

Envisioning Queer Justice Collaborative Policy Recommendations

Background

The purpose of the Listen, Learn, and Lead project was to uplift the voices of LGBTQ+ youth from Minnesota to address the unique barriers and pipelines LGBTQ+ youth encounter in the context of the juvenile justice system. Through youth justice circles held across Minnesota in 2020, the wisdom of the youth was captured in the report “[Actualizing Queer Justice: Addressing Past Harms and Envisioning Beloved Futures in Minnesota](#).” LGBTQ+ youth put forth some visions for how beloved communities could be built in Minnesota. This document offers policy recommendations to support the actualization of that vision. Scanning initiatives, policies, and programs in Minnesota and nationwide, this summary document provides a few pathways towards a world with educational equity, inclusive Queer-centered spaces, and beyond prisons. *Policy solutions seeking to actualize Queer justice need to be grounded in a holistic analysis of violence that recognizes the interlocking systems of racism, homophobia, transphobia, ableism, orientalism, and other forms of institutionalized oppression and domination that shape LGBTQ+ people's lives. Queer justice is not solely about the elimination of homophobia and transphobia, but creating life-affirming ways of being for all.*

Educational Equity

A significant theme that emerged during the circles with LGBTQ+ youth was the need to address inequities in educational settings. Youth want school spaces where they feel safe, represented, and like they belong. To create educational environments that achieve this goal, the following recommendations are offered:

Recommendation 1: Increase commitment to and accountability for student safety and wellbeing.

Advocates across the country have long fought for increased civil protections for students in schools in order to prevent bullying and harassment, with the goal of creating safer school communities. As of 2019, 21 states (including Minnesota) have passed anti-bullying laws. These policies generally condemn and create guidance to better tracking bullying and harassment in schools. Minnesota’s anti-bullying laws place most of the responsibility on local school districts to act, though the Minnesota Department of Education offers model guidance for district-level

bullying prohibition policies.¹ For an example of local-level implementation, consider Minneapolis Public Schools' Out4Good LGBT office and programs.²

Legislation to make these protections federal, the Safe Schools Improvement Act, has been introduced in Congress for the last 10 years. This bill would amend the Elementary and Secondary Education Act to “protect every student from bullying and harassment in K-12 schools, regardless of actual or perceived race, color, national origin, sex, sexual orientation, gender identity, disability, and religion.”³ More comprehensive and complete tracking of incidences of bullying and harassment is an important step towards increased accountability. For example, the US Department of Education uses Title IX to hold school districts liable for discrimination or ignoring the harassment against students.⁴ Without proper tracking and reporting infrastructure however, trends can go unnoticed and problematic actions can remain unchecked. **Passage of the Safe Schools Improvement Act, coupled with strong implementation and enforcement of the law, can keep schools accountable to ensure LGBTQ+ student safety is a priority.**

Though Federal, state, and district anti-bullying policies can contribute to a culture of safety, for individual LGBTQ+ students, what happens within their schools is often seen as the most important factor in their wellbeing. Organizations like OutFront MN and GLSEN⁵ offer proactive resources to help make schools more welcoming and safe places, like training for staff and institutions on topics like “Evidence Based Strategies for Improving School Climate.” Advocates nationwide have proposed mandating this sort of training; Assembly Bill 493 in California would require teachers to attend training on supporting LGBTQ+ students every 2 years.⁶ **Local legislation of this kind could be a unique opportunity to ensure that educators in Minnesota have the information they need to create school environments that promote student safety and wellbeing, at the very least providing them with a basic understanding of the diversity of Queer identities.**

Finally, restorative justice should be embraced in education. In *The Little Book of Restorative Justice in Education*, authors Katherine Evans and Dorothy Vaandering contextualize restorative justice within education by stating that it seeks to “facilitat[e] learning communities that nurture the capacity of people to engage with one another, and their environment in a

¹ Minnesota Department of Education (2014) “Model Student Bullying Prohibition Policy.” Retrieved from https://education.mn.gov/mdeprod/idcplg?IdcService=GET_FILE&dDocName=058974&RevisionSelectionMethod=latestReleased&Rendition=primary

² Minneapolis Public Schools. “Out4Good.” Retrieved from <https://equity.mpls.k12.mn.us/out4good>

³ Gay, Lesbian & Straight Education Network (2019) “Safe Schools Improvement Act (SSIA) of 2019 FAQs.” Retrieved from <https://www.glsen.org/activity/faqs-safe-schools-improvement-act>

⁴ OutFront MN. “Title IX.” Retrieved from <https://www.outfront.org/title-ix>

⁵ GLSEN. “Professional Development”. Retrieved from: <https://www.glsen.org/professional-development>

