

March 30, 2022

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Sent via U.S. Mail and Email

Re: Real Life Learning Center

Dear Superintendent Skipper, Committee Members, and Mr. Sumners:

First Liberty Institute is a non-profit law firm dedicated to defending and restoring religious liberty for all Americans. Massachusetts Family Institute is a nonpartisan public policy organization dedicated to strengthening families in Massachusetts. We represent Vida Real Church (“Vida Real”), a church composed largely of Hispanic immigrants that is attempting to open a religious private school called the Real Life Learning Center (“RLLC”) to serve students in your

community from kindergarten through eighth grade. Please direct all communications regarding this issue to me. This letter also serves as a request for public records pursuant to the Massachusetts Public Records Law.

We write concerning the troubling conduct of the Somerville School Committee during the consideration of RLLC's application to operate as a private school in Somerville. Vida Real first contacted the Committee in early September 2021 regarding Vida Real's desire to start a private school using its facilities located at [REDACTED] in Somerville. Despite Vida Real's expressed desire to open RLLC as quickly as possible, the Committee has repeatedly stonewalled Vida Real's efforts to provide private, religious education for its community for over five months now. Even more concerning, the Committee has expressed hostility towards Vida Real's religious beliefs, and multiple Committee members have stated that RLLC's desire to create a curriculum consistent with its religious beliefs is grounds for denying its private school application.

The Committee's hostility against Vida Real's religious beliefs violates both Massachusetts law and the First Amendment. Further, the Committee's current treatment demonstrates unlawful discrimination against Vida Real based upon not only its religion, but also the race, ethnicity, and national origin of its congregants. We write to you now in hopes that the Committee's recent conduct stems from a misunderstanding of the law and the Committee's role in evaluating private school applications from religious schools like RLLC. Based upon the relevant law, RLLC satisfied all relevant criteria for obtaining Committee approval.

RLLC's Private School Application

In compliance with Massachusetts law, Christian Cole, the administrative pastor for Vida Real, contacted the Committee regarding Vida Real's desire to operate a school in early September 2021. Mr. Cole first spoke with Katherine Santiago, the Assistant to Somerville's Superintendent, regarding the process for obtaining Committee approval. Ms. Santiago directed Mr. Cole to email Superintendent Mary E. Skipper, among others, to inform the Committee of Vida Real's plans and set up a meeting to discuss RLLC. When Mr. Cole inquired regarding the process for submitting a private school application, he was informed that no formal application process existed and was told to submit RLLC's materials to the Committee. Because there was no formal application available, Mr. Cole created his own application based on guidance issued by the Massachusetts Department of Education. All materials, including RLLC's application and handbook, were submitted for the Committee's consideration in September 2021. During these initial conversations, Mr. Cole repeatedly conveyed Vida Real's desire to open RLLC as soon as possible, hoping the school would be open in time for the Spring 2022 semester.

Instead of promptly reviewing RLLC's materials and application, however, the Committee took no action and did not communicate with Vida Real regarding its application for over a month. Then, in November 2021, the Committee informed Vida Real that its application was deficient and needed to be resubmitted even though: (1) no formal process existed regarding such applications and (2) the Committee never provided any guidance regarding the form in which the application should be submitted. Seeking to expeditiously cure the Committee's stated issues with RLLC's application, Vida Real again submitted RLLC's application and related materials in November 2021. Again, the Committee took no action for several weeks before finally inviting Mr. Cole to

give a presentation to a few of the Committee members in early January 2022. After Mr. Cole's presentation, the Committee waited an additional month before taking any action on RLLC's application.

On February 11, 2022, the Committee finally contacted Vida Real regarding its application. Despite the extensive materials RLLC already provided, the Committee submitted 35 questions from its Educational Programs Subcommittee (the "Subcommittee") for RLLC to respond to at a meeting on February 28, 2022. These questions not only sought duplicative information that RLLC had already provided with its application but also inquired about information that is irrelevant to RLLC's application and is improper for governmental inquiry, including questions about RLLC's religious beliefs. Despite the improper and, in fact, illegal nature of many of these questions, Vida Real worked diligently to prepare responses for each of the Committee's burdensome list of questions.

