

FACT SHEET

STARTING (OR RESTARTING) A GSA, DESPITE TEXAS' ATTEMPT TO BAN THEM



SEAT



This content is intended to serve as general information; it is not legal advice nor intended as legal advice.

WHAT IS A GENDERS AND SEXUALITIES ALLIANCE (GSA)?

Genders and Sexualities Alliances (formerly known as Gay-Straight Alliances), or GSAs, are student-led and student-organized school clubs that aim to create a safe, welcoming, and accepting school environment for all young people, regardless of sexual orientation or gender identity. GSAs provide a supportive environment for lesbian, gay, bisexual, transgender, queer and questioning, intersex, and asexual (LGBTQIA+) students, as well as those who are perceived by others to be LGBTQIA+, have LGBTQIA+ friends or family members, or just care about LGBTQIA+ issues.

GSAs today have many names, including Pride clubs, Diversity clubs, Spectrum clubs, and others. There is no particular name that you need to start a GSA or similar club that creates a safe, welcoming, and accepting school environment for all LGBTQIA+ students and allies.

WHY SHOULD I START A GSA AT MY SCHOOL?

GSAs help make schools safer for all students by providing support, educating others in your school about LGBTQIA+ issues, and engaging in awareness activities like the Transgender Day of Visibility. GSAs also empower LGBTQIA+ and allied students to work together to take on issues that affect all students, including harassment and discrimination based on sexual orientation, gender identity, and gender expression. Research has shown that LGBTQIA+ students hear fewer homophobic slurs, experience less harassment, have better attendance, and feel safer at schools that have GSAs. Like any club, what a GSA does is up to its members, but it often includes things like pitching in on community service projects and getting together for social activities.

DO I HAVE THE RIGHT TO START A GSA AT MY SCHOOL?

Likely yes. If you are a high school or middle school student and your school allows students to form clubs not directly related to the curriculum, the federal Equal Access Act prohibits them from discriminating against clubs based on content. This means that if your school allows non-curricular clubs like the chess club or ultimate frisbee club to form, they can't discriminate against clubs based on LGBTQIA+ equality, racial justice, religion, or other topics.

Curricular clubs are those that relate directly to things that are taught in the school, like the Math Club, and non-curricular clubs are those that don't relate directly to things that are taught in the school, such as the Key Club or Dungeons and Dragons Club. The federal Equal Access Act says that if a public secondary school students (generally interpreted to mean middle and high school students) are allowed to form any non-curricular clubs at all, then they must be permitted to form any non-curricular club that does not materially and substantially interfere with the school environment.

WHAT DOES THE EQUAL ACCESS ACT REQUIRE?

The Equal Access Act applies to all secondary schools, which has generally been interpreted to mean middle and high schools. If your school allows non-curricular clubs, it cannot deny access to or discriminate against any club based on the religious, political, philosophical, or other content of the club. That also means that if your middle or high school permits students to form non-curricular clubs, they must apply those same rules to GSAs.

Under the Equal Access Act, clubs must be voluntary and student-led, and school employees may attend but cannot direct, control, or actively participate. Non-school persons also may not direct, control, or regularly attend the meetings, and no club may “materially and substantially interfere with the orderly conduct of educational activities within the school.”

DOES THE FIRST AMENDMENT ALSO PROTECT GSAS?

Normally, yes. Under the First Amendment, once a school allows non-curricular clubs to meet in a limited public forum, it cannot discriminate against certain viewpoints without satisfying strict scrutiny. The Supreme Court has interpreted this to mean that schools cannot discriminate against an entire class of viewpoints, such as by banning all clubs based on religion or race. Thus, a blanket prohibition on all clubs based on sexual orientation or gender identity likely violates the First Amendment in addition to the Equal Access Act.

WHAT ABOUT S.B. 12 (2025)?

In 2025, the Texas Legislature tried to ban all GSAs in Texas by passing a law that prohibits school districts and charter schools from authorizing or sponsoring clubs “based on sexual orientation or gender identity.” While enacting this law, legislators called out GSAs by name and falsely claimed that GSAs are inappropriate for young people in Texas.

But no state law can supersede federal law, and S.B. 12 does not usurp your rights under the First Amendment and federal Equal Access Act. That's why the ACLU of Texas, Transgender Law Center, GSA Network, Students Engaged in Advancing Texas (SEAT), and others sued to challenge S.B. 12 as unconstitutional and unlawful.

WHAT IS THE STATUS OF THE LAWSUIT AGAINST S.B. 12?

In February 2026, a federal court granted a preliminary injunction blocking four challenged aspects of S.B. 12 — the GSA Ban, Inclusivity Ban, Social Transition Ban, and Don't Say LGBTQ+ Ban — in Houston, Katy, and Plano ISDs. Although this ruling only applies to these three school districts and not statewide, the court emphasized that all school districts in Texas “remain obligated to comply first and foremost with federal law, even when doing so requires disregarding contrary state directives.”

At the preliminary injunction hearing, no defendant, including the Texas Education Agency Commissioner, disputed that S.B. 12 violates the Equal Access Act by discriminating against LGBTQIA+ student groups based on content. So while S.B. 12 currently remains in effect in every Texas school district except Houston, Katy, and Plano ISDs, every district must first and foremost follow federal law, which prohibits them from discriminating against GSAs because of content.

CAN I START OR RESTART A GSA AT MY SCHOOL EVEN WITH S.B. 12 IN EFFECT?

