

Concerns Regarding Freedom of Speech and Personal Displays in the Classroom

Issued to the Flandreau Public Schools Board of Education

By Concerned Parents/Guardians

9/10/2021

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13Sep2021 Board Meeting Letter for Open Forum

We respectfully attend this meeting tonight with concerns that teachers' personal biases and opinions are infiltrating our children's educations. We are aware of what is being exposed to our children in the classroom, and do not want these distractions to interfere with their education. Likewise, we are aware that there have been instances where students have been silenced about their opinions; in particular, their opinions regarding items that teachers may have in their classrooms that make their personal biases and opinions known. ALL students should be allowed to express their opinions, and should be encouraged to do so. Telling children that they can't voice their opinions, or making them feel uncomfortable about their personal beliefs and opinions is wrong. On the other hand, teaching children how they can *respectfully* voice their opinions is acceptable. Our children should be taught to be strong, NOT submissive individuals, as they are the future of our country. A teacher's job is to teach the content standards, while a parent's job is to help their children form their own beliefs and opinions.

We strongly feel that ONLY items that *directly relate* to the curriculum being taught in a particular classroom should be displayed, especially if any teacher's display of personal belief paraphernalia makes members of their class uncomfortable.

With that being said, the questions we have for the board are the following:

1. What is the plan going forward regarding items displayed in the classroom - who decides what is offensive or not offensive?
2. What personal belief propaganda / displays are we going to allow in the classrooms?
3. Why does one student's opinion receive the support of their teacher or school administration, while another student's opinion gets silenced?
4. Who decides what constitutes harassment? If one student makes one comment one time with no direct target, is that harassment? If one student displays an item that offends another student, is that harassment? If one student is allowed to voice an opinion but another is not allowed to voice one that opposes it, is that harassment?

We strongly urge you to consider those students that are being distracted from obtaining the curricular education they are entitled to, or those that may be feeling uncomfortable (or even harassed) by being made aware of their teachers' personal belief systems that may or may not align with their own.

We have included some examples of situations that have occurred within our school.

We ask that you review the packet provided as well as the SD Core Curriculum Standards.

Thank you,

Brian and Angela Klein

Jessica Jewett

Judd and Kristina Krull

Cody Amdahl

Nick and Lachelle LeBrun

Don and Sherri Peters

Aaron and Bethany Thielsen

Daron and Jesselyn Christenson

Jason and Kathy Heinemann

Chris and Megan Neises

Marty and Rita Parsley

Troy and Michelle Kontz

Keith and Rebecca Hobbie

Luke Klein

Todd and Lisa Dietrich

Ben and Brenna LeBrun

Sandy Sheppard

Steve Christensen

Scott and Kirsten Thompson

Ernie and Allison Claflin

Jon and Tricia LeBrun

Chad Kneebone

Logan and Aubrey Rose

Lance and Loretta Iott

Kathryn Wiese

Lacey Iott

Jeremy and Kendra Eng

Dustin and Miranda Headrick

Corey and Lindsay Schoeberl

Examples of Issues/Concerns

1. Occurring in the 2021-2022 school year: A student made a statement of personal opinion to a group of friends regarding the LGBTQ/gay pride flag hanging in an adjoining classroom. The student was basically asking why that was hanging up and stating that it shouldn't be there. Nothing was said by the classroom teacher at the time; however, the student was apparently overheard by another student outside the group.

The following day, the phone rang in the teacher's classroom and the student was called into the principal's office. The student was met by the principal and a counsellor, and was told that it had been brought to their attention that a comment had been made about a flag that was hanging in one of the tech rooms. The student was upset and surprised at being called into the principal's office in front of the whole class, primarily because they didn't really feel like they had done anything wrong. Despite this, the student told them "Yes, I made a comment about a pride flag that was hanging in the window between the classrooms." They asked the student if they understood why they couldn't be doing that, and that it could be disrespectful to make comments about a flag. The principal and counsellor would only refer to it as 'a flag' and would not use the words 'pride flag' or 'rainbow flag'. The principal and counsellor basically told the student to keep those comments quiet and that there were other students in the school that were part of the LGBTQ community. The counsellor was heard by the student to have said something akin to "I told you we should have addressed this right away" to the principal.

When the student's concerned parent called the principal the following day, the parent was told that the student wasn't in any sort of trouble but did need to be respectful. When the parent asked why this flag was allowed, they were told that it was freedom of speech and "We just have to allow that kind of thing now-a-days". Again, the principal would only refer to the pride flag as 'the flag'. The parent was left with the strong impression that their opinion on the matter was unwanted. Both the parent and the student felt that the student was being made an example of.

