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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14

15 JOHN DOE on behalf of his minor
16 daughter JANE DOE, JESSICA ROE,
17 and FELLOWSHIP OF CHRISTIAN
18 ATHLETES, an Oklahoma corporation,

18 Plaintiffs,

19 vs.

20 SAN JOSE UNIFIED SCHOOL
21 DISTRICT BOARD OF EDUCATION,
22 in its official capacity, NANCY
23 ALBARRÁN, in her official and
24 personal capacity, HERB ESPIRITU, in
25 his official and personal capacity, and
26 PETER GLASSER, in his official and
27 personal capacity,

28 Defendants.

CASE NO. 5:20-cv-2798

JUDGE: Hon. Virginia DeMarchi

**AMENDED COMPLAINT FOR
PRELIMINARY INJUNCTION,
PERMANENT INJUNCTION,
DECLARATORY RELIEF AND
DAMAGES**

DEMAND FOR JURY TRIAL

1 Plaintiffs JOHN DOE, on behalf of his minor daughter, JANE DOE, JESSICA
2 ROE, and FELLOWSHIP OF CHRISTIAN ATHLETES (collectively, “Plaintiffs”)
3 allege the following against Defendants, SAN JOSE UNIFIED SCHOOL DISTRICT
4 BOARD OF EDUCATION, in its official capacity, NANCY ALBARRÁN, in her
5 official and personal capacity, HERB ESPIRITU, in his official and personal
6 capacity, and PETER GLASSER, in his official and personal capacity (collectively
7 “Defendants”), and in support thereof, state as follows:

8 **PRELIMINARY STATEMENT**

9 1. John Doe on behalf of his daughter Jane Doe,¹ Jessica Roe, and the
10 Fellowship of Christian Athletes (“FCA”) (collectively, “Plaintiffs”) bring this action
11 due to the unlawful and unconstitutional religious discrimination by San Jose Unified
12 School District (“the District”) and its officials and employees in violation of the
13 Equal Access Act (“EAA”) and First Amendment. Defendants have revoked
14 recognition of student groups affiliated with FCA, taking away benefits previously
15 enjoyed by the Student FCA Chapters and that continue to be enjoyed by other
16 noncurriculum-related student groups, and have knowingly allowed and facilitated
17 harassment of FCA students, including Roe and Doe, by District faculty and other
18 students because of their religious beliefs and speech.

19 ***FCA is an international religious organization that promotes integrity,***
20 ***servicing, teamwork, and excellence.***

21 2. FCA is an international religious ministry with recognized student groups
22 on hundreds of public university and high school campuses across the country.
23 Students have organized student FCA chapters at three high school campuses within
24

25 ¹ At the time of filing of the initial complaint, Jane Doe was a minor and her claims
26 were brought by her father John Doe on her behalf. Since that time, Jane Doe has
27 turned eighteen and is capable of bringing these claims on her own behalf. Plaintiffs
28 intend to file a motion for substitution of parties to allow Jane Doe to bring these claims
on behalf of herself.

1 the District for many years without incident: Pioneer High School (“Pioneer”),
2 Willow Glen High School (“Willow Glen”), and Leland High School (“Leland”)
3 (collectively, the “Student FCA Chapters”). FCA and the Student FCA Chapters
4 invite all students to attend and participate in its meetings.

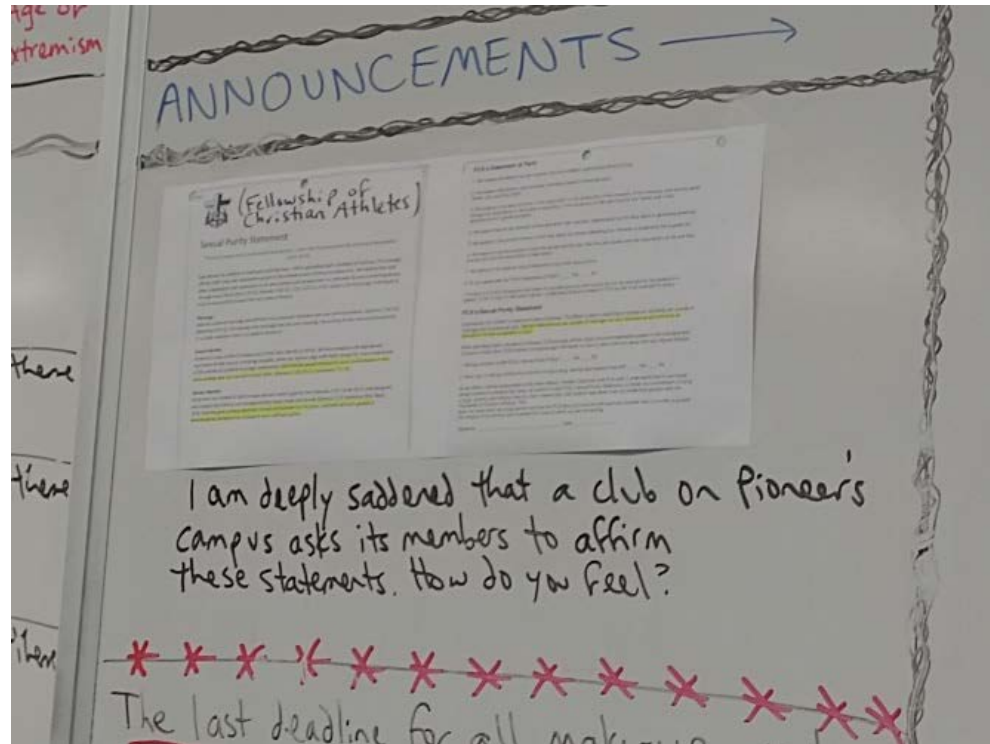
5 3. FCA adheres to and expresses a core set of religious beliefs. These
6 beliefs are found primarily in the FCA Statement of Faith. Student members do not
7 need to agree with FCA’s core religious beliefs, but FCA’s student leaders must
8 affirm their agreement with these core religious beliefs and try to live consistent with
9 those beliefs.

10 ***The District has revoked recognition of the Student FCA Chapters***
11 ***because of their religious beliefs and speech.***

12 4. The District has recognized numerous noncurriculum-related student
13 groups in its secondary schools, each of which triggers the District’s duty to comply
14 with the EAA. For example, in the 2019-2020 academic year, over 50 noncurriculum-
15 related student groups are recognized at Pioneer High School alone including, but not
16 limited to, the following: Bachelor Nation; Black Student Union; Chess Club;
17 Communism Club; Dream Club; Dungeons and Dragons Club; Frisbee Club; Gender
18 Sexuality Association; Harry Potter Club; Interact Club; K-Pop Club; Key Club;
19 Latinx Club; Multicultural Club; Pacific Islander Club; Persian Club; PHS Ski and
20 Ride; Ping Pong Club; Politics Club; Shrek Club; Simply Cards; Tetris Club; and The
21 Satanic Temple Club. (See ¶ 49 for a full list of noncurriculum-related student
22 groups at Pioneer.) The Key Club, Interact Club, and Chess Club are classic examples
23 of student groups that automatically trigger the EAA’s requirement that a religious
24 student group be recognized. A true and correct copy of the list of student
25 organizations from the Pioneer website (as well as Leland and Willow Glen) is
26 attached as Exhibit A.

27 5. On April 23, 2019, Peter Glasser, a teacher at Pioneer, posted a copy of
28 FCA’s Statement of Faith and Sexual Purity Statement in his classroom with the

1 caption, “I am deeply saddened that a club on Pioneer’s campus asks its members to
 2 affirm these statements. How do you feel?” Students affiliated with the Pioneer
 3 Student FCA Chapter were students in Mr. Glasser’s classes at this time.



17 *Mr. Glasser’s Whiteboard*

18 6. Despite complaints by the Pioneer FCA students to Mr. Glasser and to
 19 Pioneer Principal Herb Espiritu, Mr. Glasser’s display remained posted in his
 20 classroom for a week.

21 7. The District, through Defendants, not only allowed Mr. Glasser to leave
 22 this hostile message posted, they adopted and expanded upon Mr. Glasser’s
 23 statements. Despite FCA having existed on campus for years without incident, on
 24 May 2, 2019, no more than two weeks after Mr. Glasser posted his statements,
 25 Principal Espiritu informed the student leaders of the Pioneer FCA club that the
 26 Pioneer Student FCA Chapter would no longer be recognized on campus.

27 8. Soon afterward, District officials informed FCA student leaders at
 28 Leland and Willow Glen that schools in the District would no longer recognize the

1 Student FCA Chapters. Officials at Willow Glen informed FCA student leaders that
2 the school would recognize their religious student club on the condition they
3 disassociated with FCA.

4 9. Defendants have violated and are violating the EAA and the First and
5 Fourteenth Amendments through their revocation and continued denial of club
6 recognition and its associated benefits to the Student FCA Chapters and their
7 members because the District disfavors their religious beliefs and speech.

8 ***The District has allowed and facilitated harassment of FCA students***
9 ***by faculty and other students.***

10 10. In addition, the District has targeted the FCA students for negative
11 treatment due to its disfavor of their religious beliefs and speech. The District has
12 adopted a practice of allowing and facilitating harassment of students affiliated with
13 FCA. Shortly after the District revoked recognition of the Student FCA Chapters,
14 Mr. Glasser and Principal Espiritu discussed strategies specifically intended to
15 prevent the Student FCA Chapters from existing in the District and deny them their
16 rights to meet. District officials, including Principal Espiritu and Mr. Glasser, have
17 also coordinated with students who oppose FCA's religious beliefs in an effort to
18 prevent the Student FCA Chapters from meeting at all on campus.

19 11. Defendants' coordination with students includes granting recognition to
20 The Satanic Temple Club, knowing that it was founded by students who are opposed
21 to the Student FCA Chapters' continued presence on campus. Mr. Glasser also
22 coordinated with Satanic Temple Club students about their intention to harass the
23 Student FCA Chapter.

24 12. The Satanic Temple Club formed for the first time at Pioneer at the
25 beginning of the 2019-2020 academic year. The District granted The Satanic Temple
26 Club's application for recognition while denying the Pioneer Student FCA Chapter's
27 application for recognition. The Satanic Temple Club's application for recognition
28 as an official student organization at Pioneer indicates that a primary purpose of the

1 club is to “protest.” The Satanic Temple Club asked for permission to gather at the
2 same time as the Pioneer Student FCA Chapter, which the District granted.

3 13. Shortly after the first Pioneer Student FCA Chapter meeting of the
4 academic year, students affiliated with The Satanic Temple Club publicly announced
5 their intent to demonstrate immediately outside of the Pioneer Student FCA Chapter
6 meetings because of their disagreement with FCA’s religious beliefs. Despite
7 requests from the FCA students and their parents to move the demonstration to
8 another location that would not subject FCA students to direct harassment, the
9 District did not do so.

