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Street Law
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LGBT+ Youth

❖ Intro:

🔗 Issue:

- LGBT+ students in primary schools are being discriminated against, affecting their education and livelihood.

🔗 Quantity of importance:

- CDC's 2011-2021 Youth Risk Behavior Surveillance report: 24.1% of students 13-17 years old openly identify as not heterosexual.
- UCLA School of Law's press release on June 10th, 2022: 1.43% of students 13-17 years old openly identify as transgender
- Total LGBT+ students, aged 13-17= about 25.53%

🔗 Qualitative of importance:

- NIH report in 2014 and follow-up in 2022: LGBT+ students feel less safe in school, leading to more truancies, lower grades, and poor social skills
- Nex Benedict- 16-year-old nonbinary child who died after being beaten unconscious in the girls' bathroom by transphobic students. No legal ramifications occurred. The offending students were not punished. A child died, a supporting, loving family lost their child, and absolutely no one in

power cared enough to obtain restitution for the victims and/or enact policy to prevent a similar occurrence [so far].

❖ Solution 1: Federal Grants

🔗 Assertion:

- Congress should amend the Elementary and Secondary Education Act, Sec. 1201, 1202, 1203, and/or 1204 to transfer some funds from assessment tests to LGBT+ grants.

🔗 Evidence/Authority:

- Individuals with Disability Education Act (IDEA)
- 2021-2021 annual report from National Center for Education Statistics: talks about the improvements from IDEA
- Ken Robinson- expert in field of education- says that over emphasizing standardized testing stifles children's creativity by teaching to the test

🔗 Analysis:

- The positive impact of IDEA on disability inclusivity in primary schools indicates that federal civil rights law can be a great resource to influence school practices and attitudes.
- There are 4 sections standardizing assessments. It is the only section with this many standards.

❖ Solution 2: Local Policy

🔗 Assertion:

- School districts should implement a zero-tolerance policy on vandalism and abuse (physical, verbal, and psychological) when done with the purpose of targeting LGBT+ students, as well as other protected classes.

🔍 Evidence/Authority:

- Children’s Legal Rights Journal, Vol. 36 Issue 3 Art. 6
- The legal definition of “hate crime” is a crime with the “motivation for committing the crime [is] based on bias.”

🔍 Analysis:

- Though forms of zero tolerance policies have historically punished victims as well as offenders, hate crimes are by definition one-way crimes.
- If an offending student punches a victimized student, and then the victimized student punches back, a zero-tolerance policy on physical violence could end up suspending both students.
- If an offending student commits violence against a victimized student, and then the victimized student retaliates, a zero-tolerance policy on hate crimes would only suspend the offending student. The victimized student who retaliates may receive punishment as well, but they would not get confused for the offending student. If the victimized student retaliates with a hate crime, a zero-tolerance policy on hate crimes would, and should, suspend them both.
- This may result in higher suspensions of particular religions or communities who condone and follow through with hate. This may be a

limitation that ought to be addressed, but I don't think it is an excuse to not follow through with zero tolerance on hate crimes.

- This policy would also help other protected classes.

❖ Solution 3: State Education Curriculum

🔗 Assertion:

- State governments should regulate LGBT+ history curriculum.

🔗 Evidence/Authority:

- Executive Order 10925
- Black History Mandates in AR, FL, IL, NJ, NY, MS, RI, CA, CO, MI, SC, TN, and WA.
- NIH report in 2014
- NIH follow-up report in 2022

🔗 Analysis:

- Teaching about victimhood, oppression, perseverance, resistance, and prevalent change helps marginalized communities through validation and hope.
- If LGBT+ students learn about other LGBT+ people on purpose, they wouldn't feel so isolated, anxious, and depressed.
- African American communities' success rose with reflective education- same for LGBT+ communities with reflective education
- Feeling safer= less truancies, higher grades, and better social skills

❖ Summary

- ☐ My solutions address the responsibility and capability of federal, State, and local governments. They are backed by studies, legal definitions, authority of the field, and statutes that have improved other marginalized groups.