

1 **Declaration of Carolyn Laub**

2 I, Carolyn Laub, hereby declare:

3 1. I am the Executive Director of the Gay-Straight Alliance Network (GSA
4 Network), which is a plaintiff in the above-captioned action. I make this declaration based on my
5 own personal knowledge and if called to testify I could and would do so competently as follows:

6 **GSA Network**

7 2. GSA Network is a youth-led nonprofit organization made up of gay, lesbian,
8 bisexual, transgender, (LGBT) and heterosexual students and supportive adults who are
9 dedicated to eliminating harassment and discrimination on the basis of sexual orientation and
10 gender identity in schools. GSA Network connects school-based Gay-Straight Alliances (GSAs)
11 to each other and community resources. GSA Network is a project of the Tides Center in San
12 Francisco, which is a 501(c)(3) nonprofit organization.

13 3. GSA Network is headquartered in San Francisco, California, and the organization
14 has an office in Fresno that provides ongoing assistance to GSA clubs in central California,
15 including in Kern High School District, and monitors homophobia, intolerance, and
16 discrimination in schools in the area, including East Bakersfield High School (East High).

17 4. As the Executive Director of GSA Network, my duties and responsibilities
18 include providing assistance to GSA clubs and students throughout California schools,
19 administering GSA Network's programs, and providing expertise and assistance to individual
20 schools and school districts regarding discrimination and harassment on the basis of actual or
21 perceived sexual orientation and gender identity.

22 5. GSA Network is also a co-founder and member of the California Safe Schools
23 Coalition, a statewide partnership of organizations and individuals dedicated to eliminating
24 discrimination and harassment on the basis of actual or perceived sexual orientation and gender
25 identity in California schools. The coalition's chief goal is to ensure the effective and
26 comprehensive implementation of the California Student Safety and Violence Prevention Act of
27 2000.

28 6. Currently there are 38 GSA clubs throughout central California including five

1 GSA clubs in Kern High School District (KHSD), including West Bakersfield High School,
2 Bakersfield High School, South Bakersfield High School, Liberty High School and Kern Valley
3 High School. Several students at East High have worked with GSA Network and their school in
4 an effort to start a GSA at the school. The East High GSA club has been approved by the
5 associated student body and the students are actively recruiting a faculty advisor and drafting
6 their bylaws and constitution. The first KHSD GSA club was registered in October 2003 and the
7 most recent club was formed just a couple of months ago at Kern Valley High in March 2005.

8 7. GSA Network has at least 7 members who are current students at East High, and
9 approximately 50 members who are students at other KHSD schools and members of their high
10 schools' GSA clubs. Our members at East High and the organization itself want to make sure
11 that the school addresses discrimination against actual and perceived LGBT students effectively
12 and protects students' safety without restricting their right to free expression.

13 **Impact of East High's Decision to Censor Newspaper's Articles about LGBT Students**

14 8. The GSA Network and its local members are deeply concerned about the recent
15 decision made by Mr. Gibson, the principal at East High, to refuse to allow the publication by the
16 school's paper, *The Kernal*, of a series of articles including an article about lesbian, gay,
17 bisexual, and transgender (LGBT) students who are out at school, an article about whether sexual
18 orientation is biologically determined, an article about parents of LGBT students, and an article
19 about a Christian pastor and student who oppose homosexuality because of their religious beliefs.
20 The article about LGBT East High students and their experience is particularly important because
21 it would foster an open dialogue about the issues at school and could be an important step toward
22 a more inclusive school environment for all students at East High. I have read a letter from the
23 school's principal in which the principal ordered the school's newspaper staff not to publish the
24 article about LGBT East High students by asserting that the publication would pose safety
25 concerns to the students interviewed and to the campus. I also understand that the school's
26 administration told the Kernal staff that the article could be published if the names of the LGBT
27 students featured in the story were deleted from the article but did not request that the names of
28 the student and community member who expressed views opposing homosexuality be deleted.

1 Such a request, if true, is outrageous and blatantly discriminates against LGBT students.

2 9. The notion that East High is different from any other school in California and
3 cannot protect LGBT students without curtailing their right to free speech is preposterous. As
4 mentioned below, there are five GSA clubs active on high school campuses in Kern High School
5 District (KHSD). Other schools in the district, and elsewhere in the state, recognize and accept
6 their responsibility to offer safe and nondiscriminatory school environments for all students; East
7 High can and should do the same.

