

Teaching Tolerance or Attacking Religion?

How far can schools go in teaching tolerance for gays and lesbians? Two federal courts tackle this thorny question.

It's the latest battleground in the culture wars. In the wake of several high-profile cases holding school districts liable for failing to protect gay, lesbian, bisexual, and transgendered (GLBT) students from peer harassment, many schools have adopted training programs intended to reduce harassment and promote acceptance of GLBT students.

Some parents find these programs objectionable because they conflict with their deeply held religious belief that homosexuality is sinful, and they don't want the schools to undermine their parental authority by teaching a contrary lesson.

Federal courts in Maryland and Kentucky recently struggled to resolve this conflict, with differing results.

In a dispute that is still ongoing, the Montgomery County (Maryland) Board of Education last year adopted a health education curriculum designed to teach tolerance of gays and lesbians. Among other things, course materials described as a "myth" the belief that "homosexuality is a sin" and characterized certain Christian religions as "intolerant and Biblically misguided" because they are "opposed to homosexuality."

In a lawsuit filed in May 2005 by two groups of parents and citizens, a federal district court issued an injunction prohibiting the Maryland school district from implementing the curriculum. The court found that the course materials violate the Constitution by attacking the views of certain religions, while promoting the views of other religions that "are more friendly towards the homosexual lifestyle."

The school district has agreed to revise the controversial curriculum. That process is still underway.

In the Kentucky case decided in February, a federal district court ruled that parents don't have the right to have their children opt out of mandatory "student diversity training" designed to stop the harassment of GLBT students.

The program adopted by the Board of Education of Boyd County, Kentucky, consists of a one-hour video, followed by comments from an instructor and questions from students. Students who refuse to attend receive an unexcused absence.

The school district agreed to implement the mandatory training for both staff and students as part of the settlement of a 2003 lawsuit filed by GLBT students charging that the district had turned a blind eye to peer harassment and had illegally denied official recognition to a Gay Straight Alliance student club.

The parents had claimed that the training violated their right to practice their religion because the diversity training "promoted values contrary to their religious beliefs" and "attempted to change [their children's] religious and ideological views regarding homosexuality."

The court disagreed. Merely exposing students to "views [that are] contrary to their religious beliefs" does not infringe on their religious freedom, the court said. Plus, there was no

evidence that any student "was compelled to disavow his or her religious beliefs" or to "endorse homosexuality."

The court also ruled that the program did not violate the plaintiffs' "parental rights" to direct the upbringing and religious training of their children. Parents, the court held, have no "fundamental right to dictate curriculum," even where they may have "genuine moral disagreements with the school's choice of subject matter."

Of special note, the court rejected the parents' reliance on the Maryland decision to challenge the Boyd County program. The Boyd County program, the court said, "is a far cry" from the curriculum struck down in Maryland, which denigrated

several religions and attempted to "elevate certain religious views over others."

The lesson from these two cases is simple: One way school districts can fulfill their legal obligation to provide a safe learning environment for GLBT students is to mandate anti-harassment training. And these lessons of tolerance can and should be taught without assailing religion.

As the judge in the Maryland case cautioned: School officials can "achieve the goals of advocating tolerance and providing health-related information" without teaching "such controversial topics as whether homosexuality is a sin, whether AIDS is God's judgment on homosexuals, and whether churches that condemn homosexuality are on theologically solid ground."

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