MASSACHUSETTS
LIBERTY LEGAL CENTER

Ms. Stephanie Callahan
Executive Director
Salem Academy Charter School
45 Congress Street
Salem, MA 01970

October 21, 2026

Via Email and U.S. Mail
scallahan@salemacademycs.org

Re: Violation of Joshua [redacted]'s Constitutional Rights

Dear Ms. Callahan,

I write on behalf of my client, Ms. Kelly [redacted]. Recently, her son Joshua was reprimanded by Salem Academy staff for refusing to violate his religious beliefs by using "they/them" pronouns for a teacher in a conversation with another teacher. This was a blatant violation of his First Amendment rights to free speech and religious liberty. The purpose of this letter is to provide an account of this incident, explain Joshua's legal rights and how Salem Academy has violated them, and demand that the school take certain steps to remedy these violations. **In order to avoid legal action, we require a satisfactory response to our demands within 14 days of the receipt of this letter.**

Background

Joshua [redacted] is a seventh-grade student at Salem Academy Charter School ("Salem Academy"). Joshua and his family are committed Christians. As such, they believe that God has created each person in His image as either male or female (Gen. 1:27), that sex is immutable, and that it would be a sin to reject God's design for one's sex. They believe that to use a name, title, or pronouns for a person in order to affirm a gender identity that does not accord with that person's sex would be to lie to them about their God-given identity. Therefore, Joshua believes it is his religious obligation to avoid using such pronouns. Joshua's mother has explained her family's religious beliefs to the school and has previously submitted requests to opt Joshua out of curricular content that covers gender identity.

Joshua's science teacher this year, Symone Dowling ("the science teacher") is female but identifies as non-binary and uses "they/them" pronouns and the title "Mx." instead of "Ms." At the beginning of this school year, Joshua's mother had multiple conversations with Principal Sabrina Williams, Dean Seth Bynum, and Director of Academics Andrea Jacobs, in which she informed them that it would violate Joshua's religious beliefs and those of her family to require Joshua to refer to the teacher using pronouns or a title which affirmed a non-binary identity. They assured her that Joshua could simply call the teacher "Dowling" or "the science teacher"

instead of using pronouns or a title. Joshua has done so consistently when speaking to the teacher. When other students in Joshua's class use female pronouns for the teacher or call her "Ms.," the teacher corrects the students and tells them that she will continue correcting them until they use the "right" pronouns or title.

On the morning of Friday, October 9, Joshua met with his history teacher, Brad Wayne, who is the Team Chair for 7th grade. The meeting took place during the advisory period and included a discussion of Joshua's grades, including his science grade. Mr. Wayne alleges that during this meeting, Joshua referred to the science teacher using "the incorrect pronoun" (presumably meaning female pronouns). Joshua denies this; he only remembers referring to the teacher as "the science teacher." Regardless, Mr. Wayne states that he corrected Joshua, and Joshua then explained that he could not use "they/them" pronouns for the science teacher due to his religious beliefs. Mr. Wayne's report of the incident then states, "I told him that the school had discussed this with both him and his mother, and that I would be putting in a referral [to the Dean] for his refusal." *See* Attachment A, Dean Referral.

That afternoon, Principal Williams sent an email to Ms. [redacted] doubling down on Mr. Wayne's actions. Her email suggested that by using the "incorrect pronouns" in his conversation with Mr. Wayne, Joshua was guilty of "harassment" and "discrimination" under Massachusetts law. She acknowledged Joshua's religious beliefs but stated that he would be expected to "interact respectfully" with all members of the school community regardless of his beliefs. Finally, she stated that while no "additional consequence" was being assigned at that time, "future instances of this behavior may result in disciplinary consequences in accordance with the school's behavior expectations and policies." She stated, "We expect Joshua to demonstrate a change in behavior moving forward and to interact respectfully with all members of our school community." *See* Attachment B, Email from Principal Williams.

As of the date of this letter, Joshua continues to have a Dean Referral report in his permanent student record. This Referral categorizes the incident as a "Dean Emergency" and lists the "infraction type" as "Disrespect (Student to Staff)". The summary of the incident penned by Mr. Wayne states, "Student refused to acknowledge the correct pronouns of a teacher."

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

[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").

