



November 7, 2019

The Collier County
Public School Board:

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Catherine Crawford-Brown
Assistant Principal of Gulf Coast High
School
crawfc1@collierschools.com

Re: *Refusal to Recognize Sharks 4 Life*

Dear Collier County Public School officials and Ms. Catherine Crawford-Brown,

I represent Gabrielle Gabbard. As you are aware, you have not granted Ms. Gabbard's request to form a Sharks 4 Life student club at Gulf Coast High School. I am writing to inform you that Collier County's failure to recognize Sharks 4 Life as an official Gulf Coast High School student club is a blatant violation of her rights under the U.S. Constitution and the Equal Access Act. Ms. Gabbard and Sharks 4 Life have missed out on over two months of meetings and events, including a recruiting drive in early September. To bring yourself into compliance, you must immediately grant Sharks 4 Life the same access privileges and benefits to which other Gulf Coast High School student clubs are entitled. You must also promise Lisa Townsend and Linda Cassidy that you will not take action against them for assisting Sharks 4 Life. And finally, you must update Collier County Public Schools procedure ap2430 to ensure that the Collier County Public Schools system does not engage in any further discrimination.

A. Collier County has failed to recognize Sharks 4 Life despite sponsoring hundreds of other special interest clubs.

The Collier County School District allows each of its high schools and middle

schools to sponsor dozens of student clubs and activities representing various and diverse interests. This includes political groups like Turning Point USA, Young Conservatives, and Gulf Coast's Collier Students for Change, ethnicity-based groups like clubs for Korean culture or Asian Culture, religious groups like Fellowship of Christian Athletes, and LGBTQ special-interest groups like the Gay Straight Alliance. Gulf Coast High School alone sponsors [78 different clubs](#). And until this year, it even had its own Democrat Club and Republican Club.

These student clubs are an essential part of a student's education because participating in and leading clubs allows students to develop their own special interests and to develop and express their religious and political views.

But Gulf Coast High School has denied Ms. Gabbard the ability to form her own pro-life student club. At the beginning of the school year, Gulf Coast High School Assistant Principal Catherine Crawford-Brown sent out an email setting out requirements and deadlines for students interested in joining existing clubs or forming new student clubs.

On August 8, 2019, Ms. Gabbard submitted all of the required information, including a club constitution, to form "Sharks 4 Life," which describes itself as "a pro-life group whose mission is to educate students and bring awareness through community service projects and other events." (see attached flyer.) Sharks 4 Life is affiliated with Students for Life of America, a national pro-life organization dedicated to training and equipping students to lead local pro-life student groups at secondary schools and universities. They have over 1,200 groups across the country, including 28 groups in Florida. Ms. Gabbard also had two faculty advisors for the club, an official advisor, Ms. Lisa Townsend, and an unofficial advisor, Ms. Linda Cassidy.

On August 27, Ms. Gabbard also timely submitted a flyer so that her club could participate in "Club Rush," an annual event in early September where all student clubs can promote and recruit for their clubs at school. Shortly after submitting the flyer, Ms. Gabbard and Ms. Cassidy met with Ms. Crawford-Brown on August 30 to discuss why the club had not yet been approved. Ms. Crawford-Brown stated that the Collier County School district would not approve the club because it was too "political" and "controversial," and that some of the content in the flyer for Club Rush was unacceptable.

On September 4, Ms. Crawford-Brown met with Ms. Gabbard, the club's Vice President Ava Dobrydney (also a student), and Ms. Cassidy. During that meeting, Ms. Crawford-Brown expressed concern that approving the club would be seen as endorsing their political views. She stated that she did not want either pro-choice or pro-life groups at Gulf Coast. Ms. Crawford-Brown then encouraged Ms. Gabbard and Ms. Dobrydney to start a "grassroots" club that would not be sponsored by the school and would meet outside of the school.

