and manner restrictions on student speech in such a forum, any restrictions must be neutral toward the content and viewpoint of such speech.<sup>6</sup> Any restrictions that do not meet this standard are subject to strict scrutiny and must be narrowly tailored to serve a compelling governmental interest.<sup>7</sup>

The U.S. Supreme Court has repeatedly held that schools may not deny equal access and privileges to student-led groups and clubs because they hold religious views, and federal courts in Massachusetts have reaffirmed this principle.<sup>8</sup> In other words, under the First Amendment, a school that allows any student group to use a space to express their viewpoints must grant that same right to all groups – including ones with religious viewpoints.<sup>9</sup>

Courts have also consistently held that there is no compelling interest in banning religious speech in public forums based on concerns that such speech will be misperceived as a government endorsement of religion.<sup>10</sup> In fact, Massachusetts law explicitly provides that “[n]o

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<sup>5</sup> *Widmar v. Vincent*, 454 U.S. 263, 267 (1981) (holding that university created a public forum by allowing student organizations to reserve classroom space); see *Good News Club v. Milford Central School*, 533 U.S. 98, 106 (2001) (assuming that school created a limited public forum when it allowed student-led clubs to use facilities).

<sup>6</sup> *Lamb's Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 390-93 (1993); *Widmar*, 454 U.S. at 270.

<sup>7</sup> *E.g.*, *Widmar*, 454 U.S. at 270.

<sup>8</sup> *E.g.*, *Good News Club*, 533 U.S. at 112; *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829-31 (1995); *Westfield High Sch. L.I.F.E. Club v. City of Westfield*, 249 F. Supp. 2d 98, 123-24 (D. Mass. 2003).

<sup>9</sup> *Id.*

<sup>10</sup> See, e.g., *Bd. of Educ. v. Mergens*, 496 U.S. 226, 251 (1990) (“[T]he proposition that schools do not endorse everything they fail to censor is not complicated.”); *Good News Club*, 533 U.S. at 113 (rejecting Establishment Clause justification for excluding religious group from public school because meetings were after school hours, not sponsored by school, and open to public); *Westfield High Sch. L.I.F.E. Club*, 249 F. Supp. 2d at 120 (holding that Christian student club’s distribution of candy canes with Christian messages did not raise Establishment Clause concerns).



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expression made by students in the exercise of [free speech] rights shall be deemed to be an expression of school policy and no school officials shall be held responsible in any civil or criminal action for any expression made or published by the students.”<sup>11</sup>

In addition to protections under the First Amendment, religious student clubs in public schools also enjoy protections under the federal Equal Access Act.<sup>12</sup> Under the Act, when a school provides an opportunity for any non-curricular student club to meet, it thereby creates a limited open forum.<sup>13</sup> This entitles all qualified student clubs (including religious clubs) to the same access to and benefits of school facilities as any other qualified club.<sup>14</sup>

### Analysis

Based on the foregoing summary of the applicable law, it should be clear that denying the Bible Study Club’s request to reserve the gym for their event violated their constitutional and statutory rights.

Because it has allowed other student-led groups to reserve the gym for events, PCSSII has created, at the least, a limited public forum. Therefore, any restrictions that it places on the Bible Study Club’s speech must be neutral toward the content and viewpoint of such speech, and PCSSII must grant the club equal access to the gym. But as you indicated to Mr. Adam and his fellow club members, you denied their request solely because of the religious nature of their event. Your decision to allow non-religious club activities but to reject the Bible Study Club’s faith-based event clearly constituted viewpoint discrimination under the First Amendment and denied the Bible Study Club equal access under the Equal Access Act.<sup>15</sup>

As discussed above, denying access to a public forum because of a speaker’s religious content or viewpoint is unconstitutional unless it is justified by a compelling interest. While you have asserted an interest in avoiding the perception that PCSSII endorses religion, this is not sufficient. It is clear from the cases cited above that there can be no reasonable perception of endorsement of religion when a school simply allows a religious group to reserve space on an equal basis with secular groups. And fears about what members of the public might mistakenly perceive cannot form the basis to deny a group its constitutional rights.<sup>16</sup> Therefore, since

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<sup>11</sup> M.G.L. c. 71, § 82.

<sup>12</sup> 20 U.S.C. § 4071.

<sup>13</sup> *Id.*

<sup>14</sup> *See, e.g., Mergens*, 496 U.S. at 236 (“Thus, even if a public secondary school allows only one ‘noncurriculum related student group’ to meet, the Act’s obligations are triggered and the school may not deny other clubs, on the basis of the content of their speech, equal access to meet on school premises during noninstructional time.”).

<sup>15</sup> You also stated to Mr. Adam that you are not allowing the Islamic Studies Club to hold their Iftar event in the gym anymore because of the religious nature of the event. But it appears that PCSSII has recently hosted events to celebrate Diwali, a Hindu holiday. This allowance of some religious celebrations but not others makes the apparent viewpoint discrimination in this case all the more significant.

<sup>16</sup> *E.g., Good News Club*, 533 U.S. at 119 (“We decline to employ Establishment Clause jurisprudence using a modified heckler’s veto, in which a group’s religious activity can be proscribed on the basis of what [members of the public] might misperceive.”).



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PCSSII has no compelling interest in denying use of the gym to the Bible Study Club to avoid the misperception of religious endorsement, its decision to reject the Club's request cannot pass strict scrutiny and clearly violated the Club's rights.

Finally, to the extent that PCSSII allows other student groups to promote their events on school property or to advertise using school resources (such as by hanging posters on school property, utilizing school bulletin boards, or making announcements over the intercom), it must give the Bible Study Club equal access to these channels of communication to promote its event.<sup>17</sup>

### Conclusion

Under both the First Amendment and the Equal Access Act, the Bible Study Club has the right to reserve the gym for their "Outreach Week" event on the same basis as any other group. Your decision to deny their request violated these rights. We understand that this violation may have been unintentional and based on a misunderstanding of the applicable law. But we are committed to ensuring that religious students at PCSSII have equal access to school facilities. We believe that correcting this violation and upholding religious students' rights presents PCSSII with an opportunity to celebrate the religious diversity of its student body.

Based on the foregoing, we demand that you reverse your previous decision to deny the Bible Study Club's reservation request and instead allow them to host their event in the gym on May 22. Again, we reserve all legal options to protect the rights of Mr. Adam and the Bible Study Club if we do not receive confirmation by **Friday, April 10** that the Club's request will be granted. I look forward to your prompt response.

Very truly yours,

Sam Whiting  
Counsel  
Massachusetts Liberty Legal Center

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<sup>17</sup> *Mergens*, 496 U.S. at 247 (holding that to deny the school's Bible club official recognition, which included access to the school newspaper, bulletin boards, and public address system, was to deny it "equal access"); *Straights & Gays for Equality v. Osseo Area Schools - District No. 279*, 540 F.3d 911, 914 (8th Cir. 2008) (holding that the school district violated the Equal Access Act by providing noncurricular groups with greater access to communication avenues than it provided to SAGE).