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Résumé de l'article

As a subject for philosophizing about education, there are few topics as rich and significant as the role of public schools in fostering respect for sexual and religious diversity. The liberal state, it is said, has a clear mission to teach students to respect the rights of others to lead fundamentally different ways of life, and to provide students with the tools needed to make similarly fundamental choices about their own lives. The liberal state must do this, however, without undue or excessive infringement on the rights of children and parents who believe that some common ways of life are, writ large, morally objectionable. This symposium paper features three arguments, each formulated by a different student in education or a related field. The first argues that LGBTQ role models must be provided in schools (through school resources or in person). The second argues that teachers are being placed in a very difficult position when such provision causes controversy with the surrounding community. The third argues that parents must not be given unchecked power over their children's exposure to LGBTQ role modeling.

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LGBTQ Role Models and Curricular Controversy in Canada: A Student Symposium

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As a subject for philosophizing about education, there are few topics as rich and significant as the role of public schools in fostering respect for sexual and religious diversity. The liberal state, it is said, has a clear mission to teach students to respect the rights of others to lead fundamentally different ways of life, and to provide students with the tools needed to make similarly fundamental choices about their own lives. The liberal state must do this, however, without undue or excessive infringement on the rights of children and parents who believe that some common ways of life are, writ large, morally objectionable. This symposium paper features three arguments, each formulated by a different student in education or a related field. The first argues that LGBTQ role models must be provided in schools (through school resources or in person). The second argues that teachers are being placed in a very difficult position when such provision causes controversy with the surrounding community. The third argues that parents must not be given unchecked power over their children's exposure to LGBTQ role modeling.

This Symposium and Its Foci

As a subject for philosophizing about education, there are few topics as rich and significant as the role of public schools in fostering respect for sexual and religious diversity. The liberal state, it is said, has a clear mission to teach students to respect the rights of others to lead fundamentally different ways of life, and to provide students with the tools needed to make similarly fundamental choices about their own lives. The liberal state must do this, however, without undue or excessive infringement on the rights of children and parents who believe that some common ways of life are, *writ large*, morally objectionable. The consequent debates lead one to question the role of the state in the lives of citizens (young and old), and the role of the school itself in the lives of its varied stakeholders (children, parents, surrounding communities, religious institutions, activist groups, etc.).

It is not surprising, then, that surveys and anthologies of philosophy of education nearly always reserve space for some manifestation of this crucial debate. Hare and Portelli's (2013) recently revised anthology, for example, includes an excellent section, written from a largely Canadian perspective, on precisely this topic

(pp. 307-388).[1] It is worth observing, though, that Canadian philosophers of education have typically seen their analyses of these issues conditioned heavily by American case studies. This is because the Canadian Charter of Rights and Freedoms, a document of central concern in such issues, is barely more than thirty years old. While this might imply the Charter is somewhat mature, it is, understood as an ecosystem of interconnected law and policy, quite young. Constitutional documents like this one must be challenged, and the Supreme Court of Canada must issue many decisions on such challenges, before they can be considered satisfactorily understood and detailed. Such cases take many years to arise and be decided. So, while Canada had merely begun to consider its modern debate on constitutional limitations on schools in the mid 1980s, several landmark American cases (arising from America's much older *Bill of Rights*) had already been decided and had become rich material for philosophical analysis.

My own enthusiasm for the philosophy of education was kindled in precisely this milieu. Studying under Kroeker and Norris (2007), I cut my philosophical teeth wondering whether the Yoder children (part of an Amish community) should be permitted to leave school before the age legally required in Wisconsin at the time (Callan, 2006). The state's liberal mission came into direct conflict, argued the Yoder parents, with the communitarian upbringing intrinsic to the way of life of the local Amish community. Mere exposure to the school system, it was feared, could undermine the religious lives of the Yoder children. Much the same issue was at stake in the Mozert case (Vojak, 2003), wherein some Christian parents in Tennessee wanted their children to read less socially liberal texts than those their classmates were reading. The act of depicting women in professional capacities, for example, was thought of as threatening to this particular group's religious tradition.

The focus on cases like Yoder or Mozert was helpful as Canada began to work through its own public policy on these questions. It was not entirely clear, though, how such questions could be transported to Canadian contexts. While this might be a product of my own myopia, it seems reasonable to suggest that Canada did not see its own Yoder emerge (in the sense of the breadth and depth of the surrounding discussion) until a series of cases worked their way through the courts in the late 1990s. The consequence of this movement is that students interested in philosophy of education today have a much richer Canadian tradition on which to draw.

