



DOE Issues Guidance on Equal Access Act Targeted at Ensuring Access to Student Groups Such as the Gay-Straight Alliances

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By Jennifer Smith

Following the recent series of [guidance letters](#) from the U.S. Department of Education's Office for Civil Rights (OCR) calling for a reduction of bullying in schools, the Department issued legal guidelines regarding the Equal Access Act and the recognition of student-led non-curricular groups. Secretary Arne Duncan explains that lesbian, gay, bisexual, and transgendered students are the targets of a disproportionate share of harassment and bullying. Groups such as the Gay-Straight Alliances can promote safer and more welcoming school environments.

The new Guidelines respond to legal arguments that have been raised as obstacles to granting student groups, such as the Gay Straight Alliances, equal access to school facilities that are available to other student groups.

The Guidelines explain that a school does not endorse the student group or its message by granting the group access to school facilities. It states that "secondary school students are generally capable of understanding that schools do not endorse or support speech that an institution merely permits on a nondiscriminatory basis."

The Guidelines also state that a school district may not ban a group based on school officials' general moral disapproval or on assumptions about the content of speech at group meetings. As an example, the Guidelines state that a school would violate the Equal Access Act by excluding a group based on the fact that it address issues of interest to lesbian, gay, bisexual and transgendered students.

These new Guidelines provide useful guidance for schools responding to student group requests to access facilities.

More Information

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