

Sue Ella Deadwyler, “*She hath done what she could.*” Mark 14:8a

Georgia Court Decisions Send Culture Shock throughout U.S. *Bellmore v. United Methodist Children’s Home (2003)* *Glenn v. Brumby (2011)*

After Mickey Mantle and Roger Maris, repeatedly, hit back-to-back homeruns in the early 1960s, Lawrence Peter (“Yogi”) Berra said, “It’s *déjà vu* all over again.” Currently, the term is especially appropriate, with these almost back-to-back, hauntingly, similar Georgia lawsuits:

- The 2003 United Methodist Children’s Home and Department of Human Resources case; and
- The 2011 decision against Legislative Counsel and the Georgia General Assembly leadership.

Coincidence or Set-Ups?

Case No. 1: The plaintiff in *Bellmore v. United Methodist Children’s Home (UMCH) & DHR* worked six months as a counselor at UMCH, before revealing she is a lesbian. Subsequently, she lost her job, sued UMCH and in November 2003 won the case, which affects the entire U.S.

The national impact of the UMCH decision was immediately recognized and publicized, as noted in the following November 5, 2003 headline:

“In a First-of-Its-Kind Example, Lambda Legal Announces Settlement Agreement that Lays Groundwork for Civil Rights Safeguards in Public Funding of Faith Based Organizations.”

Case No. 2: Factors in the gender-nonconformity decision of 2011 began in 2005, scarcely two years after the UMCH settlement. 2005 was the year Legislative Counsel (LC), unknowingly, hired the subject of Georgia’s next U.S. culture-defying sex discrimination case in-the-making – a male applicant to edit legislation for the General Assembly. Later in 2005, the editor was diagnosed with gender identity disorder, which is listed in the *American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders*, 576 (4th ed. 2000).

Then, in 2006 the new editor informed his supervisor he was transsexual and in the process of becoming a woman. In late 2007, he changed his legal name and began going to work as a woman. Sensing imminent termination when summoned to the office in October 2007, he took a hidden recorder and taped the conversation for a future lawsuit. Lambda Legal filed his sex discrimination suit free-of-charge July 2008, won the case in 2010 and won the appeal in 2011.

The national impact of LC is clear in the EEOC and Title VII policy, quoted verbatim below:

“Discrimination against a transgender individual because of her gender-nonconformity is sex discrimination, whether it’s described as being on the basis of sex or gender¹.”

Same Attorney, Same Outcome

The same attorney from the Southern Region Office of Lambda Legal in Atlanta, Georgia worked both cases. In fact, Lambda Legal represented the LC plaintiff without charge.

¹ Note: EEOC Title VII policy uses both words “sex” and “gender,” a clear acknowledgment that the two words are not synonyms, but have very different definitions. Sex denotes biological identity. Gender denotes lifestyle preference.

Glenn v. Brumby, et alii (11th Cir. 2011)

The defendant in *Glenn v Brumby* is Sewell Brumby, Georgia Legislative Counsel, with General Assembly co-defendants Richardson, Cagle, Johnson and Underwood. Plaintiff “Glenn” was Glenn Morrison when Legislative Counsel hired him. Later, Glenn Morrison *changed* his legal name to Vandiver Elizabeth Glenn.

The *Glenn v. Brumby* decision, elevating “gender-nonconformity” to protected status, affects employment in all government-funded jobs and programs, including in public schools, where the decision is already affecting policies in Alabama.

On April 24th the Tuscaloosa City Board of Education adopted five gender non-conformity resolutions as items on its “consent calendar.” These same policy changes *may be underway* in Georgia public education, as well.

ACTION – INQUIRE of locally elected boards of education, district officers, school administrators and teachers, whether “gender-non-conformity” accommodation is provided for cross-dressing students and/or personnel.

Bellmore v. UMCH, DHR & DHR Commissioner

The 2003 case was filed against the United Methodist Children’s Home (UMCH), the State Department of Human Resources (DHR) and DHR Commissioner Jim Martin, a key player in the case. Prior to that appointment, Martin, an attorney, served 14 years in the Georgia House of Representatives, where his self-proclaimed goal was the repeal of Georgia’s sodomy law.

