

**Talking Points for Discussion with SLVUSD Superintendent Schiermeyer
and
SLVUSD Board of Trustees President, Mr. Mark Becker**

(13 Apr 22)

I. Background

My standing for this conversation: 1) I am the father of two SLVUSD students; 2) I am a voting citizen residing in the SLVUSD.

During May 2021, the SLVUSD participated in a Santa Cruz County Office of Education program by flying the LGBTQ+ “Pride Flag” over all its campuses, for a week, in honor of Harvey Milk Day.

My family and I were highly offended, even angered, by the district’s action. I believe others across our community shared these sentiments. The district’s decision to fly the flag was offensive *not* because I expect the SLVUSD to advocate my particular viewpoint. Rather, the decision was offensive because: 1) It violated the district’s own policies; 2) It was highly inappropriate; 3) It was unnecessary.

My efforts to address this matter with the SLVHS principal, the SLVUSD superintendent, and the SLVUSD Board of Trustees proved unsatisfactory.

I am hoping to avert a similar issue this year and in years to come.

II. A Violation of Policy

I believe that flying the “Pride Flag” constitutes a violation of district policy on at least two counts:

Regulation 6115: Ceremonies and Observances

With respect to “Commemorative Flags,” district policy says, “At the Board of Education's discretion, and as authorized by the Board's resolution, commemorative flags corresponding to the commemorative exercises on special days identified in Education Code Section 37220 et seq., or any other state-recognized holiday, may be displayed as an expression of the Board's official speech...The District’s flagpoles do not constitute an open forum for public expression. The District will not display a commemorative flag based on a request from a third party, nor will the District use its flagpoles to sponsor the expression of a third party.”

- Harvey Milk Day is not a recognized California holiday per the California Secretary of State website.

- Harvey Milk Day is not recognized in Education Code Section 37220.
- The District further violated its policy if it flew the “Pride Flag” at the behest of a third party like the Santa Cruz County Office of Education.

Policy 6144: Controversial Issues

This policy states, “The Governing Board recognizes that the district's educational program may sometimes include instruction related to controversial issues that may arouse strong reactions based on personal values and beliefs, political philosophy, culture, religion, or other influences.”

The policy further states that, “Instruction shall be presented in a balanced manner, addressing all sides of the issue without bias or prejudice and without promoting any particular point of view...In the classroom, teachers act on behalf of the district and are expected to follow the adopted curriculum. In leading or guiding class discussions about issues that may be controversial, a teacher may not advocate his/her personal opinion or viewpoint...Students shall be assured of their right to form and express an opinion without jeopardizing their grades or being subject to discrimination, retaliation, or discipline, provided the viewpoint does not constitute harassment, threats, intimidation, or bullying or is otherwise unlawful.”

- Flying a flag over a public school campus is, de-facto, a form of instruction.
- Matters represented by the “Pride Flag” are *highly* controversial and directly touch students’ (and parents’) personal convictions, especially religious convictions.
- By flying the flag, the district clearly aligned itself with one side of the issue, thereby excluding the sincerely held religious convictions of those in the care of SLVUSD schools.
- The district’s action in flying the “Pride Flag” likely had a chilling effect on students’ ability to express opposite opinions in the classroom, or in conversation with their peers.

III. A Highly Inappropriate Action

The district’s decision to fly the “Pride Flag” was highly inappropriate for the following three reasons: 1) It represented an *inappropriate assertion of authority*; 2) It signaled the district’s *official bias and inappropriate condonation* of a particular viewpoint in highly contentious matters; 3) It *violated the conscience* of SLVUSD students.

I described these three objections in a letter to the SLVUSD Board of Trustees, dated 6 Jun 21 (see Attachment 1). I followed this letter with an appearance before the Board at their June 2021 meeting. Regrettably, none of the members took up my offer for productive dialogue over this matter.

IV. An Unnecessary Action

Flying the “Pride Flag” was not, and is not, necessary to the district’s mission of, “Working Together to Ensure All Students Learn and are fully Prepared for College and Career.” In fact, flying the “Pride Flag” is counterproductive to this mission because it increases division amongst students and district families amidst an already polarized and divided cultural context. The district can encourage respect and true tolerance (not false tolerance) between students without violating the conscience of those who hold strong religious beliefs.

