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12 GAY-STRAIGHT ALLIANCE NETWORK and  
GEORGE LOOMIS

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FALK  
& RABKIN  

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A Professional Corporation

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GAY STRAIGHT ALLIANCE NETWORK  
and GEORGE LOOMIS,

Plaintiffs,

v.

VISALIA UNIFIED SCHOOL DISTRICT,  
by and through its Board of Education;  
CARLYN LAMBERT, Superintendent;  
LINDA GONZALES, former  
Superintendent; BOB CESENA, Principal;  
GIG STEVENS, Assistant Principal, JUAN  
GARCIA; and Does 1-25, inclusive,

Defendants.

No. Civ. F-00-6616 OWW/LJO

Action Filed: September 29, 2000  
Trial Date: February 26, 2002

PLAINTIFFS' OBJECTIONS  
AND RESPONSES TO  
DEFENDANTS' FIRST  
SET OF INTERROGATORIES

1 PROPOUNDING PARTY: Defendants VISALIA UNIFIED SCHOOL DISTRICT,  
2 LINDA GONZALES, BOB CESENA, GIG STEVENS  
and JUAN GARCIA

3 RESPONDING PARTY: Plaintiffs GAY-STRAIGHT ALLIANCE NETWORK and  
4 GEORGE LOOMIS

5 SET NO.: ONE

6 Plaintiffs GAY-STRAIGHT ALLIANCE NETWORK and GEORGE LOOMIS  
7 provide the following written responses, including objections, to the First Set of  
8 Special Interrogatories from Defendants VISALIA UNIFIED SCHOOL DISTRICT  
9 (“VUSD”), LINDA GONZALES, BOB CESENA, GIG STEVENS and JUAN  
10 GARCIA:

11  
12 **GENERAL OBJECTIONS**

13  
14 **[The text of the General Objections has been omitted from this copy]**

15  
16 **RESPONSES TO INTERROGATORIES**

17 Subject to the foregoing General Objections and without waiving any such  
18 objections, Plaintiffs respond to each specific interrogatory as follows:

19 **SPECIAL INTERROGATORY NO. 1:**

20 As to each distinct incident of sexual orientation discrimination or sexual  
21 orientation harassment which either plaintiff contends occurred on a VISALIA  
22 UNIFIED SCHOOL DISTRICT campus from January 1, 1998 to the present, please  
23 provide the following information:

24 A. The date of any such event. (If the exact date is not known, please  
25 provide the month and year.)

26 B. The school campus where the incident took place.

27 C. An exact description of the location on campus where the incident allegedly  
28 took place, including classroom number or other precise descriptor.

- 1 D. A complete description of said incident.
- 2 E. The names and addresses of all alleged perpetrators of said incident.
- 3 F. The names and addresses of all alleged victims of said incident.
- 4 G. The names and addresses of all alleged witnesses of said incident.
- 5 H. The names of any DISTRICT employees who plaintiffs contend witnessed  
6 said incident.
- 7 I. A brief description of all intervention taken by any DISTRICT employee in  
8 response to witnessing said incident.
- 9 J. The date of first report of said incident to the DISTRICT offices.
- 10 K. The date of the first report of said incident to the administrative office of the  
11 school campus where the incident took place.
- 12 L. A description of all documentation of said incident believed to exist.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

14 Plaintiffs object to this interrogatory on the grounds that it is overbroad and  
15 unduly burdensome. Without waiving and subject to these objections and the General  
16 Objections, Plaintiffs respond as follows:

17

18 **I. PLAINTIFF GEORGE LOOMIS SUFFERED FROM HARASSMENT  
19 AND DISCRIMINATION.**

20 **A. Incidents Of Sexual Orientation Discrimination And Harassment In  
21 George Loomis' Choir Class.**

22 Numerous incidents of sexual orientation discrimination and harassment took  
23 place in George Loomis' choir class on the Golden West High School campus during  
24 George's junior year from the fall of 1998 to the spring of 1999. Many students in the  
25 class would yell out the words "faggot," "homo," and "joto" (which is Spanish for  
26 "faggot") during the class. Joshua Ziesler, a student, yelled the words "fag" and  
27 "queer" during class. One student, Eddie Gomez, called George a "faggot" to his face.  
28 Another student, David Nelson, taunted George by rubbing his leg in a sexually  
suggestive manner. Other male students would touch George's shoulder in a sexually

1 suggestive way in order to make fun of George and his perceived sexual orientation.  
2 This verbal and physical harassment embarrassed George greatly and made him  
3 extremely uncomfortable.

4 Another male student was harassed by many of the students in the class for  
5 allegedly being gay. When some of the students in this class discovered a jar of  
6 Vaseline in this student's bag, the students taunted him on the basis of his perceived  
7 sexual orientation, called him "Vaseline Boy," and accused him of using the Vaseline  
8 to masturbate to pictures of men.

9 Among the students who were present in George's choir class and may have  
10 witnessed some of the described incidents of sexual orientation discrimination and  
11 harassment were Adam Judd, Ajay Chagan, Nick Menezes, Araceli Ramos, Adam  
12 Turney, Matt Newton, Asa Belt, and Andrew Dean. VUSD employees who were  
13 present during many of these incidents were Teresa Bonnar, the musical accompanist  
14 for the choir, and the choir teacher, whose name George cannot recall. Although  
15 George's choir teacher observed many of these incidents, he failed to take any action to  
16 stop or prevent this behavior.

17  
18 **B. Incidents Of Sexual Orientation Discrimination And Harassment In**  
19 **George Loomis' A.P. Biology Class.**

20 Multiple incidents of sexual orientation harassment and discrimination also took  
21 place in George's A.P. Biology class on the Golden West High School campus during  
22 the spring semester of George's junior year in 1999. Two students, Gamalie Anguiano  
23 and David Silva, taunted and harassed George in the beginning of class while the  
24 teacher was taking attendance. These students called George "homo" and "faggot."  
25 They also told him that all of the people who worked with George at the Miller's  
26 Outpost store in the Visalia Mall were "faggots." When George attempted to defend a  
27 co-worker whom these students described as a "faggotty guy," these students said that  
28 George was a "fag" and a "queer" even though George had never discussed his sexual

1 orientation with the students who were harassing him.

2 Jay Hoyt, the teacher of George's A.P. Biology class, overheard some of the  
3 harassing comments made by these students. Hoyt took no action to reprimand these  
4 students for these inappropriate comments and would sometimes laugh along with the  
5 students who were harassing George. Another student, Kristin Rickard, witnessed  
6 some of these events. Among the other students who were present in George's A.P.  
7 Biology class and may have witnessed some of the described incidents of sexual  
8 orientation discrimination and harassment were Sara Kuhnel, Steven Oblaner, Brad  
9 Miller, Jonelle Crane, and Melissa Kirksey.

10  
11 **C. Incidents Of Sexual Orientation Discrimination And Harassment In**  
12 **George Loomis' Student Leadership Class.**

13 Wandra Hasadri, a student in George's student leadership class on the Golden  
14 West High School campus, also taunted and harassed George based upon his perceived  
15 sexual orientation. During the spring semester of George's junior year in 1999, George  
16 worked as a student aide for Rick Hudgens, the teacher of George's student leadership  
17 class. When George worked as a student aide for Hudgens during the fifth period of  
18 the school day, Hasadri would approach George when he was alone and call George a  
19 "faggot." She also accused George of having a sexual relationship with Hudgens and  
20 said that George and Hudgens were "fags together."

21  
22 **D. Incidents Of Sexual Orientation Discrimination And Harassment In**  
23 **George Loomis' Spanish II Class.**

24 On a day in early October 1999 in George's Spanish II class on the Golden West  
25 High School campus, George's teacher, Defendant Juan Garcia, noticed the earring that  
26 George was wearing and stated to George in Spanish in front of the entire class:

27 There are only two types of guys who wear earrings — pirates and faggots  
28 — and there isn't any water around here.

1 The entire class burst out laughing at George. George was shocked, angry, and upset  
2 by Garcia's behavior and was even more upset and embarrassed when the entire class  
3 continued to laugh at him as Garcia made the derogatory comment again in English to  
4 make sure that everyone in the class could understand it. Garcia then continued to call  
5 George "pirate" throughout the rest of the class period and attempted to mock George  
6 by calling on George with an exaggerated effeminate voice and manner. Among the  
7 students who were present in George's Spanish II class and may have witnessed some  
8 of the described incidents of sexual orientation discrimination and harassment were  
9 Ryan Waters, Jonelle Beggs, and Melissa Hrcirik.

10 The next day, before his Spanish II class was scheduled to meet, George reported  
11 this incident to school administrators at Golden West High School in an effort to get  
12 Garcia to stop harassing him. Early in the morning, he met with the principal of  
13 Golden West High School, Defendant Robert Cesena, in Cesena's office on the Golden  
14 West High School campus and told him exactly what Garcia had said to him in the  
15 Spanish II class about "pirates" and "faggots." Cesena, who continued reading papers  
16 while George was trying to explain what Garcia had done to him, dismissively told  
17 George that it was not fair to "go over Garcia's head" without giving Garcia a chance  
18 and that George should talk to Garcia himself. George talked to another student, Jason  
19 Waters, before he went to meet with Cesena, and George described to Jason what had  
20 happened in the meeting almost immediately after this meeting.

21 Right after George's Spanish II class met later that day, George approached  
22 Garcia, who was alone in George's Spanish II classroom reading a Spanish language  
23 newspaper. George informed Garcia that he was offended by the anti-gay slur that  
24 Garcia had told and asked Garcia to stop humiliating him in class by calling him  
25 "pirate." During the time that George was explaining to Garcia that Garcia's  
26 comments had deeply offended him, Garcia would not look up at George. He simply  
27 laughed at George and said, "OK, OK, OK." Subsequently, however, Garcia continued  
28 to mock George in Spanish II class by calling George "pirate." Garcia continued to

1 humiliate George in this way for as long as George was a student in his class and on  
2 other occasions made the same derogatory slur that George asked him not to repeat  
3 (“There are only two types of guys who wear earrings — pirates and faggots — and  
4 there isn’t any water around here.”).

5  
6 **E. VUSD Employees Convinced George Loomis To Drop Out Of Golden  
7 West High School And Enroll In The Independent Study Program.**

8 In October 1999, soon after Garcia made his “pirates and faggots” comments in  
9 Spanish II class, George went to speak to the Golden West High School psychologist  
10 in the psychologist’s office in the school library on the Golden West High School  
11 campus. George explained to her how Garcia had been harassing him in the Spanish II  
12 class. He also related to her many of the other incidents of harassment that he had  
13 experienced, including all of the slurs and abuse that he had received from other  
14 students, and informed her that such harassment was negatively affecting his ability to  
15 learn and function at Golden West.

