

Gay-Straight Alliance Network

Questions and Answers regarding *GSA Network v. Visalia Unified School District*

How did the *GSA Network v. Visalia Unified School District* lawsuit come about?

George Loomis, a student at Golden West High School in Visalia Unified School District, experienced severe harassment triggered by a teacher's persistent anti-gay comments, which spread throughout the student body when school administrators failed to respond appropriately. George ended up being steered into an independent study program, which limited his educational opportunities, and the harassment continued during his once a week visits to campus. George Loomis filed a lawsuit in 2000, and GSA Network, representing current students in the district, joined as the lead named plaintiff in 2001.

What is the significance of the settlement announced on August 13, 2002?

- **The first comprehensive reform plan:** The settlement is the first settlement in an anti-gay student harassment case that has resulted in a system-wide, comprehensive reform plan that includes mandatory, multi-year education at the student and school staff levels.
- **The first harassment case using California's new nondiscrimination law:** It is also the first harassment suit settled with the added backing of California's relatively new sexual orientation and gender identity education nondiscrimination law, the California Student Safety and Violence Prevention Act of 2000.
- **A model for reform:** With its three-year consent decree, *GSA Network v. Visalia Unified* offers a practical model for school districts throughout California and the nation that want to create safe and nondiscriminatory school environments. Monetary damages alone, while important, serve more to punish districts than to lay out a path to reform. Policy changes without actual implementation components are also less likely to produce results.
- **A wake-up call in California:** In California, the settlement warns school districts that California's laws are going to be used to hold them accountable if they allow a climate of harassment and discrimination to flourish on their campuses.
- **A national prod for new state laws:** Nationally, the clear and positive results of this lawsuit will encourage the movements in many states to amend their education nondiscrimination laws by including sexual orientation and gender identity.

What is the significance of GSA Network's role as a plaintiff in this case?

GSA Network's members include students currently attending school in Visalia Unified School District and GSA Network was therefore in a position to demand system-wide reform as part of the settlement. Reform was George's primary goal as well, but since he was no longer enrolled in Visalia Unified School District, his legal standing to demand such reform was not as strong. This is often the case in anti-gay harassment cases, which is the reason that youth-led organizations with student members such as GSA Network have such a vital role to play in school reform litigation.

Why was *GSA Network v. Visalia Unified* filed in federal court if the law that most explicitly protects students from sexual orientation harassment is a state law?

GSA Network v. Visalia Unified includes both federal constitutional claims and state statutory claims and was therefore filed in a federal court, which can hear cases that involve both. Because the state statutory claims are more explicit in outlawing sexual orientation and gender identity based discrimination, including them in the lawsuit significantly strengthens the plaintiffs' legal position.

Why is it important that GSA Network will be involved in the mandatory peer training program for the district's 9th graders?

By including the youth-led GSA Network and its student clubs as a training provider for all students in Visalia Unified, the settlement recognizes that: a) education of students is a key part of improving school climate, b) students have a critical role to play in educating their peers and creating safe and respectful school environments, and c) GSAs already have a track record of creating positive change on their campuses. The school district is turning to students in GSAs, who have direct involvement in fighting harassment or who have experienced it, in order to fight discrimination, and that represents a significant sea change, a transition toward collaborating with and respecting the students most affected by the issue.