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Notes

from the

FRONTLINE

Bobbi Petranчук had felt a bit nervous, she told me, about sending her daughter Ashley to school that Thursday. I could understand why. The day before, Ashley Petranчук and her 20-year-old brother Charlie Pratt had, with the help of Lambda Legal and their parents, filed suit in federal court against the Indian River Central School District where Ashley attended the tenth grade — the same school that Charlie had been forced to abandon years earlier to protect himself from relentless antigay abuse. Responding to years of illegal antigay and sexist discrimination, harassment and censorship, Lambda Legal's lawsuit on behalf of Charlie and Ashley asserted 14 different claims against nine school district defendants, including the Board of Education, the Superintendent, Ashley's current principal, and various other school employees. Charlie and Ashley had already interviewed with the local television station about their case, and their photos and stories were splashed across the front page of the regional newspaper. While Bobbi felt enormous pride in her children, she was also understandably uneasy about how students, faculty and staff might respond to Ashley at school on the day right after the lawsuit filing.

Ashley, however, was determined not to hide. When a newspaper reporter asked her whether she was scared of what her classmates would think of her or say, she offered a powerful, one-word response: "No." I smiled when Ashley said this, impressed with her maturity at age 15. The reporter smiled as well, telling Ashley she was a brave young woman.

Maintaining that courage, Ashley attended her classes as usual the next day and



ASHLEY PETRANCHUK AND CHARLIE PRATT

for the rest of the school year, holding her head up high, undeterred by the school's antigay climate. And in the following days and months, she and Charlie have retained their remarkable courage and poise as they've publicly told their story and raised awareness about the harms and unfairness of discrimination, harassment and censorship of lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth and their allies.

I know I am not alone in feeling inspired by the strength, determination and grace that these young plaintiffs have demonstrated as they've stood up so publicly to injustice — particularly in the case of Charlie, who suffered through years of hostility and peer abuse. Given how many calls we receive at Lambda Legal about the unfairness and outright cruelty that LGBTQ youth and their allies face at schools

around the country, it can sometimes take some effort to keep a bright outlook and to remember how far we've come in ensuring safer school climates for all students. Still, even in cases with the most infuriating and frustrating underlying facts, like Charlie's and Ashley's, I find encouraging signs of progress, both in the young people's demonstration of courage and in the very substantial changes that they are able to create, sometimes surprisingly quickly, in the hostile environments in which they've attended school.

A Family Fights

Painful facts lie at the heart of Charlie and Ashley's case. Charlie suffered horrific and relentless harassment in the Indian River Central School District based on his sexual orientation and perceived non conformity



to sexist stereotypes — harassment that forced him to forsake his high school education at the age of 15 to protect his own safety. For years, students called him *faggot*, *queer*, *fudgepacker* and *sissy*, often multiple times in the course of a day and often in the presence of school employees who failed to intervene. Students also tripped him and shoved him into lockers and walls, hurled food and other objects at him, threw his belongings across the floor, spat on him, carved antigay slurs into his locker, grabbed his buttocks, purported to imitate him with exaggerated effeminate gestures, and taunted him with sexually explicit comments. Even some school employees joined in on the harassment, calling Charlie a “sissy,” and telling him he was “disgusting” and “shouldn’t be gay.” Other school employees, including the high school principal, deliberately turned a blind eye to the peer harassment and suggested that Charlie had brought it on himself. When Charlie sought to form a student gay-straight alliance (GSA) to help reduce his isolation and educate his peers, the principal refused to allow it.

Midway through Charlie’s second year in high school, the principal told Charlie’s parents that he could not ensure their son’s safety at school. Left with no other choice, they withdrew him. A second gay student also withdrew from Indian River that year to escape harassment, and we later learned that several other students had suffered similar harassment in the district’s schools.

Outraged by the mistreatment her brother and others had endured, Charlie’s younger sister Ashley, currently a high school junior, attempted last year to form the GSA that Charlie and others had been denied, hoping to help create a more inclusive school environment. Following in his predecessor’s footsteps, however, the principal refused to allow the GSA, telling Ashley that the organization would bother members of the community. After years of well-known antigay and sexist harassment in the district and the withdrawal of at least two students to escape the hostility, the school still insisted on banning a supportive group for LGBTQ students and their allies. Ashley turned to Charlie for advice, and Charlie contacted Lambda Legal. Listening to their

story, I could tell immediately that we had a powerful case. On April 8, 2009, we filed suit on their behalf, asserting violations of the federal and state constitutions and civil rights statutes.

