

GSA Court Victories



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AMERICAN CIVIL LIBERTIES UNION

A Guide for Gay-Straight Alliances

Gay-Straight Alliances (GSAs) are student-organized school clubs that aim to create a safe and welcoming school environment for all youth regardless of sexual orientation or gender identity. School administrators sometimes balk at allowing students to start GSAs, but federal law guarantees that students at public schools have a right to do so, and the schools must treat all clubs equally.

GSAs started appearing in schools in the U.S. in the late 1980s. In 1998, the first lawsuit defending students' right to form a GSA in a public school was filed. Since then, at least 15 federal courts have upheld students' right to form GSAs at public schools, and the ACLU has been involved in 11 of those cases. The U.S. Department of Education has also affirmed students' rights under the Equal Access Act, and GSAs now exist in every state, in thousands of schools. Here is information on those federal court cases.

2014: For years students at Munster High School in Indiana tried to form a GSA. The administration repeatedly denied applications for a GSA on the ground that the general diversity club could meet the need and no GSA was necessary. After the ACLU and the ACLU of Indiana sued, the school quickly changed its position and the GSA was formally approved and afforded all of the opportunities as other official school groups. *Gay-Straight Alliance of Munster High Sch. v. Sch. Town of Munster*, No. 1:14-cv-00172 (N.D. Ind. 2014).

2013: After students asked Carver Middle School in Leesburg, Florida to let them start a GSA, the school board delayed and tried to block them for months. One day after the ACLU filed a lawsuit on the students' behalf, a federal court ordered the school to let the club meet right away. Three weeks later the court issued a final order upholding the students' right to have a GSA. *B.N.S. v. Sch. Bd. of Lake Cty., Fla.*, No. 5:13-cv-00205 (M.D. Fla. 2013).

2012: Students at Vanguard High School in Ocala, Florida were disappointed when their principal told them he was denying their request to start a GSA because he was "uncomfortable with having a club based on sexual orientation at the high school level." After the ACLU sued, the school board quickly voted to settle the case and allow the GSA to meet. *Vanguard High Sch. Gay-Straight Alliance v. Yancey*, No. 5:12-cv-00268 (M.D. Fla. 2012).

2011: A brother and sister sued their upstate New York high school for denying

their request to start a GSA and refusing to act on their reports of anti-gay harassment. After Lambda Legal sued, the school finally allowed a GSA to form and the case settled. *Pratt v. Indian River Cent. Sch. Dist.*, No. 7:09-cv-00411 (N.D.N.Y. 2011).

2011: When the school board in West Bend, Wisconsin denied club status to students who wanted to form a GSA at their high school, the students filed a federal lawsuit against the district. A month later, the school board voted to allow the GSA, on the condition that the students drop their case. *W. Bend High Sch. Gay Straight Alliance v. Bd. of Educ., W. Bend Joint Sch. Dist. No. 1*, No. 2:11-cv-00453 (E.D. Wis. 2011).

2009: A Yulee, Florida school rejected students' application for a GSA, objecting to the word "gay" in "Gay-Straight Alliance" as well as a past incident involving one of the club members when she was in middle school. When the ACLU sued the school, a federal court ruled that the school couldn't require the GSA change its name, nor could it prove that one student's behavior at another school raised any real threat to order and discipline. Eventually, the school allowed the GSA to organize under the name students wanted, and paid \$40,000 in attorney fees and court costs. *Gay-Straight Alliance of Yulee High Sch. v. Sch. Bd. of Nassau Cty.*, 602 F. Supp. 2d 1233 (M.D. Fla. 2009).

2008: When students tried to start a GSA at Maple Grove Senior High School in Minnesota, the school refused to grant them the same access to school resources

that other clubs enjoyed, giving a convoluted explanation of why groups like the Synchronized Swimming Club but not the GSA were curricular clubs. When the ACLU sued, the court ruled that the school had illegally misclassified clubs in order to treat some groups better than the GSA, ordering it to treat all clubs equally and pay \$460,143 in attorney fees. *Straights & Gays for Equality v. Osseo Area Sch. Dist.* No. 279, 540 F.3d 911 (8th Cir. 2008).

2008: The school board in Okeechobee, Florida denied students' application to start a GSA at their high school, claiming that the club would interfere with the order and discipline of the school and that the club was incompatible with the school's abstinence-only policy. When the ACLU sued the school, a federal court ruled that the club's tolerance-based message didn't interfere with the abstinence education policies of the school and that the school failed to provide any credible reason the club would impact the order and discipline of the school. The court ordered the school to allow the club and to pay \$326,000 in attorney fees. *Gonzalez ex rel. Gonzalez v. Sch. Bd. of Okeechobee Cty.*, 571 F. Supp. 2d 1257 (S.D. Fla. 2008).

