

August 12, 2025

BY EMAIL

Grand Island Central School District  
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Principal Hillary Kretz-Harvey  
Assistant Principal Jaime Peld  
Assistant Principal Adam Hernandez  
Grand Island Senior High School  
1100 Ransom Road  
Grand Island, NY 14072  
[REDACTED]  
[REDACTED]  
[REDACTED]

Re: Unconstitutional Censorship of Bible Verses  
from Student Parking Spaces

Dear Superintendent Graham, Ms. Kretz-Harvey, Ms. Peld, and Mr. Hernandez:

My law firm, Mayer Brown LLP, along with Anjan Ganguly of Ganguly Brothers Misula PLLC and First Liberty Institute, represent Sabrina Steffans, a student at Grand Island Senior High School ("Grand Island"), with the permission of her mother, Sherry Steffans, in matters related to her First Amendment rights under the United States Constitution. Please direct all communications concerning this matter to me at the contact information provided above.

Ms. Steffans will be a senior at Grand Island this fall. She is excited about participating in the senior parking space design activity as a rite of passage during her senior year. Under the school's procedures for the activity, Ms. Steffans submitted three design requests for her senior parking space. Two of the designs included a Bible verse reference, expressing Ms. Steffans' sincerely-held religious beliefs. In July 2025, Principal Kretz-Harvey informed Ms. Steffans that only the design without a scripture reference would be permitted.

The United States Constitution protects Ms. Steffans' right to religious expression. Specifically, the attempt to prohibit Ms. Steffans' religious expression under these circumstances violates the First Amendment to the United States Constitution. Accordingly, we formally request that you rescind Principal Kratz-Harvey's prohibition on a parking space design containing a scripture

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reference to Jeremiah 29:11 and permit Ms. Steffans to engage in religious expression to the same extent other students are permitted to engage in secular expression. Given the timing of the parking space design activity, please respond to this letter by August 14, 2025.<sup>1</sup>

### **Factual Background**

To better understand why Ms. Steffans' religious expression is constitutionally protected, it is important to understand the context surrounding the parking lot design. Ms. Steffans' religious beliefs are central to her identity, including as a strong student community leader on campus, where she leads the Christian faith-based club at Grand Island. Ms. Steffans also enjoys expressing her sincerely-held religious beliefs through artwork.

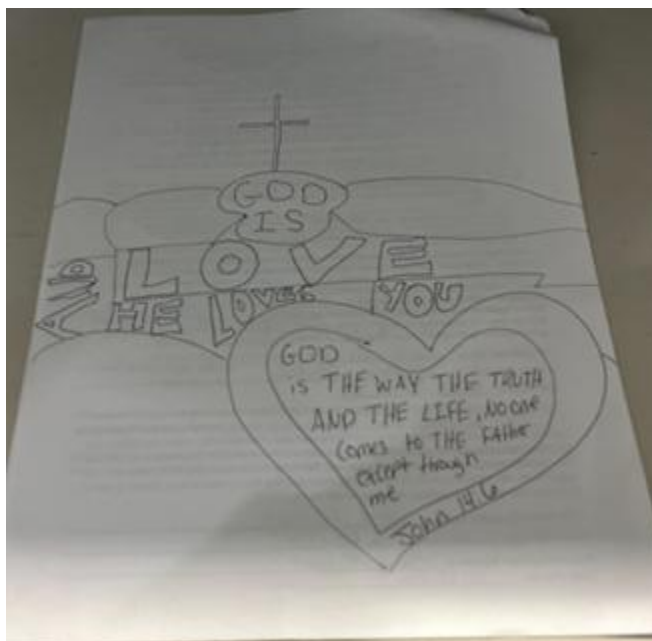
According to the school's guidelines regarding the senior parking space activity, the tradition is designed to "encourage students to express themselves through positive artwork, to beautify the campus, to build school spirit, and to create a new and exciting tradition to support Senior Class activities and events." The guidelines say nothing about religious messages, prohibiting only "offensive language, pictures or symbols," "negative or rude language," and "'gang-style' tagging." Students are required to pay a \$50 fee and submit a design for their space, which must be approved by school personnel. Students must also provide their own supplies for the activity, including paint, brushes, bowls, a broom, tape or stencils, towels, chairs, shade tents, trash bags, paper towels, water, and snacks.

Ms. Steffans paid the fee and submitted her first design to the school in May 2025. As an expression of her religious beliefs, Ms. Steffans' design (shown below) included the Christian symbol of a plain cross, a heart, the phrases, "God is love," "He loves you," and a quotation from Christian scripture, John 14:6.