- a. If the student "wasn't in any trouble", why was this individual called out in the middle of class, in front of classmates?
- b. The student, being a teenager, may have expressed an opinion in a way that could have been deemed disrespectful; however, that does not mean the student's opinion needs to be silenced. Teaching students how to RESECTFULLY voice their opinions is necessary – silencing opposing opinions is not.
- c. This situation clearly shows how one student's right to free speech was infringed upon to "preserve" the teacher's right to free speech. The parent was told the flag was the teacher's right to freedom of speech, but the student was told to keep opposing opinions quiet! Whose freedom of speech is more important? The First Amendment to the Bill of Rights¹ reads:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

- d. Respectful voicing of opinions should be allowed, regardless of the opinion being expressed. That being said, if a student makes a comment that is intentionally disrespectful or hurtful, that student should be taught how to respectfully voice those opinions, rather than be told to keep quiet.
 - e. If any teacher has a display of their personal beliefs within their classroom, that teacher (and like-minded students) **MUST ACCEPT** that there will likely be others who do not subscribe to those beliefs. Likewise, those with opposing beliefs **MUST BE ALLOWED** to *respectfully* express their opinions.
2. Occurring in the 2021-2022 school year: The two letters below were sent to the school principals and the school superintendent on August 24 and 25, 2021, respectively, regarding the incident mentioned above.

Dear school administration,

It has been brought to my attention that some teachers within the Flandreau school system are displaying LGBTQ/gay pride flags in their classrooms. I feel these flags alienate students within the school and especially within those classrooms. I think that teachers should remain unbiased with what they display in their classrooms. By remaining unbiased they are more supportive to all students within the school. Material displayed by teachers in their classroom should not be religious, political, or concerning any controversial topic so as to not alienate any students with any belief. I ask that the school administration have teachers remove the flags from the classroom.

Thank You,

Jason and Kathy Heinemann

Dear School Administration,

It has been brought to our attention that some teachers within the Flandreau school system are displaying LGBTQ/gay pride flags in their classrooms. **WE FEEL THESE FLAGS HAVE NO PLACE IN A SCHOOL SETTING THAT DOES NOT ALSO ALLOW THE DISPLAY OF OTHER PERSONAL BELIEF ITEMS**, such as crucifixes, swastikas, Buddhas, the Ten Commandments, or any other representative icons of individual beliefs. If you allow the display of one set of personal belief systems, then you **MUST ALSO** allow the display of all others, despite the fact that they may cause offense to students and staff that do not share those belief systems.

We believe that displays of personal belief systems *will* alienate students within the school and especially within those classrooms. We believe that it is **VITAL** that teachers *remain unbiased* with what they display in their classrooms. By remaining unbiased they are *more supportive to ALL students* within the school. Materials displayed by teachers in their classrooms *should not* be religious or political in nature, or related to any controversial topic so as to not alienate any students with any particular belief. *Intentionally placing items in classrooms that may disrespect another student's beliefs actively "stirs the pot" and serves to ENCOURAGE bullying*

and harassment, and could be seen by some to be a form of bullying. Thus, removing displays of personal beliefs will help prevent divisiveness and hate.

Likewise, disallowing one student's verbal expression while allowing another's causes alienation and divisiveness. We strongly feel that it is **absolutely inappropriate** to tell students and parents that do not agree with certain belief systems that they may not say anything in disagreement to alternative beliefs, or that we just have to allow it, for fear of causing offense. One of our country's foundations is that of free speech. Let's be clear - **WE ARE NOT ADVOCATING HATE SPEECH OR DISRESPECT OF ANYONE!** That being said, where do we draw the line with verbal expression? At what point is speaking your opinion considered bullying or harassment? Students **must** be allowed their personal opinions and expressions, provided it is not intentionally harmful or damaging to another person. Let's face it – kids will be kids and they quite often speak before they think; however, telling one person that it's NOT ok to express their opinion, but allowing another to express theirs is unacceptable. **Again, we are NOT advocating bullying or using words to intentionally harm another individual.**

Students are in school for educational purposes – to learn the curriculum. Teachers that in any way advocate their own personal belief systems to their students do them a significant disservice by distracting them from the purpose of getting the curricular education they are there for.

We strongly request that the school administration have teachers remove the flags as well as any other items representing personal belief systems from the classroom.

Respectfully,

Brian and Angela Klein

No response to these emails was received by either party. The lack of response created a feeling in those individuals that their opinions did not matter and were not welcome.