8 10. The principal's decision to censor the publication of an article about the lives of
9 East High LGBT students and their coming out stories is misguided and has a detrimental effect
10 on the very students the principal purports to protect. As the principal, his charge and duty is to
11 provide a safe campus for all students, including LGBT students, and protect them from
12 harassment and discrimination, not to force them into silence. If the principal has direct evidence
13 that there are safety concerns at school, then his first priorities should not be to curtail free
14 speech rights of students but to take appropriate steps to identify and discipline those students
15 who are making threats and to make clear to the school community that harassment will not be
16 tolerated. By not allowing the publication of the articles in *The Kernal*, the principal is
17 essentially punishing the potential victims.

18 11. The principal at East High is sending a clear message to the students identified in
19 the censored *Kernal* articles: go back into the closet if you want to be safe at school.

20 12. There are many alternatives readily available to the school to support tolerance
21 and safety short of censorship, which can harm LGBT students at the school by stigmatizing and
22 isolating them further. If the principal is genuinely worried about the school's climate and the
23 safety of the students identified in the article, he can take proactive steps including ensuring that
24 the students and school staff are aware of the school's obligation to prevent discrimination on the
25 basis of actual or perceived sexual orientation; he can make announcements, distribute flyers and
26 posters, and reaffirm that the school will not tolerate discrimination and harassment on the basis
27 of actual or perceived sexual orientation; he can organize a student assembly; he can provide
28 training to the adults at school, including teachers and administrators, to foster a safe

1 environment for all students including LGBT students; he can ask an organization like the GSA
2 Network to come to the school and make presentations to students and staff to educate them
3 about sexual orientation and gender identity issues. A healthy dialogue could start today to
4 prepare the school to adequately respond to any concerns the principal has regarding student
5 safety and nondiscrimination.

6 13. One straightforward way a school can advertise its nondiscrimination policies and
7 its intent to ensure safe schooling for all students is to make the school's and district's anti-
8 discrimination policies available on the school's website. I perused the East High website on
9 May 17, 2005, and I did not find any information about anti-discrimination. I also searched the
10 web sites of other KHSd high schools and found that Arvin High School (Arvin High) has a link
11 to its discipline code on its web site. (see
12 <http://www.khsd.k12.ca.us/arvin/handbook/discipline/discipline.htm>, last visited on May 18,
13 2005). The discipline code includes Arvin High's policy on hate violence, including a
14 prohibition of acts "intended to cause emotional suffering, physical injury, or property damage
15 through intimidation, harassment, bigoted slurs or epithets, for or threat of force, or vandalism"
16 including acts motivated in part or in whole by hostility toward the victims' real or perceived
17 sexual orientation and gender. The discipline code details the disciplinary actions that students
18 who violate the policy will face. The inclusion of a similar policy or of the District's non-
19 discrimination policy on East High's website would go a long way toward making clear to the
20 school community that the school will not tolerate discrimination.

21 14. Deterring students from being open about their sexual orientation or gender
22 identity as a supposed means to ensure their safety is simply bad policy and does not work.
23 Ignoring instead of addressing homophobia is short-sighted. In my work on the California Safe
24 Schools Coalition and with GSA Network members in their schools, I have seen over and over
25 again the tinderboxes created when schools indicate to their students that discrimination against
26 and harassment of LGBT students is permissible because the school is uncomfortable about
27 acknowledging the existence of LGBT students and/or staff on campus. Such an effort to ignore
28 homophobia did not work, for example, in Visalia Unified School District where a young man

1 who was a GSA Network member was harassed and assaulted because of his sexual orientation
2 in the 1999-2000 school year. I know first hand from talking to students at the school that the
3 school had pushed LGBT students including this young man into isolation and allowed a climate
4 of fear and violence to exist and persist. Together with the young man, GSA Network filed a
5 lawsuit after the situation became truly intolerable. The school district ultimately agreed to
6 address discrimination by providing mandatory training to staff and students and adopting and
7 publicizing an anti-discrimination policy that included sexual orientation. Those actions are
8 dramatically changing the school's climate and are making it safer for LGBT students in Visalia.

9 15. In my experience , articles published in school newspapers can have the exact
10 opposite effect from what the East High principal is anticipating. In fact, such articles help raise
11 awareness and support for "out" LGBT students who often suffer harm and discrimination
12 because of isolation and fear. The GSA Network and its members welcome such articles in
13 schools' papers because they can foster a healthy dialogue and help schools better respond to
14 potential homophobia or discrimination by allowing for frank and open debates.

15 16. It is absolutely appropriate for a school newspaper to address important social
16 issues, including issues that directly impact or involve fellow students. Such articles allow other
17 students to learn first hand the process of "coming out" and understand the plight of LGBT
18 students at their school. These publications promote empathy and can create a momentum for
19 more safety and acceptance, not lead to more violence.

