# ERASING LGBTQ PEOPLE FROM SCHOOLS AND PUBLIC LIFE

March 2023







This report was authored by:

### **Movement Advancement Project**

MAP's mission is to provide independent and rigorous research, insight, and communications that help speed equality and opportunity for all people. MAP works to ensure that all people have a fair chance to pursue health and happiness, earn a living, take care of the ones they love, be safe in their communities, and participate in civic life. For more information, visit www.mapresearch.org.

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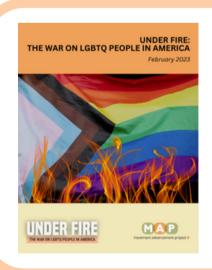
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### **TABLE OF CONTENTS**

WHAT MAKES THIS MOMENT DIFFERENT: A FIRESTORM	1
OPPONENTS' GOAL: ERASING LGBTQ PEOPLE FROM SCHOOLS & PUBLIC LIFE	2
OPPONENTS' TACTICS: HOW THEY ARE ACCOMPLISHING THEIR GOALS	3
#1: So-Called "Don't Say Gay or Trans" Curriculum Censorship & Book Bans	4
#2: School Policies Preventing Transgender Youth From Being Themselves & Equally	
Accessing School Spaces & Activities	5
#3: Removing Anti-Bullying & Harassment Protections for LGBTQ Students	6
#4: Outlawing & Even Criminalizing Supportive School Environments, Including Firing	
or Suing Teachers	7
#5: Rewarding & Protecting Anti-LGBTQ Teachers	7
#6: Pulling Out of Longstanding School Survey Efforts	8
#7: Purging Public Libraries	8
#8: Regulating Drag Shows	9
WHAT'S NEXT	9



THIS REPORT IS THE 2ND IN THE "UNDER FIRE" SERIES FROM THE MOVEMENT ADVANCEMENT PROJECT.

THE ENTIRE SERIES WILL BE AVAILABLE HERE.



## WHAT MAKES THIS MOMENT DIFFERENT: A FIRESTORM

LGBTQ people in America are under attack like never before. Some of what is happening across the country is appearing in the media. Certainly, there has been increased attention to so-called "Don't Say Gay or Trans" bills and efforts to censor school curricula, ban books, ban transgender youth from playing sports, and ban transition-related care for transgender youth.

However, seeing each of these issues individually is like focusing on a single skirmish without understanding that they are part of a larger war against LGBTQ people in America. Anti-LGBTQ forces will settle for nothing less than eliminating openly LGBTQ people from the fabric of society. They are launching fast, furious, and coordinated attacks that are astonishing in their breadth, cruelty, and flagrant disregard for personal freedoms.

In this new series from the Movement Advancement Project, and outlined in more detail below, opponents of LGBTQ people are pursuing their goals through policies that:

- Erase LGBTQ people from schools and public life.
   They want to make it impossible for LGBTQ youth to be themselves in schools—banning or fining teachers and schools for even talking about LGBTQ people or issues, pulling books off library shelves, and banning teachers from supporting LGBTQ students. In short, they want LGBTQ youth to be treated like they don't exist, and those who disagree will be fired, fined, or even imprisoned.
- Criminalize and ban transition so transgender people can't be themselves. Opponents want to make it impossible for transgender people to be themselves by banning transition-related care and criminalizing supportive parents and doctors. They are also prohibiting transgender and nonbinary people from updating their identity documents like birth certificates driver's licenses, and ID cards. They are passing policies requiring governments, schools, and teachers to only recognize sex assigned at birth or inaccurate pronouns.

- Enshrine inequality. They want to enshrine legal inequality so that LGBTQ people and their families will be poorer, less secure, and face more obstacles. This includes repealing or fighting nondiscrimination protections so that LGBTQ can be fired or not hired, refused housing, denied service in public places, even denied medical care, and more.
- Erect systemic and structural barriers to make change harder. By rolling back voting rights, doubling down on gerrymandering, insulating lawmakers from accountability, and much more, these opponents have made it even harder than ever before for individuals to make change, or to elect leaders that reflect the values held by the majority of Americans, including support for LGBTQ people.
- Silence supporters. Anti-LGBTQ opponents also want to silence, sue, fine and penalize parents, teachers, doctors, companies and others who are LGBTQ allies.

