

Legislative Laws Forcing Outing in Public Schools: Attacks on LGBTQ Rights

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ABSTRACT

The subject of this paper highlights the alarming direction taken by legislative laws in the US public schools forcing LGBTQ students to out their identities. Through reviewing the constitutional rights of these students despite such legislation, especially the freedom of expression and privacy that the students are guaranteed in the First Amendment, the paper easily underlines such infringements. These reforms also confront the major risks that the young LGBT population faces due to the laws being introduced. Based on recent trials and statistics, the goal of this work is to shine a light on the critical implications of such legislation on the social and educational lives of LGBTQ learners. In this evaluation, it forwards the policies that harmonize inclusivity, equality, gender identity, and sexual orientation. The coming out of the LGBTQ students in public school exposes them to risks that ensure their privacy is a major challenge, as well as the shouldering of different forms of discrimination. This is a hostile and damaging setting that wrecks the feelings of safety and belonging as a part of the mental health degradation that leads to depression, anxiety, and suicidal thoughts. At the same time, these laws jeopardize LGBTQ students' educational progress by hampering them from reaching the desired educational level and developing their sense of social well-being. These challenges can be redressed only by bringing together policymakers, teachers, and advocates to do away with such laws and replace them with policies that grant rights and dignity to LGBTQ youth. A society that is handling stigma and discrimination this way will be more equal and supportive to all students enabling them to achieve and be what they are meant to be.

Keywords: LGBTQ rights in education; legislative infringements; inclusive education policies

LEGISLATIVE LAWS FORCING OUTING IN PUBLIC SCHOOLS: ATTACKS ON LGBTQ RIGHTS

Nowadays, a distressing rise of solid legislative offshoots on LGBTQ rights has come into the open in the United States, just in the educational realm. This phenomenon becomes even more alarming when some states enforce laws requiring those LGBTQ youth to disclose their identities in public schools, which in turn creates a sense of insecurity and discrimination. These laws disregard personal privacy, which is crucial for the well-being of students. They may also endanger them. This paper seeks to examine the civil liberties of LGBTQ students within the confines of these legislations, and also discuss the profound risks it poses to their mental and physical health.

The present paper deals with the aftermath of legislative actions resulting in forcing LGBTQ students to come out in public in the school setting. The paper will examine some constitutional rights that the community is granted and the underlying threat in such laws. Also, more emphasis will be placed on the LGBTQ rights being violated and policies towards school inclusivity and equality. This legislation not only impinges on the privacy rights of LGBTQ students but also endangers both their security and state of mind.

Through meticulously analyzing the constitutional structure under which these students' rights are founded and having an insight into the risk that they stand from legislative interference, this paper becomes instrumental in educating the public on the need to carry out the advocacy campaign so that the rights and dignity of the LGBTQ community can be respected in the educational institutions.

CONSTITUTIONAL RIGHTS OF LGBTQ STUDENTS

The outings of students who identify themselves as LGBTQ in public schools lead to serious problems in the area of their constitutional rights, primarily the freedom of expression and privacy protected by the First Amendment. According to the study by Harper et al. (2022), reinforces, the support for GSAs in school districts increases as LGBTQ students have legal protection against the discrimination. On the other hand, statutes that are targeted towards the outing of the LGBTQ students are the antithesis of these protections as they get involved in the occurrence of bullying and discrimination in the schools. This invasion reduces their private sphere of life; it gives them less space to express themselves freely in their academic activities; finally, in such an environment they are prone to bizarre behaviors of their peers, teachers, and maybe even their relatives.

The First Amendment to the Constitution protects people's rights to free speech as well as their right to associate with others, including the right to self-revelation, and to come out about their sexual orientation or gender identity. Nevertheless, the journey of inclusion of LGBTQ individuals has constantly been warped by legal and social stumbling blocks that undermined the full integration and equal status of this group (Perkins & Ortiz Soto, 2024). These laws mean the exposure of the students of LGBTQ in such a way breaks their private life rights and limits them from really expressing themselves within educational institutions. Presenting such prerequisites worsens the already existing problems of LGBTQ youth by creating the opportunity for discriminating people and downgrading LGBTQ youths' ownership to safety and belongingness, consequently putting at risk their overall health and achievements.

Moreover, the legislation of the legislature such as the 'outing' of LGBTQ students in public schools contributes highly to the creation of a harsh environment in which the aforementioned people feel intimidated, and bullied by their colleagues, educators as well and their own families. Wickel's (2023) article has brought to the attention the immense adverse effects of anti-trans regulation with an impression on the need for policies that actively defend LGBTQ youth. This sort of legislation does not leave students a choice but to let loose themselves in the display of their essential characteristics. They will have to unmask their sexual orientation, and gender identity, among many other intimate aspects of their lives. A consequence of these is an increased risk of getting bullied, harmed, and even physically assaulted.

In addition to the laws that directly affect this situation, there are also many issues linked with the real experience of homosexual teens at the school that should be taken into account. The Supreme Court determined that when privacy is not a fundamental right, the disclosure requirements of the law are often violated because they do not take into account the personal autonomy, which leads to the situation where people do not know whether their honest self-expression is unacceptable or not. As Wickel (2023) effectively emphasizes, the impact of these regulations transcends beyond the immediate effects and encompasses the corrosion of trust among students and their institutions. Thus, LGBTQ youth are easy targets for social stigma and marginalization. These harmful effects continue with circles of harm which limit social and psychological growth and overall well-being.

DANGERS POSED TO THE YOUNG LGBTQ POPULATION

Legislation that is forcing to put out of the closet LGBTQ students poses a severe danger for the young LGBTQ generation, creating disruptions to their physical and psychological health.

