

Thank you Mr. Chair, members of the committee and administration. John McDaid, 65 Gormley Ave. I'm speaking tonight solely as a parent of an 8th grade student and not on behalf of any organization.

I'm here to ask the school committee and the administration to reconsider your policy on field trips involving organizations which practice religious and gender discrimination.

According to a permission slip (Exhibit 1) sent home on October 3 from 8th grade house leader Ms. Alison Ernest, on Monday, October 28, a regularly scheduled school day, Portsmouth Middle School 8th graders will be "participating in a Project C.O.P.E. field trip," which is a "program composed of group initiatives, trust events, low-course events and high course events." The initials COPE stand for "challenging outdoor personal experience," and the program is offered through "the Narragansett Council BSA," according to the informed consent and indemnity form (Exhibit 2) distributed to parents and guardians. This form explicitly indemnifies the "Narragansett Council and their employees, agents, representatives, and volunteers." Therefore, this is a full-day replacement of direct instruction being operated by the Narragansett BSA.

In an e-mail dated October 10 (Exhibit 3), Narragansett BSA Program Director Michael Brown confirmed that the Narragansett BSA was delivering the training, and that PMS participation had been funded by a grant from the Prince Charitable Trust (Exhibit 4). However, according to the permission slip, parents and guardians were being asked to pay \$5 for "entrance to COPE and partial payment for bus transportation." Additional unspecified district funds are obviously being expended for the remainder of bus transportation and the teachers accompanying the students. Therefore, in addition to replacing a day of direct instruction, participation in this program is being paid for, in part, through public funding.

The Boy Scouts of America have policies which deny membership based on sexual orientation and religious belief. According to a BSA press release dated May 23, 2013 (Exhibit 5), the policy of denying membership to gay scouts will change on Jan 1, 2014, however, "the current membership policy for adult leaders was not under consideration; thus, the policy for adults remains in place." Regarding religious belief, according to the FAQ on membership policy on the BSA web site (Exhibit 6), Question 9, "Has or will the Boy Scouts review(ed) the 'Duty to God' standard? No. The duty to God is absolutely explicit and one of the fundamental principles of the B.S.A." According to Article IX, Section 1 of the BSA Charter and Bylaws (Exhibit 7), "The Boy Scouts of America maintains that no member can grow into the best kind of citizen without recognizing an obligation to God." It is therefore the standing official policy of the BSA is to deny membership to gay and lesbian scout leaders and atheists.

As a private organization, the Boy Scouts have the right to determine their membership. They have aggressively defended that right, earning a victory in June, 2000 in the Supreme Court decision *Boy Scouts of America v. Dale* (Exhibit 8), which held, "Government actions that unconstitutionally burden that right may take many forms, one of which is intrusion into a groups internal affairs by forcing it to accept a member it does not desire." Let me restate this in personal terms. Our son, Jack, wanted to try Scouting, so we signed him up for Cub Scouts. At the first large-scale event, held with children and parents at one of the campgrounds, while the kids were off at an activity, a scout leader explained this principle to the parents in no uncertain terms. "We don't have to be tolerant," he said "and we have a Supreme Court decision to that effect." I can confirm that my wife and I are not the only Portsmouth parent who have a clear and vivid recollection of this event.

But the matter before this Committee and administration is not the Boy Scouts' private membership restrictions, but rather the entanglement which ensues when a public institution expends public money for student participation in a program run by an organization which, as a matter of policy, excludes participation based on sexual orientation and religious belief. This is problematic for three reasons.

First, it shows our children that discrimination is tolerated. As a parent, I believe that my son has the right to learn in an environment free from bias. As an atheist and as the proud parent of an atheist, I find the Boy Scouts of America to be discriminatory, and argue that school sanctioned programs run by the BSA constitute exposure to a discriminatory environment. No one who thinks that my son cannot be the best kind of citizen because of his beliefs should have the privilege of running a public school program. I have therefore refused to sign the permission slip for my son's participation in COPE. While I do not expect this argument to be persuasive, it should alert the committee to the fact that we take this very seriously -- and have standing.