⁶ Johnson, J. (September 3, 2019). “This California bill would train teachers to support LGBTQ students.” On KARE11, retrieved from <https://www.kare11.com/article/news/education/this-california-bill-would-train-teachers-to-support-lgbtq-students/103-4636521a-83c5-4850-bf5a-057738f9e479>

manner that supports and respects their inherent dignity.”⁷ Evans & Vaandering (2016) believe that this can be achieved through building and maintaining healthy relationships, repairing harm, transforming conflict, and creating equitable and just learning communities. Through a focus on building strong communities, increasing empathetic communication, and understanding power and privilege, the implementation of restorative practices in schools has been shown to prevent bullying and to be an important accountability measure when it does happen.⁸ Moreover, when implemented with fidelity, the values and visions of restorative justice in schools aim to not only repair relationships, but create a culture of equity, inclusion, and care. **Increasing the capacity of the Minnesota Department of Education to spread restorative practices statewide could mean more supportive schools for LGBTQ+ youth across the state.**

Recommendation 2: Offer a more inclusive and diverse curriculum.

LGBTQ+ youth offered critiques of their respective school’s curriculum, including a lack of representation in sex education and history classes.

As “Sammy” said, “I want a more inclusive sex ed, I want a more accurate sex ed, I want something that’s not based off of fear, because, I think, once you’ve put fear onto that, it makes it even more difficult to figure out you are LGBTQ+.” “Sammy” is not alone in this thought; in a number of national surveys, LGBTQ+ students report a lack of positive representation or medically accurate information about sexual health.⁹ The Human Rights Campaign reports that parents and public health organizations overwhelmingly support LGBTQ+ inclusive sex education in middle and high schools. The Advocates for Youth offers a free, online curriculum called “Rights, Respect, and Responsibility” that fully meets National Sexuality Education Standards and covers all essential topics on the subject recommended by the Centers for Disease Control and Prevention.¹⁰ **Statewide adoption of this curriculum could ensure equitable access to this information across Minnesota.** This could be achieved through action by the Minnesota Department of Education or through the legislature.

Queer identities are not only absent from sex education in Minnesota, but across other domains in K-12 curriculum as well. LGBTQ+ youth in the Listen, Learn, and Lead circles identified the absence of their racial and cultural histories as another issue of educational equity. Some districts have taken steps to address this issue. Minneapolis Public Schools, for example, has now added ethnic studies as a graduation requirement for students, beginning with those

⁷ Evans, K., & Vaandering, D. (2016). *The Little Book of Restorative Justice in Education: Fostering Responsibility, Healing, and Hope in Schools*. Good Books. P. 8

⁸ Minnesota Department of Education (2020). “Restorative Practices.” Retrieved from <https://education.mn.gov/MDE/dse/safe/prac/>

⁹ Human Rights Campaign (2015). *A Call to Action: LGBTQ Youth Need Inclusive Sex Education*. Retrieved from: <https://www.hrc.org/resources/a-call-to-action-lgbtq-youth-need-inclusive-sex-education>

¹⁰ Advocates for Youth (2020). *Rights, Respect, Responsibility: A K-12 Sexuality Education Curriculum*. Retrieved from <http://3rs.org/3rs-curriculum>

graduating in 2025.¹¹ **There are no states where ethnic studies is mandated statewide;¹² Minnesota has the opportunity to lead on this issue. And while we are rewriting state history standards, the addition of LGBTQ+ history into US history classes could have monumental impacts on students across Minnesota.** History UnErased is one resource educators may consider to this end.¹³ Additionally, Teaching Tolerance's *Queer America* podcast offers K-12 and university educators tools and tactics to explore the history of gender identity and sexuality in the United States.¹⁴

Curricular changes are an important part of improving school cultures and raising a new generation of citizens with a deeper understanding of the LGBTQ+ experience.

Recommendation 3: Ensure access based on gender identity rather than sex.

An important component of making sure that youth feel safe in educational settings includes increasing access based on gender rather than sex assigned at birth. Youth expressed particular concerns regarding access to gender-neutral restrooms and locker rooms; in addition to being able to participate in after-school activities that affirmed their Queer identities.

As "McNugget" mentions, "[The all gender] bathroom is either always locked... and so I don't have a place to go to the bathroom. And I do extracurricular activities, usually more than one at a time. And usually I can't go home before one. So I have one and then I go right to the other. Some days I'm in that school for 13 hours, and I can't use the bathroom that [whole] time." Unfortunately, this fear and inaccessibility is a common experience for many transgender and gender non-conforming youth in our school systems. In the 2013 National School Climate Survey by GLSEN, nearly two thirds of transgender students report avoiding school bathrooms as a result of feeling unsafe or uncomfortable.¹⁵

In 2016, the U.S. Departments of Justice & Education released historic guidance, advising that under the federal Title IX law, schools should treat trans students according to their gender

¹¹ Minneapolis Public Schools (2020). Policies & Regulations: Policy 5391 - Graduation Requirements. Retrieved from https://mps.municipalcodeonline.com/book?type=policies#name=Policy_5391:_Graduation_Requirements

¹² Fensterwald, J. (2020). "Ethnic studies mandate for California K-12 students gaining momentum in Legislature." In EdSource, retrieved from: <https://edsource.org/2020/ethnic-studies-mandate-for-california-k-12-students-gaining-momentum-in-legislature/638255>

¹³ History UnErased (2020). Retrieved from: <https://unerased.org/>

¹⁴ Queer America (2020). Retrieved from <https://www.tolerance.org/podcasts/queer-america>.