10 14. Defendants allowed these demonstrations to occur immediately outside,
11 and at the same time as, the FCA students’ meetings despite the District officials’ and
12 employees’ expectation that the demonstrations would intimidate and harass the FCA
13 students. Mr. Glasser acknowledged that the situation violated the FCA students’
14 “sense of humanity and safety.” Principal Espiritu acknowledged that singling out
15 the FCA students because of their religious beliefs could subject the FCA students to
16 undue harassment. Nonetheless, the District made no effort to protect the FCA
17 students from harassment, for example, by requiring the students to keep a certain
18 distance from those walking into the Student FCA Chapters or requiring the
19 protesting students to gather elsewhere or at a different time.

20 15. The protesting students’ first organized attempt to harass and intimidate
21 FCA students occurred on October 23, when they gathered outside of the Pioneer
22 FCA meeting with signs disparaging the FCA students’ religious beliefs, including
23 “HATRED IS NOT A RELIGIOUS BELIEF.” The protesting students yelled at the
24 FCA students as they entered their meeting and remained directly outside their
25 meeting space during their meeting. Despite the FCA students’ reasonable requests,
26 Defendants not only refused to take any action to mitigate the harassment, Principal
27 Espiritu threatened to penalize the FCA students if they did not acquiesce in the
28 protesting students’ harassment.

1 16. On November 6, 2019, student reporters for the school newspaper
2 entered the FCA meeting and took hundreds of pictures of the approximately 20
3 students attending the meeting. When the FCA students complained to Principal
4 Espiritu, he did nothing to stop this harassing and intimidating behavior, despite
5 having a duty to do so. Instead, Principal Espiritu told the FCA student leaders that
6 if they did not allow pictures to be taken during their meetings, they would not be
7 allowed to have their individual pictures in the school yearbook.

8 17. On December 4, 2019, faculty at Pioneer encouraged the protesting
9 students to harass the students who were attending the FCA meeting by entering the
10 room during their meeting. School Resource Officer Rick Granado intervened to keep
11 the protesting students from further harassing the FCA students at their meeting. On
12 information and belief, neither the faculty nor students involved have been
13 disciplined for their attempts to harass the FCA students before, during, and after
14 their meetings. Instead, the harassment of FCA students has continued unabated
15 regularly since this event.

16 18. Discrimination against FCA and its students by the District and its
17 officials demonstrates animus towards its religious message. Not only have
18 Defendants refused to recognize FCA, they have openly disparaged FCA's religious
19 beliefs and have allowed and encouraged other students to harass and intimidate FCA
20 students immediately outside of FCA meetings for the purpose of harassing FCA
21 students, in violation of its own written policy (but in accord with accepted District
22 practices).

23 19. Defendants' actions evince their open hostility toward FCA and its
24 religious values. In June 2019 and again in January 2020, Superintendent Albarrán
25 was specifically informed of the District's discriminatory acts against the Student
26 FCA Chapters and approved the District's continued discrimination. This hostility
27 has led the District and Defendants to target FCA students and student leaders
28 illegally and unconstitutionally for discrimination and harassment. Defendants will

1 continue to target Plaintiffs for discrimination and harassment without intervention
2 from the Court. The Court should order the District to restore full recognition to the
3 Student FCA Chapters as required by the EAA and the United States Constitution,
4 and to protect the FCA students from further harassment and intimidation at the hands
5 of District officials, employees, and students.

6 **INTRADISTRICT ASSIGNMENT**

7 20. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) in that a
8 substantial part of the events or omissions giving rise to the claims alleged in this
9 pleading occurred in the Northern District of California. Pursuant to Local Rule 3-2,
10 all civil actions which arise in the counties of Santa Clara, Santa Cruz, San Benito or
11 Monterey shall be assigned to the San Jose Division.

12 **PARTIES AND VENUE**

13 21. John Doe is the father of Jane Doe. John Doe brings claims solely on
14 behalf of Jane Doe, his minor daughter. At the time the initial Complaint was filed,
15 John Doe was the parent and legal guardian of Jane Doe. Jane Doe is a student in the
16 District who actively participates in one of the Student FCA Chapters. John and Jane
17 Doe are domiciled in California.

18 22. Jessica Roe is a student in the District who actively participates in one of
19 the Student FCA Chapters. Jessica Roe is domiciled in California.

20 23. John and Jane Doe and Jessica Roe bring this suit against all Defendants
21 in their official capacities and against Superintendent Albarrán, Principal Espiritu,
22 and Mr. Glasser in their individual capacities.

23 24. Fellowship of Christian Athletes is a religious nonprofit corporation
24 incorporated in Oklahoma and whose principal place of business is in Missouri. FCA
25 brings this suit on behalf of itself and its student representatives and members in the
26 District. FCA has been recognized by the Internal Revenue Service as an
27 organization described in section 501(c)(3) of the Internal Revenue Code. FCA
28 brings this suit against all Defendants in their official capacities only.

1 25. San Jose Unified School District Board of Education is the governing
2 body of a school district within the state of California. The District lies entirely
3 within the jurisdiction of this court. Its executive office is in San Jose, California.

4 26. Nancy Albarrán is domiciled in California and is the District's
5 Superintendent and chief executive officer. Ms. Albarrán is sued in her official and
6 personal capacity.

7 27. Herb Espiritu is domiciled in California and the principal of Pioneer High
8 School. Mr. Espiritu is sued in his official and personal capacity.

9 28. Peter Glasser is domiciled in California and a teacher at Pioneer High
10 School. He is sued in his official and personal capacity.

11 29. All Defendants are persons acting under the color of state law. 42 U.S.C.
12 § 1983.

13 30. Venue is proper in this court because a substantial part of the events or
14 omissions giving rise to Plaintiffs' claims occurred within the jurisdiction of this
15 Court. 28 U.S.C. § 1391. Additionally, all Defendants are domiciled or located
16 within the Northern District of California. *Id.*

17 **JURISDICTION**

18 31. This court has jurisdiction over this matter because Plaintiffs assert
19 causes of action, including civil rights causes of action, arising under federal statutes
20 and the U.S. Constitution. 28 U.S.C. §§ 1331, 1343.

21 32. This court has authority to issue the declaratory and injunctive relief
22 sought herein. 28 U.S.C. §§ 2201 and 2202.

23 **FACTUAL BACKGROUND**

24 ***FCA is an international religious organization.***

25 33. FCA was founded in 1954 as an international Christian ministry with the
26 mission "to lead every coach and athlete into a growing relationship with Jesus Christ
27 and His Church." <https://www.fca.org/aboutus/who-we-are/vision-mission>.

1 34. FCA has recognized student organizations on college, high school, and
2 middle school campuses across the country. Today, FCA has over 14,000 active
3 chapters in 84 countries. Many of these are on public university and high school
4 campuses across the United States.

5 35. FCA’s organizational values include “demonstrat[ing] steadfast
6 commitment to Jesus Christ and His Word through Integrity, Serving, Teamwork,
7 and Excellence.” <https://www.fca.org/aboutus/who-we-are/vision-mission>.

8 36. FCA has no membership requirements and welcomes anyone to
9 participate. With respect to leadership, FCA requires only that student leaders agree
10 and live in accordance with its core religious beliefs and religious standards as
11 expressed in the Student Leadership Application. Any student who applies for a
12 leadership position will be considered for leadership.

13 37. As part of its ministry, FCA performs charitable works nationwide. For
14 example, FCA and volunteers invested \$250,000 to develop a community center in
15 inner-city Baltimore to provide disadvantaged students a safe place to gather, study,
16 and play. [https://www.wmar2news.com/news/region/baltimore-city/new-park-](https://www.wmar2news.com/news/region/baltimore-city/new-park-heights-community-center-ties-together-work-and-worship)
17 [heights-community-center-ties-together-work-and-worship](https://www.wmar2news.com/news/region/baltimore-city/new-park-heights-community-center-ties-together-work-and-worship). FCA gatherings across
18 the country participate in humanitarian causes, such as food banks and Operation
19 Christmas Child, a ministry that provides Christmas gifts to children internationally.

20 38. FCA also performs charitable works in the Bay Area. The Bay Area FCA
21 and its students have been involved in numerous charitable works, including
22 Operation Christmas Child, providing sports camps for underprivileged children in
23 the Bay Area, and distributing sports equipment to underprivileged children in the
24 Dominican Republic and Haiti.

1 ***Like many other religious organizations, FCA has a core set of beliefs***
2 ***that it exercises and expresses through community, including its***
3 ***chapter meetings.***

4 39. FCA has a statement of faith (“Statement of Faith”) that sets forth the
5 core religious beliefs that FCA exercises and expresses as a faith community. All
6 FCA representatives, including staff, volunteers, and student leaders, are required to
7 affirm the FCA Statement of Faith.

8 40. A true and correct copy of the FCA Statement of Faith is found on page
9 6 of the FCA Playbook, attached as Exhibit B. The Statement of Faith includes core
10 tenets of FCA’s religious beliefs. Each item in the Statement of Faith references
11 biblical passages from which the item is drawn.

12 41. For example, the first item in the Statement of Faith is “[w]e believe the
13 Bible to be the only inspired, trustworthy and true, without error, Word of God. (2
14 Timothy 3:16-17).”

15 42. The fifth item in the Statement of Faith is “[w]e believe in the present
16 ministry of the Holy Spirit, who lives within and guides Christians so they are enabled
17 to live godly lives. (John 14:15-26; John 16:5-16; Ephesians 1:13-14).”

18 43. The seventh item in the Statement of Faith is “[w]e believe in the spiritual
19 unity of believers in our Lord Jesus Christ, that all believers are members of His body,
20 the Church. (Philippians 2:1-4).”

21 44. The eighth item in the FCA Statement of Faith is “[w]e believe God’s
22 design for sexual intimacy is to be expressed only within the context of marriage. . .
23 . God instituted marriage between one man and one woman as the foundation of the
24 family and the basic structure of human society. For this reason, we believe that
25 marriage is exclusively the union of one man and one woman. (Genesis 2:24;
26 Matthew 19:5-6; Mark 10:6-9; Romans 1:26-27; 1 Corinthians 6:9).”

27 45. FCA chapters meet regularly to advance the religious mission of FCA.
28 One of the primary purposes of these meetings is to transmit and reinforce the

1 religious beliefs of FCA as stated in the FCA Statement of Faith. FCA’s student
2 leaders are a principal means of transmitting FCA’s values.

3 ***The District expresses open hostility to FCA’s religious beliefs.***

4 46. Prior to the events described herein, the Student FCA Chapters met
5 without incident for years at Pioneer, Willow Glen, and Leland, which are secondary
6 schools within the District that receive federal financial assistance.

7 47. All acts by Defendants, employees or officials of the District and its
8 secondary schools as alleged herein were performed under color of law and pursuant
9 to the policies, practice, and customs of the District and its secondary schools or were
10 adopted by a final policymaker for the District or his or her delegate.

11 48. Pioneer recognizes approximately 51 noncurriculum-related student
12 groups, each one of which triggers the requirements of the EAA. Leland recognizes
13 approximately 70 noncurriculum-related student groups, and Willow Glen recognizes
14 approximately 35 noncurriculum-related student groups, each one of which triggers
15 the requirements of the EAA.

