



GLBTQ Legal Advocates & Defenders
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Rights of LGBTQ Youth in Massachusetts

(March 2014)

Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Youth have rights. Know your rights! If you have questions or need help, just contact GLAD Answers by email or live chat at www.GLADAnswers.org or by phone at (800) 455-GLAD (4523). A friendly volunteer will assist you 1-on-1. It is free and totally confidential.

IF YOU ARE A PUBLIC SCHOOL STUDENT

LGBTQ youth have the right to attend school in safety and free from discrimination and harassment based on their sexual orientation or gender identity or expression.

- LGBTQ youth must have equal access to and be allowed to participate on equal terms in all school programs, including extracurricular activities.
- Schools must keep LGBTQ youth safe from bullying, harassment and violence by teachers and staff, or other students. Bullying is defined as: any repeated written, verbal, electronic or physical acts that:
 - cause you physical or emotional harm;
 - damage your property
 - create a hostile school environment;
 - infringe on your rights; or
 - disrupt your education.

NOTE: Massachusetts' anti-bullying law also applies to some private schools.

- Schools are required to have an anti-bullying policy and all teachers and staff must report any bullying they know about and must take action to investigate it, stop it, and prevent it from happening again. The school also must inform your parents and the parents of the bully, but you have the right to ask them not to “out” you on your LGBTQ or HIV status.

- LGBTQ youth have the right to be open about their sexual orientation and gender identity and expression.
- Schools must respect the gender identity of transgender students. The Massachusetts Department of Elementary and Secondary Education has published guidance for public schools to follow. See: <http://www.doe.mass.edu/ssce/GenderIdentity.pdf>.
- Students have the right to form extracurricular groups, such as Gay-Straight Alliances on the same terms and with the same privileges and resources as all other extracurricular groups (some private school students also have this right).
- LGBTQ youth have the right to free speech and expression, including the right to express ideas respectfully that may offend others, and to disagree with others.
- Any public or private school which receives federal funds may not discriminate on the basis of sex or HIV status. Sometimes the harassment of a gay or transgender student will be sexual harassment, which is forbidden by the federal law known as Title IX.
- Students have the right to learn about LGBTQ issues and must have access to information and resources about LGBTQ issues and people, including education websites, regardless of objecting school officials or parents.

IF YOU ARE IN THE CHILD WELFARE SYSTEM

LGBTQ youth have the right to safe and appropriate placements in the child welfare system, free from discrimination and harassment based on their sexual orientation or gender identity or expression.

- LGBTQ youth have the right to be free from harassment and abuse based on actual or perceived sexual orientation or gender identity or expression in foster care placements. This means that youth should be protected from both physical and emotional harm in their placements, and should be placed with caretakers who will ensure their safety and wellbeing outside the home.
- LGBTQ youth have the right to be open about their sexual orientation and gender identity and expression.
- Transgender youth have the right to be identified by the name and pronouns that accord with their gender identity and to wear clothing consistent with their gender identity.
- LGBTQ youth have the right to be free from religious indoctrination that condemns or disparages their sexual orientation or gender identity or expression.

LGBTQ youth have the right to equal treatment and to access appropriate services for their sexual orientation or gender identity or expression while in the child welfare system.

- LGBTQ youth must have access to appropriate medical or mental health care, and should not be forced to undergo improper or disreputable services damaging to their wellbeing, such as reparative or conversion therapy.
- LGBTQ youth should be treated equally to heterosexual and gender conforming youth, including with regard to age appropriate displays of affection.
- LGBTQ youth should have access to supportive materials and resources.

IF YOU ARE IN THE JUVENILE JUSTICE SYSTEM

LGBTQ youth have the right to safe and appropriate placements in the juvenile justice system free from discrimination and harassment based on their sexual orientation or gender identity or expression.

