

Master of Educational Leadership

EDUC 582  
School Law

**Case Study #2:**

**EQUAL Access: Community Values and Student Rights**

**Abstract**

This case addresses the issue of equal access rights of students in schools. The case portrays the organizational leadership challenges that emerge in response to a request by a student to the principal of a senior high school for permission to initiate a gay and lesbian student organization on campus. The student request becomes a catalyst for controversial reactions by parents and the local press, and places both short and long term school leadership demands on the principal.

**Background**

Johnson City High School is one of four high schools serving a city with a population of 210,000 people. The school serves students in grades ten through twelve and has an enrollment of approximately 2,100 students. Programs offered on this campus include regular education, special education, a bilingual cluster program for new immigrants, gifted and talented education, concurrent enrollment classes with the local junior college, and one of two vocational education programs at the high school level in the district.

The majority of students attending the high school tend to be from families in the high to middle socioeconomic range, although approximately one sixth of the students come from a low socioeconomic background. The percentage of students who qualify for the free or reduced cost lunch program is 32.2 percent. Limited English Proficient (LEP) students make up 7.4 percent of the student population. Less than one sixth of the students enrolled in the school are bussed in from other areas of the city. The mobility rate averages 22 percent, although many students attend this school to receive the benefits of the special programs offered.

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The ethnic breakdown on the campus is as follows: 59.8 percent Anglo, 32.2 percent Hispanic, 6.6 percent African American, 1.2 percent Asian/Pacific Islander, and 0.2 percent Native American. This campus has had a dropout rate of between 3 and 4 percent for the last few years. A dropout prevention program has been a focus of the site-based decision making team for the last year. The site-based team closely monitors student scores on state-mandated standardized tests, which the state uses as one primary indicator of individual school "pass/fail" performance. Student scores on standardized tests are above the state and local "pass/fail" level with 45.2 percent of students passing. Minority students have an average pass rate of 27 percent. For the campus, the mean SAT score is 897; the mean ACT score is 20.9.

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"It's been a good year so far at Johnson City High," Hank thought to himself as he prepared for another busy day. Hank Dodson, principal of this school of approximately 2,100 students, had been at Johnson City for twelve years, and had always elicited the respect and confidence of community members in this mid-size city. Hank enjoyed reflecting with pride on the positive school spirit exhibited by his teachers and students, and regularly attended as many school curricular and co-curricular events held throughout the year as possible. The majority of students attending Johnson City High tended to be from families in the middle to high socioeconomic range, although approximately one sixth of the students came from a somewhat lower socioeconomic background.

Hank always arrived early to school each morning to attend to correspondence and review his observation schedules and appointments for the day. He looked with satisfaction at the appointments for this morning. Hank noted that Chris Thompson, an eleventh grade student, had scheduled a 9:00 a.m. visit with him. Hank always enjoyed meeting with students, and liked to get to know as many of the students as possible in his school. Although he hadn't had many opportunities to get to know this student well, Hank reflected for a moment about the few times he'd interacted with Chris and recalled him as being a very likable and good-natured student.

Hank enthusiastically greeted Chris as he entered the principal's office. "Good morning, Chris." "Good morning, Mr. Dodson, and thanks for seeing me," Chris responded as he sat down on one of two upholstered chairs in front of Mr. Dodson's desk. "That's why I'm here," Hank replied. "What can I help you with?"

"Well, Mr. Dodson, I'd like to get permission for a new organization to start meeting on campus." Hank recalled his earlier pride in reflecting on the positive school spirit existing in his school as he offered his administrative assistance to this student, "that shouldn't be a problem, what is the name of the organization and when would you like to meet?" Leaning forward in his chair, Chris responded, "the organization is a new one here - it's called the Gay and

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Lesbian Student Alliance, and we'd like to meet immediately after school, one day a week, like the Fellowship of Christian Athletes and Students Against Drunk Driving."

As the student's request for the new club registered, Hank was speechless for a moment, and then struggled for the right words to respond. "I see. Well, I'm not sure that your organization will fall under the guidelines we've set for student groups. Let me check on the board policy and I'll get back with you on it."

Chris was well aware of the other organizations already meeting on campus and the guidelines those groups had complied with, and he and his friends had even looked into the laws regarding the rights of students in initiating student groups. Sounding noticeably frustrated, Chris looked straight at the principal and said, "Mr. Dodson, our organization has as much right to meet as any other. Both the 1984 Equal Access Act and the 1990 Mergens case affirm the rights of student groups such as ours to meet on campus. The law says that, if you allow other groups to meet for student-initiated activities that aren't directly related to the school curriculum, you can't discriminate against gays and lesbians by refusing to allow our group to meet."

Hank mentally reminded himself of a dependable strategy of his that had often served him well in tense situations: "when the going gets tough, buy some time." Hank privately decided to follow this well-proven strategy once again. So he paused, looking pensive for a moment, then addressed the student in a firm, somewhat louder voice, "Chris, I know what the law says, but I also know that an organization like you are talking about is going to cause a lot of controversy on this campus. Give me a little bit of time to check on this, and I'll get back with you." "But, Mr. Dodson," Chris interjected, thinking of what to say next. Hank, however, quickly cut him off, "I said I'll get back with you. Now, I have another appointment waiting, and you need to get to class." As Hank spoke, he stood, opened his office door, and addressed his next words to his secretary outside his office: "Mrs. Turner, would you send in Mr. Clark, please? I can see him now." Obviously frustrated, Chris looked at Hank for a moment, then walked out of the office.

