

# EDUCATION REPORTER

NUMBER 234

THE NEWSPAPER OF EDUCATION RIGHTS

JULY 2005

## Schools' Censorship of God Sparks Frequent Disputes

### Songs, Clubs, Paper Messages at Issue

Heavy-handed bans on God in public schools triggered a number of lawsuits and/or parental protests in the last few months. Disputes centered on talent show songs, dance music, after-school clubs, and paper messages or fliers, proving that no activity is too trivial to warrant the intervention of modern-day inquisitors seeking to stamp out religious allusions.

A New Jersey school prohibited a 2<sup>nd</sup>-grader from singing a religious song at a talent show in May, prompting the girl's parents to file a lawsuit in federal court with the aid of the Alliance Defense Fund. Olivia Turton, 8, hoped to sing the pop song "Awesome God" at an evening performance show, but was told she could not sing it.

The Frenchtown Elementary School principal explained to the girl's mother that the religious content made the song inappropriate at school, according to the petition charging violation of Olivia's constitutional rights to freedom of speech and due process.

The song includes the following lyrics deemed too controversial for the talent show: "Our God is an awesome God/ He reigns from heaven above/with wisdom, pow'r and love/Our God is an awesome God."

#### Dancing to Bach a no-no

A San Diego dance teacher actually lost her job after a complaint by a school staff member that she used religious music in her instruction. In addition to secular music on the day in question, the in-



structor used the Latin vocal work "Dona Nobis Pacem" by J.S. Bach and a Swahili song praising God.

Although the teacher offered to further expand her diverse music repertoire, school officials terminated her contract.

The Pacific Justice Institute has taken the teacher's case before the school district. "It is clearly constitutional and legal for a teacher to use both religious and secular music as a part of instruction," commented institute President Brad Dacus.

#### Plano extends olive branch

The Plano, TX school district, facing a federal lawsuit filed after a series of official prohibitions of materials such as candy-cane pens with a religious message distributed by pupils at a school holiday party, approved a policy change in April as a concession to the plaintiffs. Students may now exchange religious and other messages at certain times of the schoolday and in certain areas without official pre-approval.

Elementary students may exchange items before and after school in certain areas, and during recess and designated school parties. Secondary students have more opportunities, including in the hallways.

The former distribution policy allowed exchange only of pre-approved materials and only by leaving them on a particular table in the school. The school board voted unanimously to loosen that policy four months after parents filed suit last December with the aid of Liberty Legal

(See Censorship, page 4)

## Texas Fends Off Mental Health Screening

Alert conservatives headed off a last-minute amendment to a Texas mental health reform bill in May, thereby stopping the implementation of recommendations of the controversial New Freedom Commission on Mental Health.

Grassroots efforts by EdWatch, Texas Eagle Forum and others persuaded legislators to withdraw the amendment during conference committee negotiations on the final weekend of the legislative session. Psychologist John Breeding, founder of Texans for Safe Education, testified against the amendment and mobilized his members against it.

Dr. Breeding is now caring for Aliah Gleason, a 13-year-old Texas girl who was forcibly confined to a state mental hospital, drugged and denied parental visits for many months after a school screening.

The amendment, which would have cost billions of dollars, sought to:

- ▶ integrate mental and physical health care in Texas
- ▶ screen for "co-occurring physical, mental and substance-abuse disorders"
- ▶ develop "integrated treatment strategies" for both adults and children, using the controversial Texas Medication Algorithm Project.

Gun Owners of America issued a bulletin to its Texas members, stating, "The amendment calls for a mental health screening system that could potentially cover every child in the state — with no guarantee that it won't be done over the objections of the parents."

For background on the New Freedom Commission on Mental Health and the Texas Medication Algorithm Project, see *Education Reporter*, Feb. 2005.



## Sex-Ed Skirmishes

### Sex Survey Shocks Dad; Another Jailed Over Kindergarten Materials

In-your-face sex education continues to infuriate parents around the country, as shown by the following recent conflicts between families and public schools:

A Shrewsbury, MA school passed out a sex survey to 11- and 12-year-olds in May, asking them, among other things, how many oral sex partners they have had. Officials defended the questionnaire as a vital way to stay informed of health risks. Parent Mark Fisher was not amused.