That tradition begins with a series of cases testing the Charter's specific meaning in contexts broadly analogous to Yoder and Mozert's. In British Columbia we see several of the most important early cases – starting with James Chamberlain. James Chamberlain, a Surrey primary teacher, sought to use textbooks that depicted same sex families, sparking a controversy not unlike the one seen in Mozert (*Chamberlain v Surrey School District No. 36*, 2002). Many Surrey parents viewed this request as representative of an overly assertive and secular liberal state intruding on their freedom to raise their children religiously, and the school board accordingly fought Chamberlain's request all the way to the Supreme Court of Canada, which ultimately sided with Chamberlain. The Province of British Columbia again wrestled with this question several years later when the Correns family argued that the absence of same-sex family models in schools resources (the deficiency Chamberlain sought to address in his own classroom) was discriminatory (Gereluk, 2013). The province accepted a compromise agreement with the Correns and introduced an elective social justice course. British Columbia is still dealing with the implications of these changes, and recently encountered another public battle when Burnaby (a city neighbouring Surrey) passed a new diversity policy (in line with the spirit of the Correns agreement) in the summer of 2011 (*Sexual Orientation/Gender Identity, Burnaby School District 41*).[2]

Provincial governments have also been revising their stances on these issues, and have, in so doing, launched another wave of scholarly debate. In 2013, for example, the Government of Manitoba passed *The Public Schools Amendment Act* (or Bill 18), which, among other things, seems to enshrine support for the creation of gay-straight alliances in schools. More controversially, the Government of Alberta has amended its human rights legislation (*Human Rights, Citizenship, and Multiculturalism Amendment Act*, or Bill 44) to provide parents with the power to opt their children out of lessons regarding explicit discussion of religion, sexuality,

[1] A review of the Hare and Portelli anthology's 4th edition is forthcoming in *Paideusis*.

[2] A related, but distinct, situation arose when Trinity Western University began a teacher-training program. The university's religious code of conduct caused significant public debate (see Donlevy, 2004).

or sexual orientation. Albertan parents informed about the use of books, such as those imagined by Chamberlain or the Correns family, would be able to simply deny their children access. The apparent contrast between British Columbian and Albertan policy thus presents a fascinating opportunity for philosophical analysis.

This opportunity presents itself most importantly to contemporary students of education – be they future teachers, counselors, or researchers. Today's students benefit from a Canadian scholarly tradition I am convinced is more deep and robust than the one in which I began my own thinking on this subject. Excellent analyses by scholars such as Collins (2006), Clarke (2004) Gereluk (2013), and Donlevy (2004) provide Canadian perspectives, and debates about legislation like Alberta's Bill 44 make the questions they pose current and powerful. It is for this reason that this article approaches these issues through the voices of three students conducting research on educational questions. The first author will begin this symposium by arguing that schools should be concerned with the lack of representation of LGBTQ persons in school resources. This argument will conclude that LGBTQ persons – like all other persons – require role models, and that such role models belong in school resources. The second two will consider the implications of this argument. First, Betty will consider whether educators are well positioned to adjudicate the controversies that result from the inclusion of LGBTQ role models in school resources. Second, Charmaine will discuss the delicate balance between the interests of children in schools, and the interests of their parents. She will conclude that current efforts to give parents power over their children's access to LGBTQ resources go too far.

The Importance of Queer Role Models

Experiences of homophobia are all too common for LGBTQ youth, and are frequently regarded as a product of LGBTQ visibility. However, homophobic acts are a product of a broader cultural system that defines 'normal sexual and gendered behavior' *before the fact*, as heterosexual. One of the central sites that produce and reinforce this heteronormativity is the family, which is typically structured as *fundamentally* heterosexual. Growing up in this context, even with a supportive family, queer youth often lack access to strategies of resisting homophobia and heteronormativity. I will argue that heteronormativity prevents families from providing children with stories and strategies that might support them when they encounter homophobia outside of their families, and that the risk of this heteronormativity motivates the need for greater representation of LGBTQ persons in schools and school resources.[3]

Strategies of resisting systemic forms of oppression – such as racism and sexism – are often passed down through familial systems. Identity based social movements, such as civil rights for African Americans and even feminism in the context of mothers and daughters, "involve multi-generations of rebellion by the same family members" (Schulman, 2009, p. 38). Considering that most gay, lesbian, bisexual, and transgender (LGBTQ) people grow up in families that are heterosexual, the familial model of social organizing, based on a common experience of oppression, does not provide the same supportive structures as are present in other identity-based movements. Strategies of resistance and models of living and *thriving* in a homophobic world are thus not always available through immediate families of origin, even if families are supportive and encouraging of LGBTQ children. Although strategies and models of resistance occur at a number of cultural sites, I wish to specifically consider the importance of older queer role models as one source of such strategies that the broader queer community has to offer. Through my thesis project – collecting the oral histories of older lesbians in Vancouver – I have observed that the broader queer community has the potential to provide spaces for queer youth to learn crucially important survival strategies. Students should, therefore, see such persons represented in their school curricula and resources.

