



November 6, 2025

VIA EMAIL AND FEDEX

Jay C. Lebrun
Superintendent of Schools
Plattsburgh City School District



RE: Plattsburgh School District's Violations of the Equal Access Act and First Amendment

Dear Mr. Lebrun,

The American Center for Law & Justice¹ represents Jaime and Whitney Canales and their minor daughter, Kennedy Canales, a student at Plattsburgh Senior High School. We write regarding the Plattsburgh City School District's ("the District") egregious constitutional violation by failing to provide Kennedy's Jesus Club equal access to school facilities compared to other clubs, requiring her to change the name of her club to "something more inclusive," and unnecessary delay in responding to Kennedy's repeated requests to operate her Jesus Club. This disparate treatment and constructive denial is in direct violation of the First Amendment and the Equal Access Act.

Statement of Facts

In February of 2025, Kennedy Canales enrolled at Plattsburgh Senior High School. Since that time, our client has repeatedly attempted to establish a student-led religious club. Despite

¹ The ACLJ is an organization dedicated to the defense of constitutional liberties secured by law. ACLJ attorneys have argued before the Supreme Court of the United States in several significant cases involving the freedoms of speech and religion. *See, e.g., Pleasant Grove City v. Summum*, 129 S. Ct. 1523 (2009) (unanimously holding that the Free Speech Clause does not require the government to accept counter-monuments when it has a war memorial or Ten Commandments monument on its property); *McConnell v. FEC*, 540 U.S. 93 (2003) (unanimously holding that minors enjoy the protection of the First Amendment); *Lamb's Chapel v. Center Moriches Sch. Dist.*, 508 U.S. 384 (1993) (unanimously holding that denying a church access to public school premises to show a film series on parenting violated the First Amendment); *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990) (holding by an 8-1 vote that allowing a student Bible club to meet on a public school's campus did not violate the Establishment Clause); *Bd. of Airport Comm'rs v. Jews for Jesus*, 482 U.S. 569 (1987) (unanimously striking down a public airport's ban on First Amendment activities).

following all proper procedures, creating required presentations, securing faculty advisors and student officers, and demonstrating patience through multiple administrative roadblocks, the Jesus Club has been systematically denied equal access and approval while secular clubs receive more favorable treatment and prompt approval.

Kennedy is a Christian and very committed to expressing her faith. Within her first week at Plattsburgh High School, she inquired about starting a Bible study club. She obtained the requisite faculty advisor and officer and created a power point proposal for her club. Kennedy chose the name “Jesus Club,” for her student club because the name is affiliated with the national club and has significance for Kennedy. Principal Daniel Valenzuela told Kennedy it was “too late” in the year to start her club and that she should try again in September of 2025, but that for the remainder of the year, she could host a prayer meeting before school.

For the remainder of the 2024–2025 school year, Kennedy and club officers held their prayer meeting but faced significant hostility. In particular, in March 2025, Kennedy was accosted by music teacher Cody Hampton on the Jesus Club’s stance on hot-button social issues in front of other students during music class. Kennedy explained that her group was inclusive. Additionally, Kennedy and her club printed posters to advertise the prayer meeting (with the principal’s approval), but people repeatedly tore down the posters.

In September of 2025, Kennedy again approached Principal Valenzuela and Vice Principal Dunn-Williams about forming the Jesus Club the way she initially wanted to in February of 2025. Kennedy *again* obtained officers, a faculty advisor, and created a slideshow about her club. The slideshow was sent to Principal Valenzuela and Vice Principal Dunn-Williams on September 24, 2025. Kennedy followed up with Vice Principal Dunn-Williams a few days later and was told that it would be shown to the school board. A few days after that, Kennedy followed up a second time with Vice Principal Dunn-Williams and was told that it was “all set” and that there would need to be a meeting to finalize it all. That meeting occurred on September 30, 2025.

In the meeting, despite Kennedy’s slideshow, both Principal and Vice Principal expressed the erroneous belief that Kennedy intended to keep the same prayer meeting format. Kennedy cleared up that notion, explaining that her intention was to start a club akin to any other club. The Principal and Vice Principal then told Kennedy that she could not call her club “Jesus Club” as it was not “inclusive” to other religions. They suggested “Faith Club,” and Kennedy explained that the name change was not possible as the name is connected to a national organization with a mission that Kennedy wanted to emulate. Additionally, the Principal and Vice Principal objected to the timeslot of 2:40-3:20pm (during 10th period), the time set aside for all other student clubs to meet. Kennedy objected to the Principal and Vice Principal’s assertion that the Jesus Club would have to be after 3:20pm as Kennedy and other club officers participate in after-school sports. The Principal responded and asserted that “it wasn’t up to them,” it was a “higher power,” and “a New York state mandate.” No further explanation was provided.