At that meeting, Ms. Crawford-Brown also made pointed remarks numerous times that if Ms. Cassidy continued to try and be a faculty advisor, she could lose her job. Specifically, she stated at one point, “you better watch it, Linda.” Ms. Crawford-Brown made these remarks even though she knew that the club needed a faculty advisor to be approved. Because of these remarks, Ms. Cassidy stated that day that she did not want to be an advisor for Sharks 4 Life.

Later that day, Ms. Cassidy relayed what Ms. Crawford-Brown said at that meeting to Ms. Townsend. Ms. Townsend is a single mom and was afraid that she would lose her job, so she told Ms. Cassidy that she was withdrawing as a faculty advisor. Soon after, she sent an email to Ms. Crawford-Brown and Principal Mikuslki confirming her withdrawal.

Because Ms. Gabbard waited for nearly a month for a decision while other clubs were already approved and preparing for Club Rush, Ms. Gabbard requested a formal decision on her club by September 9. Ms. Crawford-Brown did not meet that deadline and still, nearly two months later, has not given any decision. Matt Lamb, an executive for SFLA, also contacted the Collier County Public School Board multiple times in late September and early October but has received no official response.

During this time, Ms. Gabbard and the other students missed their opportunity to participate in Club Rush and, for over half a semester, have been denied access to school facilities, advertising, and other benefits to which other school-affiliated clubs are entitled.

B. Collier County’s failure to recognize Sharks 4 Life blatantly violates the Equal Access Act and the First Amendment.

The School District’s and Ms. Crawford-Brown’s failure to recognize Sharks 4 Life is blatantly illegal under the Equal Access Act and First Amendment, both of which guarantee Ms. Gabbard’s right to have a student club that stands on equal footing with the hundreds of other student clubs in Collier County public schools.

First, the Equal Access Act, 20 U.S.C. §§ 4071–74, requires the School Board to officially recognize the Sharks 4 Life club and to give it the exact same rights, benefits, and privileges that all other non-curricular clubs receive. As the U.S. Supreme Court held in *Board of Education v. Mergens*, 496 U.S. 226, 236 (1990), “if a public secondary school allows only one ‘noncurriculum related student group’ to meet, the Act’s obligations are triggered and the school may not deny other clubs, on the basis of the content of their speech, equal access to meet on school premises during noninstructional time.” The slightest deviation from this treatment violates the Equal Access Act. *Prince v. Jacoby*, 303 F.3d 1074, 1077 (9th Cir. 2002) (“[W]e hold that the School District violated either the [EAA] or Prince’s First Amendment rights by denying her Bible club the same rights and benefits as other School

District student clubs and by refusing to allow the Bible club equal access to school facilities on a religion-neutral basis.”).

But here, both Ms. Crawford-Brown and the School District have singled out Sharks 4 Life for discriminatory treatment. Over seventy clubs have been approved at Gulf Coast High School, including the Fellowship of Christian Athletes, the Animal Rights Club, the Gay Straight Alliance, and an [openly left-leaning political club](#). And this is to say nothing of the over 450 political clubs, ethnicity-based clubs, religious clubs, and other special interest clubs that Collier County allows to operate at other secondary schools under its jurisdiction.

Ms. Crawford-Brown expressed concern that the club was too “political” or “controversial” during one meeting and later stated that the school would not allow any expressive association on abortion. Ms. Crawford-Brown even threatened and intimidated the two faculty advisors for the club into silence. This and the County’s failure to approve Sharks 4 Life for over two months is a blatant form of discrimination based on the club’s viewpoint and the political content of its speech and is expressly disallowed under § 4071(a) of the Equal Access Act. *See Carver Middle Sch. Gay-Straight Alliance v. Sch. Bd. of Lake County*, 249 F. Supp. 3d 1286, 1290–91 (M.D. Fla. 2017) (“The rejection of the [club’s] application was necessarily predicated upon the content of the expressive activity or associational rights ... [and] inexorably translates into a violation of the Equal Access Act.”).