16 In response to George’s telling her about this abuse, the psychologist told George  
17 that things might be better for George if he removed himself from full-time attendance  
18 at Golden West and attended the Independent Study Program. The psychologist  
19 described the Independent Study Program as a way for George to escape from  
20 immature high school students by studying independently and only coming to school  
21 for a one-hour class once each week. According to the psychologist, by attending the  
22 Independent Study Program, George could avoid the taunts from Garcia and the other  
23 students. She told George that she was planning to meet with Assistant Principal Gig  
24 Stevens later that day and she would suggest to Stevens that the school transfer George  
25 to the Independent Study Program. The psychologist told George that, although she  
26 recommended the Independent Study Program and thought it would be less likely that  
27 he would be bothered while enrolled in that program, there was nothing else that the  
28 school could do.

1 Later that day or the next day, George decided to meet with his guidance  
2 counselor, Cuca Atherton, in Atherton's office on the Golden West High School  
3 campus, in order to discuss whether the Independent Study Program was a good idea  
4 for him. Atherton explained to George that she had already discussed the Independent  
5 Study Program with George's psychologist, and that she also thought it was in  
6 George's best interest for him to enroll in the Independent Study Program. She  
7 explained that, although most Independent Study Program students were required to  
8 demonstrate to the school administration that they had a financial need to work at least  
9 forty hours a week and demonstrate proof of employment, the school "wouldn't worry  
10 about this requirement" in George's case. Instead, without any reference to the  
11 financial status of George or his family, Atherton told George that he should submit a  
12 form signed by his guardian declaring that his family had a "financial need" for him to  
13 enroll in the Independent Study Program. Atherton knew at the time she made this  
14 recommendation that George's family did not have any such "financial need."

15 Immediately after George spoke with Atherton about the Independent Study  
16 Program, George spoke with Golden West High School's assistant principal,  
17 Defendant Gig Stevens, in his office. Stevens advised George that he had spoken with  
18 George's guidance counselor and psychologist and that they all thought it was best if  
19 George would enroll in the Independent Study Program.

20 George's guardian, Donna Tyler, did not think it was a good idea for George to  
21 transfer to the Independent Study Program, and was especially worried about how the  
22 program might look to university admissions officers. George explained to her that all  
23 of the school officials at Golden West were recommending it. George switched from  
24 attending classroom instruction to the Independent Study Program sometime in the  
25 middle of October 1999. George believed, based in part on conversations with the  
26 various Golden West administrators and staff, that the Independent Study Program  
27 would be the only way he could get away from the constant harassment from Garcia  
28 and his fellow students.

1 VUSD officials knew that George was heavily involved in extracurricular  
2 activities at Golden West and that George intended to pursue higher education. While  
3 he attended Golden West, George was a member of the Gifted and Talented Education  
4 program (GATE) and aspired to attend the University of California at Berkeley to  
5 study pre-medicine and eventually go to medical school. George also was very  
6 involved in student activities at Golden West. He was a member of the track and  
7 cross-country teams, sang in the school choir, and was one of a select group of students  
8 who were chosen to enroll in an exclusive student leadership class based on the  
9 recommendation of one of his teachers. In his junior year, George was chosen by a  
10 committee of students, teachers and school administrators to be the student  
11 representative on the Visalia Unified School District Board of Education (“School  
12 Board Student Representative”). In that position, George represented the views of all  
13 Visalia students to VUSD Superintendent Linda Gonzales and the members of the  
14 Board of Education at meetings twice each month. George thoroughly enjoyed his  
15 position as School Board Student Representative and felt certain that it would enhance  
16 his chances to attend a prominent university.

17 Despite the fact that Golden West teachers, counselors, and administrators knew  
18 of George’s plans as well as the detrimental effects that his transfer to the Independent  
19 Study Program would have on these plans, these officials never discussed with George  
20 any possible negative effects that the Independent Study Program might have on  
21 George’s ability to continue his extracurricular activities or his aspirations to attend a  
22 prominent university. Indeed, when George asked about whether this decision would  
23 affect his ability to serve as School Board Student Representative, Golden West  
24 guidance counselor Cuca Atherton falsely promised George that he could continue to  
25 serve in that capacity while attending the Independent Study Program. When George  
26 attempted to attend a meeting of the Visalia Board, however, he found that he had been  
27 replaced by another student. After George inquired as to why he had been replaced,  
28 representatives of Golden West told George that Independent Study Program students

1 simply could not serve on the Board. Also, a Golden West administrator, Ms. Parazz,  
2 told Donna Tyler that George could not serve on the Board because he was in the  
3 Independent Study Program.

4 Contrary to the representations made to him by VUSD officials, George's transfer  
5 to the Independent Study Program resulted in his losing the ability to participate in all  
6 of the other extracurricular programs in which George previously had participated. In  
7 fact, Ms. Martinez, a campus security officer, told George that he could only be on the  
8 Golden West campus one hour each week while he attended his Independent Study  
9 class. George planned to interview with recruiters from the University of California at  
10 Berkeley, but they refused to talk to him after they learned he was in the Independent  
11 Study Program.

12 Between October 1999 and January 2000, George suffered numerous incidents of  
13 harassment while walking across the Golden West High School campus to attend his  
14 Independent Study Program class upstairs in the library building. Students yelled  
15 "faggot" and other anti-gay epithets at George when he passed by them. Also, George  
16 was spit upon by another student as he passed by. These acts of verbal and physical  
17 intimidation and harassment caused George to suffer feelings of extreme anxiety and  
18 illness related to this abuse and fear for his safety.

19  
20 **F. Incidents Of Sexual Orientation Discrimination And Harassment**  
21 **Involving Golden West High School Counselor Sarah Karam Sproles**  
22 **And Assistant Principal Gig Stevens.**

23 In or about November 1999, while George was working at his part-time job in a  
24 camera store, Sarah Karam Sproles, a Golden West school counselor, entered the store  
25 with a friend. While in the store, Sproles turned to her friend and said, "That boy is a  
26 faggot." When George realized Sproles had made this statement, he was outraged,  
27 stunned, and hurt by the remark.

28 Soon after this incident, George went to Sproles' office on the Golden West High  
School campus to ask her why she had made the statement. While Sproles initially

1 denied making the statement at all, she later reversed herself by admitting that she had  
2 made the statement, but claimed that she was not talking about George. Instead, she  
3 said that her derogatory slur was directed at another Golden West student, Adam  
4 Renteria—a student whom Sproles was counseling—who also happened to be in the  
5 camera store at the same time as George.

6 Complaining to Sproles about the constant harassment that he had received on the  
7 Golden West campus, George described to Sproles the derogatory slurs that Garcia had  
8 made to George in George’s Spanish II class. George also described the constant  
9 harassment that he was receiving from students as he walked across the Golden West  
10 campus to attend his Independent Study class. In response, Sproles suggested that he  
11 could attend the VUSD adult school, which, she told him, was just as good as the  
12 education he would receive at Golden West.

13 At one point, during George’s meeting with Sproles, Assistant Principal Gig  
14 Stevens walked into Sproles’ office. Without any authorization from George and for  
15 no apparent reason, Sproles stated, “This is George Loomis and he is gay.” Stevens  
16 then mocked George in a high-pitched effeminate voice, “Well, George, why didn’t  
17 you say that in the first place? Why didn’t you say, ‘My name is George, and I am  
18 gay?’” George felt humiliated. George told Stevens and Sproles that he did not feel  
19 safe attending Golden West High School and asked Stevens whether he would make  
20 some effort to ease the harassment that George was receiving from other students while  
21 he attended his Independent Study class on the Golden West High School campus.  
22 Stevens refused to guarantee George’s safety and told him that if he did not feel safe  
23 then he should give up high school altogether and attend the adult school, which he  
24 told George was just as good as a regular high school program. Waving some papers  
25 in front of his face, Stevens then told George that he was in breach of his Independent  
26 Study Program contract because he had missed two days of class.

27 George told Stevens that he would not come onto Golden West campus unless he  
28 was assured that he would be safe from harassment by teachers and students. Stevens

1 told George that he could not promise George that the school would be safe for him.  
2 After Sproles and Stevens refused to assure his safety on campus, George stopped  
3 attending the Independent Study Program altogether in or about January 2000. To the  
4 best of George's knowledge, he has not even been given credit for his Independent  
5 Study Program work from the fall of 1999.

6  
7 **G. Incidents Of Sexual Orientation Discrimination Relating To George**  
8 **Loomis' Attempts To Inform Then-VUSD Superintendent Linda**  
9 **Gonzales About The Harassment He Had Suffered.**

10 George Loomis attempted to contact then-VUSD Superintendent Linda Gonzales  
11 numerous times between October and December 1999 to discuss the constant  
12 harassment that he had been suffering which eventually led to his leaving Golden West  
13 High School. Gonzales never returned any of George's calls. In December 1999,  
14 George went to Gonzales' office at the District's offices on Cypress Avenue. He spoke  
15 with one woman at the offices who gave George copies of some of the District's  
16 policies concerning sexual harassment. He then spoke to Ms. Gonzales' assistant, Liz  
17 Parker, who told George that Ms. Gonzales was not in the office that day. George told  
18 Parker about the harassment that he had been facing at Golden West High School. He  
19 told her about the incidents involving Juan Garcia and counselor Sproles, the general  
20 slurs and harassment from other students, and how he had been encouraged to enroll in  
21 the Independent Study Program. Parker typed up notes of this conversation in what  
22 appeared to be an email to Gonzales. She promised to pass these notes along to  
23 Ms. Gonzales. George never received any response from Gonzales, and to his  
24 knowledge she never intervened to try to make Golden West safe for George or other  
25 students.

26 **H. After George Loomis Was Forced Out Of Golden West, Teachers**  
27 **Openly Discussed George's Sexual Orientation In Their Classrooms.**

28 In May 2000, the *Fresno Bee* published an article about the harassment and

1 discrimination that George suffered at Golden West. Within a day of the article  
2 appearing in the *Fresno Bee*, George's sister Margaret Loomis began to suffer abuse  
3 from other Golden West students because her brother was openly gay. Other students  
4 would make derogatory comments to her, such as "Your brother's a faggot." Margaret  
5 discussed this abuse with Golden West staff members Cuca Atherton and Ms. Biehle.  
6 Biehle and Atherton told Margaret that if the abuse became serious enough, she could  
7 leave her classes and go sit in their offices. They offered Margaret no other options for  
8 dealing with the abuse.

