

Public Statement

At its regular meeting held on August 2, the School Board of Independent School District 413, Marshall Public Schools, approved the voluntary dismissal of the federal lawsuit in the case of *Marshall Concerned Citizens, et al. v. Independent School District No. 413, et al.* through the approval of a Settlement Agreement and Release of All Claims. The District had been defending itself in federal court against the lawsuit, which had been brought by a group of community members. The District has thus far been unable to comment on this matter due to the pending litigation. However, as the case has now been voluntarily dismissed by the community members, the District would like to set the record straight regarding several of the allegations claimed in the lawsuit.

The District did not harm any student rights, nor has it violated any laws or policies. To the contrary, the District strongly believes in and stands behind the First Amendment rights of all students, regardless of the political views a student seeks to express. The District is proud to foster an educational environment in which students are free to express their views, so long as such views do not disrupt the educational environment, constitute threats or harassment, or target others based on protected statuses such as race, religion, and sexual orientation, among others.

This lawsuit revolved, at least in part, around a flag display in the Marshall Middle School cafeteria. This short-term flag display was put up in the winter of the 2019-20 school year, and the flags were meant to help represent our students at the Middle School. Along with a number of other flags, this display included a rainbow flag to support our LGBTQ students, which led to significant feedback from the community both in support of and in opposition to the flying of this particular flag. This flag display was not permanent, and the District intended to take down the display prior to the upcoming school year. With new students entering and exiting different grades each year, it has become burdensome for the District to maintain the integrity of the flag project.

The controversy over the display helped lead to the creation of a new student group at the Middle School to provide support and a safe space for our LGBTQ students, and the District has placed an emphasis on ensuring that our students feel safe and accepted, and that all students know that bullying or harassment will not be tolerated. If there is any good that has come out of this controversy, it is that our LGBTQ students know that they are welcome, safe, and supported in our schools, and this will not change.

As part of the dismissal of the lawsuit and Settlement Agreement, the District agreed to move forward with its plans to take down the flag display. Even though the flag display is being removed, the District would like to let the entire community know that it continues to support the needs and growth of all of its students, including its LGBTQ students. As part of the Settlement Agreement, the District is also agreeing to make minor policy changes to Board Policy 505 that are largely consistent with the District's current practices in order to help clarify those practices for students, staff, and community members.

It is important to note that as part of the voluntary dismissal of the lawsuit, the District is not admitting to any wrongdoing, as the District has appropriately followed the law at all points in this matter. Furthermore, the District is not paying any money to the plaintiffs in the lawsuit.

While the District remained ready to continue its defense to this litigation and believes it ultimately would have been successful, the approval of this agreement is largely based on the District's desire to avoid the burden and expense of protracted litigation. The District was also interested in fostering a spirit of cooperation and compromise with its community, along with students who believe they were treated unfairly. By resolving this matter from the outset on mutually-agreeable terms rather than moving forward with costly and time-consuming litigation, District administrators and staff can continue to focus on the District's mission to educate, support, and prepare all learners for success.