

BREAKING: Federal appeals court restores equal access for faith-based student clubs

Ninth Circuit allows Fellowship of Christian Athletes to return to public school campuses

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WASHINGTON – The nation’s largest federal appeals court [ruled today](#) that Fellowship of Christian Athletes’ student clubs can freely gather and hold events on public high school campuses. In [Fellowship of Christian Athletes v. San Jose Unified School District](#), school district officials in San Jose removed [FCA](#) clubs from all local high schools simply because the clubs—which welcome everyone—ask their leaders to embrace their core religious beliefs. The Ninth Circuit’s *en banc* panel (consisting of eleven federal appellate judges) ruled today that FCA and similar religious clubs do not have to give up their faith to have equal access to campus.

Local Fellowship of Christian Athletes clubs had served students in San Jose high schools for over a decade. They held regular meetings open to all students and supported the local community by leading sports camps and donating sports equipment to underserved groups. But in 2019, after years of strong relationships with local school leaders, FCA clubs were removed from San Jose high schools and faced harassment and protests simply because the clubs asked their student leaders to agree with their faith. Today’s ruling ensures FCA will once again be treated equally and can return to campus for prayer, service, and ministry.

“FCA is excited to be able to get back to serving our campuses,” **said Rigo Lopez, the local FCA leader for Bay Area schools.** “Our FCA teams have long enjoyed strong relationships with teachers and students in the past, and we are looking forward to that again.”

After a lower court sided with the school district, FCA successfully defended its ability to meet on campus in a federal appeals court last year. However, a few months later, the school district took the case into overtime—asking the appeals court to hear the case *again*, but this time before a panel of eleven federal judges (a process called an “*en banc*” rehearing).

The Ninth Circuit today ruled that “anti-discrimination laws and the protections of the Constitution work in tandem to protect minority views in the face of dominant public opinion,” and that the District had regrettably used a discriminatory “double standard” against FCA that failed to “treat[] FCA like comparable secular groups” and instead “penalized it based on its religious beliefs.” The Court explained that, just as it makes sense that the “Senior Women club” would have all-female members, or that honors clubs would set standards of “good moral character” for their members, “it makes equal sense that a religious group be allowed to require that its leaders agree with the group’s most fundamental beliefs.” The Court concluded that “the First Amendment ‘counsel[s] mutual respect and tolerance for religious and non-religious views alike,’” requiring that FCA must be treated equally once again.

“This is a huge win for these brave kids, who persevered through adversity and never took their eye off the ball: equal access with integrity,” **said Daniel Blomberg, vice president and senior counsel at Becket.** “Today’s ruling ensures religious students are again treated fairly in San Jose and throughout California.”

“Public schools should respect every student’s religious beliefs and treat every student with dignity,” **said Steve McFarland, director of the Christian Legal Society’s Center for Law & Religious Freedom.** “We are grateful the court has reaffirmed this foundational right of every student.”

FCA is represented by the Christian Legal Society, Becket Fund for Religious Liberty, and Christopher Schweickert of Seto Wood & Schweickert LLP.

For more information or to arrange an interview, contact Kim Colby at kcolby@clsnet.org or 703-919-8556.

Additional Information:

- [En banc Ninth Circuit opinion in Fellowship of Christian Athletes v. San Jose Unified School District \(September 13, 2023\)](#)
- [Christian Legal Society case page for Fellowship of Christian Athletes v. San Jose Unified School District](#)
- Website for Fellowship of Christian Athletes: www.fca.org

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[Christian Legal Society](#) is a nonprofit organization dedicated to serving Jesus Christ through the practice and study of law, the defense of religious freedom and life, and the provision of legal aid to the needy. For almost 50 years, CLS's Center for Law & Religious Freedom has defended religious student groups' access to their campuses.