

Former Students and Plaintiffs Commemorate Gay Rights Win And Lawsuit 20 Years Later

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Ivy Fox (left) and Leah Farrell join hands in front of East High School on Thursday as part of a 20th anniversary celebration of a historic lawsuit against the Salt Lake City school board. The two women sought to create a Gay/Straight Alliance club.

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Ivy Fox was still in eighth grade when, in 1996, the Salt Lake City Board of Education banned all extra-curricular clubs, 46 in total, rather than approve an application for a Gay/Straight Alliance club.

By her freshman year at East High School, the club had found a way to exist by renting out space from the school, and Fox attended a couple of times. On one of those days attorneys from the American Civil Liberties Union, gay-rights group LAMBDA, and the National Center for

Lesbian Rights told the club members how to challenge the board's decision. And that's what they did.

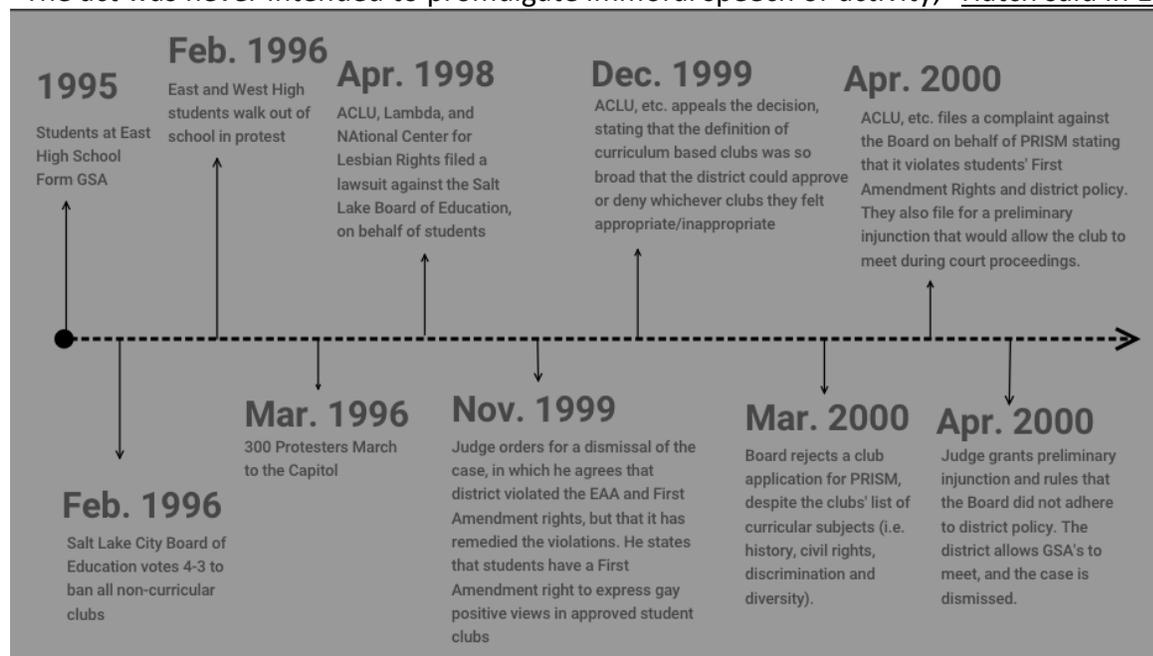
In the spring of her sophomore year, Fox joined a group of students suing the board in what eventually became a pair of lawsuits. While eventually dismissed, the landmark case set precedents for LGBTQ rights and student activism.

Fox, who lives out of state, was back in Salt Lake City this week with another plaintiff, Leah Farrell, to talk about the cases 20 years later, including a panel discussion on Friday at the Utah Pride Center. They spoke about what it was like to be a high school student part of a nationally recognized legal battle.

"It was like actually a full time job," Fox said. "I would get up go to school at seven in the morning, at lunchtime I would have a packet of petitions and flyers for a coalition event for us to get together, go to class, try to ace some tests, after school go to a community event to strategize on how to get the clubs back."

The students challenged the district by arguing that the Gay/Straight Alliance was protected under their First Amendment rights and the Equal Access Act - legislation passed in 1984 that mandated all schools with extracurricular clubs give equal access to schools resources. The legislation was sponsored by Sen. Orrin Hatch, (R-Utah), who argued for the freedom of religious clubs to meet in schools.

"The act was never intended to promulgate immoral speech or activity," Hatch said in 1996.



A timeline of how high school students challenged the Salt Lake City Board of Education to allow a Gay/Straight Alliance club.

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Instead of granting resources to the club, the board decided to get rid of all extracurricular clubs. The first case was deemed moot after the judge ruled the district had taken appropriate steps to remedy the problems.

But in 1998, when a new curriculum-based club called People Respecting Important Social Movements, or PRISM, was also shut down by the district, students sued again. Farrell was a senior at West High School when she reached out to Fox about becoming a plaintiff.

“It was clear that these authority figures were hurting students just because of fear and hatred of LGBT kids,” Farrell said.

Ahead of a panel discussion Friday evening, Farrell stood outside of the school this week alongside Fox and Carol Gnade, the executive director for the ACLU at the time of the case.

In November 2000, after almost \$175,000 in court fees, the school district decided to allow all extracurricular clubs, including the Gay/Straight Alliance, to meet. The judge ruled that the students had a First Amendment Right to express their views, and eventually dismissed the case.

Throughout the four years of lawsuits, students petitioned, marched to the Capitol, and gained national attention.

“It was all the kids in the school. It was just so moving — it’s still moving to me. I still kind of cry every time I do this,” Gnade said.

Farrell, who is now a senior attorney with the ACLU of Utah, stressed the importance of this case today in the state. She works to help students fight similar challenges in districts outside of the Wasatch Front. The precedent of this case was used in Davis county, when one student tried to form a similar club at his school in 2011.

Fox said all of this started because students were just trying to find a safe space in school.

“Safety doesn’t just exist in schools,” Fox said. “While it feels like it should be an entitlement, it’s not. So as students we were trying to define that space.”

The high school students brought national attention to LGBTQ rights and student activism that remains essential to civil rights today, the former plaintiffs say.

“If you don’t speak up, you get bulldozed down,” Fox said. “Having an expectation that other people will speak up for you leads to where we are today – wildly divided and without the common ground that we so desperately need.”