In all these efforts, opponents are using increasingly dangerous and inflammatory rhetoric to vilify LGBTQ people. Anti-LGBTQ activists paint LGBTQ people as predators and foment violence against them. The resurgence of the "groomer" narrative—that LGBTQ people are explicitly sexualizing and abusing children—is particularly troubling and dangerous. These harmful narratives seek to push LGBTQ people to the corners of society and have them fear for their lives.

It is a mistake to see 2023 as a moment of progress with a few setbacks. In reality, it is clear this is a war against LGBTQ people in America and their very right and ability to openly exist.

This report, the second in the "Under Fire" series, focuses on efforts to erase LGBTQ people from schools and public life. All the reports in this series will be available here, including the overview report released in February 2023.



# OPPONENTS' GOAL: ERASING LGBTQ PEOPLE FROM SCHOOLS & PUBLIC LIFE

Anti-LGBTQ activists are making a concerted effort to erase LGBTQ people, and especially LGBTQ youth, from public life. Perhaps this seems like hyperbole but consider this: if LGBTQ people can't be visible in society and LGBTQ youth can't be visible in school; if governments no longer collect data about LGBTQ people; if discussions about LGBTQ people simply can't occur; if there aren't books and school lessons about LGBTQ people, their contributions, and their lives; and if trans youth must be called by their old names and pronouns — then LGBTQ people will not be able to publicly exist.

This broader goal of removing LGBTQ people from schools and public life is evidenced by the broad, coordinated efforts of well-financed, far-right lobbyists and extremist groups. When a bill makes progress in one state, we quickly see <a href="copy-cat language and bills across many other states">copy-cat language and bills across many other states</a>, and even federally, often nearly identical to "model" legislation proposed by these groups. These lobbyists are also coordinating efforts at the local level through school boards and school districts, pushing efforts to ban books, remove rainbow flags, take down "safe space" stickers, and more. Local towns are seeing battles over public library funding because of the inclusion of LGBTO content on the shelves.

These attacks that particularly target LGBTQ youth come at a time when studies consistently find that a growing number of young people identify as LGBTQ; recent analysis by the Williams Institute shows that an estimated 9.2% of youth 13-17 identify as LGB and less than 1% of youth identify as transgender. A 2021 Gallup survey found that rates of LGBTQ identification among young adults ages 18 to 25 had nearly doubled from 2017 to 2021. While growing rates of LGBTQ identification likely reflect growing public awareness, understanding, and support for LGBTQ people and issues, opponents of LGBTQ equality have twisted this to stoke moral panic and fears of "social contagion," all while pushing vicious and repressive legislative attacks on LGBTQ people.

Importantly, even when these legislative attacks do not become law, these politicized attacks cause serious harm to LGBTQ youth and their families. For example, in a survey, by The Trevor Project, 86% of transgender and nonbinary youth said that their mental health was negatively impacted by recent debates over anti-LGBTQ bills in state legislatures.

86%

of transgender and nonbinary youth said that recent debates about anti-transgender bills have negatively impacted their mental health.

Source: The Trevor Project and Morning Consult poll, issues Impacting LGBTQ Youth (2023).

This second report in the "Under Fire" series from the Movement Advancement Project explores more deeply how these efforts jeopardize the ability of LGBTQ people, especially LGBTQ youth, to participate in public life and to go to school in a safe and inclusive environment.



# OPPONENTS' TACTICS: HOW THEY ARE ACCOMPLISHING THEIR GOALS

Opponents are working toward their goal of removing LGBTQ people from public life in several ways, including: an increasing volume and speed of attacks; attacks that are increasingly creative, bold, and cruel; and attacks that rely on hostility, vitriol, and even violence against LGBTQ people and youth.



**Quantity & Speed of Attacks.** We've seen record numbers of bad bills introduced and in far more states.



**Breadth, Creativity & Boldness of Attacks.** The variety of attacks, including on transgender youth and their families, LGBTQ youth in schools, transgender adults, and LGBTQ people more broadly, is staggering.



**Hostility, Vitriol & Violence.** These escalating attacks are both fueling and fueled by the growing resurgence of the anti-LGBTQ "groomer" narrative, targeted threats and harassment, violence against hospitals, and even shootings.