3. Occurring in the 2020-2021 school year: A student was asked by their teacher what they thought of "Romeo and Juliet". Please read the following letter from the parents, which describes the incident. It also includes concerns and comments from the parents.

To whom it may concern,

On February 1st 2021, our daughter was asked by her ELA9 teacher if she was a Christian. When she came home that night and told us she was asked this, by a teacher, I was shocked. I remember thinking to myself, why would a teacher ask a student that. We asked her to explain the situation to us. She told us her ELA9 class was reading Romeo and Juliet. The teacher, whom is no longer employed by Flandreau Public Schools, asked the class what they thought about the play they were reading. Our daughter raised her hand and told her teacher she didn't really like the play because it was hard to understand and hard to read. The teacher responded to her during class and asked if she was a Christian. She said she was confused and surprised but answered the teacher and said, "yes I am". The teacher then asked her if she reads The Bible, she responded and said yes. The teacher told her The Bible is hard to read also, so why

does she read it if its hard to understand. Our daughter told her she likes to read The Bible and learn about it. The teacher then continued to debate with her in front of the entire class about the difficulty of reading The Bible vs reading Romeo and Juliet.

While we were listening to our daughter tell us what had happened to her that day, I had to remind myself to have some self-control and not call this teacher, which is exactly what I had wanted to do. She asked us not to say anything to this teacher as she was afraid of how it would affect her grade in the class for the rest of the semester. After we talked about it, we decided not to say anything and wait to see if the teacher would talk to our daughter on her own. The next day I received an email from this teacher. In her email she stated she was trying to “play devil’s advocate” to argue the opposing side. She also stated that she is a very passionate debater who “often will incite more passion than necessary”. She said she wanted to reach out to make sure that neither of us had hard feelings. She said she intended on talking to our daughter, but that our daughter came to her first to let her know she made her uncomfortable. Although her email could be considered an apology, it wasn’t one, she never once admitted to us or our daughter that what she did was wrong. Had our daughter not had the confidence to stand up for what she believed in and talk to us about it, the situation could have gone very differently. Our daughter lost respect for this teacher from that day forward and it showed.

What we hope this example shows you is how a teacher’s personal beliefs or a student’s for that matter can affect a multitude of different things. When that teacher questioned our daughter in front of all her peers, it made her question herself. She wondered if giving her opinion, which was asked for, was considered disrespectful just because the teacher didn’t agree with it. We can’t have our students questioning whether their opinions or beliefs are right or wrong. It’s not a teacher’s job to question their beliefs. In the current world we live in whose job is it to say what one person believes is right or wrong? That could be a very slippery slope, one I would not want to catch myself on in my line of work. In our public school system to say one can voice their beliefs but another can’t, could be a dangerous place to be. Obviously, we understand that there must be rules and guidelines for everyone to follow. We just ask that you as the schoolboard have the same rules and guidelines for all, teachers and students. These students look to our teachers and staff at Flandreau Public School for support and guidance. It just makes me wonder who our daughter would have been able to go to had she not come to us for support.

Sincerely,

Concerned parents

- a. If a student is asked their opinion on something, teachers should respect that opinion. If the student had responded in a disrespectful manner, the teacher should have addressed the disrespect, rather than publicly criticizing the student’s opinion.
 - b. If a teacher has an issue with a student’s opinion, it should not be discussed in a confrontational manner, especially in front of the entire classroom. Healthy discussions, including respect of opposing opinions, should be modeled in the classroom.
4. Occurring in the 2021-2022 school year: Several students report being asked via questionnaire, by multiple teachers, their preferred ‘gender pronoun’.
- a. Currently, gender fluidity is not part of the school’s curriculum (see the email below).

From: Fischer, Kristi <Kristi.Fischer@k12.sd.us>
Date: Mon, Aug 30, 2021, 4:21 PM
Subject: RE: Curriculum
To: XXXX@gmail.com <XXXX@gmail.com>

I do not know of any state standards or district curriculum that directly addresses these topics. If you have any additional questions, please let me know -- thanks, again!

From: Sandy Sheppard [mailto:XXXX@gmail.com]
Sent: Monday, August 30, 2021 2:59 PM
To: Fischer, Kristi <Kristi.Fischer@k12.sd.us>
Subject: Re: Curriculum

Wonderful, thank you for your prompt reply!

I am wondering if "gender fluidity" is in our approved curriculum at Flandreau? What I mean by that is education related to gender identity, gender expression, and/or transgender education. Any information you can provide would be appreciated.