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] And any restriction on student speech must be "caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint."[4]

In addition, public schools may not compel students to speak a message that they do not believe.[5] Such compelled speech is virtually always constitutionally impermissible.[6]

Finally, students also have a right to express their religious beliefs at school under the First Amendment's Free Exercise Clause and the Massachusetts Constitution. To the extent that other students can express personal beliefs at school, religious students must be able to express religious beliefs as well; schools may not discriminate against religious viewpoints.[7]

Applying these principals, federal courts have specifically held that students and teachers at public schools cannot be punished for refusing to use a person's preferred pronouns,[8] nor can students be disciplined simply for using pronouns that accord with a person's sex.[9] For example, in *Defending Education v. Olentangy Bd. of Education,* the 6th Circuit Court of Appeals enjoined a public school policy that banned students from using biological-sex pronouns instead of a person's preferred pronouns.[10] The court held that this policy infringed on students' rights to express their scientific and religious beliefs on a sensitive topic of public concern: gender identity.[11] It also held that merely using biological pronouns was not disruptive or harassing, and therefore the school could not censor such speech under *Tinker.*[12] The Court therefore directed an injunction to be entered that would bar the district from punishing students for the

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[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] *Id.* at 509.
[5] *E.g., W. Va. Bd. of Educ. v. Barnette,* 319 U.S. 624, 642 (1943).
[6] *See 303 Creative LLC v. Elenis,* 600 U.S. 570, 586 (2023) ("[T]he government may not compel a person to speak its own preferred messages.").
[7] 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).
[8] *E.g. Vlaming v. W. Point Sch. Bd.,* 895 S.E.2d 705 (Va. 2023) (teacher had religious liberty right to not use student's preferred pronouns)*; Meriwether v. Hartop*, 992 F.3d 492 (6th Cir. 2021) (teacher had free speech and religious liberty right to not use student's preferred pronouns).
[9] *Defending Educ. v. Olentangy Local Sch. Dist. Bd. of Educ.,* 158 F.4th 732 (6th Cir. 2025) (en banc); *Defending Educ. v. Anguiano*, No. 8:26-cv-01574-FWS-AYP, 2026 LX 555308 (C.D. Cal. Sep. 15, 2026).
[10] *Id.* at 738.
[11] *Id.* at 753.
[12] *Id.* at 757

"commonplace use" of biological pronouns.[13] By way of another example, a public school in Vermont recently settled a lawsuit for $125,000 in damages and attorneys' fees after it disciplined a female student for "misgendering" a male student when she complained that he was using the girls' bathroom.[14]

Application

It should be clear based on the authorities cited above that Salem Academy has violated Joshua's rights by reprimanding him for refusing to use a teacher's preferred pronouns and threatening disciplinary action should he do so again. Joshua has made it clear that he declines to use preferred pronouns not as a sign of disrespect to his teacher, but to respect and honor God. But his appeal has fallen on deaf ears. Knowing full well that Joshua felt compelled to act in accordance with his religious beliefs, the school penalized him anyway. Like the school district in *Olentangy,* Salem Academy has engaged in egregious viewpoint discrimination. It has not only taken a side in a sensitive and hotly contested debate regarding the nature of sex, gender, and reality itself; it has punished Joshua for respectfully disagreeing with its position on these issues.[15] Its "Dean Referral" constitutes a reprimand against Joshua, an adverse action that is already chilling his speech and violating his rights - not to mention the threat of future discipline if he speaks up again.

Perhaps most astonishingly, Salem Academy has accused Joshua of engaging in discrimination and harassment, not for anything that he said *to* the science teacher, but for a commonplace term that he allegedly used to refer to the teacher *outside of her presence*. The science teacher was not in the meeting when Joshua allegedly used the teacher's biological-sex pronouns in conversation with Mr. Wayne. There was therefore no risk that the teacher could be offended by the use of these pronouns or feel harassed by it. Yet, Salem Academy decided to penalize Joshua for his refusal to conform to the school's view on gender identity by using the teacher's preferred pronouns. This not only constituted censorship of Joshua's views, but was also a clear attempt to compel Joshua to speak a message he doesn't believe – and one which he considers false and sinful.

There has never been any allegation that Joshua has called the science teacher by female pronouns in her presence, much less that he has done so with the intent to disrespect or harass the teacher. To be clear, it is well-established that Joshua has the right to use biological pronouns for the science teacher in a commonplace, respectful manner, including when he is speaking in the presence of the teacher.[16] But in order to accommodate the teacher, Joshua continues to be willing to simply use the teacher's last name or to say "the science teacher" when in the teacher's

[13] *Id.* at 738.
[14] *See* https://adflegal.org/case/allen-v-millington/.
[15] *See Olentangy,* 158 F.4th at 755 ("[T]he School District has not just entered this policy debate. It has taken a side. The School District has "targeted" a speaker's use of biological pronouns as improper while allowing students to use preferred pronouns […]).
[16] *See id.* at 738.

presence. What Joshua is not willing to do is violate his religious beliefs by using pronouns for the teacher that affirm a non-binary gender identity.