Hopefully yes. While you must always follow your school's rules and policies, your federal right to start a club free from discrimination exists if your school allows any non-curricular clubs to form. So even if S.B. 12 states that you cannot form clubs “based on sexual orientation or gender identity,” you still have legal rights under the First Amendment and Equal Access Act.

You can invoke your federal rights with your school by informally trying to start or restart a club, or by filing a formal grievance.

HOW DO I START OR RESTART A GSA AT MY SCHOOL?

You should first familiarize yourself with your school's policies for non-curricular clubs. These policies are sometimes labeled as “FNAB” in your district's board policies. If your district allows any non-curricular clubs to exist in secondary schools, they are required under the Equal Access Act to treat GSAs the same as they do any other club.

If your school requires you to find a teacher sponsor, you should try to identify a teacher sponsor that is willing to support you. If your teacher is nervous about sponsoring due to S.B. 12 or similar reasons, you may need to remind them that federal law supersedes state law and that the Equal Access Act requires that teachers only help supervise and not actively participate in meetings.

You will likely need to seek approval from your campus principal or another administrative official when starting or restarting your GSA. Ask them to respond to you in writing or take notes and document everything they say. If they have questions about GSAs and similar clubs, share with them some of the resources listed below.

And if they try to tell you that a GSA is not permitted because of S.B. 12, share with them this letter explaining how the First Amendment and federal Equal Access Act supersede that provision of S.B. 12.

WHAT IF MY SCHOOL STILL REFUSES TO LET ME START OR RESTART A GSA?

You have a right to file a formal grievance with your school. This is a complaint process that allows students and parents to raise legal (and other) concerns directly with school officials.

While the grievance process has existed for many years in every Texas school districts, parts of S.B. 12 actually strengthened the grievance process across the state. School districts are now required to:

- Post all grievance forms and procedures publicly on the district's website and in the student handbook.
- Accept grievances submitted electronically through district websites.
- Give up to 60 days to file a grievance "from the date on which the parent or person knew or had reason to know of the facts giving rise to the grievance", or up to 90 days "if the parent or person engaged in informal attempts to resolve the grievance."
- Track grievances filed and actions taken, and share publicly any actions taken while maintaining student privacy and confidentiality.
- Provide up to 20 days to file an appeal after the date on which a decision of the grievance was made;
- Create an appeal process allowing people to appeal grievances up to the board of trustees, including a committee of three school board members.
- Allow the person bringing the grievance to decide whether the grievance shall be heard in open or closed session, subject to other open meetings and confidentiality requirements elsewhere in Texas law.

Under these rules, you have a right to bring a formal grievance and appeal it all the way up to the school board. While anyone can typically give public comment at a school board meeting, the grievance process requires that school officials respond to you and consider and vote on your requested relief. This can be helpful not only to advocate and educate your school board about issues like GSAs and federal laws, but can also to get them on record by taking an official vote if you decide to pursue further legal action.

HOW DO I GO ABOUT FILING A GRIEVANCE?

Search for your school district's grievance policy, often called FNG (Local). The complaint form should be on your school's website or available at the front office. Even though S.B. 12 has now extended the deadlines for grievances all across Texas, be aware that many of these deadlines are strictly interpreted and you should follow them carefully. Pursuant to the changes in S.B. 12, you need to file your grievance within 60 days of when you learned of something happening (such as the denial of your ability to start a GSA), or 90 days if you engaged in informal attempts to resolve the grievance.

Fill out the complaint form and send it to your campus principal, or other school official designated on the form. You can attach any supporting documentation, such as an email confirming the denial of your club and the resources below. Ask specifically for the relief you want — for example, if you want them to allow a GSA and treat you the same as all other non-curricular clubs.

Once you submit the form, your principal or another school official will schedule a grievance hearing with you and your parent or guardian. Note that you generally need a supportive parent or guardian to file an official grievance. And while you do not need an attorney to engage in this process, you have a right to have an attorney represent you if you so choose.

WHAT COMES NEXT?

At each step of the grievance process, your school will listen to your concerns and often record and document these meetings. You have a right to appeal if they do not grant your requested relief, all the way up to the school board.

At the school board level, you have a right for your grievance to be heard in open or closed session. While closed sessions are preferable if there is any confidential or sensitive information you want to discuss, open sessions are visible to everyone, including the media, and are sometimes streamed online. You may want to invite friends or others who support you to give comments to the school board in the public comment section of the board meeting. Speaking directly to your school board can be a good opportunity to educate them on issues you care about and to encourage them to follow federal law rather than contrary state directives like parts of S.B. 12.

WHAT IF MY SCHOOL BOARD STILL BANS OUR GSA?

Reach out to the ACLU of Texas or other attorneys. If your school board is violating the Equal Access Act or First Amendment, you may be able to pursue further legal action.

In the meantime, follow all of your school's policies and requirements. If they allow students to chat informally in the cafeteria or elsewhere on campus, you may still be able to at least start organizing other students to build support for a GSA, even if you do not have formal recognition. And if your school does not allow you to meet on campus at all, you may still be able to congregate with other students off campus or online.

WHERE CAN I FIND OUT MORE AND ACCESS RESOURCES?

- [Fact Sheet on SB 12](#)
- [Lawsuit case page](#)
- [Legal intake from ACLU of Texas](#)
- [Register your GSA with the GSA Network](#)
- [GSA Network Resource Library](#)

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