Thank you very much! Sandy

- b. Standards for all subjects are available in depth at <https://doe.sd.gov/contentstandards/>. The South Dakota Core Standards² for subjects that may pertain to the issue of gender fluidity include Health Education, Physical Education, Science, and Social Studies. Each set of standards is further broken down into grades and/or grade ranges, as well as specific topics that are included under the main standard, in order to provide guidelines for student outcomes.
- i. The main goals of the core standards are to:
 1. Focus on deep thinking, conceptual understanding, and real-world problem solving skills
 2. Set expectations for students to be College, Career, and Life ready
 3. Do increase rigor and grade-level expectations
 - ii. The core standards do not:
 1. Mandate a specific curriculum
 2. Limit advanced work beyond the standards
 - iii. The standards for Health Education are:

Standard 1: Students will comprehend concepts related to health promotion and disease prevention to enhance health.

Standard 2: Students will analyze the influence of family, peers, culture, media, technology and other factors on health behaviors.

Standard 3: Students will demonstrate the ability to access valid information and products and services to enhance health.

Standard 4: Students will demonstrate the ability to use interpersonal communication skills to enhance health and avoid or reduce health risk.

Standard 5: Students will demonstrate the ability to use decision-making skills to enhance health.

Standard 6: Students will demonstrate the ability to use goal-setting skills to enhance health.

Standard 7: Students will demonstrate the ability to practice health-enhancing behaviors and avoid or reduce health risk.

Standard 8: Students will demonstrate the ability to advocate for personal, family and community health.

iv. The standards for Physical Education are:

Standard 1: The physically literate individual demonstrates competency in a variety of motor skills and movement patterns.

Standard 2: The physically literate individual applies knowledge of concepts, principles, strategies and tactics to enhance movement and performance.

Standard 3: The physically literate individual demonstrates the knowledge and skills to achieve and maintain a health-enhancing level of physical activity and fitness.

Standard 4: The physically literate individual exhibits responsible personal, social, and emotional behavior that respects self, others, and environment.

Standard 5: The physically literate individual recognizes the lifelong value of physical activity for health and wellness.

v. The standards for Science are broken down into the three main categories of Physical Science, Life Science, and Earth and Space Science, with separate standards for each age group. Physical, Life, and Earth Science topics include (but are not limited to) motion and stability, energy, molecules to organisms, Earth systems and ecosystems, waves, heredity, biological unity and diversity, and matter and its interactions. In order to avoid providing an overwhelming and

unrelated amount of information, this discussion only includes topics that touch on biological diversity and heredity.

1. Second Grade Biology and Diversity

2-LS4-1 Make observations of plants and animals to compare the diversity of life in different habitats.

2. Third Grade Biology and Diversity:

3-LS1-1 Develop models to describe that organisms have unique and diverse life cycles but all have in common birth, growth, reproduction, and death.

3-LS3-1 Analyze and interpret data to provide evidence that plants and animals have traits inherited from parents and that variations of these traits exist in a group of similar organisms.

3-LS4-2 Use evidence and reasoning to construct an explanation for how the variations in characteristics among individuals of the same species may provide advantages in surviving, finding mates, and reproducing.

3. Middle School (Grades 6 – 8) Biology and Diversity:

MS-LS1-4 Construct an argument based on empirical evidence and scientific reasoning to support an explanation for how characteristic animal behaviors and specialized plant structures affect the probability of successful reproduction of animals and plants respectively.

MS-LS1-5 Construct a scientific explanation based on evidence for how environmental and genetic factors influence the growth of organisms.

MS-LS3-2 Develop and use a model to describe why asexual reproduction results in offspring with identical genetic information and sexual reproduction results in offspring with genetic variation.

4. High School (Grades 9 - 12) Heredity:

HS-LS3-1 Ask questions to clarify relationships about the role of DNA and chromosomes in coding the instructions for characteristic traits passed from parents to offspring.

HS-LS3-2 Make and defend a claim based on evidence that inheritable genetic variations may result from: (1) new genetic combinations through meiosis, (2) viable errors occurring during replication, and/or (3) mutations caused by environmental factors.

5. High School (Grades 9 - 12) Biology and Diversity:

HS-LS4-1 Communicate scientific information that common ancestry and biological evolution are supported by multiple lines of empirical evidence.

