

April 27, 2026

The Honorable Linda E. McMahon
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Secretary McMahon:

We, the undersigned organizations, represent the interests of K-12 religious student groups. We either have student-led affiliated chapters in public secondary schools around the country or represent organizations that do.

We are thankful to see the Department of Education's ongoing support for prayer and religious expression in schools, including through the "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools" (Guidance) issued on February 5, 2026. We write to share our perspective and specific experiences and to respectfully request some modifications to the Guidance to better support religious student groups and their affiliated organizations.

We have seen that school administrators often fail to understand that federal law requires them to allow the religious expression of religious student groups (including through prayer and religious teaching) in the same way they allow the expression of non-religious student groups. Our student-led chapters face huge barriers when they are denied registered status or benefits given to other student groups. School administrators sometimes exclude religious groups due to misunderstandings about the First Amendment or because they simply don't like the religious beliefs or practices of the groups.

Department of Education guidance plays a key role in informing and educating students, teachers, and administrators about religious exercise rights in education. Indeed, some of us have found it helpful (in communications with school administrators) to reference specific language from previous versions of the Guidance. Unfortunately, some of that particularly useful language is not included in the 2026 update. **Therefore, we urge the Department to revise the Guidance to include specific language from the 2020 Trump Guidance about student groups in the "Specific Scenarios" section and the section on the Equal Access Act (EAA), 20 U.S.C. §§4071-4074.**

These additions would be helpful for two main reasons. First, the long-standing presence of specific examples in the guidance (through the Clinton, Bush, Obama, Trump 1, and Biden

administrations) about how to protect religious student organizations' religious expression has represented a bipartisan consensus that has resulted in consistency and stability.

Second, many of us have specifically relied upon and pointed to such specific language in the previous versions of the guidance; its absence could hinder our ability to clarify to school administrators the kind of unfair and unlawful treatment that needs to be corrected.

For example, the 2020 Trump Guidance mentioned that all groups should be given the same "advertising" opportunities. It specified that when any student groups are "making announcements on a student activities bulletin board or public address system," then student groups that "engage in religious expression such as prayer" should be allowed the same access.¹ This is an ongoing issue many of our organizations' religious student group chapters face.

The 2020 Trump Guidance also informed administrators that they could simply "disclaim sponsorship of noncurricular groups and events" rather than try to silence religious speech by religious groups.² The section on the EAA clarified that the EAA specifically applies to religious student groups, reminding administrators that they "may not refuse student religious groups access" to forums that they create for student groups, and that such groups' meetings may include worship and prayer.³ The EAA section also crucially confirmed that the EAA permits religious student groups to have religious leadership requirements so that the religious expression of the groups' leaders (including spiritual content like prayer and devotions) may faithfully express the groups' beliefs.⁴ This has been important to our student group chapters to help prevent government interference into religious matters.

By including these requested updates in future guidance (the specific details about what equal treatment of student groups looks like and the EAA details), the Department will continue to provide both concrete support to students gathering for religious purposes and protection for the religious expression of their student groups.

¹ See Trump "Updated Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools," 85 FR 3257, January 21, 2020 (included in part II.B); see also Biden "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools," Department of Education guidance document, published in May, 2023 (included in part II.B); Bush "Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools," 68 FR 9645, February 28, 2003, (included in the section titled "Organized Prayer Groups and Activities); Clinton "Memorandum on Religious Expression in Public Schools," July 12, 1995 (included in the section titled "Equal Campus Access Act).

² 2020 Trump Guidance, part II.B.

³ 2020 Trump Guidance, part IV.

⁴ *Id.*

Sincerely,

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Christian Legal Society

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