At the Subcommittee meeting, Vida Real provided detailed responses to each of the 35 questions it received from the Committee. However, instead of focusing on factors relevant to RLLC's pending applications, members of the Subcommittee repeatedly expressed hostility to Vida Real's religious beliefs. These expressed hostilities included: (1) questioning whether RLLC could adequately provide health education because of its decision to teach on matters of human sexuality in accordance with its religious beliefs; (2) expressing skepticism regarding Vida Real's religious views on mental health; (3) challenging whether RLLC should be allowed to teach creationism; and (4) objecting to RLLC's reliance on Christian authors for its curriculum. Additionally, the Subcommittee wrongfully accused Vida Real of submitting an incomplete application that did not include RLLC's handbook even though such materials had already been provided to the Committee multiple times, which the Committee negligently overlooked. The Subcommittee ended its meeting in the middle of deliberations without a final decision, which the Subcommittee informed Vida Real would result in an additional delay of a month before any further action would be taken on RLLC's application.

Later the same night, the entire Committee convened, and the Subcommittee presented a report on RLLC's application despite claiming that deliberations were still ongoing to RLLC. In this report, the Subcommittee stated that RLLC "does not meet the criteria" for approval and "falls short in every subject, particularly science, social studies, and [social emotional learning]." The report's alleged reasons for the Subcommittee's conclusion were riddled with factual errors, irrelevant considerations, and disparaging remarks regarding Vida Real's religious beliefs:

There are no accommodations for students enrolled in special education, or students not making academic progress. There are no details about assessments or how the school will use assessments to improve student outcomes. There is no detail about the ways staff will be supported. It is not clear how the application process will result in a diverse set of applicants. It is not clear that the facilities are appropriate for younger students, and it is not clear what the facilities look like when the students are there. **The school's position on homosexuality and creationism make it difficult to see how a thorough science and health curriculum is possible. The school's approach to student services and counseling appears to devalue evidence-based psychology and its emphasis on approaches**

rooted in the belief that mental illness is caused by sin and demons is unscientific and harmful. The school failed to provide evidence related to the safety of the physical plant and financial solvency. **Overall, the school was entirely contrary to the values of SPS and the idea of educating the whole child as being inclusive.**

The report then falsely accused RLLC again of not providing all of its materials to the Committee and stated that such a failure was further evidence “of not meeting the criteria of thoroughness, efficiency and progress.” After the presentation of the report ended, the Committee voted unanimously to accept the Subcommittee’s report without any members raising any objections to the disparaging statements contained in the report regarding Vida Real’s religious beliefs.

Three weeks later, the Committee reconvened to continue its deliberations regarding RLLC, during which Committee members continued expressing hostility towards Vida Real’s religious beliefs. Ms. Sara Dion, in particular, made several comments expressing overt hostility against Vida Real based solely upon its religious beliefs. Specifically, Ms. Dion: (1) equated teaching sincerely-held religious beliefs regarding creationism to teaching that “ $2 + 2 = 5$ ” and described creationism as being “factually incorrect”; (2) stated she “would not be able to look herself in the mirror” if a school teaching according to Vida Real’s religious beliefs were allowed to open; (3) criticized RLLC’s desire to admit only Christians and RLLC’s heavy reliance upon books written from a Christian perspective; (4) reiterated previous hostile comments regarding Vida Real’s beliefs regarding counseling and sexual morality; and (5) falsely accused Vida Real of condemning certain students as being “evil” because of its desire to teach consistent with its religious beliefs. Equally troubling, Ms. Dion stated that denying RLLC’s application was the “morally right thing to do” and that the Committee should do “everything [it] could” to prevent RLLC from opening regardless of what the law requires. She even went as far as to state that spending money on costly litigation to prevent or delay RLLC’s opening was “well worth it.”

