

# GSA COURT VICTORIES

## A GUIDE FOR LGBTQ HIGH SCHOOL STUDENTS



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Gender and Sexuality Alliances or 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) clearly 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 at a public school was filed. Since then, we know of 20 resolved federal lawsuits addressing GSAs in which the clubs prevailed, and the ACLU was involved in 17 of those victories. The U.S. Department of Education has also affirmed students' rights under the EAA. GSAs now exist in every state, in thousands of schools. Here are details on the many federal court cases in which schools have unsuccessfully tried to block or limit GSAs.

**1999:** In 1996, a school district in Salt Lake City, UT banned 46 noncurricular clubs in an attempt to get out of having to allow a GSA to form. Represented by Lambda Legal with help from the ACLU and the National Center for Lesbian Rights, a group of students sued the school because the school was still allowing some noncurricular clubs 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 fees and court costs. *E. High Gay/Straight Alliance v. Bd. of Educ. of Salt Lake City Sch. Dist.*, 81 F. Supp. 2d 1166 (D. Utah 1999).

**2000:** Less than a year after losing the first EAA case to address students' right to start GSA clubs, the Salt Lake City, UT school board tried to ban all noncurricular clubs and denied a club application by students who wanted to discuss curriculum-related topics through the point of view of LGBTQ 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 again ordered the school to allow the club and pay attorney fees and court costs. *E. High Sch. Prism Club v. Seidel*, 95 F. Supp. 2d 1239 (D. Utah 2000).

**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 erase 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).

**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 worries about 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).

**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).

**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 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).

**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. The case settled and the court ordered the district to pay \$90,000 in attorney fees and court costs. *Palmer High School Gay/Straight Alliance v. Colorado Springs School District No. 11*, Case No. 03-M-2535 (D. Colo. 2005).

**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 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 LGBTQ students. *White County High Sch. Peers in Diverse Educ. v. White County Sch. Dist.*, CIVA 2:06CV29 WCO, 2006 WL 1991990 (N.D. Ga. 2006).

**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).

**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).

**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 before she was at the high 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).

**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 and settled the 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).

**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).

**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 voted on whether to settle the case, initially voting against the consent decree. But after a school board member brought up the ACLU’s history of legal successes in defending students’ rights to form GSAs and the legal costs of violating students’ rights in these cases, the board reversed course, allowed the GSA to meet, and settled the case. *Vanguard High School Gay-Straight Alliance v. Yancey, et al.*, No. 5:12-cv-268 (M.D. Fla. 2012).

**2014:** 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 and ordered the school to pay \$14,000 in attorney fees and court costs. *Carver Middle Sch. Gay Straight Alliance v. School Bd. of Lake Cnty*, No. 13-623 (M.D. Fla. 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).

**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 et al. v. North Putnam Community School Corporation*, No. 2:14-cv-398JMS-WGH (S.D. Ind. 2014).

**2016:** After students at Carver Middle School in Leesburg, FL won a lawsuit over their GSA club in 2014, the school board tried to get around their loss by adopting new rules for clubs at the elementary, middle, and high schools. Students turned in an application for the GSA club that complied with the new policy, but the superintendent rejected it. The ACLU then sued the school board for the second time. In August of 2015, a federal district court dismissed the students’ case, saying that the EAA did not apply to middle schools. But the ACLU appealed that decision to the 11th Circuit Court of Appeals, which ruled in late 2016 that the EAA does indeed cover Florida’s

public middle schools. Shortly after that, the school finally approved the GSA and allowed students to start meeting. The court ordered the district to pay \$13,180 in attorney fees and court costs. *Carver Middle Sch. Gay Straight Alliance v. School Bd. of Lake Cnty*, 842 F.3d 1324 (11th Cir. 2016).

**2018:** For years administrators at McKinley High School in Buffalo, NY blocked a student’s attempt to start a GSA club, even after 136 students signed a petition saying they wanted the club approved. After the ACLU sued the school district, school officials backed down and announced the creation of the GSA and the court dismissed the case. *Elliot v. Buffalo City School District*, 2018 WL 1726535 (W.D. N.Y., 2018).

**2022:** In Pendleton, Indiana, students at Pendleton Heights High School were allowed to start a GSA but school officials refused to let them do activities other clubs got to do regularly, like publicize their meetings on school bulletin boards and raising funds. After the ACLU sued the South Madison Community School Corporation, a federal judge ordered the district to start complying with the Equal Access Act and treat all clubs equally. A month later the school board caved in and settled the case.

## 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 permission, and any communication between you and the ACLU will be kept private.