¹⁵ Gay, Lesbian & Straight Education Network (2014). The 2013 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools. Retrieved from <https://www.glsen.org/sites/default/files/2020-03/GLSEN-2013-National-School-Climate-Survey-Full-Report.pdf>

identity in reference to their names, pronouns, restrooms, and dress codes. Although the Trump administration decided to roll back the guidance, that doesn't change the fact that under Title IX, transgender students have a right to be treated according to their gender identity, including when it comes to restroom access.¹⁶ Transgender students are also protected by other state and local policies, depending on the jurisdiction.

This is not just an issue at the federal level. Locally, there have been accessibility issues in sports and extracurriculars as well. Although in 2014, the Minnesota State High School League approved a policy allowing transgender/gender-nonconforming students to be eligible to play on the team that best corresponds to their gender identity, individual school districts have not been as accommodating of Queer students.¹⁷

In 2019 the ACLU of Minnesota and Gender Justice successfully sued the Anoka-Hennepin School District when it violated a student's state Constitutional right to equal protection and the Minnesota Human Rights Act by barring him from using the locker room that matched his gender identity, instead forcing him to use a segregated locker room all by himself.¹⁸

Changes have been happening though. In recent years, there have been many Minnesota school districts that have adopted "gender inclusion policies" to better accommodate the needs of transgender and gender-nonconforming students. Saint Paul Public Schools has a robust policy that OutFront Minnesota uses as an example.¹⁹ OutFront has also created a "Trans Student Policy Principles" document that is useful as administrators work on policies to provide accommodations.²⁰ The Minnesota Department of Education²¹ and GLSEN²² also offer toolkits and policy guides for schools and districts to make sure that they are creating a safe,

¹⁶ National Center for Transgender Equality (2017). FAQ on the Withdrawal of Federal Guidance on Transgender Students. Retrieved from https://transequality.org/sites/default/files/docs/resources/FAQ%20on%20the%20withdrawal%20of%20federal%20guidance%20on%20transgender%20students%203_0.pdf

¹⁷ OutFront Minnesota. "MN State High School League Trans Student Policy." Retrieved from <https://www.outfront.org/mn-state-high-school-league-trans-student-policy>

¹⁸ ACLU Minnesota (2020). Appeals Court Rules Segregation of Trans Student Violates State Constitution, Civil Rights Law. Retrieved from <https://www.aclu-mn.org/en/press-releases/appeals-court-rules-segregation-trans-student-violates-state-constitution-civil>

¹⁹ Saint Paul Public Schools (2020). "Gender Inclusion Policy". Retrieved from <https://www.spps.org/genderinclusion>

²⁰ OutFront MN (2020). "Trans Student Policy Principles". Retrieved from https://www.outfront.org/sites/default/files/legal/trans_student_policy_principles%202017%2011%2028.pdf

²¹ MN Department of Education (2017). A Toolkit for Ensuring Safe and Supportive Schools for Transgender and Gender Nonconforming Students. Retrieved from <https://www.outfront.org/sites/default/files/legal/A%20Toolkit%20for%20Ensuring%20Safe%20and%20Supportive%20Schools%20for%20Transgender%20and%20Gender%20Nonconforming%20Students%209-25-2017.pdf>

²² GLSEN (2016). Model District Policy on Transgender and Gender Nonconforming Students. Retrieved from: <https://www.transequality.org/sites/default/files/GLSEN%20Trans%20Model%20Policy%202016.pdf>

supportive, and welcoming school environment for all students. With the abundance of resources that exist on accessibility and creating safe spaces in schools, **there is no reason why every school district in the State of Minnesota should not have a policy on safe and affirming spaces for Queer students based on their gender identity.** Policies like this will help to ensure that students like “McNugget” will have safe access to something as simple as a restroom throughout the day.

Recommendation 4: Increase the numbers of inclusive and representative staff in the school system.

Representation matters. Teachers and staff play a crucial role in supporting and advocating for LGBTQ+ students, ensuring that they are able to learn and explore in a safe classroom space. Oftentimes, students experience discrimination not only from their fellow peers, but from the teachers that are supposed to support them. “John” shared that “I know some of the teachers are supportive. But there are some teachers where you can say something and he will look at you, up and down and judge you, right in your face.” This kind of behavior by staff and teachers is blatantly harmful, discriminatory, and creates further isolation amongst Queer youth. Having more openly out LGBTQ+ teachers and staff will allow students to feel more supported.