16 49. Examples of noncurriculum-related student groups that the District
17 recognizes at Pioneer include: Almaden Homework Club (helping elementary
18 students after school); Art Club (celebrating creativity and art); Bachelor Nation
19 (discussing the “Bachelor” television series); Baking Society (raising money for
20 charity); BC2M (“Bring Change to Mind,” raising awareness on mental health); Best
21 Buddies (building friendships with those with disabilities); Black and Blue Crew
22 (“amping up crowd” at sports events); Book Club (spreading the joy of reading); BSU
23 (“Black Student Union,” bringing black students together); Chess Club (teaching
24 students chess); Communism Club (discussing ideas of Communism); Cycling Club
25 (meeting up with other cyclists); Dream Club (discussing dreams and psychological
26 theories); Dungeons and Dragons (playing “Dungeons and Dragons”); Ecstatic Club
27 (learning new dance skills); Flora and Fauna (spreading awareness on environmental
28 issues); Folklorico (sharing traditional dance with the school); Frisbee Club (playing

1 Frisbee); Gifts for Teens (collecting items for homeless persons); Girls Learn Club
2 (increasing awareness on gender discrimination); Girls Who Code (closing gender
3 gap in tech); Green Team (helping clean up the environment); Gender Sexuality
4 Association (LGBTQ+ advocacy); Harry Potter Club (discussing Harry Potter);
5 Interact Club (international organization service club); K-Pop Club (discussing
6 Korean culture); Key Club (giving back to community through service); Latinx Club
7 (sharing cultural activities); Make a Difference Club (spreading awareness of world
8 problems); Mermaids Club (dancing and exploring self-expression); Multicultural
9 Club (learning about different cultures); Mustangs Handball (playing handball);
10 Noteworthy Notes (expressing musical interest); Pacific Islander Club (discussing
11 Pacific Islander culture); Persian Club (talking about Persian culture); PHS Ski and
12 Ride (going skiing and snowboarding); Ping Pong Club (playing ping pong); Pioneers
13 for Christ (supporting one another learning about Christ); Politics Club (talking about
14 politics); Positive Balance (anti-stress safe space for students); Pre-Med Society
15 (students who are interested in the medical field); Radio Club (allowing students with
16 own radio show); Save our Seas (fundraising for a business, “4Ocean,” which cleans
17 up the oceans); Shrek Club (talking about Shrek and Dreamworks); Simply Cards
18 (playing cards); Smash Club (playing Super Smash Brothers); Spikeball Club
19 (playing spikeball); Sports Medicine club (students interested in sports medicine);
20 Student Action Committee (encouraging activism in a positive way); Tech Deck club
21 (having fun with tech decks); Tetris Club (playing Tetris); UNICEF (fundraising for
22 children); and The Satanic Temple Club (practicing the Seven Tenets of the Satanic
23 Temple Club).

24 50. On or about April 23, 2019, Peter Glasser, a teacher at Pioneer, used his
25 classroom to express hostility to the religious beliefs of FCA. On that date, Mr.
26 Glasser put the FCA Statement of Faith and Sexual Purity Statement on the classroom
27 whiteboard. Under these statements, Mr. Glasser wrote, “I am deeply saddened that
28

1 a club on Pioneer’s campus asks its members to affirm these statements. How do you
2 feel?”

3 51. Mr. Glasser’s statements were specifically aimed at the religious beliefs
4 of FCA and its student leaders. Some FCA leaders and members, including Roe, were
5 students in Mr. Glasser’s classes during the week that his hostility toward their
6 religious beliefs was displayed on the classroom whiteboard. Mr. Glasser left this
7 display up in his classroom for at least a week despite concerns expressed by some
8 of his students, including students who were FCA leaders and members. Mr.
9 Glasser’s statements were intended to and had the effect of making students
10 associated with FCA feel like outsiders in their community.

11 52. Despite complaints by FCA student leaders and other students to
12 Principal Espiritu and Mr. Glasser about the display and despite the violation of
13 District policy, no District employee or officer required Mr. Glasser to take down his
14 display or disciplined him. This was because District officials and administrators at
15 the District and Pioneer share Mr. Glasser’s hostility toward FCA’s religious views.

16 ***Pioneer and the District adopted and expanded Mr. Glasser’s hostile***
17 ***treatment of the FCA students due to their religious beliefs.***

18 53. Not only did the District, including Superintendent Albarrán and
19 Principal Espiritu, refuse to discipline Mr. Glasser or order him to take down his
20 display, the District and its officers adopted, both formally and in practice, Mr.
21 Glasser’s hostile view toward the religious views of the Student FCA Chapters. Mr.
22 Glasser coordinated with Principal Espiritu and other District officials to find
23 justifications for the District to revoke recognition of the Student FCA Chapters.

24 54. On May 2, 2019, less than two weeks after Mr. Glasser posted his
25 disparagement of FCA’s religious beliefs in his classroom, Principal Espiritu told
26 student leaders at Pioneer’s Student FCA Chapter that FCA would no longer be a
27 recognized student group at Pioneer. District officials made this decision without
28 any prior discussion with the FCA students. The decision to derecognize FCA was

1 accompanied by a statement that the District “does not sponsor programs and
2 activities with discriminatory practices.” Neither Principal Espiritu nor any District
3 official identified any discriminatory practices by the Student FCA Chapters. At the
4 same time, District officials informed FCA student leaders at Leland and Willow
5 Glen that neither the District nor their respective high schools would recognize them.

6 55. The denial of recognition results in the loss of numerous benefits
7 associated with recognition, including: access to faculty advisors; inclusion in the
8 school yearbook; access to Associated Student Body (“ASB”) funds; and other
9 benefits. These ASB funds are raised by the student body and do not come from tax
10 revenue.

11 56. Defendants have targeted the Student FCA Chapters specifically for their
12 religious beliefs. District officials told students at Willow Glen that they could regain
13 recognition of their religious group by forming a new group not associated with FCA.
14 District officials told a member of the faculty at Leland that the Leland Student FCA
15 Chapter would not be recognized if it continued to require its leaders to approve the
16 FCA Statement of Faith. The FCA students at Leland were told they would only be
17 approved as an interest group, not as a club. Interest groups do not receive the benefits
18 associated with club recognition, such as access to ASB funds.

19 57. Although Defendants recognized that the Student FCA Chapters have a
20 right to campus access under the EAA and other laws, District officials and
21 employees, including Mr. Glasser and Principal Espiritu, coordinated to find ways to
22 remove the Student FCA Chapters from the District high schools entirely.

23 58. Roe and Doe applied for club recognition at Pioneer as a Student FCA
24 Chapter for the 2019-20 school year. Their application was denied. Michelle
25 Mayhew, the Pioneer Activities Director, and the ASB president signed the denial of
26 the Pioneer Student FCA Chapter application on orders from Principal Espiritu.
27 Principal Espiritu and Mr. Glasser specifically took actions to ensure that the Pioneer
28 Student FCA Chapter would not be recognized. This denial was adopted by

1 Superintendent Albarrán or her delegate. For example, pursuant to District BP 3452,
2 the principal of each school, Principal Espiritu in this instance, is delegated
3 responsibility for the distribution of club funds.

4 59. The Student FCA Chapters were recognized student groups for a number
5 of years and continue to meet all criteria to be a recognized student group. Defendants
6 derecognized the Student FCA Chapters because of the content and viewpoint of their
7 religious beliefs and speech. Because the Student FCA Chapters are not recognized
8 as student clubs by the District, they do not have the previously identified benefits
9 granted to recognized student clubs.

10 ***The District has approved of and facilitated attempts to harass and***
11 ***intimidate FCA students.***

12 60. Not only have Defendants and other District officials revoked and denied
13 recognition to the Student FCA Chapters, the school has approved and facilitated
14 harassment of FCA students by faculty and other students.

15 61. By way of example, District BP 3515.2 specifies that the “Superintendent
16 or designee shall provide for the prompt removal from school premises of any
17 individual who disrupts or threatens to disrupt normal school operations, threatens
18 the health and safety of students or staff, or causes property damage.”

19 62. Similarly, California Educational Code § 48900(r)(1) defines bullying as
20 “any severe or pervasive physical or verbal act or conduct . . . that has or can be
21 reasonably predicted to have the effect of one or more of the following: (d) causing
22 a reasonable pupil to experience substantial interference with his or her ability to
23 participate in or benefit from the services, activities, or privileges provided by a
24 school.”

25 63. Despite these policies, Defendants and other District officials have
26 allowed faculty and students to harass and bully the students wishing to attend the
27 Pioneer Student FCA Chapter meetings, before, during, and after their meetings.
28 District officials and employees understood that the planned harassment would likely

1 intimidate the FCA students. FCA students expressed concerns to Principal Espiritu.
2 These concerns were also expressed in letters written by legal counsel to Principal
3 Espiritu.

4 64. Following the District's decision to revoke its recognition of the Student
5 FCA Chapters, Principal Espiritu spoke with students opposed to FCA about their
6 concern over FCA continuing to meet at Pioneer even as an unrecognized student
7 group. At least some of these students subsequently formed The Satanic Temple Club
8 at Pioneer. The District approved recognition of The Satanic Temple Club and
9 granted its request to meet at the same time as the derecognized Student FCA Chapter
10 met at Pioneer despite knowing that these students were planning to protest against
11 the FCA students' meetings.

12 65. Principal Espiritu and other District officials, including Superintendent
13 Albarrán, have allowed some Pioneer students to harass and intimidate the FCA
14 students with impunity. On September 16, 2019, students associated with The Satanic
15 Temple Club passed out flyers announcing the intent to gather directly outside of the
16 meeting space for the Pioneer Student FCA Chapter's meeting in order to denounce
17 the FCA students' religious beliefs. When Principal Espiritu was asked to intervene
18 to prevent harassment of the FCA students, he initially indicated that any
19 demonstrations would be moved to an area away from the FCA meetings, but
20 ultimately refused to take any preventative actions.

21 66. District officials expected these protests to intimidate and harass FCA
22 students. Mr. Glasser and Principal Espiritu each understood that singling out the
23 Student FCA Chapters would subject FCA students to harassment. Nonetheless, the
24 Defendants took no effort to prevent or mitigate the harassment, for example, by
25 maintaining a buffer zone between the hostile protesting students and those students
26 attending the FCA meetings.

27 67. On October 23, 2019, Pioneer students attempted to harass, intimidate,
28 and prevent Pioneer FCA students from meeting. District officials, including

1 Principal Espiritu, were aware of the students' plans but did nothing to inform the
2 FCA student leaders or to stop the students' harassing and intimidating behavior. The
3 protesting students yelled at the FCA students as they were entering their meeting
4 and held signs disparaging their religious beliefs. District officials knew such
5 harassment would likely deter some Pioneer students from participating in FCA
6 meetings but allowed the harassment and intimidation to proceed.