V. Conclusion

I request that the district not repeat last year’s action with respect to flying the “Pride Flag.”

If the district repeats last year’s display, I will keep my children at home for every day the “Pride Flag” flies, and I will encourage others to do the same.

It is not my desire to be a public adversary of the SLVUSD, but I will continue to pursue this issue if it becomes necessary.

6 Jun 21

Mr. Becker, Ms. Kerr, Ms. Levine, Ms. Pollak, Ms. Rice

I am writing in advance of your June 9th board meeting, at which I anticipate speaking during the period dedicated to public comment. The two-minute time cap during this period means my statement will be necessarily limited. Accordingly, I thought it best to precede my comments on Wednesday with a preparatory letter. Thank you in advance for taking a few minutes to read what follows.

My purpose on Wednesday evening will be to express profound concern over the fact that last month San Lorenzo Valley School District (SLVUSD) schools officially flew the LGBTQ+ pride flag above their campuses. This included SLV High School, where my daughter recently completed her tenth-grade year. Such a display on public school campuses was highly inappropriate for at least the following three reasons:

1. *A question of authority* – To fly a flag above a facility is to assert authority on the part of the entity or philosophy the flag represents over the location in question. Per district policy, it is our national flag and the flag of California that warrant display at any public school facility. Both the United States and the State of California have a true claim on the allegiance of residents in this valley, and thus rightly demand our appropriate submission to their authority. Hence, it is right for these flags to fly over SLVUSD campuses. Such is not the case with the LGBTQ+ movement and its flag. Rather, the LGBTQ+ pride flag makes a social, political, and even religious statement that many cannot accept or condone. It demands recognition and acceptance of what many believe to be immoral. The constituents of the SLVUSD do not owe allegiance to the LGBTQ+ movement, and thus its flag does not belong in a public school space. Of course, this does not preclude someone's display of the LGBTQ+ pride flag on their private property for reasons of their own.

2. *A question of official bias and inappropriate sponsorship* – As I note above, the LGBTQ+ pride flag communicates a social and political message beyond the pale of what is appropriate for a public school. Flying such a flag effectively demands, albeit implicitly, that those associated with the school accept the truth claims asserted by LGBTQ+ advocates. And yet, those truth claims run directly contrary to the deeply held religious convictions of many in our society, including at least some of the students in our schools. Since when did it become appropriate for a public school to blatantly prefer the socio-political message of one party in profoundly moral questions of sexuality and gender? Additionally, if the SLVUSD has determined to fly one partisan flag, then when will it give equal time to other expressions of cultural, political, or religious viewpoints? Why can we not content ourselves with the flags of our country and our state?

3. *A violation of conscience* – Especially in the context of a public institution (like a school), when someone walks into a building displaying a flag, that person comes, both literally and figuratively, under the authority, or the message, of what the flag represents (see above). Consider a student walking onto the SLVHS campus and passing underneath the LGBTQ+ pride flag. The implicit message communicated to that student is that by attending SLVHS they must submit themselves to the demands and truth claims asserted in the worldview conveyed by the flag itself. And yet, again, we have students who daily attend SLVUSD schools and believe – as a matter of deep, sincere, conviction – that homosexuality is wrong; that there is such a thing as a biological man and biological woman; that gender is not a transitory, self-determined reality. By flying the LGBTQ+ pride flag as happened last month, SLVUSD implicitly tells these students that their convictions, even religious convictions, are false, their perspective bigoted, and their opinion not welcome. To make this point clear, I have attached to this letter a note written by my daughter – of her own accord – to the SLVHS principal and the SLVUSD Superintendent. Please note her perspective as a student. Does the SLVUSD mean to violate the conscience of this young woman by forcing her to attend school underneath a flag that denigrates her deeply and sincerely held religious beliefs?

To date, I have addressed this issue with the SLVHS principal, the SLVUSD Superintendent, the Superintendent of the Santa Cruz County Office of Education, and the five Santa Cruz County Supervisors. I turn now to you as the board ultimately charged with overseeing the SLVUSD on behalf of tax-paying citizens in our community. Regardless of where you stand on specific questions related to LGBTQ+ philosophy, beliefs, and life-style, I ask you to recognize the inappropriate nature of last month's display. I further ask that you take steps to ensure it is not repeated in the future. If you would like to pursue an extended, productive dialogue beyond this board meeting, I am ready to do so at your convenience. Thank you for your time and consideration.