In school settings, these efforts include making it illegal to talk about LGBTQ people or issues or to support LGBTQ students, pulling all LGBTQ content from school libraries and books, banning transgender students from playing sports with their friends or using the restroom at school that matches their gender identity, and more. There has been a sharp increase in the number of school-related bills in recent years. According to the ACLU, there have been over 160 anti-LGBTQ-related school and education bills introduced in 2023 in state legislatures around the country, in just the first two months of the year.

These efforts to limit the visibility and acceptance of LGBTQ people extend beyond schools and into public life more broadly. This includes book bans at public libraries, withholding public funds from libraries, and bans on drag shows—an art form dating back centuries and a particularly important part of LGBTQ culture and history. As of March 2, MAP is tracking at least 41 bills in 16 states targeting drag performances.

These efforts are moving quickly and are a marked shift from the trends of the past decade. For example, in the past three years alone, we've seen the first ban on transgender youth playing sports in 2020 grow quickly into 19 states with such bans, as shown in *Figure 3* on page 6. Notably, as shown in *Figure 1* on page 4, from 2006 to 2021, there had been a decline in the number of states with curriculum censorship or so-called "Don't Say Gay or Trans" laws. Yet, in 2022, two states passed such laws, reversing a two-decade long trend, and in 2023, one state has passed such a law with many more states are considering these or even more extreme censorship bills.

The tactics that opponents are using to erase LGBTQ people and youth from schools and public life include:

## GOAL: ERASE LGBTQ PEOPLE & YOUTH FROM SCHOOLS AND PUBLIC LIFE

**Tactic #1:** So-called "Don't Say Gay or Trans" curriculum censorship & book bans

**Tactic #2:** School policies preventing transgender youth from being themselves & equally accessing school spaces & activities

**Tactic #3:** Removing anti-bullying & harassment protections for LGBTQ students

**Tactic #4:** Outlawing & even criminalizing supportive school environments, including firing or suing teachers

**Tactic #5:** Rewarding & protecting anti-LGBTQ teachers

Tactic #6: Pulling out of longstanding school survey efforts

**Tactic #7:** Purging public libraries

Tactic #8: Regulating drag shows





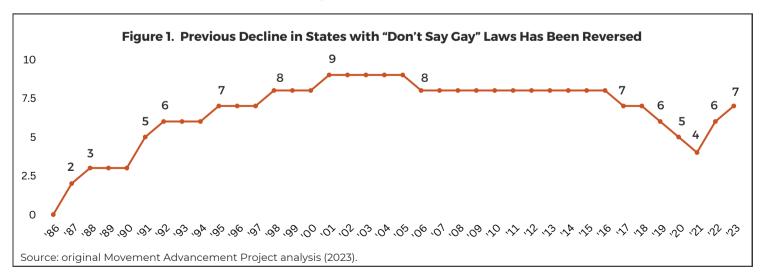


### TACTIC #1: SO-CALLED "DON'T SAY GAY OR TRANS" CURRICULUM CENSORSHIP & BOOK BANS

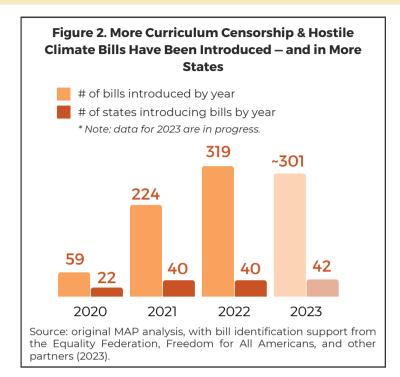
States and local school districts are censoring discussions about LGBTQ people in schools. In the past few years, a growing number of states have proposed or passed school curriculum and school censorship bills, as shown in Figure 2 on the next page. These bills censor or restrict inclusive curricula, including about race, ethnicity, LGBTQ people, and more. For example, in Florida, the state enacted multiple school censorship laws, and the state has since banned more than 50 math textbooks, rejected an Advanced Placement (AP) course on African American Studies, and caused the emptying of school library shelves until the books can be "reviewed" for compliance with these new censorship laws. In Missouri, following the passage of its explicit material law in 2022, more than 300 books had been removed from school libraries, ranging from books with LGBTQ content to books about the Holocaust and books about Renaissance painters. Furthermore, many of these bills limit actual classroom content or discussions about LGBTO people, race, and more in the classroom by teachers and school staff, blocking the ability of students to access a comprehensive, quality education.

