



May 2, 2011

By mail, fax, and email

Terry Myers  
District Superintendent  
Clovis Municipal School District  
P.O. Box 19000  
Clovis, NM 88102

Dear Mr. Myers,

I am writing to urge your immediate approval of the Gay Straight Alliance at Clovis High School. As you know, Clovis High School student Steven de los Santos submitted an application for a Gay Straight Alliance (GSA) at Clovis High School in late February of 2011. The GSA has a faculty sponsor, the students have submitted a detailed description of this student club, and they have proposed to hold meetings after the instructional day is over. The application for the GSA was given to you in early March. The students have been waiting approximately two months for your approval to begin meetings.

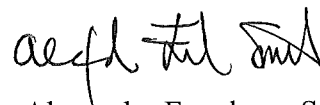
On April 26, 2011 the school board adopted a closed forum policy. At the meeting, you explained to the school board that if they adopted a closed forum policy, this would only prevent non-curricular organizations from meeting during the instructional day, but non-curricular groups would still be permitted to meet after the instructional day is over. You stated: "Any group, whether it be the Fellowship of Christian Athletes, whether it be the Honor Society, whether it be Gay Straight Alliance, any of those groups still have the same access after the instructional day is over that any other group or organization in this district has." You also stated that "organizations such as Honor Society, student council, all our class organizations, that's senior, junior, and sophomore class organizations, and those along with Fellowship of Christian Athletes, Key Club, Interact Club, anything in our district, a Gay Straight Alliance, if it's approved, is a club in the district, those organizations would become non-curricular organizations and would have the same access after the instructional day is over that any other group or organization would have and would be afforded the same facilities usage that any other group would have." You also affirmed, "We are not denying access to any group."

In keeping with your statements at the school board meeting, please approve the GSA at Clovis High School. The students who have bravely advocated for this organization should be given the opportunity to participate in the GSA before the end of the school year. Unreasonable delay in approving the GSA singles this organization out as receiving unequal treatment compared to other student organizations.

It is our understanding that other non-curricular student groups, such as the junior class organization, have met since the school board meeting on April 26, 2011. If non-curricular groups are permitted to meet, a GSA must also be permitted to meet.

It is our hope that the District will immediately approve the GSA. Given the statements made at the school board meeting, and the fact that other non-curricular organizations are continuing to meet, we see no reason that the GSA should not be approved before the end of the school year. Please confirm that this is the case within seven (7) days of receipt of this letter. It is in the interest of all to resolve this on an informal basis without resort to formal proceedings. However, failure to respond by May 9, 2011 may lead to litigation, seeking appropriate remedies and an award of attorney fees and costs. Though we hope litigation will be unnecessary, we are prepared to take whatever legal action is necessary to defend the legal rights of the students seeking to form the GSA.

Very truly yours,

A handwritten signature in black ink, appearing to read 'ae fl' followed by a stylized 'Smith'.

Alexandra Freedman Smith  
Staff Attorney  
ACLU of New Mexico