After that disheartening meeting, Kennedy sent an email to the Principal, Vice Principal, and District Superintendent Jay Lebrun. In response, the Superintendent informed Kennedy on October 3rd that the club could proceed as Kennedy and the officers originally intended and affirmed they would not be required to change the name from Jesus Club; however, he incorrectly asserted that no faculty sponsor had been identified and the name provided to the School District. Just a few days later, on October 6, 2025, Kennedy and a club officer met again with the Principal and Vice-Principal who *again* suggested that the club would mirror the previous year’s prayer

meeting. Kennedy again corrected them. The Principal and Vice Principal told Kennedy that she could present her club proposal in person to the school improvement planning committee at the next meeting on October 23, 2025.

At that meeting, Kennedy and another officer presented the proposal for the club. Another group, the Circle Club, also presented its proposal for a different club at the same time. Kennedy and her club were told that they would soon receive an email approving or denying their club. On November 3, 2025, Kennedy was made aware that the other group who presented at the October 23 meeting had been approved, but that her club had not been approved. Kennedy has yet to receive any official communication regarding club approval.

The unequal treatment by the District in this case constitutes clear violations of the Equal Access Act and Kennedy's First Amendment rights. The school has expeditiously granted approval to other student clubs, while intentionally delaying approval and erecting hurdles for Kennedy's club. The message is unmistakable here: religious clubs will be subjected to indefinite delay and bureaucratic limbo while secular clubs receive the school's support and prompt approval. This delay is not mere administrative oversight; it is a deliberate strategy to discourage and prevent the formation of a religious student organization. The District will not avoid liability by simply refusing to issue a formal denial.

Statement of Law

The Equal Access Act

Congress enacted the Equal Access Act "to address perceived widespread discrimination against religious speech in public schools." *Westside Bd. of Educ. v. Mergens*, 496 U.S. 226, 239 (1990). Congress's stated purpose of the Act included "[Public secondary schools may not discriminate against] any students who wish to conduct a meeting . . . on the basis of religious, political, philosophical, or other content of the speech at such meetings." 20 U.S.C. § 4071(a) (2006). Religious groups must be allowed to meet on campus without school officials censoring their religious beliefs or statements. In *Mergens*, a case argued by ACLJ Chief Counsel Jay Sekulow, the Supreme Court upheld the Equal Access Act as constitutional and explained that the Establishment Clause, rather than requiring the exclusion of religious clubs, mandates that government be neutral with respect to religion: "[I]f a State refused to let religious groups use the facilities open to others, then it would demonstrate not neutrality but hostility toward religion." *Mergens*, 496 U.S. at 248 (quoting *McDaniel v. Paty*, 435 U.S. 618, 641 (1978) (Brennan, J., concurring in judgment)). The Supreme Court's holding in *Mergens*, affirms that schools must afford religious clubs the same privileges as other clubs on campus. These privileges include but are not limited to "access to the school newspaper, bulletin boards, the public address system, and the annual Club Fair." *Id.* at 247.

The Equal Access Act does not simply ask whether Kennedy's group "has access to *some* avenues of communication but whether it has equal access to *the same* avenues of communication as other noncurricular related groups." *Straights & Gays for Equality v. Osseo Area Schs.*, 471 F.3d 908, 912 (8th Cir. 2006) (emphasis added). Every group, including religious groups, must be treated equally under the rules. *Prince v. Jacoby*, 303 F.3d 1074, 1094 (9th Cir. 2002) (holding

that when a school district implemented a policy which allowed religious student groups to be recognized, but restricted their access to certain benefits, it unlawfully violated the Equal Access Act). Likewise, in *Hills v. Scottsdale Unified Sch. Dist.*, 329 F.3d 1044, 1051 (9th Cir. 2003), the court held that a school district which allowed distribution of literature regarding extra-curricular activities engaged in viewpoint discrimination when it prohibited distribution of a brochure on a Bible camp.

Instead of treating each religious group equally, as the Equal Access Act requires, the District has singled out Kennedy's religious group for disparate treatment by intentionally frustrating all attempts by Kennedy to start her club, delaying approval indefinitely and dragging Kennedy through extra processes that other clubs are not required to go through simply because she called her club the "Jesus Club." Demanding that the Jesus Club change its name to something more "inclusive" is content-based discrimination and strikes at the heart of the First Amendment. School officials may not condition approval of a religious club on changing its religious identity. The name "Jesus Club" accurately identifies the religious nature and affiliation of the organization. Requiring a generic name like "Faith Club" would be misleading and would deny the club members their right to speak clearly about their religious identity. Moreover, the suggestion that a Christian club must disguise its identity to avoid offending others is precisely the type of viewpoint discrimination the Equal Access Act was enacted to prevent.

Likewise, forcing the Jesus Club to meet after 3:20 p.m., outside the designated 10th period club time when other clubs meet, imposes an unequal burden and appears to be purposeful to limit student participation since student athletes will not be able to participate. This directly violates the Equal Access Act's requirement of equal access to meeting times.

