

April 25, 2011

By mail, fax, and email

**Clovis Municipal School District
School Board Members**

P.O. Box 19000
Clovis, NM 88102

Terry Martin
President

Lola Bryant
Secretary

Charles Guthals
Member

R. Max Best
Vice President

Paul Cordova Jr.
Member

Dear Board members:

I understand that you are considering eliminating all non-curricular clubs as a response to the proposed formation of a Gay-Straight Alliance club, or GSA, at Clovis High School. I hope to dissuade you from that proposal.

Non-curricular activities are a vital part of any educational program and provide students with enriching and rewarding experiences. At Clovis High School, you have non-curricular service clubs, religious clubs, a chess club, and other similarly engaging groups. To simply discontinue these clubs would deprive all students of a rich and diverse set of activities to engage in outside of class. Eliminating these clubs would doubtlessly diminish the vibrancy of the high school community in Clovis.

It is likely that many of your students cite their involvement in non-curricular clubs as a way of distinguishing themselves in competition for university placement—as community leaders; as young adults dedicated to community service. I suspect many students would find less constructive ways of occupying their after-school hours if not for the positive channels afforded by these clubs.

Surely the goal of stopping the GSA is not worth sacrificing this integral part of your students' education.

Eliminating non-curricular clubs in order to prevent a GSA also directly contradicts the School Board's policy of non-discrimination. "The Board is committed to a policy of

nondiscrimination in relation to race, color, religion, sex, **sexual orientation**, age, national origin, and disability. This policy will prevail in all matters concerning staff members, students, the public, educational programs and services, and individuals with whom the Board does business.” Clovis Municipal School Board Policy A-0250 (emphasis added). The School Board’s commitment to non-discrimination on the basis of sexual orientation would hardly “prevail” if you decide to cancel many beloved organizations simply to prevent a GSA. Moreover, the purpose of a GSA is to promote tolerance and non-discrimination against people on the basis of their sexual orientations—a goal that is directly in-line with this Clovis School Board Policy.

Furthermore, eliminating all non-curricular activities to prevent the formation of a GSA could provoke retaliation by other students or community members against students who tried to start the GSA because those students might be blamed for the elimination of all non-curricular clubs. This would *foster* discrimination rather than promote non-discrimination on the basis of sexual orientation in direct conflict with school board policy.

A ban of non-curricular activities would have to be absolute and consistently enforced. Several courts, including the Supreme Court, have interpreted those activities to include most of the groups we take for granted in the school community: cheerleading teams, anti-substance-abuse clubs, the Fellowship for Christian Athletes, chess clubs, and community service clubs, among many other valuable extracurricular outlets.

If you abolish these clubs in rhetoric only, but then allow them to continue with the school’s implicit endorsement, you will invite legal liability under the First Amendment and the Equal Access Act. The same holds true for any attempt to configure the rules for clubs so that existing clubs can continue to function but the GSA cannot. Furthermore, discriminating against one group’s viewpoint violates the First Amendment.

Time and time again, in other schools around the country, GSAs have proven vital for students who are struggling with harassment and discrimination because of their sexual orientation, or that of a friend or family member. They shelter students from violent bullying, and provide a safe place to work through experiences that sometimes are so upsetting that some students consider suicide.

I understand that you are faced with a difficult decision in this matter, but difficult times call for wise, proactive leadership, not timid or reactionary solutions. I urge you to keep your existing policy on clubs intact and to allow the formation of a GSA.

Thank you for your consideration.

Sincerely,

Alexandra Freedman Smith
Staff Attorney
ACLU of New Mexico

cc: Terry Myers- Superintendent of Schools