Unfortunately, this has not always been possible, due to LGBTQ+ educators not feeling safe to be their authentic selves. In fact, one third of these educators report feeling their jobs would be at risk if they were out to administrators and over half feel their jobs are at risk if they were out to students.²³ If educators do not feel safe expressing their identities, then it is no surprise that students feel similarly.

Fortunately, a recent significant Supreme Court decision ruled that the 1964 Civil Rights Act protects LGBTQ+ employees from discrimination based on sex and sexual orientation.²⁴ Hopefully this ruling increases educators’ feelings of safety and positively impacts LGBTQ+ students who are craving positive Queer role models in the educational sphere. As “Sam” mentions, “I can’t think of a single person in my entire K-12 years who was Queer, except for, I had one sixth grade teacher who was a lesbian, and she was married and had kids, but she was told by the principal that she was not allowed to talk about being gay. She wasn’t allowed to say she was married to a woman and she was eventually kind of bullied out of the district. And she left to get a job in a different district, where she could be more open. I would have liked to see someone who holds my same identities... I think that would have been nice just to see, you know, a positive example of someone being open about their identity.” We see time and time again how meaningful it is for students to see positive examples of Queer people living successful and open lives. Studies have found that the presence of supportive and affirming

²³ GLSEN (2020). “LGBTQ Educators: What We Know and What They Need”. Retrieved from: <https://www.glsen.org/blog/lgbtq-educators-what-we-know-and-what-they-need>

²⁴ NPR. (2020). “Supreme Court Delivers Major Victory to LGBTQ Employees. Retrieved from: <https://www.npr.org/2020/06/15/863498848/supreme-court-delivers-major-victory-to-lgbtq-employees>

teachers, including those who share students' LGBTQ+ identities, means LGBTQ+ students are more likely to attend school, have higher self-esteem, and achieve better academic outcomes.²⁵

Ideally, **school districts would hire more diverse teachers who represent the students that they serve.** To provide resources, networking, community building opportunities, training, compassion, and empathy, OutFront MN hosts a support network for MN LGBTQ+ Educators.²⁶ Spaces like this can be a vital support. Furthermore, **all educators in every district should be required to attend LGBTQ+ responsivity training so that they are better informed on policies and ways to create an affirming space for their students and colleagues** (see recommendation 1 above).

Another way to increase representation and solidarity in schools is by the creation of LGBTQ+ organizations such as Gay Straight Alliances. The goal of GSA's is to empower students to be leaders and advocates in the fight for equal rights, school safety, and healthy communities. Research suggests that the mere presence of GSA's may help to make schools safer for LGBTQ+ students by sending a message that biased language and harassment will not be tolerated.²⁷ These organizations build community within the school system and allow students a safe space to express who they are.

The federal Equal Access Act²⁸ mandates that under certain circumstances, students who wish to create or run a GSA have the legal right to do so, and organizations like the ACLU have created guides to support students in the process.²⁹ **Although GSA's are predominantly student-led, it is important that the staff involved in supporting the alliance who ideally also identify as LGBTQ+.** This ensures that Queer lives are centered in a cisheteronormative environment. "Sammy's" experience highlights the importance of this: "The GSA that I've been attending was growing incredibly toxic and, outside of [that] space, there was nowhere to go. And the faculty facilitator was a straight woman. And she was really lovely, but it would have been really nice to have just [an] older Queer person in that space. I think for me, just seeing older Queer people, happy Queer people, living successful lives, like well adjusted lives [would have been very helpful]". Inclusive and representative staff are an important resource linked to the success of Queer students.

²⁵ GLSEN (2018). The 2017 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools. Retrieved from <https://files.eric.ed.gov/fulltext/ED590243.pdf>

²⁶ OutFront MN (2020). "Educational Equity Program." Retrieved from: <https://www.outfront.org/educationalequity#for-educators>

²⁷ GLSEN (2020). "Gay Straight Alliances: Creating Safer Schools for LGBT Students and Their Allies." Retrieved from: https://www.glsen.org/sites/default/files/2020-04/Gay-Straight%20Alliances_0.pdf

²⁸ OutFront MN (2020). "Equal Access Act". Retrieved from: <https://www.outfront.org/equal-access-act>

²⁹ ACLU MN (2020). "How to Start a Gay-Straight Alliance (GSA)". Retrieved from: <https://www.aclu.org/other/how-start-gay-straight-alliance-gsa>

Identity Development in Inclusive, Queer-Centered Spaces

As stated in “Actualizing Queer Justice,” Queer spaces matter because they allow youth opportunities to be connected to those like them, feel represented, learn about their community, and obtain mentors to support and uplift them. Often spoken of in the Listen, Learn, and Lead circles, the following recommendations are offered to bring these spaces to life:

Recommendation 1: Increase access to Queer elders & mentors.

