

# **Understanding the Progression and Impact of Anti-LGBTQ+ Legislation: A Community Conversation**

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## **Introduction**

The Journal of Family Diversity in Education (JFDE) strives to provide timely and insightful content for readers and the broader education community. However, the typically lengthy research and publication process in academia can make it difficult to respond to topical issues in a timely manner. In response to this challenge the JFDE is committed to facilitating periodic community conversations that seek to engage academic and community experts in dialogue pertaining to important issues.

What follows is a transcript of the first such community conversation focused on the recent progression of anti-LGBTQ+ legislation. During the 2021-22 legislative session at least 15 states have considered or passed bills that would affect ways of discussing, addressing, or interacting with LGBTQ+ youth in schools. This legislation includes prohibitions of curriculum and instruction on sexual orientation or gender identity for students in kindergarten through 8th grade, prohibitions against school personnel providing gender-affirming care, requirements for parental consent for club participation (including LGBTQ+ clubs), requirements for parental consent regarding pronoun usage, the banning of books with LGBTQ+ themes in schools and libraries, and protections for teachers who refuse to use a student's pronoun that is different from their sex at birth. Our conversation focused on understanding the evolution of these types of policies and the potential impact on students, families, teachers, and school leaders.

The conversation took place on July 12, 2022 and was facilitated by the JFDE co-editors Michael Evans and Érica Fernández. The participants were invited based on their different areas of expertise (e.g., policy, curriculum, family engagement, school leadership), and experiences working with local communities. Readers can learn more about the participants' backgrounds by reviewing the bios at the end of this article. Participants reviewed the transcript to ensure accuracy and for our readers' convenience we have included footnotes with references to the articles, research and legislation referred to in the conversation.

### A Community Conversation

**Michael Evans:** Stephen, perhaps you wouldn't mind starting us off. Have you noticed anything specific about the recent legislation in terms of how it is being framed or presented to the public that makes it different from past legislation that addresses these topics?

**Stephen Russell:** Yes, I will be interested to hear what others have to say about this too, but something very specific about the most recent legislation is the explicit target on children. We've had versions of anti-LGBTQ legislation and especially over the last 5 years anti-trans legislation. For example, in North Carolina and other places there were transpanic bathroom laws, but these laws were not successful.<sup>1</sup> I mean that they failed. So, the pivot was toward children directly. And where do we find children? In schools. I think what has been different is the explicit pivot toward schools and the home. I'll be interested in what the others see happening with the new policy waves that we're seeing.

**Janice Kroeger:** I want to note that although I am not up to date on all of the state laws, I know what is happening in Ohio. In Ohio, K-3 teachers are being singled out in a different way than they have been before.<sup>2</sup> For example, they're instructed not to use curriculum or instruction materials related to sexual orientation or gender identity and the language of the legislation says that in grade 4 to 12 these things can be discussed, but only in developmentally appropriate ways.

The part that concerns me based on my conversations with other people is that this is a discursive move that promotes fear about these topics. And at the K-3 level, it would prohibit teachers from even just discussing with parents that there are many, many types of gender expression, even intersex conditions, that might not be known when children are young.

It scares teachers out of using inclusive curriculum and representation. Even at the most simple level, like the visual, it also scares teachers to not be able to promote an appropriate environment for children who are developing their identities, and it talks them out of intellectually of doing any type of LGBTQ advocacy.

**Bryan J. Duarte:** I would add that the recent legislation we are seeing is not necessarily new if you look at “No Promo Homo” laws that have been on the books in states like Texas, where it's prohibited to really talk about homosexuality in school.<sup>3</sup> I think they are similar, but it's almost more intense

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<sup>1</sup> North Carolina repealed House Bill 2 in 2017 after facing tremendous political pressure. <https://www.nytimes.com/2019/07/23/us/north-carolina-transgender-bathrooms.html>

<sup>2</sup> Ohio House Bill 616 was introduced in April of 2022. <https://www.dispatch.com/story/news/2022/04/05/ohio-republicans-introduce-version-floridas-dont-say-gay-bill/9467432002/>

<sup>3</sup> See <https://www.equalitytexas.org/no-promo-homo-laws/> for a discussion of the background and history of these laws in Texas.

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now. It's more targeted.

Everybody talks about Florida's "Don't Say Gay" bill, but the bills proposed in Ohio are even more terrifying because they not only censor speech about gender and sexuality, but about race as well<sup>4</sup>. And so, all of these intersectional, marginalized identities that exist in schools are *off* the table for discussion. When we think about the implications for queer youth that are racially minoritized as well, it's really, really problematic.

