

MAKING THE CASE

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INTRODUCTION

Journeys

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A SINGLE STEP

It is said that every journey begins with a single step. Isabella Burgos was about to take a giant leap.

Isabella Burgos, or “Bella,” knew exactly who she was. She had spent the summer of 2014 defining – for herself and her family – her sense of self, her identity as an eight-year-old transgender girl. When school began again in September, Bella planned to take another giant leap and affirm her identity publicly and very bravely.

For 2SLGBTQ+ students, the first step is self-awareness – acknowledging to themselves who they truly are. That process can be difficult enough. Acknowledging who they are to others – particularly friends at school, classmates who may prove less than friendly, and teachers – is fraught with challenges and, sometimes, danger as their identities may not fit within traditional social norms and expectations.

Even within their own families, 2SLGBTQ+ students often are at risk. Ideally, for most children and youth, their parents, grandparents, brothers, and sisters can be a source of support during adolescence; however, for many 2SLGBTQ+ students, their identities may, in fact, be a source of stress or conflict within the family.¹

The term “coming out” refers to a lifelong process of the personal and public development of a positive gay, lesbian, bisexual, or transgender identity. For many 2SLGBTQ+ individuals, the first public step in declaring who they are begins at school. And increasingly, students are coming out earlier and in greater numbers than ever before;²

however, many struggle first with their own negative self-perceptions, stereotypes, and feelings of homophobia and/or transphobia learned and internalized while growing up.

Coming out, acknowledging one's identity, can be a very freeing and empowering experience for 2SLGBTQ+ students. Doing so allows them to live more honest lives and develop genuine trust and relationships with others. That said, the process is often one of both risks and rewards as acknowledging one's true self can be and sometimes is perceived as a threat to others and to one's community.³ While the rewards include building self-esteem and confidence and connecting with other 2SLGBTQ+ individuals, the risks – permanently changed relationships and potentially opening oneself up to rejection, discrimination, harassment, and/or physical abuse – are equally great.

Initially, Bella's experience at her school was positive. Adults changed that.

On the first day of school in 2014, and for a few days afterwards, Isabella used the girls' washroom at her elementary school in River East Transcona School Division (RETSD) in Manitoba without incident. In fact, Isabella told her parents that her friends and classmates had been supportive of this. Isabella felt safe.

Unfortunately, during the second week of September, the school's principal saw Isabella leaving the girls' washroom and told her she was not allowed to use it again. A few days later, a classmate's mother, who happened to be nearby, observed Isabella coming out of the girls' washroom and confronted her, telling Isabella that she could not use that washroom. This parent conveyed these same sentiments to Elizabeth Burgos, Isabella's mother, referring to Bella with male pronouns in the process.

Elizabeth Burgos and her husband Dale had conversations about this with the school, but the principal steadfastly refused to let Bella use the girls' washroom, insisting that she instead use the individual washrooms located throughout the school. However, it was never the expectation of Bella's parents that Bella would use only the individual washrooms, but that they would be available to her whenever she felt unsafe or needed to use them.

For Isabella and her parents, this single option was not good enough. Not only did it segregate Bella from her classmates, it also relayed to

others an unacceptable, harmful, and discriminatory message. Bella wanted the option to use the individual washroom, but she also sought the option to use the same washroom as any other girl in her school.

By the third week of September, Isabella's parents had decided to keep her home from school. They did not want her to experience segregation by being refused the right to continue to use the girls' washroom. Several days later, however, Bella returned to school because she wanted to be with her friends. The school continued to permit her to use only the individual washrooms and not the girls' washrooms. The negative impact on Isabella's well-being was noticeable and deeply felt.

Unable to shift the principal's position and concerned for her daughter's safety, largely due to the bullying by another student's mother, Elizabeth Burgos filed a human rights complaint against RETSD.

The complaint alleged, among other things, that RETSD, contrary to section 13 of the *Human Rights Code*, had discriminated against Bella in the provision of a service on the basis of her gender identity (transgender female) and/or failed to reasonably accommodate her special needs based upon her gender identity (transgender female) without bona fide and reasonable cause.

In essence, Bella was being denied the right to be who she was.

And so began Bella's very public journey. Her quest to full selfhood and citizenship received national attention and lasted almost two years. Like all journeys, there would be a cost to it, but also, in time, an end and – as is happening more and more frequently for 2SLGBTQ+ students like Bella – victory.

ASKING DIRECTIONS

“How do we get there?” I asked the student at the front door of the school.