The “Actualizing Queer Justice” report documented the devastating loneliness that many LGBTQ+ youth experience. “Pynto Bean” described, “I was really lonely. And then growing up at home... [crying] it's like they're barely there. It's just lonely”. Furthermore, “Suzie” expressed, “Growing up in a predominantly white community, and in a predominantly straight community, where like I didn't have many fixtures of what non-straight individuals looked like or what non cis people looked like, it was very isolating.” Thankfully, due to technological advances, youth have access to virtual spaces where they can connect with other people like them. “Juliette” acknowledges this: “I felt like really the only place I could ask questions was the internet, but that's very non-personal. You're not going to get support, you're not going to get someone being like, 'I understand what you're going through,' you know what I mean?” While this is one place to find support, it definitely does not replace the need to have actual relationships with Queer elders and mentors.

Queer mentors and elders help youth to not feel as alone. A lack of support can lead to various mental health issues in LGBTQ+ youth, such as depression and increased suicide rates. It is beneficial for youth to see positive examples of LGBTQ+ mentors and elders who have been through similar things, so that they can feel more hopeful about the future.

Mentorship programs are unfortunately hard to come by. The University of Minnesota has a LGBTQIA Mentor Program, limited, however, to current students.³⁰ **Universities and organizations are encouraged to create similar, more expansive, programs so that youth can be empowered in their identities.** Fortunately, the Mentoring Connector, a national database for youth mentoring programs, has plenty of suggestions and recommendations for LGBTQ+ mentors.³¹ **It is recommended that this service be more widely promoted amongst local organizations so youth know that there are opportunities for connection.** Similarly, Reclaim MN has a robust network of resources for LGBTQ+ youth, depending on their needs.³²

³⁰ University of Minnesota (2020). “Gender and Sexuality Center for Queer and Trans Life.” Retrieved from <https://gsc.umn.edu/programs/mentor-program>

³¹ Mentoring Connector (2020). Retrieved from <https://www.mentoring.org/>

³² Reclaim (2020). “Resources for Queer and Trans Youth”. Retrieved from <https://www.reclaim.care/what-we-do/resources-for-queer-and-trans-youth.html>

Another important consideration related to Queer mentorship is Queer-centered counseling in schools. Although this appears to be non-existent at this time, **we recommend that schools contract out with LGBTQ+ therapists to provide in-school therapy services for youth that request them.** Counseling and therapy is not a one-size-fits-all approach and should be responsive to the youth's identity and needs. OutFront MN has extensive suggestions for support and counseling organizations that would be useful for LGBTQ+ youth.³³ It is recommended that schools develop partnerships with these organizations to better serve their students.

Recommendation 2: Intentionally plan community spaces that are safe for LGBTQ+ youth.

LGBTQ+ youth deserve spaces in their communities where their identities are seen and affirmed. The "Actualizing Queer Justice" report sheds light on affinity groups within schools for Queer youth, but these are not accessible to every student in the state. And, when students leave their educational settings, there are even fewer places in communities specifically designed to nurture LGBTQ+ identities. Quatrefoil Library in Minneapolis is one example of a space dedicated to this purpose. For years, "the library has stood as a gathering point for those in the Queer community. It increasingly has become seen as a community event space for the LGBTQIA+ community in Minneapolis/St. Paul and beyond."³⁴ CenterLink, a database of LGBT community centers, lists a Twin Cities LGBTQ Community Center that is expected to open in 2020-21.³⁵ **Patronage and support of these locations can help them expand their programming and reach to LGBTQ+ youth in our community.**

The development of private LGBTQ+ inclusive spaces is important, but so is ensuring that public community spaces are welcoming and safe to all youth in our communities. Many youth spend significant time in public libraries and parks, yet a scan of Twin Cities agencies responsible for these spaces reveals little intentional planning for LGBTQ+ inclusivity. For example, the Minneapolis Parks and Recreation Board has policies and programming that speaks to its commitment to racial equity and to accessibility, but little publicly available information on how its parks strive to be inclusive of LGBTQ+ patrons.³⁶ **MPRB and other park boards could consider adding LGBTQ+ inclusivity as a priority in program development and could include LGBTQ+ population usage or programming as a category in its equity criteria for allocating recreation center funding.**³⁷

³³ OutFront MN (2020). "Support & Counseling Organizations". Retrieved from <https://www.outfront.org/support-counseling-organizations>

³⁴ Quatrefoil Library (2020). Retrieved from <https://qlibrary.org/>

³⁵ CenterLink (2020). "Twin Cities LGBTQ Community Center." Retrieved from <https://www.lgbtcenters.org/LGBTCenters/Center/7067/Twin-Cities-LGBTQ-Community-Center>

³⁶ Minneapolis Park and Recreation Board (2020). About Us. Retrieved from https://www.minneapolisparcs.org/about_us/

³⁷ Minneapolis Park and Recreation Board (2017). Equity Criteria for Allocating Recreation Center Funding. Retrieved from

Similarly, the Hennepin County Library boasts Friday programming to celebrate Pride Month in June³⁸ but their current programming calendar does not otherwise list any LGBTQ+ specific offerings.³⁹ Though its Pride book lists are always available, LGBTQ+ inclusive programming being available year-round is an important means for creating intergenerational safe spaces for youth in our community.