**Alonso R. Reyna Rivarola:** Absolutely. I would also add that 19 states have abstinence-only sex education, and that's something that has historically hindered how queer young people see themselves in the curriculum.<sup>5</sup> Part of the U.S. public education hidden curriculum *marries* abstinence-only education and heteronormative views on sexuality, which normalize cisheterosexuality. These public policies and classroom practices then shape how queer young people experience education and see themselves reflected—or not reflected—in schools.

**Sarah Simi Cohen:** The language and the rhetoric of the policies and the bills themselves have a complete misconception of what gender is. They are conflating biological sex and gender identity and expression in and of itself. That is a huge misconception that is embedded within the bill, and really gets at what Alonso was saying about normalizing just one sexual orientation and one gender identity. It's saying we can't talk about gender identity for trans people, but everyone has a gender identity and everyone has a sexual orientation. It's really confusing when you're reading the policies and bills if you understand that biological sex is completely different than one's gender. This confusion and conflation isn't uncommon, but is dangerous when we are trying to work towards providing safe and welcoming environments for trans, non-binary, intersex and genderqueer students. When people don't have that understanding it makes it very difficult to comprehend what they're trying to get at. When our politicians do so, it acts as a tactic to further confuse or scare people to promote queer and trans oppression<sup>6</sup>.

**Michael Evans:** When I read this legislation, I wonder if some people in the general public who haven't spent a lot of time in the classroom are thinking about curriculum related to gender or sexual orientation in a way that it doesn't really exist in public education. I would argue that currently there are limited conversations taking place on these topics. I was a former second grade teacher and primarily topics in the classroom like these just come up organically through students sharing stories. What I worry about is that this legislation might end up hampering teachers' ability to connect with their students if they're unable to talk to students about the things that come up naturally in the classroom. If a student brings up their family, a teacher has to be able to engage with them to make sure that the student feels safe, secure and represented.

Are there any other misconceptions or misinformation that people have noticed in some of these bills?

**Janice Kroeger:** Yes, to go along with that idea of feeling safe and represented, I think that what

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<sup>4</sup> See <https://www.honestyforohioeducation.org/hb-322--hb-327.html> for a summary of the the proposed HB 322 and HB 327, and <https://www.honestyforohioeducation.org/hb-6161.html> for a summary of proposed HB 616.

<sup>5</sup> See <https://siecus.org/state-profiles-2019-2020/> for an in-depth look at sex education policies in all 50 stes.

<sup>6</sup> Farley, A. N., & Leonardi, B. (2021). Beyond Bathroom Bills and the Gender Identity Debate: Complicating the Policy Conversation About Supporting Trans Students in Schools. *Educational Policy*, 35(2), 274–303. <https://doi.org/10.1177/0895904820986770>

these bills are doing is attempting to take back some progress that's been made at both the political and human rights level, and also on the discursive level. For example, the presence of gay, lesbian, queer and trans families raising kids in schools is normal, and teachers are just *now* getting over their fears of inclusion. The legislation is closing down an opportunity for the whole community to better understand and recognize this population in its own right. In some ways this legislation is not just politically powerful, because it has the chance of scaring people out of doing good and important inclusion work, it also has the potential to take back what progress has been made with young populations. Teachers are *still* scared about the simplest things, like reading a book, or showing a book with pictures of two moms or two dads, or children expressing non-binary gender, but those simple strategies are most often used and proven effective<sup>7</sup>. These ideas in the bills aren't about misconceptions so much as intent.

People are at the point where they know how to be inclusive by stopping and interrupting bullying, but they are only just starting to learn about the complex biology of intersex conditions, or the complex terminology of the differences between gender and sexuality, or some of those other kinds of discursive progresses that have happened, and accurate information that goes along with social change. With these bills, even if they don't pass, they still create fear in the public.

**Stephen Russell:** I was just going to add to what you said Michael and related to Janice's point that the incredible breadth and vagueness of the bills create a silencing. It reminds me of the “No Promo Homo”, laws which have been around for decades, most of which were very limited in their actual implications. Like the law in Arizona where you can't present discussions about homosexuality that are positive *in the context of HIV instruction*.<sup>8</sup> But what happened is that teachers all over the state thought “We can't talk about other sexuality in schools, period”. That was how it got framed for teachers and by folks who were proponents of that, and I spent a decade saying, “No, no, no, no, *only* if you're doing HIV instruction. So, all you have to do is step over here and not do HIV instruction and you will be able to talk authentically with students.”

This silencing move worked in so many states where those laws were in place. And these new laws are so broad and so non-specific, especially the Florida law, that it's unclear what the scope is. The scary part is how might this be used against teachers and families and children.