A simple question but also a metaphor for what followed. I was in Toronto attending a student-run conference with a colleague. The conference was addressing the issue of sexual orientation and bullying. I was trying to find the auditorium where presentations were being given.

These were my first steps into work that would provide the basis for my career, and that would eventually give rise to my initiating this

book. In retrospect, that simple request for directions strikes me now as indicative of the larger question animating both my work and that of the authors of this book:

How do we create safe and inclusive schools for 2SLGBTQ+ youth? What's stopping us?

When it comes to the safety of 2SLGBTQ+ youth, students and teachers favour a broad definition of the term: safety must mean the inclusion and celebration of all students, regardless of identity. Often this is in conflict with the larger school culture, which frequently shows itself to be uncaring and/or hostile toward 2SLGBTQ+ students.

This is not likely to change when policies that exist to deal with bullying are conceptualized as “incident-bound” and “responsive” to isolated incidents. No matter how immediately or effectively punitive measures may be brought to bear on bullies, said punishments do nothing to change the current climate of a school system that gave rise to such harassment, marginalization, and bullying in the first place.

Eradicating bullying on its own is not enough. It is an effective starting point, but it is not where we want to end up. Schools must recognize, support, and celebrate its 2SLGBTQ+ students. Transforming the very culture of our schools is the only way to achieve “safe schools” for all 2SLGBTQ+ youth.

That is where we want to “get to.”

And the journey to that point contains two key elements: policies and education.

ROAD BLOCKS

So, what *is* stopping us?

Much of the resistance to creating safe and inclusive schools comes from the perceived impossibility of the task at hand. In particular, there is the perception that making schools safe for 2SLGBTQ+ students conflicts with the religious rights of others.

Other students, teachers, parents all have rights, too, don't they? Yes, they do. Those rights, particularly freedom of religion, have been recognized for decades, if not hundreds of years. But 2SLGBTQ+ students have rights, too, and those rights have been of concern for a much shorter period of time.

Students who are 2SLGBTQ+ have the right to go to school free from discrimination; they have the right to full citizenship in the schools they attend. So perhaps it was inevitable that there would be clashes between these two sides. And it is predictable that conflicts between 2SLGBTQ+ youth and their allies on the one hand, with so much more work to do, and those claiming religion-based rights on the other, who often – but not always – view that work as an infringement on their own rights, are going to continue.

The simple truth is, creating safe, inclusive schools is possible. Some schools are there already. For others, it will be a journey. But the results of legal challenges based on religious rights claims have increasingly resulted in wins for 2SLGBTQ+ rights.

Over the past twenty-five years, both lawmakers and the courts have sided with the desire to create safe and inclusive spaces for 2SLGBTQ+ students. The preconception that changing the culture of schools is impossible is just that – a preconception. It is possible, it has already been happening, and it will continue. The question for our times is: what role does each of us have in furthering that change?

Our goal with this book is to demonstrate this new truth, this new reality for 2SLGBTQ+ kids in school.

The law is on their side.

The law is on the side of those who support them.

So how do we get there with school culture itself? The first step is to recognize that laws aimed at responding to specific incidents of violence against 2SLGBTQ+ youth are insufficient. No matter how vigorously disciplinary measures are enforced, they are consistently shown to be ineffectual at preventing discrimination and violence aimed at 2SLGBTQ+ youth.⁴ What is needed are policies and educative initiatives that seek to transform the larger hostile culture of schools.

Secondly, it must be noted that some 2SLGBTQ+ individuals experience multiple forms of oppression. This is true, for example, of 2SLGBTQ+ students who are also Indigenous. Making safe and inclusive schools means also acknowledging and responding to the ways in which schools have failed these students, in particular with respect to their multiple identities.

Intersectionality is a framework for understanding how an individual's multiple social positions (e.g., sexuality, gender, sex, disability,



HOMOPHOBIA

Once used to refer to a culturally produced fear of homosexuality. More often used in a modern sense to indicate an intense dislike, distaste, or hatred of homosexuality and persons who are 2SLGBTQ+ or perceived to be. This dislike or hatred also includes biphobia, transphobia, acephobia, and just general queerphobia.



race, class) combine to create several modes of discrimination and privilege.⁵ Only by understanding the interconnected nature of, for instance, race, class, and gender (e.g., an Indigenous woman living in poverty) as they apply to an individual or group can we begin to comprehend the day-to-day experiences of an individual who intersects with more than one of these categories. In addition to Indigenous students, a 2SLGBTQ+ student with disabilities will experience school differently than a 2SLGBTQ+ student without disabilities.

