

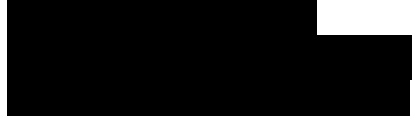


October 22, 2025

Superintendent Jinger Haberer
Academy School District 20



Principal Meghan Sanders
Rampart High School



Sent via email

Re: Rampart High School Violates Student's First Amendment Rights

Superintendent Haberer and Principal Sanders:

First Liberty Institute is the nation's largest law firm dedicated exclusively to defending and restoring religious liberty for all Americans. We represent Sophia Shumaker, a senior at Rampart High School, with permission of her mother, Nitasha Shumaker. Please direct all communication on this matter to my attention.

Factual Background

Rampart High School has a tradition that encourages seniors, for a small fee, to reserve and decorate their school parking space as it "builds school spirit, beautifies [the] campus, and creates lasting memories." The guidelines prohibit messages that the district deems, "offensive, negative, rude, gang-related, political, religious, or trademarked images." The school's guidelines also state that if a student's first design is "deemed unacceptable" by the school, the student only has "one chance to change [the] design or forfeit [her] spot."

In August of this year, Ms. Sophia Shumaker, as an expression of her Christian faith, requested to paint her space with a shepherd on a hill, a staff, and a sheep, along with a Bible verse. Rampart thorough one of its teachers who oversees Student Council, leading the parking lot initiative, denied the request referencing the school's guidelines prohibiting religious messages. Sophia gauged her submission based on feedback from the teacher as to what would be acceptable under the guidelines.

Despite her original design being rejected, Ms. Shumaker wanted to find a way to express her beliefs in her parking spot. Ms. Shumaker subsequently texted the teacher

and asked whether she could add the abbreviated scripture “1 Cor 13:4” to a design that was otherwise not religious. The teacher responded, “Yeah, no abbreviated verse. Not sure if it would get approved. Let me ask.” Ms. Shumaker, afraid that the design would be rejected and she would forfeit her spot, told the teacher that she would use a different design.

While Rampart High School bans religious messages on the parking spots as a matter of policy and practice, several schools throughout Academy School District 20 allow religious messages. The district’s inconsistent policies demonstrate that the seniors’ messages on the parking spots in Academy School District 20, including those at Rampart, are private speech, not government speech. Therefore, the district cannot deny Ms. Shumaker’s private, religious speech without violating the First Amendment.

Legal Analysis

The United States Supreme Court has reiterated 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. Shumaker’s right to freedom of speech as well as her right to freely exercise her religion. *Kennedy*, 597 U.S. at 523 (stating that “the First Amendment doubly protects religious speech”).

The Constitution Protects Ms. Shumaker’s Private Religious Speech

A designated public forum is public property, not constituting a traditional public forum, which the government has intentionally opened to the public for expressive activity. See *Verlo v. Martinez*, 820 F.3d 1113, 1129 (10th Cir. 2016). The government is not required to keep the forum open indefinitely, but as long as it does, it is bound by the same standards that apply in a traditional public forum. *Id.* In traditional public fora, the government’s right to “limit expressive activity is sharply circumscribed.” *Id.* The government bears a particularly heavy burden in justifying viewpoint-based restrictions in designated public forums. See *Church on the Rock v. City of Albuquerque*, 84 F.3d 1273, 1279–80 (10th Cir. 1996).

A limited public forum is a subcategory of a designated public forum. It is created when the government opens public property for speech by certain groups or for the discussion of certain topics. See *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995). And, while the government may restrict some speech in this type of forum, that power is not without limits. The district must not discriminate “on the basis of viewpoint” and the restriction must be “reasonable in light of the purpose served by the forum.” *Good News Club v. Milford Central School*, 533 U.S. 98, 106-07. (2001). In other words, viewpoint discrimination is prohibited in all public fora. See *Lamb’s Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 394 (1993).

Academy School District 20 created a public forum, whether designated or limited, when it opened its parking lots as a space where seniors may engage in private speech during their senior year. What students paint on their parking spaces in the district is, therefore, protected by the Free Speech Clause and Rampart High School may not restrict Ms. Shumaker's speech based on its religious viewpoint. *See Rosenberger*, 515 U.S. at 828 (stating that "discrimination against speech because of its message is presumed to be unconstitutional"); *Good News*, 533 U.S. at 111–12 (school district violated Free Speech Clause when it excluded Christian club because of its religious viewpoint). Indeed, viewpoint discrimination is "an egregious form of content discrimination." *Rosenberger*, 515 U.S. at 829.

Moreover, Rampart High School unconstitutionally restricted Ms. Shumaker's speech based on its viewpoint when it rejected her first parking spot design because it was religious. And it confirmed its viewpoint discrimination when the staff member rejected Ms. Shumaker's alternate design that contained an abbreviated Bible verse reference to 1 Corinthians 13:4. But Academy School District 20 cannot justify its restrictions because it does not exclude religious topics from student parking spots in other schools in the district. "When the government targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant." *Id.*; *see also Church on the Rock*, 84 F.3d at 1280 (viewpoint discrimination is presumed impermissible when directed against speech otherwise within the forum's limitations). Thus, the exclusion of Ms. Shumaker's message violates her free speech rights.

The Constitution Protects Ms. Shumaker's Religious Exercise.

The Free Exercise Clause also protects Ms. Shumaker's right to express her religious beliefs to the world. *See Kennedy*, 597 U.S. at 524. The Clause "does perhaps its most important work by protecting the ability of those who hold religious beliefs of all kinds to live out their faiths in daily life through the performance of physical acts." *Id.* The school's decision to censor religious references is not neutral because it is "specifically directed at . . . religious practice," namely Ms. Shumaker's expression of her faith on her parking spot. *Id.* at 526. Since Rampart's policy is not neutral and specifically targets religious speech, the school must demonstrate that its policy is narrowly tailored to pursue a compelling government interest. *Id.* at 525. The school cannot meet this standard because other schools allow religious expression, and therefore the school cannot claim its interest is compelling enough to ban Ms. Shumaker's religious exercise. *See Fulton v. City of Philadelphia*, 593 U.S. 522, 542 (2021).

Conclusion

Rampart High School's censorship of religious references in Ms. Shumaker's parking spot designs violates the First Amendment. We request that by no later than October 31, 2025, you rescind Rampart's prohibition of religious references in Ms.

Shumaker's design, permit her to repaint her space with the shepherd, staff, and sheep, with the scripture reference "1 Corinthians 13:4" to her parking space and agree to fully rescind Rampart's unconstitutional policy. We also recommend that the district provide Rampart's staff with training about how the First Amendment applies in schools from Respect Project at www.RespectProject.net. We look forward to amicably resolving this matter.

Sincerely,

Keisha T. Russell

Senior Counsel
First Liberty Institute

Enclosures

Examples of Parking Spot Designs throughout Academy School District 20



Examples of Secular Designs Approved by Rampart High School