Ms. Sarah Phillips did not object to any of Ms. Dion’s comments and stated that her “heart wants to deny [RLLC’s] application as well” despite her belief that such a denial would not “hold up in court.” Indeed, Ms. Phillips essentially conceded that the ACE curriculum proposed to be used by RLLC satisfied Massachusetts law because it is presently used by at least four private schools in Massachusetts. Despite this, Ms. Phillips proceeded to second and vote in favor of a motion by Ms. Dion to recommend that the Committee deny RLLC’s application. Significantly, the Subcommittee’s recommendation goes as far as to deny RLLC any opportunity to cure any perceived defects. This recommendation to deny RLLC’s application is now set to be considered by the entire Committee in April.

Legal Analysis

Standards for Approval of Private Schools

The requirements for operating a private school in Massachusetts are governed by Mass. Gen. Laws ch. 76, § 1, which delegates the authority for approving private schools to school committees. A committee “shall approve a private school when satisfied that the instruction in all the studies required by law equals in thoroughness and efficiency, and in the progress made therein,

that in the public schools in the same town.” *Id.* Additionally, the committee “shall not withhold such approval on account of religious teaching.” *Id.* The Massachusetts Department of Education has emphasized that the committee’s role in making this determination is “limited.” *See Advisory on Approval of Massachusetts Private Schools*, Massachusetts Department of Elementary and Secondary Education (Oct. 2, 2007), <https://www.doe.mass.edu/lawsregs/advisory/100207privateschool.html>.

The Supreme Judicial Court of Massachusetts has cautioned that the approval of private schools “must not be conditioned on requirements that are not essential to the State interest in ensuring that all the children shall be educated.” *Care & Prot. of Charles*, 504 N.E.2d 592, 600 (Mass. 1987). To assist school committees with determining proper considerations for approval of a private school, the Supreme Judicial Court has provided factors for school committees to consider. Those factors include: (1) the proposed curriculum, (2) the number of hours of instruction, (3) the competency of the teachers, (4) the materials to be used to aid in the instruction of students, and (5) testing requirements for students. *Id.* at 600–02. The “primary” factors are the proposed curriculum and the number of hours of instruction. *Id.* at 601.

Significantly, a school committee’s role is not to evaluate the quality or endorse a proposed private school’s curriculum. *See Advisory on Approval of Massachusetts Private Schools*. Instead, the committee must evaluate the proposed curriculum and determine whether the curriculum covers subjects comparable to those required by Massachusetts law. *See id.* Those subjects are “orthography, reading, writing, the English language and grammar, geography, arithmetic, drawing, music, the history and constitution of the United States, the duties of citizenship, health education, physical education and good behavior.” Mass. Gen. Laws ch. 71, §§ 1–3; *see also id.* ch. 69, § 1D. Significantly, the “thoroughness and efficiency” standard does not extend to a committee’s mandates regarding instruction and curriculum to private schools. *See Advisory on Approval of Massachusetts Private Schools*.

As to the number of hours of instruction, Massachusetts’ Student Learning Time regulations do not apply to private schools, which means that failure to comply with such regulations is not a proper ground for denying an application. *Id.* However, a committee may consider the total student learning time as evidence of the thoroughness and efficiency of a proposed school’s programs.

The next relevant factor is the competency of a school’s teachers. The only requirement Massachusetts law imposes on private school teachers is that they be “of competent ability and good morals.” Mass. Gen. Laws ch. 71, § 1. Neither certification nor the possession of college or other advanced academic degrees is required. *Charles*, 504 N.E.2d at 601.

Regarding the materials to be used to aid in the instruction of students, a committee may request access to a school’s textbooks, workbooks, and other instructional aids “only to determine the type of subjects to be taught and the grade level of the instruction.” *Id.* at 601–02. A committee “may not use this access to dictate the manner in which the subjects will be taught.” *Id.* at 602.