9 Numerous copies of the *Fresno Bee* article were distributed throughout Golden  
10 West, and Margaret heard from other students that many Golden West teachers were  
11 discussing the article in classes with the students. In fact, while Margaret was in the  
12 Golden West administrative office, she overheard a teacher, Mr. Kennedy, state to  
13 other teachers and administrators who were present in the offices, "We can't talk about  
14 God in school but we can talk about faggots." Eventually, Margaret approached  
15 Cesena and told him that she was very upset, that she was having a difficult time in  
16 school, and that she wanted the teachers to stop discussing George in their classes.  
17 Cesena told Margaret that he would send a memorandum to the Golden West teachers  
18 asking them to stop talking about the issue in class. Margaret doesn't know whether  
19 this memorandum was actually sent out.

20 Some of these incidents of harassment and discrimination were documented in a  
21 January 11, 2000 letter from Joseph Altschule to Robert Cesena. In a January 26, 2000  
22 letter from VUSD counsel John Rozier to Joseph Altschule, the VUSD has admitted  
23 that certain of these incidents occurred.

1 **II. FORMER STUDENT RONNIE ROBINSON SUFFERED FROM**  
2 **HARASSMENT AND DISCRIMINATION.**

3 **A. Ronnie Robinson Is “Outed” In Middle School When A Valley Oak**  
4 **Teacher Tells His Mother That “He’s Turning To Homosexuality” And**  
5 **He Is “Going To Go To Hell.”**

6 Ronnie attended Valley Oak Middle School from approximately 1993 to 1996.  
7 Sometime in late 1995 or early 1996, Ronnie’s eighth grade teacher Ms. Young  
8 discovered that Ronnie was writing a note in which Ronnie had described a crush that  
9 he had on another male student. Young took the note away from Ronnie. After class,  
10 Young phoned Ronnie’s mother, Becky Robinson. Young told Ronnie’s mother that  
11 Ronnie was “turning to homosexuality” and “he’s going to go to hell.” Ronnie had  
12 never discussed his sexual orientation with his family before this incident, and thus  
13 Young “outed” Ronnie to his mother by informing her of the note that Ronnie had  
14 written and disclosing the private details in the note. As a result of Young’s actions,  
15 Ronnie was forced to disclose to his family that he is gay.

16 Ronnie was very upset that Young had revealed this private information to his  
17 mother and had made anti-gay comments to his mother about Ronnie “going to hell”  
18 because of his sexual orientation. Subsequently, Ronnie approached Young after class  
19 and asked her why she contacted his mother and told her about the note. Young  
20 explained to Ronnie that she felt that homosexuality led to a lot of “negative things,”  
21 including AIDS and frequent sexual behavior. Young told Ronnie that, in her opinion,  
22 homosexuality led to depression.

23 Ronnie then reported Young’s inappropriate behavior to a Valley Oak  
24 administrator, Mr. Vasquez. Vasquez told Ronnie that in his opinion it was appropriate  
25 for Young to report the note and its contents to Ronnie’s parents. As Vasquez  
26 explained it to Ronnie, his situation was comparable to a situation where a student  
27 wrote a suicide note. Vasquez said that if a teacher discovered that a student had  
28 suicidal thoughts or discovered similar issues relating to a student’s safety, then that  
teacher was required to report such an incident to the student’s parents. Ronnie

1 explained to Vasquez that he did not see any comparison between a student being gay  
2 and a student contemplating suicide. During this discussion, Vasquez told Ronnie that  
3 he would try to keep Young “under wraps” unless Ronnie’s actions became a “safety  
4 issue.”

5 Despite Vasquez’s promises, Young continued to discuss Ronnie’s sexual  
6 orientation with Ronnie’s parents and others. Young told Ronnie’s English teacher,  
7 Mr. Kelley, and a Valley Oak Science teacher about Ronnie’s letter describing a crush  
8 on another male student. These three teachers arranged a meeting with Ronnie’s  
9 mother after school so that they all could discuss the possibility that Ronnie might be  
10 gay. Kelley showed Ronnie’s mother some poetry that Ronnie had written in his  
11 English class and told Ronnie’s mother that it was “homoerotic.”

12 One other discriminatory and harassing event occurred during Ronnie’s eighth  
13 grade class with Young. Young was discussing the issue of gay marriage and whether  
14 Hawaii was going to legalize gay marriage, and she allowed the students to contribute  
15 their own thoughts to the discussion. One student said, “Well, faggots shouldn’t get  
16 married,” and then Young said something to the effect that, “It’s not in the Bible.”  
17 After Young’s comment that gay marriage was not “in the Bible,” Ronnie told Young  
18 and the class that he didn’t approve of these types of remarks and did not want to  
19 discuss the Bible in class. Another student said, “Well, that’s because you’re a  
20 faggot.” Young failed to reprimand the harassing student; instead, she moved on to  
21 discuss a different topic.

22  
23 **B. The Persistent Harassment And Discrimination That Ronnie Robinson**  
24 **Suffered While He Attended Golden West High School.**

25 Ronnie Robinson attended Golden West as a student from 1996 until he  
26 graduated in 2001. Ronnie was called “faggot” and other names at Golden West at  
27 least three times daily. Numerous times on campus, students directed threats such as “I  
28 want to kill you faggot” at him. Occasionally, other students pushed or shoved him.

1 During lunch, other students threw objects such as chicken nuggets, fruit, and gum at  
2 him. Golden West was a hostile environment for him, and he worried for his safety  
3 while he attended that school. While attending Golden West, he suffered from  
4 depression, his grades dropped as a result of the harassment, and he tried to hurt  
5 himself by burning himself with a lighter and trying to slit his wrists with a razor.

6 As is further discussed below, Ronnie reported numerous incidents of harassment  
7 to Golden West teachers and administrators. Despite the fact that Ronnie regularly  
8 reported this harassment, no teacher or administrator at Golden West ever informed  
9 him of the VUSD sexual harassment policy or that it prohibited harassment based on  
10 sexual orientation. While a select few administrators and teachers, such as Ms. Biehle,  
11 attempted to make the school environment better for Ronnie, he never felt comfortable  
12 talking to other teachers or administrators because he never felt anyone else cared. In  
13 fact, Ronnie noticed a pattern in which teachers would enforce rules relating to male-  
14 to-female, sex-based sexual harassment while they ignored harassment based on sexual  
15 orientation. In general, Ronnie felt like the teachers and administrators were  
16 indifferent to the daily anti-gay harassment that he suffered at Golden West. Ronnie  
17 has said that the conduct of the teachers and administrators actually conveyed that it  
18 was acceptable for anti-gay harassment to occur at VUSD schools. Specific incidents  
19 of anti-gay discrimination and harassment that Ronnie suffered at Golden West are  
20 described in detail below.

21  
22 **1. Ronnie Is Called “Faggot” In Spanish By His Spanish Teacher.**

23 While Ronnie attended Golden West High School as a freshman (1996-1997  
24 school year), Ronnie’s Spanish teacher Mr. Davis called Ronnie a “*joto*” in Spanish  
25 class. The word “*joto*” is the Spanish word for “faggot.” When Ronnie asked Davis  
26 what “*joto*” meant, Davis just laughed and ignored Ronnie. Realizing that his teacher  
27 was calling him a “faggot” in the classroom, Ronnie was humiliated by this extremely  
28 offensive incident, and, furious, he walked out of his class. Ronnie reported this

1 incident to an administrator at Golden West. Ronnie remembers that an administrator  
2 or other staff person in the Golden West office took statements from him and other  
3 students about this incident in Davis' class. He wrote a statement and he remembers  
4 Jared Jones, another student, writing a statement, but he is not sure who else wrote  
5 statements.

6 On another occasion in Spanish class, Davis made another offensive anti-gay  
7 comment to Ronnie. Somehow, Davis had learned that a female student named Wanda  
8 had a crush on Ronnie. Referencing Wanda, Davis stated to Ronnie something like  
9 "You can't eat fish, you only like meat."

10  
11 **2. Ronnie Is Asked By His Choir Teacher To Drop Out Of The Class**  
12 **Because, As An Openly Gay Student, He Somehow Was "Making**  
13 **Students Uncomfortable."**

14 In his freshman year, Ronnie signed up to take a boys' choir class with  
15 Mr. Seaward. Ronnie enjoyed music, and he particularly enjoyed this class and needed  
16 to pass it before he could take any advanced choir classes. After Ronnie had attended  
17 the class for approximately two weeks, Seaward told Ronnie that it would be in his  
18 "best interest" to drop out of choir class because he made the other boys  
19 "uncomfortable" by the "way he acted." By this time—which was only a couple of  
20 weeks after he started to attend Golden West—it had already become generally known  
21 on campus that Ronnie was open or "out" about the fact that he was gay. Ronnie never  
22 did anything to make anyone "uncomfortable" besides being honest about his sexual  
23 orientation. Although Ronnie asked for clarification from Seaward as to what he had  
24 allegedly done that made other students "uncomfortable," Seaward never provided  
25 Ronnie with any explanation.

26 Ronnie understood Seaward to be "suggesting" that he should drop out because  
27 Ronnie, as a gay student, was not welcome in Seaward's class. Reluctantly accepting  
28 Seaward's "suggestion," Ronnie dropped out of the class. Ronnie told his counselor  
what Seaward had said to him, but to the best of his knowledge, no one ever

1 reprimanded Seaward for causing Ronnie to drop out of Seaward’s class.

2  
3 **3. Ronnie Was Harassed By Students In His Physical Education**  
4 **Classes And His Teachers Refused To Help.**

5 Beginning in his freshman year, students harassed Ronnie every day in his  
6 physical education class while he was trying to change from his school clothes into his  
7 gym clothes in the locker room. Other students would constantly yell anti-gay slurs at  
8 him such as “I’m going to kick your ass if you look at me,” or, “Oh faggot, don’t look  
9 at my ass.” Ronnie’s freshman gym teacher, Mr. Buckley overheard these comments  
10 when he would walk through the locker room but never intervened to stop the  
11 harassment. On a few occasions, one or two students threw Ronnie up against a locker.  
12 One of these students was named Brian.