**Bryan J. Duarte:** I agree with that, but in some cases the laws are very specific, which points to a misconception as well. Here in Indiana, there was a house bill proposed to ban trans female athletes from participating on girls' teams. And it is so specific I sort of laughed at the ridiculousness of it, because it's like if you really want to attack trans kids and prevent them from playing, why are you targeting only trans female students? This goes back to these misconceptions about what gender is, and also reifying a lot of the stereotypes around gender.

I listened to the four hours of testimony, and there were very few people that were in favor of the bill, but of the few folks that spoke in favor of the bill, their argument was that allowing trans girls to play

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<sup>7</sup> Kroeger, J. & Regula, L. (2017). Queer decisions in early childhood teacher education: Advocating for gender and sexual minority young children and families. *The International Critical Childhood Policy Studies Journal*, 6,1. 106-121. Special Issue Confronting and Countering Bias and Oppression through Early Childhood Policy and Practice. Eds. Farago, Swadener & Murray. <http://journals.sfu.ca/iccps/index.php/childhoods/article/view/59>

<sup>8</sup> For an overview of the history of this law in Arizona see <https://www.acluaz.org/en/news/setting-record-straight-arizonas-no-promo-homo-law>

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threatens the integrity of girls' sports. When you unpack that idea, it comes from the belief that if you are assigned male at birth, you are very athletic and/or more athletic than somebody who's assigned female at birth. It's those misconceptions that are so rooted in patriarchal, stereotypical and gender representations, or really definitions of biological sex that are just inaccurate.

I think everybody on the panel understands gender as something that is socially constructed, so that doesn't make any sense to us. We read those bills and we're like this doesn't actually do anything and it doesn't actually make any sense in terms of how the students are presenting. Trans-girls who are playing on teams and who have had gender affirming care, for the average person in the bleachers, they're not gonna have any idea that that student was assigned male at birth.

So, what you're doing by having a bill like that is you're outing students, and it's very, very harmful for kids, but also it just doesn't make any sense and it's based on those misconceptions about what gender is.

**Sara Simi Cohen:** I am thinking about those misconceptions and just what the backlash has been and what people are saying about the policies and bills. Here in Austin, there was a newspaper article<sup>9</sup> that said trans ideology is essentially when you can turn into whatever biological sex and quote unquote “creature” you like. So, there are literally news articles saying that trans ideology, putting quotes around “trans”, is a shift of biological sex and the ability to be a creature! I'm like, I had no clue that that was the possibility! There are these wild misconceptions out there that are being used to further a goal of trying to maintain gender binaries, maintain these traditional boxes, and continue gender oppression. It's quite reprehensible when we see these articles, bills, and politicians influencing their constituents to believe it as true while we have years of science, research, and most importantly lived experience with vital facts just being ignored and plagued as immoral or wrong.

**Michael Evans:** Thank you everyone. Let's transition from policy to impacts. What does the research tell us about the potential impact that these types of policies are going to have directly on students?

**Stephen Russell:** There are a couple of key things. There is now really good science from the last 5 years that tells us that these kinds of public debates get into the culture of schools, and are an invitation to harassment, discrimination, stigma, bullying. They affect the school climate through creating an environment where it's okay to express prejudice and discrimination that for many years we had been working against and creating positive, safe and supportive schools. It affects those kinds of interactions in the day-to-day which ultimately affect the kinds of well-being statuses that we know matter, that we know have been intractable for sexual and gender minority kids and all kids. So it affects things like belonging, attachment to school, academic performance and achievement, and ultimately mental health and behavioral health.

From a macro perspective, it undermines the laws, policies and strategies that we know make a difference. We now have a decade of evidence that we didn't have before. We know the supports and kinds of things that make a difference in schools: enumerated inclusive policies, training of teachers, access to resources and support in schools. We have really solid science on the way that those strategies matter in schools, and create safe and supportive schools for not just LGBTQ students, but for all

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<sup>9</sup> Webster, K. (2022, March 25). Texas school district tells 4-year-olds not to tell parents about sex ed. KPRC. <https://kprcradio.iheart.com/featured/walton-and-johnson/content/2022-03-25-tx-school-district-tells-4-year-olds-not-to-tell-parents-about-pride-week/>

students. What these proposed laws and policies are doing is undermining what we know actually makes a difference.

