

## **The Pro-Family Law Center**

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Dear California Public School Official,

On April 9, the Gay Lesbian Straight Education Network (GLSEN), a controversial national association of activist homosexual teachers, will sponsor what is being called a "Day of Silence." The Day of Silence is a form of student political activism, featuring classroom demonstrations by "gay and lesbian" students and allies.

This letter is to caution schools that granting permission for political demonstration in the classroom may open schools to liability for lawsuits by parents, students, and taxpayers. School officials may be personally liable in such actions.

In the case of Planned Parenthood of Southern Nevada v. Clark County School District, (941 F.2d 817) the 9<sup>th</sup> Circuit Court affirmed that the "government may reserve [a] forum for its intended purposes, communicative or otherwise, as long as the regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view" and also stated that "When school-sponsored speech can fairly be characterized as part of school's mission, First Amendment affords educators greater control in deciding when school will affirmatively promote or lend its name and resources to particular speech."

In light of this case, schools clearly have authority to deny students the opportunity to promote organized political activities in the classroom.

On the other hand, if schools *allow* the Day of Silence for "gay" or "lesbian" students, they must allow other student demonstrations without regard to the students' viewpoint or political "cause." It takes very little imagination to see how this could turn a classroom into a 3-ring circus.

Students' freedom of speech must be honored by schools, but it is not unlimited. Schools can prohibit political demonstrations in the classroom so long as they allow students' to demonstrate during free time or before or after school. We must remember that students in the classroom are a captive audience, mandated by law to be there.

Organizers disingenuously say the Day of Silence is not disruptive, but non-verbal demonstrations can convey strong messages and be just as distracting to students as any other type. If organizers didn't expect this tactic to draw attention to student activists in class, why would they bother to do it?

I urge you to take action to protect yourselves and preserve the integrity of California's classrooms by prohibiting organized political demonstrations in class.

Please feel free to call my office with any questions you may have.

Sincerely,

Scott Douglas Lively, Esq.

P.S. The Pro-Family Law Center offers numerous free resources for educators and school officials at [www.defendthefamily.com](http://www.defendthefamily.com). Included are the documents titled *The Legal Liabilities Associated with Homosexuality in California Public Schools* and *Defeating 'Gay' Arguments with Simple Logic*. These may be downloaded from the Pro-Family Resource Center section of the website.

Additionally, the PFLC will soon release a five-unit anti-bullying curriculum titled *From Diversity to Civility: learning how to respect people as individuals -- without giving up the right to disagree with their behavior or beliefs*. A pre-publication draft version of this document is now available for review and comment. Please call my office to have a copy mailed to you.