



Understanding Gay/Queer-Straight Alliances

What is a Gay/Queer-Straight Alliance (G-QSA)?

A G-QSA is a student-led and student-organized school club that aims to create a safe, welcoming and accepting school environment for all youth, regardless of sexual orientation or gender-identity/expression. G-QSAs provide a supportive environment for lesbian, gay, bisexual and transgender (LGBT) students, as well as those who are perceived as LGBT, questioning of their identity, and children of LGBT families. Additionally, such clubs allow LGBT and straight students to cooperatively address issues that affect all students, including harassment, discrimination and bias based on sexual orientation, gender identity or gender expression. It's important to remember that anti-LGBT harassment doesn't hurt only LGBT-identified students, but all students who deserve to learn in an open, safe, welcoming, and supportive environment.

How does a G-QSA create a safer school?

G-QSAs create safer schools through education, by providing opportunities for school communities to learn accurate information about LGBT people, and by giving students a greater understanding of how diversity enriches their lives. G-QSAs help educate students throughout the school, creating a climate of acceptance and understanding. Additionally, G-QSAs provide youth with a safe space to talk about real issues that affect them day to day without fearing harassment, discrimination or bias. G-QSAs help ensure

that a school community is a safe and supportive environment for all individuals regardless of sexual orientation or gender identity, thereby fulfilling the school's legal and ethical responsibility to provide an equitable learning environment for all individuals.

How common are G-QSAs?

G-QSAs exist in public, private and parochial high schools and middle schools, ranging in student populations from 300 to 3,000. It is estimated that more than 4,000 G-QSAs have formed throughout the United States, and hundreds of youth are working to form new groups each year in large cities and small towns.

Is a public school legally required to allow a G-QSA?

The federal Equal Access Act mandates that if a public secondary school allows any student group whose purpose is not directly related to the curriculum (such as student interest groups like chess clubs) to meet on school grounds during lunch or after school, it may not deny other student groups access to the school because of the content of the groups' proposed discussions. Schools may not pick and choose among clubs based on their particular preferences for what students discuss. Simply put, all non-curricular clubs must be treated equally.¹

For more information about your legal rights, please visit www.aclu.org/safeschools.

1. Private schools that accept federal funds directly or indirectly are subject to the same requirements as public schools. See, e.g., *Grove City Coll. v. Bell*, 465 U.S. 555, 576 (1984) (superseded by statute on other grounds); see also Leslie Robert Stellman, *Working with Private School Clients to Avoid Litigation*, ASPATORE, at 3 (2014), available at 2014 WL 4785756. If the private school does not accept federal funds, the school is generally only subject to state regulations. Stellman, *supra*.

Are G-QSAs about sex?

No. The purpose of a G-QSA is not to discuss sex. Most G-QSAs discuss the lives of LGBT youth and their friends, as well as the harassment, discrimination and bias these youth too commonly face in schools. G-QSAs also often discuss and teach LGBT history and provide youth with opportunities to develop leadership skills. Some schools have attempted to keep G-QSAs out by calling them “sex-based.” Several federal courts have ruled in favor of G-QSAs when schools have used this as an excuse to try to stop them from forming.²

Can schools stop G-QSAs out of fear of controversy?

No. Courts have held that the fact that others find G-QSAs controversial is not an acceptable reason to keep G-QSAs from forming.³ The majority of G-QSAs have started without any controversy or unwanted attention. Controversy usually results only if a school’s administration or board attempts to stop the group from forming. When that happens, students turn to community or legal support, which raises the profile of the club and typically results in the school being forced by law to recognize it. That is exactly what happened recently in Rowan County, North Car-

olina, when school officials tried to stop G-QSAs from meeting. After legal pressure from the American Civil Liberties Union of North Carolina Legal Foundation and others, school officials allowed the group to form.

Can schools require that G-QSAs change their name?

No. Courts have held that schools cannot require G-QSAs to change their names.⁴ In a school in which non-curricular groups have been allowed, any group can be formed as long as it does not create a substantial material disruption to the operation of the school or the rights of others.⁵ Further, the name that a group chooses is part of the free speech and association rights of the students involved.⁶ The term “gay/queer-straight alliance” exemplifies the purpose of the club: to build bridges among students of all sexual orientations and gender identities – whether they identify as gay, lesbian, straight, bisexual, transgender or anything else. The term also emphasizes the clubs’ efforts to acknowledge and embrace the differences and similarities among all involved. Similarly, if students want to create a more focused group such as a Trans/Nonbinary Club, the same freedom should apply.



*For more
information:*

aclu.org/safeschools

acluofnc.org

insideout180.org



2. Gonzalez Through Gonzalez v. Sch. Bd. of Okeechobee Cnty., 571 F. Supp. 2d 1257, 1260 (S.D. Fla. 2008).

3. Vanguard High Sch. Gay-Straight Alliance v. Yancey, No. 5:12-cv-00268 (M.D. Fla. 2012);

Boyd Cnty. High Sch. Gay Straight Alliance v. Bd. of Educ. of Boyd Cnty., Ky., 258 F. Supp. 2d 667 (E.D. Ky. 2003).

4. Gay-Straight Alliance of Yulee High Sch. v. Sch. Bd. of Nassau Cnty., 602 F. Supp. 2d 1233 (M.D. Fla. 2009).

5. See, e.g., Gay-Straight Alliance of Yulee High School v. School Board of Nassau County, 602 F. Supp. 2d 1233, 1235 (M.D. Fla. 2009).

6. Id. at 1236.