13 Ronnie feared that one day he would get the “living shit beat out of him” in the  
14 locker room. As a defense mechanism to avoid the harassment, Ronnie came early to  
15 his physical education class so that he could change before the other students came to  
16 class. On other occasions, Ronnie waited until after everyone else changed and then  
17 changed so as to avoid the harassment. Despite these measures that Ronnie took to  
18 protect himself, the harassment continued. Ronnie approached Buckley, reported to  
19 him what was happening in the locker room, and informed Buckley that he had a  
20 serious fear that some of the other students would hurt him. Buckley told Ronnie that  
21 Ronnie was “making people uncomfortable” and suggested that he “try and tone things  
22 down.” Ronnie was not doing anything that would make the other students  
23 uncomfortable—he merely changed his clothes and always looked at the floor for fear  
24 that someone would hurt him if he looked up. Finally, after Buckley refused to do  
25 anything to protect his safety, Ronnie stopped attending his freshman physical  
26 education class.

27 In his sophomore year (1997-1998), Ronnie had a physical education class with a  
28 different teacher, Ms. Geiger. Despite having a new teacher, the harassment by the

1 other male students continued in the boys' locker room. Eventually, Ronnie stopped  
2 changing in the boys' locker room and began changing in the bathroom in order to  
3 avoid the harassment from the other students. One day after class, Geiger discovered  
4 that Ronnie was changing in the bathroom and told him that this was not allowed under  
5 school rules. Ronnie explained to Geiger that he was changing in the bathroom  
6 because no male faculty or staff member was present in the locker room and that he  
7 feared for his safety because the other students had threatened to "kick his ass" if he  
8 changed in there. Ronnie asked Geiger to tell the other students to leave him alone or  
9 to put a male faculty member in the locker room to protect him.

10 Geiger refused to intervene or instruct the other students to stop harassing  
11 Ronnie. Instead, Geiger took Ronnie into her office, told him that he needed to "find  
12 Jesus," and invited him to come to church with her. She told Ronnie that he was  
13 depressed because Ronnie had not asked God to help him, and she suggested that they  
14 pray together. Ronnie did not want to pray, so Geiger merely held him while she  
15 prayed. Ronnie asked Geiger if he could continue to change in the bathroom and avoid  
16 the harassment in the locker room, but Geiger refused to allow him to change in the  
17 bathroom because it violated some technical regulation at Golden West. Geiger also  
18 refused to put a male staff member in the locker room to protect him from verbal and  
19 physical abuse. Immediately after the discussion with Geiger in which she refused to  
20 help him, Ronnie dropped out of physical education class. After this incident, Ronnie  
21 locked himself in the bathroom in his house and contemplated killing himself.

#### 22 23 **4. Other Numerous Incidents Of Discrimination And Harassment** 24 **That Ronnie Endured At Golden West.**

25 Throughout the time that Ronnie attended Golden West, he was continuously  
26 harassed by a group of about twelve male students known as the "cowboys" who used  
27 to hang out in front of the Agriculture Building at Golden West. One of the harassers  
28 was named Casey Lawson. This harassment began in his freshman year, and by his

1 junior year, the harassment was particularly severe. The “cowboys” would constantly  
2 yell anti-gay slurs and other comments at Ronnie such as “hey faggot, I know you like  
3 dick” or “the only thing you know how to do is suck dick.” Sometimes, two female  
4 students named Crystal and Christine, who were known as “cowgirls,” would also  
5 harass Ronnie by making offensive comments such as “get out of my way faggot.”  
6 Ronnie reported these incidents of harassment by the “cowboys” and the “cowgirls” to  
7 Ms. Martinez, a Golden West security officer. He specifically told Martinez that these  
8 students were harassing him by calling him anti-gay slurs like “faggot,” but she  
9 typically did nothing to reprimand them. In fact, Martinez blamed Ronnie for  
10 somehow causing the “cowboys” to harass him by suggesting that Ronnie must have  
11 antagonized the other students. Shocked, Ronnie asked Martinez, “Is eating lunch  
12 obnoxious?” The harassment continued. Although Martinez never once told the  
13 “cowboys” that it was inappropriate to call Ronnie anti-gay slurs such as “faggot,”  
14 Ronnie recalls that one time Martinez asked the “cowboys” to leave the school parking  
15 lot where they were harassing him because they were not allowed to be there during  
16 school hours. By failing to stop the harassment, Martinez encouraged the “cowboys”  
17 to continue to call him a “faggot” and other derogatory terms because they realized that  
18 they would never get in trouble for their actions.

19 In addition to Martinez, Ronnie would report these incidents to Ms. Biehle and  
20 others in the offices at Golden West. Biehle told Ronnie that she needed to have the  
21 names of the “cowboys” before she could take any action. Ronnie didn’t know all of  
22 the names of the “cowboys,” but he gave Biehle the names that he did know. Ronnie  
23 implored Biehle to help, saying, “It happens when teachers are walking by . . . I don’t  
24 understand why no students care. Is it just me who is offended?” Biehle never  
25 indicated that she would do anything to discipline the “cowboys” and “cowgirls.”  
26 Ronnie assumed that nothing was ever done to them because they continued to harass  
27 him even after he reported the incidents to Biehle. Indeed, Mr. Stockton, who was the  
28 principal at the time, would sometimes overhear the harassing slurs that the “cowboys”

1 and “cowgirls” directed towards Ronnie, but Stockton never intervened to tell these  
2 students to stop harassing Ronnie nor did he tell the students that it was inappropriate  
3 to make such anti-gay comments.

4 Similar to the incidents with the “cowboys,” beginning in Ronnie’s freshman  
5 year, another group of students known as the “preps” would continually say things like  
6 “fuck you faggot” to Ronnie on campus, often standing by a tree that was across from  
7 the English building. These harassers included Graham Sargeant, Jared Jones, Joey  
8 Minittia, Kyle Shore, and Nathan Bennett. Among other students, Andrea Krottner  
9 was a witness to this harassment. These comments were overheard by former Principal  
10 Stockton on at least eight occasions. Stockton would never do anything to stop the  
11 “preps” from harassing Ronnie. Finally, on one occasion in or about October 1996  
12 Ronnie approached Stockton and asked him why he refused to help. Stockton stated,  
13 “I can’t help you unless you give me something to help me with.”

14 In Ronnie’s freshman English class with Ms. Vaughn, Jared Jones would  
15 routinely cough while covering his mouth and say “faggot” at the same time under his  
16 breath. Ronnie recognized that Jared Jones’ “faggot” comments were directed toward  
17 him. On some of these occasions, Vaughn would discipline Jared Jones by making  
18 him sit outside of the classroom or by verbally reprimanding him. Vaughn never told  
19 Jared that it was inappropriate to call Ronnie a “faggot.”

20 In his sophomore year, Ronnie was harassed while performing in the musical  
21 “Hello Dolly” in Mr. Wilson’s drama class. Some students, including Sean Daly and  
22 two other students named Ryan and Brian, would say things in musical rehearsals such  
23 as “Fucking faggot move out of my way” and “You dance like a fairy.” Wilson  
24 ignored this harassment. Finally, Ronnie went up to Wilson and said words to the  
25 effect of, “I know your brother was gay, and he committed suicide because he was gay,  
26 and I really think you’d be one to stand up for me.” He asked Wilson to simply tell the  
27 students to stop harassing him and to tell them that Ronnie was not trying to make  
28 them uncomfortable. Wilson refused to do anything about the harassment that had

1 already occurred, but told Ronnie that, if the harassment continued, Ronnie should tell  
2 him right when an incident occurred so that he could deal with it “when it happened.”  
3 Sometime later, Wilson actually witnessed one of the students calling Ronnie a  
4 “faggot,” causing Mr. Wilson to say, “You know, Shakespeare used to call a pile of  
5 sticks a faggot.” Wilson didn’t deal with the incident in any other way, however.

6 Ronnie suffered another incident of harassment in Mr. Phillips’ science class  
7 during his junior year in 1998. For this particular class, Phillips was teaching in the  
8 computer lab above the library. Another student, whom Ronnie does not know by  
9 name, sent a computerized instant message to Ronnie’s computer that made the word  
10 “Faggot” pop up in a box on Ronnie’s monitor. The message identified the student  
11 who actually sent the “Faggot” message to Ronnie. Ronnie looked around at the other  
12 students’ monitors, but none of them had “Faggot” in a box on their monitors. Ronnie  
13 immediately showed the “Faggot” message to Phillips, who failed to discipline the  
14 harassing student. Finally, Ronnie convinced Phillips at least to ask the other student  
15 whether he sent the message. The other student denied any involvement. Despite the  
16 fact that the message on Ronnie’s monitor identified who sent it, Phillips came back to  
17 Ronnie, said that the other student denied doing it, and declined to pursue the matter  
18 further.

19 Ronnie was also harassed by other students in his art class. In or about December  
20 1998, Ronnie left his personal journal unattended at his desk in art class for a few  
21 moments. While Ronnie was away from his desk, another student named Vanessa  
22 wrote in his journal: “Fuck you faggot, you’re going to die. Love you, Vanessa.” At  
23 least one student, Cynthia Redfar, witnessed Vanessa write the journal entry. Around  
24 that same time, Ronnie also found out that Vanessa’s boyfriend wanted to “kick his  
25 ass.” Upset, Ronnie went into Ms. Biehle’s office, showed her the journal, and  
26 explained to her what had happened. Biehle apparently discussed the incident with  
27 Vanessa’s counselor, Mr. Samowang—although Ronnie was not present when this  
28 discussion occurred. Samowang called Ronnie into his office, discussed the incident,

1 and asked whether Ronnie feared for his safety. Ronnie told Samowang that he wasn't  
2 sure whether Vanessa was serious about hurting him or not. Samowang, in a sarcastic  
3 and demeaning way, said words to the effect that if Ronnie "felt as if he was going to  
4 die" then he could come into the office, but until Ronnie "felt he was going to die,"  
5 nothing could be done about the threats. To the best of Ronnie's knowledge, school  
6 officials did not discipline Vanessa or her boyfriend in any way.

7         Approximately one or two months after this incident occurred in Ronnie's art  
8 class, more harassing comments appeared in Ronnie's journal. A student used letters  
9 from the alphabet that had been cut out from magazines and wrote in Ronnie's journal,  
10 "You're a faggot, no one likes you." Ronnie later discovered that Cynthia Redfar was  
11 responsible for this incident. Again, Ronnie showed Biehle the note. Biehle told  
12 Ronnie that if he feared for his safety, then he should come back to her but that  
13 otherwise, there was not much she could do. As far as Ronnie knows, school officials  
14 did not discipline Cynthia Redfar for this incident. Ronnie felt that, unless he was  
15 going to be physically hurt, school officials would not discipline any students who  
16 harassed him. He felt very sad that Biehle, whom he trusted and liked, would not  
17 pursue the matter further.