Intersectionality requires that we identify and respond to the multiple forms of message giving and receiving that happens in schools intersecting with these individuals, to heed the possibility that some may experience disadvantage and inequality in more than one way.



INTERSECTIONALITY

Intersectionality is a framework for understanding the ways in which multiple forms of inequality or disadvantage converge in an individual's lived experiences. For example, a 2SLGBTQ+ student with disabilities experiences school differently than a 2SLGBTQ+ student without disabilities. This is true also of students who are Indigenous or assigned female at birth. An awareness of the intersection of these different modes of discrimination and privilege helps us to address the multiple failures in law and other social justice movements in achieving full social justice.



A long history of targeting Indigenous communities has contributed to how Indigenous youth experience discrimination and harassment at school from both students and staff. To that end, empirical evidence exists illustrating that approximately 65 percent of Indigenous 2SLGBTQ+ students feel unsafe at school because of their sexual orientation, 51 percent because of their gender expression, and 19.7 percent because of their race or ethnicity.⁶ Furthermore, Indigenous 2SLGBTQ+ students have reported harassment or assault at school based on their sexual orientation (78.4 percent), gender expression (70.4 percent), and/or race/ethnicity (46.1 percent).⁷

These results confirm that Indigenous 2SLGBTQ+ students experience school at the intersection of their racial identity, gender, and sexual orientation. It is therefore clear that in order to address the needs of Indigenous 2SLGBTQ+ students, schools must adopt an intersectional approach that challenges homophobia, transphobia, and racism.⁸

The same study confirmed the positive impact on the day-to-day experiences of Indigenous 2SLGBTQ+ students when schools have in place supportive resources, such as gay-straight alliances, sometimes called gender-sexuality alliances or GSAs, ethnic/cultural clubs, and specially trained teachers and staff.⁹

It makes sense then to champion laws and policies that give greater visibility to, and acceptance and celebration of, all 2SLGBTQ+ students in their various identities. In short, these students deserve to have full citizenship in the schools they attend – just like everybody else.

Let's rethink the preconceptions that defeat us before we even begin.

BIG IDEAS, BIG CHANGE ... BIG CONFLICT?

Is conflict inevitable when students need or want to be who they are? If legislation and policies are reconceptualized to transform school culture, to embrace and celebrate all students regardless of identity, their effectiveness will be greater. Students and teachers alike want to believe in the possibility that the larger school culture can change, and as more and more changes occur, this possibility will eventually become reality.

But there will be resistance at each step along the way. Often it will be expressed via religious concerns or similar language; however, opposition to change will not always be grounded in religious objection,

and religion-based objections do not exist within a vacuum. Rather, they exist as a powerful, defiant front resulting from larger cultural change. Some people, like the mother at Bella Burgos’s school, are afraid of the larger cultural change they see happening all around them. The faces on TV are not the same as they used to be. Marriage does not look like it once did.

As society moves forward and culture changes with it, power shifts into different hands. The influence of religion-based rights, for example, which previously seemed unlimited in scope, has been revealed to be far more limited than many would have thought, with historically unchallenged cultural spaces being more frequently disputed.

And so, at this juncture, most of the resistance to cultural change, in and out of schools, will be grounded in religious objection. Therefore, competing rights scenarios will arise with greater frequency.

It is fair at this point to ask what a competing rights scenario looks like. How will we know when different sets of rights compete with each other? And how will that competition be resolved?

A competing rights claim occurs when legally protected rights are present in claims made by two individuals or groups; however, a competing rights claim does not necessarily create a conflict with the *Charter*¹⁰ or result in unconstitutionality.



COMPETING RIGHTS

Sometimes a rights claim made by one person will conflict, or appear to conflict, with a rights claim made by someone else. This can happen when a 2SLGBTQ+ student asserts their right to exist free from discrimination inflicted by a teacher or another student, who in turn complains that the 2SLGBTQ+ student’s identity violates their legally protected religious freedoms. If possible, the courts will try to accommodate both rights claims. Sometimes, however, that is not possible. In such cases, the courts will then ask if the 2SLGBTQ+ rights claim infringes on the religion-based right in a significant way. If the answer is no, the religion-based claim will give way to the rights claim.