7 68. On November 6, 2019, student reporters from the school newspaper, *The*
8 *Pony Express*, which has published editorials vilifying the Student FCA Chapters'
9 religious beliefs, entered the Pioneer Student FCA Chapter's meeting in a manner
10 calculated to harass and intimidate the FCA students. In the thirty-minute meeting,
11 the school newspaper's reporters took more than 300 pictures, standing only a few
12 feet from, and putting the camera into, the face of each student as he or she spoke.
13 When the Pioneer administration received complaints about the student reporters'
14 behavior, Principal Espiritu told FCA students that they would have no presence in
15 the yearbook, including their own individual photos, if they did not allow the students
16 acting on behalf of the school newspaper to take pictures at the FCA students'
17 meetings.

18 69. On December 4, 2019, protesting students, with the knowledge and
19 approval of District officials, attempted to harass the FCA students by intruding into
20 the classroom while they were meeting. At least one member of the faculty was
21 actively involved in this harassment and encouraged students to enter the meeting.
22 Only the intervention of the school resource officer prevented further harassment.

23 70. Though the intruding students were prohibited from entering due to the
24 officer's actions, they and faculty remained outside of the meeting room with the
25 intent to harass and bully the FCA students from holding or attending future meetings.
26 This attempt caused emotional distress for FCA members.

27 71. In February of this year, Principal Espiritu and Assistant Principal Amy
28 Hannah threatened to punish Jane Doe and Roe and other FCA students at Pioneer

1 for taking pictures of students harassing them, despite also telling the FCA students
2 that they would be punished for refusing to be photographed by students harassing
3 them.

4 72. Although specific incidents are described here in detail, similar
5 harassment of students in the Pioneer FCA Chapter, which includes Roe and Doe,
6 occurs nearly every FCA meeting.

7 73. Unfortunately, FCA students have not only been harassed by other
8 students. Faculty within the district have also openly disparaged their religious
9 beliefs and participated in the harassment of FCA.

10 74. As previously noted, Mr. Glasser wrote remarks disparaging FCA's
11 religious beliefs on the whiteboard in his classroom and then left them there for a
12 week. Mr. Glasser encouraged Pioneer students to pursue derecognition of the
13 Student FCA Chapter and denial of its application to be a recognized student group
14 in the 2019-2020 academic year. When a Stanford athlete came to speak to the
15 Pioneer Student FCA Chapter on September 25, Mr. Glasser met the athlete at the
16 desk where outside visitors sign-in and attempted to dissuade him from speaking to
17 the Student FCA Chapter, calling FCA a discriminatory group.

18 75. In addition, at least one other faculty member has encouraged and
19 participated in demonstrations aimed at disparaging FCA's religious beliefs and
20 harassing the FCA students before, during, and after their meetings. The teacher also
21 actively encouraged students to harass the FCA students as they entered, attended,
22 and left their meetings.

23 76. The actions of students and faculty hostile to FCA, as described above,
24 at a minimum, were reasonably predicted to harass, intimidate, and bully the FCA
25 students from meeting at Pioneer. In contrast, Principal Espiritu and Mr. Glasser
26 noted that the FCA students acted maturely with respect to the District's
27 disparagement of their religious beliefs.

1 77. Nonetheless, on information and belief, Defendants have taken no action
2 to discipline any student or faculty member for their attempts to harass and intimidate
3 the students who wish to participate in the FCA students' meetings.

4 ***The District Recognizes One or More Noncurriculum-Related Student***
5 ***Groups that Trigger the Requirements of the Equal Access Act.***

6 78. Pioneer, Willow Glen, and Leland are public secondary schools that
7 receive federal financial assistance and maintain a limited open forum for
8 noncurriculum-related student groups to meet. These schools are subject to the
9 authority and control of the District.

10 79. Pioneer, Willow Glen, and Leland recognize numerous noncurriculum-
11 related student groups and allow them to meet. Pioneer recognizes over 50
12 noncurriculum-related student groups, including Key Club, Interact Club, and Chess
13 Club, which are quintessential groups that trigger the EAA's requirement that a
14 religious student group be recognized and given the benefits afforded other
15 noncurriculum-related student groups meeting at the school. The recognized
16 noncurriculum-related student groups at Pioneer are listed in ¶ 49.

17 80. Leland recognizes approximately 70 noncurriculum-related student
18 groups, including Chess Club, Gender Sexuality Alliance/Gay Straight Alliance, and
19 Key Club, which are quintessential groups that trigger the EAA's requirement that a
20 religious student group be recognized and given the benefits afforded other
21 noncurriculum-related student groups meeting at the school.

22 81. Examples of noncurriculum-related student groups that the District
23 recognizes at Leland include: 2050 (fundraising for the Environmental Defense
24 Fund); 4K Dance (focusing on K-Pop); Acts of Random Kindness (performing
25 random acts of kindness); Advocates for Disabled Adolescents through Projects and
26 Toys ("ADAPT") (learning about genetic diseases and fundraising for a children's
27 hospital); AI Club (teaching AI technology); Amnesty International Club (writing
28 letters and petitions about human rights); Anime Club (spreading appreciation for

1 Japanese culture); Art Club (participating in fun art-related activities); Aviation Club
2 (learning about aviation); Bare Necessities (collecting hygiene products for homeless
3 shelters); Bioinformatics Club (exploring biology and computer science); Black
4 Student Union (students of color sharing their school experiences); Bridge Club
5 (playing bridge); Calligraphy Club (lettering and calligraphy); CAN Club (assisting
6 local food bank); Card Games Club (playing card games); Charger Pals (building
7 relationships with special needs students); Chargers for the Cure (promoting healthy
8 living); Chess Club (playing chess); Cinema Club (discussing American film); Code-
9 matics Club (exploring math and computer science); Codementary (gathering
10 passionate coders); Creation Club (making unconventional art); Economics Club
11 (discussing economics); Entourage (student cheering section); Future Business
12 Leaders of America (preparing for business careers); Finance Club (educating about
13 personal and global economies); Game Club (playing games); Game Design and
14 Programming Club (developing games); Games Club of Leland (playing games);
15 Gaming to Give (raising money for non-profits); Girls Who Code (closing the gender
16 gap in engineering); Glee Club (performing music); Gender Sexuality Alliance/Gay
17 Straight Alliance (“GSA”) (discussing LGBTQ+ history and personal and social
18 issues); Handcrafted Club (crafting); Helping Hands (fundraising for Iranian
19 orphanages); Hockey Club (discussing hockey); Indian Heritage Club (promoting
20 Indian culture); International Club (exploring different cultures); Journey Around the
21 World (fundraising for Cambodian school); Key Club (providing service, building
22 character, and developing leadership); Ladki Love (fundraising for Indian children’s
23 education); Leland American Red Cross (teaching community disaster
24 preparedness); Leland Bring Change to mind (“BC2M”) (ending stigma around
25 mental health); Leland Girl Up (fundraising for girls’ education in third world
26 countries); Leland Junior State of America (discussing politics); Leland Medical
27 Club (pursuing medical careers); Leland Oceanic Preservation Club (educating about
28 the oceans); Leland Robotics 604 (competing in robotics competitions); Leland

1 STEM Club (inspiring younger students); Leland Women (creating empowered
2 women on campus); Linguistics Club (informing about linguistics); Liberty in North
3 Korea (“LINK”) (fundraising for North Korean refugees); Machine Learning and
4 Hackathon Club (teaching basic algorithms); Make A Wish (fundraising for the Make
5 A Wish Foundation); Math Club (participating in extracurricular math competitions);
6 Meditation and Stress-Reduction Club (practicing stress-reduction); Model United
7 Nations (preparing for model UN conferences); Music Club (playing music and
8 performing community service); National Honor Society (recognizing students for
9 scholarship, character, leadership, and service); Origami Club (folding origami);
10 Physics Club (preparing for physics competitions and tutoring other students);
11 Podcast Club (producing podcasts); Psychology and Neuroscience Club (exploring
12 psychology and neuroscience); Quiz Bowl (playing trivia); Save the Children
13 (fundraising and petitioning for national organization); Senior Women (helping
14 persons in need in the community); Students for the Environment (hosting
15 environmental community service projects); Students Rebuild (combining art and
16 philanthropy to make a difference in the community and globally); Table Tennis
17 (playing table tennis); and Youth Conservative Forum (exposing students to
18 conservative ideas).

19 82. Willow Glen recognizes over 30 noncurriculum-related student groups,
20 including Democratic Socialists of America, Key Club, and Interact Club, which are
21 quintessential groups that trigger the EAA’s requirement that a religious student
22 group be recognized and given the benefits afforded other noncurriculum-related
23 student groups meeting at the school.

24 83. Examples of noncurriculum-related student groups that the District
25 recognizes at Willow Glen include: Anime Club; Art Club; Black Student Body;
26 Book Club; Buddies Club; Christian Club; Clean Wave Club; Democratic Socialists
27 of America; Doki Literature Club (video game); Drama Club; Dubs Only (spirit
28 club); FIDM Club (“Fashion Institute of Design and Merchandising Fashion Club”);

1 Fighting Game Club; Film Club; French Club; Frisbee Club; Hack Club; Hacky Sack
2 Club (playing footbag game); Hiking Club; Ice Hockey; Interact; Invisible Issues
3 Club; Jewish Culture Club; Key Club; Latino Club and Dreamers; Model United
4 Nations Club; National Honor Society; Plus Club; Recycling Club; Robotics Club;
5 Showcase Club; Spikeball Club; Tabletop Club; The Environmental Protection Club;
6 Thespian Club; and True Crime Club.

7 84. Club recognition and its benefits also create a limited public forum
8 available to students. *See Prince v. Jacoby*, 303 F.3d 1074, 1090-91 (9th Cir. 2002).
9 Defendants and other District officials have denied and continue to deny recognition
10 and its associated benefits to the Student FCA Chapters in clear violation of the EAA
11 and First Amendment.

12 ***The District recognizes student groups that trigger the FCA students’***
13 ***First Amendment right to meet to express their religious viewpoints.***

14 85. Defendants and other District officials recognize noncurriculum-related
15 student groups at Pioneer, Willow Glen, Leland, and other public secondary schools
16 within the District that trigger the EAA’s requirement that the District recognize the
17 Student FCA Chapters. Many of these same student groups are organized for
18 purposes of discussing certain viewpoints that separately and independently trigger
19 the FCA students’ constitutional right to meet. Defendants coordinated to revoke
20 recognition of the Student FCA Chapters because they hope to stifle viewpoints
21 espoused by the Student FCA Chapters.

22 86. For example, the District recognizes other student groups that discuss
23 religious or atheistic ideas and values, including The Satanic Temple Club, Pioneers
24 for Christ, and Communism Club at Pioneer, the Muslim Club and Shekinah
25 Christian Club at Leland, and the Jewish Cultural Club and Christian Club at Willow
26 Glen. The Student FCA Chapters discuss religious ideas and values from a specific
27 religious viewpoint.
28

1 87. The District recognizes student groups that discuss issues regarding
2 sexuality, such as the Gender Sexuality Association (Pioneer), Gay Straight Alliance
3 (Leland), and Sexuality and Gender Acceptance Club (Willow Glen). The Student
4 FCA Chapters discuss issues regarding sexuality from a specific religious viewpoint.

