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Coatesville Area School Board
c/o Dean Snyder, President
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BY EMAIL AND FAX
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Dear Board Members:

It has come to our attention that the Coatesville Area School Board will vote at an upcoming meeting on whether to approve a Coatesville Area Senior High School Gay Straight Alliance ("GSA") club. We write to provide you with legal background relevant to student clubs and to stress that the District must treat the prospective GSA club the same way it has been treating other non-curricular student clubs, which means, among other things, subjecting it to the same approval process.

As you probably know, the federal Equal Access Act (EAA) requires federally funded secondary schools that permit meetings of any non-curriculum-related student groups to provide equal access to all students wishing to form such groups. 20 U.S.C. § 4071. Indeed, the United States Department of Education issued a letter to school officials and legal guidelines affirming that under federal law GSAs must be treated the same as other student clubs.¹ Courts consistently uphold the Equal Access Act's protection for students wishing to form GSAs.²

¹ See Open Letter from Education Secretary Duncan, June 14, 2011, available at <http://www2.ed.gov/policy/elsec/guid/secletter/110607.html>.

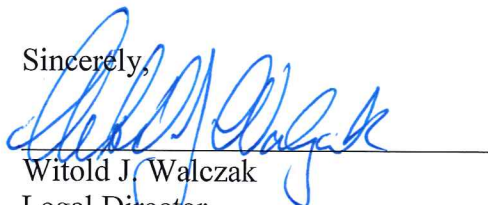
² See, e.g., *Pratt v. Indian River Central Sch. Dist.*, 803 F. Supp. 2d 135 (N.D.N.Y. Mar. 29, 2011); *Straights and Gays for Equality v. Osseo Area Schools-District No. 279*, 540 F.3d 911 (8th Cir. 2008); *Gay-Straight Alliance of Yulee High Sch. v. Sch. Bd of Nassau Cnty.*, 602 F. Supp. 2d 1233 (M.D. Fla., March 11, 2009); *Gonzalez v. Sch. Bd. of Okeechobee County*, 571 F. Supp. 2d 1257 (S.D. Fla. 2008); *White County High Sch. Peers Rising in Diverse Educ. v. White County Sch. Dist.*, No. 2:06-CV-29WCO, 2006 WL 1991990 (N.D. Ga. July 14, 2006); *Boyd County High Sch. Gay Straight Alliance v. Bd. of Educ. Of Boyd County*, 258 F. Supp. 2d 667 (E.D. Ky. 2003); *Franklin Cent. Gay/Straight Alliance v. Franklin Township Cmty. Sch. Corp.*, No. IP01-1518 C-M/S, 2002 WL 32097530 (S.D. Ind. Aug. 30, 2002); *Colin v.*

We understand that the District has granted official approval to a number of non-curricular student groups at the Coatesville Area Senior High School, including the Bible Club, the Students Against Destructive Decisions Club, and the Ski Club. Accordingly, under the Equal Access Act, the District may not deny approval of the GSA based on disagreement (of the District, the School Board or the community) with the club's planned speech. And the District may not subject the GSA to different treatment than that afforded other prospective non-curricular clubs. That means the District must follow the same approval process in considering the GSA as it followed for the aforementioned groups. If other clubs' requests to form were not submitted to the School Board, that process cannot be imposed on the GSA. Once approved, the District must provide the GSA with equal access to school facilities and school-use privileges.

Equal treatment of GSA clubs is not just a legal duty; it makes sense from an educational and a safety perspective. Discrimination and harassment can have a devastating impact on gay youth, and GSAs provide an important forum for students who are concerned about sexual orientation. A disproportionate amount of physical violence against lesbian, gay, bisexual and transgender people of all ages is perpetrated by teenagers. Gay-straight alliances help to combat verbal and physical harassment. They create a safe and inclusive space where students from all backgrounds can come together to share their experiences, to discuss anti-gay attitudes they may experience in school, or to debate different perspectives on gay-related issues. Open and honest student discussion about sexual orientation is a uniquely effective way of making young people aware of the harms caused by discrimination and violence. One federal judge observed in an opinion granting an injunction against a School District that tried to prevent students from forming a GSA as follows: "This injunction is not just about student pursuit of ideas and tolerance for diverse viewpoints. As any concerned parent would understand, this case may involve the protection of life itself." *Colin v. Orange Unified Sch. Dist.*, 83 F. Supp. 2d 1135, 1151 (C.D. Cal. 2000).

We hope that this background will assist the District in its handling of the GSA's club's request for approval. Please don't hesitate to let us know if you have any questions or concerns. We would be happy to assist you by providing more information about the Equal Access Act's requirements.

Sincerely,



Witold J. Walczak
Legal Director
ACLU of Pennsylvania

Orange Unified Sch. Dist., 83 F. Supp. 2d 1135, 1148 (C.D. Cal. 2000); *E. High Gay/Straight Alliance v. Bd. of Educ. of Salt Lake City Sch. Dist.*, 81 F. Supp. 2d 1166 (D. Utah 1999). The First Amendment's free-speech and assembly clauses also favor the students' right to form a GSA, but courts tend to rule under the EAA because application is so straightforward.

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