Although the current media focus on bullying and gay-teen suicide appears to uphold homophobia as the *cause du jour*, very little of this mainstream discussion has been focused on the systemic norms that produce and perpetuate homophobia itself. This type of work requires taking a step back from individual *acts*

[3] While I argue that personal contact with role models is, obviously, most desirable, I will limit myself here to the implications of this argument for school resources.

to examine *systems* of power and privilege which reinscribe and sustain heterosexuality as "normal sexuality" par excellence (Ward & Schneider, 2009, p. 433). Heteronormativity refers to the cultural, political, and social bias which privileges and rewards heterosexual individuals and relationships, and restricts, punishes, and silences queer individuals and relationships. Heterosexuality is intelligible insofar as it is marked in comparison to any kind of queerness; it is a compulsory "organization and ideology in our society, defining legitimate sexual and intimate expressions and identities" (Fields, 2001, p. 167). Hence, although the homophobic family is *explicitly* damaging to queer youth, it is the *implicit* heteronormativity of "family" as an organizing institution that requires examination for the long-standing effects it has on the lives of queer youth. This is the reason people like Chamberlain seek to expand the range of families represented in school texts – to undermine the practice of using the institution of the family to resist normalization of LGBTQ persons.

Many studies have addressed the increased health and psychological risks that queer people experience vis-à-vis their heterosexual counterparts (Lock, 1999; Birkett, 2009; Bird, 2012). These include a higher prevalence of depression, increased risk of suicide, higher rates of drug and alcohol abuse, higher rates of unsafe sexual practices, higher rates of homelessness and being disowned by their families of origin (Bird, Kuhns & Garufalo, 2012, p. 353; Rosario, Schrimshaw, & Hunter, 2012, p. 545). Although these issues have been well documented, it is pertinent to examine strategies for reversing or at least curtailing these systemic effects. In examining the existing literature, there is a discernible gap in terms of research examining the impact of intergenerational interactions between older queer people and queer youth. In fact, there are few studies that have examined the impact of *queer-affirming* (but not necessarily queer) role models on the lives of queer youth (Bird, Kuhns & Garofalo, 2012, p. 353). One such study recently conducted with 496 LGBT-identified youth, ages 16-24, found that youth that had interactions with accessible role models experienced psychological health benefits; although this is by no means the only method of supporting queer youth, the study suggests that "formal programs connecting LGBT youth with caring adults may diminish psychological distress and negative health outcomes" (p. 353). Perhaps in part due to the homophobic cultural anxiety around interactions between queer adults and youth, there are no existing studies that directly examine the impact of intergenerational dialogue *between* different generations of LGBT-individuals. Based on this finding, it follows that these intergenerational interactions could provide the space for fostering queer role modeling.

Having interactions with older LGBT adults provides the opportunity for youth to access strategies of dealing with homophobia through sharing stories of queer resistance. Role modeling of this kind "provides a mechanism for fostering resilience" in the LGBT community (Bird, Kuhns & Garofalo, 2012, p. 354). This is not to suggest that heterosexual parents are inherently homophobic or are unable to nurture and support their queer children. As studies have shown (Fields, 2001; Gorman-Murray, 2008), many heterosexual parents provide positive environments for their children and join existing organizations, such as PFLAG (Parents and Friends of Lesbians and Gays), to create community with other parents of queer youth. However, as Fields (2001) argues, even for supportive parents, heterosexuality is still understood to be the primary referent for sexual and gendered normalcy and behaviour (p. 167). Therefore, heteronormativity is less about individual acts and behaviour, and more about broader cultural and social currents: outside of queer subcultures, in places like schools an school boards, heterosexuality remains the principal referent that is culturally available and culturally rewarded. Consequently, even supportive parents cannot provide their children with an intelligible framework for "being queer," because they themselves have not experienced living outside of heterosexual privilege.