18         Finally, in 1999, a student, Casey Lawson, almost seriously injured Ronnie on the  
19 Golden West parking lot. Ronnie was walking on the sidewalk of the Golden West  
20 campus when Casey Lawson drove out of the parking lot, swerved his truck and  
21 attempted to hit Ronnie with his truck while screaming, "I will kill you faggot." Casey  
22 Lawson's truck came within a few feet of actually hitting Ronnie. A Golden West  
23 teacher, Mr. Rahab, and numerous students, including Ronnie's friend Catie Galloway,  
24 witnessed this incident. Rahab took Ronnie to the principal's office to talk to Biehle  
25 about it. Ronnie explained to Biehle that he did not feel safe and told her how Lawson  
26 had actually tried to assault Ronnie the previous day while the two of them were  
27 stopped at a red light on Ben Maddox Drive. Ronnie and Biehle met with the on-  
28 campus police officer and discussed this incident.

1                   **5. A Golden West Administrator Suggested That Ronnie Transfer**  
2                   **To The Independent Study Program To Escape The Persistent**  
3                   **Harassment.**

4                   The teachers and administrators at Golden West made several attempts to  
5                   convince Ronnie that he should enter the Independent Study Program. In Ronnie’s  
6                   sophomore year, some of Ronnie’s teachers, including Mr. Phillips, suggested that he  
7                   should enter the Independent Study Program, but Ronnie told these teachers that he  
8                   was not interested. He specifically told Phillips, “If you really want to help me, you  
9                   would actually care” and accused him of trying to “get rid” of Ronnie because he was a  
10                  “burden in his classroom . . . like a stain on your good shirt.”

11                 At the end of the first semester in his junior year at Golden West in 1999, Ronnie  
12                 came to Biehle’s office after school for protection after another one of the incidents in  
13                 which students were yelling “faggot” at him. Ronnie told Biehle that he was tired of  
14                 the harassment, and tired of having to leave class because the students were harassing  
15                 him. Biehle told Ronnie that there was only one way to escape the harassment: he  
16                 would have to leave full-time classroom instruction and transfer into the Independent  
17                 Study Program. She told Ronnie that if he could get a job, she would have a “good  
18                 excuse” to get him into the Independent Study Program. She told him that one of the  
19                 benefits of the Independent Study Program was that he would not be on campus very  
20                 much and that he could escape the harassment from the other students. Ronnie told  
21                 Biehle that he felt he would be letting the harassers win if he agreed to leave the  
22                 classroom and that if he left, he would be giving up. Nevertheless, after their  
23                 discussion, he told Biehle that he would agree to enter Independent Study. Ronnie  
24                 feels that these harassing incidents, including the fact that he couldn’t take a physical  
25                 education class without fearing for his safety in the locker room, the incident where  
26                 Casey Lawson tried to seriously injure him, his feeling that that no one at Golden West  
27                 cared about him or his safety, and that they treated him “like a disease,” contributed to  
28                 his entering the Independent Study Program.

1 Ronnie never knew what criteria he had to fulfill in order to enter the Independent  
2 Study Program other than Biehle’s suggestion that he get a job. Ronnie had no  
3 financial need to work. His father was a retired professional baseball player who could  
4 easily support his son. In fact, Ronnie could not find a job. Ronnie told Biehle that he  
5 did not have a job, but she falsified the forms so that he could enter the program  
6 anyway. Biehle helped Ronnie invent a fictional job—that he was working for a  
7 business owned by friends of Ronnie’s mother. It was all a hoax designed so that if  
8 any school board personnel called this business, someone could tell school board  
9 personnel that Ronnie was employed there.

10  
11 **6. The Independent Study Program At Golden West Is Not**  
12 **Educationally Equivalent To Full Time Classroom Instruction.**

13 After enrollment in the Independent Study Program, Ronnie studied on his own  
14 and came onto campus only once a week for a one- to two-hour session with his  
15 teacher, Mr. Stexias. While walking to his independent study class, students would  
16 often say things like, “Hey faggot, you’re back for more,” or, “I thought we gave you  
17 enough shit, faggot.” This group of students included Jared Jones and Graham  
18 Sargeant. Ronnie discussed this harassment with Stexias, who counseled Ronnie to  
19 “walk away” from the harassers. After their discussion, Ronnie decided not to report  
20 the harassment to anyone else at Golden West out of fear that if he reported the  
21 harassers to the administration, someone might retaliate against his brother Ryan.

22 It was obvious to Ronnie that his education in the Independent Study Program  
23 was not educationally equivalent to classroom education. He could not take many of  
24 the classes that he wanted, including drama and philosophy. The quality of work was  
25 not very stimulating. The books were not the same books used in classroom  
26 education—some of them were very old, including one algebra book from the 1970s.  
27 And many of the books on the subjects that Ronnie wanted to pursue were not even  
28 available. For instance, Ronnie wanted to take a crafting and sewing class, and he was

1 told that he could not take that class because no book was available. While in  
2 independent study, Ronnie rarely found out about school events such as the prom  
3 because he only came on campus once a week and missed student announcements.

4 Also, there were many distractions while Ronnie was trying to learn with Stexias.  
5 The independent study class took place in a very noisy room above the Golden West  
6 library. Stexias would meet with Ronnie for one or two hours each week in a cubicle  
7 inside this noisy room. In other cubicles in this room, other students were in detention  
8 for various disciplinary violations. Some of these students in detention were watching  
9 and listening to anti-smoking films. On one occasion, Ronnie's instructor Stexias had  
10 to ask that the students in detention leave the room because they were incredibly  
11 obnoxious to Ronnie and the other students and teachers in the room. In other parts of  
12 the room, phones were ringing and teachers were having meetings and gossiping, all of  
13 which interrupted Ronnie's learning experience. Also, the computer lab was located in  
14 this same room. Often teachers used the computer lab to instruct their classes, which  
15 created further noise.

16  
17 **7. Ronnie's Efforts To Form A Gay-Straight Alliance Failed Because**  
18 **Of Overly-Strict Enforcement Of Purported Rules And**  
19 **Regulations.**

20 In the beginning of his sophomore year, Ronnie and his friend Britain Pipes tried  
21 to form a Gay-Straight Alliance at Golden West. Ronnie first approached the  
22 principal, Mr. Stockton, and told him that he and other students wanted to form a Gay-  
23 Straight Alliance. Stockton told Ronnie that the group needed a teacher who would  
24 actually be in the same room when they held meetings. Ronnie asked his teacher Mr.  
25 Wilson whether he would sponsor the group, and Wilson agreed to it. Ronnie then  
26 went back to see Stockton, who, in a sarcastic and demeaning way, informed him of a  
27 whole list of "hoops" or formal requirements that must be satisfied before the group  
28 could be officially recognized. Stockton told Ronnie that he needed to have a petition

1 signed by at least twenty students, a definition of the purpose of a Gay-Straight  
2 Alliance, and rules for how the meetings were to be conducted. Stockton also told  
3 Ronnie that the Gay-Straight Alliance would have to be approved by the student  
4 government. Although Ronnie asked Stockton to provide him with the written policies  
5 governing the formation of clubs on campus, Mr. Stockton said he could not find any  
6 policies and never gave any to Ronnie. While at least eight students were interested in  
7 forming a Gay-Straight Alliance, Ronnie could never get twenty students to sign the  
8 petition, and the effort to form a Gay-Straight Alliance failed.

9  
10 **8. Ronnie's Efforts To Bring A Date To The School Dance Failed**  
11 **Because The Golden West Administration Could Not Find**  
12 **Anything In The Rules That Allowed A Same-Sex Couple To**  
13 **Attend.**

14 When Ronnie was a sophomore or a junior at Golden West, he dated a male  
15 student who did not attend Golden West. Ronnie decided to bring him to a Golden  
16 West dance. Ronnie asked the teachers and administrators at Golden West whether  
17 there would be a problem with him bringing a male date to a school dance. Mr. Wilson  
18 tried to find a policy that might apply but could not locate one. Finally, Ronnie went to  
19 see the principal, Mr. Stockton. Stockton told Ronnie that two male students were not  
20 allowed to go to school dances together. Ronnie pointed out to Stockton that there was  
21 nothing in any policy that prohibited same-sex couples from attending dances.  
22 Stockton said that, nevertheless, the VUSD policies did not explicitly allow same-sex  
23 couples to attend, and for this reason, Ronnie could not bring his male date to the  
24 dance.

25 **9. Other Anti-Gay Harassment And Discrimination Witnessed By**  
26 **Ronnie Robinson.**

27 In 1997, Ronnie was friends with another gay student at Golden West, named  
28 Louis. Ronnie does not recall his last name. In August or September, two students

1 came up to Ronnie and Louis while they were having lunch and said “We don’t like  
2 you faggots.” Louis stood up and confronted the two students, and one of them  
3 responded by hitting Louis. In self-defense, Louis smashed a Snapple bottle over the  
4 harasser’s head and a fight ensued. Ronnie was terrified that he or other students were  
5 going to get hurt. Finally, teachers and administrators broke up the fight, and either  
6 Mr. Stockton or someone else escorted Louis and the harasser away. Louis was  
7 suspended from Golden West, and Ronnie never saw him again. On the other hand,  
8 the harasser who instigated the fight was back on campus that afternoon. Even though  
9 Ronnie was right next to Louis and the harasser when the fight started, no teacher or  
10 administrator ever spoke to him about who was at fault or about any of the details of  
11 how the fight began. Numerous students witnessed this fight, including Bonnie Mauer  
12 and Vanessa Minard.

13 Ronnie also witnessed incidents of anti-gay harassment directed towards three  
14 other students. Shabon was an open lesbian student who attended Golden West with  
15 Ronnie Robinson. He doesn’t recall Shabon’s last name. Ronnie Robinson saw other  
16 students calling Shabon “dyke” and other derogatory terms. Students also called her  
17 best friend, who is not gay, a “dyke.” Shabon told Ronnie that she (Shabon) reported  
18 these incidents to Golden West teachers and administrators and that she was very upset  
19 because the students did not stop harassing her. Ronnie also saw other students harass  
20 another student named Daniel Lopez while they all walked to Mr. Davis’ choir class.  
21 Students used to call Daniel Lopez a “big fag” and other derogatory terms, often  
22 between the science and the math buildings. In October 1998, in front of the Golden  
23 West Drama building, Ronnie heard football players yell “Faggot George” at George  
24 Loomis. Around the end of the year in 1998 in the Drama Room, Ronnie overheard  
25 some other student saying “George is a fag” while George’s sister, Margaret Loomis,  
26 was present.