Second, this field trip violates state purchasing law. Since the Portsmouth School District is supplanting a day of direct instruction, you have, in fact, created a contract with the Narragansett BSA under Rhode Island General Law 37-2-7 (5) on State Purchases (Exhibit 9), which says, in relevant part, "'Contract' means all types of agreements, including grants and orders, for the purchase or disposal of supplies, services, construction, or any other item." This makes the Narragansett BSA, under the terms of Title 37, a contractor. Therefore, they are bound under Rhode Island General Law 28-5.1-10 on Equal Opportunity and Affirmative Action (Exhibit 10) which requires "the same commitment to equal opportunity as prevails under federal contracts controlled by federal executive orders 11246, 11625, and 11375." Federal Executive Order 11246 (Exhibit 11) says, in relevant

part, "The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin." Since BSA employees are required -- according to postings on the BSA Careers web site (Exhibit 12) -- to "accept and meet the Boy Scouts of America's leadership and membership standards and subscribe to the Scout Oath and Law," the BSA fails to meet this test. Therefore, the District is prohibited from using them as a contractor.

Third, this field trip violates Rhode Island education law. Rhode Island General Law 16-38-1.1 (a), Offenses Pertaining to Schools (Exhibit 13), prohibits discrimination on the basis of sex in all public elementary and secondary schools and specifically says, "This prohibition shall apply to employment practices, admissions, curricular programs, extracurricular activities including athletics, counseling, and any and all other school functions and activities." The Rhode Island Commissioner of Education, on July 1, 1986, established policy F-5.4b (Exhibit 14) to "effectuate 16.38-1.1." Under the major heading "Discrimination on the basis of sex in educational programs and activities prohibited," Section 1(b) enumerates "Specific Prohibitions," under which sub (6) says, "Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefits, or service to students or employees." Since the Boy Scouts fail the test in 28-5.1-10, and since participating in their COPE program, I would argue, constitutes "significant assistance," such field trips are in violation of Rhode Island Department of Education regulations.

I respectfully request the committee and administration take appropriate corrective action, including, without limitation, the following.

First, funding sources for all school activities should be identified and evaluated. Parents deserve to know who is paying the bill for field trips, and the permission slip was opaque on this matter. Since the grant from the Prince Charitable Trust passed through by the Narragansett BSA amounts to an in-kind donation exceeding \$2,000, this should have triggered district policy 3269 (Exhibit 15) which says "the Superintendent *will* consider the advisability of accepting" such donations.

Second, revisit policy 5210 (Exhibit 16) on field trips, which delegates decisions to building principals and only requires that trips "positively contribute to the academic curriculum." The committee should add guardrails to trigger review by central administration on questions of suitability and craft language explicitly excluding organizations with discriminatory policies, in conformance with state law.

Third, make this a teachable moment. We can recognize that the Boy Scouts of America have made progress toward inclusion, and also that some groups within the Narragansett BSA, in particular, have worked hard to push this branch of the organization in the right direction. But the fact remains that this is a national organization with a policy of discrimination, and public schools should not be engaging them to teach our students.

That said, I recognize the practical difficulties of canceling a field trip scheduled for next Monday. I believe that this situation resulted not from any ill intent on the part of Portsmouth School District staff, but simply a blind spot. If the District is willing to commit to reviewing the relevant policies to prevent a future recurrence and to communicate their intentions to the Narragansett BSA, I don't believe further action would be warranted at this time.

Institutions like the Boy Scouts are most likely to act when feedback from partners and customers creates a felt need for change. You can help make that happen. The district, which must, by law, be committed to core values of religious diversity and gender tolerance, has an opportunity to demonstrate these values through your action tonight. That's what I'm asking you to do.

I thank the committee for your time and your consideration.