5 88. The District recognizes numerous student groups that discuss ways to
6 serve others in the community, including but not limited to: Almaden Homework
7 Club (tutoring elementary students); Baking Society (fundraising for charity); BC2M
8 (raising awareness regarding mental health); Best Buddies (friendships with persons
9 with disabilities); Castillero Math Tutoring (tutoring middle school students); Gifts
10 for Teens (collecting items for homeless persons); Green Team (cleaning up the
11 environment); Interact Club (an international service club); Key Club (giving back to
12 the community through service); Make a Difference Club (spreading awareness of
13 world problems); Positive Balance (providing an anti-stress, safe space for students);
14 Save our Seas (fundraising for ocean clean-up); Student Action Committee
15 (encouraging activism in a positive way); and UNICEF (fundraising for children).
16 The Student FCA Chapters discuss issues regarding how to serve others and their
17 community from a specific religious viewpoint.

18 89. The District recognizes student groups that are based on the specific
19 identity promoted by those groups, including: BSU (Black Student Union); Girls
20 Learn Club (increasing awareness on gender discrimination); Girls Who Code
21 (closing gender gap in tech); K-Pop Club (discussing Korean culture); Latinx Club
22 (sharing cultural activities); Pacific Islander Club (discussing Pacific Islander
23 culture); and Persian Club (talking about Persian culture). The Student FCA Chapters
24 discuss issues of identity and affinity from a religious viewpoint.

25 90. The District recognizes student groups that meet to discuss books they
26 have read, such as the Book Club, which exists to spread the joy of reading, and Harry
27 Potter Club, which meets to discuss the Harry Potter book series. Student FCA
28

1 Chapters encourage students to read and discuss the Bible, the best-selling book of
2 all time, from a religious viewpoint.

3 91. To the extent that Defendants rely on the District’s nondiscrimination
4 policy, such reliance is pretextual. The District does not apply its nondiscrimination
5 policies uniformly. The District recognizes, supports, and even sponsors student
6 groups and activities that deny membership or leadership opportunities on the basis
7 of students’ belonging to enumerated classes. For example, the District and Pioneer
8 sponsor and support numerous single-sex athletic teams. For example, Pioneer has
9 Boys’ Wrestling teams, separate Girls’ & Boys’ Basketball teams, and Girls’ Softball
10 teams. On information and belief, these teams discriminate on the basis of sex and
11 gender identity. Additionally, these exceptions are determined on an individualized
12 basis. The policy is unconstitutional and violates the EAA as applied to Plaintiffs.

13 92. Similarly, the District has approved applications for numerous
14 noncurriculum-related student groups that have expressed gender, religious, or racial
15 membership or leadership requirements in their applications. For example, Pioneer
16 has recognized the “Big Sister/Little Sister” club, whose purpose is to “help freshmen
17 learn the school better and get advice from senior girls.” Similarly, the Black Student
18 Union’s purpose is “to bring black students together to strive for academic excellence
19 and promote positive images and defy stereotypes and to bring more cultural and
20 social events for black students to Pioneer.”

21 93. On information and belief, Defendants and other officials within the
22 District have advocated to officials in other school districts that they not recognize
23 FCA because of its religious beliefs.

24 94. Defendants’ actions, including its refusal to recognize FCA and its
25 approval and acceding to student and faculty harassment toward FCA and its
26 students, have caused emotional distress to FCA students, including Jane Doe and
27 Roe.
28

1 ***FCA student leaders lead religious activities at their meetings and***
2 ***express the group’s religious message.***

3 95. Students interested in becoming FCA student leaders submit a student
4 leadership application. These student leadership applications are based on FCA’s
5 model student leadership application, although minor variations may be made by
6 FCA regional staffs. The Bay Area FCA Student Leader Application includes the
7 FCA Statement of Faith and FCA Student Leadership Statement. It also references
8 FCA’s Sexual Purity Statement. These statements lay out the core religious beliefs
9 of FCA and the qualifications expected of student leaders. A true and correct copy
10 of the Bay Area student leadership application is attached as Exhibit C.

11 96. In addition to asking whether student leadership applicants agree with the
12 Statement of Faith, the Bay Area FCA student leadership application asks applicants
13 to include relevant information about their Christian faith, including when they first
14 believed in Jesus, what it means to be a Christian, and why people go to Heaven.

15 97. Each student leadership application asks whether the student agrees to
16 conform to FCA’s Student Leadership Statement, which sets out requirements that
17 student leaders are expected to fulfill and states that student leaders are expected to
18 conduct themselves according to a higher standard. The Student Leadership
19 Statement provides as follows:

20 Just as “captains” are held to a higher standard for their team,
21 FCA Student Leaders are held to a higher standard of biblical
22 lifestyle and conduct. God desires all of His people,
23 especially leaders, to pursue His standards of holiness
24 through their conduct and obedience. Paul the Apostle
25 instructed young Timothy to live similarly in 1 Timothy 4:12
 (NLT): “Do not let anyone think less of you because you are
 young. Be an example to all believers in what you say, in the
 way you live, in your love, your faith, and your purity.”

26 FCA Student Leaders are not always perfect examples, but
27 they do their best to live and conduct themselves in
28 accordance with biblical values and instruction in order to
 glorify God. If there are questions about what God says
 regarding how we live, love, or live sexually pure lives, FCA

1 encourages student leaders to look to the Bible as their
2 Playbook and speak to a FCA Adult Volunteer or Staff
member if there are further questions.

3 Exhibit C.

4 98. The Bay Area FCA student leadership application further states that
5 “Each FCA representatives [*sic*] shall affirm their agreement with FCA’s Christian
6 beliefs and shall not subscribe to or promote any religious beliefs inconsistent with
7 these beliefs.” *Id.* Additionally, “FCA Representatives shall at all times (both during
8 working and non-working hours) endeavor to conduct themselves in a manner that
9 affirms biblical standards of conduct in accordance with FCA’s Christian beliefs.
10 Such conduct standards include FCA’s Youth Protection Policy and Sexual Purity
11 Statement.” *Id.*

12 99. Each FCA student leader must be “ready, willing and able to participate
13 and contribute to distinctly Christian activities such as worship and prayer services.”
14 *Id.*

15 100. FCA student leaders agree to abide by FCA’s Sexual Purity Policy. That
16 policy asks student leaders to abstain from any sexual acts outside of a marriage
17 consistent with FCA’s religious beliefs. The Sexual Purity Policy affirms that
18 “[w]hile upholding God's standard of holiness, FCA strongly affirms God's love &
19 redemptive power in the individual who chooses to follow Him. FCA’s desire is to
20 encourage individuals to trust in Jesus & turn away from any impure lifestyle.”

21 101. The Student FCA Chapters’ ability to express their Christian beliefs
22 would be significantly impaired if they were not allowed to require their leaders to
23 share their core religious beliefs and values. For example, because the Student FCA
24 Chapters are student-led, the student leaders choose the speakers, religious activities,
25 and religious message of each meeting.

26 102. FCA student leaders serve as ministers for FCA. The FCA Huddle
27 Playbook (“Playbook”) describes each FCA student club as a ministry. *See* Exhibit
28

1 B. The Playbook further indicates that “[a]s ambassadors of Jesus Christ, we are
2 positioned as ministers of the Gospel to the world.” *See* Exhibit B at 2.

3 103. As stated in the Playbook, “FCA is a Christian community *that is led by*
4 those who serve FCA’s mission as its representatives, including all of FCA’s
5 directors, officers, employees, *and volunteer leaders*, each of whom is an integral
6 part of the community (and are described in this Manual as ‘FCA Representatives’).”
7 *Id.* at 7 (emphasis added).

8 104. All FCA student leaders “must contribute to FCA’s Christian character
9 and mission” and are expected to “[u]se personal gifts and talents to help plan and
10 implement FCA ministry . . . including leading Bible Study Workouts.” *Id.* at 9.

11 105. Within FCA, the title “student leader” designates a ministerial role. For
12 example, FCA student leaders must apply for their positions and are selected for their
13 ability to demonstrate FCA’s religious beliefs in word and conduct. FCA student
14 leaders “are held to a higher standard of biblical lifestyle and conduct.” *Id.* at 58.

15 106. FCA Student Leaders apply for leadership positions, commit to being
16 held to a higher standard of biblical conduct, and typically lead their clubs in prayer
17 and Bible study.

18 ***The District’s discrimination against the Student FCA Chapters is***
19 ***intentional and pursuant to the policies, practices, and customs of the***
20 ***District.***

21 107. All of the discriminatory and unlawful acts taken by Defendants and
22 other officials, employees, and staff of the District, Pioneer, Willow Glen, and
23 Leland, as alleged herein, were pursuant to the policies, practices, and customs of the
24 District and acting under color of law. These actions were performed by, approved
25 by, or adopted by Superintendent Albarrán as the District’s chief executive officer or
26 her delegate or other final policymaker.

27 108. When Principal Espiritu informed the FCA student leaders that the
28 Student FCA Chapters would no longer be recognized at Pioneer, his email cited

1 District policies. FCA student leaders for all Student FCA chapters within the District
2 were informed at or near this time that the District would not recognize a Student
3 FCA Chapter at any school because of instructions from the District.

4 109. Additionally, the Superintendent of the District, who is chiefly
5 responsible for interpreting and executing District policy, was informed in writing
6 about the revocation of FCA's recognition as a student club and subsequent denial of
7 its recognition for the 2019-2020 academic year. Superintendent Albarrán and
8 Principal Espiritu were expressly informed that the District's decision to derecognize
9 the Student FCA Chapters violates federal law and the United States Constitution but
10 continued to approve of and allow discrimination against the Student FCA Chapters.

11 110. Pursuant to BP 2120 of District Policies and Regulations, Ms. Albarrán,
12 Superintendent of the District, is "the chief executive officer and educational leader
13 of the district." Her edicts or acts may be fairly said to represent official policy for
14 the District. All events described herein occurred with her knowledge and approval
15 either through prior knowledge and assent or through adoption of the actions taken
16 by District employees.

17 111. The Superintendent has taken no action to correct this revocation and
18 rejection despite being informed of its illegality. The Superintendent has adopted the
19 denial of FCA recognition as consistent with and compelled by District policy,
20 practice, and custom.

21 112. Defendants' actions were taken pursuant to official policy, as evidenced,
22 among other things by Principal Espiritu's citations to District policy and the
23 District's refusal to correct its actions and recognize FCA even after the illegality of
24 its decisions was pointed out.

25 113. All actions as alleged herein as performed by Principal Espiritu were
26 performed as the Superintendent's designee or with the approval of the
27 Superintendent. Principal Espiritu, as principal for Pioneer, is responsible for
28 overseeing club recognition and protecting students from bullying and discrimination

1 at Pioneer. For example, pursuant to District BP 3452, the principal of each school is
2 delegated responsibility for the distribution of club funds. Principal Espiritu had
3 actual knowledge of the facts described herein and refused to act despite having a
4 duty to do so.