Democrat Jim Martin was appointed DHR Commissioner by Democrat Governor Roy Barnes, but Republican Governor Sonny Perdue left him in that office until after the UMCH case was settled out of court in November 2003.

For years, UMCH used foster care funding for resident children without objection. So, Lambda Legal, specialists in LGBT cases, decided to sue while Martin was commissioner to stop the use of taxes for religion-related services. Lambda won the LGBT-friendly out-of-court settlement.

Had the case gone to court, the UMCH facility in Decatur, Georgia could have been the only UMCH facility affected, but with that settlement, all UMCH facilities now have two choices:

1. Lose state funding for foster care (a) for requiring resident children to participate in religious services and/or (b) for using religious doctrine to screen employees. Or,
2. Continue receiving state funding for foster care (a) if they hire job applicants, regardless of their religious beliefs; (b) and if they allow foster children to skip religious training and religious services; (c) and if they hire homosexual counselors; (d) and if they agree NOT to steer children away from the homosexual lifestyle.

DHR requirements of the UMCH settlement mean government-funded children’s services must be religion-free zones, including foster care and daycare in/for religious entities or religion-supported/sponsored programs. Faith-based entities receiving DHR funding must have two categories of employment – religious positions and secular positions. Religious doctrine may be used to screen applicants for *religious positions*, but not for *secular positions*.

Religious artifacts, hymns, teaching, prayer, symbols, and materials must be purged from tax-funded services. Religious doctrine cannot be used to screen applicants for DHR-funded jobs, although the employer may be a religious entity.

Charter Schools: Questions & Answers

State-chartered schools diminish local control of education.

An appointed State Charter Schools Commission would supplant/dilute authority of elected local school boards.

What is the origin of charter schools?

President George H.W. Bush, in 1991, established the New American Schools Development Corporation (NASDC), requesting the business community to raise funds to support the development of “radical, break-the-mold” schools, later called “charter schools.” The plan includes public/private partnerships (PPP), meaning government and businesses or organizations govern and finance PPP charter schools. That ends local control.

How far was NASDC asked to extend the “radical, break-the-mold” process?

Mr. Bush asked NASDC to *change* (a) education and (b) community government; (c) *redefine* the school day and school year; (d) *change* the duties of administrators, teachers, parents, volunteers, and other adults; (e) make *major changes* in community governance and structures; (f) and *change* the functions of other institutions.

How will the constitutional amendment question be worded on the November ballot?

“Shall the Constitution of Georgia be amended to allow state or local approval of public charter schools upon the request of local communities?”

If the proposed constitutional amendment passes, how will it affect voters?

Voters/school boards lose power. Appointees/business/government partnerships will control public schools.

What is the advantage of local control of education?

If elected school board members defy community standards, voters can elect suitable replacements.

Do parents manage and control charter schools?

No. Charter schools, although publicized as parent-controlled, are not under parental control. Parents have input, but not control. The Fulton Science Academy Middle School petition for a 10-year, blanket waiver charter was denied because it failed two of the three Fulton County Board of Education requirements – performance, governance and finance. It failed (a) *governance* by failing to disband its governing board and replace it with a parent-majority and failed (b) *finance* by entering a multi-million-dollar loan agreement with two other FSA schools. The State Board of Education denied the FSAMS charter May 10, 2012.

How does chartering diminish the authority of local school boards and voters?

Since a charter school is governed by a binding contract, they are no longer under elected local school board authority. So, voters/boards cannot affect curriculum, personnel, etc., although their taxes fund public schools.

How will the chartering of schools differ if the constitutional change passes in November?

Currently, *locally elected* school boards handle charter applications. But, based on H.B. 797, the enabling legislation for this amendment, an *appointed* state commission will be a powerful authority, subject only to the State Board of Education. The commission will be beyond voter-reach, as is the State Board of Education.

An *appointed* state chartering entity, the State Charter Schools Commission, will renew, approve, deny or terminate charter applications, including charters denied or terminated by locally elected school boards. So, much or perhaps all of the current chartering process would be shifted from voter-controlled local school boards to seven people *appointed* by the State Board of Education, which is also an *appointed* body, itself.

