



## THE FIGHT FOR LGBT+ YOUTH IN SCHOOLS CONTINUES

Twenty-five years after a breakthrough legal win, Lambda Legal is still working to keep LGBT+ students safe nationwide.

It was a landmark victory for Lambda Legal and for LGBTQ students everywhere: Twenty-five years ago, the Seventh Circuit Court of Appeals ruled in a first of its kind decision, that schools were responsible for protecting students from verbal and physical bullying. Successfully litigated by Lambda Legal's David Buckel and Patricia Logue and David E. Springer from Skadden, Arps, Slate, Meagher & Flom on behalf of Jamie Nabozny from Wisconsin, a student who'd been relentlessly physically and verbally harassed in school for being gay, the case was a precedent setting victory. Followed by a near million-dollar verdict and settlement, the case led to an explosion in legal advocacy for LGBTQ youth and anti-bullying policies in schools nationwide.

Nabozny, now 45 and raising four adopted biological sons with his husband in Minneapolis, remembers the day of the ruling all too well. "I was ecstatic," he recalls, "but also shocked, because both Lambda and

Skadden had told me they didn't expect to win but wanted to appeal the case to create education and awareness." (A lower court had previously dismissed the lawsuit.) "The case created awareness of an issue and a financial incentive for schools to do the right thing."

His own adolescent experience is partly why he's so passionate about the work Lambda Legal is currently doing in several states against bills—some of them sadly already passed—that discriminate against LGBTQ students, especially transgender youth. These laws call back to a time - not that long ago - when it was the accepted norm that a gay or lesbian kid was going to be bullied. "When I was young, the bullies were other students and the school administrators who did nothing to protect kids like me," Nabozny says, "but now the bullies are truly powerful legislators and decision-makers who are use trans kids as their scapegoats for political expediency. And they don't care who they hurt."

Lambda Legal client Becky Pepper-Jackson at her first cross-country track meet.  
Photo courtesy of the family.

That's why, in this past year of unprecedented legal assaults against LGBTQ young people nationwide, Lambda Legal has been working overtime. With the ACLU and other legal teams, we just had a victory in West Virginia, where a district court ruled that our client, transgender eleven-year-old Becky Pepper Jackson, must be allowed to try out for girls' track and cross-country—blocking West Virginia from enforcing a law that bans transgender girls and women from participating in school sports.

In 2017, we successfully sued on behalf of trans student Andrew Adams, who was being denied access to the boys' restroom, and continue to defend the victory before a federal appeals court

These victories underscore the fact that Lambda Legal "has long fought to ensure that LGBTQ students are safe in schools," says Paul D. Castillo, Lambda Legal counsel and students' rights strategist. "Unfortunately, many LGBTQ students today suffer many of the same experiences that Jamie Nabozny had to endure." Castillo cites GLSEN's 2019 National School Climate Survey finding that 86% of LGBTQ students faced harassment or assault based on their sexual orientation and/or gender identity. "This is alarming even though we've made great strides in school districts across the country," he says.

We're out front in the fight and beyond the courtroom. We've submitted testimony against attempted or passed anti-trans sports and medical bans in multiple state houses. We've provided comments to the U.S. Department of Education regarding enforcement of Title IX, the law that prohibits discrimination on the basis of sex, including discrimination based on sexual orientation or gender identity in schools. We've written advocacy letters to school districts—such as a letter we cowrote with the ACLU of Texas on behalf of a student suspended for violating his schools' gender-stereotyping dress code by painting his nails. In April, thanks in part to our intervention, that dress code was revised.

In recent months, we've filed a friend-of-the-court brief in an Indiana case in support of trans students who were misgendered or "dead-named"—called by their birth, rather than chosen, name—by a teacher, whose legal case against the school's trans-affirming policy was dismissed. We've done the same in a similar college campus case in Ohio. In different cases in Maryland and Virginia, Lambda Legal and the National Center for Lesbian Rights (NCLR) filed an amicus brief on behalf of PFLAG and Whitman Walker Health in cases led by anti-LGBT organizations or parents who were attacking school district efforts to create best practices and nondiscrimination policies supporting trans students. (A court dismissed the Virginia attack; the Maryland case is still pending.)



Jamie Nabozny, 2<sup>nd</sup> from left, now with his family.

And at the Ninth Circuit Court of Appeals, we filed an amicus brief in *Hecox v. Little* on behalf of athletes in women's sports like Billie Jean King and Megan Rapinoe, challenging an Idaho law that bans trans athletes from playing on the school team that matches their gender.

In other words, we're going hard on all fronts. What other choice do we have? "Preserving and protecting LGBTQ students' right to be safe and access equal educational opportunities has been a core commitment of Lambda Legal since our inception," says Castillo.

Nabozny knows that all too well. In the years after his legal victory, he toured the country with Lambda to raise awareness and funding for anti-bullying efforts—despite the fact that he was in intensive therapy due to the trauma caused by his years of being abused in school. Today, despite being a busy stay-at-home dad trying to keep four boys on track academically in the middle of the COVID pandemic, he keenly follows Lambda Legal's current efforts.