Nor can the school deny access to Sharks 4 Life simply because it is affiliated with a national pro-life organization or because a Gulf Coast faculty wants to be a faculty advisor—a requirement to get approved. Gulf Coast and Collier County at large allow hosts of other clubs with national affiliations; Ms. Townsend and Ms. Cassidy have no desire to control the group in any way; and Ms. Gabbard and other Gulf Coast students have made it clear that they will lead this school group. *See Colin v. Orange Unified Sch. Dist.*, 83 F. Supp. 2d 1135, 1146 (C.D. Cal. 2000) (mere affiliation with national organization does not approach level of control necessary to deny student group based on 20 U.S.C. § 4071(c)(5)); [U.S. Department of Education Guidance](#), *Legal Guidelines Regarding the Equal Access Act and the Recognition of Student-Led Noncurricular Groups*, at 4–5 (same).

Similarly, singling out Sharks 4 Life for discriminatory treatment is an unconstitutional form of viewpoint and content-based discrimination under the First Amendment. *Widmar v. Vincent*, 454 U.S. 263, 277 (1981) (denying recognition to a religious group based on religious content of group’s speech violated “fundamental principle that a state regulation of speech should be content-neutral”). This failure to approve the club without any justification is also an unconstitutional “form of prior restraint” on core political speech. *Healy v. James*, 408 U.S. 169, 184 (1972).

Therefore, neither the School Board nor the Superintendent have a valid reason to deny Ms. Gabbard the ability to create and run Sharks 4 Life at Gulf Coast High School.

C. Conclusion

Based on the foregoing, Ms. Gabbard requests that, by November 14, 2019, you inform Ms. Gabbard and me in writing that you have granted her Sharks 4 Life group official recognition and that it will receive the same rights, benefits, and privileges as other non-curricular student clubs at Gulf Coast High School.

To prevent Collier County or any faculty at Gulf Coast High School from taking action against Ms. Townsend, Ms. Cassidy, or another faculty advisor, you must also provide written assurance to Ms. Townsend and Ms. Cassidy that the school will not take any adverse action against Ms. Townsend or any other faculty advisor for Sharks 4 Life because that person is a faculty advisor for the club. If Sharks 4 Life cannot obtain an advisor because their viewpoint has been deemed controversial or unpopular by the School, then Gulf Coast must appoint an advisor to Sharks 4 Life or approve it without an advisor. By November 14, 2019, provide such written notice with a courtesy copy to me and to Ms. Gabbard.

To prevent Collier County from denying full access to clubs or indefinitely delaying a decision on any student club in the future, and in light of Ms. Crawford-Brown's open intimidation, we also request that, by November 21, 2019, the Collier County School Board agree to update Procedure ap2430 to specify that all of its schools will timely consider all requests to start new student clubs and that, in compliance with the Equal Access Act, they will not discriminate against a club or prospective club because of the club's religious, political, philosophical, or other content of its speech.

If you fail to grant these requests, we will have no option but to advise our client of other avenues for vindicating her rights. In compliance with the above and with your own procedure ap8315, please immediately place a litigation hold on all e-mail accounts, document collections, social media accounts, and all other sources of information (including electronically stored information) that reference in any way Sharks 4 Life, Students for Life, Ms. Townsend, Ms. Cassidy, Ms. Gabbard, or Ms. Gabbard's request to start Sharks 4 Life.

Sincerely,

Michael Ross
Legal Counsel

cc: Mark Anderson
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SHARKS 4 LIFE

WHEN

**EVERY OTHER MONDAY
3:00pm**

WHERE

**Room 6-107
Mrs. Townsend**

Sharks 4 Life is a pro-life group whose mission is to educate students and bring awareness through community service projects and other events.



OFFICERS

**Gabrielle Gabbard
PRESIDENT**

**Ava Dobrydney
VICE PRESIDENT**

SOCIAL MEDIA

GCSHARKS4LIFE

UPCOMING EVENTS

**Informational Movie
Diaper Drive**

Cupcake Fundraiser

Pro-Life Rally

March for Life in DC

And more...