

TEACHING FOR BELONGING



Strategies for Resisting
Legalized Discrimination
in Classrooms & Beyond

SAY GAY

TEACH TRUTH



WHY



This is a confusing and scary time for queer students, educators and allies. We hope these guides will empower educators to follow federal Title IX law, their ethical obligations to protect students and their moral commitment to inclusive communities while navigating confusing and discriminatory state and local parent bill of rights laws, diversity and inclusion and critical race theory bans, book bans, and bathroom and sports bans.

HOW TO USE



Under each overview of restrictions that have been passed or proposed, we offer strategies for resistance. None of the current restrictions impose individual civil or criminal liability on educators. Instead, they are rooted in fear and have little to no enforcement mechanisms. Most conflict with federal law and teachers' ethics guidelines to protect their students. Schools and districts can be subject to civil liability for noncompliance, but teachers will, at worst, face disciplinary action from their administrators. The QR code links to resources to support you and a detailed Know Your Risk Manual that explains the current landscape and legal basis for protecting teacher action. We included personal stories from educators living in states with some of the worst restrictions to provide guidance and inspiration to all educators as they perform their duties as teachers in this precarious time.

The manual is not legal advice. If you need legal advice, please contact a lawyer. Email queercaucus@nlg.org to be connected with a nationwide network of queer, progressive lawyers.

In love and solidarity, Erasure Resistance Project of the NLG Queer Caucus A project supported in part by a grant from the National Lawyers Guild Foundation at www.nlg.org/nlgf

RESTRICTION: Restricting access to books that include LGBTQ+ people, themes or topics



Resistance Strategies:

✿ Maintain an age-appropriate classroom library with diverse characters and families; books that include gay and trans-identifying characters do not violate any laws. Characters are not instruction.

✿ Encourage students to do book reports on topics that you can't teach - student speech is not censored and should be encouraged.

✿ Support free lending libraries built near schools just off campus and encourage student led clubs and community groups to keep them active.

✿ Share other avenues for obtaining access to books that include banned books. Many libraries are now offering teens from states with book bans free digital library accounts:

<https://www.bklynlibrary.org/books-unbanned> - email booksunbanned@bklynlibrary.org to get an account;

<https://www.bpl.org/books-unbanned/>;

<https://lacountylibrary.org/books-unbanned/>;

<https://www.sandiego.gov/public-library/booksunbanned>;

<https://www.spl.org/programs-and-services/teens/books-unbanned>.

RESTRICTION: Banning Gay Straight Alliances (GSAs) and similar clubs that provide a supportive space for LGBTQ students, or require parental consent to join.



Resistance Strategies:

Under the federal Equal Access Act, students in secondary schools have the right to form GSAs (Gay-Straight Alliances or Gender-Sexuality Alliances), so long as the school authorizes any other extracurricular student groups, and the group is student-initiated.


<https://www.nea.org/resource-library/what-educators-should-know-about-lgbtq-rights>.


Guidance Counselors can create support groups and “lunch bunch” for students who need support for various reasons, such as anxiety and support for learning differences. Use professional judgment in grouping kids who might be supportive of each other for these reasons and others, like being queer. Have the groups’ topics be safe ones like leadership development, anxiety support, and protection from bullying. In most states with so-called Parents’ Bill of Rights legislation, parents must be notified if students are invited to participate in these types of groups, but the conversations within groups with more than one child should be kept confidential. Support groups focusing on the holistic needs of queer students can open doors for safe discussions on topics that are censored in classrooms and provide invaluable skills for them to develop as thriving humans.

RESTRICTIONS: Prohibiting or restricting the use of accurate pronouns and chosen names for students; Requiring teachers and school administrators to notify a parent if their child comes out as gay or transgender and/or if the child expresses thoughts, feelings, or signs related to their sexual orientation or gender identity.



