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Legal Resources



Students have legal rights in schools. You have the right to be protected from harassment and discrimination. And you have the right to form a Gay-Straight Alliance (GSA) club. Knowing and understanding your legal rights will help you create a safer environment in your school through your GSA. Use these resources to know your rights and stand up for your rights in your school.

Federal Equal Access Act

??Under the [Federal Equal Access Act](#) ^[1], any school that receives government funding and has at least one other non-curricular club **must also allow a GSA**. As the law states, "It shall be

unlawful for any public secondary school which receives Federal financial assistance...to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting ...on the basis of the religious, political, philosophical, or other content of the speech at such meetings."

The law also says that your school must treat all clubs the same and let them use school resources in the same way. If your school allows other clubs to meet in classrooms, put up posters and organize school events, then they have to allow your GSA do the same.

FAIR Education Act - California

The state of California requires schools to teach about the contributions of women, people of color, and other historically underrepresented groups. On January 1, 2012, the state updated these guidelines to end the exclusion of people with disabilities and lesbian, gay, bisexual and transgender people from history and social studies lessons. You have the right to an inclusive education! [Check out our resources to ensure your school is following the FAIR Education Act.](#) ^[2]

What should you do if you are experiencing harassment or discrimination?

Please [call GSA Network](#) ^[3] for support and guidance. While we cannot provide you with direct legal advice, we can help you make decisions about what steps make the most sense for you. We can help you prepare a plan for talking to school administrators about your rights and their obligation to protect you. We can help you learn how to file a complaint at your school or how to bring a complaint to the state or federal authorities. We can also refer you to one of the many legal organizations that can help advocate for you. Link to Contact us page. We need to add our phone #s & addresses to that page.

Learn more:

[California Student Safety and Violence Prevention Act \(AB 537\) Factsheet](#) ^[4] -- Learn about the groundbreaking law in California that protects students in California from harassment and discrimination based on actual or perceived sexual orientation and gender identity or expression.

[What To Do If You Are Harassed](#) ^[5] ? Learn about what to do if you experience harassment or discrimination based on sexual orientation or gender identity or expression. Learn how to file a complaint.



[Transgender Student Rights](#) ^[6] ? Learn specific information about your rights as a transgender or gender non-conforming student.

What rights does a GSA club have?

Federal and state law protects non-curricular student clubs at public schools from discrimination. This means your school can't refuse to allow the GSA to meet because the club deals with LGBT issues as long as there is at least one other non-curricular student club at your school. [Contact GSA Network](#) [3] to find out what you can do if your school administration won't allow you to start a GSA.


Fight for your rights

As a GSA club if your administration tries to treat your club differently from other clubs. Learn how:

1. [Q&A about GSAs' legal rights](#)  [7] from the National Center for Lesbian Rights
2. [Q&A about GSAs](#)  [8] from the American Civil Liberties Union
3. [Text of the Federal Equal Access Act](#) [1]

Are there other laws about LGBT issues in schools?

Yes! There are other laws related to LGBT issues in California. Learn more:

- [SB 71: The CA Comprehensive Sexual Health and HIV/AIDS Prevention Act of 2004](#) [9]
- [School Safety & Violence Prevention for LGBT Students: Legal Q&A Guides for School Administrators](#)  [10] from the California Safe Schools Coalition

Change Your School

Once you know what your rights are, we encourage you to organize for change at your school by running a campaign. Organize on campus to make sure that the non-discrimination law is being implemented in your school. Work to reduce slurs and name-calling on campus. Fight for safe schools for transgender and gender non-conforming youth. Work to get LGBT issues included in the curriculum at your school. Visit [Change Your School](#) [11] to learn what you can do.

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Links

- [1] <http://www.justice.gov/crt/about/cor/byagency/ed4071.php>
- [2] <http://gsanetwork.org/fair>
- [3] <http://gsanetwork.org/about-us/contact>
- [4] <http://gsanetwork.org/resources/legal-resources/ab-537-fact-sheet>
- [5] <http://gsanetwork.org/resources/legal-resources/what-do-if-you-are-harassed>
- [6] <http://gsanetwork.org/resources/legal-resources/transgender-student-rights>
- [7] <http://gsanetwork.org/files/resources/LegalQA.pdf>
- [8] http://gsanetwork.org/files/resources/GSA.QA_.ACLU_.pdf

[9] <http://gsanetwork.org/resources/legal-resources/sb-71-fact-sheet>

[10] <http://gsanetwork.org/files/resources/School%20Safety%20and%20Violence%20Prevention.pdf>

[11] <http://gsanetwork.org/get-involved/change-your-school>