



Lexington Public Schools

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PRESS RELEASE

**By William J. Hurley, Interim Superintendent of Schools
Christopher Casey, Chief of Police, Lexington**

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At the request of the mother and father of an Estabrook child, a school principal and the Director of Curriculum and Instruction for the Lexington Public Schools (“Administrators”) met with the parents on Wednesday, April 27, 2005, starting at approximately 3:00 p.m. The Administrators agreed to meet with the parents to consider their several requests, which appeared related to a picture book entitled *Who’s in a Family?* The book was among several included in a “diversity book bag” that children in the Lexington Public Schools are permitted to take home for parents to read with their child if they wish. The book is designed for young children and includes illustrations of children accompanied by various parent figures, including two individuals of different genders, two individuals of the same-gender, grandparents, bi-racial couples, as well as a one-parent family.

In particular, the parents requested the Administrators to ensure that in the future, teachers automatically excuse or remove their child even when discussions about such issues arise, even if spontaneously. In response, the Administrators described Lexington Public Schools’ policy, adopted under state law (Chapter 71, Section 32A), allowing students to opt out of curriculum that “primarily involves human sexual education or human sexuality issues.” The Administrators explained that granting the parents’ request was not required by the Policy or statutory language. In addition, they explained that implementation of the parents’ request was simply not practical, since children could even discuss such matters among themselves at school.

The Administrators informed the parents that they could appeal the response both within the school department and, if necessary, to the Commissioner of Education. However, the father replied, “Other people have tried that and it did not work.” The parents stated that they would not leave the school until their demands were met.

With the hours passing and the parents refusing to leave the school building, the Lexington Police were notified. While the mother chose to leave before police arrival, the father did not. Two plain-clothed detectives arrived at 5:20 p.m., followed by a Police Lieutenant at 6:00 p.m. All attempted to coax the father to leave voluntarily. However, he made it clear that he would not leave unless his demands were met and that he knew he was engaging in “civil disobedience” and was willing to accept the consequences. The father declared “If I’m not under arrest then I’m not leaving.” He also used his cell phone to make a number of phone calls, and a small group of people began arriving with cameras.

Finally, when it became necessary for the administrative staff to leave and secure the building, the police arrested the father at 6:24 p.m. The group with the video camera was waiting behind the police station and photographed the father’s arrival. He was processed at the police station, afforded all his rights, and after using the telephone, chose not to be bailed. He was held overnight at the Lexington Police station and in the morning was transported to the Concord District Court for arraignment.