27 Ronnie has also talked to other former students at Golden West about the  
28 harassment they suffered there, including Melissa Mayfield. Melissa told Ronnie that

1 she was often called “dyke” by other students when she attended Golden West. The  
2 constant harassment made Melissa very uncomfortable, and she missed a lot of classes  
3 because of it. Eventually, Melissa entered the Independent Study Program because of  
4 the abuse. She told Ronnie that she reported this harassment to Ms. Biehle. Melissa  
5 told Ronnie that Biehle talked to the harassing students. Biehle told Ronnie that at  
6 some point she was successful in “helping” Melissa, Jamie Fuller, and a “whole group”  
7 of lesbians into the Independent Study Program to avoid the daily harassment that  
8 accompanied full-time classroom instruction at Golden West.

9 The abuse that Ronnie suffered apparently has now spilled over to the rest of his  
10 family. Ronnie reports that his brother, Ryan, who has just started attending Golden  
11 West, is now harassed by other students simply because he has a gay brother.

12  
13 **III. FORMER STUDENT JAMIE FULLER SUFFERED FROM**  
14 **HARASSMENT AND DISCRIMINATION.**

15 **A. Other Students Repeatedly Called Her “Dyke” And Other Names On A**  
16 **Daily Basis.**

17 Jamie Fuller attended Golden West from 1995 to 1997. As soon as she started  
18 high school at Golden West, students noticed that she was not dating any boys and  
19 began to call her “dyke” and other anti-gay slurs, in both English and Spanish, on a  
20 daily basis both inside and outside of classes. Sometimes, these students would throw  
21 spitwads and paper at her, or they threatened her physical safety. For the most part, the  
22 Golden West teachers ignored Jamie and did not reach out to help her even though her  
23 grades began to drop, and she began to skip classes to avoid the harassment. Assistant  
24 Principal Alfonso Guzman threatened to remove her from the school because her  
25 grades were slipping, but he never tried to counsel her or learn about why her grades  
26 were suffering.

27 By Jamie’s sophomore year (1996-1997), the harassment increased. Several  
28 female students followed Jamie around campus, usually yelling out derogatory  
comments like “dyke.” Jamie went to the Golden West office and discussed the

1 incidents with Ms. Biehle. Jamie informed Biehle that she suspected the abuse was  
2 based on the fact that she was a lesbian. Biehle told Jamie that she would “look into  
3 it,” and Jamie left the office with the impression that Biehle might instruct the Golden  
4 West security guards to follow Jamie around in their golf carts to ensure Jamie’s  
5 safety. No security person followed Jamie around campus, however. In fact, as far as  
6 Jamie could tell, Biehle or the security personnel took no action because the  
7 harassment continued. Biehle did not discuss the matter further with Jamie.

8 While Jamie attended Golden West, she decided that she wanted to attend a  
9 school dance with her girlfriend. Jamie learned from another student at Golden West  
10 that the administration had a policy preventing same-sex couples from attending school  
11 dances.

12  
13 **B. Three Students Attacked Jamie In The Restroom At Golden West And**  
14 **Jamie Transferred Into The Independent Study Program For Her**  
15 **Safety.**

16 In 1996, Jamie left her biology class to use the restroom. As she was leaving the  
17 restroom, three female students—whom she had not noticed—exited the restroom with  
18 her and attacked Jamie by slamming her head into the wall. Jamie’s chin was bruised  
19 and her lip was split. Jamie had done nothing to provoke these students to attack her,  
20 and she feels that they singled her out for abuse because she was gay. Jamie fought off  
21 her attackers, returned to biology class, and sat down in the back of the class.

22 After Jamie went home that day, she told her mother and stepfather about the  
23 incident. After her parents inquired as to why the students attacked her, Jamie told  
24 them that she was gay and informed them that the other students must have attacked  
25 her for that reason. Jamie’s mother immediately phoned Ms. Biehle and Assistant  
26 Principal Alfonso Guzman and discussed the incident with them. Jamie believes that  
27 either Biehle or Guzman told Jamie’s mother that the school would not discipline the  
28 students who attacked Jamie. Instead, when Jamie returned to class the next day, she

1 was suspended. After Jamie’s mother inquired as to why Jamie was suspended, Biehle  
2 or Kathy Garland told Jamie’s mother that Jamie had initiated the fight—even though  
3 this was not true.

4 Frustrated by this incident and the Golden West administration’s failure to act on  
5 Jamie’s behalf, Jamie’s mother immediately removed Jamie from full-time classroom  
6 instruction at Golden West and arranged to have Jamie enrolled in the school’s  
7 Independent Study Program. Even so, Jamie’s harassment continued while she  
8 attended the Independent Study Program. Every time that she came on campus to meet  
9 with her independent study instructor, one or more Golden West students verbally  
10 harangued Jamie. Jamie dropped out of Golden West at the end of her sophomore  
11 year, and she has not obtained a diploma or a GED. Jamie suffers from anxiety and is  
12 particularly ill at ease when around a school or a classroom-like setting.

13 A January 20, 2001 Visalia Times-Delta newspaper article documented some of  
14 these incidents.

15  
16 **IV. FORMER STUDENT CASSANDRA FRANKLIN SUFFERED FROM**  
17 **HARASSMENT AND DISCRIMINATION.**

18 Cassandra Franklin graduated from Golden West in 1997. She transferred to  
19 Golden West from Madera in November 1995. While Cassandra attended Golden  
20 West, she was well-aware of the anti-gay environment at Golden West, and so she kept  
21 her sexuality a secret; she dressed femininely and dated boys. However, in 1997,  
22 Cassandra confided to a friend that she was gay. The friend passed the information to  
23 others, and soon other students harassed Cassandra based on her sexual orientation.  
24 Routinely called “dyke,” Cassandra felt unsafe walking between classes. Soon after,  
25 another student threatened Cassandra with physical violence. Cassandra has told  
26 Ronnie Robinson about the abuse that she suffered at Golden West. She told Ronnie  
27 that other students called her offensive slurs such as “dyke,” “lezzie,” and “carpet  
28 muncher,” often in class. Sometimes students would pass her notes in class that said

1 words to the effect, “You’re a lezzie.”

2 During a discussion in Mr. McGlasson’s speech class in 1997, the subject of an  
3 upcoming “gay prom” arose, and students began to express their disapproval of  
4 homosexuality. The “gay prom” was not a school event, and it was held off campus.  
5 The students in McGlasson’s class began to speculate about where the dance would be,  
6 and one asked Cassandra if she knew where the dance would be so that the student’s  
7 friends could go there and beat up the attendees. Terribly frightened, Cassandra went  
8 to Vice Principal Pasquini and told Pasquini about the threat. Pasquini told Cassandra  
9 that she was afraid to take any action against the threatening student because she feared  
10 that she might lose her job if she made an issue about the incident. Pasquini said she  
11 would only act if Cassandra were physically injured. She would not, however, act  
12 upon what she termed an “idle threat.” Pasquini, therefore, did nothing. In fact,  
13 Cassandra was attacked on at least three separate occasions by Golden West students  
14 off school grounds.

15 On a separate occasion in 1997, a substitute teacher in Cassandra’s speech class  
16 initiated a discussion about homosexuality. Almost immediately, three or four students  
17 went to the front of the room and began to read from the Bible. As the substitute  
18 teacher watched, the students sermonized about how God and Jesus did not accept  
19 homosexuality. Cassandra was so offended by the students’ preaching and the  
20 teacher’s inaction that she had to leave the class.

21 Cassandra skipped school social events, like dances, because she feared that other  
22 students would harass her and whomever she brought. Because the school’s  
23 administrators had implicitly sanctioned the abuse by their inaction, she felt they were  
24 unlikely to stop students from harassing her at dances. In addition, she had heard that a  
25 girl who wanted to bring a same-sex date to the prom the year before had been denied  
26 tickets.

27 Golden West’s teachers continued to treat Cassandra with disdain even after she  
28 graduated. She had been in the practice of returning to the Golden West campus and

1 leading a discussion in Mrs. Quinn’s health class about suicide, and Mrs. Quinn  
2 evidently thought so much of Cassandra’s presentation that she invited Cassandra to  
3 give the talk nine times. On the last occasion, one of the students asked Cassandra  
4 whether being “in the closet” contributed to her suicidal feelings. Although Cassandra  
5 had not previously informed the class or Quinn that she was gay, she told the class that  
6 she did think that the fact that she was “in the closet” had a negative effect on her.  
7 Cassandra believes that this is the first time that Quinn realized that she was gay. After  
8 this incident, Quinn neither invited Cassandra back to speak about suicide, nor did  
9 Quinn even return Cassandra’s phone calls.

10 Cassandra’s experiences at Golden West have affected her deeply. Her grades  
11 dropped significantly her senior year. The constant taunts and abuse distracted her  
12 from her studies and sent her into depression. She also began skipping class to avoid  
13 the harassment. In addition, the hostile school environment affected her home life and  
14 put stress on her family members. Cassandra even put off her college plans because  
15 she feared she would face harassment in the college dorms similar to what she endured  
16 at Golden West.

17 A January 20, 2001 Visalia Times-Delta newspaper article documented some of  
18 these incidents.

19  
20 **V. DAVID SCOTT SUFFERED FROM HARASSMENT AND**  
21 **DISCRIMINATION.**

22 David Scott attended Valley Oak Middle School from 1993 to 1995, Golden  
23 West High School from 1995 to 1996, and Mt. Whitney High School from 1996 to  
24 1998. At all three schools, students viciously harassed David, both verbally and  
25 physically, because they perceived him to be gay. At all three schools, David  
26 encountered teachers and administrators so uncomfortable with his sexual orientation  
27 that they refused to address the harassment, physical abuse, and threats of violence that  
28 David endured. Their inaction only emboldened those harassing students, creating an

1 intolerable environment from which David could only escape by dropping out of  
2 school. (David has recently enrolled in the VUSD adult school and is attempting to  
3 obtain his high school diploma.) The long-term effects of the harassment David  
4 suffered have been profound: it has ruined not only his college and career expectations,  
5 but also his physical and psychological well-being. He now suffers from depression,  
6 an inability to concentrate, and an unshakeable fear of classroom situations.

