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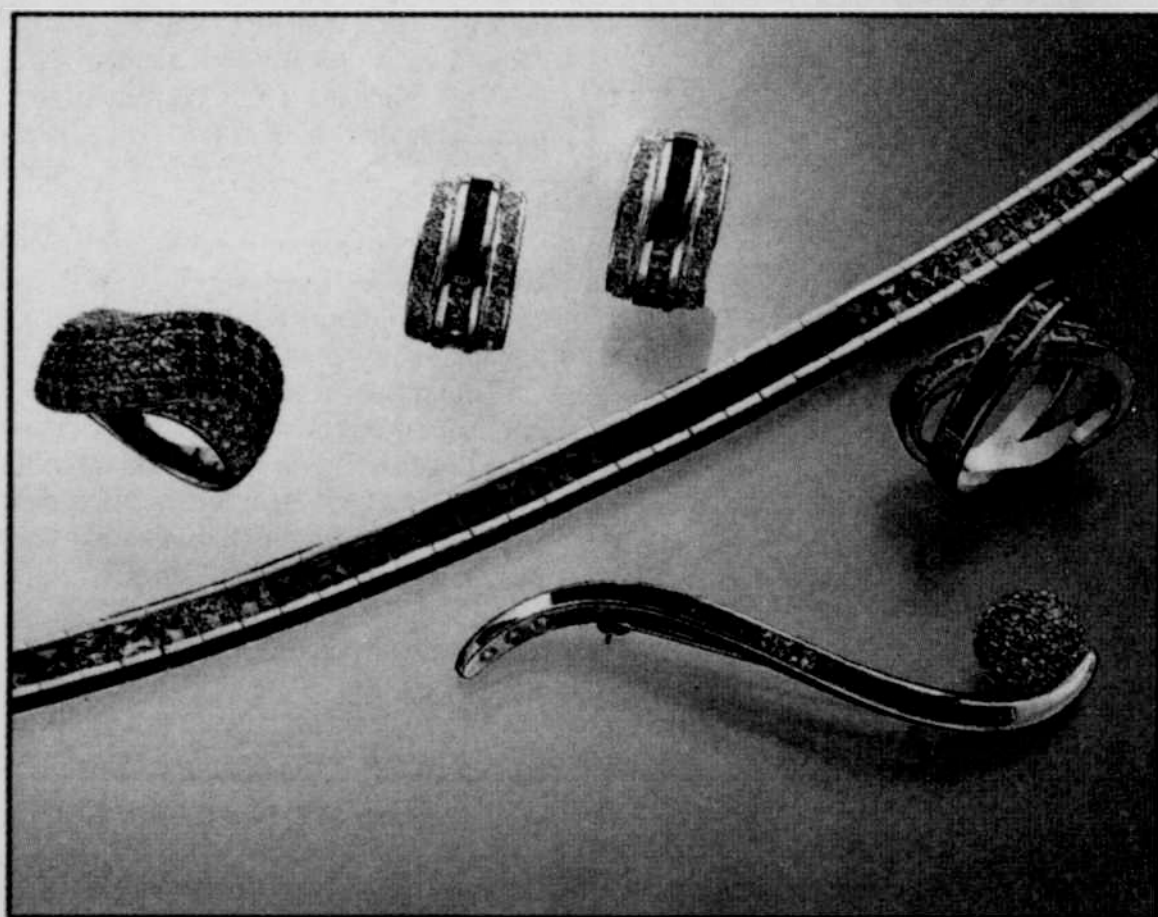
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NORTHWEST news

FACILITY FACE-OFF

Boy Scout gay ban conflicts with Corvallis School Board
nondiscrimination policy by Heather Hybarger



PHOTO BY JIM RADOSIA

The Mid-Valley Human Rights Coalition is questioning preferential treatment given to the Boy Scouts of America despite its gay ban

The Corvallis School Board will decide Nov. 5 how the district's nondiscrimination policy applies to the use of facilities by outside groups and whether it can charge Boy Scout troops more for campus access because of the national organization's ban on gay members and leaders.

The Community Use of District Facilities policy defines categories of groups and a schedule of fees from Class I to Class III. Nonprofits that are aligned with the district's educational mission are charged the lowest rates. The board now must decide which fee category the Scouts should be placed in.

Karuna Nuestadt of the Mid-Valley Human Rights Coalition first addressed the issue last spring. She had reason to believe the district intended to allow groups that were not in compliance with its nondiscrimination policy to use facilities during the school day to recruit students and to rent facilities after school at a reduced fee.

"The message inadvertently sent to outside organizations using the schools for recruitment and other activities is one that says: 'You don't have to worry if you discriminate in the Corvallis School District. We will look the other way,'" Nuestadt said.

During a meeting last month, the board had the first reading of a revised facilities policy that eliminated any mention of the nondiscrimination policy. District counsel Joe Richards explained that any effort to restrict access of or charge more to groups not in compliance with the nondiscrimination policy was no longer legal.

Several members of the board, including Chair William TenPas and Superintendent Jim Ford, agreed. Others, however, were concerned about Richards' interpretations, which seemed to say that in light of conflicts in policy and law, the district could do nothing but back down from its anti-discriminatory stance regarding sexual orientation.

"Nobody on this board has a quarrel with the Boy Scouts of America," board member Robert Baldwin said. "Our problem is that we as a district are philosophically committed to nondiscrimination. It doesn't seem unreasonable to expect people that use our facilities and services to comply."

Baldwin was backed by comments from Jennifer Wright, director of the Clinical Law Program and assistant professor at Willamette University, who has agreed to provide counsel to the coalition on this issue. She cited Supreme Court decisions that mark a distinction between viewpoint and content discrimination.

"Content discrimination is permissible in the schools," Wright said. "For example, the school

board could not sponsor a debate on abortion in the schools during the school day and only allow pro-choice speakers to speak. The school board could, however, decide that such a debate was not within the intended educational purpose of the schools and refuse to allow such a debate to take place in schools during the school day."

These fine legal distinctions are only part of the picture for the community members involved, many of whom gave impassioned speeches about the good qualities of the Scouts and the importance of civil rights in a balanced society. Some stressed that the Scouts only recruit for a couple of hours at lunch once a year. But others pointed out that teachers pass out pamphlets and that banners announce troop activities.

"No group should be punished because the Supreme Court has affirmed a right or because they refuse to give up that right," said Guy March, Boy Scouts of America Benton district chair.

However, Wright and those she represents believe the board should stand behind its nondiscrimination policy.

"The Boy Scouts may not now claim that it should not be treated as a discriminatory organization when it perceives that such a stand creates a disadvantage," she said. "Either the Boy Scouts has anti-homosexual discrimination as a core value and purpose or it does not."

District officials were in a similarly deadlocked position. Board member Joan Demarest was clear about her stance on the issue.

"The Scouts should be able to use school facilities at a fair rental usage rate," she said. "No preferential discounts should be given to any group that does not agree to adhere to the nondiscrimination policy.... No group that does not comply with the nondiscrimination policy should have special access to students."

Board member Ronald Miller strongly disagreed, arguing that the nondiscrimination policy should mean the district cannot "discriminate in who we rent to nor in what we charge. I support the nondiscrimination policy as it applies to employment and education but not as it relates to public use."

Ford hopes to find a compromise between the groups by setting up a special council composed of board members and district employees as well as members of the Scouts and the coalition. He envisions a policy allowing many different organizations to come together and recruit students on one day at the beginning of the school year. However, he admitted, "The trick would be to get other groups to come."

HEATHER HYBARGER is a Corvallis free-lance writer.