"This is not something for the schools," he complained. "It seems like parents are purposely kept in the dark about this." He did not allow his daughter to take the survey and asked the school to adopt a policy to have parents opt in rather than opt out of the survey.

Parents were allowed to view the survey ahead of time, but not to take a copy home to review before their children answered it. (bostonherald.com, 5-26-05)

According to the American Family Association, the survey also solicits answers to such questions as "How old were you when you had sexual intercourse for the first time?" and "The last time you had sexual intercourse, did you or your partner use a condom?" A similar sex survey being administered to 8<sup>th</sup>-graders asks students to identify themselves as heterosexual, gay or lesbian, or bisexual.

#### CDC survey involved

The Shrewsbury questionnaire reportedly was administered as part of the national Youth Risk Behavior Surveillance System established by the federal Centers for Disease Control (CDC) in 1990. The CDC version includes seven questions about sex, covering such topics as age of first intercourse and condom usage.

However, participating schools are able to add or subtract questions, and that may be what happened in the case of the Shrewsbury questions about oral sex and sexual preference. The Shrewsbury school has refused to release its version of the questionnaire for public viewing. (foxnews.com, 6-23-05)

#### Condoms handed out

Middle school students in Wausau, WI were handed condoms by an AIDS education group at a health fair in May. Organizers and teachers stopped the handouts once they realized what was happening, and the AIDS education center apologized. (local20.com, 5-11-05)

A Lexington, MA father spent a night



David Parker in handcuffs in court after night in jail

in jail in April to protest school materials and discussions about gay-headed households in his son's kindergarten class. After repeated written requests for advance notice and "opt-out" accommodation, David Parker said he was "flat-out denied" any accommodation by school officials.

During a meeting to discuss his requests, he insisted that such accommodation be made and refused to leave the meeting room. School officials called police, who arrested him for "trespassing." He declined to bail himself out of jail.

The dispute began when Parker's 5-year-old son brought home a bag of books promoting diversity, including *Who's In a Family* by Robert Skutch, which depicts different kinds of families including same-sex couples raising children.

(See Sex Ed, page 4)

## So. Baptists To Parents: Monitor Public Schools

Parents should become more vigilant over school curriculum in light of a gradual moral decay of public education, urges a resolution passed by the Southern Baptists' annual convention in late June.

The resolution also expressed concern over the approval of alternative lifestyles in public schools, but stopped short of suggesting that parents should take their children out of public schools. Instead, the resolution called for parents to be the primary educators of their children.

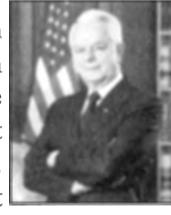
"Homosexual activists and their allies are devoting substantial resources and using political power to promote the acceptance among schoolchildren of homosexuality as a morally legitimate lifestyle," the resolution states.

"Basically, what it said was, 'Parents, be involved,'" said the Rev. Ray Jones of Ridgecrest Baptist Church in Dothan, AL, who attended the convention in Nashville. "Understand what is being taught in your schools and be willing to question morally offensive or immoral kinds of materials, and, if need be, be ready to take a stand on issues that could be morally compromising."

"There are a lot of good Christian teachers in public schools, but the curriculum and federal laws that mandate openness to any lifestyle are not compatible [with] our basic doctrinal beliefs," said the Rev. Bob Ledlow, minister of education at Mt. Gilead Baptist Church, who also attended the convention. (dothaneagle.com, 6-23-05)

## EDUCATION BRIEFS

**Feds require teaching about Constitution on Sept. 17.** A 2004 federal law requires every school and college that receives federal money to teach about the Constitution on September 17, the day the document was signed in 1787. The U.S. Department of Education in May outlined how it plans to enforce the provision, which was tucked by Sen. Robert Byrd (D-WV) into a spending bill last year. The law apparently represents the first time that the federal government has dictated teaching content to schools.



**Training of principals is inadequate, with scant attention given to firing ineffective teachers,** three new studies conclude. Eleven of the most popular college textbooks for training prospective school principals fail to focus on critical personnel decisions such as firing bad teachers, reports a study released in May by Frederick M. Hess and Andrew P. Kelly of the American Enterprise Institute. "Not one text provided a single positive reference to the possible benefit of removing an ineffective teacher," the study states. A separate AEI study faulted 31 graduate education courses particularly in the area of faculty management to foster greater academic achievement by students. A study by Arthur E. Levine, president of Teachers College, Columbia University, and released in March, concluded that "the majority of [educational administration] programs range from inadequate to appalling."