The Supreme Court of Canada has developed a framework for dealing with competing rights.¹¹ The court has said that rights claims should first be reconciled, if possible, through accommodation, but if competition is inevitable, claims must then be reconciled through balancing those rights currently in competition.¹²

The impact on both rights must be discerned, and balancing competing rights claims must be approached on a case-by-case basis. The analysis is deeply contextual, looking at the facts of actual conflicts and the *Charter* and constitutional values at stake. There is no one-size-fits-all solution to responding to conflicting rights claims.

Overall, the courts will endeavour to respect both sets of rights. If, however, there is no way to accommodate both rights, then and only then can rights be held to be in collision.

SEX AND RELIGION MERGE

Two parts of society that have become more complex in recent years – in terms of increasing recognition and influence – are sexuality¹³ and religion.¹⁴ However, through the power and influence of the media (including social media), television, movies, and music, traditional presumptions of heteronormativity (that heterosexuality is the default for most people) and assumptions about the primacy of Christianity have given way to a more nuanced understanding of religious and sexual diversity in Canada. This change has also been reflected in the law – courts have shown a willingness to rethink conventional perspectives that have, up to now, defined the structure and content of what is taught in schools. Further, lawmakers and the courts, in rethinking these perspectives, have exhibited a willingness to target the culture of schools. In short, those of us who undertake this change are not alone – the law supports us.

More recently, legal challenges have expanded to include sexualities and identities, on the one hand, and religion-based claims on the other. This book, therefore, considers how identities, sexualities and religion are increasingly coming into overt competition with one another. While most legal disputes so far have involved sexuality claims, we look at how legal claims related to identities and sexualities, newly or recently recognized in law, have succeeded in finding a foothold and increasing success in an education system in transition.

These issues are examined through both legal and educational lenses. Law and education are both normative enterprises that help to shape and mould human conduct. They do this by conveying certain accepted values and norms. It is not possible to separate one from the other.

Educational systems – both public and denominational – operate within a legal system that requires certain standards be met. In addition, the law requires that schools recognize various rights. The law supports 2SLGBTQ+ students on the basis that they are entitled to equality, and to attend school free from discrimination.

This protection comes from different legal sources. The constitutional basis for the guarantee of equality comes from the *Canadian Charter of Rights and Freedoms*. The *Charter*, finalized in 1981, enacted in 1982 – although the section 15 equality provisions did not come into effect until 1985 – is now part of the *Constitution Act* that created Canada in 1867. The *Charter* restricts government action and the actions of those to whom government delegates its authority – such as schools.

Section 15 guarantees equality before and under the law and equal protection and benefit of the law regardless of one’s race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. These are known as the “enumerated grounds.”

2SLGBTQ+ persons are not specifically mentioned in section 15. However, the Supreme Court of Canada has held that section 15



HETERONORMATIVITY

Heteronormativity is a system of attitudes based on cisgender expectations promoting heterosexuality as the normal and expected sexual orientation for both men and women. When the math teacher gives her students an algebra problem involving husband, Abhi, and wife, Isha, she may be racially sensitive, but her example is heteronormative.

Heteronormativity refers to the privileging of heterosexuality and the marginalizing of 2SLGBTQ+ people in the institutions of the family, health care, schools, marriage, media, and the workplace.



protection includes certain “analogous grounds,” including sexual orientation.

2SLGBTQ+ students derive protection from human rights legislation that exists in each province and territory in Canada. For example, in Ontario, the *Human Rights Code* recognizes and protects students (or anyone) from discrimination based on their sexual orientation and gender identity and gender expression. The legislation differs somewhat between the individual provinces and territories (some statutes expressly protect gender identity and gender expression), but human rights statutes are considered quasi-constitutional, meaning they take priority over any other provincial laws.

Protection is given also to religion-based rights claims. These rights also find their basis in both constitutional and human rights-based protections (see [Chapter 2](#)). Certain claims to religious education, such as the separate status of Roman Catholic schools in Ontario, are also subject to constitutional protection under the *Constitution Act, 1867*.

GAY-STRAIGHT ALLIANCES

Decisions by school authorities in support of 2SLGBTQ+ students inevitably upset certain religious groups and persons. This is especially true in recent debates regarding the mandating of gay-straight alliances or gender-sexuality alliances (GSAs) in Canadian schools.

Strong reactions have resulted from the debates around GSAs as it is often argued that sexual orientation rights conflict with the freedom of religion of others. This is almost always the argument asserted by someone objecting to the establishment of a GSA in a particular school.

However, human rights tribunals and Canadian courts have continually held that protecting freedom of religion should not be grounded in the exclusion of 2SLGBTQ+ students or the denial of the rights of 2SLGBTQ+ students to be safe and free from discrimination in schools.

