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July 10, 2007

Sarah A. Dunne  
ACLU of Washington Foundation  
Suite 300  
705 Second Avenue  
Seattle, WA 98104

**Re: Mount Vernon School District Cheerleading Squad**

Dear Ms. Dunne

This will confirm our telephone conversation of June 14, 2007 regarding the cheer squad at Mount Vernon High School. As I indicated, the cheer squad is an activity currently open to all students. This may change in the future should cheer become a competitive sport.

The Mount Vernon cheer coach will announce that tryouts are open to all students. She will do so by placing a notice in the school bulletin, the place where such announcements are ordinarily made.

Very truly yours,



Valerie L. Hughes

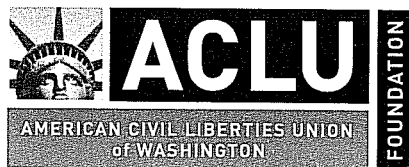
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cc: Dr. Carl Bruner, Superintendent  
Dave Anderson, Principal

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Perkins Coie LLP and Affiliates



May 25, 2007

Dave Anderson  
Principal  
Mount Vernon High School  
314 North 9th Street  
Mount Vernon, WA 98273

**Re: Exclusion of Male Students from Cheerleading**

Dear Mr. Anderson:

**AMERICAN CIVIL  
LIBERTIES UNION  
OF WASHINGTON  
FOUNDATION**  
705 2ND AVENUE, 3RD FL.  
SEATTLE, WA 98104  
T/206.624.2184  
[WWW.ACLU-WA.ORG](http://WWW.ACLU-WA.ORG)

JESSE WING  
BOARD PRESIDENT

KATHLEEN TAYLOR  
EXECUTIVE DIRECTOR

We are writing concerning the unlawful exclusion of male students from sideline cheerleading, a school sponsored activity offered by the Mount Vernon High School. As we understand it, in April 2007, Jai Johnson-Baker, a freshman at Mount Vernon, sought to try out for the cheerleading squad. Jai was initially denied the opportunity to try out. In a meeting with Athletic Director Eric Monson, Jai was informed that male students were not allowed to participate in cheerleading because it was a girls-only activity. Mr. Monson justified this exclusion by claiming that the Mount Vernon sideline cheerleading club was in fact an athletic activity for purposes of compliance with federal law (Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 (“Title IX”)) and state law governing anti-discrimination in interscholastic sports (RCW 28A.640 *et seq.*).

Ultimately, Jai was permitted to try out at the last minute for the cheerleading squad. However, Mr. Monson explained that, if Jai made the squad, his participation on the squad would be conditional and would depend on whatever policy the Washington Interscholastic Activities Association developed for transgender student athletes who wished to play on an opposite sex team. As you know, Jai did not make the cheerleading squad.

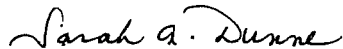
This letter will not address transgender students' participation on interscholastic teams of the opposite sex because the activity in question here is not an athletic activity for purposes of federal and state law. Similarly, this letter will also not address whether competitive cheer would constitute an athletic activity for purposes of compliance with Title IX or state law. The Mount Vernon High School cheerleading squad is not a competitive cheer team but instead engages in what is commonly known as "sideline cheer." Sideline cheer is not considered a sport under federal or state law for purposes of gender equity compliance with athletic participation opportunities. The primary purpose of the squad is to raise spirit and provide support at events for Mount Vernon High School athletic teams, such as boys' football and basketball. The Mount Vernon cheerleading squad does not participate in cheer competitions against other schools nor has the Mount Vernon cheerleading squad participated in WIAA sanctioned cheer tournament events.

Stated simply, the cheerleading squad constitutes another school sponsored activity and accordingly should be open to all students regardless of their sex. To exclude male students from a school sponsored activity on account of their sex is discrimination in violation of the Equal Protection Clause of the U.S. Constitution, Title IX, the Washington Equal Rights Amendment, and RCW 28A.640.010.

Under the circumstances, we ask that the Mount Vernon High School correct its unlawful practice and take proactive steps to ensure that all students feel welcome to participate in cheerleading. This should include, among other things, making certain that any announcements about the cheerleading squad state explicitly that the squad is open to all, both male and female students. We ask that you let us know by June 30, 2007, what specific action the school intends to take to remedy this situation.

Please contact me if you have questions about the contents of this letter or wish to discuss the matter further.

Sincerely,

A handwritten signature in cursive script that reads "Sarah A. Dunne".

Sarah A. Dunne  
Legal Director

cc: Brenda Baker