



School: Student can wear 'Jesus is not a homophobe' shirt for protest

By Wisconsin Gazette

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<http://chicago.gopride.com/news/article.cfm/articleid/28243636>

CHICAGO, IL -- An Ohio school district facing a lawsuit for barring a gay student from wearing a "Jesus Is Not A Homophobe" T-shirt says the teen can wear the shirt for an upcoming protest.

The offer came during a discussion in a federal judge's chambers over the case, and Lambda Legal's motion for a temporary injunction that would allow student Maverick Couch, 16, to wear the shirt.

"We're glad that Maverick is able to wear his shirt on April 20," said Christopher Clark, senior staff attorney for Lambda Legal. "However, a student's First amendment rights are not restricted to one day of the year --we will continue to fight until Maverick is allowed to express who he is on any day he chooses."

Last April, Maverick wore a T-shirt with a rainbow Ichthys, or "sign of the fish," and a slogan that says "Jesus Is Not a Homophobe" in observation of GLSEN's national Day of Silence.

That day, Waynesville High School principal Randy Gebhardt called Maverick into his office and instructed him to turn the T-shirt inside out or face disciplinary action. Maverick complied, according to Lambda.

When school resumed in the fall of 2011, Maverick asked his principal for permission to wear the T-shirt. But Gebhardt restated that the student would be suspended if he wore the shirt.

In January, Lambda Legal sent a letter to Gebhardt outlining the legal precedent supporting Maverick's right to wear the shirt.

The district issued a response: "The message communicated by the student's T-shirt is sexual in nature and therefore indecent and inappropriate in a school setting."

So on April 3, Lambda sued, arguing that the Waynesville School District violated the First Amendment and legal precedent supporting students' free speech.

The federal suit also asked a judge to issue an immediate temporary restraining order allowing Maverick to wear the T-shirt while the court resolved the First Amendment issues.

Rather than oppose the request for a restraining order, the school district agreed to allow Maverick to wear the T-shirt on April 20 -- for this year's Day of Silence -- while the case proceeds.

The case is Couch v. Wayne Local School District.