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Teacher awarded \$1 million

Calif. school district had disciplined him for discussing gay issues

By [Laura Kiritsy](#)

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In a decision sure to serve as a warning to school districts everywhere, a California high school teacher who was disciplined for discussing homophobia and racism with his Honors English class was awarded more than \$1 million after reaching a settlement with his school district.

An Alameda County Superior Court jury Aug. 8 found that the San Leandro Unified School District and superintendent Tom Himmelberg violated the First Amendment rights of veteran San Leandro High School teacher Karl Debro when they censured him in 1998 for leading classroom discussions on gay-bashing and racism without first seeking approval from school administrators. The jury also found that the district and the superintendent retaliated against him and racially discriminated against Debro, one of the few African-American teachers at the high school. The jury awarded Debro \$500,000 for emotional distress. As the trial went into its penalty phase Aug. 28, the school district and Debro agreed to a total settlement of \$1,155,000.

"We're pleased with it," said Debro's lawyer Michael Haddad of the settlement. "We think it sends a strong message to the district that they can't ignore their gay and lesbian students and they must allow their teachers to follow state law, which requires teachers to speak out against all forms of bias including homophobia and racism."

Debro, a straight married man and father of two children, also was happy with the resolution of the lawsuit he filed in 1999. But he expressed concern about the manner in which the school district responded to the litigation and the settlement. "They haven't been acknowledging that they got the message from the jury at all," he said. "I'm angry about that."

"We have made a settlement between the parties and this resolves the issue that has been going on for four and a half years," Himmelberg told the Aug. 29 San Francisco Chronicle. He would make no further comment.

Haddad acknowledged the unusually large settlement, which was also criticized by one juror concerned that the money will come out of the school district's budget. "This is a large settlement for a case like this," said Haddad. "But throughout we tried to resolve this case with the district informally and formally but they refused and this is how it ended up."

Debro initiated legal action after a parent organization called People Interested in Public Education (PIPE) called for his dismissal in 1997. At the time Debro was a faculty advisor for the school's gay/straight alliance. He had also been speaking out in support of a lesbian couple that was being harassed at the school. Debro's gay advocacy sparked classroom discussions about homophobia and racism. When the parents of two of his students complained that he was promoting homosexuality during class, Himmelberg placed disciplinary reports in Debro's personnel file, claiming he had violated the school district's "controversial issues policy." The policy banned classroom discussions of controversial topics unrelated to the curriculum without administrative approval. In May 1998, Debro appealed the disciplinary actions to the school board, which upheld them, at which point he filed the lawsuit. An Alameda County Superior Court judge has since ruled the "controversial issues policy" unconstitutional. The San Leandro Unified School District rescinded the policy in 2000.

Throughout the litigation, Debro remained in his teaching position at San Leandro High School and, with

openly gay teacher Terry Minton, continued to advise the school's GSA. He acknowledged that while it was awkward and uncomfortable, and other teachers resigned over the flap, leaving was not an option for him. "I kind of felt like I needed to stay and fight," said Debro, who has taught at the school since 1984. "I had begun with a commitment to try to make the school a better place...not just for kids, but especially for the kids. It was also an issue for the faculty-gay and lesbian teachers on the faculty and staff. And to leave at that moment would be pretty hypocritical. It would be sort of saying that it's more important to me to feel comfortable than it was for the kids to be safe [or] to sponsor the gay/straight alliance. I can't see just taking off right then. What kind of message would it send to those kids who had seen the silence of their principal, superintendent and school board when they were clearly under attack?"

While Debro's settlement is clearly a victory, he acknowledged that he does not believe his case alone will change the school district's attitude on the subject of homosexuality. He is more hopeful about the partial settlement he reached with the school district in March 2001, in which the school district agreed to implement a comprehensive program to train students and teachers on addressing "issues of diversity and nondiscrimination," including sexual orientation. "So I'm hopeful about that and the attorneys at Haddad and Sherwin [Debro's legal representation] are just great," said Debro. "They're going to stay on [the case] and make sure the district lives up to its responsibilities. But in terms of the district seizing this opportunity to say, 'Hey we get the message, we're ready to do an about face,' I'm not hopeful about that."

The school district, however, has yet to institute the anti-bias program. "We have been struggling with them to get them to implement the policy," said Haddad, adding that he does not know why.

Debro's case is yet another example of the tension that often arises between educators and conservatives when gay issues are raised in the classroom. Massachusetts has had its own struggles, despite its widespread institutional support for gay students: Two years ago the Acushnet Middle School removed all discussion of homosexuality from a curriculum on the Holocaust after parents lodged complaints. The conservative, Newton-based Parents Rights Coalition has long battled against the state's Safe Schools Program for Gay and Lesbian Students, a suicide and violence prevention program, with rhetoric accusing educators of promoting a "homosexual agenda."

Familiar with such accusations, Debro dismisses them. "It does seem like at some point, that a court, or society, is going to have to make a decision that-and I don't see it going any other way-that these groups, these little gay-hating groups are just wrong," he stated. "This isn't a family life issue, this is about respect. There are some groups out here that say anytime you talk about safety and respect for gay kids, you're promoting the gay lifestyle or something like that and it's just ridiculous."

"I really do have faith that at some point the nation really has to acknowledge its commitment to equality and fairness and respect and safety," added Debro. "And that commitment comes before anybody's concerns about, 'Well you shouldn't talk about gay people in class.'"

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