Respectfully,



P.J. Davis

From: Davis Philip philip.davis04@gmail.com
Subject: Re: Written Reponse from 4/13 Meeting
Date: April 19, 2022 at 10:01 AM
To: Allie Davis ald710@yahoo.com



Mr. Schiermeyer and Members of the SLVUSD Board of Trustees,

Thank you for your response. Unfortunately, I find it insufficient and request that you continue the discussion. Please note the following:

1. The Board did not address my concerns that the Board's action violates Board Policy 6144: Controversial Issues. Why was that point left unaddressed?
2. I believe your reference to Education Code 37220.13 is mistaken. That portion of the code refers to days on which "the public schools shall close" (see Article 3, Section 37220a and following). The code stipulates that a district board has the right to close its schools on, "Any other day designated as a holiday by the governing board of the school district." In my understanding, the district has not declared Harvey Milk Day a holiday on which our schools will be closed. Thus, citing this portion of the code as justification under Board Policy 6115 seems fallacious.
3. The district can accomplish its requirements under California Senate Bill 48 without choosing to undertake actions that violate the religious conscience of students (not to mention staff) in its care whose convictions are not those of the LGBTQ+ worldview. The district is choosing this unnecessary action. I would like to know why my children are being treated with such disregard. The district also has a requirement not to discriminate with respect to religious conviction and expression. In this matter of the flag, the district is failing in that duty.

I request that the Board please respond in writing to the matters I've raised here, and I remain ready to meet with the full Board at its convenience.

Respectfully,
P.J. Davis

On Apr 18, 2022, at 9:02 PM, Chris Schiermeyer <cschiermeyer@slvUSD.org> wrote:

Dear Mr. Davis,

Thank you for taking the time to meet with Board President, Mark Becker and Superintendent Christopher Schiermeyer on Wednesday, April 13, 2022. In the meeting you expressed that you felt flying the "Pride Flag" was a violation of Board Policy 6115: Ceremonies and Observances as well as 6144: Controversial Issues. In addition, you indicated that you felt flying the "Pride Flag" was a highly inappropriate and an unnecessary action.

In regards to Board Policy 6115, specifically your reference to Education Code 37220, please note under Education Code 37220.13, a board has a right to designate any other day not designated as a holiday. In addition, in reference to flying a flag based on the request of a third party, when the Board of Trustees approves a resolution they are exercising their own speech and not that of a third-party request. As a school District we are not in violation of any Board Policy by flying the "Pride Flag".

Finally, we do appreciate hearing from our families, however, we would disagree with your statements that flying the "Pride Flag" is controversial, highly inappropriate, and/or an unnecessary action. When the Board approves a resolution to fly the "Rainbow Flag," the action is one that supports the contributions the LGBTQ+ community has made to history and the relevant portions of the California History-Social Science Framework. The inclusion of the Rainbow Flag during Pride month also reinforces Senate Bill 48 or The Fair Act – the state requirement that gay history be included in social studies curriculum (specifically inclusion of the social, political and economic contributions of lesbian, gay, bisexual and transgender people to both California and United States history). The message is one that furthers one of the district's core beliefs against any discrimination based on sexual orientation in district activities and programs.

Sincerely

San Lorenzo Valley USD
Board of Trustees

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Christopher Schiermeyer

cschiermeyer@slvUSD.org

(831) 336-5195

Superintendent

San Lorenzo Valley Unified School District

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From: PJ Davis pjdavis200406@gmail.com
Subject: Addressing the SLV Unified School District
Date: April 26, 2022 at 12:45 PM
To: PJ Davis philip.davis04@gmail.com

PD

Sir/Ma'am,

Good afternoon. You are receiving this email because you are an educator in the San Lorenzo Valley School District (SLVUSD), a student, a parent, or otherwise connected with the SLVUSD. I am writing, as a parent of SLVUSD students, to call your attention to an important and even urgent matter of concern.

During its meeting on 20 Apr 22, the SLVUSD Board of Trustees passed a resolution to fly the Rainbow Flag over our public-school campuses during the week of 2-6 May, in honor of Harvey Milk Day (a repetition of similar action last year). The Board did this despite being presented with serious concerns over such action. On 13 Apr 22, I met with Superintendent Chris Schiermeyer and Board President Mark Becker. I raised several objections to the Board's proposed action and asked for a written response. In return, I received a brief, three paragraph email from Mr. Schiermeyer, on behalf of the Board, that failed to adequately address the issues I raised.