Beyond Prison

The Trevor Project reports that “although LGBTQ youth are estimated to only make up 5-7% of the nation’s youth, 13-15% of youth in the juvenile justice system are LGBTQ.”⁴⁰ During the Listen, Learn, and Lead circles, youth spoke of concerns with police and prisons and offered a vision of rehabilitation and restoration as the central frameworks of justice in Minnesota. To move closer to this future, the following recommendations are offered:

Recommendation 1: Embrace prison abolition as a way toward Queer Justice.

From some of the perspectives of LGBTQ+ youth captured in the “Actualizing Queer Justice” report, it is clear that current criminal punishment system does more harm than good. “Nettle” describes police and prison as tools to protect capitalism: “I also think [prison] was never built to be just, it was never built to be good, it was never built to help people, it was just built to lock people up. It was just built to punish behaviors that we as a society have deemed bad. Why is this an action that’s bad, is this harming people? Is this harming capitalism? Literally the majority of people in our prison system are just people who have done something that is against the rules of capitalism, right? Like stealing, lying, being [expletive] homeless... We can’t fix something that wasn’t created to be good.” This sentiment was reiterated many times to condemn the current, inherently violent system.

In 2020 there was an increase in public support for defunding the police and abolition, however, it is important to note that Black Queer people have been leading abolition efforts for decades. While incarceration rates amongst youth have decreased significantly since the 1990s, it is the

https://www.minneapolisparcs.org/_asset/mnm8ps/10-18_2018_budget_equity_criteria_rec_center_fundin_g.pdf

³⁸ Hennepin County Library (2020). June is Pride Month. Retrieved from <https://www.hclib.org/about/news/2020/June/pride>

³⁹ Hennepin County Library (2020). Event Calendar. Retrieved from https://hclib.bibliocommons.com/events/search/fq=types:%2856f9a0fd414af7d259046962%29?_ga=2.126088906.691595307.1609353979-2112088254.1609353979

⁴⁰ The Trevor Project (2020). Youth in Juvenile Justice System. Retrieved from <https://www.thetrevorproject.org/get-involved/juvenile-justice/>

abolitionist perspective that youth should not be locked up at all.⁴¹ Abolitionists argue that the carceral state emphasizes individual acts of harm, labeling those who commit harm as criminals to justify dehumanization, isolation, and punishment. **“Rehabilitative spaces, not cages” is a term coined by one of the circle participants, which emphasizes the importance of truly looking at the root cause of criminal behavior and addressing this instead of solely focusing on punishment.**

The Envisioning Queer Justice Collaborative recently released *Envisioning Abolition: A Curriculum and Facilitation Guide on Abolition and Anti-Racism*. **It is highly encouraged that anyone interested in exploring and holding conversation about abolition review the guide for steps on how to do this effectively.**⁴² Project Nia⁴³ and The No Kids In Prison campaign also have various approaches and recommendations on working toward youth prison abolition,⁴⁴ including successful community-based alternatives to incarceration that are rooted in transformative justice.

Recommendation 2: Reduce the number of interactions between LGBTQ+ youth and the justice system by decriminalizing status offenses and crimes of survival.

Status offenses are acts by juveniles that violate the law, but would not be considered an offense if committed by an adult. These include things like truancy, curfew or liquor law violations, or running away. Research has shown that LGBTQ+ youth are twice as likely as other youth to be sent to a juvenile detention facility or residential treatment center for such offenses.⁴⁵

In addition, up to 40% of youth experiencing homelessness identify as LGBTQ+, often as a result of family rejection, abuse or neglect within their homes, and aging out of the foster care system.⁴⁶ Not only do youth experiencing homelessness experience an increased risk of

⁴¹ OJJDP. Statistical Briefing Book. Retrieved from <https://www.ojjdp.gov/ojstatbb/corrections/qa08201.asp?qaDate=2018>

⁴² Envisioning Queer Justice Collaborative. (2020). *Envisioning Abolition: A Curriculum and Facilitation Guide on Abolition and Anti-Racism*. Retrieved from https://a2084635-9ca2-4cf2-8498-7df970d6be70.filesusr.com/ugd/19a11c_86a4e62316914464b2b94bfbdb88e753f.pdf?index=true

⁴³ Project Nia. Retrieved from <https://project-nia.org/>

⁴⁴ No Kids No Prison (2020). *Community-Driven Approaches*. Retrieved from <https://www.nokidsinprison.org/solutions/community-driven-approaches>

⁴⁵ Human Rights Campaign, The Equity Project, & Coalition for Juvenile Justice (2014). *LGBTQ Youth and Status Offenses: Improving System Responses and Reducing Disproportionality*. Retrieved from <https://www.juvjustice.org/sites/default/files/ckfinder/files/LGBTQ%20%20Status%20Offense%20Webinar.pdf>

⁴⁶ Griffith, D. (2019). LGBTQ youth are at greater risk of homelessness and incarceration. From Prison Policy Initiative, retrieved from https://www.prisonpolicy.org/blog/2019/01/22/lgbtq_youth/

committing status offenses, they are also at higher risk of committing livability crimes. These offenses include things like low-level drug and theft offenses, trespassing, and public urination.

