



# Helping Students Start Gay-Straight Alliances

Gay-straight alliances (GSAs) are clubs for lesbian, gay, bisexual, transgender, questioning (LGBTQ) and straight students.

**There are over 3,000 GSAs in schools nationwide.**

GSAs can provide a space for students to:

- exchange information and find or offer support
- socialize, hold dances and movie nights
- discuss challenges and concerns like coming out, homophobia or transphobia
- have dialogues with guest speakers
- organize events to raise awareness and pride, especially around annual observances like National Coming Out Day or LGBT History Month

GSAs can create community, increase awareness and understanding, cultivate leadership skills and reduce discrimination and hostility at school. Whether you are an administrator, faculty member, parent or guardian, here are some key facts about GSAs that can help you support students.

## ORGANIZE BY THE RULES

UNSYMPATHETIC ADMINISTRATORS MAY REFUSE TO ALLOW A GSA TO FORM IF STUDENTS FAIL TO PROPERLY REQUEST PERMISSION OR OTHERWISE MISS SOME ADMINISTRATIVE DETAIL. SO ENCOURAGE STUDENTS TO:

- **Know their rights** for their club to be treated exactly like all other noncurricular\* clubs, and be prepared to provide a copy of the Equal Access Act to their administration.
- **Ask for requirements and procedures for forming a club** from the principal or other administrator in charge of student activities. In cases where student handbooks or other school materials don't define the process, emails and written requests that specifically ask for written responses are helpful, as is asking for this information in the presence of a witness.
- **Follow up and document their efforts** to meet the school's obligations for forming new clubs.
- **Seek assistance** from Lambda Legal when administrations place obstacles in students' paths. See "Need Outside Help?" on page 25.

### Can public schools legally prevent GSAs from meeting?

No. Federal law requires schools to treat GSAs and their members exactly the same as they would other non-curriculum related clubs and the students who participate in them.\* The First Amendment guarantees students the right to speak freely and to associate for expressive purposes, so long as doing so does not "materially and substantially" interfere with the educational environment. The Equal Access Act (EAA) requires that any public high school that allows even one "noncurriculum-related student group" to meet "may not deny other clubs, on the basis of the content of their speech, equal access to meet on school premises during noninstructional time."\*

### Does our school need to grant a GSA access to bulletin boards, the PA system and other privileges?

Yes, if it extends these privileges to any other non-curriculum related club. Failure to grant a GSA the same privileges, or to treat the GSA in any way that discriminates against it, may violate the EAA, the Equal Protection Clause of the federal or state constitutions, the First Amendment and/or state statutes prohibiting discrimination on the basis of sexual orientation or gender identity.

### Can a school require a GSA to tone down its name?

A school cannot require a GSA to change its name (e.g., change it to the "Diversity Club" or

\*A "noncurriculum-related" club is a student group that is unrelated to any class or to the overall curriculum offered at the school where the club meets. Whether clubs are curriculum-related or not is a legal question – one that schools generally get wrong when justifying banning a GSA by claiming that all other clubs are curriculum-related. In fact, under the law, a school cannot ban a GSA or other noncurriculum-related club unless all other student groups allowed to meet either: 1) involve subject matter that is actually taught or will soon be taught; 2) concern the body of courses as a whole; 3) result in academic credit or 4) are a course requirement. Courts have required schools to recognize GSAs where they found many clubs that claimed to be curriculum-related were, in fact, noncurriculum-related – including student councils, youth advisory clubs, dance teams, cheerleading teams, chess clubs and many others.

## “CLAIMING THAT A CLUB CREATES A ‘CONTROVERSY’ IS A LEGALLY INSUFFICIENT EXCUSE TO DENY ACCESS TO PRIVILEGES GRANTED OTHER CLUBS.”

“Tolerance Club”) because doing so impacts students’ right to be treated equally and their right to free expression. Claiming that a club creates “controversy” is a legally insufficient excuse to deny access to privileges granted other clubs, or to otherwise treat the club differently. Only where the students in the clubs themselves directly disrupt the educational environment may the school have grounds to deny them their right to meet on equal terms. If other people complain or protest the existence of a GSA, that does not mean that the GSA itself has caused the disruption – in other words, the law says there is no “heckler’s veto” over someone else’s speech. GSA members should be cautioned, though, about engaging in heated confrontations that could be construed as disruptive.

### **As an adult ally, how can I be most helpful to GSAs?**

Most schools require clubs to have faculty sponsors. You can lend vital support by becoming a club sponsor or co-sponsor. If you would like to help but lack time, you can send inquiries around to other faculty members. GSAs are student-initiated and student-run, so students dictate their groups’ missions and activities. As an advisor or ally guest, you can propose ideas for discussion or activities, as long as you don’t appear to direct, conduct, control or regularly attend meetings.

In the classroom, teachers should be aware that they may not enjoy much free-speech protection for discussing LGBTQ issues (though generally there are employment contracts that allow for warnings before adverse action is taken). Like other employers, schools are allowed to limit what is said by employees on the job and can also create curricula that prescribe what can be taught.

If you’re a guardian or parent and there is no GSA at your child’s school, try bringing up the idea of a GSA with another sympathetic parent, teacher or guidance counselor. See the Resources in this booklet for materials and organizations that may help you convince administrators, school board members, teachers, parents and young people that GSAs are important and that LGBTQ students deserve to be treated with dignity, equality and respect.

When trying to help students organize a GSA, bear in mind that individuals and organizations unaffiliated with the school generally cannot distribute information on campus. However, students can distribute materials as long as the distribution does not “materially and substantially” disrupt the school environment or infringe upon the rights of others.

# NEED OUTSIDE HELP?

Lambda Legal is eager to help young people and adult allies stand up for LGBTQ students' right to equal treatment. Contact Lambda Legal's Help Desk at 1-866-542-8336 or visit [www.lambdalegal.org/help/online-form](http://www.lambdalegal.org/help/online-form) whenever you, your students or children:

- Have questions about their legal rights to form a GSA, or otherwise have questions about their rights as a LGBTQ person
- Encounter any resistance to forming a GSA
- Experience frustration because the administration is not responding to their request to start a GSA
- Are told that the school will not provide access to the school website, when other noncurricular clubs have access
- Are told that the school forbids the use of the school name in association with the GSA
- Discover that the school bans or blocks websites with LGBTQ information
- Are told their faculty advisor may not participate in their meetings in a manner similar to participation in all other clubs
- Are told that they cannot have outside speakers
- Have their GSA meetings monitored by administrators or staff
- Are told they need parental permission to participate



## TAKING ACTION:

# Charlie Pratt and Ashley Petranchuk

Charlie Pratt and his younger sister Ashley Petranchuk were both denied the right to form a GSA at their upstate New York high school. Pratt's efforts to form the club came several years ago, when he suffered relentless antigay and sexist harassment from his classmates. School officials, aware of the harassment, refused to allow him to form the club. Pratt withdrew from school to protect his own safety. Petranchuk, his younger sister, made a similar effort to form a GSA in 2008, but the principal turned her down, telling her that other students and parents would not approve. Lambda Legal filed a federal lawsuit against the school in April 2009, alleging illegal and unconstitutional discrimination, harassment and censorship. Five days after the suit was filed, school officials stated that they would allow Petranchuk to form a GSA. Lambda Legal is pressing forward with other claims on behalf of both Petranchuk and Pratt.