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<sup>1</sup> This date is necessary due to the imminent completion deadline for the parking space activity. However, if more time is needed, it would be acceptable to pause and extend the deadline for Ms. Steffans while you consider this letter.

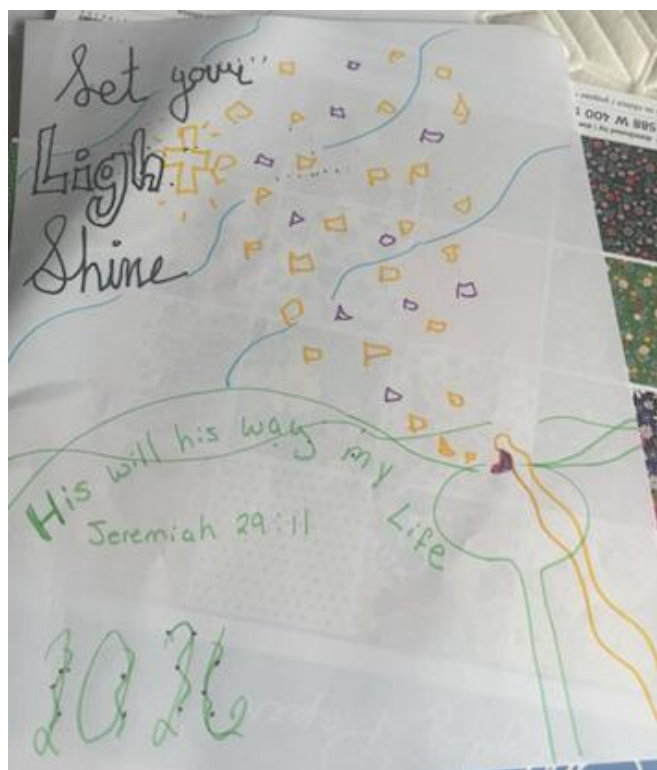
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Assistant Principals Mr. Hernandez and Ms. Peld met with Ms. Steffans and informed her that her design was inappropriate and that none of it would be approved. Specifically, they told her “if we had to approve your cross, we’d have to approve a Satanic symbol, and I wouldn’t want to attend a school like that.” They also told Ms. Steffans that including a cross symbol would only be acceptable if she “disguised it as a ‘t.’” When Ms. Steffans asked why she previously had been permitted to include scripture references on Bible Club posters at the school, Ms. Peld responded, “I just let that one slide.”

On June 9, Ms. Steffans sent a second design for approval. The second design (shown below) included the phrase “let your light shine,” using a cross symbol instead of the letter “t” in the word “light” as Mr. Hernandez and Ms. Peld had suggested. This design also included the phrase, “His will his way my Life,” and the scripture reference “Jeremiah 29:11,” without directly quoting the scripture.

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School officials also rejected Ms. Steffans' second design. Specifically, the officials censored the scripture reference, even though the design did not include the content of the scripture. For context, Jeremiah 29:11 is a very common scripture cited to commemorate graduation throughout the United States, stating: "'For I know the plans I have for you,' declares the Lord, 'plans to prosper you and not to harm you, plans to give you hope and a future.'" Mr. Hernandez called Ms. Steffans into another meeting on June 13, where he informed her that she had to remove "Jeremiah 29:11" and "His will his way my life." Further, he suggested that the phrase "He is King" would be approved, but not the word "God."

Ms. Steffans was frustrated and upset by the school's censorship of her religious expression. Nonetheless, out of respect for school authorities and because of her desire to participate in this senior tradition, Ms. Steffans submitted a third design (shown below). The third design retained the phrase "let your light shine" as drawn in the second design, and added the phrase "He is King" as suggested by Mr. Hernandez, but removed any direct reference to scripture.

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Finally, Principal Kretz-Harvey emailed Ms. Steffans, informing her that her third design, “without the scripture quotes,” was approved. Principal Kretz-Harvey acknowledged to Ms. Steffans that her designs were a personal expression, saying, “It’s clear that you’ve given a lot of thought to how you want to represent yourself during this important year.” Nonetheless, Principal Kretz-Harvey refused to permit a design that directly cited a scripture reference. Principal Kretz-Harvey represented that the decision was made after “consulting with our district’s legal team,” and that censoring references to scripture was in alignment “with the guidelines for school-sponsored activities, which include maintaining a neutral stance on religious, political, and ideological content.” Principal Kretz-Harvey further informed Ms. Steffans that she could either move forward with the censored design, or not participate in the activity and receive a refund of the \$50 fee.