Most gay, lesbian, bisexual, youth come from heterosexual families, and thus will not see this facet of their identity reflected within this immediate private sphere (Schulman, 2009). There are facets of being queer that heterosexual people cannot relate to or understand: As Shulman (2009) describes in *Ties That Bind,*

> The capacity for feeling, strong enough to overwhelm social expectation, is at the root of the homosexual identity. This transgression is what coming-out is all about. Without having experienced the coming-out process themselves, *straight people often do not have a model for such a fierce level of resistance*" (pp. 34-35, emphasis mine).

Even if heterosexual parents fully understand that "merely by identifying as lesbian or gay, their daughters and sons [have] stepped outside the narrative of romance, marriage, and family," they themselves cannot provide models of living *as* gay, lesbian, or bisexual (Fields, 2001, p. 171).

As Bird, Kuhns and Garofalo (2012) present in their study on role models, queer youth deeply benefit from having interactions with and support from accessible role models. More often, youth identify with inaccessible role models, like gay and lesbian celebrities and television shows – in part due to barriers to accessing role models and mentors in contexts closer to their own. Role models and mentors exist within queer communities; so what are some of the barriers that prevent or limit the connections with queer youth? Youth under 20, who are more likely to be living with their families of origin, are *less* likely to have supportive networks to call upon (p. 356). "Normative understandings of gender, family, and sexuality provide the foundation for stigma … and the means by which stigma is produced" (Fields, 2001, p. 183). Stigma around same-sex sexuality and identity is just one barrier preventing the proliferation of queer role models outside of queer subcultures.

These barriers are increased exponentially for queer youth who are raised in the context of overtly homophobic families. As Shulman (2009) argues, homophobia operates on a number of levels and to different degrees of severity, some of which are more visible than others. She attests that to deconstruct the ways that homophobia is understood and enacted in the larger culture, attention must be paid to the role that the family plays in cultivating these behaviors, stating that "the family is increasingly the overt building block of homophobia" (p. 30). She argues that the homophobic family serves to alienate queer youth from identifying with other queer folks through imbibing the understanding that to be gay, lesbian, or bisexual is to be abnormal, unloved, and unwanted. "Other gay people are encouraged and rewarded by the state, family, power cliques – by individuals and institutions – to not identify with each other, to not help each other, to not stand up for each other" (p. 15). If we are serious about addressing the suffering of LGBTQ persons, it thus seems clear that we must be similarly serious about providing such persons with role models in school resources and, if possible, in the classroom itself.

If Children Require LGBTQ Role Models, Are Schools Well-Positioned to Provide Them?

Within Canadian schools, students are still exposed to heteronormativity (McGregor, 2008). Each time a school teaches a unit on family types, the absence of models who are same-sex parents further alienates young LGTBQ persons from their community and themselves. As was argued above, LGBTQ persons experience this marginalizing master narrative throughout their lives. It is in this context that schools attempt to find the elusive equilibrium between freedom of religion and freedom of sexual orientation. If it is, indeed, the case that young LGBTQ persons require role modeling from *outside* their own families, might we reasonably look to schools to provide it?

I argue that schools are vulnerable to oppressively majoritarian rule and, therefore, that in the current political climate they often serve to perpetuate heteronormativity. First, I will demonstrate that the onus does in fact fall on schools and teachers to manage the "judicial divide" (Clarke, 2004, p. 146) between liberty and equality. I will then examine the weaknesses within the public education system that render educators unqualified to adjudicate human rights conflicts of the sort posed by LGBTQ role modeling. Lastly, I will discuss the implications these vulnerabilities have on LGBTQ youth and the way in which they lead to the perpetuation of heteronormativity.

The Weaknesses of Educational Authorities on LGBTQ Issues

When schools attempt to provide LGBTQ role models – through gay-straight alliances (as in the Bill 18 example) or through textbooks or courses (as in the Chamberlain and Correns examples) – religious parents often mobilize to assert their sovereignty over their children's education. Despite notable recent exceptions,

there is still a "paucity of cases" (Clarke, 2004, p. 163) that negotiate the balance of freedoms between these two groups. The lack of these instrumental cases is attributed to the high cost of legal action, the typically requisite element of criminality, and the general preference to settle matters privately (Clarke, 2004). Importantly, if many of these conflicts fail to enter the courts, the burden of sorting out these human rights issues falls on others outside of the justice system. This raises some alarming questions. In such disputes that fail to reach the courts, who decides the ultimate outcome? How capable are they to come to such conclusions?