**Janice Kroeger:** I think one of the things that this does is it sets up a perfect storm for litigation. It used to be that Title IX was the only recourse that students had to join activities of their preference, and that ability to join activities of their choice supported them intellectually and socially. So, in creating a climate of fear these laws make it harder for students to leverage Title IX, as that gender affirming national policy that allows them to choose and pick what they want and need to be safe and happy in the school community. If a boy wants to join cheerleading, he's allowed to do that just by virtue of Title IX, which some teachers or school leaders really don't understand either. But it sort of pits the states and the federal laws against each other so that teachers and parents themselves may not understand how to leverage policies to create a climate that their child can live with and be happy in their school. These new policies are forcing us to interpret differently some of what we've used in the past as leverage to support gender expansive, gender fluid expression in school.

**Michael Evans:** I'm most familiar with the research that organizations like GLSEN have done and I use that in my Teacher Education classes.<sup>10</sup> I'm curious if there is also a body of research out there talking about how this is going to impact all students in public education, including those who don't identify as members of the LGBTQ+ community?

**Stephen Russell:** Absolutely, I think that there's really good data from statewide surveys, like in California for example. The California Healthy Kids Survey shows that the kinds of safe schools, policies, and strategies that we know make a difference: things like having a gender sexuality alliance (GSA) club at the school, or having teacher training.<sup>11</sup> These things affect the whole school. In fact, there's some evidence that the effects are stronger for the cis and hetero kids. They feel safer at school when everybody is safe. There's really good evidence that creating safe, supporting safe and supportive schools for queer kids creates a positive impact for everyone in the school environment. Really, thank you for asking about it, because it's a crucial point. I think so much of the focus is on, "the queers" who of course, we *should* focus on and support and care and love, but the irony is that these very strategies create a holistic, positive environment for *everyone* in school.<sup>12</sup>

**Michael Evans:** Thank you very much. Some of our panelists have had personal experience navigating public education, either as a student or as a parent and I was wondering if anybody would be interested in sharing some of their personal experiences, and how they think that these policies would have impacted them when they were navigating school?

**Alonso R. Reyna Rivarola:** I grew up in Utah, which is a very conservative state. Actually, before I continue, I need to acknowledge that we are on unceded Indigenous land and that we must understand schools as extensions of a larger settler-colonial project. In my work, and personal life, I question how homonormativity and homonationalism relate to one another in our understanding of queer lives and

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<sup>10</sup> See <https://www.glsen.org/research/2019-national-school-climate-survey> for the most recent GLSEN National School Climate Survey

<sup>11</sup> Day, J. K., Ioverno, S., & Russell, S. T. (2019). Safe and supportive schools for LGBT youth: Addressing educational inequities through inclusive policies and practices. *Journal of School Psychology, 74*, 29-43.

<sup>12</sup> Baams, L., & Russell, S. T. (2021). Gay-straight alliances, school functioning, and mental health: Associations for students of color and LGBTQ students. *Youth & Society, 53*(2), 211-229.

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sexualities.<sup>13</sup> Homonormativity means the normalization of cisheterosexual relationships, values, beliefs, and norms in queer life, while homonationalism represents the positive association between queer people and the oppressive ideologies of the settler-colonial nation-state.

Now, as I mentioned earlier, I grew up in Utah, a very conservative, red state with abstinence-plus sex education legislation where the public education curriculum is very much grounded in Christian faith—in other words, white, cisheteronormative, patriarchal, and I will add nationalist epistemologies. The context in which I grew up informs how I made meaning of my own sexuality. As a young person, I knew I was queer and forced myself into silence because I was literally taught, I should hide and even hate myself. These policies, sadly, continue to systematically school queer young people into being ashamed of themselves. And that is awful. Eventually, I came to terms with my sexuality and said, "You know what... I am not who my parents, church, school, teachers, books, and the state tells me I am or need to be. And that is absolutely OK."

Growing up illegalized also added another layer to how I came to terms with my sexuality and what I was willing to hide and publicly embrace.<sup>14</sup> As new anti-LGBTQ legislation continues to unfold; I wonder how these further oppress queer students with multiply marginalized identities. For example, these policies impact undocuqueer students heavily because they're not only fighting oppression from the state concerning their immigration status but also their sexuality.<sup>15</sup> Additionally, undocuqueer people are generally people of color, so, again, I ask, how does anti-LGBTQ legislation affect the mind-body-spirit of queer young people with multiply marginalized identities?

**Janice Kroeger:** One of the things this gets me thinking about is that a lot of the laws threaten to take away public funding, which is often used for poor children. So, it really kind of pits one population of people who have experienced historical marginalization against another. And I do acknowledge with Alonso that intersectionality is really crucial because a lot of the teachers who are LGBTQ or BIPOC are going to experience this legislation very differently, and it's interesting that these laws impacting the LGBTQ community are being considered in states at the same time as laws about culturally relevant pedagogy and critical race theory.

