

October 6, 2014

**BY E-MAIL AND FEDERAL EXPRESS**

Dr. Alan L. Baum, J.D.,  
Principal, Ward Melville High School  
Ward Melville High School  
380 Old Town Road  
East Setauket, NY 11733-3499  
abaum@3villagecsd.org

William F. Connors, Jr.,  
President, Three Village School District Board of Education  
3vboe@3villagecsd.org

Cheryl Pedisich,  
Superintendent of Schools  
cherylp@3VILLAGECSD.k12.ny.us

Three Village Central School District  
P.O. Box 9050  
East Setauket, New York 11733-9050

**Re: JOHN RANEY/EQUAL ACCESS ACT**

Dear Dr. Baum, Board Members, and Superintendent Pedisich:

A mere nine months after our last letter, we and the Liberty Institute regretfully again find ourselves writing concerning the religious discrimination exhibited by the administration at Ward Melville High School (the "School"). This time, the School wrongfully denied John Raney's<sup>1</sup> request to continue Students United in Faith ("SUIF"), a Christian club. John is clearly entitled to the continued recognition of SUIF under the Equal Access Act of 1984, Supreme Court precedent, and the First Amendment of the United States Constitution.

As you are well aware, on December 18, 2013, the School acknowledged that John had been discriminated against for his religious beliefs by the School's administrators in their denial

---

<sup>1</sup> In addition, we represent Jeremy Johnson, a current student at the School who was a member of SUIF last year and is continuing as a member. All future communications regarding the application at issue here should be directed to the undersigned. Please refrain from any direct communications with John, Jeremy, and/or their parents.

of his right to form SUIF. The School and this Board therefore re-considered their position and rightfully granted John's request to organize SUIF at the School.

During the Spring 2014 semester, SUIF acted according to its stated charitable purpose and held successful food drives on behalf of four different food pantries. Moreover, SUIF served as a safe space for Christian students (and non-Christian students alike) to have open dialogue with each other about their faith as well as other social issues endemic to their generation. SUIF was well-attended, with roughly 10-20 students attending over the course of the year.<sup>2</sup> Accordingly, John and the other members of SUIF had every reason to believe that SUIF would be re-approved the following school year.

On or around September 4, 2014, John sought guidance from new Assistant Principal Christian Losee on the procedure to re-apply for recognition of an existing club. Dr. Losee informed John that no formal application was necessary, and that he, Dr. Losee, intended to simply send an email to the advisors of the current clubs to ask if they were willing to again serve as advisors.<sup>3</sup>

John informed Dr. Losee that the current advisor of SUIF was likely unavailable for the Fall 2014 semester, but he would easily be able to find another advisor.<sup>4</sup> Dr. Losee then advised John that he should submit an application to Dr. Losee by Tuesday, September 9, 2014. Accordingly, John submitted the application on September 9. By September 10, 2014, the School had rejected SUIF in writing, allegedly because of: (i) "[c]ontractual guidelines regarding minimum student participation in co-curricular activities" and (ii) "Ward Melville High School's financial limitations."<sup>5</sup>

It seems obvious that the School's stated reasons for rejection of John's application are once again simply pretext – we are not aware of any other similarly situated clubs that have received such denials. Thus, it is clear that SUIF's application was rejected due to religious discrimination and retaliation. The denial memo was given to John less than 24 hours after he submitted his application. Moreover, Dr. Losee gave John no indication during their conversation that SUIF would be rejected on financial grounds or lack of student interest. In

---

<sup>2</sup> We note that John was informed by the School that he was not permitted to maintain a copy of the record of attendance for SUIF.

<sup>3</sup> Based on this guidance by the School's administration, we believe there is, in fact, **no formal process** by which a currently existing club need apply for re-recognition. On that basis alone, we believe John was wrongfully denied the right to organize SUIF, a current club, for the 2014-2015 school year.

<sup>4</sup> John was, in fact, able to find a new advisor, Stacey Schreiber-Cross.

<sup>5</sup> We note that these were the identical purported reasons by which SUIF was initially rejected last year. And, indeed, after the School reversed course, SUIF was both funded without issue, and, as discussed, maintained attendance well above the minimum number of participants required by the School.

Dr. Alan Baum  
William Connors  
Cheryl Pedisich  
October 6, 2014  
Page 3

fact, the School approved at least four new clubs, and a total of 33 clubs. Additionally, as noted in John's application, at minimum, seventeen students were interested in participating in SUIF.

This is not a complicated issue. Simply put, public schools cannot discriminate against religious clubs and must treat them equally, and provide them equal access to school facilities, as non-religious clubs. We remind you again that the School's (and, consequently, the Board's) decision to reject John's request to continue a Christian club is in clear and direct violation of the Equal Access Act of 1984, Supreme Court precedent, and the First Amendment of the United States Constitution. The Equal Access Act provides that:

It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings. 20 U.S.C. § 4071(a).

Accordingly, we again demand that the School (and this School Board) re-consider its position and grant John's Request to formally register SUIF at the School. We ask that you respond to this letter in writing by October 9, 2014.

We also again remind you that the law in this area is highly favorable for John. Should we receive no response to this letter or if the School decides not to grant recognize SUIF and thus continues to violate John's constitutionally-protected rights, we are prepared to **immediately** enforce John's rights in a court of law and strongly believe that we will win such a lawsuit. *See Board of Education of Westside Community Schools v. Mergens*, 496 U.S. 226, 239 (1990) (holding that granting recognition to a religious club under the Equal Access Act does not violate the Establishment Clause nor does such recognition constitute an endorsement of religion by the school). *See also Frontline Club v. Board of Education of the Hicksville Union Free School District*, 11-cv-01216 (E.D.N.Y. Dec. 16, 2011) (after citing lack of budgetary resources as the reason for its denial of the club, the district settled and officially recognized the Christian-club and granted the club equal access); *J.P. v. Board of Education of Half Hollow Hills Central School District*, 10-cv-00670 (E.D.N.Y. May 31, 2011) (after citing lack of budgetary resources and lack of student interest, the district settled and reinstated the Christian club); *A.Q. v. Board of Education of Lindenhurst Union Free School District*, 09-cv-00436 (E.D.N.Y. Aug. 27, 2009) (in spite of district's (incorrectly held) belief that proposed bible club violated the Establishment Clause, the district settled and officially recognized the Christian-club and granted the club equal access).

Dr. Alan Baum  
William Connors  
Cheryl Pedisich  
October 6, 2014  
Page 4

If you have any questions or would like to discuss this matter further, please feel free to contact me.

Sincerely,



Todd R. Harrison

cc: Jeff Mateer (Liberty Institute)  
Hiram Sasser (Liberty Institute)  
Jeremiah Dys, Esq. (Liberty Institute)  
Christian Losee (Assistant Principal, Ward Melville High School)