The District's discriminatory conduct also violates its own Policy 5210 governing student organizations. Policy 5210 explicitly states that "the district will register any group organized for a purpose not prohibited by Board policy or by law, if such group submits a list of its members designated as contacts, a copy of its constitution and/or bylaws, and the constitution and bylaws of any off-campus organization with which it may be affiliated." Kennedy has fulfilled all these requirements. She has provided the necessary information, secured faculty advisors and student officers, and created comprehensive presentations about her club.

Moreover, Policy 5210 expressly incorporates the Equal Access Act, stating that "Administrative regulations governing the use of school facilities shall abide by the Equal Access Act in the creation of a 'limited open forum.' All noncurricula-related student activities, regardless of religious or political content, shall have the same opportunities as any other such activity to operate on school grounds." The District's own policy thus recognizes that religious clubs must receive equal treatment. The policy makes no exception for clubs with religious names, nor does it permit school officials to condition approval on changing a club's religious identity to make it more "inclusive." The District's demand that Kennedy change her club's name and its refusal to allow the club to meet during the designated 10th period club time directly contravene the District's own written policy and the federal law it incorporates. The District cannot simultaneously maintain a policy promising equal access while systematically denying that very access to religious student groups.

The First Amendment

In addition to the statutory rights afforded students under the Equal Access Act to form and participate in religious clubs, students also maintain a First Amendment right to engage in religious speech and activities on campus. The Supreme Court has long recognized that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” *Tinker v. Des Moines Indep. Comm. Sch. Dist.*, 393 U.S. 503, 506 (1969).

It is also well settled that religious speech is protected by the First Amendment and may not be singled out for disparate treatment. *See Good News Club v. Milford Cent. Sch.*, 533 U.S. 98 (2001); *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819 (1995); *Capitol Square Review & Advisory Board v. Pinette*, 515 U.S. 753 (1995); *Mergens*, 496 U.S. 226; *Widmar v. Vincent*, 454 U.S. 263, 269 (1981) (citing *Heffron v. Int’l Soc’y for Krishna Consciousness, Inc.*, 452 U.S. 640 (1981); *Neimotko v. Maryland*, 340 U.S. 268 (1951); *Saia v. New York*, 334 U.S. 558 (1948)). Also applicable here is the Supreme Court’s decision in *Widmar*, where unequal access to facilities was found unconstitutional because it was “content-based exclusion of religious speech.” *Widmar*, 454 U.S. at 277.

The concerted efforts by school officials here, discriminating against Kennedy’s religious speech by treating her club, a student-based club, differently than other clubs, such as the Circle Club, is an impermissible violation of the First Amendment and the Equal Access Act in a manner the Supreme Court has found unconstitutional. The District has repeatedly failed to approve Kennedy’s club despite her compliance with every policy the school has in place for students to start clubs because the District is uncomfortable with a student’s religious message. This is a blatant violation of the Equal Access Act and the First Amendment. In direct comparison, Kennedy’s Jesus Club and the Circle Club should have been approved, at minimum at roughly the same time as the Board has had the same amount of time to consider both proposals.

Yet, the District has shown favor to one group and disfavored a group with a religious message. A secular viewpoint is being favored while a student’s religious exercise is being trampled upon. Once a school opens a limited public forum, it must allow religious viewpoints to be expressed in the same manner as secular viewpoints. The failure to do so is illegal discrimination in violation of the First Amendment. The District has violated the law in denying Kennedy approval to conduct her club and burdened her religious exercise. The District has engaged in impermissible viewpoint discrimination by singling out religious speech for disfavored treatment. The District’s requirement that the Jesus Club adopt a more “inclusive” name is viewpoint discrimination in its purest form.

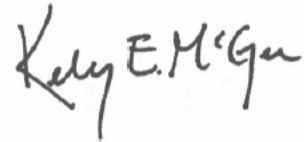
Demand

The situation described herein is of serious importance, not just to Kennedy, but to all students attending the school who are entitled to the full protection of their First Amendment liberties. As you are undoubtedly aware, the violation of an individual’s constitutional rights, even for a moment, results in irreparable injury. *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

Given the nature of the rights involved, we demand that on or before November 13, 2025, the Plattsburgh City School District immediately approve the Jesus Club under the name "Jesus Club" without modification and permit the Jesus Club to meet during the designated 10th period club time (2:40-3:20 p.m. on Mondays, or such other times as the club requests) just as all other non-curriculum-related student clubs are permitted to meet. We trust that this matter can be resolved swiftly. Please direct your response in writing or by phone to me. If we do not hear from you before COB on November 13, 2025, we will assume that you intend to resolve this matter through litigation.

Thank you for your prompt attention to this important matter.

Sincerely,



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