To be clear, my concern is not to attack members of our community who adhere to an LGBTQ+ lifestyle or beliefs. Rather, my concern is a matter of civics, namely what's appropriate and inappropriate for a public institution. My concern is also to preserve space in our public schools for students and educators of deeply held religious conviction.

Unfortunately, the Board of Trustees has failed to respond to my concerns, including as they were further clarified in an email on April 19th. Thus, it is my responsibility to seek public attention toward this issue.

Would you please take the time to review the document attached below? It outlines the issues I raised with Mr. Schiermeyer and the Board of Trustees. I invite your personal action in response to what you read. I also invite you to share this email with others as you deem appropriate, and to communicate with me as you may desire.

Thank you in advance,

Respectfully,

P.J. Davis

Addressing the San Lorenzo Valley School District: An Inappropriate Display of the Rainbow Flag

I. Introduction

Statement – It is inappropriate for the San Lorenzo Valley Unified School District to fly the “Rainbow Flag,” or the “Pride Flag,” over public school campuses for any reason, including in recognition of Harvey Milk Day.

Caveat – What follows is not an attack on individuals holding to an LGBTQ+ lifestyle and belief. Rather, it is a matter of civics and civic responsibility. It’s about what is appropriate and inappropriate for a public institution. What follows is part of an effort to preserve space in the public-school arena for students and educators of religious conviction who do not want to be ostracized by a flag or forced to subsume their convictions to the SLVUSD’s decision.

II. Summary

The decision (past and present) by the SLVUSD Board of Trustees to fly the Rainbow Flag is inappropriate for the following reasons, each of which is addressed further below:

- An inappropriate assertion of authority
- A question of official bias
- A violation of religious conscience
- Unnecessary and divisive
- A violation of SLVUSD Board of Trustees policy

III. Discussion

A. An Inappropriate Assertion of Authority

A flag is a statement of authority, a pronouncement of consequential influence. Flying a flag above a facility is to assert authority by that which the flag represents over the location in question – including the mission and people associated with that location. Per district policy, our national flag and the flag of California warrant display at any public-school facility. Both the United States and the State of California have a true claim on the allegiance of residents in the SLVUSD, and thus rightly demand appropriate submission to their authority. Hence, it is right for these flags to fly over SLVUSD campuses. Such is not the case with the LGBTQ+

movement and its flag. The Rainbow Flag makes a social, political, and even religious statement that many cannot accept or condone. The constituents of the SLVUSD do not owe allegiance to the LGBTQ+ movement, and thus its flag does not belong in a public-school space. Of course, this does not preclude someone's display of the Rainbow Flag on private property for reasons of their own.

In considering this matter of authority, it's important to note the words of Gilbert Baker, the creator of the Rainbow Flag. Consider the following statements taken from Gilbert Baker's memoir (available at www.gilbertbaker.com; see the "*Rainbow Flag: Origin Story*"), and notice in particular the words bolded by the author of this paper:

"I thought of the American flag...I thought of the vertical red, white, and blue tricolor from the French Revolution and how both flags owed their beginnings to a riot, a rebellion, or revolution. I thought a **gay nation** should have a flag too, to proclaim its own **idea of power**."

"As a community, both local and international, gay people were in the midst of an upheaval, a battle for equal rights, a shift in status where we were now demanding power, taking it. This was our new **revolution**: a **tribal, individualistic**, and **collective** vision. It deserved a new symbol."

"After the orgy of bunting and hoopla surrounding the Bicentennial, I thought of flags in a new light. I discovered the depth of their **power**, their **transcendent, transformational** quality. I thought of the emotional connection they hold. I thought how most flags represented a place. They were primarily **nationalistic, territorial, iconic propaganda** – all things we questioned in the 70's. Gay people were tribal, individualistic, a global collective that was expressing itself in art and politics. We needed a flag to fly everywhere."

Clearly Baker thought of the Rainbow Flag as a statement of authority; a statement of power; a thing tribalistic and nationalistic to be used when claiming territory. How is it then appropriate to fly such a flag over a public school; a public institution funded with public tax dollars? How is the Board of Trustees missing what Baker clearly understood?