**Bryan J. Duarte:** I can share too. This story has been told in a publication that's in the *Journal of Cases in Educational Leadership*.<sup>16</sup> It's funny because when it was initially published the Supreme Court had ruled that someone couldn't be fired for being out as an employee. But of course, now everything is in question. One of the reviewers at the time asked, "is this even relevant anymore"? And it is still relevant, because, geographically, things are so different!

I think it was Janice who mentioned earlier that sometimes teachers don't necessarily know what things mean or what actions they can take when a "No Promo Homo" law is on the books or when they're hearing that trans girls can't play. They might ask, "how exactly does this apply to me"? Teachers

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<sup>13</sup> Shange, S. (2014). A king named Nicki: Strategic queerness and the Black femmecesee. *Women & Performance: A Journal of Feminist Theory*, 24(1), 29-45. <https://doi.org/10.1080/0740770X.2014.901602>

<sup>14</sup> Reyna Rivarola, A. R. (Forthcoming). So, how exactly do I "bring my full self" to the profession? Queer, Latino, and undocumented in student affairs. In A. Duran, R. Miller, T. J. Jourian, & J. Cisneros (Eds.), *Queerness as being in higher education: Narrating the insider/outsider paradox as LGBTQ+ scholars and practitioners*. Routledge.

<sup>15</sup> Reyna Rivarola, A. R., & Cisneros, J. (2021). Undocuqueer. In K. Strunk & S. A. Shelton (Eds.), *Encyclopedia of Queer Studies in Education* (Vol. 4, pp. 750-755). Brill.

<sup>16</sup> Duarte, B. J. (2020). Forced back into the closet: A (queer) principal's attempt to maintain queer erasure. *Journal of Cases in Educational Leadership*, 23(4), 20-34.

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have too much on their plates right now to keep track of everything that is allowed or not allowed. In some cases, it is a blessing, because it creates an opportunity for teachers to kind of shut the door and do what's right by kids, but conversely it sometimes causes teachers to just not discuss things at all because they're not aware that they actually can. Steven mentioned this confusion earlier related to the "No Promo Homo" laws.

When I was a student, I grew up in Massachusetts, and everybody thinks it's a very blue state, and it is, but its politics are also very geographically dependent and I did not grow up in Boston. I'm a child of Portuguese immigrant parents and I went to a school with predominantly first-generation Portuguese-American students like myself. I had Portuguese American teachers and no one was out. The message that was sent to me as a kid was that this is a part of you that you need to suppress or it needs to be private. And so, when I became a teacher in the same state, I went to a district that was in a more progressive city than the town I grew up in, and I felt comfortable, and it was pretty much a non-negotiable that I would be out with students from the first day of school.

Because it was damaging to my mental health as a kid. My grades suffered as a result of not feeling like I could be my authentic self, or who I was supposed to be.

It worked out very nicely. The kids were super respectful, and I think my openness not only affirmed queer kids in the classroom, but also challenged some homophobia that straight students had or were bringing to school from home. All of the students liked me and so it was really great until I moved to Texas.

Ironically, I was living in a city in Texas that is bluer than the county that I grew up in in Massachusetts. It was very clearly a political bubble and it was also a predominantly Latinx community. It was similar to the demographics that I grew up around in terms of being predominantly first-generation.

I realized that there was sort of an unwritten rule that you could not talk about sexuality in school, and what was so odd to me is my principal told me before school started that I couldn't be out to kids. Essentially, this was nagging at me all year. But what was so weird is that I resisted it by putting a picture of my partner and I and my whole family on my desk. I purposely didn't pick a picture that was just he and I. So, one day the kids were asking about who's in the picture and they asked who everybody was except for my husband. It was like they knew not to talk about it.

I'm very expressively gay and so the kids all knew and were very happy that I was their teacher, but they also knew not to talk about it. Where I drew the line was when a student came out to me. I actually had 2 students come out to me. This is why the implications of some of these bills are so scary. Oftentimes parents are supportive, but sometimes they're not and so I had students that were coming out to me because they felt like I was really the only person that they could tell, and that it wasn't a safe place at home for them. At that moment I had to say, "this is a hill on which I am willing to die". I have to affirm to this student that it is okay.

And also acknowledge that I am in the same boat as them or else I'm just perpetuating this notion that they need to be closeted and their safety could be at risk if they are who they are. It's very scary for queer educators, but then also for students where school may be the only place where they can unpack or process these sorts of things with their teachers. That is what really concerns me is that we're just basically erasing queer people from schools. It has the potential to have a very drastic impact on student and teacher mental health. When my principal told me I couldn't be out, that was a rough



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year for me.

