



making the case for equality

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April 22, 2009

**VIA FEDERAL EXPRESS AND E-MAIL**

Mr. Frank W. Miller  
The Law Firm of Frank W. Miller  
6575 Kirkville Road  
East Syracuse, NY 13057

**Re: *Pratt et al. v. Indian River Central School District et al.*,**  
Case No.: 7:09-cv-411 (GTS/GHL)

Dear Mr. Miller:

We write in response to your letter of April 13, 2009 informing us that the Indian River Central School District has agreed to allow the formation of a Gay-Straight Alliance (“GSA”) at the Indian River High School. While we believe this is a positive and necessary first step toward addressing the antigay school environment detailed in our Complaint, the District’s position falls short of resolving the issues identified in our April 8, 2009 letter to the District and its officials.

First, we note the absence from your letter of any confirmation that the District will ensure that the GSA and its related activities will be permitted on a permanent ongoing basis. Accordingly, we request that the District provide written clarification and confirmation that the current and future existence and activities of the GSA will be permitted on equal terms and with opportunities equal to those extended to other non-curriculum related student groups in the District.

Second, we find the District’s suggestion that Ashley should assist with planning activities in observance of the Day of Silence to be disingenuous at best. While the District claims that the high school’s participation in the Day of Silence was scheduled prior to the initiation of this lawsuit, it is remarkable that the high school waited until the week prior to the event -- the week when high school students have adjourned for Spring Break -- before reaching out to Ashley or even to announce its intention to recognize the Day of Silence. Indeed, if the high school genuinely seeks any meaningful assistance and participation by the GSA in the Day of Silence, the high school should have actually allowed the formation of the GSA as an initial


matter, and then encouraged student participation in the observations, long before the eleventh hour. In any event, Ashley looks forward to participating in Day of Silence activities that she is working on planning with the GSA. We would like to clarify, however, that GSA activities should and will be decided upon by the GSA members and not mandated by the high school.

We look forward to the requested clarification and confirmation of the District's position. Please note that nothing in this letter should be construed as a waiver, relinquishment, or election of rights or remedies by plaintiffs in this matter. We take issue with various misstatements and factual inaccuracies in your recent letter and anticipate addressing them in the appropriate venue. Plaintiffs expressly reserve and do not waive any and all rights and remedies under all applicable federal and state laws.

Lastly, as a professional courtesy, we request that simultaneously with mailing any future correspondence to us, you please also provide a copy via facsimile and/or e-mail and/or express mail so that we receive the document in a timely manner.

Best Regards,

  
Michael Kavey

  
Sudwiti Chanda

cc: Bobbi and Todd Petranchuk, on behalf of Ashley E. Petranchuk  
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