To reduce LGBTQ+ youth's likelihood of having interactions with the juvenile justice system, status offenses and livability crimes should be decriminalized. **By moving system-responsibility from law enforcement or the courts to community based health and wellness programs for youth and families, the underlying needs can be better addressed.** Using a transformative justice framework, rather than punishing these offenses, additional resources and investments in community solutions should be made available.⁴⁷

Policy advocacy at the state and county level is important to make these changes, and would require amending the jurisdiction of the juvenile court and shifting funding from the youth justice system to other resources. If as a society we choose to understand behavior through a youth development lens and commit to seeing youth and families as being central to the solution, it becomes natural to expand the continuum of services to meet youth's needs in community, rather than carceral settings.

Recommendation 3: Ensure LGBTQ+ responsive policies and procedures within corrections departments.

The great Ruth Wilson Gilmore said, "Abolition is about presence, not absence. It's about building life-affirming institutions". As mentioned in the previous policy recommendation, this is a significant area of focus that youth identified and our ultimate goal; although we acknowledge that we have a way to go to breathe this new system into life. Using Gilmore's expertise, we are able to recognize that the process of abolition includes ensuring that people who are incarcerated have better conditions. This recommendation is offered with the understanding that responsive policies and procedures is **not** the end goal.

A rudimentary first step in improving conditions for incarcerated people is to ensure that corrections departments, including jails and probation, all have inclusive policies around gender and sexuality. Most recently, the MN Department of Corrections issued a policy on guidelines for Transgender/Gender Non-Conforming incarcerated people, which applies to juveniles housed at the Red Wing facility and young adults over the age of 18 in prisons across the state.

Much more needs to happen to ensure the safety and wellbeing of people incarcerated among the independent County Probation, Community Corrections, and Department of Corrections delivery models that each county in Minnesota uses. There is currently no standard agreement over how different probation departments conduct their business or standardize their practices. **Thus, it is recommended that each of those associations work on developing LGBTQ+**

⁴⁷ Mingus, M. (2020). Transformative Justice: A Brief Description. On Transform Harm, retrieved from <https://transformharm.org/transformative-justice-a-brief-description/>

responsive policy so there is consistency across the state. Examples of topics that should be covered include searches, urinalysis, program requirements, and treatment options, among others. Most decisions in the corrections and probation system continue to be decided based on the sex identity of an individual instead of their gender identity. **The system should have a consistent response of making sure that services are provided based on gender identity. All housing decisions in facilities should be centered on gender identity, not sex assigned at birth. While we recognize this may temporarily expand funding allocated to the punishment system, it is important that training be required for all employees so they are better equipped to be responsive to the needs of all people.**

Conclusion

To bring to life the vision of a beloved community articulated by LGBTQ+ youth in the Actualizing Queer Justice report, the following policy recommendations have been offered:

To achieve educational equity:

1. Increase commitment to and accountability for student safety and wellbeing;
2. Offer a more inclusive and diverse curriculum;
3. Ensure access based on gender identity rather than sex; and
4. Increase the numbers of inclusive and representative staff in the school system.

To increase the opportunities for identify development in inclusive, Qqueer-centered spaces:

1. Increase access to Queer elders & mentors; and
2. Intentionally plan community spaces that are safe for LGBTQ+ youth.

To move beyond prison:

1. Embrace prison abolition as a way toward Queer justice;
2. Reduce the number of interactions between LGBTQ+ youth and the justice system by decriminalizing status offenses and crimes of survival; and
3. Ensure LGBTQ+ responsive policies and procedures within corrections departments.

While some of these recommendations mark a significant departure from the current system, many can be achieved in the immediate future through the actions of courageous leaders. School administrators could offer additional resources for LGBTQ+ students and staff, county leadership could write new policy for their probation departments. The vision brought forth by the youth was an intersectional one, which will require intersectional partnerships and solutions. Allies and advocates fighting for a different justice system, for better parks, for more welcoming communities, should consider the needs of LGBTQ+ youth. And similarly, LGBTQ+ rights advocates must consider the overlapping oppression caused by racism, capitalism, and the current criminal punishment system. It is a daunting endeavor to bring to life the new world imagined by these youth leaders, but a worthy one to take on in our movement towards justice.

Resources for Further Exploration & Implementation of Recommendations

Recommendations came from the review of [Actualizing Queer Justice: Addressing Past Harms and Envisioning Beloved Futures in Minnesota](#). Please use this document for more guidance and a deeper dive into actually moving some of these recommendations forward.