While Florida was not the first state to enact this socalled "Don't Say Gay or Trans" law censoring LGBTQrelated discussions at school, it was the first state to do so in over 20 years. These laws have existed for decades, but prior to Florida's law, there had been a slow but steady trend of states repealing their older bans, as shown in *Figure 1*. But the last few years have marked a resurgence in efforts to limit discussions of LGBTQ issues in schools. *Figure 2*, on the next page, shows the growth in curriculum censorship and hostile school climate bills in both the number of bills introduced, which more than quadrupled in number from 2020 to 2022, and in the number of states where such legislation was introduced.

In 2023, these censorship efforts continue, and they continue to grow. For example, Florida's law passed in 2022 explicitly bans any discussion of sexual orientation and gender identity in grades K-3. The Florida law, as well as many bills introduced, creates a private right of action for parents through which schools can be sued for monetary damages and teachers can be fired. A new proposed bill would expand the censorship of sexual orientation or gender identity discussions through eighth grade. A bill introduced in Kentucky would ban any discussion of gender, sexual orientation, and gender identity in grades K-8, and for grades 9-12, discussions would be prohibited unless required for the approved curriculum. Lawmakers in lowa, a state which has robust nondiscrimination protections for LGBTQ students and people, have nonetheless considered several bills that would ban sexual orientation and gender identity from curriculum or other school materials for students in grades K-8.







Even when efforts to pass state laws fail, some opponents have turned to local school boards to challenge the inclusion of particular books in school libraries or particular curricula. The far right group, Moms for Liberty, has developed talking points and other resources to support these local censorship efforts. In a town outside of Philadelphia, an assistant superintendent sent an email requesting that all books "referencing gender identity" be removed from elementary school libraries. Books that have been challenged mention a child with two moms and a book about two male penguins raising a baby chick. According to Pen America, between July 2021-June 2022, 41% of the more than 1,600 unique books banned had LGBTQ protagonists or prominent characters or explicitly addressed LGBTQ topics.

While it didn't advance in Congress, in late 2022, Republican members introduced a bill that would cut off federal funding for schools, public libraries, hospitals, and any other entity that made available books about LGBTQ people or families to children under the age of 10. In 2023, the "Parents Bill of Rights Act" (HR 5), was introduced in the U.S. House. Among many things, the bill would require schools receiving federal funding to provide a list of books and materials held in the school library to parents. Former President Trump recently released an educational plan as part of his presidential campaign which included cutting federal funding for schools and programs that include

discussions of race, "gender ideology," and other topics.

Another recent "innovation" are efforts to control curriculum beyond primary and secondary schools and expand to public universities. For example, in Florida, legislation introduced would require public colleges and universities to stop offering majors or minors related to women's or gender studies, "critical race theory," or "intersectionality."

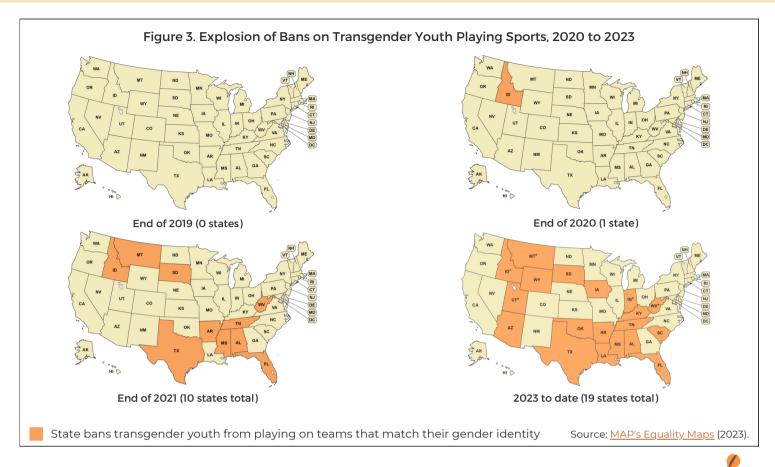
TACTIC #2: SCHOOL POLICIES / PREVENTING TRANSGENDER YOUTH FROM BEING THEMSELVES & EQUALLY ACCESSING SCHOOL SPACES & ACTIVITIES

Three key efforts jeopardize the safety and ability to fully participate in school life for transgender youth: bathroom bans, bans on transgender youth playing on sports teams, and bans on use of accurate pronouns.

