



U.S. Department of Education Q&A Resource on Student-Led Groups to Support LGBTQI+ Students and Allies

The U.S. Department of Education (Department) recognizes that student-led groups can be an important part of creating safe, inclusive, and supportive educational environments for lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) students and students with LGBTQI+ parents, friends, or family members. The Department offers this resource to provide information about the rights students have to form and participate in Gender and Sexuality Alliances (GSAs) and other similar groups.

What is a GSA?

As used in this resource, the term GSA refers to a student group that provides a supportive environment for LGBTQI+ students, students who have LGBTQI+ parents, friends, or family members, and other students who care about or are interested in LGBTQI+ issues. Students have been forming and participating in GSAs (also known as Gay-Straight Alliances) [since the late 1980s](#). For more information, please visit the Centers for Disease Control and Prevention's (CDC) Division of Adolescent and Student Health [webpage on GSAs](#).

What are the benefits to students of a GSA?

Like many student groups, GSAs provide students with an opportunity to make friends, learn, and feel supported and connected at school. Students may also be interested in forming a GSA to help foster a positive school climate and educate the school community on topics of importance. Research from the CDC shows that GSAs positively affect a school's environment, creating a [safer and supportive space for all students](#), reducing bullying, and creating a greater sense of connectedness among LGBTQI+ students. For additional information, please visit the CDC's [webpage on policies and practices for LGBTQ-inclusive schools](#).

Are public schools required to allow students to establish a GSA?

A public secondary school that allows at least one noncurricular student group to meet on its premises during noninstructional time (e.g., at lunch, before or after school) must allow students to have a fair opportunity to conduct group activities, such as forming a GSA or other similar groups. This requirement is found in the Equal Access Act, [20 U.S.C. § 4071](#), which was signed into law in 1984 and applies to schools that receive Federal funds, which includes the vast majority of public schools. The Act provides that membership in the student group must be voluntary.

Here's what the Equal Access Act means for GSAs:

- The Equal Access Act provides that if a school allows at least one noncurriculum related student group to meet, it may not "deny equal access or fair opportunity to, or discriminate against," any other student group based on the "religious, political, philosophical, or other content of the speech at [the group's] meetings." 20 U.S.C. § 4071(a). **This means that if a public secondary school allows other student-led groups or clubs to operate, the school may not deny a GSA equal access or a fair opportunity to operate based on the fact that the GSA addresses issues of interest to LGBTQI+ students.**

The Supreme Court has interpreted “noncurriculum related student group” to mean “any student group that does not *directly* relate to the body of courses offered by the school.” See *Board of Education of Westside Community School v. Mergens*, 496 U.S. 226, 239–40 (1990). If a GSA is not duplicating the content of a school course and if participation in a GSA is not required and does not earn academic credit, it will typically be protected by the Equal Access Act as a “noncurriculum related student group.”

- Noncurriculum related student groups may have a teacher or other school employee as an advisor or sponsor. The Equal Access Act says that “[t]he assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.” 20 U.S.C. § 4072(2). This means that a GSA may have a teacher or school staff member as an advisor or sponsor.
- Numerous courts have applied the Equal Access Act to require school districts to recognize GSAs and provide GSAs with the same opportunities to use school resources and receive school recognition as other groups, such as posting group-related information, using school supplies, making announcements, and being included in the yearbook. Some examples of cases include *Straights & Gays for Equality v. Osseo Area Schools- District No. 279*, 540 F.3d 911 (8th Cir. 2008); *Boyd County High School Gay Straight Alliance v. Board of Education of Boyd County*, 258 F. Supp. 2d 667 (E.D. Ky. 2003); and *Colin v. Orange Unified School District*, 83 F. Supp. 2d 1135 (C.D. Cal. 2000). **This means that if a public secondary school allows student groups to use school resources and other school support, a GSA must be provided equal access to the same types of resources and support.**
- School officials are permitted under the Equal Access Act to have rules for student groups that maintain order and discipline on school premises, protect the well-being of students and faculty, and assure that attendance of students at meetings is voluntary. Courts have made clear that those rules must be applied to all student groups and school officials cannot censor groups because they express unpopular viewpoints. See, e.g., *Gonzalez v. School Board of Okeechobee County*, 571 F. Supp. 2d 1257, 1267 (S.D. Fla. 2008); *Colin v. Orange Unified School District*, 83 F. Supp. 2d 1135, 1147-49 (C.D. Cal. 2000). **This means schools cannot impose a different set of student-conduct rules for GSAs than for other clubs.**

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Please note: This resource contains information about the Equal Access Act, and that Act is legally binding on those schools to which it applies, but the resource itself does not have the force or effect of law, is not meant to bind the public, and does not constitute legal advice. In addition, this resource contains links to materials created and maintained by other public or private organizations that are provided for the user’s convenience. The inclusion of these materials is not intended to endorse any views expressed or products or services offered, and the opinions expressed in any of these materials do not necessarily reflect the positions or policies of the U.S. Department of Education. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of any outside information included in these materials.

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