Sea Change

The inspiration that I and countless other advocates of LGBTQ youth can draw from Charlie and Ashley’s case rises not only from our young clients’ bravery, determination and willingness to tell a painful story — though that is certainly fundamental. We also see inspiring signs of progress in the way the school district and its officials have responded to the lawsuit. As we’ve seen in several other cases across the county, many school officials, along with their attorneys, are starting to realize that there’s just no excuse for antigay discrimination. So when students and families stand up to expose biased conduct by school officials, a growing number of these officials rush to defend themselves not by claiming that the discrimination was somehow justified, but by insisting that they are and have always been committed to equality for all students — effectively embracing Lambda Legal’s mission rather than resisting it. Even where these claims of innocence are implausible and false, the significance in the shift in their language — from something like “we can discriminate” to “we would *never* discriminate” — should not be overlooked. Thanks to heroes like Charlie, Ashley and their parents, the terms of the public debate about LGBT issues in schools are being transformed, and young children in places like Indian River Central School District are watching and listening as their community’s leaders are finally forced to recognize—publicly and emphatically—that antigay discrimination is wrong. These changes both reflect and contribute to the enormous strides we are making in the march toward equality for the youngest members of our community.

In Charlie and Ashley’s case, for example, the school district made no attempt to justify a prohibition on GSAs, presumably because it knew that a prohibition could not be justified. Just five days after we filed suit, the school sent a letter assuring us that



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Ashley would be permitted to form a GSA right away. “I’m very excited,” Ashley told the local paper. “It’s been a long time and it’s finally happened.”

In a more suspect part of the same letter, the school district suggested that the timing of all of this was just a coincidence. According to the letter, the district had already been planning to form a GSA (apparently without informing any students). Our recently filed lawsuit, the letter claimed, had nothing to do with the fact that Ashley would be able to form the group the very next Monday. Evidently, the school (or its attorneys) had decided that this highly implausible story was preferable to any admission of antigay censorship. This speaks volumes about how far our movement has come.

The school also issued a press release proclaiming its dedication to “programs which promote tolerance and inclusiveness in all of its schools,” specifically including programs addressing discrimination based on sexual orientation. Seemingly eager to emphasize and re-emphasize its purported commitment to equality, the district claimed in the press release that it supported “[a]ssemblies, after school discussions, poster campaigns, classroom debates/projects, positive morning announcements, and many other ‘small’ acts [to] reinforce the idea of tolerance and acceptance.” Regardless of whether one believes every (or any) detail of these statements to the press, it is startling and refreshing to see such a vigorous endorsement of LGBT-inclusive school programs coming from a district that had openly and shamelessly discriminated against LGBT youth and their allies for so many years.

Not all of the district’s statements point to progress. Its court papers have advanced specious and offensive arguments, and some of its public statements are misleading or outright false. Ultimately, of course, the district’s actions in the future will speak much more loudly than its words. Lambda Legal will continue to represent Charlie and Ashley until we have a full and fair resolution of their complaints.

Nevertheless, we shouldn’t underestimate the significance of the tone set in public debate by a school’s endorsement of an LGBT-inclusive message. It is an uplifting sign of progress that the district’s children are finally hearing their school officials publicly acknowledge that antigay discrimination is wrong and shouldn’t be tolerated at school. As we push forward with claims on behalf of both Charlie and Ashley, we shouldn’t lose sight of this notable advancement in equality for LGBTQ youth in schools.

Catching the Wave

While the trend is hardly universal, we’ve recently seen similar responses in schools in other parts of the country: School officials confronted with allegations of anti-LGBT bias scramble to demonstrate their pro-LGBT bona fides, particularly in matters involving GSAs and student expression. When Lambda Legal called an Oregon school district to task earlier this year for its unfair treatment of a GSA, the district responded within days, assuring the students and the public that it had policies to protect students from discrimination and would correct any procedures that denied GSA members their equal rights. Last year, officials at a Florida school responded quickly when Lambda Legal sent a letter denouncing the censorship of a middle school student’s T-shirt in support of the Day of Silence; the district pledged that its students would not be censored based on the LGBT-supportive content of their speech.

Though the unfairness lying at the root of these cases shows an ongoing need for vigilance and advocacy on behalf of LGBTQ youth and their allies, the increasing tendency of school officials to endorse our mission rather than resist it shows us how far we’ve come. The debate over LGBTQ issues in schools sounds nothing like it did years ago. And as the terms of public debate continue to evolve, the movement to ensure the rights of LGBTQ youth accelerates and grows stronger. **L**