

LEGAL DEPARTMENT
LESBIAN GAY
BISEXUAL
TRANSGENDER &
AIDS PROJECT



March 28, 2011

School Board
Terrebonne Parish School District
201 Stadium Dr.
Houma, LA 70360
Fax: (985) 872-0054

Principal Cory Butler
Ellender Memorial High School
3012 Patriot Dr.
Houma, LA 70363
Fax (985) 868-3503

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
LESBIAN GAY BISEXUAL
TRANSGENDER &
AIDS PROJECT

PLEASE RESPOND TO:
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NEW YORK, NY 10004-2460
T/212.549.2627
F/212.549.2659
WWW.ACLU.ORG/LGBT

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39 DRUMM STREET
SAN FRANCISCO, CA 94111

CHICAGO OFFICE:
190 NORTH MICHIGAN AVENUE
SUITE 2300
CHICAGO, IL 60601-7401

OFFICERS AND DIRECTORS
SUSAN N. HERMAN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

via facsimile

Dear School Board and Principal Butler:

We write on behalf of Monique Verdin, a senior at Ellender Memorial High School. Ms. Verdin has informed us that Principal Butler has refused to allow her to wear a tuxedo to the school prom solely because she is female. Evidently, the District has a policy requiring girls to wear dresses or gowns to the prom due to a "long-held tradition." However, Ms. Verdin wore a tuxedo to prom last year without incident.

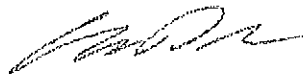
This is the second letter that the ACLU has sent regarding the unlawfulness of your actions against Ms. Verdin. Last Friday, you received a letter from Marjorie Esman, the Executive Director of the ACLU of Louisiana, explaining that a rule or policy prohibiting female students from wearing tuxedos to the prom violates the constitution and Title IX.

As Ms. Esman informed you in her letter, just last year, a Mississippi federal court held that a school district's refusal to allow a female student to wear a tuxedo to the prom violated her constitutional rights. The court explained that by wearing a tuxedo instead of a dress, the female student intended to communicate to the school community "her social and political views that women should not be constrained to wear clothing that has traditionally been deemed 'female' attire." *McMillen v. Itawamba County School District*, 702 F.Supp.2d 699 (N.D. Miss. 2010). The court held that "this expression and communication of her viewpoint is the type of speech that falls squarely within the purview of the First Amendment." *Id.* Ultimately, judgment was entered against the school district and the student was awarded over \$116,000 in damages and attorneys' fees.

We write to urge you to immediately remedy this situation and allow Ms. Verdin to attend the prom in a tuxedo. Like the student in *McMillen*, by wearing a tuxedo, she wishes to communicate her political and social views that it is appropriate for females to wear clothing stereotypically associated with males. Because the prom is being held this Saturday, we request an answer by no later than **noon CST, Tuesday, March 29, 2011**. If you do not affirm in writing that Ms. Verdin, and other female students, will be permitted to wear a tuxedo to the upcoming prom, Ms. Verdin will have no choice but to consider all of her legal remedies, including but not limited to seeking a temporary restraining order and preliminary injunction, as well as attorneys' fees and expenses.

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

Very Truly Yours,



Christine P. Sun
Senior Counsel
ACLU LGBT Project

Katie Schwartzmann
Legal Director
ACLU Foundation of Louisiana

cc: Ron Wilson, Esq.
Monique Verdin