

Why?

In 1997, Alana Flores found a picture of a naked woman – bound and gagged, with her legs spread and her throat slashed – taped to her locker at school in Morgan Hill, California. On the photo, someone had written, “Die, die... dyke bitch, fuck off. We’ll kill you.” In tears, Alana took the photo to the assistant principal, who brushed her off and told her to go back to class. She then asked Alana if she was gay and said, “If you’re not gay, why are you crying?”

The next year, Alana and five other students sued their school district for repeatedly ignoring or minimizing many reports by the students that they were being abused by others who thought they were gay. The school district had to pay \$1.1 million when their case settled in 2004. As a result of the settlement, schools in Morgan Hill now have a comprehensive training program to combat anti-gay harassment. The case also set an important precedent when a federal court ruled that if a public school knows anti-gay harassment is happening, it must take meaningful steps to stop it.

It’s been over 15 years since the first time a federal court ruled that public schools have a Constitutional obligation to protect their students from harassment on the basis of sexual orientation. Since then, courts have awarded millions of dollars to students who filed lawsuits against their schools for refusing to take adequate steps to stop harassment on the basis of sexual orientation or gender identity. Making sure all students feel safe at school is the right thing to do, but unfortunately the possibility of losing a lot of money is sometimes a better motivator to get schools to take harassment seriously.

2012: Russell Dickerson III faced years of bullying and harassment in Aberdeen, Washington because of his race and perceived sexual orientation. The school district, which failed to act after being informed of the bullying, settled an ACLU of Washington case brought by Dickerson, paying him \$100,000 and another \$35,000 in legal fees. *Russell Dickerson III v. Aberdeen School Dist. No. 5*, U.S. District Court for the Western District of Washington.

2010: The Mohawk Central School District settled a case brought by the New York Civil Liberties Union on behalf of a 14-year-old gay student who endured verbal and physical harassment during the seventh and eighth grades. The district paid him over \$75,000 and agreed to adopt reforms to protect students from facing similar harassment. *JL v. Mohawk Central School Dist.*, U.S. District Court 07uentraU.Sanoesterg Din

2012: The Anoka-Hennepin School District settled two lawsuits filed by the Southern Poverty Law Center and the National Center for Lesbian Rights on behalf of students who had suffered harassment only made worse by a “neutrality” policy that banned school staff from mentioning LGBT issues even when dealing with anti-LGBT bullying. The plaintiffs received \$270,000 and the school will also spend \$500,000 on anti-bullying measures. *Jane Doe v. Anoka-Hennepin School Dist.No. 11*, U.S. District Court for the District of Minnesota and *E.R. v. Anoka-Hennepin School Dist. No. 11*, U.S. District Court for the District of Minnesota.



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