



ATTORNEY GENERAL OF MISSOURI  
ANDREW BAILEY

February 22, 2024

Dr. Keith Marty, Superintendent  
Parkway School District  
455 N. Woods Mill Road  
Chesterfield, MO 63017  
*Sent via email to: [kmarty@parkwayschools.net](mailto:kmarty@parkwayschools.net)*

Dear Dr. Keith Marty:

My office has received reports that Parkway School District is engaging in acts of illegal discrimination in violation of Missouri law. Specifically, Parkway is preventing students from forming religious-based clubs like Fellowship of Christian Athletes (“FCA”), prohibiting them from using the campus announcement system, hanging posters, or holding meetings on campus. State and federal law prohibit religious discrimination in schools. In addition, the district’s policies also prohibit religious discrimination stating, “Board policy ensures equal educational opportunities in . . . extracurricular programs and activities.”<sup>1</sup> However, if the religious discrimination reports are true, Parkway Schools is violating all three, and must cease its unlawful behavior immediately.

The Missouri Student Religious Liberties Act prohibits religious discrimination in schools and specifically includes noncurricular student clubs.<sup>2</sup> The Missouri Student Religious Liberties Act states in part:

Students may organize prayer groups, religious clubs, or other religious gatherings before, during and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups shall be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the religious content of the student’s expression.<sup>3</sup>

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<sup>1</sup> Prohibition Against Illegal Discrimination, Harassment and Retaliation, Parkway Schools, (2015), [https://go.boarddocs.com/mo/pkysd/Board.nsf/files/CSZPVJ664A12/\\$file/AC.BP\\_Prohibition%20Against%20Illegal%20Discrimination%2C%20Harassment%20and%20Retaliation.pdf](https://go.boarddocs.com/mo/pkysd/Board.nsf/files/CSZPVJ664A12/$file/AC.BP_Prohibition%20Against%20Illegal%20Discrimination%2C%20Harassment%20and%20Retaliation.pdf)

<sup>2</sup> RSMo. § 160.2500.

<sup>3</sup> RSMo. § 160.2500.4.

According to this Missouri statute, Parkway cannot discriminate against student groups who meet for religious reasons. The district must allow religious-based student groups, including groups like FCA, to organize and use school facilities under the same terms offered to other groups.

Federal law also prohibits religious discrimination. The U.S. Supreme Court held in *Board of Education of the Westside Community Schools v. Mergens* that the Equal Access Act, 20 U.S.C § 4071, makes it unlawful for a public school receiving federal funds to limit or deny equal access to student meetings because of the religious, political, philosophical, or other content of the speech at the meeting.<sup>4</sup> The public high school in *Mergens* denied organizational recognition to a group of high school students who wished to form a Christian club at the school.<sup>5</sup> The high school allowed the group to meet informally after school, but did not grant official recognition which would allow the organization access to advertising, campus communication, and the annual Club Fair.<sup>6</sup> The Supreme Court held the school's "denial of respondents' request to form a Christian club denies them 'equal access' under the Act".<sup>7</sup> Parkway allows other noncurricular groups to meet during and after school, hang posters, and make announcements. It must, therefore, also allow FCA the same opportunities in order to comply with federal law.

State and federal law make it illegal to discriminate against students because of their religion. Parkway must immediately cease and desist all discrimination against religious student groups and afford these students the same access and opportunities as others.

As the chief legal officer for the State of Missouri, I will protect the constitutional rights of all Missourians, including the right of students to voluntarily join religious clubs without fear of intimidation or retaliation. Under both state and federal law, school districts may not discriminate against students on the basis of religion. *Parkway Schools must immediately cease and desist discriminating against students seeking to form faith-based school clubs, like Fellowship of Christian Athletes.* I am prepared to exercise my office's full authority under the law, including the Missouri Human Rights Act, to ensure that no Missouri school district singles out or discriminates against its students based on their religion.

Sincerely,



ANDREW BAILEY  
Missouri Attorney General

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<sup>4</sup> *Bd. of Educ. of Westside Cmty. Sch. (Dist. 66) v. Mergens By & Through Mergens*, 496 U.S. 226 (1990).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 247.