

LGBTQ STUDENTS KNOW YOUR RIGHTS! YOU HAVE THE RIGHT TO BE YOURSELF

When you're at school, you have the right to be treated fairly and with respect by other students and school officials, including everyone from custodians to teachers. You have the right to be free from bias, harassment or discrimination and to feel comfortable. You have the right to be yourself.

At times, school can be rough for any student, but it can be even harder for lesbian, gay, bisexual, transgender or questioning youth, or those perceived as LGBTQ. Unfortunately, many school officials know very little about how the law requires them to protect LGBTQ students. Sometimes they do know that they're breaking the law but hope that students won't question them when they do. That's why it's so important for *you* to educate yourself about your legal rights and what you can do if your school isn't treating you fairly!

HARASSMENT OF LGBTQ STUDENTS

Anti-gay harassment is one of the most pervasive, frightening, and potentially damaging threats LGBTQ students face in our public schools. **If you're being bullied, called names, threatened, or physically harmed at your school because of your sexual orientation, you don't have to take it!** Public schools are required under federal law to remedy the abuse of lesbian and gay students.

The most important thing for you to do if anyone at school is harassing you is to report it to your principal or counselor. If the school doesn't do anything to protect you, then it has been put on notice and can be held legally responsible. Keep a record of each time you were harassed - what happened, when it happened, who was involved, and to whom you reported it.

If you have reported harassment to your school and they have done little or nothing to stop it, you should contact ACLU-TN.

PRIVACY

Your school does NOT have the right to "out" you to anyone without your permission.

To do this to a young person can have tragic consequences, such as when police officers in 1997 told a young man in Pennsylvania that they were going to tell his family he was gay. He committed suicide rather than face what he feared would be rejection from his family. His mother sued, and a federal appeals court has held that threatening to disclose private information violated the

teenager's Constitutional right to privacy.

This applies to schools, too. If a teacher, counselor, or any other school official threatens to tell your parents or anyone else that you're gay and you don't want them to, make it clear that this is against your wishes. If they still do it or threaten to do so, you should contact ACLU-TN.

FREEDOM OF SPEECH

Sometimes schools try to silence students who are open about their sexual orientation. **But you have a Constitutional right to be out of the closet at school if you want to be.** Sometimes schools punish students for talking about being gay. Sometimes schools censor students for wearing gay-themed t-shirts, even when the shirts aren't obscene and other students are allowed to wear t-shirts expressing their views on political or cultural issues.

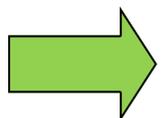
In *Tinker v. Des Moines*, over 30 years ago, the U.S. Supreme Court ruled that students don't "shed their constitutional rights to freedom of speech at the schoolhouse gate." The Court went on to say that the only time a school can restrict an individual student's speech is when it causes significant disruption in the classroom. For example, standing up and yelling, "I'm gay!" in the middle of English class isn't okay, but talking with a friend at school about being gay between classes or at lunch is. And if your school's dress code allows other students to wear t-shirts about their beliefs, then it's illegal for them to ask you to take off your t-shirt just because it has a rainbow or says something about gay pride.

If your school is trying to keep you from talking about your sexual orientation or expressing your beliefs about it, you should contact ACLU-TN.

Expressing Your Opinion. Your school is required to let you express your opinion, including about LGBTQ issues, on badges, buttons, armbands, bulletin boards, printed materials, petitions, and school publications.

T-shirts. If your school allows other students to wear t-shirts (or other types of clothes) that express their beliefs or political views, then the school can't tell you to take off something expressing LGBTQ issues.

Class Projects. Your school also can't prevent you from doing a class project about an LGBTQ topic or book, so long as it meets the requirements of the assignment.



GAY-STRAIGHT ALLIANCES

Gay-Straight Alliances (GSA's) are student clubs, just like Drama Club or Key Club, that allow students with a common interest to get together and have discussions or activities about that interest. GSA's are made up of students of any sexual orientation, not just gay kids. They can be support groups, or they can be educational or political organizations dedicated to making a school a safer space for all students, or both.

The federal Equal Access Act says that **if a public school permits non-curricular clubs, then it must allow students to form a GSA** if they want to and the school has to treat it the same as it does other non-curricular clubs. Non-curricular clubs are groups that aren't directly related to classes taught in the school. For example, Math Club is curricular but Chess Club isn't.

Starting a GSA is like starting any other club - find out what your school's rules are for forming an official student organization (things like getting a faculty sponsor if one is required, etc.) and then follow those rules carefully. Document everything in case you have any trouble from the school later on. If you have to fill out any forms or submit anything in writing, keep copies of those things. Keep a record of dates when you submitted anything to the school, and how and when the school responded.

We've found that schools often don't know much about the law or think they can find some way to get around it. Blocking a GSA from forming or treating it differently from other non-curricular clubs is against the law, and if your school does it you should contact ACLU-TN.

PROM

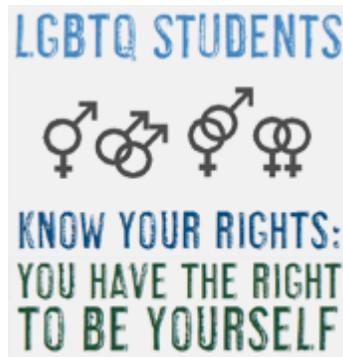
Did you know that your school can't stop you from bringing a same-sex date to prom? In 1980, a Rhode Island teenager successfully sued his school for the right to take his boyfriend to prom. A federal court ruled that taking a same-sex date to prom is a matter of free expression under the First Amendment and told the school that it had to let him go to the prom with his boyfriend.

If you go to a public school and school officials try to tell you that you can't bring a same-sex date to prom, tell them about the case of *Aaron Fricke v. Richard B. Lynch*.

GENERAL ADVICE

If you ever suspect that your school is treating you wrong because of your sexual orientation or gender identity:

Be respectful and follow the rules! Don't give your school any excuses for treating you badly by behaving badly or losing your temper.



Document everything!

Keep a record of the "Six Ws" each time you are harassed:

1. **WHO** was involved,
2. **WHAT** happened,
3. **WHERE** it happened,
4. **WHEN** it happened,
5. **WHO** you reported it to,
6. And if there were any **WITNESSES**.

If the school gives you anything in writing or if you submit anything in writing yourself, keep copies. Also take notes about any additional conversations you have with school administrators, and be sure to write down the dates for those too.

Get support! There are groups all over the country for LGBT youth, and if you live somewhere that doesn't have one, you can probably find an online discussion forum where you can be yourself and get reassurance that you're not alone.

Don't just believe what your school tells you!

A lot of the time, school officials either don't know what the law requires them to do or just figure you won't question what they say. Find out what your rights under the law are!



Find out more at:

[www.aclu-tn.org/
LGBTYouthCenter.htm](http://www.aclu-tn.org/LGBTYouthCenter.htm)

If you have more questions, please contact us:

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