- LGBTQ youth are entitled to protection from physical, emotional or sexual abuse by other youth or facility staff.
- A facility's response to harassment or violence against an LGBTQ youth cannot be to move the LGBTQ youth to a more restrictive facility or to isolate the LGBTQ youth.
- LGBTQ youth cannot be segregated or classified as sex offenders based on myths that LGBTQ youth will prey on other youth.
- LGBTQ youth have the right to be open about their sexual orientation and gender identity and expression.
- Transgender youth have the right to be identified by the name and pronouns that accord with their gender identity and to wear clothing consistent with their gender identity.

LGBTQ youth have the right to equal treatment and to access appropriate services for their sexual orientation or gender identity or expression while in the juvenile justice system.

- LGBTQ youth must have access to appropriate medical or mental health care, both for general services and for any medical services that may be unique to LGBTQ youth.
- LGBTQ youth should not be forced to undergo improper or disreputable services damaging to their wellbeing, such as reparative or conversion therapy.

- LGBTQ youth may not be disciplined for engaging in age-appropriate romantic or sexual conduct that would not be punishable between two different-sex youth.
- LGBTQ youth have the right to be free from religious indoctrination by facility staff that condemns or disparages their sexual orientation or gender identity or expression.

That's a lot of rights!! If you need help sorting this out, have questions or a situation you need help with, GLAD is here to help. Just contact GLAD Answers by email or live chat at www.GLADAnswers.org or call our toll-free number, 800-455-GLAD (4523). A friendly volunteer will assist you—it's free and confidential. We just want to help you know your rights and know what to do if someone isn't respecting them.

ADDITIONAL RESOURCES

PROTECT YOUR RIGHTS

GLAD Answers:

Call: (800) 455-GLAD (4523)

Email or Live Chat: www.GLADAnswers.org

Massachusetts Commission Against Discrimination

Boston: (617) 994-6000

New Bedford: (508) 990-2390

Springfield: (413) 739-2145

Worcester: (508) 799-8010

Massachusetts Department of Elementary and Secondary Education Problem Resolution System

(781) 338-3700

compliance@doe.mass.edu

United States Department of Education Office of Civil Rights

(617) 289-0111

OCR.Boston@ed.gov

KNOW MORE ABOUT YOUR RIGHTS

Actions schools must take to prohibit harassment/discrimination of LGBTQ students according to the code of Massachusetts Regulations:

<http://bit.ly/maschoolregulations>

The text of the Massachusetts anti-bullying law: <http://bit.ly/mabullyinglaw>

GLAD's publication: *What To Do If You're Being Bullied*: <http://bit.ly/whattodoif>

GLAD's publication: *Rights of LGBT Public School Students*:
<http://bit.ly/studentrights>

More info about GSAs from the Massachusetts Department of Elementary and Secondary Education: <http://bit.ly/gsarights>

LOCAL LGBTQ YOUTH GROUPS

BAGLY

www.bagly.org

GLBT Youth Group Network of Massachusetts

To find a group near you visit www.bagly.org/programs/

Boston GLASS

<http://bit.ly/Pokxfs>

LGBT Coalition of Western MA

<http://bit.ly/wmayouthcoalition>

Asian Pride/MAP

<http://maphealth.org/programs/asian-pride>

OTHER RESOURCES YOU CAN USE

AIDS Action Committee Hotline

(800) 235-2331

Hispanic Black Gay Coalition

www.hbgc-boston.org

Fenway Community Health Center Peer Listening Line

(800) 399-PEER (7377)

Gay, Lesbian and Straight Education Network (GLSEN)

<http://bit.ly/glsenstudent>

Parents, Families & Friends of Lesbians and Gays (PFLAG)

www.gbpflag.org

The Trevor Project

Crisis/Support Line: (866) 488-7386

www.thetrevorproject.org

If your school doesn't take you seriously, if you find that any of your rights are not being respected or if you have *any* legal question, contact GLAD Answers by email or live chat at www.GLADAnswers.org or by phone at (800) 455-GLAD (4523).