Will the state of Georgia control schools chartered by the Commission?

The state partially governs charter schools, but current law allows charter schools to waive state and local laws, rules, regulations and policies required of other public schools. However, federal law cannot be waived.

Since state laws, policies, etc. can be waived, who ultimately controls charter schools?

Since the federal government created charter schools and federal laws, rules, regulations and policies cannot be waived, the federal government has ultimate authority. Colleges, businesses or nonprofit organizations that charter a school will use their governing board to govern the school, per charter enabling legislation, H.B. 797.

Not only will the State Charter Schools Commission supplant the power of locally elected school boards, the NGO, business or college will govern the school. That totally eliminates voter/parent input and makes charter schools a PUBLIC/PRIVATE PARTNERSHIP, *where business and government make all the decisions.*

Students are Sitting Ducks: In-School and On-Line

Q. Why can students wear T-shirts as “walking billboards” to recruit more kids into alternate lifestyles, but a seven-year-old can’t wear a Marine Corps T-shirt to a Walton County school?

A. When God was kicked out of school, morality became irrelevant. Now, school is kicking out the U.S. military!

The second-grader proudly went to school wearing his green T-shirt – a gift from his uncle! On the front of the shirt was the globe-and-anchor Marine Corps symbol and U.S.M.C. in big block letters. On the back, “Marine Corps” was spelled out across his shoulders. But at that Walton County school, somebody said he *could not wear it to school!* That upset granddaddy, whose son is the uncle who gave him the shirt and is still in the Marine Corps, serving in Afghanistan!

ACTION – Ask Walton County Board of Education its policy on Marine Corps. shirts in school. Call 770 266-4520.

More disturbing T-shirt news: Posted on H8SUX.com, you’ll read this: “We are recruiting kids to the cause of promoting the acceptance of homosexuality in schools. This free T-shirt will be a pro-gay billboard plastered on the chests of thousands of kids in classrooms across the nation. Our agenda is simple: to tell kids that it’s ‘OK4U2BGAY.’” *Then, they remind the kids they don’t need anyone’s permission to get those T-shirts!* Parents, beware!

T-shirts to be distributed from a pink school bus. H8SUX.com also says they’re sending “a pink school bus traveling the nation school-to-school giving away thousands of free ‘OK4U2BGAY’ tees to teens to fight homo-H8! Soon, H8SUX.com will be loading up a team of activists ... and doing free t-shirt giveaways outside schools and in front of media cameras.” AND, they’ll send a free pro-gay T-shirt to *any* teenager who’ll make a YouTube video pledging to speak out *in support of gay marriage* and *against homophobia* at school.

ACTION – ASK local school boards, principals, superintendents how they’ll handle the pink school bus strategy.

Passed: Displays of Ten Commandments, Historical Documents to Expand

Current Georgia law authorizes only public courthouses and judicial facilities in the state to display educational and informational material about the history of America and American law.

H.B. 766 expands current law. Introduced January 23, 2012 by District 31 Representative Tommy Benton, retired teacher from Jefferson, H.B. 766 passed March 29th and was signed by the governor May 1st. Effective July 1st, the Ten Commandments and eight other historical documents may be posted in a visible public location in *all* public buildings and facilities of Georgia, its municipalities and political subdivisions.

ACTION – Contact officials of public facilities in your community and request a display of historical documents.

Passed: Child-Only Health Insurance

Representative Atwood explained it this way, “We now have a voluntary, low-cost insurance option available to hard-working Georgians that will allow them to protect their children.”

H.B. 1166, introduced by freshman Representative Alex Atwood, from Brunswick District 179, passed the House 161 to 1 and the Senate 42 to 2. Therefore, effective January 1, 2013, private health insurance plans must offer a child-only policy to families with children under age 19. To qualify for this insurance, parents must have lost their employer-sponsored health insurance or involuntarily lost other health insurance during the preceding 30 days. However, H.B. 1166 coverage will *not* be offered if previous insurance was terminated for failure to pay premiums.

Until Obamacare passed, children’s health insurance policies were readily available in Georgia, but insurance carriers stopped offering child-only plans, fearing push-back from Obamacare.

Georgia Insight is a conservative publication financed entirely by its recipients.