**Janice Kroeger:** When I heard about these policies coming up in Ohio, I thought this is a large part of what I do in my Family, School, and Community Partnership class. Gender and LGBTQI inclusion is only one module among 10 other modules on important things like English Language Learners, working with immigrant families, and dealing with race and classism.

But even as a faculty member, this gave me pause. I'm tenured and my job is secure and I've been out as a professor, as lesbian-identified, but bisexual my whole career, this was on purpose. Bryan, I can really relate to some of what you're saying about the kind of disempowerment that is likely to happen with both straight teachers who provide support for kids whose families refuse to acknowledge their whole selves and also the LGBTQ educators who serve as those role models

**Érica Fernández:** I want to first acknowledge and recognize the level of vulnerability demonstrated by your willingness to share these stories, especially knowing that this is going to be distributed broadly.

I think this also is an opportunity for us to segue into the next part of our conversation, which I think to me is captured very much in what folks have been saying regarding how schools can be humanizing, affirming, and safe spaces. But also, there's a tension there, because we know historically, schools have been sites where violence happens, where dehumanization happens, where students are perpetually marginalized and criminalized in their existence. So, the question that maybe we can kind of tackle together is what implications do these policies have for teachers and school leaders who must translate and implement these policies?

**Sarah Simi Cohen:** One thing that I've been talking to a lot of educators about, and it has been an *ongoing* conversation as these policies are not new, is what is your core purpose and desire for being an educator in the first place? Most people become an educator or a school leader because they care so deeply about students. So, to put a student in direct danger, or expose them to possible current or future harm and impose trauma on them, based on policies that you're supposed to implement may go completely against why you're there in the first place.

I work as a higher ed scholar, and although I worked in K-12 for 6 years, it's also really important for me to consider the impact that legislation has on the K-20 experience and that pipeline for so many students who enter higher education. In my work I look at trauma, especially mental health in Higher Ed, and it's impossible to look at trans student mental health without considering the impact that the K-12 experience has on students.

Thinking as educators, what do we do when we're put in a position where we're coming in with open hearts and as a queer educator myself it's hard when you're told that can't use your pronouns in the classroom? And so, there is a certain amount of disbelief that you get from being an educator, when you are being told that you can't support your students in the way that you want to, that's scary. That's not what being an educator should be and that's not why most people get into the field.

**Stephen Russell:** This is a minor point compared to Sarah's description, but one that I think is important because it is related to this moment that we are in and it has implications not just for education, but for child welfare, for families, for medicine is the mind-blowing interference with the institutions and the expertise of the people that are the leaders of those institutions.

The fact is that we have decades of educational research, knowledge, and practice directing us to do something different. For example, we have people who have dedicated their careers and lives to what is the right thing to do in education, medicine, child welfare, and then we have this political intervention that's so overreaching of that deep expertise and legitimacy. Sarah expressed the feeling of it and I am just thinking pragmatically how dare we override these field experts? We should trust educators to know how to educate.

**Janice Kroeger:** The thing that I think happens is it puts into action some of the strategies that we've had for a really long time, like to go into a stealth mode. You could still educate teachers about discursive strategies that aren't curriculum. You can still educate teachers about communication skills that don't involve a whole unit, or a particular piece of literature. I do agree with Stephen that it's a mind-blowing interference with the scientific expertise, and for families that want to advocate, for example, for kids who are gender nonconforming or gender expansive. There's two full sides to that. There is helping parents understand development and the complexity of gonadal sex and gender identity and and most teachers might struggle to understand that. But a physician would be able to explain that, and social workers and psychologists can help families provide a safe family life for children expressing gender fluidity. I think just in general moving forward we will require a more sophisticated kind of field for educating affiliated professionals. It's going to require a lot more advocacy and sort of ownership of taking control of networks that can speak back to the state in a timely way.

So, in Ohio the legislation was put out in April. There were four conversations on the legislative level, and only one of them included people who rebutted. So, these are the kind of tools that conservative forces are using to quiet the voices of the advocates who know a lot and have been pushing these supportive agendas forward for gender and sexually diverse youth.

**Érica Fernández:** I think that's a good segue into our last two-part question, around what organizing initiatives are you aware of on the ground that we can elevate or point folks to and what are some tangible actions that readers can take, or that allies can take as we seek to create affirming, humanizing spaces in schools and communities more broadly?