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Despite Principal Kretz-Harvey's assertion that school activities cannot be used for certain types of personal religious expression, the senior parking space activity is used for a wide range of personal secular expression, examples of which are shown below:



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These examples are clear personal expressions of the individual student, are untethered from any school curriculum, and do not represent any particular knowledge or skill imparted through the school's education. Because the school permits various forms of secular personal student expression, the school's policy prohibiting Ms. Steffans from expressing her connection to particular scripture references violates her constitutional rights to free speech and free exercise of religion.

### **The Constitution Protects Ms. Steffans' Religious Expression**

The United States Supreme Court has reiterated time and again that the First Amendment's protections extend to students, and that they do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 527 (2022) (quoting *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969)). These First Amendment rights encompass both Ms. Steffans' right to freedom of speech as well as her right to freely exercise her religion. See *Kennedy*, 597 U.S. at 523 ("[T]he First Amendment doubly protects religious speech.").

The Supreme Court has repeatedly held that the First Amendment requires public school officials to be neutral in their treatment of religion, showing neither favoritism toward nor hostility against religious adherents. See *Everson v. Bd. of Educ.*, 330 U.S. 1, 18, (1947). Accordingly, the First Amendment forbids religious activity that is sponsored by the government but protects

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religious activity that is initiated by individuals acting on their own behalf. The Court has explained that “there 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.” *Bd. of Educ. v. Mergens*, 496 U.S. 226, 250 (1990) (plurality).

The First Amendment to the United States Constitution prohibits the government from “abridging the freedom of speech” of private individuals or “prohibiting the free exercise” of religion. U.S. Const., amend. I. This prohibition applies to state and local governments through the Fourteenth Amendment. *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940). As such, the government may not suppress or exclude the speech of private individuals simply because their speech is religious. *See, e.g., Good News Club v. Milford Cent. Sch.*, 533 U.S. 98 (2001); *Lamb’s Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993).

The government’s ability to restrict protected speech by private persons on government property depends, in part, on the nature of the forum. *See Peck v. Baldwinsville Cent. Sch. Dist.*, 426 F.3d 617, 625-26 (2nd Cir. 2005). A limited public forum “is created when the State ‘opens a non-public forum but limits the expressive activity to certain kinds of speakers or to the discussion of certain subjects.’” *Id.* at 626. Restrictions on speech in a limited public forum must not discriminate “on the basis of viewpoint” and “must be reasonable in light of the purpose served by the forum.” *Good News Club*, 533 U.S. at 106-07.

Thus, any restrictions on expression for the parking space design activity must not discriminate on the basis of viewpoint. But here, the school’s denial of Ms. Steffans’ designs containing references to scripture constitutes viewpoint discrimination because it prohibits specific religious messages while permitting a wide variety of secular speech. That is textbook viewpoint discrimination. *See Lamb’s Chapel*, 508 U.S. at 394 (holding that a New York school district engaged in viewpoint discrimination when it allowed social, civic, and recreational uses of its schools but prohibited use by any group for religious purposes); *see also Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 828 (1995) (finding viewpoint discrimination when a public University denied funds for a religious publication when it authorized funds for a variety of other student publications, stating that “discrimination against speech because of its message is presumed to be unconstitutional”); *Good News Club v. Milford Central School*, 533 U.S. 98, 111–12 (2001) (school district violated Free Speech Clause when it excluded Christian club because of its religious viewpoint); *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 828 (1995) (university’s refusal to fund student publication from religious perspective because violated Free Speech Clause); *Peck v. Baldwinsville Cent. Sch. Dist.*, 426

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F.3d 617, 633 (2nd Cir. 2005) (“[A] manifestly viewpoint discriminatory restriction on school-sponsored speech is, prima facie, unconstitutional, *even if* reasonably related to legitimate pedagogical interests.”); *Kiesinger v. Mex. Acad. & Cent. Sch.*, 427 F.Supp.2d 182, 194-95 (N.D.N.Y. 2006) (removal of religious messages from school walkway was viewpoint discrimination).

Grand Island has created a limited public forum by opening up the parking lot as a space on school property where students may creatively express themselves during their senior year. What students paint on their parking spaces is therefore private speech. Grand Island may not put restrictions on speech in this forum that discriminate on the basis of viewpoint without violating the Constitution. As explained above, however, prohibiting religious expression while allowing a variety of secular expression is viewpoint discrimination—as repeatedly recognized by the United States Supreme Court. *See Rosenberger*, 515 U.S. at 829 (“Viewpoint discrimination is thus an egregious form of content discrimination.”). Accordingly, Grand Island’s policy, as applied to Ms. Steffans, violates the First Amendment.