7  
8 **A. Students Harassed David Scott At Valley Oak Middle School And**  
9 **Golden West High School On A Daily Basis.**

10 Students first began to harass David in the seventh grade, calling him names such  
11 as “fag,” “faggot,” “bitch,” “little bitch,” “fucking fag,” and “fucking faggot.” John  
12 Savage, Blake Massey, and Andrew Mitchell called him these names on almost a daily  
13 basis while they attended Valley Oak. Most of these incidents occurred in hallways  
14 and playgrounds, but some of these incidents occurred in Valley Oak classrooms. John  
15 Savage was particularly relentless in his harassment, and on occasions, he physically  
16 abused David. He pushed David, and a few times, he prodded David’s buttocks with  
17 his foot while they sat in class.

18 In David’s seventh grade physical education class, Blake Massey assaulted David  
19 on a school playground when David attempted to stop Massey’s verbal abuse. Massey  
20 threw a punch at David, but three other students intervened and restrained Massey from  
21 actually hurting David. The teacher, Mr. Mitchell, told David to go inside and  
22 reprimanded Massey for attacking David, but he did not address Massey’s harassment,  
23 nor did he ask David why Massey was attacking him.

24 This verbal and physical abuse worsened when David matriculated to Golden  
25 West. Once again, David recalls that John Savage and Andrew Mitchell called him  
26 “faggot” and other anti-gay slurs, as did Justin Owen, Justin Nelson, Sean Daley,  
27 Patrick Roeber, Xandy Scott, Tyler Ortega, Scott Champion and Jordan Long. He was  
28 verbally assaulted in virtually every class and the common areas during break periods.

1    Though the students said these things to David in classrooms, during class in audible  
2    voices, his teachers never reprimanded the abusive students for their comments. These  
3    students, he recalls, never attempted to muffle their voices and even shouted profanities  
4    at him on occasion. He is certain that the teachers overheard the remarks. Teachers  
5    would often stop what they were doing and look in the direction of the student who had  
6    made the comment, or look in David’s direction. Indeed, the teachers occasionally  
7    asked the students to be quiet if the students’ voices rose above the teachers’, but they  
8    never indicated it was otherwise wrong to use words like “fag,” “faggot,” “queer,” or  
9    “fucking faggot.”

10       Students also physically abused David at Golden West. He was often hit, kicked  
11    or pushed as he entered or exited a classroom. In addition, students threw objects such  
12    as gum, pencils, erasers, food, shoes, and rocks at him, both in class and in common  
13    areas of the school. Once again, teachers did not intervene or otherwise reprimand  
14    these students, except to occasionally tell them not to misbehave. In eighteen months  
15    of daily abuse, David never once heard any teacher or administrator tell a student that it  
16    was inappropriate to harass someone because of that person’s sexual orientation.  
17    David recalls specifically that Mr. McGlasson, Mr. Trapoletti and Mr. Phillips  
18    neglected to intervene to stop students from harassing him.

19  
20       **B. Golden West Teachers And Administrators Were Indifferent Towards**  
21       **The Abuse That David Was Suffering.**

22       David quickly learned that Golden West teachers and administrators would not  
23    take any action to protect him from the harassment. On the few occasions at Golden  
24    West when David attempted to seek help from administrators, he found them  
25    discomfited by his presence and uninterested in his plight.

26       Two incidents involving Golden West teacher McGlasson and administrator  
27    Cassares are particularly illustrative of Golden West’s indifference to anti-gay abuse.  
28    One day in McGlasson’s English class in the spring of 1996, many students were

1 harassing David by calling him “fag,” “faggot,” and other profanities while McGlasson  
2 failed to take any action. Wanda Hassassi and Dan Wood witnessed this abuse. While  
3 it was not uncommon for this to happen in McGlasson’s class, this particular day was  
4 worse than most others. The students’ comments and harassment grew louder and  
5 louder, and eventually David got up and moved away from the harassing students in  
6 order to protect himself from the abuse. The abuse continued, and as student Jordon  
7 Long made another offensive comment, David felt trapped and cornered. He snapped  
8 and grabbed Jordon by the neck. At first, Mr. McGlasson did not even notice what  
9 David was doing until a student pointed it out to him. McGlasson then said, “All right  
10 you two, that’s enough.” Eventually, McGlasson ordered David outside the classroom,  
11 and McGlasson later came outside with a referral slip. David was crying and he started  
12 to explain what happened and the abuse that he had suffered. McGlasson cut him off,  
13 saying, “I don’t want to hear it,” and ordered David to go to the office.

14 David went to the office and spoke to a dean, Mr. Cassares, about the verbal  
15 abuse he was enduring in McGlasson’s class. David was in tears as he recounted for  
16 Cassares the constant harassment: students calling him “fag” and “faggot,”  
17 McGlasson’s failure to stop it, and the events leading to David’s referral. Rather than  
18 asking for the names of the students or for how he could help, informing David that the  
19 school had a policy against sexual harassment, or otherwise assuring David that he  
20 would end the harassment, Cassares simply leaned back in his chair and asked, “Well,  
21 are you gay?” Terrified, shocked, and flabbergasted, David answered “no” because he  
22 was afraid of what kind of abuse he might suffer if he answered “yes.” Cassares then  
23 informed David that McGlasson wanted a written apology before David would be  
24 allowed to re-enter class.

25 David typed up a simple apology the next day and gave it to McGlasson. But  
26 when David attempted talk to McGlasson about what caused the incident in his class,  
27 McGlasson refused to listen. He told David he did not want to discuss any harassment  
28 David might be enduring in his own class. Cassares never followed up with David to

1 find out whether David had spoken to McGlasson, or whether conditions in  
2 McGlasson's class had improved.

3  
4 **C. Other Incidents Of Discrimination And Harassment Witnessed By**  
5 **David Scott.**

6 Golden West's teachers were not even supportive when other teachers were  
7 perceived to be gay. David recalls that a student teacher he had in a fall 1996 computer  
8 class was perceived to be gay by other students. During class, some of the students in  
9 the class began to make derogatory remarks loud enough for the student teacher to  
10 hear. They called the student teacher a "fag" and a "faggot." The student teacher was  
11 noticeably shaken by the remarks and clearly uncomfortable. Mr. Robertson, whose  
12 class the student teacher was instructing, was present on several such occasions but did  
13 nothing to reprimand the students who made the derogatory remarks, other than to ask  
14 them to quiet down. He never suggested that it was inappropriate to disparage a  
15 person's sexual orientation.

16 The indifference and overt discrimination of Golden West teachers and  
17 administrators encouraged students and increased the intensity with which those  
18 students harassed David. Finding no refuge among Golden West's teachers or  
19 administrators, David tried to escape what had become an oppressive atmosphere. He  
20 transferred from Golden West to Mt. Whitney, another high school within the VUSD,  
21 in the spring of 1996. But after David transferred to Mt. Whitney, he found that the  
22 administrators were no more supportive of him than their counterparts at Golden West.  
23 On one occasion, a student at Mt. Whitney specifically threatened to hurt David  
24 because David was gay. A teacher, Mr. Rogers, overheard the threat and issued the  
25 threatening student a referral to the principal, Mr. Pasquini. Downplaying the gravity  
26 of the threat, Pasquini did nothing more than speak to the student. Eventually, David  
27 left school altogether and never completed his senior year.

28 While David was a student at Mt. Whitney, he also learned that, the year before, a

1 same-sex couple had been refused admission to a school dance. He also believes that,  
2 while he was a student at Mt. Whitney, the administration announced in a school  
3 bulletin that the school would only sell tickets to an upcoming dance to heterosexual  
4 couples.

5 Six years of daily harassment and isolation have taken their toll on David's  
6 physical and mental well-being. His grades plummeted at the end of middle school  
7 about the same time the harassment began to intensify. Where once he was an "A  
8 student," he began to fail classes. He became withdrawn, humiliated, and embarrassed.  
9 He grew increasingly depressed, and once attempted suicide. He has nightmares about  
10 his experiences, and has developed a phobia for classroom environments. He cannot  
11 step into a classroom without fearing that he will be physically and verbally abused by  
12 other students.

13 A January 20, 2001 Visalia Times-Delta newspaper article documented some of  
14 these incidents.

15  
16 **VI. FORMER STUDENT A SUFFERED FROM HARASSMENT AND**  
17 **DISCRIMINATION.**

18 **A. Former Student A Was Harassed By Other Students And Teachers**  
19 **And Administrators Failed To Take Action.**

20 Former Student A grew up attending schools within the VUSD, including Mt.  
21 Whitney High School from 1995 to 1998. Because Former Student A considers the  
22 Visalia community to be relatively small, he is afraid to reveal his identity because he  
23 fears that his family might be negatively affected should his identity become known to  
24 the Defendants or otherwise become public as part of this lawsuit.

25 While he attended Mt. Whitney, other students harassed Former Student A on a  
26 daily basis because they perceived him to be gay. His classmates called him "fag,"  
27 "queer," "homo," and other anti-gay slurs in the hallways, and sometimes in the  
28 classrooms. This harassment was particularly common in Former Student A's choir  
class, which was taught by Mr. Jackson. In that class, students regularly taunted

1 Former Student A by calling him “faggot.” Jackson plainly heard the taunts but did  
2 nothing to stop these students from harassing Former Student A. In fact, Jackson made  
3 matters worse. In an effeminate manner, Jackson told the class that, when the choir  
4 entered the stage for a performance, each student should walk with “straight backs,”  
5 not with “limp wrists” or “swishing.” Then, while the class laughed at him, Jackson  
6 walked around the classroom with his wrists limp in a “swishing” manner to  
7 demonstrate these purportedly negative characteristics.

8 Former Student A told certain teachers and counselors at Mt. Whitney that  
9 students were calling him “faggot” and other anti-gay slurs. Former Student A asked  
10 his school counselor to help stop the anti-gay harassment, but the counselor told him  
11 that there was nothing he could do. To the best of his knowledge, no students were  
12 ever disciplined for their harassing behavior. Former Student A can only remember  
13 one occasion when a teacher took any action at all. In Former Student A’s food class,  
14 another student shouted “faggot” at him, and in anger, Former Student A confronted  
15 her. The teacher intervened and stopped the confrontation and tried to find out why the  
16 students were angry with each other. Former Student A thinks that the teacher talked  
17 to the harassing student because the harassing student never again said anything  
18 negative to him.

