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Iowa Safe Schools Legislative Update for Iowa's K-12 Schools: Suggestions and Resources for Supporting LGBTQ Students under SF 496 and SF 482

schools

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VIII. Supporting a GSA

SF 496 does not specifically discuss the rights or abilities of GSAs to continue to operate as normal, even those in elementary schools.

Indeed, a preliminary ruling on SF 496 affirmed this to be true. In reference to Senate File 496 the judge says,

“School districts instead have the full freedom to offer gay-straight alliances (“GSAs”) or similar clubs that provide resources and support for LGBTQ+ students in grades seven and above. Teachers and other licensed professionals are not restricted in any way from serving as advisors for such GSAs, displaying rainbow flags, providing instruction on gay and transgender rights, and otherwise performing their responsibilities in a manner that emphasizes inclusiveness and respect for LGBTQ+ students in grades seven and above.”

Because the Name and Pronoun section is still in effect for K-12th grade, this is further evidence that this judge does not see it as creating new restrictions for GSAs.

GSAs in secondary schools are specifically protected by the [Equal Access Act of 1984](#)(⁷), and must be allowed the same rights and privileges as all other student groups, and the school cannot limit them based on the content of the group being uncomfortable or unpopular.

Elementary schools are not bound by the Equal Access Act, however, in the United States “secondary school” is largely defined as grades 7-12.⁷ This means that in schools that contain grade 6 along with higher grades, the school cannot bar GSAs and/or must allow the GSA the same rights as all other student groups.

Additionally, **students in grades 6 and below still maintain the First Amendment right of free association.** This was affirmed in the preliminary ruling by the judge seeking to strike down the section of SF 496 relating to K-6 curriculum censorship:

When explaining why the K-6 curriculum ban should be struck down, U.S. District Court Judge Stephen Locher said, “because section 279.80 prohibits “promotion” of gender identity or sexual orientation for students in grade six and below, a reasonable school district could interpret it as forbidding students in those grades, such as A.C., from being allowed to join GSAs and other student organizations designed to provide support for transgender and gay students. **This, in turn, impairs A.C.’s First Amendment right to free speech in the form of freedom of expressive association.**”⁸

Judge Locher also references a 1988 case, [Gay & Lesbian Students Ass’n v. Gohn](#), where the Eighth Circuit Court of Appeals ruled that the constitutional rights of an LGBTQ student organization had been violated, *despite university officials acting under pressure from state legislators*.

⁷ National Center For Education Statistics.

⁸[GLBT Youth in Iowa Schools Task Force v. Kim Reynolds, 4:23-cv-00474 \(U.S. District Court for the Southern District of Iowa, 2023\).](#)

Things to think about

- GSAs must be student led in order to be protected by the Equal Access Act. This means that even if your group has a faculty advisor (most do) the activities of the group need to be student initiated and decided upon.
- Is your GSA allowed to advertise to the student body through things like putting posters in the hallways, being included in morning announcements, holding fundraisers, and participating in school events (homecoming parades, activity fairs, etc.)? Rules governing your GSA in these areas should be the same for all other student groups.

Frequently Asked Questions

Q: Can students share their names and pronouns during GSA meetings without the GSA advisor notifying parents and guardians of the students name/pronouns?

A: Since casual discussion and introductions that are typical of GSA meetings are not formal requests for accommodation, no. However, as an added precaution, Iowa Safe Schools suggests establishing rules/norms as a group during the first meeting that ensure all GSA members will respect the language that other members use to talk about themselves. This will allow members to use their name and pronouns without needing to make a “request for an accommodation” since it is the group norm.

Q: Can GSAs meet during the school day (for example: during lunch, study hall, or another open period)?

A: Yes, as long as the same opportunity is available to all other student groups.

Q: Can the school limit GSA participation to certain grade levels?

A: According to the Equal Access Act, the rules that the school or district issues to the GSA must be the same for all non-curricular student groups.

For more information on GSAs, check out our GSA Guidebook or reach out to Hannah Mitchell at hannah@iowasafeschools.org.