**Strip-searching a whole class held unconstitutional.** The U.S. Court of Appeals for the 6<sup>th</sup> Circuit, in Cincinnati, held in April that a strip search of students at a Michigan high school violated the Fourth Amendment's bar to unreasonable searches. The search in question took place after a girl reported that \$364 had been stolen from her gym bag during a physical education class. Boys and girls were searched in separate locker rooms. The teachers did not touch the students.

*Education Reporter (ISSN 0887-0608)* is published monthly by Eagle Forum Education & Legal Defense Fund with editorial offices at 7800 Bonhomme Ave., St. Louis, MO 63105, (314) 721-1213, fax (314) 721-3373. Editor: Liza Forshaw. The views expressed in this newsletter are those of the persons quoted and should not be attributed to Eagle Forum Education & Legal Defense Fund. Annual subscription \$25. Back issues available @ \$2. Periodicals postage paid at Alton, Illinois. Web site: <http://www.eagleforum.org> E-mail: [education@eagleforum.org](mailto:education@eagleforum.org)

## Feds Want Info on Every College Student *Ed Dept. Shows No Compelling Need for Data*

Every college would be required to place personal information on individual students into a national database maintained by the government, if a U.S. Department of Education proposal is enacted by Congress. The records would include every student's name, Social Security number, sex, date of birth, home address, race, ethnicity, names of every college course begun and completed, attendance records, and grants and loans received.

This plan, which has raised privacy concerns, would change current practice by requiring colleges to provide personal information on all students, not just those receiving federal aid, and the information has to be student-specific instead of aggregate statistics. It is unclear whether the plan has significant backing in Congress.

The proposal is "unacceptable" and "would be a costly and troubling assault on privacy," Gettysburg College president Katherine Haley Will charged in the *Washington Post* (3-29-05). "This information could all too easily be shared with other government agencies or even with the private sector."

The database would begin with more

than 15 million records of students in the first year and grow thereafter. The records would be held by the federal government for at least the life of the student.

The Education Department asserts that the proposal would give it better information on graduation rates and what students pay for college. "Forty percent of students now enroll in more than one institution at some point during their progress to a degree," says Grover Whitehurst, director of the department's Institute of Education Sciences, which came up with the plan. "The only way to accurately account for students who stop out, drop out, graduate at a later date or transfer out is with a system that tracks individual students across and within post-secondary institutions." (*New York Times*, 5-26-05)

Opponents are not convinced. "Once a database is created for one purpose, regardless how genuine or legitimate it is, it's very, very hard to prevent it from being used for law enforcement or intelligence purposes," Jim Dempsey, executive director of the Center for Democracy and Technology, told the *Times*.

## Voucher Update: Many Bills, Few Laws *Florida Court Hears Blaine Amendment Case*

Although at least 17 state legislatures considered bills in 2005 to expand publicly funded vouchers or tax credits for use at private schools, most proposals failed and vouchers remain a matter of small-scale experiments for disadvantaged students in a handful of states.

Utah enacted a limited program for special-needs students in March, but more ambitious voucher measures failed in Florida, Indiana, Missouri, South Carolina and Texas. The Arizona legislature passed a bill authorizing tax credits that businesses could use to direct money to scholarship funds for private schools, but Gov. Janet Napolitano vetoed it.

Government voucher programs are already in effect in Wisconsin, Ohio, Florida and the District of Columbia, and tax credit programs exist in several states. At press time the Florida supreme court was considering a challenge to a Florida voucher program. The challenge is based on the so-called Blaine Amendment that has remained in the state constitution since the late 19<sup>th</sup> century, banning direct or indirect public aid to religious schools.

Florida is the only state that offers a voucher to any student in a school defined as failing. The program benefits children who attended a public school that has failed state evaluations for two out of four years. Participants decide whether to use their aid at religious or non-religious schools. The private school must accept the voucher as full tuition. Lower courts had ruled the program unconstitutional.

Three separate studies have found that far from hurting public schools, Florida's voucher program results in improvement to public schools. Because public schools spend more money per student than the amount of the voucher, the student's de-

parture leaves the public school with better ratios of resources to the students who remain. In addition, facing new competition, the public schools are spurred into action to raise test scores.