Finally, a committee may inquire regarding assessments to “ensure educational progress and the attainment of minimum standards.” *Id.* at 602. A committee may not dictate precisely how

assessments must be given though. “Other means of evaluating the progress of the children may be substituted for the formal testing process, such as periodic progress reports or dated work samples, subject to the approval of the parents.” *Id.* When considering these factors, a committee’s decision “to approve or to disapprove . . . [an] education program must be reasonable,” and a committee cannot impose requirements so “pervasive and all-encompassing” that they “effectively eradicate a school’s private autonomy.” *See New Life Baptist Church Acad. v. Town of E. Longmeadow*, 885 F.2d 940, 945 (1st Cir. 1989).

RLLC satisfies all criteria under Massachusetts law to operate as a private school

Under the relevant standards, RLLC has proven its educational program is equal in thoroughness and efficiency to that of the Somerville Public Schools. As discussed above, the primary factors the Committee can consider are the proposed curriculum and the number of hours of instruction. *Charles*, 504 N.E.2d at 601. RLLC intends to model its curriculum after the Accelerated Christian Education (“ACE”) curriculum.

ACE is a well-established and respected Christian legal educational framework that has existed for over 50 years and is used by over 1000 schools nationwide. *See State v. Whisner*, 351 N.E.2d 750, 755 (Ohio 1976) (describing ACE as a “nationally known” curriculum); *Johnson v. Charles City Cmty. Sch. Bd. of Educ.*, 368 N.W.2d 74, 76 (Iowa 1985) (stating the ACE curriculum “has not as yet been challenged as inadequate by any state authorities”). ACE covers all subjects required by law. It is, therefore, equally thorough and efficient to Somerville Public School’s curriculum. RLLC submitted detailed outlines of the curriculum for each grade. These outlines demonstrate that the ACE curriculum covers all subjects listed in the relevant statutes. *See Mass. Gen. Laws ch. 71, §§ 1–3; see also id. ch. 69, § 1D.* Regarding the hours of instruction, RLLC’s application demonstrates its school year consists of 179 school days, with classes meeting from 7:30am to 1:50pm, with an extra help period being available each day from 1:50pm to 2:50pm. This schedule is comparable to the 180-day requirement imposed on public schools. *See* 603 Mass. Code Regs. 27.03.

The remaining factors also weigh in favor of accepting RLLC’s application. Regarding teachers, all Massachusetts law requires is that they be “of competent ability and good morals.” Mass. Gen. Laws ch. 71, § 1. As explained at the February 28th meeting, RLLC intends to hire teachers with knowledge and experience in their respective courses who can best assist its students with mastering each subject in its curriculum. Regarding course materials, RLLC intends to provide materials approved by the nationally recognized ACE curriculum. Finally, regarding testing, the ACE curriculum has a structured methodology for assessments whereby students must pass a pre-determined number of PACE assessments before proceeding from one grade to the next. *Cf. Bangor Baptist Church v. State of Me., Dep’t of Educ. & Cultural Servs.*, 576 F. Supp. 1299, 1304 n.7 (D. Me. 1983); *Whisner*, 351 N.E.2d at 755–56. Additionally, as set forth in RLLC’s application, all courses are required to give an exam at the end of a semester that will count for 20% of the semester grade. These assessment requirements are more than sufficient to “ensure educational progress and the attainment of minimum standards.” *Charles*, 504 N.E.2d at 602.

Regarding the Subcommittee’s alleged secular reasons for concluding that RLLC does not meet the criteria for operating a private school under Massachusetts law, such allegations are

contrary to the materials submitted by RLLC or involve considerations that are irrelevant to the Committee's role in considering a private school application. The Subcommittee stated RLLC fails to accommodate students enrolled in special education, but RLLC does not seek to operate as a special education school, which involves an entirely different approval process under Massachusetts law. *See* Mass. Gen. Laws ch.71B, § 10. Further, the Subcommittee's assertion that RLLC provided insufficient information regarding its student assessments is false. As discussed above, RLLC has provided ample materials regarding student assessments under the ACE curriculum. The same is true of information on RLLC's facilities, which were discussed extensively with accompanying photographs in the presentation given to the Committee last January. The Committee's negligence in reviewing such materials in its consideration of RLLC's application cannot be used as a reason to justify denying RLLC's application.

