

# TWIN PEAKS CHARTER ACADEMY



June 2, 2015

The Honorable Jared Polis  
1433 Longworth House Office Building  
Washington, D.C. 20515-0602

Re: Twin Peaks Academy Graduation Ceremony

Dear Congressman Polis:

I am deeply saddened by your June 2, 2015 letter concerning Twin Peaks Charter Academy's 2015 graduation ceremony, because you apparently sent the letter out without making an effort to look into the situation at hand and have ignored any and all statements made by the school. While we are conducting an internal investigation to determine every fact in this matter, we know and have made privy to interested parties many facts already. Therefore I know that many of the allegations you have asserted in your letter are either deeply distorted or outright false. I will address many of those allegations here. The rest of your allegations all be addressed after a thorough and complete review of the case.

Our internal investigation will be complete in early July and a written report of it will be made available.

**1. The School did not discriminate against Even Young on the basis of his sexual orientation.**

As even you recognized in your letter, when a student is participating in a school-sponsored activity such as a graduation ceremony, the school has not only a right but a duty to ensure the student abides by reasonable standards. In *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988), the United States Supreme Court held that educators may exercise "editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns."

Thus, the school's principal, Mr. Buchmann, was acting well within established legal precedent (and plain common sense) when he requested the Mr. Young, the Valedictorian to submit for review a copy of the speech he intended to give at the graduation ceremony. Unfortunately, the draft of Mr Young's speech submitted for review was condescending toward the school and his peers and included, among other things, ridiculing comments about faculty and students, some of whom he identified personally. It also discussed matters of a personal sexual



nature. None of these topics are appropriate for a graduation ceremony. Your statement that the school must have allowed heterosexual students at some time in the past to discuss their sexual orientation in a commencement address is simply false, and you seem to be making up facts as you go. No such discussion has ever occurred; nor will it. The school does not believe that a discussion of a student's sexual orientation – no matter what that sexual orientation happens to be – is a proper matter for a commencement address. It beggars belief that you do.

Mr. Buchmann repeatedly attempted to meet with Mr. Young to review a revised speech, but the Mr. Young steadfastly refused to do so. In fact, on the evening before the graduation ceremony the Mr Young ran into Mr. Buchmann's office and threw down a handwritten note announcing he would not change the speech.

Mr. Young added insult to injury on the night of the ceremony when he ripped the sleeves off his graduation gown and attempted to wear it as a cape. Then Mr. Young's father also informed Mr. Buchmann just prior to the ceremony that Mr. Young intended to sing some sort of song at the podium as part of his speech. No song was ever included in the draft speech provided to Mr. Buchmann. In short, Mr. Buchmann had no idea what Mr. Young intended to do or say at the ceremony. Mr. Young refuse to abide by the speech review rules and we did not intended to allow him to make a complete mockery of the event. Mr. Buchmann did what any reasonable principal would have done under these circumstances. He informed Mr. Young and his parents that he would not be allowed to deliver his speech, a decision Mr. Young's parents fully understood and supported at the time.

In summary, your reference to the district's non-discrimination policy is simply not germane. That policy is violated only when a school discriminates on the basis of a student's sexual orientation. The decision to preclude Mr. Young from delivering his speech had absolutely nothing to do with his sexual orientation. It had everything to do with his steadfast refusal to abide by the speech review rules and his apparent intention to make a mockery of the school's graduation ceremony. If a heterosexual student refused to abide by the speech screening rules and appeared poised to make a mockery of the graduation ceremony, he too would be precluded from delivering his speech.

## **2. The speech you heard is not the speech Mr. Young provided to the school.**

You say that you heard Mr. Young deliver a speech this Sunday, and his speech was not offensive. That may be. But according to all reports, and reviews, the speech Mr. Young delivered on Sunday is not the speech he provided to the school and then refused to revise prior to the ceremony. That he revised the speech after the ceremony is, obviously, quite irrelevant to the school's decision at that time of the ceremony.





**3. Mr. Young's privacy rights were not violated.**

You suggest that Mr. Young's privacy rights might have been violated because he is 18. You are simply wrong. The Department of Education's regulations are quite clear on this point. The parents of a dependent student – even one who is over 18 – have the right to access to his education records. See <http://www2.ed.gov/policy/gen/guid/fpco/faq.html>. The school's attorney assures us that Mr. Buchmann did not violate any of Mr. Young's statutory or common law privacy rights. It is telling that you cite to no legal authority whatsoever in your letter for the proposition that he did. You failed to cite legal authority for your position because no such authority exists.

**4. Mr. Young's academic achievements were recognized.**

Finally, you state in your letter to Don Haddad that the school did not publicly acknowledge Mr. Young's academic achievements. This is wholly false. Mr. Young was in fact recognized and honored as valedictorian. He was listed in the program as such. He was also given the TPCA Board of Directors Academic scholarship of \$500 at the ceremony. This scholarship is awarded annually to the school's valedictorian. Prior to the ceremony, at "Senior Night," he was presented with a valedictorian medal to wear with his cap and gown. In a fit of pique, Mr. Young removed his medal during the ceremony and handed it back to Mr. Buchmann while on stage accepting his diploma.

In conclusion, Mr. Polis, you must have known your letter would be widely disseminated. Indeed, we understand you sent a copy of the letter to the media for just that purpose. Frankly, and with all due respect sir, that was irresponsible. Your letter was false and inflammatory. Instead of taking the time to determine the facts, you elected to play politics, a game you played at the expense of both the truth and the dignity of your office.

While we are looking into all the details of this situation very carefully, there are some facts that are known, that are truthful and that were evident to numerous witnesses. Those facts cannot be denied and we will not stand by and allow you to steam roll our excellent school with your accusatory remarks based on lies.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy DeMatteo".

Kathy DeMatteo

President

Board of Directors