The latest study, by Martin West and Paul Peterson of Harvard University, concludes that Florida's program is much more effective than the federal No Child Left Behind program, which confers a limited right to transfer to other public schools. (See *Education Reporter*, Mar., May and July 2004 for earlier articles on voucher programs.)

The U.S. Supreme Court held in 2002 that a Cleveland voucher program did not violate the U.S. Constitution's Establishment Clause, giving a boost to voucher advocates nationwide.

Arizona is seen as a promising arena for a universal voucher program but for Gov. Napolitano's opposition. Average private elementary and middle school tuition in Arizona is \$3,700, less than half the average per-pupil public school expenditure of \$7,800, according to a survey reported in *School Reform News* (Mar. 2005).

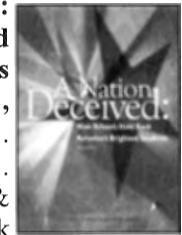
Nobel laureate economist Milton Friedman, an advocate of vouchers since 1955, notes that "Simple literacy, let alone functional literacy, in the United States is almost surely lower at the beginning of the 21<sup>st</sup> century than it was a century earlier" even though per-pupil spending (inflation-adjusted) has more than doubled since 1970. He believes that "Sooner or later there will be a breakthrough; we shall get a universal voucher plan in one or more states." (*Wall Street Journal*, 6-9-05)

In a new legal twist on the voucher issue, a group of Georgia parents sued in January to demand vouchers as a remedy for the state's alleged failure to provide an adequate education as required by the state constitution.

## Book of the Month



**A Nation Deceived:**  
**How Schools Hold Back America's Brightest Students,**  
N. Colangelo, S.G. Assouline, M.U.M. Gross, Connie Belin & Jacqueline N. Blank



International Center for Gifted Education and Talent Development, 2004, 67 pp. plus lengthy appendix.

The woeful state of primary and secondary education in America is common knowledge, and the magnitude of the problem has crowded out more specialized concerns regarding education. In this report, educators argue that in addition to raising academic standards for all students, schools should do more to stimulate and challenge the students who demonstrate the aptitude and motivation to move faster than their peers.

Acceleration can take many forms, of which the best known are grade-skipping, starting elementary school or college early, and various kinds of ability grouping, including Advanced Placement courses in high school. Different types of acceleration work for different students and are by no means applicable only to child prodigies. More than a million bright, motivated young people benefit every year from acceleration programs. Prominent beneficiaries of acceleration include Dr. Martin Luther King Jr., Justice Sandra Day O'Connor and Secretary of State Condoleezza Rice.

While acceleration offers obvious benefits to both individual students and society at large, its implementation faces obstacles in the education community. Many educators are afraid of the potential negative consequences of acceleration, including excessive academic pressure, isolation from other people of the same age, and inability to fit in with older students. These are legitimate concerns, and ones which this report tends to downplay. However, such problems arise mainly in cases of drastic acceleration, such as grade-skipping. In the more common forms of acceleration, such as honors or Advanced Placement courses, these concerns are minimal.

Acceleration is not for everyone, and it may go against the grain of egalitarian ideals. However, students are used to being grouped by ability in other activities, such as sports, so there is no reason for teachers to treat academics differently. The availability of acceleration options is an important component in any society that recognizes and promotes individual achievement.

Students and society are losers when a district succumbs to pressure, as California's Vista Unified district board did in May, to open honors classes to everyone. Latino families pushed for the change in a packed meeting where a father of a non-honors student complained to the board in Spanish, "All of the students should have the [honors-class] opportunity." (*San Diego Union-Tribune*, 5-25-05)

# FOCUS: PETA Gets to Your Kids

by Steven Milloy

Radical animal rights activists may be the last people you'd think would be planning school lessons for your children. Well, think again.

Through its innocuous-sounding "educational" programming arm known as TeachKind, People for the Ethical Treatment of Animals (PETA) has found a way to reach school children starting as young as kindergarten with its extremist agenda. The opportunity for PETA to get its message into the classroom has been paved, at least in part, by various laws on the books in at least 12 states mandating "humane education" in public schools — thus creating a demand for curricula centered on teaching children about the humane treatment of animals. (See *Education Reporter*, Jan. 2004)

Naturally, PETA is only too happy to provide ready-made lesson plans, videos and handouts to already overworked teachers.