As to safety, Vida Real Church can provide evidence of current certificates of occupancy, fire, health, and safety inspection certificates, and other proof of compliance with applicable health and safety standards. Information related to financial solvency and staff support is irrelevant to the Committee's role in considering RLLC's application. In any event, RLLC has already provided such information both through its written application and its presentations in January 2022 and February 2022. Finally, regarding the Committee's concerns related to diversity, Massachusetts' diversity requirements do not apply to RLLC as a private school. *See Advisory on Approval of Massachusetts Private Schools* (stating "the 'thoroughness and efficiency' language in [Mass. Gen. Laws ch. 76, § 1], should not be interpreted as extending particular public school mandates regarding instruction and curriculum to private schools"). However, Vida Real anticipates RLLC will be a largely Latino school whose course will be taught in both English and Spanish. Any suggestion that RLLC will not be a diverse school raises serious concerns regarding the Committee using this application process to discriminate against Vida Real based on the race, ethnicity, and national origin of its anticipated student body.

In sum, RLLC's application satisfies all criteria under Massachusetts law to operate as a private school. Any contrary conclusion by the Committee would be an unreasonable exercise of the Committee's limited authority. The concerns articulated by the Subcommittee are either inaccurate, irrelevant, or represent an effort to impose standards that are "so pervasive and all-encompassing that total compliance with each and every standard by a non-public school would effectively eradicate the distinction between public and non-public education," which courts have found to be unlawful. *See, e.g., Whisner*, 351 N.E.2d at 768. Indeed, given the extensive materials RLLC has provided, Vida Real is now concerned that the true reason the Committee is withholding its approval is hostility to Vida Real's religious beliefs and predominant racial makeup.

The Committee's treatment of RLLC's application is contrary to Massachusetts law and the First Amendment.

Vida Real intends for RLLC to be religious school that acts as an extension of Vida Real's ministry. As such, it intends for RLLC to educate its students in accordance with Vida Real's religious beliefs. Under both Massachusetts law and the First Amendment, the Committee may not consider Vida Real's religious beliefs or curriculum decisions made pursuant to those beliefs when evaluating RLLC's application.

Massachusetts law expressly forbids the Committee from withholding the approval of a proposed private school “on account of religious teaching.” Mass. Gen. Laws ch. 76, § 1. This law comports with the protections set forth in the Free Exercise Clause of the First Amendment forbidding all laws “prohibiting the free exercise” of religion. U.S. Const. amend. I. “The First Amendment ensures that religious organizations and persons are given proper protection as they seek to teach the principles that are so fulfilling and so central to their lives and faiths.” *Obergefell v. Hodges*, 576 U.S. 644, 679–80 (2015). These beliefs “need not be acceptable, logical, consistent, or comprehensible to others in order to merit . . . protection.” *Thomas v. Review Bd. of Ind. Employment Security Div.*, 450 U.S. 707, 714 (1981). Nor is it the role of government to determine whether an adherent has “correctly perceived” the commandments of his religion. *Id.* at 716.

Additionally, private faith-based education is a constitutionally protected right, first recognized by the United States Supreme Court in 1925. In *Pierce v. Society of Sisters*, 268 U.S. 510, 534-35 (1925), the Court struck down a law as unconstitutional that interfered with “the liberty of parents and guardians to direct the upbringing and education of children under their control.” In *Wisconsin v. Yoder*, 406 U.S. 205, 233 (1972), the Court further upheld the “rights of parents to direct the religious upbringing of their children.” Just two years ago, the Supreme Court again reaffirmed that the First Amendment protects the “independence of religious institutions.” *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 140 S. Ct. 2049 (2020). Because religious schools exist for the purpose of conveying their faith to the next generation, “[s]tate interference in that sphere would obviously violate the free exercise of religion, and any attempt by government to dictate or even to influence such matters would constitute one of the central attributes of an establishment of religion. The First Amendment outlaws such intrusion.” *Id.* at 881.

