

# GSA Court Victories

## A quick guide for Gay-Straight Alliances



Gay-Straight Alliances (GSAs) are student-organized clubs that aim to create a safe and welcoming school environment for all youth regardless of sexual orientation or gender identity. The federal Equal Access Act (EAA) guarantees that students at public schools have a right to form GSAs, and that 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, GSAs have prevailed in at least 17 federal EAA lawsuits, and the ACLU was involved in 14 of those cases. The U.S. Department of Education has also affirmed students' rights under the EAA, and GSAs now exist in every state, in thousands of schools. Here is information on those federal court cases.

2015: Students at North Putnam High School in Roachdale, IN asked to start a GSA. After stalling for over a year, the school board voted to bar the group from forming, though other clubs weren't required to pass a vote. After the ACLU sued, the school board reversed its decision and allowed the club to form. *Gay-Straight Alliance at North Putnam High School, et al. v. North Putnam Community School Corporation*, No. 2:14-cv-398JMS-WGH (S.D. Ind. 2014).

2014: For years students at Munster High School in Munster, IN tried to form a GSA. The administration repeatedly denied their request, claiming that no GSA was necessary because there was already a general diversity club. After the ACLU sued, the school quickly approved the GSA. *Gay-Straight Alliance of Munster High School v. School Town of Munster*, No. 14-cv-172 (N.D. Indiana 2014).

2013: After students asked to start a GSA at Carver Middle School in Leesburg, FL, 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. *Carver Middle Sch. Gay Straight Alliance v. School Bd. of Lake Cnty. Fla.*, No. 13-623 (M.D. Fla. 2014).

2012: Students at Vanguard High School in Ocala, FL 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 allow the GSA to meet and the case settled. *Vanguard High School Gay-Straight Alliance v. Yancey, et al.*, No. 5:12-cv-268 (M.D. Fla. 2012).

2011: A brother and sister sued their upstate NY 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. *Charles Pratt and Ashley Petranchuk v. Indian River Central School District et al.*, 7:09-CV-0411, 2011 WL 1204804 (N.D. New York 2011).

2011: When the school board in West Bend, WI 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. *West Bend High School Gay Straight Alliance v. Board of Education, West Bend Joint School District No. 1*, No. 11-c-0453 (E.D. Wis. 2011).

2009: A Yulee, FL school rejected students' application for a GSA, objecting to the word "gay" in "Gay-Straight Alliance" as well as an unrelated 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 it couldn't require the GSA to 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 County*, 602 F. Supp. 2d 1233 (M.D. Fla. 2009).

2008: When students tried to start a GSA at Maple Grove Senior High School in MN, the school refused to grant them the same access to school resources that other clubs got, giving a convoluted excuse about why groups like the Synchronized Swimming Club were curricular clubs but the GSA supposedly wasn't. 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, FL 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 abstinence education policies and that the school failed to provide any credible reason the club would impact order and discipline. The school was ordered to allow the club and to pay \$326,000 in attorney fees. *Gonzalez Through Gonzalez v. Sch. Bd. of Okeechobee County*, 571 F. Supp. 2d 1257 (S.D. Fla. 2008).

2006: After reluctantly allowing a GSA to form, a Cleveland, GA school banned all noncurricular groups in a transparent attempt to get rid of the GSA. The ACLU sued on the students' behalf, and the

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court ruled that the ban violated the EAA because several other noncurricular groups were still allowed to continue meeting. The final settlement allowed the GSA to meet and ordered policies and training to combat bullying of LGBT students. *White County High Sch. Peers In Diverse Educ. v. White County Sch. Dist.*, CIV 2:06CV29 WCO, 2006 WL 1991990 (N.D. Ga. 2006).

2005: Students at Palmer High School in Colorado Springs, CO were told they couldn't meet on school property, post club-related information at the school, or use the public address system to make announcements, and they were left out of the yearbook. After the ACLU filed suit, the school decided to recognize the GSA. *Palmer High School Gay/Straight Alliance v. Colorado Springs School District No. 11*, Case No. 03-M-2535 (D. Colo. 2005).

2003: After months of stalling, a KY school allowed a GSA to form. Local protests then led the school to ban all noncurricular student groups, including the GSA. But the school went on to secretly allow groups like Bible Club and Beta Club to keep meeting, so the ACLU sued. The court ruled that neither the GSA nor its members caused any of the disruption, and the GSA members' speech couldn't be restricted just because others objected to the club. The school district agreed to treat all school groups equally and conduct annual anti-harassment training for staff and students. *Boyd County High Sch. Gay Straight Alliance v. Bd. of Educ. of Boyd County, KY*, 258 F. Supp. 2d 667 (E.D. Ky. 2003).

2003: When students in Klein, TX asked to form a GSA, more than 200 students signed a petition supporting the new club. The school changed the requirements for student clubs in an attempt to keep the GSA from forming. The students resubmitted their club application following the new rules, and months passed with no response from the school. With the ACLU's help, the GSA president sued and the school district gave up quickly, settling the case and allowing the GSA to finally start meeting. *Dukler v. Klein ISD*, No. 4:03-cv-00195 (S.D. Tex. 2003).

2002: In denying a GSA application, the principal of a Franklin Township, IN 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 sued, the judge ruled that requiring students to change the name of the club violated their free expression rights, and that fearing opposition to the club wasn't a valid reason to justify the denial. The court ordered the school to pay attorney fees and allow the GSA to meet. *Franklin Cent. Gay/Straight Alliance v. Franklin Twp. Cmty. Sch. Corp.*, IP01-1518 C-M/S, 2002 WL 32097530 (S.D. Ind. 2002).

2000: After months of delay, the school board in Orange County, CA denied a student request to form a GSA at El Modena High School. School officials wanted the name changed to drop references to sexual orientation as well as 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 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 similarly alter 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 another school in the same district lost a GSA case, a Salt Lake City, UT school denied a club application by students who wanted to discuss curriculum-related topics through the point of view of LGBT people. The ACLU, 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 the school to allow the club. *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, UT banned all noncurricular clubs. 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 meeting 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 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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