In response to the former question, the onus often falls on educators themselves to make the delicate and contentious decisions presented by parental objections to LGBTQ role modeling. This is, in part, why Canada has seen such a notable expansion of public debate on these issues (see McGregor, 2008; *Chamberlain v. Surrey School District No. 36,* 2002; *Hall v. Durham Catholic School Board,* 2005). Indeed, the academic community frequently calls upon teachers to dismantle heteronormativity in schools (Goldstein, Rusell & Daley, 2007; Grace & Wells, 2007; Kumashiro, 2002 as cited in McGregor, 2008).

In response to the latter question, the Supreme Court of Canada (SCC) has regarded educational authorities unfit to adjudicate the complex legalities of human rights concerns (Clarke, 2004). Responding to *Trinity Western University v. British Columbia College of Teachers* and *Chamberlain v. Surrey School District No. 36*, cases in which the SCC overturned the decisions of the more powerful school authorities, Clarke (2004) states:

> The court has the requisite expertise to address complex rights questions, which raise important social issues while school authorities can make no such claims. Educators are not lawyers and are not well equipped to address legal issues. (p. 165)

As argued by Clarke (2004), schools and teachers demonstrate several weaknesses in their ability to maintain the complex balance between liberty and equality. First, educational authorities lack the legal reasonableness to "make findings of discrimination" (Clarke, 2004, p. 163). Although educators possess expertise in educational policy, they do not hold the same authority in resolving human rights issues. Thus, not only is the court more suitable in settling human rights disputes but, also, they *ought* to intervene when educators face such questions. In other words, educators are often left with issues of a non-pedagogical nature they are ill equipped to handle and that should, in the first place, have been refereed by the courts.

Second, it is implied that educators are often "swayed by political pressures" (Clarke, 2004, p. 166) in regards to such contentious issues of freedom. Take, for instance, the Chamberlain case. The conflict over Chamberlain's proposals arose, in part, in response to pressures from surrounding religious communities. These pressures are neither unintended nor illegitimate, as a school board just "is a political body and a proxy for parents and local community members in making decisions" (Clarke, 2004, p. 161). In a democratic society, it is often the case that the majoritarian position takes precedence (even on a local school board). This is why the Charter, and the Supreme Court's actions in its name, takes such a central role. In essence, educators are ill equipped to deal with questions of religious freedom and sexual diversity because (a) they lack expertise in issues of human rights and (b) they belong to a political body that must negotiate the interests of the majority educational stakeholders.

The Master Narrative

While Canadian society is undeniably diverse, the experiences of the majority are often the basis for the narratives we teach in school. As a result, schools become vehicles for master narratives – understood here as marginalizing narratives drawn from the experiences and values of the dominant culture. This is very much the case with LGBTQ perspectives. As McGregor (2008) states "schools are sexualized spaces that regulate gender and sexuality, normalizing heterosexism while simultaneously silencing, marginalizing, rejecting or pathologizing queer youth" (pp. 3-4).

As demonstrated earlier in this paper, queer youth lack access to role models and strategies to resist such oppressive narratives. As such, the school system and its educators must not only protect vulnerable learners from bullying, but also act positively in support of their constitutionally protected diversity.

Because the school system often fails to provide adequate strategies and role modeling to help LGBTQ students resist the heteronormative narrative, the status quo is upheld. This is the case for three reasons. First, because the SCC *ought* to intervene, but often fails to, there is little to guide educational authorities in handling cases wherein parents object to particular efforts to combat heteronormativity. Second, the interests of the perceived majority often sway school authorities in a way that perpetuates the master narrative of heteronormativity. As Clarke (2004) argued, "to give in to the majoritarian animus…means that minorities will always be at the mercy of the tyranny of the majority" (p. 167). Third and lastly, LBGTQ youth are a vulnerable population that teachers have a moral and legal obligation to protect and support. Justice La Forest J. acknowledges that "young children are especially vulnerable to messages conveyed by their teachers" (Clarke, 2004, p. 156), and, as was argued in the previous section, such children desperately need those teachers to provide strong LGBTQ role models. Every missed opportunity for such modeling is, because of the heteronormative nature of the existing system, an opportunity for further marginalization.