Bans on transgender youth using restrooms that match their gender identity. Currently, four states have laws banning transgender students from using school facilities that match their gender identity: Alabama, Arkansas, Oklahoma, and Tennessee. Research shows that banning transgender students from bathrooms that match their gender identity results not only in emotional harms but that students can suffer physical discomfort and even infections. A bill introduced in Kentucky (HB 470) would ban transgender youth from any shared bathroom that doesn't match the sex on their birth certificate, and dozens of bills in other states across the country are considering similar restrictions. A bill filed in Florida (SB 1674) require that schools in the state develop disciplinary procedures to punish transgender youth who use the restroom that matches their gender identity. Some of these bills have gone even farther to apply to restrooms not just in schools, but to regulate all public restrooms.

Bans on transgender youth playing on sports teams. As shown in *Figure 3*, on the next page, perhaps the fastest moving of all types of anti-LGBTQ legislation in recent memory have been laws banning transgender youth from playing on sports teams in accordance with their gender identity. In 2019, not a single state had such a law. In 2020,





Idaho became the first state to pass such a law. As of March 2023, 19 states now have laws banning transgender youth from playing sports on teams that match their gender identity.

In March 2023, a U.S. House Committee held a markup of the "Protection of Women and Girls in Sports Act of 2023 (HR 734)," which would bar education funds to schools and universities that permit transgender girls and women to play on sports teams that match their gender identity.

Banning the use of accurate pronouns for transgender youth. A bill in Kentucky would make it illegal for a teacher or counselor to use a transgender youth's name or pronouns that reflect their current gender identity. In Montana, legislation that was introduced would tie the hands of school districts to enforce policies requiring teachers or students to use a transgender student's name or pronouns if they are not the student's legal name or sex assigned at birth. In Indiana, proposed legislation would require not only parental consent to update a child's name or pronouns but also a doctor's approval—and even then no school employee could be required to use the updated name or pronouns.

TACTIC #3: REMOVING
ANTI-BULLYING & HARASSMENT
PROTECTIONS FOR LGBTQ
STUDENTS

Some states are ignoring and pushing back against federal anti-bullying and nondiscrimination protections for LGBTQ students. This ultimately leads to heightened bullying, harassment, and exclusion, and leaves LGBTQ students less safe and less likely to attend school.

In <u>guidance to states</u>, the U.S. Department of Education has made clear that students must be protected from bullying, discrimination, and unequal access to educational benefits. Yet, states continue to ignore the law and even openly flout it. For example, in July 2022, the <u>Florida Education Commissioner sent a letter</u> to schools urging them to ignore federal protections and that "The Department will not stand idly by as federal agencies attempt to impose a sexual ideology on Florida schools that



risk the health, safety, and welfare of Florida students." Similarly, following Florida's passage of a school censorship law, the state board of education sent notices to 10 school districts notifying them that their district policies, including nondiscrimination provisions, "may not comport with Florida law." In 2021, 20 state attorneys general challenged in court the U.S. Department of Education interpretations that Title IX's prohibition on sex discrimination applied to LGBTQ students.

Some states are attempting to roll back or repeal their state nondiscrimination or anti-bullying laws or policies that currently protect youth. For example, in lowa during the past several years, <a href="Lawmakers have proposed legislation">Lawmakers have proposed legislation</a> that would remove "gender identity" from the state's nondiscrimination laws, which cover schools.

TACTIC #4: OUTLAWING & EVEN CRIMINALIZING SUPPORTIVE SCHOOL ENVIRONMENTS, INCLUDING FIRING OR SUING TEACHERS

There are several recent efforts that would make it more difficult for educators to support all students. These include:

Penalties for teachers who violate curriculum censorship laws. In some state curriculum bans, school staff can be held personally liable if they violate the law. For example, in Missouri, the <a href="school censorship bill">school censorship bill</a> could result in the suspension or revocation of a teacher's licenses and possible lawsuits against the school, including from either parents or the state attorney general.