**Alonso R. Reyna Rivarola:** For me, one of the most empowering experiences is when I meet queer young people in middle and high schools who voice their struggles and demand change. I'm not going to lie; it sucks that they have to be bold in the first place because people should not have to fight for recognition, validation, and their lives. Nonetheless, as educators and policymakers, we *must* listen to young people. When adults make decisions, we have our own ideas about how we want change to happen; however, unless we critically step back and involve youth in the change-making process, we are bound to miss the mark on the change they want. We must listen *and* follow queer young people leadership; our responsibility is to assist them in shifting—or better yet, abolishing systems to make the world they deserve to live in a reality.

**Bryan J. Duarte:** Previously, you asked about leadership and it's been well documented in the literature that a lot of school leaders are resistant to having these conversations. A lot of school leaders feel uncomfortable having the conversation because they're worried about community backlash. They're worried about their job security and some of them will take a position and say that sexuality doesn't belong in school. right? That the topic is irrelevant and so that is very problematic, because legislation basically supports that position. It becomes very easy for leaders to just say, "Okay, great,

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I don't have to worry about this because it's illegal now.” I think in terms of moving forward we really need to push back on that. I know three of us on this panel prepare school leaders so it is our job to discuss some of the ways that they can navigate these policies and create spaces that are affirming for kids. I think of policy implementation. How can folks work within policies so they are not breaking the law, but they're able to do what's right.

I think of the viral tweet that went out about Florida teachers saying, “Okay, fine, if we can't talk about sexuality then I'm removing every book in my classroom that uses he or she.

We're not using pronouns at all. Or no one can talk about being married, ever”.<sup>17</sup> Things like that sound a little ridiculous, but it points out the ridiculousness of the laws. It's a strategy called malicious compliance. There's a lot of organizing happening, and you could fill your entire calendar with going to protests and I think people kind of really need to.

I was at a very crowded protest at the Indiana State House, to keep abortion legal in Indiana, and previously the protest that was trying to prevent the anti-trans bill from passing, was not as well attended, but I believe that you know most of the people in the audience would also support that right? I think so often non-queer people think that they need to be invited to the party. You cannot wait for your invitation. We need all hands on deck at this point, and we need to make our voices heard.

It was successful in Indiana where the Governor eventually vetoed the bill, but then the legislature came in and overrode his veto.<sup>18</sup> It was a win but it wasn't enough, so we kind of wonder what would have happened if we had made more noise. We need to be engaged every day on the ground and really pressuring the legislature, besides just voting, well, we've been voting for decades and here we are.

**Stephen Russell:** I think we need to remind everyone that it's not an accident that the bans on critical race theory are happening at the same time, and that what we know from policy advocacy is that coalition work is how to develop support for inclusive policies. To paraphrase Mari Matsuda, always ask the other question: If you see racism, look for sexism.<sup>19</sup> If you see sexism, look for homophobia, and if you see homophobia look for ableism. It is a good reminder to all of us that we need to show up for one another, and that we cannot let these divide and conquer strategies work. We need to really think coalitionally about how we create a coalition around the safe and supportive environments that all students need in schools.

**Sarah Simi Cohen:** I cannot agree more with all of you in thinking about how oppression is intersectional. With that in mind how we are organizing as queer and trans people, Bryan, I really love your comment of about how allies think that they need an invite to the to the party. I think one thing that I'm seeing here in Texas, specifically in Austin is that our K-12 educators are still going strong, they're still holding their Pride flags, they're still attending Austin Pride, they're still going to a lot of things, and they're showing that we're not going to step down because of our own ethics and morals. I've been seeing this from a lot of queer and trans educators, and I think that it's important for our

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<sup>17</sup> For an overview the viral letter shared on social media see [https://www.huffpost.com/entry/dont-say-gay-he-she-sabotage-teacher-letter-moms-for-liberty-florida\\_n\\_62489f02e4b0587dee6a3a1a](https://www.huffpost.com/entry/dont-say-gay-he-she-sabotage-teacher-letter-moms-for-liberty-florida_n_62489f02e4b0587dee6a3a1a)

<sup>18</sup> See <https://www.nytimes.com/2022/05/24/us/indiana-legislature-transgender-sports-ban.html>

<sup>19</sup> Matsuda, M. J. (1991). Voices of America: Accent, antidiscrimination law, and a jurisprudence for the last reconstruction. *Yale Law Journal*, 1329-1407.

allies to do the same and to understand that that we're not going to get there without that additional support.