Hank momentarily forgot his disturbing meeting with Chris, as he met with Mr. Clark, a longstanding community businessman, school board member, and enthusiastic supporter of the school. Jim Clark liked to stop by the school and chat with Hank every now and then. Jim, like many other business leaders in the community, had himself graduated from Johnson City High, and shared the pride Hank felt for the positive accomplishments of the school and its students. Jim was well respected for his hard work as a school board member on behalf of Johnson City High. Hank always felt he was talking to a friend of the school when receiving a visit from Jim Clark. Although usually feeling very comfortable in sharing information about the school with Jim, Hank decided not to relate his encounter with the student of a few moments ago. He mentally elected to stay

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with his original instinct of buying a little time to think things over and check with his district supervisors before he took any action.

Following a pleasant conversation with Jim Clark over the enthusiastic parent turnout at the school's most recent football game, Hank thought it best to alert the central office about Chris Thompson's request, so he put in a call to Mr. Jenkins, assistant superintendent for secondary schools. Hank had known Matt Jenkins for several years and respected him as a confident and capable administrator, someone who always 'played by the book.'

When Hank briefed Matt on this latest development at Johnson City High, though, his initial hope for some supervisory assistance was quickly dampened. "Hank," Matt Jenkins cautioned, "you know we don't like to unnecessarily fan the flames of controversy in this district. Negative feelings in the community can needlessly be touched off when we try to make too much of a small situation. We'd really appreciate it if you'd try to handle this as quietly as you can." "You know, Hank," Matt continued, "if you can just keep things sufficiently low key, students will soon get over their initial enthusiasm about their request, and this kind of situation will go away by itself." This was not the kind of assistance Hank had hoped for, but Hank realized that Mr. Jenkins's hesitancy was simply characteristic of Johnson City School District's traditional, conservative stance on controversial issues. Hank had always been a team player, so he mustered enough energy to respond, "Okay, Matt, if that's what you really think I should try to do." Immediately following his conversation with the central office, Hank began to wonder just how quickly this new situation might 'go away,' as Matt Jenkins had predicted.

Later that same morning, Hank began to reflect on whether he should have talked with his friend, Jim Clark, when he had the chance, about his encounter with Chris. His second thoughts about this increased as he listened to Mrs. Perrington, a parent of a tenth grade student at Johnson City High and a rather outspoken member of the school community, who rushed onto campus just before second lunch period demanding to speak with Mr. Dodson. Hank welcomed Mrs. Perrington into his office, but saw right away that she was upset about something.

"Mr. Dodson, I heard from a very good source at the football game yesterday that a homosexual group is planning to start a student organization on this campus. Is that true?" Hank, caught off guard a little, paused for a moment, then answered the parent slowly, "Well, yes, Mrs. Perrington, a request has been made to allow a gay and lesbian organization to meet on campus." "Well, what are you going to do about it?" the parent quickly responded. Growing increasingly agitated, Mrs. Perrington continued, "You aren't seriously considering letting

this group of misfits meet, are you? Think about the problems this could cause. Think about how this could influence our children. The parents at this school

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aren't about to stand by and let a group of homosexuals be allowed to influence our kids like this. I'm a taxpayer. I pay your salary, and you'd better do something about it!" As she spoke, Mrs. Perrington got up and walked out of the office, pointing threateningly at Mr. Dodson and leaving him standing bewildered behind his desk.

After Mrs. Perrington left, Hank leaned back pensively in his chair to try and sort out the situation. Reflecting on the rapidly escalating situation and on his own district's hesitancy to confront such a sensitive issue directly, Henry slowly thought to himself, "this is definitely something I will have to handle very carefully."

Reflecting further, Hank thought it best to get more information about how the students may have come to formulate their request, and decided to call in Mr. Williams, the school's sociology teacher, for a conversation in his office during seventh period. When seventh period finally arrived, Hank anxiously beckoned Mr. Williams into his office. Hank got right to the point as Mr. Williams sat down. "Thanks for agreeing to meet with me on your planning period, Mr. Williams. I think this issue of a gay and lesbian club on campus is really important and we need to discuss it. I understand that these kids have asked you to be their sponsor. What do you know about this?" "Well," Mr. Williams began, leaning forward as he responded, "they did approach me and ask me to be their sponsor. From what I understand, the kids want to meet once a week for an hour or so to discuss their personal views on sexual orientation and how they fit into society. They also want to be a kind of support group for students who think they may be gay or lesbian. Apparently they asked me because of some discussions we've had in my sociology class."

Well aware of the unsettling meeting he'd already had today with one upset parent, Hank asked, "How many kids are interested in this organization? This could turn out to be very controversial. I'm already hearing from parents who are opposed to the idea." Mr. Williams reflected for a moment then replied, "I know of about fifteen students who are voicing an interest in this right now. I think more will come forward if the club is allowed to meet."

Just as Mr. Williams spoke, the secretary knocked on the door and stuck her head in. "Mr. Dodson, I'm sorry to interrupt, but there is a reporter from Channel 12 here. He insists on speaking with you about the gay student organization that is meeting on our campus."