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Charles E. Symons
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April 13, 2009

✓ Michael Kavey
Hayley Gorenberg
Lambda Legal Defense and Education Fund
120 Wall Street, Suite 1500
New York, NY 10005

Sudwiti Chanda
Adam T. Humann
Kirkland & Ellis, LLP
153 East 53rd Street
New York, NY 10022-4611

**Re: Charles Patrick Pratt and A.E.P., et. al. v. Indian River Central School District, et. al.
U. S. District Court, Northern District of New York, Case No.:**

Dear Attorneys:

We are the attorneys for the Indian River Central School District, the superintendent and the various individual defendants, identified in the complaint in connection with a claim by Charles Patrick Pratt and A.E.P., by and through B.L. Petranchuk and T.E. Petranchuk. This letter is in response to your correspondence of April 8, 2009. Your letter requests a response from Principal Decker and Assistant Principal Brown of the Indian River Central School District. I am authorized on their behalf to respond to your correspondence of April 8, 2009.

Initially, the Indian River Central School District and its principal, assistant principal and the others, categorically and unequivocally reject any assertion you have made regarding any "deprivation" of your client A.E.P.'s rights. There has been no "deprivation" of her rights.

We are aware that A.E.P. has requested the formation of the Gay-Straight Alliance in the school district. That process has been underway. When A.E.P. contacted the administrators in the high school, she was advised of the need for a faculty advisor, and was further advised that the school district was not opposed to such activity provided there was a supervisor. Every club that has sought approval for its formation has a faculty advisor, and some clubs have been rejected since there was not a faculty advisor. A.E.P. suggested a name and such person was contacted; such person was reluctant to assume the additional responsibilities at that time.

The district has, at its own urging, secured the assistance of teacher Kristie Fuller to serve as the faculty advisor for the Gay-Straight Alliance. Thus, the final hurdle in the process of

establishing the Gay-Straight Alliance has been overcome and the activity can take place as soon as school resumes. We would encourage A.E.P. to contact Ms. Fuller, along with other interested students, so that the activity may get underway. Ms. Fuller can then facilitate additional contact with Principal Decker. We encourage this to happen before April 24 when the high school will be voluntarily participating in a previously scheduled nationally recognized "Day of Silence" to inspire awareness about issues of lesbian, gay, transgender and bi-sexual bias.

Please be advised that your threats of litigation have not caused this situation to be resolved. The district was already working on locating a volunteer faculty advisor prior to the letter. Ms. Fuller has agreed to serve as the advisor through the end of the school year. It should, however, be noted that a new faculty advisor will likely have to be secured for the following school year and we would appreciate the assistance of A.E.P. in suggesting possibilities for a person to assume those responsibilities in the fall.

Let me also reiterate that this school district does not discriminate on the basis of sexual orientation. In fact, the district has a broad range of programs which promote tolerance and inclusiveness in all of the district's schools. Those programs include, but are not limited to, programs designed to address religious issues, racial tensions, sexual orientation, socio-economic difficulties and various other types of bias or discrimination. Programs which currently exist in the school district include programs such as: Rachel's Challenge, the Laramie Project, Women of Locherbie, S2S (Students to Students), and S4S (Students for Students), and the TATF (Teens Aids Task Force). All of these are current programs in existence at the district which promote tolerance and acceptance. Additionally, the district has had assemblies, school discussions, poster campaigns, classroom debates and projects, morning announcements, and other activities which reinforce the ideas of tolerance and acceptance at the Indian River Central School District.

We categorically and unequivocally reject any accusation which you have made regarding bias or unfair treatment of any student at the district. However, we reiterate that future concerns may, of course, be brought to the attention of the district administration should they arise. It appears that the plaintiffs elected not to pursue this open course of action in regard to their complaints.

We trust that this correspondence satisfies your request in regard to information concerning the application for a preliminary injunction. We will however, point out, that since the program was requested, and since we were only searching for a faculty advisor to supervise the program, we see no need for the application for a preliminary injunction, as the program was never rejected or refused. If, however, you choose to proceed, you may do so at your own peril, understanding that we regard such an application to be frivolous.

Should you have any questions, or require anything further, please do not hesitate to contact me.

Michael Kavey, Hayley Gorenberg, Sudwiti Chanda and Adam T. Humann

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Sincerely,

The Law Firm of Frank W. Miller

A handwritten signature in black ink, appearing to read "Frank W. Miller", written in a cursive style.

Frank W. Miller

FWM/cas

Cc: Mr. James Kettrick, Superintendent of Schools, Indian River CSD
Mr. James Koch, Business Manager, Indian River CSD
Mr. Troy Decker, High School Principal, Indian River CSD
Mr. Jay Brown, Assistant Principal, Indian River CSD
Mr. Marc H. Reitz, Esq.