This has been the law’s journey.

In recent years, Ontario, Manitoba, and Alberta introduced legislation permitting GSAs. These provinces compelled schools to establish GSAs when requested by students, and gave students the right to use the word “gay” in the name of the group.

There was both support and, predictably, objections.

Those objections remind us that defending the human rights of 2SLGBTQ+ students will inevitably occur alongside assertions that sexual orientation rights are in conflict with religion-based claims and religious exceptionalism. These objections can be counted on when crafting legal responses to homophobic and transphobic bullying in schools.

Certainly, religion-based resistance will be mounted in opposition to the transformative goals of these positive and inclusive approaches. These sorts of objections will continue until the day comes when 2SLGBTQ+ acceptance is the norm.

That day will come.

OTHER QUESTIONS

The debates surrounding GSAs have proven to be foundational to other disputes and have given rise to other questions. For example, can a religion-based school exclude 2SLGBTQ+ students?

This very question created a national furor when Trinity Western University in British Columbia (TWU)⁴⁵ announced its intention to create a new law school. Trinity Western University proposed that its students be required to sign a controversial community agreement, or covenant, that included abstinence from sex outside of heterosexual marriage.

Eventually, the Supreme Court of Canada said no.



HETEROSEXISM

Heterosexism is the assumption that everybody is heterosexual. It is an example of prejudice, stereotyping, or discrimination against 2SLGBTQ+ persons, and is grounded in the belief that heterosexuality is “normal,” and that same-sex relationships and same-sex sexual activity and desire are outside the norm.

Heterosexism then is a bias, prejudice, or viewpoint that favours heterosexuals.



The court was confronted with two competing rights claims. The rights of 2SLGBTQ+ students were pitted against TWU's claim to operate within its religious mandate.

Trinity Western University's self-stated mission was "to develop godly Christian leaders: positive, goal-oriented university graduates with thoroughly Christian minds; growing disciples of Jesus Christ who glorify God through fulfilling the Great Commission, serving God and people in the various marketplaces of life." In weighing the two claims, the court decided that it was "proportionate and reasonable" to limit religious rights as stated in the school's mission statement in order to ensure open access for 2SLGBTQ+ students.

These debates should not lead anyone to conclude that 2SLGBTQ+ students do not have allies among the religious in public schools or even in denominational schools. When debates in Ontario were raging about the proposed GSA legislation, OECTA (the Ontario English Catholic Teachers' Association) voiced unwavering support for the new law. The trustees of denominational schools and bishops strongly objected.

Many of their objections were grounded in mistaken beliefs as to what the law says regarding the scope of religion-based rights claims. There has been, for too long, particularly in public discourse and among religionists, a mistaken belief in the sacrosanct or exclusive management rights of Roman Catholic school boards to "run their own show." This attitude has led to the mistaken view that strength of religious conviction in some way justifies ignoring (or indeed permitting) the harassment of 2SLGBTQ+ students within the Roman Catholic school system. That view is not supported in law.

Do the equality rights claims of 2SLGBTQ+ students diminish, to any extent, the right to freedom of religion of others? Or the rights of religions as a whole? Can a religion-based school limit 2SLGBTQ+ presence within its culture and extracurricular activities?

If there is concern that religious expression must be protected, what constitutes that religious expression? Does its protection require the elimination or suppression of other voices? To what extent can religious beliefs be brought into secular-based schools by trustees, principals, and teachers?

To answer these questions, and the question of whether or not religion-based rights claims have been given singular treatment in law

when compared with the rights of other protected groups, various claims must be looked at.

That question challenges preconceptions. Contesting well-established beliefs prompts additional inquiry: What role do preconceptions serve? Why the recourse to preconceptions?

On a broad level, it might be argued that such fixed conceptions are necessary in order to have a uniform approach to rights. But in what ways are fixed conceptions a disservice to 2SLGBTQ+ students? Are fixed conceptions not also harmful to new religions?

These are the inquiries to be made in the face of schools being transformed by “the new” – by 2SLGBTQ+ students who are out and demanding to be included, and who have the law on their side. The question might be asked, “What is new?” Legal recognition usually lags behind cultural recognition – which itself is often behind, both in terms of recognizing and valuing and embracing, that which actually has been present all along.

Accommodation of rights has largely been the answer in the conflict between sexual orientation claims and religion-based claims – that things are fine the way they are, and that there are only a few, rare “problems” or “issues” that accommodation finds difficult to resolve.