2006: After reluctantly allowing a GSA to form, a Cleveland, Georgia school banned all noncurricular groups in a transparent attempt to get rid of the GSA. The ACLU sued on the students' behalf, and the court ruled that the ban violated the EAA because several other noncurricular groups were still allowed to continue meeting, including the prom committee and 4-H. The final settlement allowed the GSA to meet and ordered policies and

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training to combat anti-LGBT bullying. *White Cnty. High Sch. Peers Rising in Diverse Educ. v. White Cnty. Sch. Dist.*, 2006 WL 1991990 (N.D. Ga. 2006).

2003: After months of foot-dragging, a Kentucky school allowed a GSA to begin meeting. Community protests then led the school to ban all student groups that were not curriculum-related, including the GSA. However, the school went on to secretly allow groups like Bible Club and Beta Club to keep meeting, so the ACLU sued. Despite the local uproar, the court held that neither the GSA nor its members caused any disruption, and free speech could not be restricted by a “heckler’s veto.” The school district agreed to treat all school groups equally and conduct annual anti-harassment training for all staff and students. *Boyd Cnty. High Sch. Gay Straight Alliance v. Bd. of Educ. of Boyd Cnty., Ky.*, 258 F. Supp. 2d 667 (E.D. Ky. 2003).

2003: When students at Klein High School asked to form a GSA in the fall of 2002, more than 200 students signed a petition supporting the new club. School officials responded by changing the requirements for student clubs in an attempt to keep the GSA from forming. The students resubmitted their application following the new rules, but then months passed with no response from the school. With the ACLU’s help, the GSA president sued the school early the next year. The school district gave up quickly, settling the case and allowing the GSA to finally start meeting. *Dukler v. Klein Indep. Sch. Dist.*, No. 4:03-cv-00195 (S.D. Tex. 2003).

2002: In denying a GSA application, the principal of this Indiana school tried to pressure students to change the name to “Diversity Club” and broaden focus to include all marginalized students. He also claimed he denied the application out of concern for students’ safety. When the ACLU took the school to court, the judge ruled that asking students to change the name of the club violated their expression rights and that fear that some students might object to the club wasn’t a valid reason to justify the denial. The court ordered the school to allow the GSA to meet and pay attorney fees. *Franklin Cent. Gay/Straight Alliance v. Franklin Twp. Cmty. Sch. Corp.*, 2002 WL 32097530 (S.D. Ind. 2002).

2000: After months of delay, the school board in Orange County, California denied a student application to form a GSA at El Modena High School. School officials wanted the name changed to drop references to sexual orientation and a clause in the club’s mission statement promising that the GSA wouldn’t discuss sex or sex education. Lambda Legal and People For the American Way Foundation sued. The court ruled that the school violated the EAA, noting that a club’s name is tied to free speech rights and that no other club was asked to include similar clauses in their mission statements regarding sex and sex education. The case settled when the district agreed to everything requested by the students including monetary damages and attorney fees. *Colin ex rel. Colin v. Orange Unified Sch. Dist.*, 83 F. Supp. 2d 1135 (C.D. Cal. 2000).

2000: Less than a year after losing another GSA case in the same school district, a Salt Lake City school denied a club application by a student group that wanted to discuss curriculum-related topics through the point of view of lesbian and gay people. The ACLU, along with Lambda Legal and the National Center for Lesbian Rights, sued. The court found the school had violated the First Amendment and the EAA and ordered that the school allow the club. The case ended after nearly five years when the school finally allowed noncurricular clubs, including GSAs. *E. High Sch. Prism Club v. Seidel*, 95 F. Supp. 2d 1239 (D. Utah 2000).

1999: In 1996, a school district in Salt Lake City, Utah adopted a policy that barred all groups that were not curriculum-related. Represented by Lambda Legal with help from the ACLU and the National Center for Lesbian Rights, a group of students sued the school because another noncurricular club was still allowed to meet on campus. After the court ruled that the school had violated students’ rights, the school decided to allow the GSA and other noncurricular clubs to meet. The case was dismissed and the court ordered the district to pay attorney costs. *E. High Sch. Gay/Straight Alliance v. Bd. of Educ. of Salt Lake City Sch. Dist.*, 81 F. Supp. 2d 1166 (D. Utah 1999).

Want to know more?

Has something happened at your school that you think may have violated your rights? Do you want to talk with someone about what you can do about it? Contact us at [ACLU.org/safeschools](https://www.aclu.org/safeschools)! We won’t ever talk to your school or anyone else without your okay, and any communication between you and the ACLU will be kept private.



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