"Kids who hurt animals may be on a dangerous path that will only get worse if it is not corrected. Psychiatrists, FBI profilers and law enforcement officials have repeatedly documented that kids who abuse animals rarely stop there," TeachKind warns.

Its fact sheet, entitled "Animal Abuse and Human Abuse: Partners in Crime," points out that "violent acts toward animals have long been recognized as indicators of a dangerous psychopathy that does not confine itself to animals," and goes on to detail how many notorious school shooters, including Columbine's Eric Harris and Dylan Klebold, were known to mutilate animals prior to their attacks on humans.

Indeed, according to the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) published by the American Psychiatric Association, participation in animal torture is one of the early warning signs of a severe emotional disturbance.



Steven Milloy

bance in a child, ranking alongside fire-setting as a strong indicator of future criminal behavior as well as the likelihood of psychopathy in adulthood.

While there's no question that the small number of children who torture animals are quite disturbed and that all children should be taught how wrong such behavior is, it's quite another matter for PETA to capitalize on this issue as an opportunity to indoctrinate children with PETA's own radical, catch-all definition of what constitutes "animal cruelty." And that's precisely what PETA is doing through TeachKind.

As the TeachKind web site prominently touts the animal cruelty-psychopathy connection with quotes from FBI criminologists and others, a closer inspection reveals that the bulk of TeachKind's educational efforts are actually crafted so as to make children believe that everyday behaviors, such as eating a diet that contains meat or animal products, are unmistakably, unequivocally acts of animal cruelty.

PETA's frightening of young children by equating, or even associating, truly disturbed behavior such as mutilation of a family pet with common everyday practices such as eating hamburgers amounts to nothing less than ideological child abuse.

PETA even accuses schools across America of being major perpetrators of animal cruelty. They oppose basic learning methods widely practiced throughout our educational system such as insect collection, field trips to zoos or aquariums, and dissection in the classroom.

"Hearing a lot about violence in schools? You can do something to help. Cut out dissection!" announces their web-based anti-dissection campaign, which even mentions how a young Jeffrey Dahmer "became fascinated with blood and guts" as a result of participating in a biology assignment involving dissection.

With this assertion, PETA is inviting impressionable young minds to believe that all it takes is one experience with a dissection assignment to walk away a psychopathic serial killer.

In addition to encouraging kids to refuse to participate in dissection assignments, the campaign even coaches kids on the exact wording to use in their formal written objections so as to "provide the basis for a possible legal case."

A significant portion of TeachKind's curriculum is devoted to persuading children to adopt a vegetarian diet as a way to avoid participating in "animal cruelty." PETA's web-based materials provide the warped logic that if farmers treated a cat or a

dog the way they treat livestock, they would "be prosecuted for animal cruelty and locked up" — once again stressing the theme of hypothetical criminality for those who eat meat.

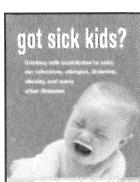
PETA even tries to scare kids away from drinking milk, a food so controversial that it occupies its very own wedge on the latest FDA food pyramid for opti-

mal nutrition. A series of trading cards called "Don't Be a Milk Sucker" available from PETA's web site, features cartoon characters suffering a host of illnesses PETA attributes to milk consumption such as ear infections, obesity, acne and even diabetes!

Nor does milk consumption escape PETA's definition as a distinctly cruel act against animals. We meet "Milk-Stealing Ming," who is depicted with his mouth directly attached to an unhappy cow's udder, alongside a "wanted poster" describing his crimes and exclaiming, "cows make milk for their babies, not for maniacs like Ming."

If we are to take at face value PETA's irresponsible suggestion that "animal cruelty" — as defined by their radical, catch-all parameters — is a reliable indicator of psychopathic tendencies, I suppose it's just a matter of time before we all read about Milk-Stealing Ming's future adult crime sprees in the headlines.

*Steven Milloy publishes JunkScience.com and CSRwatch.com, is adjunct scholar at the Competitive Enterprise Institute, and is the author of Junk Science Judo: Self-defense Against Health Scares and Scams (Cato Institute, 2001).*



## PETA even tries to scare kids away from drinking milk

## Indian Mascots:

### An Endangered Species



Warlike American Indian mascots for school and college athletic teams are disappearing from the landscape under pressure from Indian activists.

