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Sent via U.S. mail and email

Re: Everett Public Schools' Violation of First Amendment Rights

Dear Members of the Everett Public Schools Board of Directors:

Along with First Liberty Institute, we represent LifeWise Academy. LifeWise, led by local parents and volunteers in Everett, is thankful for the support of many in the Everett Public Schools community. LifeWise looks forward to continuing to serve in this community for years to come.

However, despite its base of support, LifeWise feels obligated to address the District's recent actions targeting LifeWise for unfair treatment. The Board's comments and actions reflect an animus toward religion that offends our most basic constitutional principles. By raising these concerns, we are hopeful that the board will act swiftly to remedy the unconstitutional harm it is inflicting.

As you are aware, LifeWise offers off-campus religious instruction to Emerson Elementary School students during lunch and recess—periods for which students are released from campus. It does so with the enthusiastic support of—and direction by—Emerson Elementary parents, who sign up their children because they value the coupling of a rigorous public school education with religious instruction. When LifeWise began offering released-time religious instruction to students last year, it was immediately sought after, and presently fifty-five students representing over forty families send their children to LifeWise.

But some members of the Everett School Board (cheered on by a vocal but small minority of parents and community members) began to disparage LifeWise simply because they disagree with its religious message. That criticism reflects profound animus toward

LifeWise and the families whose children attend. It is both offensive and legally problematic. The Constitution does not permit this sort of targeted animus toward religion. To remedy any offense, LifeWise requests swift action from the District so that it may avoid costly and protracted litigation. Though LifeWise remains committed to a quick and amicable resolution, regrettably, the District responded to its request for a meeting with Deputy Superintendent Scott by offering dates months in the future.

Because the Board's actions pose pressing problems for parents and students in the district, action is needed sooner. The Board must reverse course on the following policies and practices targeting LifeWise: (1) prohibiting LifeWise from participating in community events and displaying its flyers (while allowing secular groups to participate and display information about their organizations); (2) requiring LifeWise students to conceal any written materials they receive from LifeWise in a sealed envelope in their backpacks (treatment not imposed on students with secular extracurricular materials); and (3) requiring that LifeWise parents follow a needlessly complicated and burdensome permission-slip policy, namely, weekly reauthorization for students to participate in LifeWise (while other parents, whose children participate in secular activities, do not face such a burden).

* * *

Recent developments demonstrate how the District has targeted LifeWise for increasingly onerous treatment simply because it is a religious organization (and some members of the Board, and the public, disagree with its religious message). After operating without incident for months, on April 19, 2025, the *Herald* published an article in which some members of the public criticized LifeWise's mission and urged the District "to set more specific guidelines for released-time religious instruction." W. Geschke & J. Peterson, *Everett Off-Campus Bible Program Draws Mixed Reaction from Parents*, Daily Herald (Apr. 19, 2025), available at <https://www.heraldnet.com/news/everett-off-campus-bible-program-draws-mixed-reaction-from-parents/>.

Despite LifeWise's positive start, the Board heeded these angry calls. A month later, the District banned LifeWise from participating in the District's annual Community Resource Fair. A District employee stated that the District "do[es] not allow *religious-based* organizations of any type to participate in school-sponsored events," although secular organizations are allowed to participate. Similarly, the District prohibited LifeWise from placing hard-copy flyers in the lobby of Emerson Elementary School, though other community organizations who (like LifeWise) use the District's electronic Peachjar platform *are* allowed to place hard copy flyers in the lobbies. While the District has improperly invoked District Policy 2340P to justify these decisions, LifeWise's participation in these forums would not

“interfere with [a] School program” and so would not violate this policy.¹ The District’s pretextual rationale for excluding LifeWise is belied by its own policies, and the First Amendment requires giving LifeWise access to public facilities on equal footing with other community organizations.

It is difficult to conclude that the Board’s targeting of LifeWise is motivated by anything other than animus. During the Board’s July 1 meeting, Board Member Charles Adkins maligned LifeWise, falsely alleging that its mission is “to bring white supremacy and Christian nationalism to our schools” and to “snuff out the cultures, religion, and language of native kids and other kids of color.”² Mr. Adkins’s histrionics continued with the malicious accusation that LifeWise is engaged in an “effort to turn our nation into a fascist theocracy.” Saying the quiet part out loud, he made his intentions clear: On these bases, Mr. Adkins declared that LifeWise “cannot be allowed to have access to our kids.” No other Director disavowed these comments.

Other community members have made similarly unhinged comments at Board meetings, even comparing LifeWise to the Nazi party taking “trains . . . through [German] towns . . . [that] were filled with broken down souls on their way to the gas chambers.”³ These statements are offensive and ridiculous.

