



May 31, 2022

Dr. Eric Williams
Superintendent of Schools
Clear Creek Independent School District
2425 East Main Street
League City, Texas 77573

CC: Jay Cunningham, President, Clear Creek ISD Board of Trustees
Dava West, Director of Counseling and Student Services

Written Request for Access to School District Records

Dear Dr. Williams:

In February 2022, the Counseling and Student Services Department for Clear Creek Independent School District (“School District”) hosted a “day of professional learning” for School District counselors.¹ As part of the training, School District counselors spent approximately one and a half hours receiving instruction regarding topics related to gender ideology.² The training was conducted by a staff member from the Montrose Center, Laura Kanter, who has a history of vulgar and abusive social media posts.³

During the virtual presentation, Ms. Kanter advised School District counselors that if a child in their district wished to “transition” from one biological sex to the other, then the counselor should refer the child directly to the Montrose Center rather than notifying the child’s parents.

Two weeks after the presentation, the School District’s Director of Counseling and Student Services, Dava West, sent an email to counselors and staff to “clarify district expectations as it relates to working with gay, lesbian, and transgender students.”⁴ Director West’s email directed staff to refer to state statute, board policies, and the state-required Texas Model for Comprehensive School Counseling Programs when

¹ Email from Elaina Polsen, Chief Communications Officer, Clear Creek Independent School District, to Christine Parizo (Mar. 11, 2022, 3:32 PM).

² *Id.*

³ Arthur Schaper, *Laura Kanter: LGBT Bigot in Orange County Exposed by MassResistance*, THE STATE OF THE UNION (Feb. 19, 2019), <https://aschaper1.wordpress.com/tag/laura-kanter/>.

⁴ Email from Dava West, Dir. of Counseling and Student Services, Clear Creek Independent School District, to Elaina Polsen, Chief Communications Officer, Clear Creek Independent School District (Mar. 11, 2022, 2:47 PM).

working with students who identify as members of the LGBTQ community.⁵ Ms. West's March 11th email explicitly stated that these programs should "guide their work, rather than the practices and graphics shared by the Montrose Center" during the February 21st presentation.⁶

To date, Clear Creek Independent School District has refused to provide the PowerPoint presentation slides used by the Montrose Center during the February 21st presentation. The Montrose Center has rejected the School District's Texas Public Information Act Request claiming that the presentation is proprietary intellectual property.⁷ However, the School District has taken no additional action to secure the PowerPoint presentation slides and to comply with its responsibilities under the Texas Public Information Act.

As you know, the United States Constitution protects parents' rights to "direct the upbringing and education" of their children. *Troxel v. Granville*, 530 U.S. 57, 65 (2000).

Under the Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, and its implementing regulations at 34 C.F.R. Part 98, parents have the right to inspect all instructional material, including material provided to teachers, used in connection with any analysis or evaluation of sexual behavior or attitudes. This includes "gender identity."

Additionally, Texas law specifies that parents have a right to review the teaching materials, instructional materials, and other teaching aids used in the classroom. Tex. Educ. Code 26.006. Teacher training materials are designed to affect the teaching and instruction provided to children in the classroom and are necessarily subject to disclosure. Similarly, Texas law specifies that a parent is entitled to "full information" regarding the school activities of a parent's child. The activities of school counselors in this regard are also necessarily subject to disclosure.

The School District cannot circumvent these requirements.

Therefore, on behalf of its client Christine Parizo, AFL now demands that the School District take all steps necessary to disclose the training material provided by the Montrose Center. The claim that such material may be provided to School District employees but that the School District need not disclose it to taxpayers because the third-party trainer claims "intellectual property" is specious. As a matter of federal and state law, the School District is obligated to disclose. Accordingly, AFL requests all records of, concerning, regarding, or relating to the School District's partnership

⁵ *Id.*

⁶ *Id.*

⁷ Letter from Elaina Polsen, Chief Communications Officer, Clear Creek Independent School District, to Christine Parizo (Mar.8, 2022).

with the Montrose Center. These records should include, but are not limited to, the following:

1. A copy of the PowerPoint presentation slides used by Montrose Center representative Laura Kanter during her February 21st presentation to School District counselors and staff.
2. A copy of all training or other material provided by Laura Kanter or the Montrose Center to School District employees from September 2021 to the present.
3. All records of contracts, agreements, or understandings by and between the School District and the Montrose Center.
4. All invoices submitted by Laura Kanter or the Montrose Center to the School District for payment from September 2021 to the present.
5. All records of communication between the School District and the Montrose Center from September 2021 to the present.
6. All records of communication between the School District and Laura Kanter from September 2021 to the present.

/s Ian Prior

Senior Advisor

America First Legal Foundation

611 Pennsylvania Avenue SE #231

Washington, D.C. 20003

Arthur C. D'Andrea

P.O. Box 12548

Austin, Texas 78711