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Non-discrimination Policies Trigger Recall, Lawsuits

Small Community East of Lansing Caught in the Middle of Battle for Equality in Schools

By Todd Heywood | January 24th, 2018

Leaders of the Williamston Community Schools in Ingham County are facing blowback from a small, but vocal, group of opponents to a series of reforms meant to protect LGBTQ youth in the district.

First, four members of the Board of Education — Greg Talberg, the board's president and members Christopher Lewis, Nancy Deal and Sarah Belanger — are facing recall petitions after the Ingham County Election Commission voted 2 to 1 to approve the petition language Jan. 9. The petitions call for the recall of the board members for their support for amending Williamston Community Schools' policies to explicitly prohibit discrimination on the basis of sexual orientation and gender identity or expression.

The district of about 2,000 students is located 20 miles east of Lansing.

This was the fourth time at the plate for Williamston resident Jonathan Brandt in attempting to get language through the election commission, which is composed of Ingham County Clerk Barb Byrum, Ingham County Treasurer Eric Schertzing and Ingham County Chief Probate Judge Richard Garcia. Garcia and Schertzing cast votes approving the recall petition language.

Belanger, Deal, Lewis and Talberg sued the election commission last week in Ingham County Circuit Court. They claim in their suit that the language approved by the commission was "neither factual nor clear." The case has been assigned to Judge Joyce Draganchuk, who is the former Chief Deputy Ingham County Prosecuting Attorney.

"This recall effort targets a school board that has an overwhelmingly positive approval rating for doing exactly what they did in this case — advocating for every student's right to access education safely and as their authentic self," said Emily Dievendorf, president of the Lansing Association for Human Rights, a local LGBTQ advocacy group. "The Williamston that voters love is represented by the same school board members that are under attack today."

On Friday, right wing anti-LGBT activist David Kallman filed a federal lawsuit against the district on behalf of four adults and three children. According to a press release from Kallman's Great Lakes Justice Center, the suit claims the challenged policies "deny students' their right to privacy, dignity, and personal identity," "violate parents' right to be notified of their children's health decisions," "Parents' and students' right to free speech is denied," "violate Title IX by allowing boys to take spots on girls' teams, or vice versa" and "violate the Elliott-Larsen Civil Rights Act by creating a hostile and offensive environment." The suit

claims further that the board acted beyond its authority in adopting the policies.

Kallman has tried similar legal maneuvers in Michigan courts previously, but has been rejected. His anti-LGBTQ history dates back to 2000 when he claimed Jackson Public Schools were improperly allowing a Gay Straight Alliance, while preventing the formation of a Bible club. That's an allegation he had to withdraw. He fought tooth and nail to prevent the Delta Township Board of Trustees from approving a comprehensive human rights ordinance that includes the LGBTQ community in 2013, sued Planet Fitness in Midland for allowing a transgender woman to use the women's locker room and most recently attempted to intercede on behalf of former a Jackson City Clerk who improperly certified petitions to repeal that city's nondiscrimination ordinance.

The attorney's legal drive is linked to his nonprofit organization Salt and Light Global. That organization believes that only conservative evangelical "Bible believing" Christians should serve in elective and other leadership positions in the U.S. His collaborator on that ministry, William Wagner a Cooley Law School professor, co-wrote a 2007 paper with former Michigan Assistant Attorney General Andrew Shirvell on pro-life issues. Shirvell came under fire, and was ultimately fired by then Attorney General Mike Cox for his stalking and blogging of openly gay University of Michigan student body president Chris Armstrong.

Armstrong filed suit against Shirvell, and won a \$4.5 million ruling.

Dievendorf slammed the lawsuit in a statement to BTL.

"These lawsuits are a desperate attempt to thwart progress for LGBTQ kids that put the fears and venom of warring adults above the safety and education of Williamston's students," she said. "The plaintiffs are relying on bias, ignorance and a misreading of the U.S. Constitution to bring them victory."

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