Thus, pursuant to the Free Exercise Clause, public officials may not act “in a manner intolerant of religious beliefs or restricts practices because of their religious nature.” *Fulton v. City of Philadelphia*, 141 S. Ct. 1868, 1877 (2021). Nor may they “act in a manner that passes judgment upon or presupposes the illegitimacy of religious beliefs and practices.” *Masterpiece Cakeshop, Ltd. v. Colorado C.R. Comm’n*, 138 S. Ct. 1719, 1731 (2018). Instead, “[t]he Constitution commits government itself to religious tolerance, and upon even slight suspicion that proposals for state intervention stem from animosity to religion or distrust of its practices, all officials must pause to remember their own high duty to the Constitution and to the rights it secures.” *Id.*

Here, the Committee exhibits alarming hostility towards and discrimination against Vida Real from the moment the church began discussions with the Committee regarding RLLC. The public comments of the Subcommittee members demonstrated just how overt the hostility of the Committee is. At the most recent Committee meeting, members criticized Vida Real’s religious beliefs on human sexuality, creationism, and mental health. Members even went as far as to challenge RLLC’s inclusion of Christian authors in its curriculum solely because of those author’s status as Christians. The Subcommittee has already determined that RLLC is “entirely contrary to the values of” the Committee and that denying RLLC’s application is the “morally right” thing to do. But no government “official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.” *West Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). RLLC need not operate consistent with the Committee’s values, and any attempt to impose such values on RLLC is unlawful. Additionally, these comments are “inappropriate for a [Committee] charged with the solemn responsibility of fair and neutral enforcement of

[Massachusetts] law” and “cast doubt on the fairness and impartiality of the” Committee in consideration of RLLC’s application. *Masterpiece Cakeshop*, 138 S. Ct. at 1729–31.

Massachusetts Public Records Law Requests

Pursuant to the Massachusetts Public Records Law, we request the opportunity to obtain copies of public records. Mass. Gen. Laws ch. 66, § 10. A list of the requested records is included below. Please produce the requested records in an electronic medium, if available. Unless otherwise specified, the relevant time period for each request below is on or after January 1, 2019.

1. Any policies, reports, memorandums, or other documents from January 1, 2017, to the present about, mentioning, referring to, or in any way related to the application process for a private school to obtain approval to operate from the Somerville School Committee.
2. All drafts of any policies, reports, memorandums, or other documents from January 2, 2017, to the present about, mentioning, referring to, or in any way related to the application process for a private school to obtain approval to operate from the Somerville School Committee.
3. All written or electronic communications, including but not limited to emails, text messages, and voicemails, about, mentioning, referring to, or in any way related to the application process for a private school to obtain approval to operate from the Somerville School Committee.
4. All written or electronic communications, including but not limited to emails, text messages, and voicemails, about, mentioning, referring to, or in any way related to the RLLC’s application to operate a private school in Somerville.
5. All reports, memorandums, or other documents about, mentioning, referring to, or in any way related to the RLLC’s application to operate a private school in Somerville.
6. All drafts of any reports, memorandums, or other documents about, mentioning, referring to, or in any way related to the RLLC’s application to operate a private school in Somerville.
7. All written or electronic communications, including but not limited to emails, text messages, and voicemails, about, mentioning, referring to, or in any way related to Vida Real.
8. All written or electronic communications, including but not limited to emails, text messages, and voicemails, about, mentioning, referring to, or in any way related to religious beliefs about sexual orientation, sexual identity, or sexual conduct.
9. All written or electronic communications, including but not limited to emails, text messages, and voicemails, about, mentioning, referring to, or in any way related to religious beliefs about creationism or evolution.
10. All written or electronic communications, including but not limited to emails, text messages, and voicemails, about, mentioning, referring to, or in any way related to religious beliefs about mental health, counseling, or mental illness.