B. A Question of Official Bias

The Rainbow Flag communicates a social and political message beyond the pale of what is appropriate for a public school. Flying such a flag effectively demands, albeit implicitly, that those associated with the district's schools accept truth claims asserted by LGBTQ+ advocates. And yet, those truth claims run directly contrary to the deeply held religious convictions of many in our society, including at least some of the students in our schools. Since when did it become appropriate for a public school to blatantly prefer the socio-political message of one party in the profoundly moral questions of sexuality and gender? Additionally, if the SLVUSD has determined to fly one partisan flag, then when will it give

equal time to other expressions of cultural, political, or religious viewpoints? Why can we not content ourselves with the flags of our country and our state? As you will see below, the Board of Trustees own policies prohibit the district or its teachers from adopting a partisan stance in controversial matters.

C. A Violation of Conscience

Especially in the context of a public institution (like a school), when someone walks into a building displaying a flag, that person comes, both literally and figuratively, under the authority, or the message, of what the flag represents (see above). Consider a student walking onto the SLVHS campus and passing underneath the Rainbow Flag. The flag implicitly says that by attending SLVHS the student must submit themselves to the demands and truth claims asserted by the LGBTQ+ movement. And yet, as stated already, we have students who daily attend SLVUSD schools and, as a matter of deep, sincere, religious conviction, believe contrary to the LGBTQ+ worldview. By flying the Rainbow Flag, the SLVUSD implicitly tells these students that their convictions are false, their perspective bigoted, and their opinion not welcome. What's more, because these students *must* attend campus as a matter of their public-school enrollment, their submission to the flag is thereby *coerced*. Thus, the district *coercively violates the religious conscience of budding young men and women entrusted to its care*.

To make this point even stronger, consider again Gilbert Baker, the creator of the Rainbow Flag. Baker was well-known in San Francisco for his drag queen attire and actions. On at least two occasions, Baker donned one particular costume dubbed his "Pink Jesus" outfit (see *San Francisco Chronicle*, "Gilbert Baker, the 'gay Betsy Ross,'" June 21, 2018). The ensemble consisted of Baker spray-painting his body pink, wearing an American flag loincloth, a pink crown of thorns, pink high heels, and carrying a pink balsa wood cross. How is forcing students of religious conviction to acknowledge the flag designed by this man not a violation of their conscience?

D. Unnecessary and Divisive

Flying the Rainbow Flag is not necessary to the district's mission of "Working Together to Ensure All Students Learn and are fully Prepared for College and Career." In fact, flying the flag runs counter to this mission. It increases division amongst students and district families amidst an already polarized and divided cultural context (note again Baker's words above). The district can encourage respect and true tolerance between students without violating the conscience of those who hold strong religious beliefs.

E. Violation of SLVUSD Board of Trustees' Policy

Finally, displaying the Rainbow Flag is a violation of the SLVUSD Board of Trustees' own policies, a point the Board has thus far failed to adequately address. Display of the flag violates policy on the following two counts:

1. *Regulation 6115 – Ceremonies and Observances*: With respect to “Commemorative Flags,” district policy says, “At the Board of Education's discretion, and as authorized by the Board's resolution, commemorative flags corresponding to the commemorative exercises on special days identified in Education Code Section 37220 et seq., or any other state-recognized holiday, may be displayed as an expression of the Board's official speech...The District's flagpoles do not constitute an open forum for public expression. The District will not display a commemorative flag based on a request from a third party, nor will the District use its flagpoles to sponsor the expression of a third party.”

- Harvey Milk Day is not a recognized California holiday per the California Secretary of State website.
- Harvey Milk Day is not recognized in Education Code Section 37220.

This policy would only allow the Board of Trustees to fly the Rainbow Flag if it otherwise declared Harvey Milk Day a “no-school” holiday per Education Code Section 37220(a)(13).

2. *Policy 6144: Controversial Issues* – This policy states, “The Governing Board recognizes that the district's educational program may sometimes include instruction related to controversial issues that may arouse strong reactions based on personal values and beliefs, political philosophy, culture, religion, or other influences.”