In 1970, more than 3,000 U.S. athletic programs referred to American Indians in nicknames, logos or mascots, according to the Morning Star Institute. By late 2003 there were fewer than 1,100 and only a handful of major universities continued the practice. (*New York Times*, 12-16-03)

One of those is the University of Illinois, which has endured criticism for years for its symbol Chief Illiniwek, created in 1926 by the university's assistant band director. The chief first appeared during a game against Penn, when he offered a peace pipe to a mascot of William Penn.

Last year, Illinois Senate president Emil Jones demanded that the university board of trustees drop the symbol, comparing the pro-chief trustees to segregationists. Jones admitted he hadn't seen the chief in action.

Advocates for the chief told legislators that the chief is a symbol of pride that unifies the campus and draws attention to Native American issues. (*Chicago Tribune*, 4-28-04) A March 2004 poll showed that 69% of the students favored keeping the mascot.

This spring, to minimize controversy, Chief Illiniwek, who normally performs an Indian dance, stayed home when his team participated in the Final Four college basketball event in St. Louis.

In California, American Indian mas-

cots were banned from Los Angeles public schools almost a decade ago. The state legislature last year passed a bill prohibiting "Redskins" at other California schools, but Gov. Arnold Schwarzenegger vetoed it. A similar bill is pending this year.

#### Some tribes support mascots

American Indian sentiment is not united against Indian mascots. Tulare High principal Howard Berger told the *Los Angeles Times* that several tribes near his California community continue to endorse the Redskins mascot. (4-12-05)

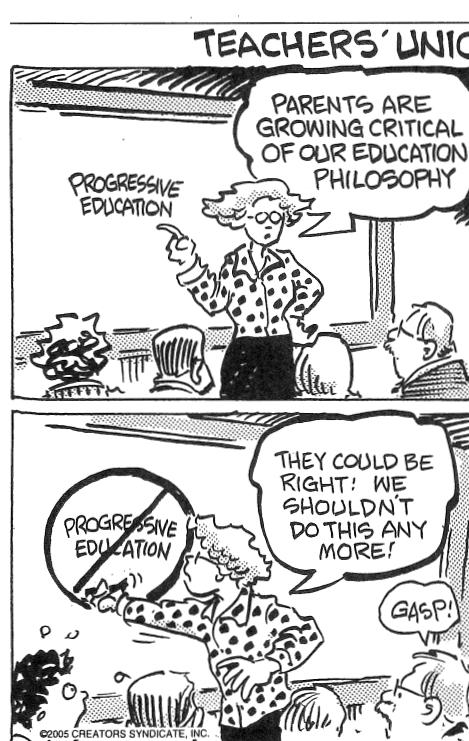
After a Seattle-area school board banned a "tomahawk chop" at school sporting events in 2001-02, many students at Marysville-Pilchuck High School disobeyed the policy and continued to use the chop and accompanying chant at games when cheering for their teams. A "tomahawk-chop task force" of students formed this year to lead discussions in every classroom of why some find the chop offensive.

However, a Tulalip Tribes official said he and the majority of tribal members think the mascot is okay. (*Seattle Times*, 2-6-04)

#### Aztec returns to San Diego

Bucking the nationwide trend, the Aztec Warrior was adopted as the official mascot of San Diego State University in late 2003, following an overwhelmingly favorable vote by students and alumni. The university went two years without a mascot after Monty Montezuma was banished by

(See *Mascots*, page 4)



## Censorship (Continued from page 1)

Institute. (For background on the Plano law-suit, see *Education Reporter*, Feb. 2005.)

### Good News Clubs victory

The Marysville School District in Washington State backed off in May from charging religious clubs higher fees for use of school facilities than it charged secular clubs. The district had claimed that state law required it to charge the Good News Clubs more because the club is religious.

A letter from Liberty Counsel persuaded the district to reverse its position and return past excessive fees. The Good News Clubs are elementary after-school clubs that teach morality and character development from a Christian perspective.

### God edited out of Pledge

Students in a Colorado school were confused when a counselor changed a portion of the Pledge of Allegiance from "one nation under God" to "one nation under your belief system" on the public-address system in April. A 7<sup>th</sup>-grader at Everitt Middle School in Wheat Ridge told his parents, who complained to the counselor as well as the principal who was absent when the incident occurred.

