

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

LEO PRIDE ALLIANCE,)	
)	
Plaintiff,)	
)	
v.)	No. 1:18-cv-396
)	
EAST ALLEN COUNTY SCHOOLS,)	
)	
Defendant.)	

Complaint for Declaratory and Injunctive Relief

Introduction

1. Gay-straight alliances (“GSAs”) are student-led organizations that are designed to provide a safe and supportive environment in schools for lesbian, gay, bisexual, transgender, questioning, and intersex (“LGBT+”) youth and their cisgender supporters. High school students at Leo Jr. Sr. High School have sought to have a GSA established as one of the extracurricular clubs allowed at the high school. Although they do have a club, the administration of the school has not allowed the club to be called “Leo GSA” but has instead required that it be called “Leo Pride Alliance,” with “Pride” referring not to LGBT+ issues, but to an acronym used by the school, “Professionalism, Respect, Integrity, Diligence, and Excellence.” Not only is the club not allowed to refer to itself as a GSA but its members may not use the words gay, GSA, LGBT+, or similar language, in any of the announcements concerning the club. Unlike other clubs, the Leo Pride Alliance is not allowed to meet outside of a single classroom. It cannot participate in school fundraisers.

It asked to put up a bulletin board for LGBT history month as other school clubs have bulletin boards. However, it was initially told that it could put up a bulletin board only if members performed community service outside of the school, a requirement not imposed on any other club. Very recently, however, the school administration has indicated that it may allow a bulletin board provided that it approves of its content. Finally, unlike other clubs, the faculty advisor of Leo Pride Alliance is required to send a list of all club members to all faculty. The failure to allow Leo Pride Alliance to call itself “Leo GSA” and the unequal burdens imposed upon it violates the Equal Access Act, 20 U.S.C. § 4071, *et seq.*, the First Amendment, and the Equal Protection Clause of the Fourteenth Amendment. Appropriate injunctive and declaratory relief should be granted.

Jurisdiction, cause of action, venue

2. This Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3).
3. Venue is proper in this district pursuant to 28 U.S.C. § 1391.
4. Declaratory relief is authorized by 28 U.S.C. §§ 2201 and 2202 and by Rule 57 of the Federal Rules of Civil Procedure.
5. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution and laws of the United States.

Parties

6. Leo Pride Alliance is an unincorporated voluntary association of students who attend Leo Jr. Sr. High School. This action is brought on behalf of Leo Pride Alliance and its members.

7. East Allen County Schools is a public school corporation, established pursuant to Indiana law, which operates schools in Allen County, Indiana.

Factual allegations

8. Leo Jr. Sr. High School is one of the schools operated by East Allen Schools.

9. High School students attending Leo Jr. Sr. High School may participate in clubs that are recognized by the school including: Chess Club, French Club, Book Club, Student Council, Students Sharing Hearts, and Leo Pride Alliance.

10. A number of these clubs are not related to the curriculum at the school.

11. Clubs are allowed to meet during periods of the school day and may also meet at the school before or after the school day.

12. Leo Pride Alliance, one of the non-curricular clubs, has been recognized as a club for two years.

13. It currently has more than 30 members.

14. The club exists as a place allowing students who are lesbian, gay, bisexual, transgender, intersex, and those questioning their identity and cisgender students to meet in an environment that provides social, emotional and educational support to the students.

15. Throughout the country these student clubs are known as “gay straight alliances” or “GSAs.”

16. The term GSA is a powerful term in that it immediately informs persons that the purpose of the club is to create an alliance for LGBT+ students and their supporters.

17. Members of the Leo Pride Alliance have sought to call the club “Leo GSA.”

18. However, the principal of Leo Jr. Sr. High School has forbidden the use of the term GSA to describe the club. It is only allowed to call the club “Leo Pride Alliance.”

19. The word “Pride” in the club’s name does not refer to any LGBT+ issue, but to an acronym stressed by the school: “Professionalism, Respect, Integrity, Diligence, and Excellence.”

20. Not only may the club not use its desired name, “Leo GSA,” but in publicizing the club, for instance in announcements in the school, it and its members have been instructed that they may not use the terms gay, lesbian, queer, GSA, LGBT+, or any similar terms. The club and its members may not advertise what the club actually is.

21. Leo Pride Alliance and its members have been instructed by the school administration that they are not allowed to meet or engage in any organized activities in the school except in the classroom of the club’s faculty advisor.

22. However, other clubs are allowed to do things in the school outside of the classrooms, for instance to organize and participate in fundraisers in the school, and to put up posters for club promotion. But, Leo Pride Alliance may not do this.

23. There are bulletin boards available to other clubs where they can post information.

24. Leo Pride Alliance requested permission to use a bulletin board to post information concerning LGBT History Month.

25. The Principal of Leo Jr. Sr. High School indicated that this would be allowed only if the club members performed community service outside of the school. This is not a requirement that has been imposed on any other club or its members as a condition of having a bulletin board.

26. Very recently, however, the school administration has indicated that it may allow a bulletin board provided that it approves of its content.

27. The Principal of Leo Jr. Sr. High School has requested that a list of all the members of Leo Pride Alliance be emailed to all the teachers in the school.

28. This is not a requirement imposed on other clubs and since this has started some students have stopped attending club meetings.

29. Allowing club members to use the terms gay, lesbian, queer, GSA, LGBT+, or similar terms, in relation to the club would not cause a substantial disruption in the educational environment.

30. There is no rational reason for the defendant's different treatment of Leo Pride Alliance than other clubs at the school.

31. Leo Jr. Sr. High School is a public secondary school that receives federal financial assistance.

32. Leo Pride Alliance and its members are being cause irreparable harm for which there is no adequate remedy at law.

33. At all times defendant has acted, and has refused to act, under color or state law.

Legal claims

34. Because Leo Jr. Sr. High School allows at least one non-curricular student group to meet on school premises during non-instructional time, it is a “limited open forum” pursuant to the Equal Access Act, 20 U.S.C. § 4071, and its failure to allow the Leo GSA to meet on school property on the same terms as it allows recognized student groups to meet violates the Equal Access Act.

35. Defendant’s failure to allow the club to be named “Leo GSA,” the requirement that it disclose its members, its failure to allow itself and its members to express themselves in non-disruptive ways in the school setting, and the burdens it seeks to impose as a condition of allowing it and its members to engage in association, violates rights secured to plaintiff by the First Amendment to the United States Constitution.

36. The differential treatment meted out to Leo Pride Alliance and its members by defendant violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

Request for relief

WHEREFORE, plaintiff requests that this Court:

1. Accept jurisdiction of this case and set it for hearing at the earliest opportunity.
2. Declare that defendant has violated federal law and the United States Constitution for the reasons noted above.
3. Enter a preliminary injunction, later to be made permanent:
 - a. requiring defendant to allow Leo Pride Alliance to be renamed Leo GSA;

- b. requiring defendant to allow Leo GSA to be treated identically with other clubs in all respects, including, but not limited to meeting and communication opportunities;
 - c. enjoining defendant from requiring that Leo GSA members' names be transmitted to all teachers and enjoining defendant to take steps to prevent further dissemination of the names of the members of Leo Pride Alliance to the extent that the names have previously been transmitted.
 - d. enjoining defendant to allow the club and its members to use such terms as gay, straight, lesbian, queer, transgender, bisexual, LGBT+, or other similar terms, in discussing the club and club activities in the school.
4. Award plaintiff its costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988.
 5. Award all other proper relief.

/s/ Kenneth J. Falk

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