20 17. I am not aware of any school in California or elsewhere in which violence against
21 LGBT students has increased as a result of the publication of a news story in a school's paper.
22 GSA Network monitors closely articles published in California schools through constant contact
23 with school-based GSA clubs and individual members. In fact there are several counter
24 examples that support the publication of such articles. I know of articles published in Los
25 Angeles and San Diego that helped promote a safer environment for LGBT students and received
26 positive feedback from other students. In October 2004, for example, a Los Angeles student
27 newspaper published by Los Angeles schools' students, *LA Youth*, published an article featuring
28 interviews with LGBT students. This article identified a gay high school student and his school

1 by name, and described his negative experiences at school, including taunting and harassment
2 from both teachers and students. (The October 2004 LA Youth article is attached hereto as
3 exhibit 1). Following the publication of the article, several students reacted to the article and sent
4 many letters to the editor in November and December 2004 that were published by *LA Youth*.
5 (The November-December 2004 letters to the editor are attached hereto as exhibit 2). All of the
6 published letters were positive responses and came from other struggling LGBT youth who
7 appreciated knowing they were not alone or were from straight youth who appreciated gaining
8 understanding and empathy for the struggles of LGBT youth in high school. These articles and
9 letters to the editor make a strong case for why the East Bakersfield High School administration
10 should not only allow *The Kernal* editorial board to publish the articles on LGBT students, but
11 ought to actually support such articles because they can help to foster greater acceptance and a
12 positive, respectful dialogue about a difficult subject in our society.

13 18. When the Bakersfield High GSA club was started, there was some concern
14 because the local press published an article about the controversy the creation of the club
15 generated in the school district. A handful of parents voiced their opposition to the club at school
16 board meetings and a local newspaper, the *Bakersfield Californian*, published an article on
17 January 11, 2004, entitled “New clubs at West, BHS set off alarms: Presence of Gay-Straight
18 Alliance groups have adults debating clubs’ merits.” (Article attached hereto as exhibit 3). The
19 paper quotes several students by name and alongside the article, the paper published a picture of
20 six student members of the Bakersfield High GSA club and identified them by name. The
21 Bakersfield High GSA club members did not report to GSA Network any increase in violence or
22 other safety concerns at school following the publication of the article. The article quotes a
23 Bakersfield High student who says that the GSA club had become the biggest topic of
24 conversation on campus. KHSD Associate Superintendent of Instruction Don Carter was quoted
25 in the article saying that the law was clear and that the GSA club would be allowed. Similarly,
26 the principal at East High should make clear that the freedom of expression of students on
27 campus will not be curtailed because an article might become “the biggest topic of conversation
28 on campus” or spark controversy.

1 19. When GSA clubs are formed in conservative communities, they are a way to start
2 a dialogue and increase the visibility of LGBT students on campus, and often help shed light on a
3 preexisting climate of intolerance that the school did not realize existed. Allowing students to
4 express themselves and share their experiences openly with others creates a safer environment
5 and helps the school community and often the community at large in effectively addressing
6 discrimination.

7 20. The principal at East High does not have to look far to find examples of good
8 school policy if he is serious about addressing harassment and discrimination based on sexual
9 orientation and gender identity on his campus. At West High, a few miles away, the principal has
10 been proactive in his support of the local GSA. Instead of reducing speech by LGBT students and
11 straight allies, he fosters dialogue by encouraging the club's activities on campus. During the
12 week of November 29, 2004, the West High GSA club held several events to commemorate
13 World AIDS Day with the full support of the school's administration. This kind of open support
14 is one of the best tools a school can use to create a safe and tolerant environment for all of its
15 students, including LGBT students.

16 21. The GSA Network and its members know that censorship is never the right
17 strategy to fight discrimination. It has not worked in the past and it will not work here. The
18 principal's decision to halt the publication of the articles in the *Kernal* is detrimental to LGBT
19 students' safety. The principal at East High should encourage the publication of these positive
20 and respectful articles. If his concern for the safety of LGBT students is genuine, he does not
21 have to reinvent the wheel: there are many effective strategies available to him that have been
22 and are successful to truly fight intolerance, homophobia, discrimination, harassment, and
23 violence in schools. Censorship is not one of them.

24 I declare under penalty of perjury of the laws of the State of California and the United
25 States that the foregoing is true and correct. Executed this _____th day of May, 2005 in
26 _____, California.

27 _____
28 Carolyn Laub