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BRANDON J. YOUNG, ESQ.

November 12, 2007

American Civil Liberties Union
Attn. Benjamin James Stevenson, Staff Attorney
Post Office Box 12723
Pensacola, Florida 32591-2723

RE: Ponce de Leon School suspensions

Dear Mr. Stevenson,

Enclosed, and in response to your public records request, please find copies of the Ponce de Leon High School bulletins for Tuesday, September 11, 2007, and Wednesday, September 12, 2007. Unfortunately, these bulletins are the only records, other than the materials you already have or have access to, that fall within the second category of responsive records as outlined in your letter dated October 31, 2007.

I do have in my possession the remainder of the responsive records. However, the records clearly contain student information such as behavioral and attendance issues. As such, I believe that the remainder of the records in my possession would be covered by Section 1002.22(3)(d), Florida Statutes. Once you supply me with the appropriate authorizations, I will be happy to forward the records to you.

I take offense to the language and characterizations contained in your letter dated November 2, 2007. Specifically, you and the students involved were never told that "under the policies of the Holmes County School Board, ("School Board") pro-gay speech is considered inherently disruptive and/or inappropriate for the school environment." In fact, the School Board has no such policies regarding pro-gay or anti-gay speech. What the School Board seeks to maintain is the sanctity of the learning environment at each school within the District. Thus, any behavior that alters the teaching process of the classroom or hinders any educational activity will be deemed inappropriate and unacceptable.

As you know, Illegal organizations are defined by the School Board as any attempt to use the

school day for activities that are not school related or school sponsored. Illegal organizations are, therefore, prohibited as they interfere with the educational process.

The School Board does not have in effect a dress code, per se; although the School Board is well within its rights to institute such a code. The School Board does prohibit, however, any dress that is disruptive to the educational setting or is a hazard to the health and safety of the student. Further, students are not permitted to wear any color, clothing, insignia, emblem, jewelry or other object that may indicate membership in any secret/illegal organization. Again, the School Board has no policies against pro-gay clothing and symbols or anti-gay clothing and symbols. What the Board seeks to enforce is a policy whereby nothing is permitted to be worn on a student's body that may reasonably disrupt and interfere with the educational process of that student or other students.

As has clearly been shown at Ponce de Leon School in September of this year, the types of clothing and symbols your clients seek to wear to school will likely be disruptive and interfere with the educational process. Also, said symbols were used and can further be used by select students to show participation in an illegal organization as defined by the School Board. Please remember that many of the students that previously were wearing "G.P." on their skin and clothing admitted to planning a walk-out and protest of a school assembly at Ponce de Leon School.

Because of the occurrences at Ponce de Leon School over the last several months, none of the phrases, symbols, or images contained in your November 2, 2007, letter would be permitted to be worn by students at Ponce de Leon School. The School Board and the administration of Ponce de Leon School have a duty to all students to protect the learning environment. Just as anti-gay speech, clothing and symbols would not be tolerated, neither would the items you have requested.

I apologize if I have been difficult to contact the last few weeks. I do maintain two separate offices and have, as I am sure you can relate, a full court schedule. My address and phone number to my Marianna office are 4431 Lafayette Street, Marianna, Florida 32446; (850) 526-3633. I typically work out of the Marianna office on Thursdays and Friday mornings. My email is the same for both my Marianna and Bonifay office and is usually the most reliable means to contact me quickly and directly.

Please contact me should you have any questions or concerns.

Sincerely,

Brandon J. Young, Esq.

Enclosures: as stated above

cc: Holmes District School Board members
Holmes District School Superintendent