5 114. All actions of district officials as alleged herein were made with the
6 approval of Superintendent Albarrán or a person to whom she has delegated authority
7 or other final policymaker, or pursuant to District policies, including without
8 limitation BP 0410 and BP 5145.3. To the extent not expressly performed by
9 Superintendent Albarrán, all actions by District officials alleged herein were made,
10 approved, or adopted by Superintendent Albarrán, her delegate, or another final
11 policymaker for the District.

12 115. Roe, Doe, and other members of Student FCA Chapters have been
13 directly affected by the events described herein and have suffered mental anguish,
14 including fear, anxiety, and loss of sleep. Roe and Doe and other members of Student
15 FCA Chapters have also been deprived of rights granted them under the Equal Access
16 Act, the United States Constitution, and other federal law.

17 116. Pursuant to District Policy BP 0410,

18 The Governing Board is committed to equal opportunity for
19 all individuals in district programs and activities. District
20 programs, and activities, and practices shall be free from
21 discrimination based on gender, gender identity and
22 expression, race, color, religion, ancestry, national origin,
23 immigration status, ethnic group, pregnancy, marital or
24 parental status, physical or mental disability, sexual
orientation or the perception of one or more of such
characteristics. The Board shall promote programs which
ensure that any discriminatory practices are eliminated in all
district activities.

25 Any school employee who observes an incident of
26 discrimination, harassment, intimidation, or bullying or to
27 whom such an incident is reported shall report the incident
28 to the Coordinator or principal, whether or not the victim
files a complaint.

1 117. Pursuant to District Policy 5145.3:

2 All district programs and activities within a school under the
3 jurisdiction of the superintendent of the school district shall
4 be free from discrimination, including harassment, with
5 respect to the actual or perceived ethnic group, religion,
6 gender, gender identity, gender expression, color, race,
7 ancestry, national origin, and physical or mental disability,
8 age or sexual orientation. The Governing Board desires to
9 provide a safe school environment that allows all students
10 equal access to District programs and activities regardless of
11 actual or perceived ethnicity, religion, gender, gender
12 identity, gender expression, color, race, ancestry, national
13 origin, physical or mental disability, sexual orientation, or
14 any other classification protected by law.

15 **CONDITIONS PRECEDENT**

16 118. All conditions precedent have occurred, been performed, or were waived.

17 119. For all requests for declaratory relief asserted herein, a case and
18 controversy exists because Defendants have denied and continue to deny Plaintiffs'
19 rights, privileges, and immunities secured under the United States Constitution and
20 federal law.

21 120. All actions performed by Defendants as alleged herein were malicious,
22 oppressive, and in reckless disregard for Plaintiffs' rights.

23 121. To the extent required by law, Plaintiffs have exhausted all
24 administrative remedies by alerting the District of the nature of their complaints
25 through correspondence, including correspondence on July 2, 2019 and January 14,
26 2020. The District has not timely responded to Plaintiffs' correspondence and the
27 relief requested therein is deemed denied by law.

28 **FIRST CAUSE OF ACTION**
42 U.S.C. § 1983
Equal Access Act, 20 U.S.C. §§ 4071 et seq.

122. Paragraphs 1-121 are incorporated here by reference as if fully written
herein.

1 123. The Equal Access Act, 20 U.S.C. §§ 4071-4074, makes it unlawful for
2 “any public secondary school which receives Federal financial assistance and which
3 has a limited open forum to deny equal access or a fair opportunity to, or discriminate
4 against, any students who wish to conduct a meeting within that limited open forum
5 on the basis of the religious, political, philosophical, or other content of the speech at
6 such meetings.” § 4071(a).

7 124. Pioneer, Willow Glen, and Leland are public secondary schools that
8 receive federal financial assistance and are within the jurisdiction and control of the
9 District.

10 125. Pioneer, Willow Glen, and Leland each allow at least one noncurriculum-
11 related student group to meet on school premises during noninstructional time and
12 thereby maintain a limited open forum as that term is defined within the EAA.

13 126. Defendants, acting pursuant to the policies, practices, and customs of the
14 District, have revoked and continue to deny recognition and the benefits associated
15 with recognition to FCA student groups on their campuses, thereby “deny[ing] equal
16 access or a fair opportunity to, or discriminat[ing] against,” the FCA students on the
17 basis of the religious content of their speech. This denial of recognition relegates the
18 FCA students to second-class status and denies them access to other resources that
19 are granted to student groups recognized as clubs.

20 127. Defendants have denied and continue “to deny equal access or a fair
21 opportunity to, or discriminate against” Plaintiffs’ right to meet as a recognized
22 student group because of the religious content of their speech.

23 128. District officials, including Defendants, recognize they are bound by the
24 EAA’s requirements but nonetheless withdrew recognition from the Student FCA
25 Chapters and subsequently refused to recognize them as clubs despite the EAA’s
26 requirements. The rights of religious and other noncurriculum-related student groups
27 to meet and enjoy all the other benefits of recognition are well-established in the law,
28 including *Board of Education v. Mergens*, 496 U.S. 226 (1990), and *Prince v. Jacoby*,

1 303 F.3d 1074, 1086 (9th Cir. 2003) (“The School District discriminates against
2 Prince and the World Changers by denying them equal access to [ASB] funds.”).

3 129. Defendants’ actions were taken pursuant to official policy, as evidenced,
4 among other things by Principal Espiritu’s citations to District policy and the
5 District’s refusal to correct its actions and recognize FCA even after the illegality of
6 its decisions was pointed out.

7 130. Defendants’ actions, taken under color of state law, have denied Plaintiffs
8 rights and privileges secured under the EAA.

9 131. Plaintiffs Doe and Roe have suffered mental anguish and the denial of
10 their rights due to Defendants’ unlawful actions and seek to recover damages.

11 132. Plaintiffs seek a declaration that Defendants’ actions violate the EAA and
12 injunctive relief prohibiting future acts in violation of the EAA. Without such
13 declaratory and injunctive relief, Defendants will continue to be irreparably harmed.

14 **SECOND CAUSE OF ACTION**

15 **42 U.S.C § 1983**

16 **U.S. Const., amend. I, Free Speech Clause**

17 **Viewpoint Discrimination**

18 133. Paragraphs 1-132 are incorporated by reference as if fully set out herein.

19 134. Governments “must not discriminate against speech on the basis of
20 viewpoint.” *Good News Club v. Milford Central Sch.*, 533 U.S. 98, 106 (2001);
21 *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995)
22 (“Viewpoint discrimination is thus an egregious form of content discrimination. The
23 government must abstain from regulating speech when the specific motivating
24 ideology or the opinion or perspective of the speaker is the rationale for the
25 restriction.”); *Lamb’s Chapel v. Center Moriches Union Sch. Dist.*, 508 U.S. 384
26 (1993).

27 135. Defendants and other District officials at Pioneer, Leland, and Willow
28 Glen, acting under the policies, practices, and customs of the District, recognize and

1 grant benefits to numerous student groups that meet to discuss a variety of topics ,
2 including religion, sexuality, books, and serving others and the community. *See, e.g.*,
3 ¶¶ 49, 81, 83, 86-90. These practices and policies create a limited public forum to
4 which the Student FCA Chapters and their students have a right of access. Yet, these
5 schools have refused to recognize the Student FCA Chapters because of their
6 religious viewpoints on these topics. The Student FCA Chapters, whose meetings
7 are initiated and led by student leaders, are being denied recognition and its
8 accompanying benefits that the schools allow to other student groups because of
9 Defendants' disapproval of the Student FCA Chapters' religious beliefs as expressed
10 in their religious viewpoints.

11 136. Defendants also discriminate against the Student FCA Chapters'
12 viewpoint because the District does not apply its nondiscrimination policies
13 uniformly. The District recognizes, supports, and even sponsors student groups and
14 other activities that deny membership or leadership opportunities on the basis of
15 students' belonging to an enumerated class.

16 137. Defendants also discriminate against Plaintiffs by knowingly and
17 intentionally allowing students and faculty to harass and bully them for the purposes
18 of chilling their speech. Defendants' refusal to act is intended to allow a "heckler's
19 veto" of FCA students' speech.

20 138. Defendants' actions were taken pursuant to official policy, as evidenced,
21 among other things by Principal Espiritu's citations to District policy and the
22 District's refusal to correct its actions and recognize FCA even after the illegality of
23 its decisions was pointed out.

24 139. Defendants' actions, taken under color of state law, have denied Plaintiffs
25 rights and privileges secured under the U.S. Constitution's First Amendment as
26 applied to the states through the Fourteenth Amendment.

27 140. Plaintiffs Doe and Roe have had their rights infringed and suffered
28 mental anguish due to Defendants' unlawful actions and seek to recover damages.

1 141. Plaintiffs seek a declaration that Defendants’ actions violate the First
2 Amendment and injunctive relief prohibiting future acts. Without such declaratory
3 and injunctive relief, Defendants will continue to be irreparably harmed.

4
5 **THIRD CAUSE OF ACTION**
6 **42 U.S.C. § 1983**
7 **U.S. Const., amend. I, Free Speech and Assembly Clauses**
8 **Right of Expressive Association**

9 142. Paragraphs 1-141 are incorporated by reference as if fully set out herein.

10 143. Meetings of the Student FCA Chapters, which are initiated and led by
11 student leaders, are a means of transmitting a system of religious beliefs and values
12 and are expressive by nature. *See Boy Scouts of America v. Dale*, 530 U.S. 640, 649-

13 144. Plaintiff FCA, though its members and leaders, and Plaintiffs Roe and
14 Doe as student leaders within FCA, desire to associate together in ways that express
15 their Christian faith and the religious beliefs set forth in FCA’s statements and
16 governing documents.

17 145. Plaintiffs’ meetings are intended to instill, examine, and reinforce their
18 religious beliefs as expressed in FCA’s governing documents and statements of core
19 religious beliefs and, therefore, are inherently expressive of their shared religious
20 beliefs.

21 146. Because Plaintiffs’ meetings are intended to express religious messages
22 and religious viewpoints, the Student FCA Chapter leaders must agree with FCA’s
23 core religious beliefs. Forcing the Student FCA Chapters to accept leaders who do
24 not share FCA’s religious beliefs runs contrary to the expressive purposes of these
25 meetings and compels Plaintiffs to adopt a message contrary to their views.

26 147. Moreover, Defendants’ actions unconstitutionally require Plaintiffs to
27 affirm or abjure a specific belief or set of beliefs. *See, e.g., West Virginia Board of*
28 *Education v. Barnette*, 319 U.S. 624, 642 (1943) (“If there is any fixed star in our

1 constitutional constellation, it is that no official, high or petty, can prescribe what
2 shall be orthodox in politics, nationalism, religion, or other matters of opinion or force
3 citizens to confess by word or act their faith therein.”). Defendants may not condition
4 participation in a program on an organization affirming or abjuring a specific set of
5 beliefs or policy statement. *Agency for Int’l Dev. v. All. for Open Soc’y Int’l, Inc.*, 570
6 U.S. 205, 218 (2013) (“By requiring recipients to profess a specific belief, the Policy
7 Requirement goes beyond defining the limits of the federally funded program to
8 defining the recipient.”).

