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Carver Middle School Gay-Straight Alliance v. School Bd. of Lake County, Fla.

United States District Court, M.D. Florida, Ocala Division - March 6, 2014 - F.Supp.2d - 2014 WL 897072

The Carver Middle School Gay–Straight Alliance asked to be recognized by the Lake County School Board at Carver Middle School in order to receive certain benefits that would accompany that recognition. The School Board declined to grant the Alliance such status. The Alliance sued, alleging violations of the Equal Access Act and the First Amendment right to free speech and association.

The District Court held that:

- The Equal Access Act likely does not apply to schools below the high school level;
- Alliance had standing
- Alliance had not demonstrated a substantial likelihood of prevailing on the merits of their claim under the Equal Access Act;
- The rejection of the Alliance application was a prior restraint predicated upon the content of the speech or associational rights intended to be exercised by the Alliance;
- *Hazelwood School District,* rather than *Tinker* governs this case, and thus the reasonably related standard applies;
- The curtailment of the Alliance speech by the School Board's failure to recognize it as a sponsored club was reasonably related to legitimate pedagogical concerns.

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