Liberal Education and the Best Interests of Students

Having discussed the need for role modeling, and the inadequacy of the status quo in this respect, it is now time to turn to the other side of the issue – the extent to which families should be able to object to such modeling when it comes into conflict with their beliefs. Attempts like this one to adjudicate the conflicting interests between parents, the state, and students, are both historical and ongoing. Indeed, the contemporary Canadian examples we have named here bare great resemblance to the American examples noted in our introduction. One such case is *Mozert v. Hawkins County Board of Education,* in which the plaintiffs, a group of conservative Christian parents and students, claimed that the Hawkins mandatory reading program contained themes that infringed on their religious beliefs, thus violating their right to free exercise of religion (Vojak, 2003, p. 401). Because of this, the plaintiffs sought an opt-out alternative and requested a textbook series that they considered more appropriate. Although the court had initially decided in favor of the plaintiffs, the decision was eventually overturned.

The *Mozert* case has important implications for parental interests and student agency in the context of public school education. It can be said that education is most politically ideal when (a) the goals and methods of parents and state both serve the interests of the child, and (b) when parental goals and methods are congruent with those of the state. Unfortunately, cases like *Mozert v. Hawkins* indicate that this ideal is far from being achieved, especially when topics of sexuality, sexual orientation, and religion are concerned. This, then, leads to one of philosophy of education's perennial questions: "Does a strong liberal education serve the best interests of the child when the goals and methods of the state conflict with parental values?"(Vojak, 2003, p. 407). I will answer this question in the context of Alberta's Bill 44. I will argue that the state ought not to give to parents an unqualified veto power over important elements of their children's education.

Parental Interests

The proper extent of parental involvement in education is hotly debated. In these debates it is often argued that parents retain the fundamental right to instruct and direct the upbringing of their children. That is, parents remain their children's primary educators, and ought to decide what is acceptable and unacceptable for their children to learn in schools. This belief appears to have motivated the Alberta Legislature to pass Bill 44 in 2009. Under section 11, it is required by law for schools and teachers to notify parents when "subject-matter that deals explicitly with religion, sexuality or sexual orientation" is discussed in their children's classrooms. In the case that parents do not consent to their children's participation, these students are exempted "without academic penalty." In other words, Bill 44 grants parents veto power over their children's public school education. This poses a significant problem. Since there is no caveat or "unless" clause built into section 11, there is no obvious check on this "new" parental power.

The religious parents for whom this bill is presumably intended are not, of course, behaving in bad faith by requesting their children be exempted from particular educational experiences. Indeed, it should be

noted that parents generally seek "to nurture and protect their children based on their own vision of the good and their own fears and concerns about their children's well-being" (Vojak, 2003, p. 413). The *Mozert* case, for example, clearly demonstrates this motive. It is, however, important to ask: What happens if parental interests, even if well intentioned, conflict with the interests of the student as perceived by educational authorities and the state? Should parental sovereignty be given primacy over student self-determination? Consider the following example: Parents of a gay student pull their teenage son out of a school program that discusses topics involving sexual orientation because it does not coincide with their beliefs. If the parents believe that it is in their child's best interest to live as a heterosexual person, it makes sense that they want their son to opt-out. That child has, however, an inalienable right to his sexual orientation, and, if Boulay and Yeung are correct, is also vulnerable to heteronormativity at home and at school. Under Bill 44, his parents have the power to prevent him from taking part in educational experiences meant to support this dimension of his rights as a Canadian.

This scenario raises two issues. The first of these pertain to the academic penalty placed on students. In the case that students opt-out of certain classes in schools, Bill 44 requires that no penalty be issued. This protection presumably refers only to grades – in the sense that a student absented from class by her parents should not be penalized through her grades for that absence. This is, however, only the narrowest form of penalty. I argue that there is a different kind of penalty that students encounter when they opt-out of classes. That is, they can potentially miss educational experiences that may nurture "the kinds of virtues, skills, and capacities necessary" (Vojak, 2003, p. 406) for the betterment of their personal lives and the lives of others. Should the student in the previous example be pulled out of a class that offers resources and support for LGBTQ students? Clearly, this would not be in the best interest of that student (understood here as a function of the free exercise of their constitutional rights). It is, therefore, dubious to suggest that parents are, in this context especially, the final arbiters of their children's education.

If we are to say that students have the right to attend schools, then we must also say that they hold a concomitant right to the curriculum taught in those schools. These rights ought to be protected, and they ought to be protected *by and in* schools. LGBTQ students are at risk and require role modeling – in their school resources and in their schools. Teachers are often left to decide how this should be done, and are in a very difficult position in which the courts offer only limited support. Parents should not, in this already precarious context, be permitted the power to undo the extraordinarily difficult work of deciding how to teach LGBTQ issues.

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