Forced outing of students. A bill in Kentucky would require schools to notify parents if their child uses a name or pronoun that differs from their existing school documentation or if the student's gender expression changes. A similar bill in lowa would require schools to notify parents if a student's physical, mental, or emotional well-being changed. In Mississippi, a proposed bill would remove the requirement that school counselors abide by

the <u>American School Counselor Association's code of ethics</u>, which includes many references to respecting students' privacy and supporting and advocating for students, including around issues of sexual orientation, gender identity, and gender expression.

Banning pride flags and other supportive symbols like "Safe Space" stickers. Teachers were forced to take down LGBTQ safe space signs. In early 2023, outside of Philadelphia, a librarian was told to take down a quote from Holocaust survivor Elie Wiesel. In West Virginia, a bill would ban images and symbols "advocating" for sexuality or gender in schools, which also includes a potential penalty of being fired for teachers who violate it. As is frequently occurring, these types of bills are also broadening outside of schools. For example, a Florida bill would restrict what flags could be flown over government buildings, including schools and local cities.

TACTIC #5:
REWARDING & PROTECTING
ANTI-LGBTQ TEACHERS

Recently teachers and professors who do not want to use a student's correct pronouns have found recourse through employers and some courts. For example, in April 2022 a small public university in Ohio settled a lawsuit with a professor for \$400,000 after he refused to use a transgender student's correct pronouns. Similarly, in Kansas a middle school math teacher received \$95,000 after she was reprimanded and suspended for refusing to follow the district's policy about student pronouns. While neither of these cases set precedent, they are a harbinger of cases to come.

As noted above, <u>some state bills</u> not only allow for or even require the intentional use of incorrect pronouns for transgender youth, but more and more bills are proposing explicit protections for teachers and school staff who refuse to treat transgender students with respect.



# TACTIC #6: PULLING OUT OF LONGSTANDING SCHOOL SURVEY EFFORTS

The Youth Risk Behavior System (YRBS) is a major survey of high school students across the country, conducted by the CDC and in partnership with states and school districts for nearly 30 years. The YRBS covers many vital topics, including mental health, physical activity, and more. Among many other demographic questions, the YRBS also includes age-appropriate questions about sexual orientation and gender identity.

These surveys have been critical in helping policymakers, school professionals, and researchers to understand the needs and experiences of all students, including the importance of inclusive school climates for LGBTQ students. For example, data from the YRBS released in early 2023 showed that LGBTQ students were among those who felt least connected at school, but that in schools that implemented supportive policies for LGBTQ students, both LGBTQ and heterosexual students saw improvements in health and well-being.

However, this current wave of anti-LGBTQ attacks has nonetheless targeted even vital surveys such as the YRBS. Most recently, the Florida Department of Education and the Florida Department of Health announced the state would no longer participate in the national survey, a decision made in the same month that the governor enacted the state's notorious "Don't Say Gay or Trans" law. Even though parents can already opt their children out of the YRBS, dozens of bills in many states across the country are similarly targeting surveys in schools such as the YRBS.

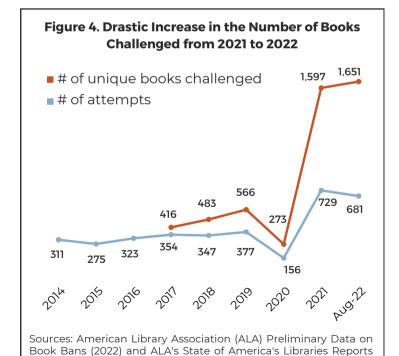
By withdrawing from the survey—a survey that allows students to counted as LGBTQ—states and districts are further trying to erase LGBTQ youth and the harms of the anti-LGBTQ legislation they are passing. If these youth aren't counted in the surveys, then their experiences—including potential harm caused by newly enacted and discriminatory policies—cannot be identified. In other words, states are both attacking LGBTQ youth in increasingly dramatic ways, and then taking further steps to bury evidence of the potential harm these politicians have caused.

