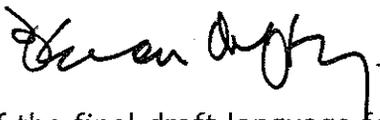


To: Ballot Simplification Committee

SAN FRANCISCO  
FILED

From: Bevan Dufty - 

2008 AUG -1 AM 11:13

DEPARTMENT OF ELECTIONS

**Regarding:** Appeal of the final draft language for "San Francisco Public High School Students Participation in the JROTC"

There is one sentence and one phrase that we would like you to strike from the final draft in the section **THE WAY IT IS NOW** and another sentence which we would like you to add.

- Sentence to be dropped: "The San Francisco Unified School District's (SFUSD) Broad policy of non-discrimination applies also to JROTC".
- Phrase to be dropped: "JROTC instructors hold CA teaching credentials."
- Sentence to be added after the sentence starting "On November 14, 2006, the San Francisco Board of Education...is "The School Board voted to phase out JROTC because it determined that JROTC reflects the military's discrimination against lesbian, gay, bi-sexual and transgendered people."

The Ballot Simplification Committee added a sentence to the first paragraph "The San Francisco Unified School District's (SFUSD) Broad policy of non-discrimination applies also to JROTC" which did not appear in its original draft or in the City Attorney's draft.

We ask that this sentence be dropped since it is contrary to the School Board's own findings regarding the discriminatory intent of JROTC.

As stated in the School Board's resolution, one of the reasons why it voted to end JROTC is because of its finding that the program did indeed discriminate. "JROTC manifests the military's discrimination against LGBT people" was the language used in the School Board's resolution.

As a federally designed and operated program the School District has no control over the JROTC's curriculum, standards, employment practices, benefits offered to students who complete the program, or any other aspect of JROTC. JROTC is not under the authority of the SFUSD in any way, and JROTC does not need to meet SFUSD or State standards in any aspect of its conduct.

Specifically, the SFUSD bars discrimination against LGBT adults in its own hiring practices, and will not contract with outside agencies which do not adhere to a similar practice. But the Pentagon, which selects the instructors for JROTC does not hew to that standard, nor can the School District enforce its standard upon the Federal Government.

The School District also bars discrimination against students based upon sexual orientation, but the JROTC, which operates under Federal, Pentagon

standards, offers JROTC graduates preferential enlistment rank if they enroll in College ROTC or enter the military. By denying LGBT students those opportunities, the JROTC discriminates against students on the basis of sexual orientation.

These were the facts upon which the Board of Education determined that JROTC does in fact discriminate against LGBT students. However, Board of Education has never attempted to enforce these or any other non-discrimination standards of its own upon JROTC, because the JROTC does not come under San Francisco or California mandates in any way.

The dilemma facing the School Board was the existence of a program in SFUSD that they knew to be discriminatory yet they had not control over the program and its content. Their only options were to continue the program or phase it out. They chose the latter. This is contrary to the statement inserted in the proceedings of the Ballot Simplification Committee on July 31.

Ballot Simplification Committee members stated that they could not add the language of the School Board resolution because it was not part of the original ballot statement submitted by the proponents. However, this finding of fact by the School Board seems entirely relevant to this ballot statement. While the JROTC supporters do not want to recognize the discriminatory intent of the program, the School Board decided otherwise. To continue to allow this program, the School Board would have to violate its own policy as well as the non-discrimination policy of the City of San Francisco.

Therefore it is reasonable and necessary to add an additional sentence to the description in the paragraph described above which describes the School Board's action—**The School Board voted to phase out JROTC because it determined that JROTC reflects the military's discrimination against lesbian, gay, bi-sexual and transgendered people.**

The final phrase to be changed is in the first paragraph, **"In San Francisco, JROTC instructors hold California teaching credentials."** None of JROTC's program meets California curriculum standards—as a federal program it does not have to meet any such standards. Its instructors in San Francisco do not have college degrees. They only hold a limited permit like a sports coach who teaches no classes. Note that JROTC itself calls them instructors not teachers for this very reason. It is misleading to imply this type of permit is equal to an academic teaching credential. There have been attempts to gain true teaching credentials for the instructors, but due to their lack of the requisite education and other factors, none of the instructors have succeeded in gaining a valid academic credential.