Finally, the school cannot justify its policy by categorizing Ms. Steffans’ design as school-sponsored expression, which covers “expressive activities that students, parents, and members of the public might reasonably perceive to bear the imprimatur of the school.” *M.B. ex rel. Martin v. Liverpool Cent. Sch. Dist.*, 487 F.Supp.2d 117, 133 (N.D.N.Y. 2007) (quoting *Hazelwood Sch. Dist.*, 484 U.S. 260, 270–71 (1988)). To fall within this category, the expressive activities must “fairly be characterized as part of the school curriculum, whether or not they occur in a traditional classroom setting” and must be “supervised by faculty members and designed to impart particular knowledge or skills to student participants and audiences.” *Id.* Here, the senior parking spot cannot be considered school-sponsored expression. They cannot “fairly be characterized as part of the school curriculum” and they are not “designed to impart particular knowledge or skills to student participants and audiences.” *Id.* *See also Bd. of Educ. v. Mergens*, 496 U.S. 226, 250 (1990) (“We think that secondary school students are mature enough and are likely to understand that a school does not endorse or support student speech that it merely permits on a nondiscriminatory basis.”) (plurality) (citing *Tinker v. Des Moines Indep. Comty. Sch. Dist.*, 393 U.S. 503 (1969) (no danger that high school students’ symbolic speech implied school endorsement)).

Thus, the school cannot defend its decision by considering the parking space designs to be school-sponsored expression. Indeed, as acknowledged by Principal Kretz-Harvey, the senior parking spot activity is a forum for students’ *private* expression. And, as explained above, a student’s private expression cannot be suppressed based on its religious content.

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### **The Constitution Protects Ms. Steffans' Religious Exercise**

The school's prohibition of Ms. Steffans' religious expression also impermissibly infringes on her right to freely exercise her religion. The Free Exercise Clause protects not only Ms. Steffans' right to inwardly and secretly hold religious beliefs, but to express those beliefs to the world. *See Kennedy*, 597 U.S. at 524. "In addition to belief, the Free Exercise Clause also protects the performance of (or abstention from) physical acts that constitute the free exercise of religion," including but not limited to acts such as proselytizing. *Cent. Rabbinical Cong. of U.S. & Can. v. N.Y. City Dept. of Health & Mental Hygiene*, 763 F.3d 183, 193 (2nd Cir. 2014). Students have a right to exercise their religion at school and school officials cannot burden a student's sincere religious practice unless the means of doing so is neutral or of general applicability. *See M.A. ex rel. H.R. v. Rockland Cnty. Dept. of Health*, 53 F.4th 29, 36 (2nd Cir. 2022).

The school's censorship of Ms. Steffan's religious exercise is not neutral or of general applicability. If the object of the rule "is to infringe upon or restrict practices because of their religious motivation, the [rule] is not neutral." *Id.* at 36-37. The school's decision to censor scripture references is not neutral because it is "specifically directed at . . . religious practice." *Kennedy*, 597 U.S. at 526. Although other students are permitted to display secular messages on their parking spots, Principal Kretz-Harvey informed Ms. Steffans that scripture references would be censored because of their explicit religious nature. Neither is the censorship generally applicable because it "prohibits religious conduct while permitting secular conduct." *M.A. ex rel. H.R.*, 53 F.4th at 38 (quoting *Fulton v. City of Philadelphia*, 593 U.S. 522, 534 (2021)). Because the censorship is not neutral or generally applicable, it violates the Free Exercise Clause. Accordingly, the school's censorship will be subject to strict scrutiny—requiring the policy to be narrowly tailored to advance a compelling interest. *See Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 531-32, 546 (1993). Grand Island's censorship cannot survive strict scrutiny.

### **Conclusion**

Grand Island's prohibition to scripture references in Ms. Steffans' designs for the senior parking spot activity violates the First Amendment to the United States Constitution. As stated above, because of the imminent completion deadline for the parking space activity, we request that by no later than August 14, 2025, you rescind Grand Island's prohibition of references to scripture in Ms. Steffans' design and permit her to engage in religious expression to the same extent other students are permitted to engage in secular expression. If a full response by August 14 is not possible, you may pause and extend the deadline for Ms. Steffans while you consider this letter. Otherwise, Ms. Steffans and her parents have authorized us to seek all remedies in law and

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equity under the US Constitution and federal statutes, including attorney fees and, due to the clearly established constitutional rights that are being violated, personal liability of the officials involved.

Sincerely,



Michael R. Menssen  
Partner

cc: Keisha T. Russell  
Jeremiah G. Dys  
Kayla A. Toney  
FIRST LIBERTY INSTITUTE

Anjan K. Ganguly, Esq.  
GANGULY BROTHERS MISULA PLLC