The mother, Christina Pulciani-Johnson, reported that the counselor initially defended her wording of the Pledge. "She said, 'Yes, I said that because I believe that there should be separation between church and school. I believe that everybody should have their own beliefs and that we shouldn't have to say "under God."'"

The principal and the school system subsequently apologized for the counselor's unauthorized change to the Pledge. (*Denver Post*, 4-22-05)

The Pledge previously made headlines in Colorado in March, when voters in Estes Park recalled a councilman who refused to stand for the Pledge during town meetings because he objected to the words "under God."

### School Bible readings

A few public schools are starting to add Bible readings to their curriculum. In Boca Raton, FL, two high schools are requiring Bible readings over the summer for 11<sup>th</sup>-grade English students, the better to understand Biblical references in early American literature. (*sunsentinel.com*, 5-26-05)



The Odessa, TX school board voted unanimously in April to add a Bible class to its high school curriculum after receiving a petition signed by 6,000 residents. The class would be taught as a history or literature course. (*Washington Post*, 4-27-05)

"Shakespeare and the Bible in English are the twin foundations of English literature," David Gelernter observed in the *Los*

*Angeles Times* (5-27-05). Nevertheless the American Civil Liberties Union routinely discourages school districts from adopting such courses by implying that they are unconstitutional.

### Other court rulings

► A federal appeals court in March upheld federal tuition vouchers for a teacher-training program at the University of Notre Dame that places educators in needy Catholic schools. Reversing the district court decision, the District of Columbia Circuit Court of Appeals panel noted that the Supreme Court has upheld programs of "true private choice" as constitutional under the Establishment Clause.

► A different federal appeals court panel held last October that school districts in Maine are not required by the U.S. Constitution to pay tuition for students at religious high schools even when they pay for secular private schools.

► Most claims filed by a teacher against California's Cupertino Union School District were dismissed by a federal district judge in April. The teacher claimed he was barred from using excerpts from the Declaration of Independence and other historical documents in his classrooms because of their references to God and Christianity. (See *Education Reporter*, Jan. 2005.) His remaining claim — that the district violated the Equal Protection Clause by imposing more stringent restrictions on him than on other teachers because he is a Christian — will be heard this fall.

### Equal access for fliers

► A New Jersey school district must allow distribution of fliers by a Christian organization at a back-to-school night on the same basis as other community organizations, according to a Third Circuit U.S. Court of Appeals decision last October affirming a preliminary injunction.

► A lawsuit charging that the UC-Hastings law school must recognize a campus Christian group even though it bars gay members will head for trial this fall on certain First Amendment claims, following a decision by a federal district judge tossing out other claims in April. (See *Education Reporter*, Dec. 2004.)

► Having relied on the federal Equal Access Act to promote equal access to official sponsorship for gay student clubs on campus, the ACLU filed an amicus brief arguing that the Truth Bible Club is not allowed similar access, according to the Alliance Defense Fund, which is representing the Bible club. The club sued after the student government rejected it because it required all members to adhere to a code of Christian conduct and required voting members to sign a statement of faith.

## Sex Ed (Continued from page 1)

Massachusetts Gov. Mitt Romney, an opponent of same-sex marriage, noted that "Schools under our parental-notification law are required to inform parents

... of matters relating to human sexuality that may be taught in the classroom and to allow that child to be out of the classroom for that period of the education." He did not comment specifically on Parker's case. (*Boston Globe*, 4-29-05)

"We don't view telling a child that there is a family out there with two mommies as teaching about homosexuality, heterosexuality, or any kind of sexuality," countered Thomas B. Griffiths, Lexington School Committee chairman. "We are teaching about the realities of where different children come from."

Superintendent William J. Hurley warned Parker in an April 27 letter to stay off his son's school's property or he would be subject to arrest again.

"This is an unbelievable outrage," said Brian Camenker, a friend of Parker and a Newton, MA parent. "It's where last year's same-sex 'marriage' ruling has brought us." Camenker is a leader of Article 8 Alliance, a group seeking to remove the four Massachusetts supreme court judges who voted to impose same-sex marriage on Bay State citizens.