**Michael Evans:** Yes, I also think school boards, previously looked at as kind of small, local government positions, have also emerged as powerful stakeholders. We're seeing what a powerful role that they can play and when school leaders know they have the support of their school boards and their communities it really helps. A simple way for people to get involved is to contact their local school board members, and tell them they support an inclusive curriculum, and that they want policies where all students feel welcomed and accepted.

**Janice Kroeger:** Stephen, you talked about building coalitions, and in some of the work that I did when the anti-bully policies for LGBTQ kids were not yet common across all states, in the State of Wisconsin one of the things that really pushed those policies over the edge, that allowed the districts to act on behalf of LGBTQ students, was the work of straight allies. A coalition with the straight parent community made the superintendents in those large urban districts change the language in those policies<sup>20</sup>. So, I just want to echo Stephen and Michael's point about how coalitions can influence school boards, and how that type of work really is the leverage that pushes community action over the edge.

**Érica Fernández:** We have run out of time, but I just want to thank all of the panelists for sharing your stories, experiences, and perspectives with us today.

### Participant Bios

**Bryan J. Duarte (they/them) - Miami University** is an assistant professor of education policy in the Department of Educational Leadership. Their research interests take a critical (and queer) analytical approach to examining the complexity of neoliberal school reform policies. Bryan is a former eighth and ninth grade humanities teacher.

<https://www.miamioh.edu/ehs/academics/departments/edl/about/faculty-staff/duarte/index.html>

**Janice Kroeger (she/her)** is Professor of Curriculum and Instruction and Early Childhood Education at Kent State University. She has conducted research advocating for inclusion of LGBTQI students and their families in school practice and policy throughout her career, contributing to the changing the landscape of discussions related to diversity & family-school-community partnerships & early childhood education. She has published manuscripts in academic journals about practice and policy for LGBTQI students in the *Journal of Educational Change*, *Teaching and Teacher Education*, *The Urban Review*, *The Journal of Research in Childhood Education*, and *Young Children*. She is author of forthcoming book chapter *Queer bodies in early childhood: Gender and sexuality disruption(s) and impure feminisms to "Get us free" in the early childhood educator: Critical conversations in feminist theory*. <https://www.kent.edu/ehhs/tlcs/profile/janice-kroeger-phd>

**Alonso R. Reyna Rivarola (él/he)** is Senior Director for Institutional Equity, Inclusion, and Transformation at Salt Lake Community College. Originally from Lima, Peru, Alonso migrated to

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<sup>20</sup> Kroeger, J. (2006). Stretching Performances in Education: Gay Activism and Parenting Impacts Identity and School Change. *The Journal of Educational Change*, 7, 319-337.  
<http://www.springerlink.com/content/q7j2316t2h67t443/>

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Utah when he was 11. His experiences growing up undocumented and queer in Utah have shaped his perspectives and inform his passion for supporting and serving historically marginalized communities while holding social institutions accountable. His research concerns PK-20 schooling practices and illegality in the United States. He has published numerous manuscripts in academic journals, including the *International Journal of Qualitative Studies in Education and Gender and Education* and the books *Educational Leadership of Immigrants: Case Studies in Times of Change* and *The Routledge Handbook of Gender and Feminist Geographies*. Find Alonso on Twitter [@areynarivarola](#)

**Stephen Russell (he/him)** is Priscilla Pond Flawn Regents Professor in Child Development, chair of the Department of Human Development and Family Sciences, and Amy Johnson McLaughlin Director of the School of Human Ecology at the University of Texas at Austin. He is an expert in adolescent and young adult health, with a focus on sexual orientation and gender identity. His 2016 book, *Sexual Orientation, Gender Identity and Schooling: The Nexus of Research, Practice and Policy*, won awards from the American Psychological Association and the Society for Research on Adolescence. He has served on the governing boards of the Society for Research in Child Development, National Council on Family Relations (and is an elected fellow), SIECUS: Sex Ed for Social Change, and the Society for Research on Adolescence (he served as President 2012-2014).

**Sarah Simi Cohen (they/them)** is a fourth-year doctoral student in Higher Education Leadership and Policy at the University of Texas at Austin. Their research agenda is informed by their experience as a first-generation, low-income, queer non-binary student and focuses on student experiences of trauma in higher education, neoliberalism within the university, and how the history of higher education impacts students today. With a specific interest in critical and liberatory theories and methodologies, first-generation, low-income, queer and trans (FGLIQ) college students, and the effect of capitalism/neoliberalism, their research aims to promote transformative and liberatory spaces in higher education and beyond. Sarah is a former K-12 educator of six years and centers the K-12 experience and K-20 pipeline in their work. [https://education.utexas.edu/student/sarah\\_cohen](https://education.utexas.edu/student/sarah_cohen)