The policy further states that, “Instruction shall be presented in a balanced manner, addressing all sides of the issue without bias or prejudice and without promoting any particular point of view...In the classroom, teachers act on behalf of the district and are expected to follow the adopted curriculum. In leading or guiding class discussions about issues that may be controversial, a teacher may not advocate his/her personal opinion or viewpoint...Students shall be assured of their right to form and express an opinion without jeopardizing their grades or being subject to discrimination, retaliation, or discipline, provided the viewpoint does not constitute harassment, threats, intimidation, or bullying or is otherwise unlawful.”

- Flying a flag over a public-school campus is, de-facto, a form of instruction.
- Matters represented by the Rainbow are *highly* controversial and directly touch students' (and parents') personal convictions, especially religious convictions.

- By flying the flag, the district clearly aligns itself with one side of the issue, thereby excluding the sincerely held religious convictions of those in the care of SLVUSD schools.
- The district's action in flying the Rainbow Flag have a chilling effect on students' ability to express opposite opinions in the classroom, or in conversation with their peers.

IV. What Can You Do?

What can you do in response to the SLVUSD Board of Trustees determination? Please consider the following:

1. If you are an educator, consider voicing your opposition or concern to your school's administration, to the SLVUSD Superintendent (Mr. Christopher Schiermeyer), and to the Board of Trustees directly. Consider absenting yourself from work during the 2-6 May timeframe when the Board will fly the Rainbow Flag.
2. If you are a teacher, support students in your classroom who hold religious convictions contrary to the LGBTQ+ worldview. You can do this even as you respect and support students who adhere to LGBTQ+ beliefs and lifestyle. Encourage your students to respect one another while they engage in honest, and perhaps difficult, conversations.
3. If you are a parent, consider keeping your student at home during the week of 2-6 May. Even if you are not someone of religious conviction, you may consider taking such action as a matter of civic responsibility. It is important for tax-paying, voting citizens to call our public institutions to account.
4. Consider voicing your opposition or concern to the Board of Trustees directly.
5. If you are someone with legal contacts or expertise, consider whether the Board of Trustees' actions can be challenged in court.
6. If you would like more information, please email pjdavis200406@gmail.com.

Statement to the SLVUSD Board of Trustees – May 2022

Members of the Board and Mr. Schiermeyer,

Good evening, my name is P.J. Davis. It would be redundant for me to describe my strenuous objections against display of the Rainbow Flag over our school campuses. I have presented them to you on multiple occasions. Instead, I need to publicly state my profound dissatisfaction for the way you have treated me. As a Board, your stated values include, and I quote, “Excellence in everything we do...Honesty and respect in our interactions...Working together to achieve common goals...Parents and their interactive participation.” Perhaps you will see why I question this Board’s commitment to those words.

My interaction with you over display of the Rainbow Flag began last year. Last June, I sent each of you Board members a letter in advance of speaking at your meeting on June 9th. In that letter, I invited you into extended dialogue. None of you paid me the courtesy to say you had received my letter, and at least heard my concerns. On June 9, 2021, I appeared before this Board and expressed those concerns in person. In the aftermath, rather than engage me in a collaborative process toward resolution of this matter, you instead ignored, or simply forgot, my suggestion for dialogue.

Fast-forward to April 13th of this year. On that day I met with you, Mr. Schiermeyer, and you, Mr. Becker. I again described my concerns in detail, provided several documents, and requested a written response from the Board engaging the points I raised. What I received back was a three paragraph email that addressed essentially none of those points. As a result, on April 18th I wrote an email to all of you, specifically identifying how you had not answered my objections to flying the Rainbow Flag. I again asked for a written response from the Board, and again expressed willingness to meet at your convenience. Unfortunately, none of you showed me the courtesy to acknowledge that e-mail, nor did you evidence any interest in the serious issues I’ve expressed.

Ladies and gentlemen, I have not experienced excellence from this Board. I have not experienced courtesy and respect from this Board. You have not demonstrated a desire to work with me, and others like me, toward the common goal of educating our children in an environment of respect. You have not valued the interaction and participation of this parent. In short, you treated me with dismissive disregard and apparent disdain. I hope for better from elected public servants whose work I would like to applaud and be thankful for.

I will again reiterate the invitation, indeed the request, for personal and substantial dialogue over the concerns I, and others, have raised for display of the Rainbow Flag. I hope you will take me and this matter seriously. Thank you.