HS-LS4-2 Construct an explanation based on evidence that the process of evolution primarily results from four factors: (1) the potential for a species to increase in number, (2) the heritable genetic variation of individuals in a species due to mutation and sexual reproduction, (3) competition for limited resources, and (4) the proliferation of those organisms that are better able to survive and reproduce in the environment.

HS-LS4-3 Apply concepts of statistics and probability to support explanations that organisms with an advantageous heritable trait tend to increase in proportion to organisms lacking this trait.

HS-LS4-4 Construct an explanation based on evidence for how natural selection leads to adaptation of populations.

HS-LS4-5 Evaluate the evidence supporting claims that changes in environmental conditions may result in: (1) increases in the number of individuals of some species, (2) the emergence of new species over time, and (3) the extinction of other species.

- vi. The standards for Social Studies are broken down into the different categories for the following specific age groups:

Kindergarten – 5th Grade: History, Civics/Government, Geography, and Economics

6th Grade: World History, Civics/Government, and Economics

7th Grade: Civics/Government, Geography, and Economics

8th Grade: History, Civics/Government, and Economics

High School (Grades 9 – 12): Civics/Government, Geography, Economics, U.S. History, and World History

- vii. These standards and their further breakdown into more specific topics, do NOT contain references to gender fluidity. This indicates that it is not a topic that is currently included in the South Dakota Core Curriculum.

1. Since gender fluidity is not part of the school's curriculum, it is absolutely inappropriate to ask students their 'gender pronoun'.
2. Similarly, if 'gender pronoun' has no relevance to class curriculum, it should not be addressed in any class where it is not potentially a valid

topic (and gender fluidity is not currently a valid classroom topic in any subject, as indicated above).

- viii. The standards are not meant to limit educational topics to more advanced instruction. That being said, gender fluidity *should not* be considered as a 'more advanced' classroom topic, as it is a personal matter.
- ix. There are several counsellors available to students who SHOULD be trained and subsequently allowed to address this topic with students that may be questioning their sexuality. This will ensure that *ALL STUDENTS* [including those who are straight/cisgender (*cisgender*: denoting or relating to a person whose sense of personal identity and gender corresponds with their birth sex³)] receive proper respect and concern.

Teachers and staff that are untrained in the area of counselling should not be addressing these types of concerns with students.

- c. If gender fluidity is NOT part of the curriculum, questions regarding gender pronoun should not be allowed on student questionnaires, especially if the class curriculum does not include sexuality.
 - d. Students are registered for school as either (biologically) male or female.
 - e. If a student is biologically male, but says they identify as female (or vice versa), which bathroom/locker room do they use? This is a MAJOR concern.
 - f. What happens if a student decides that they can use an alternate gender identity in order to gain access to the opposite (biological) gender's bathroom or locker room, when, in reality, they do not cross-identify?
5. Occurring in the 2021-2022 school year: A concerned parent asked school administration about the pride flags being displayed in school classrooms. The parent was told that the school was in conversations with its lawyer, and that 'the flags' were covered under Title IX.
- a. Title IX is designed to prevent discrimination on the basis of sex. The language and definitions of this regulation have recently been interpreted in different ways, making it very difficult to understand. Past interpretations have not included discrimination based on sexual orientation; however, the most recent interpretation indicates that discrimination based on sexual orientation and gender identity *are* included in the definition of "on the basis of sex".
 - i. The current language of 34th chapter of the Code of Federal Regulations (34 CFR) Part 106: Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance⁴ (a.k.a. Title IX) reads:

§106.1 Purpose and effective date.

The purpose of this part is to effectuate title IX of the Education Amendments of 1972, as amended by Pub. L. 93-568, 88 Stat. 1855 (except sections 904 and 906 of those Amendments) which is designed to eliminate (with certain exceptions)

discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in this part. This part is also intended to effectuate section 844 of the Education Amendments of 1974, Pub. L. 93-380, 88 Stat. 484. The effective date of this part shall be July 21, 1975. [45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]

- ii. The memorandum⁵ from the Office for Civil Rights (OCR) dated January 8, 2021, regarding a court decision in *Bostock v. Clayton Cty.*, states:

“*Bostock* compels us to interpret a statute in accord with the ordinary public meaning of its terms at the time of its enactment. *Bostock*, 140 S. Ct. at 1738 (citations omitted). And as explained below, specifically in the answer to Question 2, *the Department’s longstanding construction of the term “sex” in Title IX to mean biological sex, male or female, is the only construction consistent with the ordinary public meaning of “sex” at the time of Title IX’s enactment.*” (emphasis added)