11. All written or electronic communications, including but not limited to emails, text messages, and voicemails, about, mentioning, referring to, or in any way related to the racial, ethnic, or national origin composition of Vida Real.
12. All written or electronic communications, including but not limited to emails, text messages, and voicemails, about, mentioning, referring to, or in any way related to the racial, ethnic, or national origin composition of RLLC.
13. Minutes and Videos from the February 28, 2022, Somerville Public School Committee meeting.
14. Minutes and Videos from the February 28, 2022, Somerville Public School Committee's Educational Programs Subcommittee meeting.
15. Minutes and Videos from the March 21, 2022, Somerville Public School Committee's Educational Programs Subcommittee meeting.
16. All written or electronic communications, including but not limited to emails, text messages, and voicemails, sent to or received from any agent or employee of Vida Real.
17. All other public records, including but not limited to data, documents, reports, drafts, and notes, sent to or received from any agent or employee of Vida Real.
18. All written or electronic communications, including but not limited to emails, text messages, and voicemails, sent or received by any member of the Somerville Public School Committee between January 1, 2020, and the present that contain any of the following words or phrases: "religion," "religious," "Christian," "Christians," "Christianity," "Bible," "Bibles," "biblical," "creation," "evolution," "church."
19. All written or electronic communications, including but not limited to emails, text messages, and voicemails, sent or received by any member of the Somerville Public School Committee between January 1, 2020, and the present that contain any of the following words or phrases: "Hispanic," "Latino," "immigrant," "Latinx," or "Mexican."
20. Any policies, reports, memorandums, or other documents regarding the criteria used to determine whether "the instruction in all the studies required by law" at a proposed private school "equals in thoroughness and efficiency, and in the progress made therein" to that in public schools in Somerville as required by Mass. Gen. Laws ch. 76, § 1.
21. All drafts of any policies, reports, memorandums, or other documents regarding the criteria used to determine whether "the instruction in all the studies required by law" at a proposed private school "equals in thoroughness and efficiency, and in the progress made therein" to that in public schools in Somerville as required by Mass. Gen. Laws ch. 76, § 1.
22. All written or electronic communications, including but not limited to emails, text messages, and voicemails, regarding the criteria used to determine whether "the instruction in all the studies required by law" at a proposed private school "equals

in thoroughness and efficiency, and in the progress made therein” to that in public schools in Somerville as required by Mass. Gen. Laws ch. 76, § 1.

23. All written or electronic communications, including but not limited to emails, text messages, and voicemails, about, mentioning, referring to, or in any way related to applications to operate a private school in Somerville other than the RLLC’s application between January 1, 2017, and the present.
24. All reports, memorandums, or other documents about, mentioning, referring to, or in any way related to applications to operate a private school in Somerville other than the RLLC’s application between January 1, 2017.
25. All drafts of any reports, memorandums, or other documents about, mentioning, referring to, or in any way related to applications to operate a private school in Somerville other than the RLLC’s application between January 1, 2017.

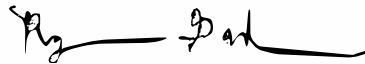
Massachusetts’ Public Records Law requires you to provide me with a written response within 10 business days. Mass. Gen. Laws ch. 66, § 10(a). If you cannot comply with my request, you are statutorily required to provide an explanation in writing. *Id.* § 10(b). Finally, as a nonprofit, public interest organization, First Liberty requests a waiver of fees associated with this public records request. Disclosure of the information requested will serve to educate the public on Somerville’s application process for churches seeking to open a private school. *Id.* § 10(d)(v).

Conclusion

The Committee must grant RLLC’s application so that RLLC can open in time for the Fall 2022 semester. If Vida Real does not receive approval for RLLC from the Committee by April 18, 2022, or if the Committee denies RLLC’s application, Vida Real will pursue all available legal options. Please be aware that government officials who violate clearly established laws—as is occurring here—may be held individually liable for their violations. We look forward to receiving your responses to our public records requests within the next 10 business days. Finally, we remind the Committee and each of its members of their legal obligation to preserve all documents and communications related to RLLC’s application, including any communications sent or received using personal email addresses, personal social media accounts, or any other personal communication devices.

Thank you for your attention to this matter. Please direct all correspondence on this matter to me. I can be reached at [REDACTED] or [REDACTED].

Respectfully,



Ryan Gardner
First Liberty Institute



Andrew Beckwith
Massachusetts Family Institute