9 148. Defendants have violated Plaintiffs’ right of expressive association by
10 denying recognition and its accompanying benefits to Plaintiffs because of the core
11 religious beliefs with which their leaders are required to agree and requiring Plaintiffs
12 to affirm beliefs with which they disagree.

13 149. By penalizing the Student FCA Chapters for requiring their leaders to
14 affirm their core religious beliefs, as expressed in FCA’s statements of its core
15 religious beliefs and other governance documents, Defendants have interfered with
16 Plaintiffs’ ability to choose their leaders and have unlawfully impaired Plaintiffs’
17 message. *Dale*, 530 U.S. 640.

18 150. Defendants have knowingly and intentionally allowed students and
19 faculty to harass and bully the FCA students for the purpose of pressuring them to
20 renounce their religious beliefs and affirm beliefs that District officials insist they
21 affirm.

22 151. Defendants’ actions were taken pursuant to official policy, as evidenced,
23 among other things by Principal Espiritu’s citations to District policy and the
24 Defendants’ refusal to correct their actions and recognize FCA even after the
25 illegality of these actions was pointed out.

26 152. Defendants’ actions, taken under color of state law, have denied Plaintiffs
27 rights and privileges secured under the U.S. Constitution’s First Amendment as
28 applied to the states in the Fourteenth Amendment.

1 153. Plaintiffs Doe and Roe have been deprived of their rights and suffered
2 mental anguish due to Defendants’ unlawful actions and seek to recover damages.

3 154. Plaintiffs seek a declaration that Defendants’ actions violate the First
4 Amendment and injunctive relief prohibiting future acts. Without such declaratory
5 and injunctive relief, Defendants will continue to be irreparably harmed.

6
7 **FOURTH CAUSE OF ACTION**
8 **42 U.S.C. § 1983**
9 **U.S. Const., amend. I, Religion Clauses**
10 **Free Exercise and Denial of Generally Available Benefits**

11 155. Paragraphs 1-154 are incorporated by reference herein as if fully written
12 herein.

13 156. Plaintiffs seek to exercise their religion by gathering together as a
14 recognized club. Under the Free Exercise Clause, “denying a generally available
15 benefit solely on account of religious identity imposes a penalty on the free exercise
16 of religion that can be justified only by a state interest ‘of the highest order.’” *Trinity*
17 *Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, 2019 (2017) (quoting
18 *McDaniel v. Paty*, 435 U.S. 618, 628 (1978)).

19 157. Recognition as a club and all its accompanying benefits are generally
20 available benefits for which Plaintiffs qualify within the District. Plaintiffs qualify
21 for recognition and its attendant benefits. Nonetheless Defendants have denied
22 Plaintiffs these generally available benefits because of their religious identity.

23 158. Defendants have targeted Plaintiffs for disparate treatment, including
24 lack of club recognition and its attendant benefits, because of their religious beliefs.
25 To the extent Defendants intend to claim that such disparate treatment is based on
26 nondiscrimination policies, this policy is subject to individualized exceptions and
27 falls under *Lukumi*. See *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*,
28 508 U.S. 520, 537 (1993).

1 159. Defendants’ actions were taken pursuant to official policy, as evidenced,
2 among other things by Principal Espiritu’s citations to District policy and the
3 District’s refusal to correct its actions and recognize FCA even after the illegality of
4 its decisions was pointed out.

5 160. Defendants’ actions, taken under color of state law, have denied Plaintiffs
6 rights and privileges secured under the U.S. Constitution’s First Amendment as
7 applied to the states in the Fourteenth Amendment.

8 161. Plaintiffs Doe and Roe have been deprived of their rights and suffered
9 mental anguish due to Defendants’ unlawful actions and seek to recover damages.

10 162. Plaintiffs seek a declaration that Defendants’ actions violate the First
11 Amendment and injunctive relief prohibiting future acts. Without such declaratory
12 and injunctive relief, Defendants will continue to be irreparably harmed.

13
14 **FIFTH CAUSE OF ACTION**
15 **42 U.S.C. § 1983**
16 **U.S. Const., amend. I, Religion Clauses**
Targeting of Religious Beliefs

17 163. Paragraphs 1-162 are incorporated by reference herein as if fully written
18 herein.

19 164. Under the Free Exercise Clause, “a law targeting religious beliefs as such
20 is never permissible.” *Trinity Lutheran*, 137 S. Ct. at 2024 n.4; *Church of the Lukumi*
21 *Babalu Aye v. City of Hialeah*, 508 U.S. 520, 533 (1993).

22 165. Under the First Amendment, the government “cannot impose regulations
23 that are hostile to the religious beliefs of affected citizens and cannot act in a manner
24 that passes judgment upon or presupposes the illegitimacy of religious beliefs and
25 practices.” *Masterpiece Cakeshop, Ltd. v. Colorado Civ. Rights Comm’n*, 138 S. Ct.
26 1719, 1731 (2018).

1 166. Additionally, government hostility toward religion violates the
2 Establishment Clause. *See Catholic League for Religious & Civil Rights v. City &*
3 *County of San Francisco*, 624 F.3d 1043 (9th Cir. 2010).

4 167. Defendants have expressly stated or adopted views hostile to the religious
5 faith of FCA and its student leaders and acted pursuant to such hostile views. These
6 views include statements that FCA's religious beliefs are shameful and hateful.

7 168. In accordance with these views, Defendants have targeted Plaintiffs for
8 disparate treatment, including lack of recognition and its attendant benefits, as well
9 as knowingly allowing or encouraging faculty and other students at the school to
10 harass Plaintiffs for their religious beliefs despite having written policies against
11 harassment.

12 169. Defendants grant club recognition to other student groups despite those
13 groups' exclusion of members or leaders based on classes enumerated in the District's
14 nondiscrimination policies.

15 170. Defendants' actions reflect animus toward Plaintiffs' religious beliefs.

16 171. Defendants' actions were taken pursuant to official policy, as evidenced,
17 among other things by Principal Espiritu's citations to District policy, coordination
18 with students hostile to FCA's religious values, and refusal to require Mr. Glasser to
19 take down his display disparaging FCA's religious values.

20 172. Defendants' actions, taken under color of state law, have denied Plaintiffs
21 rights and privileges secured under the U.S. Constitution's First Amendment as
22 applied to the states in the Fourteenth Amendment.

23 173. Plaintiffs Doe and Roe have been deprived of their rights and suffered
24 mental anguish due to Defendants' unlawful actions and seek to recover damages.

25 174. Plaintiffs seek a declaration that Defendants' actions violate the First
26 Amendment and injunctive relief prohibiting future acts. Without such declaratory
27 and injunctive relief, Defendants will continue to be irreparably harmed.
28

1 182. By denying club recognition to FCA because of its religious beliefs,
2 including its leadership requirements, Defendants interfere with Plaintiffs' First
3 Amendment rights to select their religious leaders.

4 183. To the extent Defendants have denied recognition to Plaintiffs due to
5 their religious leadership criteria, Defendants impermissibly entangle themselves
6 with Plaintiffs' religious beliefs and internal religious affairs.

7 184. Defendants' actions were taken pursuant to official policy, as evidenced,
8 among other things by Principal Espiritu's citations to District policy and the
9 District's refusal to correct its actions and recognize FCA even after the illegality of
10 its decisions was pointed out.

11 185. Defendants' actions, taken under color of state law, have denied Plaintiffs
12 rights and privileges secured under the U.S. Constitution's First Amendment as
13 applied to the states in the Fourteenth Amendment.

14 186. Plaintiffs Doe and Roe have had their rights infringed and suffered
15 mental anguish due to Defendants' unlawful actions as described herein and seek to
16 recover damages for the same.

17 187. All Plaintiffs seek a declaration that Defendants' actions violate the First
18 Amendment and injunctive relief prohibiting future acts. Without such declaratory
19 and injunctive relief, Defendants will continue to be irreparably harmed.

20
21 **SEVENTH CAUSE OF ACTION**

42 U.S.C. § 1983

U.S. Const., amend. I – Religion Clauses

Denominational Discrimination

22
23
24 188. Paragraphs 1-187 are incorporated by reference as if fully set out herein.

25 189. As the Supreme Court held in *Larson v. Valente*, “[t]he clearest command
26 of the Establishment Clause is that one religious denomination cannot be officially
27 preferred over another.” 456 U.S. 228, 244 (1982).
28

1 190. Defendants officially recognize a number of religious or atheistic student
2 groups, including a Muslim Club and Shekinah Christian Club at Leland, The Satanic
3 Temple Club, Pioneers for Christ, and the Communism Club at Pioneer, and Jewish
4 Cultural Club and Christian Club at Willow Glen, and give them various benefits of
5 recognition that are not given the Student FCA Chapters. Defendants will not
6 recognize Student FCA Chapters because it disagrees with their religious beliefs.

7 191. Defendants and District officials have indicated they would grant full
8 recognition to the Student FCA Chapters if they agree to change their religious beliefs
9 and affirmations. Officials at Willow Glen told students that the District would
10 recognize a new religious student club as long as it was not associated with FCA.

11 192. Defendants' actions were taken pursuant to official policy, as evidenced,
12 among other things by Principal Espiritu's citations to District policy and the
13 District's refusal to correct its actions and recognize FCA even after the illegality of
14 its decisions was pointed out.

15 193. Defendants' actions, taken under color of state law, have denied Plaintiffs
16 rights and privileges secured under the U.S. Constitution's First Amendment as
17 applied to the states in the Fourteenth Amendment.

18 194. Plaintiffs Doe and Roe have had their rights infringed and suffered
19 mental anguish due to Defendants' unlawful actions as described herein and seek to
20 recover damages for the same.

21 195. All Plaintiffs seek a declaration that Defendants' actions violate the First
22 Amendment and injunctive relief prohibiting future acts. Without such declaratory
23 and injunctive relief, Defendants will continue to be irreparably harmed.

24 **EIGHTH CAUSE OF ACTION**
25 **42 U.S.C § 1983**
26 **U.S. Const., amend. I – Religion Clauses**
27 **Government Hostility Toward Religion**
28

1 196. Plaintiffs incorporate Paragraphs 1 - 195 by reference as if fully set forth
2 herein.

3 197. The First Amendment forbids an official purpose to disapprove of a
4 particular religion or of religion in general. *See Catholic League for Religious & Civil*
5 *Rights v. City & Cty. of San Francisco*, 624 F.3d 1043, 1054 (9th Cir. 2010).

6 198. Mr. Glasser, while in his capacity as a teacher, displayed a message
7 specifically targeted at FCA's religious beliefs and expressed disapproval of FCA's
8 religious beliefs. Mr. Glasser posted these statements on the whiteboard in his
9 classroom. Mr. Glasser's message disapproving FCA's religious beliefs was highly
10 visible to his students during classes for a week. FCA students were in his classes.
11 Mr. Glasser spoke as a government employee, and any reasonable person would have
12 understood Mr. Glasser to be speaking as a government employee for purposes of the
13 Establishment Clause. *See Kennedy v. Bremerton Sch. Dist.*, 869 F.3d 813, 827 (9th
14 Cir. 2017) (noting that teachers are necessarily government speakers when they speak
15 at school in the presence of students in a capacity one might reasonably view as
16 official).