Boccanfuso et al. (2021) state the wide stigma and discrimination that transgender individuals have to face across most areas of life, either education, work, or health care. The addition of such legislation leads to the formation of a system that makes it possible for LGBTQ students to be discriminated against and end up feeling insecure and alienated. As a result of the directive to reveal their sexual orientation or their gender identity, these laws not only take freedom away from LGBQ students but, also, put them in situations that put them in a position where they are subjected to harassment, bullying, and violence in their school environments.

The effect of legislative laws requiring all public schools to be out goes far beyond the safety issues at the times concerned with the deep impact on the long-run well-being and aspirations of the LGBTQ youth. Through establishing approval for a disclosure of an LGBTQ student's identity without their consent, the laws keep on the track of the social inequality and exclusion, violating the students' access to educational opportunities and social support networks. Also, they develop a setting that subverts a sense of safety and a lack of trust among students in schools, in addition to its impact on learning and social interactions. To fix these problems and protect LGBTQ youth's privacy, autonomy, and basic human rights, it is advisable to campaign for policies that guarantee basic respect.

Research has continually confirmed the heightened risks of mental health dilemmas among LGBTQ youth including depression, anxiety, and suicidality compared to their heterosexual and cisgender peers (Harper et al., 2022). Narrowly, exposed LGBTQ students in public schools contributed to the existing disparities by affording the students exposure to higher stress and trauma levels. In particular, the sparseness of the corresponding constitutional law, as discussed by Waldman (2022) may evoke overwhelming fears among the already disabled groups, especially LGBT will be at a high risk since their rights are deriving from the existing laws.

Unveiling LGBTQ students not only magnifies their psychologically weak part but also makes them the most vulnerable group of students in institutionalized settings. In addition to the above, this vulnerability can occur through coercive disclosure or assault on sexual orientation and gender identity which is a violation of privacy and can also be traumatic. Therefore, LGBTQ youth could be feeling extremely distressed inside and alone as they cope with a school that isn't even recognizing and accepting their identity. There is an additional complexity associated with the fact that the legal field is yet to provide clear legal guarantees, resulting in LGBTQ students feeling vulnerable and excluded within their system of education.

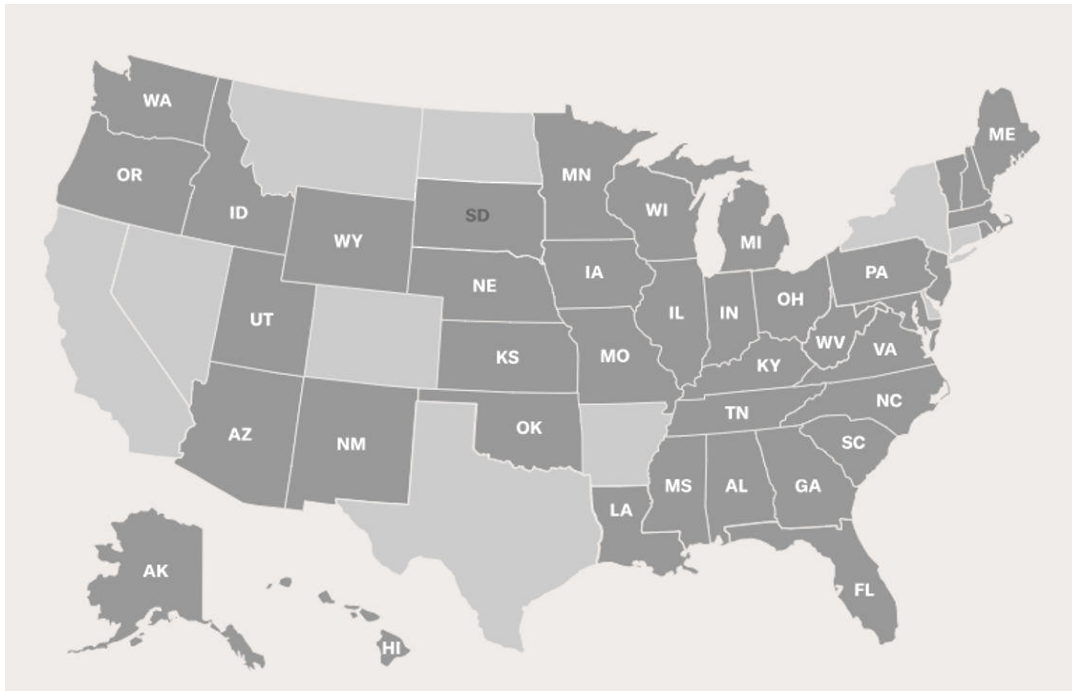


FIGURE 1: Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2024.

However, the publicity of hated LGBTQ students may have tremendous and everlasting effects on their academic performance and future lives. These findings from Perkins and Ortiz Soto (2024) show that LGBTQ often face discrimination when looking for job and accommodation opportunities, which leads to poverty and further socio-economic exclusion. Apart from thwarting the sense of personal security and belonging in school, the laws are also a hindrance to the academic performance and social growth of LGBTQ students, thus, restraining their future success. Placing heightened obstacles to equality and authenticity, this law just enforces widespread injustice and hinders any development of these youth.

CONCLUSION

The statutory laws requiring the rationalization of LGBTQ queer students in public schools are one of the greatest invasions of their constitutional rights and have the potential to affect their general life negatively. The collaboration by policymakers, educators, and advocates in this struggle is fundamental in the aim to turn the table and end up with fair policies that are for each student, regardless of his/her sexual orientation or gender identity. Being bold enough to fight discrimination and stigma is perhaps the most effective way that we can move towards a fairer and more equal society where LGBTQ youth will no longer be tossed around in the name of safety.

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