



May 21, 2014

*VIA EMAIL AND U.S. MAIL*

Greg Ardrey, President  
Janesville School District Board of Education  
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Dr. Karen Schulte, Superintendent  
527 S. Franklin Street  
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**RE: The District Rightly Apologized for Showing One-Sided Same-Sex Marriage Video in Class**

Dear President Ardrey and Dr. Schulte:

It has come to the attention of Alliance Defending Freedom that Janesville School District (JSD) has come under fire because it officially apologized for showing a one-sided video promoting same-sex marriage, and castigating its opponents, to Craig High School students during advisory class. By way of introduction, Alliance Defending Freedom is an alliance-building, non-profit legal organization that advocates for the right of people to freely live out their faith. We are writing to applaud your decision to rectify a clear violation of a sensible JSD policy that requires the district to be neutral and objective when presenting information to students concerning controversial issues.

The video at the center of this situation is entitled "Kids React to Gay Marriage" and can be seen on YouTube at <https://www.youtube.com/watch?v=8TJxnYgP6D8>. In this video, youth answer questions in a way that promotes same-sex marriage and condemns supporters of one-man-one-woman marriage.

JSD rightly determined that showing the video contravened its Academic Freedom and Controversial Issues in the Classroom policies. JSD's Academic Freedom Policy states that the Board of Education recognizes students "right to receive competent instruction in an atmosphere

free from *bias and prejudice*.”<sup>1</sup> And its Controversial Issues in the Classroom Policy acknowledges that students must have “access to relevant information and have the obligation to examine carefully *all sides of an issue*.”<sup>2</sup> This same policy confirms that teachers have the responsibility “to make available to students materials concerning *the various aspects* of the issues” and “to be *objective* and to *impartially present the several sides* of an issue.” This policy also affirms that “[a]lthough teachers have the right to express their own viewpoints and opinions, they do not have the right to *indoctrinate students*.”

A brief review of the video’s content makes plain why showing this video, especially without presenting competing viewpoints, violates the above policies. For example, when children in the video are asked to comment on the fact that “only” 14 states allow same-sex marriage, they respond: “that is just insane” and “that’s outrageous.” When they are asked to comment about religious objections to same-sex marriage, they respond: “I’m a Christian, I don’t think it’s wrong”; “If they said that like God told me blah blah blah, I’d be like that’s nice, I’m gonna leave you now”; “If you say someone is gay and that’s wrong, you’re using your religion against someone else, that would be so wrong.” And when the children are asked to direct comments to people favoring one-man-one-woman marriage, they respond: “Cry me a river, build me a bridge, and get over it”; “Just get a whole new idea about it because it’s fine, there’s nothing wrong with it”; “think of God, like he loves everybody and he can’t hate anything”; “you guys are basic and nobody likes you”; and “you need to realize you’re just a little speck. No one cares what you think.”

Simply put, the video’s one-sided, indoctrinating nature could not be clearer. It is a propaganda piece, and JSD officials rightly determined after reviewing it in response to complaints that it violated JSD’s policies guaranteeing students bias free, objective classroom presentations concerning controversial issues. JSD’s apology was thus entirely warranted, especially considering that the video attacked and denigrated the Christian beliefs and values of what is undoubtedly a vast number of parents and children within the school community. In fact, the video’s unapologetic promotion of same-sex marriage and open hostility to the Christian faith makes it highly doubtful that it would ever be appropriate to include it as part of the school’s curriculum, even if other viewpoints are presented at the same time. Indeed, its disparagement of religious beliefs opposing same-sex marriage likely violated the Establishment Clause. *See, e.g., Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 532 (1993) (“In our Establishment Clause cases we have often stated the principle that the First Amendment forbids an official purpose to disapprove of a particular religion or religion in general.”).

Sadly, JSD officials and members of the school community have come under attack from same-sex marriage proponents for issuing its apology. A grandparent who voiced concerns about the video received emails stating that she “IS A FILTHY KKK-[ ]NT,” and “YOU FILTHY ANTI-GAY BIGOT! KKK[ ]NT!,” among other terrible things. We also understand

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<sup>1</sup> See <http://www.janesville.k12.wi.us/Default.aspx?tabid=2119>.

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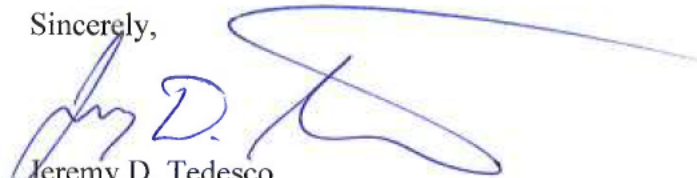
that at least one school board member has received similar hate-inspired messages. It should go without saying that such vile attacks have no place in a civil discourse regarding the proper approach to educating children on controversial issues.

### CONCLUSION

Schools have sound pedagogical reasons for addressing current, cutting edge issues of national import with students as part of their curriculum. Yet when these issues are hotly debated and controversial—like whether marriage should be redefined to include same-sex unions—schools must take an unbiased, objective approach that presents all sides and leave it to students, under the guiding hand of their parents, to decide where they stand. To do anything less would violate schools' duty to respect the beliefs and values of all parents who send their children to their schools and undermine parents' right to direct and control the education of their children, which "is now established beyond debate as an enduring American tradition." *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972). We commend the district for recognizing that the one-sided, anti-religious same-sex marriage video shown in class violated its policies and undermined parental authority, and for quickly rectifying the situation with an official apology. We can only hope more school districts follow your courageous lead.

We understand that JSD may be evaluating its Academic Freedom and Controversial Issues Policies in light of this situation. We would be happy to provide the district free legal assistance should it undertake such a review. Please don't hesitate to contact me at 480-388-8051 if you desire our assistance, or if you have any other questions regarding this important matter.

Sincerely,



Jeremy D. Tedesco  
Senior Legal Counsel

cc: Members of the Board of Education: Kristin Hesselbacher, Karl Dommershausen, Deborah Schilling, David DiStefano, Scott Feldt, Kevin Murray, Cathy Myers, and Bill Sodemann