And “Second, statutory and regulatory text and structure, contemporaneous Supreme Court authorities, and the Department’s historic practice demonstrate that *the ordinary public meaning of the term “sex” at the time of Title IX’s enactment could only have been, as Justice Gorsuch put it, “biological distinctions between male and female.”* See 20 U.S.C. §§ 1681(a), 1686; *Frontiero v. Richardson*, 411 U.S. 677, 686 (1973) (plurality opinion) (“[S]ex, like race and national origin, is an immutable characteristic determined solely by the accident of birth”)...” (emphasis added)

- iii. Conversely, the Interpretation Notice⁶, issued in 2021, which also cites the *Bostock* case, says that “OCR has long recognized that Title IX protects all students, including students who are lesbian, gay, bisexual, and transgender, from harassment and other forms of sex discrimination.”

This seems to indicate that discrimination of students based on sexual orientation is a violation of Title IX. That being said, this statement says that Title IX protects ALL STUDENTS, including straight/cisgender students.

- b. What does that mean for the straight/cisgender student that is uncomfortable in a particular classroom, to the point of being unable to concentrate, as a result of open and apparent displays of alternate lifestyles? If items displayed in a particular classroom have no bearing on the subject being taught within, and are instead a cause of discomfort and subsequently inhibit any individual’s ability to learn, they should not be allowed - even if the items on display may be protected under federal regulations.
 - i. Title IX is designed to protect ALL STUDENTS, regardless of their sexual orientation or gender identity – including those students who are straight/cisgender.
- c. If a student is so uncomfortable in a particular classroom (whether it is due to displays of personal belief systems by teachers, overt sexual behavior, or anything in between) that it

inhibits their ability to learn, it is considered sexual harassment under Title IX. Question 8 from the OCR document⁷ designed to help with understanding Title IX says:

“Question 8: How can a school determine whether sexual harassment “effectively denies a person’s right to equal access to its education program or activity” under the “unwelcome conduct” category in the definition of sexual harassment in the 2020 amendments? (See the definition in Question 5.)
Answer 8: The preamble explains that to determine whether a person has been effectively denied equal access to a school’s education program or activity, a school must evaluate “whether a reasonable person in the complainant’s position would be effectively denied equal access to education compared to a similarly situated person who is not suffering the alleged sexual harassment.”¹⁸ The preamble provides this additional guidance to schools: • An effective denial of equal access to educational opportunities may include skipping class to avoid a harasser, a decline in a student’s grade point average, or *having difficulty concentrating in class*.¹⁹ • Examples of specific situations that likely constitute effective denial of equal access to educational opportunities also include “a third grader who starts bed-wetting or crying at night due to sexual harassment, or a high school wrestler who quits the team but carries on with other school activities following sexual harassment.”²⁰ • A complainant does not need to have “already suffered loss of education before being able to report sexual harassment.”²¹ • Effective denial of equal access to education does not require “that a person’s total or entire educational access has been denied.”²² • While these examples help illustrate an effective denial of access, “[n]o concrete injury is required” to prove an effective denial of equal access.²³” (emphasis added)

This clearly indicates that if a student is having difficulty concentrating in class as result of unwanted sexual implication(s), that student is being denied their right to equal access to an educational program.

Conclusion

In summary, our primary concern is that some students (and parents/guardians) have experienced situations in which they were denied their right to free speech in favor of another's. This should not happen. If one person's expression of free speech is allowed while another's response is not, then we are effectively alienating individuals based on their beliefs.

Students should be taught how to RESPECTFULLY voice their opinions, as well as how to participate in healthy discussions regarding differences of opinion.

Students and staff alike must know that if they put their personal opinion on public display, they MUST ALLOW conflicting opinions to be voiced (provided those opposing opinions are not voiced in an intentionally disrespectful or hurtful manner). Free speech is a right granted to everyone, regardless of individual differences.

We cannot allow ANY student to be disrespected or harassed. We cannot allow any group of students (straight/cisgender, LGBTQ, or otherwise) to be denied the right to an education free from sexual harassment. Further, we cannot allow ANY student be denied their right to equal access to educational programs. If any teacher's personal displays, regardless of what the display contains (i.e., Ten Commandments, Buddhas, Jewish symbols, LGBTQ flags, BLM paraphernalia, etc.) serves to deny that right, it should be removed from the classroom.

We must teach ALL of our children how to be strong individuals - specifically, how to stand up for themselves in a way that is not disrespectful to others. All children should be taught how to love and respect each person's uniqueness, regardless of individual beliefs, rather than denying certain peoples' rights for the sake of another's.