## TACTIC #7: PURGING PUBLIC LIBRARIES

The efforts to deny the existence of LGBTQ youth has moved beyond just schools. Public libraries across the country have found themselves targets of campaigns to ban books that feature LGBTQ youth. Opponents somehow believe that if such books are not available, then LGBTQ youth won't exist.

The number of documented attempts to ban books from libraries documented by the American Library Association from January to August 2022 broke the previous record set–in 2021 for the entire calendar year, as shown in *Figure 4*. Half of the top 10 most challenged books in 2021 were targeted because of LGBTQ content, according to the American Library Association.

The president of the Louisiana Association of School Librarians was <u>described as a "deviant and a danger to children" and faced attacks online</u> after she spoke out against censorship in public libraries. In that state, the <u>attorney general encouraged the public to call into a tip line</u> to report librarians, teachers, and other staff who provide children with library materials they disagree with.



(2014-2021).





## TACTIC #8: REGULATING DRAG SHOWS

Reflecting the broader effort to push LGBTQ people out of public life entirely and take us back decades into the past, politicians in 2023 are once again targeting drag performances. While laws in the U.S. targeting gender-based rules about clothing and attire also go back decades if not centuries, 2023 is seeing an entirely unprecedented wave of attacks on drag, as one of many ways to attack transgender people and the LGBTQ community more broadly. While doing drag and being transgender are two different things (drag is something people do, and being transgender is who a person is) these bills are often written so vaguely that they could easily open a door to apply not only to drag performers, but also to transgender people themselves.

As of March 2, MAP is tracking at least 41 bills targeting drag across at least 16 states. While these bills operate in a variety of ways, they all seek to criminalize, restrict, or outright ban drag performances, particularly in the presence of minors. Most of these bills also incorrectly and explicitly assume drag is inherently sexual, obscene, or harmful to children—further illustrating these politicians' goals of pushing drag and, by extension, transgender people, out of public spaces.

Some bills would ban children from drag performances such as "Drag Queen Story Hour" sometimes held at public libraries or bookstores or could block public drag performances, including at Pride events. Many of these bills would categorize any drag performance as "adult-oriented" or "sexually oriented" and require businesses that host them to register as "adult-oriented businesses," subjecting them to further government regulation and restrictions. Some bills would ban public funds, such as those for public libraries, from being used to host drag events. One bill in Arizona goes so far as to label bringing a child to a drag event "child abuse" and a parent could face criminal charges for doing so.

There are concerns that some of these bills are written so broadly than any transgender person who, for example, performs in a play or speaks publicly, may violate the law. For example, the <a href="Nebraska legislation">Nebraska legislation</a> would ban anyone

under the age of 19 from attending a performance where a performer "exhibits a gender identity" that is different from their sex assigned at birth. A bill introduced in West Virginia would expand the penalties for sexually explicit content to include "any transvestite and/or transgender exposure, performances or display to any minor," which could be understood as a ban on transgender teachers in schools, and much more.

The first state to pass such a ban was Tennessee, where the governor signed a bill in March 2023. The law requires any business hosting a drag event to register as an adult-oriented business, incorrectly equating all drag shows with stripping or sexual performances—regardless of the content of the actual performance and regardless of how the transgender person is dressed. Because such businesses are limited in where they can be located, such as not near parks, schools or churches, these added requirements may severely limit drag performances, as well as harm existing businesses likes LGBTQ community centers or bookstores that host drag shows but are located near these restricted areas.

### **WHAT'S NEXT?**

States across the country are considering legislation that makes it unsafe and even illegal for LGBTQ people to be themselves and be supported at school, threatens those who support LGBTQ youth, removes LGBTQ content from bookshelves and libraries, and makes LGBTQ visibility and drag illegal. These efforts are just one part of a multi-prong war on LGBTQ people, as summarized in our kickoff report, Under Fire: The War on LGBTQ People in the U.S. The majority of Americans support LGBTQ people. At this moment, it is critical that we look beyond individual bills or even categories of bills and understand the broader scope of what is occurring; there is a coordinated, organized effort to erase LGBTQ people from public life and to make it impossible for LGBTQ people to live their lives. These bills, and the rhetoric fueling them, are incredibly harmful to LGBTQ people and their families.

We at MAP will continue to track these efforts on our <u>LGBTQ Equality Maps</u> and through the ongoing "Under Fire" series, all of which will be available here.