17 199. Defendants adopted Mr. Glasser's hostility towards FCA's religious
18 beliefs, including by refusing to require Mr. Glasser to take down the display despite
19 having knowledge of it. As a result, the District revoked recognition of the Student
20 FCA Chapters due to its disfavor of their religious beliefs. On multiple occasions,
21 District officials indicated that they would grant the FCA students recognition if they
22 disavowed FCA's religious beliefs. Defendants' statements and actions were
23 intended to and had the effect of making Plaintiffs feel like outsiders in their own
24 community.

25 200. Mr. Glasser and Principal Espiritu openly discussed strategies to remove
26 the Student FCA Chapters from the District entirely because of their hostility towards
27 the religious beliefs of the Student FCA Chapters and the students who affirm those
28 beliefs.

1 201. Defendants' actions were taken pursuant to official policy, as evidenced,
2 among other things by Principal Espiritu's citations to District policy, coordination
3 with students hostile to FCA's religious values, and refusal to require Mr. Glasser to
4 take down his display disparaging FCA's religious values.

5 202. Defendants' actions, taken under color of state law, have denied Plaintiffs
6 rights and privileges secured under the U.S. Constitution's First Amendment as
7 applied to the states in the Fourteenth Amendment.

8 203. Plaintiffs Doe and Roe have suffered deprivation of constitutional rights
9 and mental anguish due to Defendants' unlawful actions as described herein and seek
10 to recover damages for the same.

11 204. All Plaintiffs seek a declaration that Defendants' actions violate the First
12 Amendment and injunctive relief prohibiting future acts. Without such declaratory
13 and injunctive relief, Defendants will continue to be irreparably harmed.

14
15 **NINTH CAUSE OF ACTION**
16 **42 U.S.C § 1983**
17 **U.S. Const., amend. XIV – Equal Protection**
18 **Denial of Equal Protection**

19 205. Paragraphs 1 - 204 are incorporated here by reference as if fully set out
20 herein.

21 206. Defendants have penalized the Student FCA Chapters because of their
22 religious beliefs by denying them recognition and its attendant benefits because of
23 their religious beliefs while granting recognition and its attendant benefits to other
24 similarly situated student organizations that do not share Plaintiffs' religious beliefs.

25 207. Defendants' refusal to protect the legal right of the FCA students to meet
26 as a recognized student organization with all the benefits attendant on recognition
27 while according other student organizations their legal right to meet as recognized
28 student organizations with all the benefits attendant on recognition violates the Equal
Protection Clause of the Fourteenth Amendment.

1 208. Defendants’ actions were taken pursuant to official policy, as evidenced,
2 among other things, by Principal Espiritu’s citations to District policy, and refusal to
3 require Mr. Glasser to take down his display disparaging FCA’s religious values.

4 209. Defendants’ actions, taken under color of state law, have denied Plaintiffs
5 rights and privileges secured under the U.S. Constitution’s Fourteenth Amendment.

6 210. Plaintiffs Doe and Roe have suffered deprivation of constitutional rights
7 and mental anguish due to Defendants’ unlawful actions and seek to recover
8 damages.

9 211. All Plaintiffs seek a declaration that Defendants’ actions violate the
10 Fourteenth Amendment and injunctive relief prohibiting future acts. Without such
11 declaratory and injunctive relief, Defendants will continue to be irreparably harmed.

12 **TENTH CAUSE OF ACTION**
13 **42 U.S.C § 1983**
14 **U.S. Const., amend. I, Free Speech Clause**
15 **Compelled Speech**

16 212. Paragraphs 1-211 are incorporated by reference as if fully set out herein.

17 213. Public school officials may not compel students to affirm or abjure a
18 specific belief or set of beliefs. *See, e.g., West Virginia Board of Education v.*
19 *Barnette*, 319 U.S. 624, 642 (1943) (“If there is any fixed star in our constitutional
20 constellation, it is that no official, high or petty, can prescribe what shall be orthodox
21 in politics, nationalism, religion, or other matters of opinion or force citizens to
22 confess by word or act their faith therein.”). Accordingly, government officials may
23 not condition participation in a program on an organization affirming or abjuring a
24 specific set of beliefs or policy statement. *Agency for Int’l Dev. v. All. for Open Soc’y*
25 *Int’l, Inc.*, 570 U.S. 205, 218 (2013) (“By requiring recipients to profess a specific
26 belief, the Policy Requirement goes beyond defining the limits of the federally funded
27 program to defining the recipient.”).

1 214. Defendants and other District officials at Pioneer, Leland, and Willow
2 Glen, acting under the policies, practices, and customs of the District, have denied
3 recognition and its accompanying benefits to the Student FCA Chapters because of
4 their affirmation of their religious beliefs, their refusal to abjure their religious beliefs,
5 or their refusal to affirm beliefs that District officials insist they affirm.

6 215. Defendants and other District officials at Pioneer, Leland, and Willow
7 Glen, acting under the policies, practices, and customs of the District, have
8 conditioned recognition and its accompanying benefits on the Student FCA Chapters'
9 abjuration of their religious beliefs or their affirmation of beliefs that the District
10 officials insist they affirm.

11 216. Defendants have knowingly and intentionally allowed students and
12 faculty to harass and bully the FCA students for the purpose of pressuring them to
13 abjure their religious beliefs or affirm beliefs that District officials insist they affirm.

14 217. Defendants' actions were taken pursuant to official policy, as evidenced,
15 among other things by Principal Espiritu's citations to District policy and the
16 District's refusal to correct its actions and recognize FCA even after the illegality of
17 its decisions was pointed out.

18 218. Defendants' actions, taken under color of state law, have denied Plaintiffs
19 rights and privileges secured under the U.S. Constitution's First Amendment as
20 applied to the states through the Fourteenth Amendment.

21 219. Plaintiffs Doe and Roe have had their rights infringed and suffered
22 mental anguish due to Defendants' unlawful actions and seek to recover damages.

23 220. Plaintiffs seek a declaration that Defendants' actions violate the First
24 Amendment and injunctive relief prohibiting future acts. Without such declaratory
25 and injunctive relief, Defendants will continue to be irreparably harmed.

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ELEVENTH CAUSE OF ACTION
42 U.S.C § 1983
U.S. Const., amend. I – Free Speech and Assembly Clauses
Unconstitutional Conditions

221. Paragraphs 1-220 are incorporated by reference as if fully set out herein.

222. Government entities and officials may “not deny a benefit to a person on a basis that infringes his constitutionally protected interests—especially, his interest in freedom of speech. For if the government could deny a benefit to a person because of his constitutionally protected speech or associations, his exercise of those freedoms would in effect be penalized and inhibited.” *Perry v. Sindermann*, 408 U.S. 593, 597 (1972).

223. Defendants have created a limited public forum for students by allowing students to form clubs and granting benefits associated with student clubs. *See Prince*, 303 F.3d at 1090-91. Plaintiffs have a free speech and associational right to promote their religious views in this forum.

224. Defendants have unconstitutionally conditioned club recognition and its attendant benefits on Plaintiffs’ foregoing their constitutional rights to associate and speak in support of their religious beliefs.

225. Defendants’ actions were taken pursuant to official policy, as evidenced, among other things by Principal Espiritu’s citations to District policy and the District’s refusal to correct its actions and recognize FCA even after the illegality of its decisions was pointed out.

226. Defendants’ actions, taken under color of state law, have denied Plaintiffs rights and privileges secured under the U.S. Constitution’s First Amendment as applied to the states through the Fourteenth Amendment.

227. Plaintiffs Doe and Roe have had their rights infringed and suffered mental anguish due to Defendants’ unlawful actions and seek to recover damages.

1 228. Plaintiffs seek a declaration that Defendants’ actions violate the First
2 Amendment and injunctive relief prohibiting future acts. Without such declaratory
3 and injunctive relief, Defendants will continue to be irreparably harmed.

4 **TWELFTH CAUSE OF ACTION**
5 **42 U.S.C § 1983**
6 **U.S. Const., amend. I – Free Speech Clause**
7 **Retaliation**

8 229. Paragraphs 1-228 are incorporated here by reference as if fully set out
9 herein.

10 230. The Government cannot retaliate against persons because of their
11 exercise of their constitutional rights. *See, e.g., O’ Brien v. Wiley*, 818 F.3d 920, 932-
12 33 (9th Cir. 2016).

13 231. Plaintiffs’ meetings of the Student FCA Chapters and the promotion of
14 their religious views at those meetings are speech protected by the Equal Access Act
15 and First Amendment.

16 232. Because of Plaintiffs’ exercise of their First Amendment rights,
17 Defendants denied Plaintiffs club recognition and the benefits of club recognition,
18 sought to shame students in the classroom, and knowingly allowed and facilitated
19 harassment of Plaintiffs and other members of the Student FCA Chapters.

20 233. Defendants’ actions would chill persons of ordinary firmness from
21 continuing to engage in the protected activity.

22 234. Defendants’ actions were motivated by their opposition to Plaintiffs’
23 meetings and speech promoting their religious beliefs and sought to chill them.

24 235. Defendants’ actions were taken pursuant to official policy, as evidenced,
25 among other things by Principal Espiritu’s citations to District policy and the
26 District’s refusal to correct its actions and recognize FCA even after the illegality of
27 its decisions was pointed out.
28

PRAYER FOR RELIEF

Wherefore, Plaintiffs request that the Court:

a. Set this matter on its docket and schedule it for trial in front of a jury of Plaintiffs’ peers;

b. Declare that the Equal Access Act and the First and Fourteenth Amendments to the United States Constitution require Defendants to cease withholding club recognition and all its attendant benefits due to Plaintiffs’ religious beliefs, including but not limited to religious leadership requirements;

c. Issue a preliminary injunction during the trial prohibiting Defendants from denying Plaintiffs recognition as a recognized student group or any benefits of recognition available to other student groups because of Plaintiffs’ religious beliefs, including but not limited to religious leadership requirements, and enjoining Defendants from allowing students and faculty to harass students in the Student FCA Chapters because of their religious beliefs and/or the FCA students’ exercise of their federal statutory or constitutional right to meet to express those religious beliefs;

d. Issue a permanent injunction prohibiting Defendants from denying Plaintiffs recognition as a recognized student group or any benefits of recognition available to other student groups because of Plaintiffs’ religious beliefs, including but not limited to religious leadership requirements, and enjoining Defendants from allowing students and faculty to harass students in the Student FCA Chapters because of their religious beliefs and/or the FCA students’ exercise of their federal statutory or constitutional right to meet to express those religious beliefs;

e. Award Plaintiffs such compensatory, punitive, and nominal damages to which they are entitled for the infringement of their rights under federal law;

f. Award Plaintiffs the costs of this action and reasonable attorney’s fees; and

g. Award all such other relief to which Plaintiffs are entitled in law or in equity.