Resistance Strategies:

 To our knowledge, all states that have the above restrictions in place have an exemption permitting teachers to not ‘force-out’ students to their parents if the safety of the student is in question. Use the name and pronoun your student feels safest and most comfortable using and have a discussion with them about their parent’s knowledge of their use of a different name or pronouns. Document this conversation with the school Guidance Counselor and in your own private student records.

 Teachers can object to these restrictions from a stance of following federal civil rights law, stating ethics guidelines to protect child safety, and adhering to their own moral sense of basic human dignity and kindness. Federal Title IX law considers persistent misgendering as harmful sex discrimination; use the pronouns your students request knowing Federal Law is on your side.


 Adopt a policy of not using pronouns in your classroom, or only using gender neutral pronouns.

RESTRICTIONS: Prohibiting transgender students from using bathrooms and locker rooms that match their gender identity and/or playing on sports teams that match their gender identity



Resistance Strategies:

 Advocate to remove gender markers from class rosters and public student records.


 No state imposes criminal or civil penalties for students, teachers or workers who use the bathroom that aligns with their gender identity. Florida does allow school discipline for people who refuse to leave a bathroom that does not align with their sex assigned at birth after being told to do so.


Federal Title IX law requires schools to allow students to use bathrooms that match their gender identity. Advocate within your individual school to follow the federal guidelines, even if it conflicts with state law. The alternative opens the door to truly invasive and harmful possibilities, like genital checks and policing private spaces.

RESTRICTIONS: Prohibiting transgender students from using bathrooms and locker rooms that match their gender identity and/or playing on sports teams that match their gender identity



Resistance Strategies:

 Support the conversion of at least one bathroom at the school with fully private stalls to a bathroom for everyone. This type of space can support transgender students, students with anxiety around toileting in public, and students with disabilities. This space should be open to all students and not just transgender students. Forcing transgender students to use separate gender-neutral bathrooms outs them to their peers, violates their right to privacy and discriminates against them on the basis of their sex.

 Federal law does not explicitly protect the right of students to play on gender-affirming sports teams, but courts have long protected this access. Initiate co-ed sports teams to support transgender students. Provide them with a space to play sports and challenge the false narratives around the dangers of mixed-sex sporting. Advocate at the local level to your individual school and school board for the adoption of gender inclusive sports policies that comply with case law.


RESTRICTION: Prohibit Educators from using Pronouns and Titles that match their gender identity and/or from posting pictures of their own family.





Resistance Strategies:

 Federal Civil Rights law protects teachers' rights to use the pronouns and titles that align with their gender identity.

Teachers can refer to themselves as Professor rather than Mr. and Mrs., Miss, or Ms., thus normalizing gender neutral terms in the classroom. If you are prevented from using the pronouns or titles of your choice, seek legal support through the NEA or the NLG Queer Caucus, whose contact information is above.

 Wear pronoun pins regardless of your gender identity. Cisgender allies naming their pronouns makes it safer for all people to use the pronouns of their choice.

 If family photos are allowed in your school, teachers may also post pictures of their families regardless of the gender makeup of their family.

 Know that long-standing federal law is on your side if you are pressured to conform to gender stereotypes that do not fit your gender identity. You can and should refuse.

PUT IT IN WRITING

If an administrator asks you to stop using any of these strategies, or threatens you with disciplinary action, ask for them to make the request to you in writing. Specifically, ask them to document which policy (or policies) you are violating, and to put in writing what you have done wrong. If they refuse to do this, you are under no obligation to comply with their request. If they provide a written response, save it and consider making a Title IX complaint. You can also protect yourself by documenting if you refuse to comply with a verbal request to engage in discriminatory action against a student, or to put a student at risk of harm by complying with forced outing procedures. Self-document that you have taken these actions to comply with Federal Title IX law, your code of ethics as an educator, and your personal and spiritual beliefs if they require such action.





SCAN THE QR CODE TO LEARN MORE

“Beloved community is formed not
by the eradication of difference
but by its affirmation, by each of us
claiming the identities and cultural
legacies that shape who we are and
how we live in the world.”

—bell hooks, *Killing Rage: Ending Racism*

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