But there can be a different approach.

The best way to confront and accept the inevitable truth – that schools must be transformed – lies in the empowerment that comes from the fact that religion-based rights claims, which traditionally have been given almost unfettered primacy, are now compelled to make space for the sexual orientation claims of 2SLGBTQ+ students.

This view is not radical or even new.

The requirement for freedom of religion to give way to the protection and rights of others has always been a part of freedom of religion as defined by the Supreme Court of Canada. With this knowledge in hand, initiatives to transform schools by targeting bullying, marginalization, and heteronormativity can be discovered.

WHAT'S INSIDE?

At all stages, the importance of inclusionary and empowering strategies

over attitudes of exceptionalism and privilege is key. That is the argument you will find in this book.

Chapter 1, “Legal Possibilities,” assesses how contention has risen in the context of education, and what legal factors are appropriate in reaching a resolution.

Chapter 2, “The Safe and Welcoming School,” focuses on how initiatives in one particular area – bullying – were challenged, ultimately succeeding in the implementation of 2SLGBTQ+-supportive policies.

Chapter 3, “Voices That Matter” identifies what voices need to be heard in discussions, debates, and litigation surrounding education issues, especially the voices of children, who have often been silenced or subsumed by the voices of others.

Chapter 4, “What’s New??” underscores the need to recognize that the face of Canada is changing or being seen for what it truly is for the first time. This change is unsettling for the status quo in schools and other aspects of Canadian society.

Chapter 5, “Making Spaces, Making Community,” and the Conclusion, “Getting There,” deal with more specific ways to ensure that all relevant voices in this contentious matter are heard. They address factors to consider when developing both a school and a curriculum inclusive of those people and voices.

This is the challenge of finding spaces for – what is for the law – “new” voices and people. Point of fact, these individuals and identities have actually been present all along. What is “new” is that the law and schools are only now recognizing and respecting them.

This journey is intended to be of use in formulating approaches to help resolve these issues. Taking the trip requires one to question their assumptions about how schools work and whose voices matter. How these questions get resolved may vary from school to school, but the considerations giving rise to change remain factors that all schools have in common.

BELLA ECSTATIC

The Burgos family had hoped to reach an agreement with the School Division instead of going to a hearing.¹⁶ In 2016, after eighteen months,

RETSO agreed to a settlement. As part of the agreement, the School Division made revisions to its guidelines to provide greater clarity and to add emphasis for the rights of transgender students and staff. They also agreed to provide training to teachers and staff. Employing a rights-based approach to gender inclusion, the guidelines acknowledged that transgender students were entitled to equal rights.

Elizabeth Burgos was aware that the entire country was following her family's journey to equality: "This complaint has been followed closely by many across the country who were anxious to learn how the Division would respond to this issue. Our goal was to ensure that there was better education around the rights of transgender individuals. We are very pleased that our ongoing discussions ... have resulted in a tool that others can adopt so transgender students and staff feel protected and welcomed in their communities."¹⁷

It is interesting to remember that the so-called threat to the school in this case was perceived by a parent, and that the human rights complaint was made following an instance of bullying by the mother of another student. Bella's friends and classmates had, in fact, accepted her.

Elizabeth Burgos summed up the case this way, "We had three goals going in – that was education, training and trans rights guidelines. We got all three. For us, it's a win."¹⁸

Bella's journey lasted almost two years. At its conclusion, her mother confirmed that "Bella is doing great. She is ecstatic. We're celebrating just having that connection and moving forward, just knowing such goodness came out of a long year and a half."¹⁹

DISCOVERING YOURSELF

You will recognize yourself or your school in this book.

It is a truism that schools matter. What happens in school, when it happens, and who decides what happens are perpetual subjects of discussion and contention.

While these issues have been the subject of debate in the community – and still are – they have been also the subject of legal disputes. In most of the related high-profile legal cases, there has been an opposition of claims based on minority sexuality and claims based on religion.

For years, many 2SLGBTQ+ people have lived with limitations imposed on their day-to-day lives by the constraints of law. Children and youth, in particular, have appeared in law as legal objects rather than legal subjects – property rather than persons. They have been acted upon rather than being treated as actors themselves.

Presented here are the new kids in school. Their new legal identities offer transformative possibilities toward the creation of safer, more inclusive, more welcoming schools and new ways of conceptualizing sexuality, gender and religion.

This book is for them and the people who support them.

This book is for you.

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