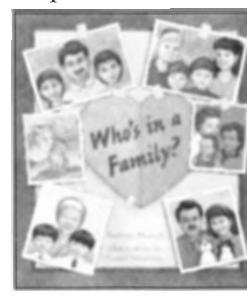
### Propaganda in Santa Cruz

Numerous parents of high school students in Santa Cruz County, CA have complained to school officials about open advocacy of homosexuality by lesbian teachers there. Some teachers hang pro-homosexual posters in their classrooms, discuss their lesbian lifestyle in class, and refer students to gay, lesbian and bisexual organizations, while not allowing posters celebrating traditional families, according to the Pacific Justice Institute website (2-2-05).

After the Texas Board of Education required the McGraw-Hill textbook publisher to alter health books to define marriage as a union between a man and a woman, professors at Penn State University started a petition drive to boycott the textbooks or to register disagreement with the text changes. (See *Education Reporter*, Dec. 2004 for details on the Texas decision.)

### Abstinence program successes

In more good news for abstinence education, a study of the Best Friends program found that girls in the District of Columbia public schools who participated in the abstinence program were only



Book at issue in Newton, MA

about one-seventh as likely to have sex compared with their peers, half as likely to drink or smoke, and one-eighth as likely to use illegal drugs.

Researcher Robert Lerner's peer-reviewed study, based on data from 3,000 middle school students, was published in April in the journal *Adolescent and Family Health*. (See also [www.bestfriendsfoundation.org](http://www.bestfriendsfoundation.org).)

The study also found extraordinary results among the high school participants in Best Friends, called Diamond Girls. The Diamond Girls were nearly 120 times less likely to engage in pre-marital sex than high school girls not in the program, the author told the *Washington Times* (4-28-05). Diamond Girls were also 26 times less likely to use drugs, nearly nine times less likely to smoke, and three times as likely to abstain from alcohol. Some 800 girls were involved in this comparison.

The Best Friends program serves 24 cities in 15 states and recently won a three-year federal abstinence grant. It does not teach girls about contraception. Now in its 18th year, it uses school-based curricula, fitness classes, mentoring, role models and community service to help girls make healthy choices during adolescence. A companion program for boys, called Best Men, began in 2000.

### Heritage studies

Abstinence programs are more effective at reducing early sexual activity than programs that discuss the use of contraception, according to a February study by the Heritage Foundation. The foundation also disputes a recent Yale-Columbia analysis concluding that teenagers who pledge to abstain from sex before marriage contract venereal diseases at rates similar to those of nonpledgers.

In June, Heritage released a study re-analyzing the same federal data examined by the Yale-Columbia analysis and concluding that virginity pledgers were 25% less likely to have sexually transmitted diseases as young adults than nonpledgers from similar socioeconomic backgrounds.

In a March 5 letter to the *Washington Times*, Health and Human Services Assistant Secretary Wade F. Horn wrote, "At least 10 published studies — four in scientific peer-reviewed journals — have shown that [abstinence] education helps youth delay the onset of sexual activity."

### Montana maneuvering

Notwithstanding the demonstrated success of abstinence programs, Montana Gov. Brian Schweitzer plans to terminate a statewide abstinence council credited with helping lower the state's high teen pregnancy rate, and is turning down federal funds to promote abstinence to Montana teens, the Family Research Council reports.

Another Montana elected official, U.S. Sen. Max Baucus (D-MT), is reportedly preparing legislation that would result in the end of federal abstinence-education programs.

## Mascots (Continued from page 3)

President Stephen L. Weber as culturally offensive and historically incorrect. Weber promised, however, to abide by the subsequent vote. (*Los Angeles Times*, 12-12-03)

Some universities have sought to pressure other universities into dropping Indian mascots by refusing to play them. The University of Iowa cancelled a baseball game with Bradley University in 2004 because of its team's nickname the Braves.

Bradley students voted overwhelmingly not to change the Braves' name.

Even the name "Warriors" was deemed too Indian to be retained by Marquette University for its athletes this spring. Students and alumni will vote to select a new name, but are not permitted to vote for any variation of the word "war."

Marquette is located in Wisconsin,

where there are 13 high schools with Warriors, five with Crusaders, five with Raiders, six with Red Raiders, 14 with Indians, seven with Blackhawks, four with Chiefs, five with Chieftains, and one with Hatchets (located in a town called Tomahawk). (*Milwaukee Journal Sentinel*, 5-27-05) Are all those teams' days numbered as well? Will Tomahawk's name face the hatchet next?