Conclusion

In sum, the school has presented no evidence that Joshua's alleged use of biological-sex pronouns for the science teacher in his conversation with Mr. Wayne would have caused any material and substantial disruption to the school environment. It has not shown *any* likelihood of harm arising from Joshua's protected speech. The only interest it could muster to censor Joshua is its interest in promoting ideological conformity, something the First Amendment is designed to protect against. As such, Salem Academy has clearly violated Joshua's rights to free speech and freedom of religion and will be held liable, should it be necessary to bring this case before a court of law.

In order to avoid immediate legal action, we demand that Salem Academy take the following actions:

1. Expunge the "Dean Referral" submitted by Mr. Wayne on October 9, 2026 from Joshua's student record;
2. Provide written assurances that:
    a. Joshua will not be required by Salem Academy to use preferred pronouns for the science teacher; and
    b. Joshua will not be penalized for the commonplace use of biological-sex pronouns when referring to the science teacher in conversations with others.
3. Require Principal Williams and Mr. Wayne to watch the following educational videos on free speech law:
    a. https://www.youtube.com/watch?v=NOlNvaCS4VE
    b. https://www.youtube.com/watch?v=UMmFJ8TDko8
    c. https://www.youtube.com/watch?v=MxxyWRrXIo8

Should Salem Academy fail to meet these demands, we intend to bring suit against the school. **Please indicate within 14 days whether Salem Academy intends to comply.** We look forward to your prompt response.

Very truly yours,

Sam Whiting
Counsel
Massachusetts Liberty Legal Center

cc: Andrea Jacobs
Senior Director of Academics

ATTACHMENT A

Date	Educator	Category	Infraction Type	Location	Details	Summary
10/9/2026 9:01 AM	Mr. Wayne	Dean Emergency	Disrespect (Student to Staff)	Classroom	Rm 154 Student refused to acknowledge the correct pronouns of a teacher. 3	Wayne - Student refused to acknowledge the correct pronouns of a teacher. Bynum - Joshua came up to me in the morning asking if we could talk. When I checked in with him. He wanted to talk about what happened while he was meeting with Mr.Wayne earlier that morning. He expressed that he received a referral for not calling Mx.Dowling the right pronouns and that he shouldn't get into trouble and that it goes against his religion.. I told him that I would check in with Mr.Wayne to better understand what took place.

[redacted]

ATTACHMENT B

Kelly Alvarez

---------- Forwarded message ---------
From: **Sabrina Williams** <swilliams@salemacademycs.org>
Date: Fri, Oct 9, 2026 at 1:45 PM
Subject: Follow-Up Regarding Joshua's Interaction with a Staff Member
To: Kelly [redacted]>

Hello Ms. [redacted]

I am writing to follow up on an incident involving Joshua this morning during a conversation with Mr. Wayne regarding his science grade. According to the report submitted by Mr. Wayne, Joshua repeatedly used incorrect pronouns when referring to Mx. Dowling. After being corrected, Joshua continued to use the incorrect pronouns and stated that he would not use Mx. Dowling's pronouns because doing so conflicted with his religious beliefs. Mr. Wayne reminded Joshua that this expectation had previously been discussed with both him and you and informed him that a referral would be submitted.

As we have discussed previously, we understand and respect that families may hold religious beliefs and personal convictions that differ from those of others. At the same time, Salem Academy Charter School has a responsibility to maintain a safe, respectful, and inclusive environment for all members of our community, including our staff. **Under Massachusetts law, gender identity and gender expression are protected characteristics, and conduct involving intentional or persistent misgendering may constitute discrimination or harassment depending on the circumstances.**

While Joshua is entitled to his personal beliefs, he is expected to interact respectfully with all members of our school community. Deliberately and repeatedly using incorrect pronouns after being corrected is not acceptable and does not align with our school's expectations for respectful conduct. This expectation is not contingent upon whether an individual personally agrees with another person's identity or pronouns.

Our goal is to ensure that Joshua understands the distinction between holding personal beliefs and meeting his responsibility to treat others respectfully. **No additional consequence is being assigned**

[redacted]

[redacted]

for this incident at this time; however, please understand that future instances of this behavior may result in disciplinary consequences in accordance with the school's behavior expectations and policies. We expect Joshua to demonstrate a change in behavior moving forward and to interact respectfully with all members of our school community.

Thank you for your partnership in reinforcing these expectations with Joshua. Please feel free to reach out if you would like to discuss this further.

Best,
Williams

Sabrina Williams, M.Ed.
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[redacted]