19 Former Student A felt ostracized from the other students and from his teachers,  
20 counselors, and administrators because of the constant harassment and the VUSD’s  
21 failure to stop it. Because he hated going to school each day, he worked hard to  
22 graduate in three years to get out of the hostile environment.

23  
24 **B. Former Student A Attempted To Form A Gay-Straight Alliance In**  
25 **1998, But His Efforts Were Rejected By The Mt. Whitney**  
26 **Administration.**

27 By 1998, Former Student A started to question his own sexual orientation and  
28 identity. Because he had heard from others in Visalia about the gay pride club at the

1 College of the Sequoias, Former Student A decided that he would like to be involved  
2 with a support group or Gay-Straight Alliance (GSA) at the high school level with the  
3 hope that he might form a community of students who could be supportive of each  
4 other. Former Student A quickly learned that there was no GSA or other support group  
5 in any of the local VUSD schools. Sometime in the spring of 1998, Former Student A  
6 decided that he would seek to form his own GSA at Mt. Whitney—despite the fact that  
7 he was nearing graduation—because Former Student A felt strongly that other students  
8 could take advantage of such a club in the future. Former Student A envisioned that  
9 his club could provide a safe environment for students to explore sexual orientation  
10 and identity issues, assist students who were “coming out,” or become active in  
11 community events.

12 Former Student A learned that he would need a Mt. Whitney teacher or  
13 administrator to sponsor such a club and therefore sought out such a person. First, he  
14 went to his school counselor. While his counselor did not explicitly reject the idea of  
15 forming a GSA or similar club, the school counselor told Former Student A that he  
16 would have to talk to the school psychologist, Mr. Miller, about forming such a group.  
17 Former Student A went to see Miller in his office and told him that he wanted to form a  
18 GSA at Mt. Whitney. Miller told Former Student A that he would not allow a GSA to  
19 be formed there because he said that he “did not agree with this lifestyle.” Miller said,  
20 “I can’t help you” and made it clear that, because any request for a GSA would  
21 ultimately have to “go through him,” a GSA would not be formed at Mt. Whitney.

22

23 **VII. CURRENT STUDENT A SUFFERS FROM HARASSMENT AND**  
24 **DISCRIMINATION.**

24

25 Current Student A has finished his junior year at Golden West. Current Student  
26 A’s name is being withheld at this time because he could face retribution from his  
27 family or the community should his name become public as part of this lawsuit.

28 Current Student A endures verbal harassment on a daily basis from other Golden

1 West students who know that he is gay or who perceive him to be gay—particularly  
2 the students that Current Student A describes as the “cowboy types.” He is commonly  
3 called “faggot,” “queer,” and other anti-gay slurs. During his freshman year (1998-  
4 1999), other students cornered him and verbally assaulted him on more than one  
5 occasion. On a few such occasions, the harassment turned physical, and Current  
6 Student A was forced to defend himself by fighting back.

7 Current Student A is often verbally harassed in class as well. In Current Student  
8 A’s Business Tech class, for example, Jerrod Bradford and Derek Pitcock commonly  
9 called him “fag” and “queer,” loud enough for other students and the teacher, Eric  
10 Ford, to hear. On one occasion during his sophomore year (1999-2000), Current  
11 Student A approached Ford after class and asked him to do something to stop the  
12 harassment. Ford claimed that he did not realize that Current Student A was being  
13 harassed, and Current Student A told him words to the effect that, “Well, I’m telling  
14 you now, so do something.” Ford told Current Student A that if he witnessed any  
15 harassment, he would try to remedy the situation. The verbal abuse continued,  
16 however, and despite Ford’s promises, Ford never intervened to stop the harassment  
17 despite the fact that Current Student A was certain that Ford observed the further  
18 abuse.

19 Two other Golden West teachers, Mr. Peterson and Ms. Benegar, have  
20 admonished certain students who have made homophobic remarks to Current Student  
21 A, but the majority of the teachers are like Ford and take no action to protect students  
22 who are “different.”

23 The constant abuse has left Current Student A with severe insomnia. This began  
24 in his sophomore year, and he still suffers from it. He states that his mind races and  
25 that he is unable to forget the harassment he endures at school each day. Because of  
26 the harassment, Current Student A has difficulty concentrating, and his academic  
27 performance has deteriorated. In addition, Current Student A often skips school to  
28 avoid the vicious verbal abuse he faces at Golden West.

1 **VIII. FORMER STUDENT B SUFFERED FROM HARASSMENT AND**  
2 **DISCRIMINATION.**

3 Former Student B was a student at Golden West for two years, beginning in 1998.  
4 Former Student B's name is being withheld at this time because he could face  
5 retribution from his family or the community should his name become public as part of  
6 this lawsuit.

7 Former Student B never revealed his sexual orientation or associated with other  
8 gay students while he attended Golden West because he feared that he would be  
9 "bashed" if others knew he was gay. Nevertheless, other students perceived that he  
10 was gay and began calling Former Student B a "faggot" and a "queer." He also heard  
11 students in his first period math class openly make derogatory remarks about gay  
12 people. The teacher, Mr. Ariaga, never attempted to stop the remarks, though Former  
13 Student B is certain that Ariaga heard them. In addition, Former Student B noticed that  
14 Mrs. Shine, a counselor at Golden West, posted anti-gay "jokes" on her bulletin board.  
15 Former Student B was shocked that a school counselor would post such things where  
16 other students could see them.

17 The incessant abuse from other students and callous attitude from teachers made  
18 Former Student B feel increasingly isolated at Golden West. As a result, his grades  
19 suffered. He met with counselors about his failing grades but felt he could not tell  
20 them that it was due to constant harassment because he feared he would have to reveal  
21 his sexual orientation. Actions like that of Shine had convinced him that the  
22 administration was hostile towards gay students and thus, he remained silent about the  
23 source of his troubles. Eventually, in 2000, Former Student B left Golden West, and  
24 he now attends Sierra, a Visalia trade school.

25  
26 **IX. AT LEAST FIFTEEN OTHER FORMER AND CURRENT STUDENTS AT**  
27 **VUSD SCHOOLS HAVE SUFFERED FROM HARASSMENT AND**  
28 **DISCRIMINATION.**

The pervasive hostile environment within the VUSD schools has caused many

1 former and current students who are gay or lesbian or who are perceived as gay or  
2 lesbian to fear speaking out or identifying themselves in any way. They fear for their  
3 personal safety, and some of them fear retribution from other students and/or  
4 community members should their identities become public.

5 Plaintiff Gay-Straight Alliance Network is aware of at least fifteen other former  
6 and current students who were harassed and discriminated against on the basis of their  
7 sexual orientation while they attended VUSD schools. All of these students report  
8 similar experiences: they were called anti-gay slurs and verbally abused while they  
9 attended VUSD schools because either they were openly gay or were perceived to be  
10 gay. Some of them have reported that other students threatened to hurt them. Eight of  
11 these current and former students entered the Independent Study Program to escape the  
12 abuse that they were suffering from other students. These students report that full-time  
13 classroom instruction in high school was “ugly” for them.

14 Harassment was not limited to students perceived to be gay, but also extended to  
15 heterosexuals associated with gay students. For example, in a VUSD high school this  
16 past school year (2000-2001), a straight student was repeatedly called anti-gay slurs  
17 because she was friends with an openly bisexual female student. The straight student  
18 reported the verbal harassment to the administrative office at that high school, however  
19 in her words, “nothing was done,” and the harassment continued.

20 Also, during this past school year (2000-2001), an incident occurred in a VUSD  
21 high school in which a teacher singled out students and asked them if they were gay.  
22 The teacher distributed a questionnaire to the class which contained various questions  
23 for the students to answer in writing. The teacher collected the completed  
24 questionnaires, and started to read some of the questions and answers aloud in class.  
25 The teacher read one question and answer aloud: “Question: If you could dye your  
26 hair any color, what would it be? Answer: ‘I’m not a fag.’” The teacher looked  
27 around the room and noticed that two or three male students had their hair dyed. The  
28 teacher (apparently oblivious as to how such a question might make a student feel)

1 asked these students in class, “Are you gay? You have your hair dyed, are you gay?”  
2 The students said that they were not gay. The teacher then said that it was  
3 inappropriate for students to write or say the word “fag.”

4 Additionally, on November 14, 2000, a Visalia Times-Delta photographer saw  
5 the words “FAG” and “Pedro is gay” spray painted on the rear and right windows of a  
6 pickup truck in the eastern parking lot of the Golden West High School. Golden West  
7 teacher Rodney Starr has stated that there was no reason to treat this incident seriously  
8 since in his opinion the epithets were written in “jest.” Principal Cesena has indicated  
9 that he is “not familiar” with the incident. A January 20, 2001 Visalia Times-Delta  
10 newspaper article documented this incident.

11 **SPECIAL INTERROGATORY NO. 2:**

12 As to each distinct incident of sexual orientation discrimination or sexual  
13 orientation harassment which either plaintiff contends occurred on a VISALIA  
14 UNIFIED SCHOOL DISTRICT campus from January 1, 1995 through December 31,  
15 1997, please provide the following information:

16 A. The date of any such event. (If the exact date is not known, please provide the  
17 month and year).

18 B. The school campus where the incident took place.

19 C. An exact description of the location on campus where the incident allegedly  
20 took place, including classroom number or other precise descriptor.

21 D. A complete description of said incident.

22 E. The names and addresses of all alleged perpetrators of said incident.

23 F. The names and addresses of all alleged victims of said incident.

24 G. The names and addresses of all alleged witnesses of said incident.

25 H. The names of any DISTRICT employees who plaintiffs contend witnessed  
26 said incident.

27 I. A brief description of all intervention taken by any DISTRICT employee in  
28 response to witnessing said incident.

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J. The date of first report of said incident to the DISTRICT offices.

K. The date of the first report of said incident to the administrative office of the school campus where the incident took place.

L. A description of all documentation of said incident believed to exist.

**RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

Plaintiffs object to this interrogatory on the grounds that it is overbroad and unduly burdensome. Without waiving and subject to these objections and the General Objections,

1 Plaintiffs respond as follows:

2 *See* Response to Interrogatory No. 1.

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4 DATED: July \_\_, 2001.

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Respectfully,

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HOWARD, RICE, NEMEROVSKI,  
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ROBERT KIM  
ANN BRICK  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF NORTHERN  
CALIFORNIA, INC.

12

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By: \_\_\_\_\_  
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Attorneys for Plaintiffs GAY STRAIGHT  
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