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April 25, 2008 is the scheduled date for the yearly Day of Silence, sponsored by the Gay, Lesbian, and Straight Education Network ("GLSEN"). This student-led event, held in middle schools, high schools, colleges, and universities across the country, encourages students who are questioning their sexual orientation to remain silent for the duration of the school day. For those parents, students, and schools that do not wish to participate in the Day of Silence or wish to limit its effects, the following steps can be taken:

First, schools do not have to tolerate students remaining silent in class. Conduct on the part of a student that causes a substantial disruption or material interference with school activities is not permitted and is not protected under the First Amendment.

Second, schools can adopt policies that require parental consent for students to attend any club, including those premised on sexual orientation or gender identity. Parental rights in the educational arena do not end at the schoolhouse door. Obtaining parental consent as a prerequisite for membership will eliminate some students from these types of clubs.

Third, schools, especially those in states that have enacted sexual education statutes containing opt-out provisions and require abstinence, can pass a policy requiring clubs to comply with these legislative mandates.

Liberty Counsel will provide free information to parents, students, and schools regarding their rights associated with noncompliance on the Day of Silence. Liberty Counsel is a nationwide, religious liberty, public interest law firm dedicated to advancing religious freedom. Liberty Counsel has regional offices and affiliate attorneys throughout the country. As a nonprofit ministry, Liberty Counsel provides free legal advice and representation.

If you have any questions, please call 1-800-671-1776 or visit www.LC.org.

Sincerely,



Mathew D. Staver, Esq.