Educational Equity

Recommendation 1: Increase commitment to and accountability for student safety and wellbeing.

- [Minnesota Department of Education Model Policies](#)
- [Minneapolis Public Schools & Out4Good LGBT](#)
- [Safe Schools Improvement Act \(SSIA\) of 2019 FAQs](#)
- [OutFront MN: Title IX](#)
- [U.S. Department of Justice & Education: Dear Colleague Letter on Transgender Students](#)
- [U.S. Department of Education: Examples of Policies and Emerging Practices for Supporting Transgender Students](#)
- [GLSEN: Professional Development Resources](#)
- [Minnesota Department of Education: Restorative Practices](#)

Recommendation 2: Offer a more inclusive and diverse curriculum.

- [Human Rights Campaign: A Call to Action: LGBTQ Youth Need Inclusive Sex Education](#)
- [Advocates for Youth: Honest, Inclusive Sex Education for All Students](#)
- [History UnErased: Putting LGBTQ History in its Rightful Place- the Classroom](#)

Recommendation 3: Ensure access based on gender identity rather than sex.

- [FAQ on the Withdrawal of Federal Guidance on Transgender Students](#)
- [St. Paul Public Schools: Gender Inclusion Policy](#)
- [GLSEN: Model District Policy on Transgender & Gender Nonconforming Students](#)
- [Minnesota Department of Education: A Toolkit for Ensuring Safe and Supportive Schools for Transgender and Gender Nonconforming Students](#)
- [OutFront MN: Trans Student Policy Principles](#)

- [Human Rights Campaign: Schools In Transition: A Guide for Supporting Transgender Students in K-12 Schools](#)
- [GLSEN: Respect for All: : Policy Recommendations to Support LGBTQ Students A Guide for District and School Leaders](#)
- [Brighton & Hove City Council and Allsorts Youth Project: Trans Inclusion Schools Toolkit: Supporting trans, non-binary and gender questioning children and young people in Brighton & Hove educational settings](#)
- [GLSEN: Model Local Education Agency Policy on Transgender and Nonbinary Students](#)

Recommendation 4: Increase the numbers of inclusive and representative staff in the school system.

- [ACLU: How to Start a Gay-Straight Alliance](#)
- [GLSEN: Gay-Straight Alliances: Creating Safer Schools for LGBT Students and their Allies](#)
- [OutFront MN: Educational Equity Program: Support Networks](#)

Identity Development in Inclusive, Queer-Centered Spaces

Recommendation 1: Increase access to Queer elders & mentors.

- [OutFront MN: Support & Counseling Organizations](#)
- [Reclaim: Resources for Queer and Trans Youth](#)
- [Mentoring Connector: National Database to Find Mentors](#)
- [University of Minnesota: LGBTQIA Mentor Program](#)
- [National Mentoring Resource Center: Mentoring Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex and Gender Nonconforming Youth](#)

Recommendation 2: Intentionally plan community spaces that are safe for LGBTQ+ youth.

- [The National Child Traumatic Stress Network: Safe Places, Safe Spaces: Creating Welcoming and Inclusive Environments for Traumatized LGBTQ Youth Video](#)
- [Girl's Best Friend Foundation & Advocates for Youth: Creating Safe Space for GLBTQ Youth: A Toolkit](#)

Beyond Prison

Recommendation 1: Embrace prison abolition as a way toward Queer Justice.

- [Envisioning Queer Justice Collaborative: Envisioning Abolition: A Curriculum and Facilitation Guide on Abolition and Anti-Racism](#)
- [Critical Resistance: Abolition Organizing Toolkit](#)
- [No Kids in Prison: Solutions](#)
- [Project NIA: Community over Confinement](#)

Recommendation 2: Reduce the number of interactions between LGBTQ+ youth and the justice system by decriminalizing status offenses and crimes of survival.

- [Human Rights Campaign, the Equity Project & Coalition for Juvenile Justice: LGBTQ Youth and Status Offenses: Improving System Responses and Reducing Disproportionality](#)
- [Unjust: LGBTQ Youth Incarcerated in the Juvenile Justice System](#)
- [Locked In: Interactions with the Criminal Justice and Child Welfare Systems for LGBTQ Youth, YMSM, and YWSW Who Engage in Survival Sex](#)

Recommendation 3: Ensure LGBTQ+ responsive policies and procedures within corrections departments.

- [National Center for Transgender Equality: Standing with LGBT Prisoners: An Advocate's Guide to Ending Abuse and Combating Imprisonment](#)
- [U.S. Department of Justice: National Institute of Corrections: A Quick Guide for LGBTI Policy Development for Youth Confinement Facilities](#)
- [National Institute of Corrections: LGBTI Laws & Policies](#)
- [Columbia Law: A Roadmap for Change: Federal Policy Recommendations for Addressing the Criminalization of LGBT People and People Living with HIV](#)

About the Authors

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