

Harvey Milk Day Your Legal Rights

What is law for Harvey Milk Day?

In 2009, the State of California officially designated May 22 as “Harvey Milk Day.” Education Code section 37222 now recognizes May 22 as Harvey Milk Day, and says that “public schools and educational institutions are encouraged to observe those days and to conduct suitable commemorative exercises . . . remembering the life of Harvey Milk, recognizing his accomplishments, and familiarizing pupils with the contributions he made to this state.” Read the full law here: http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0551-0600/sb_572_bill_20091011_chaptered.pdf

What does this mean for your school?

The law does not require your school to celebrate Harvey Milk Day, but the law should allow you (as a teacher or a student) to celebrate the day in a variety of ways.

I’m a teacher and I’d like to talk about Harvey Milk in a class: If you teach a subject in which discussion of Harvey Milk would be appropriate (such as History or Social Sciences) or if you are teaching students in a neutral context such as home room, then you should be able to add in a discussion of Harvey Milk as a celebration of Harvey Milk Day.

I’m a student and I’d like to do a presentation about Harvey Milk in a class: Your teacher will need to give you permission to do a special presentation, but you should use the law to argue that such a presentation is appropriate. If Harvey Milk fits into an assignment you already have (such as an assignment to write about an historical figure), then you must be allowed to do the assignment on Harvey Milk – including a presentation.

My GSA would like to commemorate Harvey Milk Day publicly at school - in an assembly or by showing a movie: You should ask your school to sponsor the assembly or the movie, and you should show them the law [1] to explain why they should sponsor. If your school refuses, you should check the rules as to how clubs can call assemblies/show movies – the school must apply the same rules to the GSA as to any other non-curricular student club.

My GSA would like to put up posters about our planned commemoration of Harvey Milk Day: You should try to get special permission from your school to put up posters about the commemoration, showing your school the law. If your school doesn’t give you special permission, it still has to let you put up posters in the same places that other non-curricular clubs can put up posters (so, if the drama club can put up posters for a play, you can put up posters for your Harvey Milk Day commemoration).

For more information: On your free speech and other rights, check out the ACLU of Northern California’s guide at http://www.aclunc.org/issues/lgbt/lgbtq_student_rights/index.shtml.

If your school is not letting you celebrate Harvey Milk Day: Please contact GSA Network for additional assistance at <http://gsanetwork.org/about-us/contact>.

*Thanks to the ACLU of Northern California for answering these questions about Harvey Milk Day.



www.gsanetwork.org

For more information and resources for Gay-Straight Alliances, contact GSA Network:

Statewide Office: 1550 Bryant Street #800, San Francisco, CA 94103, ph: 415.552.4229, f: 415.552.4729

Central Valley Office: ph: 559.268.2780

Southern California: ph: 213.482.4021