



Mr. Steve Milano, Principal
Louisville High School
1201 S. Nickelplate
Louisville, OH 44641
Fax: (330) 875-7671

April 21, 2009 – sent via fax and U.S. Mail

Dear Mr. Milano:

We have been contacted by [REDACTED] a student at Louisville High School, regarding your refusal to allow [REDACTED] to attend the Senior Prom with a [REDACTED]

We urge you to rectify this refusal immediately.

We understand that [REDACTED] has been refused the opportunity to bring a [REDACTED] guest to the prom by yourself, vice principals Mrs. Swartz and Mr. White, and the teacher in charge of prom Mrs. Wilson, on the purported basis that “it has always been a tradition that prom is an event made for couples of the opposite sex.” We do not know whether your refusal to permit [REDACTED] to attend the prom with [REDACTED] is the result of a formal policy barring same-sex couples from the prom promulgated by the School Board or is simply an ad hoc decision on your part or the part of other officials of the Louisville City Schools. In either event, permitting those who wish to attend the prom with a date of the opposite sex, while prohibiting those who wish to attend with a date of the same sex violates [REDACTED] rights under the First and Fourteenth Amendments to the United States Constitution.

Any policy specifically excluding same-sex couples from the prom, as well as any policy adopted as a pretext for such discrimination, violates the rights to free expression and association guaranteed by the First Amendment to the United States Constitution. *Frickey v. Lynch*, 91 F. Supp. 381 (D. R.I. 1980). Moreover, the Supreme Court’s ruling in *Romer v. Evans*, 517 U.S. 620 (1996) means that your actions and/or policy violates [REDACTED] right to Equal Protection of the Laws under the Fourteenth Amendment to the United States Constitution. Finally, courts across the nation have uniformly held that schools are required to recognize gay student organizations equally with other organizations and must provide those organizations and their members with access to the same facilities and privileges as other students and organizations.

Given that the Senior Prom is scheduled to take place this coming weekend, on April 24th, we hope that your policy and/or action refusing to allow same sex

AMERICAN CIVIL
LIBERTIES UNION
OF OHIO FOUNDATION
4506 CHESTER AVENUE
CLEVELAND, OH 44103-3621
T/216.472.2220
F/216.472.2210
WWW.ACLUOHIO.ORG
contact@acluohio.org



Names and personal identifiers have been removed to protect the student's privacy and safety.



couples to attend the prom together will be immediately reversed, permitting [REDACTED] to attend [REDACTED] prom. Your failure to do so may result in further action on behalf of [REDACTED]

We look forward to your prompt reply. If you have any questions or wish to discuss this matter further, please call me at 216-472-2220.

Sincerely,

Carrie L. Davis
Staff Attorney

AMERICAN CIVIL
LIBERTIES UNION
OF OHIO FOUNDATION
4506 CHESTER AVENUE
CLEVELAND, OH 44103-3621
T/216.472.2220
F/216.472.2210
WWW.ACLUOHIO.ORG
contact@acluohio.org

a member of
 SHARES

08