



Written by [Dave Bohon](#) on July 5, 2011

MN School District Faces Legal Threat Over “Sexual Orientation” Policy

Minnesota’s Anoka-Hennepin school district (Anoka Middle School for the Arts, pictured left)) is battling legal efforts to force it to abandon an official policy of neutrality concerning homosexuality. Two liberal legal groups, the Southern Policy Law Center (SPLC) and the National Center for Lesbian Rights (NCLR) recently contacted the district, one of the largest in the Minneapolis area, threatening a lawsuit on behalf of clients they said had faced harassment and abuse as a result of the district’s policy.



The district’s neutrality policy states that “Anoka-Hennepin staff, in the course of their professional duties, shall remain neutral on matters regarding sexual orientation including but not limited to student led discussions. If and when staff address sexual orientation, it is important that staff do so in a respectful manner that is age-appropriate, factual, and pertinent to the relevant curriculum.”

In a [letter to the district’s superintendent, Dennis Carlson](#), Samuel Wolfe of the SPLC’s homosexual rights bureau, and the NLRC’s legal director Sharon Minter, wrote that their investigation confirmed that “lesbian, gay, bisexual, and transgender (“LGBT”) students and those perceived as LGBT within the District remain in jeopardy in a hostile and alienating environment. School authorities’ failure to adequately respond to ongoing harassment violates established law and our clients’ constitutional rights.”

Citing three incidents in the district in which students supposedly faced harassment and abuse from other students because of the perception that they were homosexuals, the legal duo blamed the abuse on the district’s “sexual orientation curriculum policy,” which they inferred amounted to a “gag” rule preventing teachers from addressing harassment aimed at homosexuals. This “gag policy,” wrote the activist lawyers, “serves no legitimate education-related purpose,” but rather “singles out a vulnerable and disfavored minority — LGBT students — and prevents teachers and other district employees from supporting, or even protecting, those students within the classroom.” They charged that a “mandatory silence” included in the policy “leaves teachers without tools to handle LGBT bullying and creates an atmosphere in which LGBT students are isolated and feel unprotected.”

Warning that a federal lawsuit was forthcoming if the district did not cave in to their demands, the legal tag-team wrote that the district would be required to drop the neutrality policy, train staff and students “on sexual orientation and gender identity,” and open up the district’s curriculum to include unhampered discussions of “LGBT” issues.

In an [op-ed published by Minnesota Public Radio](#) (MPR), Richard Cohen, president of the SPLC, and Kate Kendell, executive director of the NCLR, argued that the Anoka-Hennepin policy has created a “toxic environment” for students who identify themselves as homosexual. “Although the district has an



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anti-bullying policy,” wrote the pair, “it will never truly address school bullying as long as it maintains a gag policy that basically tells teachers to keep quiet about anything relating to LGBT students.”

The duo called the district’s policy “an affront to the dignity of LGBT students and teachers,” charging that it leaves students who identify as homosexual “feeling isolated and stigmatized—pariahs not fit to be mentioned in the classroom.” While a true neutrality policy on sexual orientation “would hold that all sexual orientations are equally legitimate,” the legal pair wrote, “this gag policy holds that homosexuality is so illegitimate that it cannot even be mentioned.”

In his own [MPR op-ed](#), Anoka-Hennepin district superintendent Dennis Carlson explained that individuals and groups on both sides of the issue have asked district officials to address their unique concerns. On the one hand are those who insist that the district’s neutrality policy “has prevented staff from intervening when LGBT students are bullied or harassed and prevented staff from helping students who are struggling with their sexual orientation,” wrote Carlson. On the other hand, he noted, are those who “have asked the district to refrain from addressing sexual orientation in the classroom. They believe that discussion of sexual orientation issues is most appropriate within the home or church.”

With an aim of respecting the viewpoints and beliefs of all individuals and families, the superintendent explained, “the school board believes neutrality is the best option. He recalled that the school board “adopted a religious activities policy years ago requiring ‘neutrality in matters of religion.’ The sexual orientation policy is similar. When speaking with students during class time, teachers do not advocate homosexuality, nor do they condemn it.”

Such a policy, however, does not mean teachers are prevented from discussing how an author’s sexual orientation might affect his or her writings, or how the gay rights movement uses strategies developed by the civil rights movement,” he said. Likewise, a policy of neutrality does not mean teachers “cannot intervene if a student is being bullied or harassed because of sexual orientation. Teachers must confront bullying and harassment, and are encouraged to offer help to LGBT students or to students who may be struggling with sexual orientation issues.”

Following the threats from the two liberal groups, Jeremy Tedesco of the [Alliance Defense Fund](#) (ADF), a pro-family legal advocacy organization, wrote a letter to Carlson encouraging him and district officials to stand firm in the policy. “School districts should not be bullied into taking the side of homosexual activists,” wrote Tedesco. “Parents rightly believe that public schools are a place for education, not sexual indoctrination. The Anoka-Hennepin School District’s policy is entirely appropriate and legally sound.”

Tedesco noted that SPLC/NCLR letter “plainly misinterprets the District’s Policy, is inaccurate as to the law, and is heavy on hyperbole,” adding that the two homosexual legal groups seemed “more concerned with pushing their agenda than with offering real solutions to the problems of bullying....”

The ADF attorney noted that “bullying is not unique to students who identify as homosexual, bisexual, or transgendered.... Accordingly, anti-bullying policies should broadly prohibit bullying against all students, regardless of the reason for the bullying, while at the same time carefully protecting the free speech rights of all students as well.”

The ADF letter pointed out that the district’s neutrality policy does not prohibit legitimate classroom discussion of issues related to sexual orientation. In fact, Tedesco wrote, it “assumes that discussions involving sexual orientation may occur during classroom discussions, and simply requires neutrality,



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age-appropriateness, and factual accuracy when they occur. As the policy says: ‘If and when staff address sexual orientation, it is important that staff do so in a respectful manner that is age-appropriate, factual, and pertinent to the relevant curriculum.’”

Tedesco concluded his letter by advising Carlson that the Anoka-Hennepin district “should not allow SPLC and NCLR to browbeat them into abandoning its sensible Policy of requiring District personnel to remain neutral on issues regarding sexual orientation.” The charge that the policy somehow creates a hostile environment for students who identify as homosexual “makes little sense,” he added. “Neutrality does not equal hostility. Rather, neutrality respects all sides of a controversial issue, and advocates none.”



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