On the heels of this vitriol, the District adopted new policies that specifically target LifeWise. At its September 9 meeting, the Board announced a new and more burdensome excused-absence policy for parents seeking to excuse their children for released-time religious instruction. In a clear effort to impose administrative headaches that they hope parents will find overly burdensome (and thus simply give up on sending their children to LifeWise), school officials require parents to submit, in person, a separate written consent form for each individual release—one form per week, rather than a single form for the entire semester or school year.

The District then published entirely separate release guidelines for “religious-related activities or instruction” on its website—requirements that do not apply to secular organizations or activities. In addition to formalizing the new permission slip policy, and keeping with the theme of making things more difficult than necessary for LifeWise participants, the new guidelines prevent parents from releasing their children to LifeWise as an organization but instead impose the impracticable and burdensome requirement that a permission slip specifically identify “the adult who will pick up the student,” who must also

¹ Everett Public Schools, *Policy 2340P – Religious-Related Activities and Practices* (2011), available at <https://docushare.everett.k12.wa.us/docushare/dsweb/Get/Document-438/2340P.pdf>.

² Everett Public Schools in Washington, *Everett Public Schools Regular Board Meeting 2025.07.01*, YouTube (Jul. 2, 2025), <https://www.youtube.com/watch?v=uWSwMl5pAro>.

³ Everett Public Schools in Washington, *Everett Public Schools Regular Board Meeting 2025.08.19*, YouTube (Aug. 20, 2025), <https://www.youtube.com/watch?v=2tVhBErtb0I>.

be the person who “sign[s] the student . . . back in.”⁴

What’s more, the new guidelines state that “[s]tudents may not return to their classrooms with handouts or other items from the religious organization” unless such materials are “sealed in an envelope and placed directly into the student’s backpack immediately upon their return to school.” To our knowledge, the District has no comparable policy for secular reading materials that students may receive from other organizations. This policy impermissibly interferes with parents’ constitutional right to direct their children’s religious upbringing, in violation of the Supreme Court’s ruling in *Mahmoud v. Taylor*, 145 S. Ct. 2332 (2025); *see also Meyer v. Nebraska*, 262 U.S. 390, 400 (1923) (“[I]t is the natural duty of the parent to give his children education suitable to their station in life”); *Pierce v. Soc’y of the Sisters of the Holy Names of Jesus & Mary*, 268 U.S. 510, 535 (1925) (“The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.”); *Zorach v. Clauson*, 343 U.S. 306, 313–14 (1952) (“When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions.”).

In response to this targeting, LifeWise directors and parents approached school administrators—with whom they enjoy a positive relationship—to work toward a solution that would allow the program to operate with a manageable consent-form policy. But the District has rebuffed their requests. It has refused to back down from the Board’s direction. For nearly a year, LifeWise and its volunteers have been pursuing a manageable system that will work for both parents and the District. Instead, the District has added restrictive new guidelines, based on the loudest opposition, that treat LifeWise differently and worse than others.

* * *

The Constitution protects liberty and religious diversity as core values in our democratic system. It prohibits government actors, including the District and its Board, from targeting religious organizations for maltreatment. Emerson parents and individual School Board members are free to harbor their own personal views of religion (misguided though they may be). But as a government actor, the District may not give into a “heckler’s veto” that “proscribe[s]” religious exercise “based on perceptions or discomfort.” *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 534 (2022) (cleaned up). And as educators, the “proper response is to educate the audience rather than squelch the speaker.” *Hills v. Scottsdale Unified Sch. Dist. No. 48*, 329 F.3d 1044, 1055 (9th Cir. 2003). The District may not exclude LifeWise or single it out for mistreatment. It may not infringe on parents’ rights to ensure

⁴ *Student Release Guidelines*, Everett Public Schools, <https://www.everettsd.org/domain/5759> (last visited Nov. 12, 2025).

the off-campus religious instruction of their children. The District's actions offend our most precious constitutional principles and—troublingly—set a terrible example for Emerson Elementary School students by publicly promoting intolerance and bigotry toward religion.

To remedy these harms, the Board must, by December 5, 2025, provide its written assurance that it will: (1) at its next Board meeting, retract its guidelines for the treatment of “religious-related activities or instruction” and inform District officials of its retraction; (2) within 45 days of the date of this letter, amend Board Policy 2340P sections (C), (G), and (I) to apply without regard to a student's or organization's viewpoint or the content of speech; and (3) cease censoring and violating the free speech and free exercise rights of religious community groups including LifeWise, parents, and students.

If we do not hear from you and receive these assurances by the specified time, we will advise LifeWise of all available legal remedies to protect its First Amendment rights.

Sincerely,



Barbara Smith Tyson
Partner
Bryan Cave Leighton Paisner



Jeremiah G. Dys
Senior Counsel
First Liberty Institute

cc: Blythe Young, Principal at Emerson Elementary School
Cathy Woods, Regional Superintendent - Region One
Dr. Ian B. Saltzman, Superintendent
Dr. Peter Scott, Deputy Superintendent