And he cheers on the young people who, with the support of Lambda Legal and other parties, are standing up for themselves, as he did for himself 25 years ago. "I'm so proud of these kids who are coming out at younger and younger ages," he says, "asserting themselves alongside families who love and support them. And not backing down." **LL**

**SUPPORT GOES BEYOND CELEBRATION.**

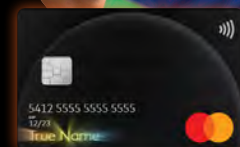
Standing with the LGBTQIA+ communities means working to create a more inclusive world.

Learn more at:  
[mastercard.us/truename](https://mastercard.us/truename)

Proud Sponsor



Mastercard is a registered trademark, and the circles design is a trademark of Mastercard International Incorporated. © 2021 Mastercard. All rights reserved.



## VICTORY! Becky Pepper-Jackson makes the team.

**In July, a federal judge rebuked West Virginia's discriminatory new law banning transgender kids from aiming to compete on girls' teams.**

Becky Pepper-Jackson was almost born running. The eleven-year-old's mom, Heather Jackson, would push baby Becky in the stroller while she went on her own runs—and Becky was running alongside Heather as early as four. It's something mother and daughter have enjoyed side by side for years now, in and around their town of Lost Creek in north-central West Virginia.

"We run for fun," says Heather. "It's our Zen time."

"Just taking in the surroundings as we go, my heart pumping," says Becky. "Feeling as light as a feather."

That's why Becky was so excited to try out for cross country once she hit middle school, which she does this fall. But then, in April, West Virginia Governor Jim Justice signed into law a cruel and ignorant bill banning transgender girls, including Becky, from competing on girls teams in middle school through college. It's one of several such bills, some of them made law, introduced in many states the past year or so that discriminate against trans kids' right to play sports, get trans-related healthcare or use the bathroom of their choice.

Becky was devastated. "They're just ignorant and don't know the first thing about being trans," she says of folks who push such laws. But Heather was infuriated. When the law passed, she made a call and said, "Please tell me we're going to fight this." The state ACLU—along with Lambda Legal and the national ACLU—were ready.

But was Becky? Absolutely, it turns out. "I was scared being put into the spotlight like that," she says, "but it was important to do this for myself and other trans kids, because if someone was really into running and didn't get the chance to at least try out for the team like anyone else, that would break my heart."

In late May, the legal team filed in court for a preliminary injunction—a freeze—on the new law, saying that it harmed Becky. Then came nearly two months of waiting—during which Heather and Becky shut down their social media to block out transphobic trolls who'd read about the case. It was summer vacation, but they didn't leave the house much.

"It was stressful," says Becky.

"We were on pins and needles," says Heather. "But I said, 'Let's hang in there and have faith.'"

Finally, on July 21, Heather got a text from the legal team while she was at work. "I wrote them back, 'Oh, no!', but they replied, 'It's good news—don't panic.'"

And indeed it was. U.S. District Judge Joseph R. Goodwin called for the injunction on the law, writing, "this law both stigmatizes and isolates B.P.J.," as Becky was named in the case, and "Having found... that her exclusion is likely to be in violation of the Equal Protection Clause and Title IX, I find that B.P.J. has demonstrated that she will be irreparably harmed if this law were to take full effect."

Says Heather, "I cried when I read the judgment—his words were so moving that they went right through my heart."

Says Becky, "I felt awesome! It meant I was allowed to try out for cross country, just in time." The two celebrated with mint chocolate chip ice cream. "With lots of sprinkles," adds Becky. "More sprinkles than ice cream, actually."

Now the same judge must decide if the law should be thrown out entirely, not just frozen on Becky's behalf, explains Lambda Staff Attorney Carl Charles, who is on Becky's legal team. The decision may take months. "But as you can see, the judge wrote that Becky's likely to be successful on her claims," Charles notes. So the entire team is hopeful. "It's a high profile case that could have an impact on other trans and nonbinary youth in West Virginia."

Meantime, Heather and Becky hope that putting their story out there will help more people understand what being transgender really is. "We need people to educate themselves and not do these gut reactions," says Heather. "I'm no different from any other mother who wants their kid to be happy. And Becky's happy when she's running."

Looks like she will be—in August, Becky found out that she made the middle-school cross-country team!

She can't wait to lace up. "I feel great when I'm running," she says. "I feel alive!" **LL**

**250 bills** introduced in state legislatures that target LGBTQ people



**119**, target transgender people; mostly youth

**43** religious refusal bills

**17 bills signed** into law



**8** target transgender rights



**4** of them were religious refusal bills



**27 bills still pending**

## WHAT DO WE MEAN WHEN WE SAY "WE'RE ONE LAMBDA LEGAL?"

We're proud to be a truly national LGBTQ organization, one with six offices, nearly 100 board and national leadership council members, and, in a typical year, more than 70 events across the country. These events provide critical funding for our work and provide a rich opportunity for our community to celebrate our progress and recommit to all the work we know we must do.

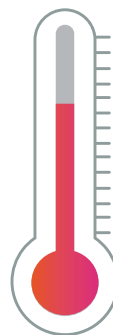
Early this year, with the uncertainty of the COVID-19 crisis, our team committed to a virtual-first approach to our annual schedule of events. Our volunteer community - typically working in individual committees on their local goals and events - have been united and working as one.

**This effort, ONE Lambda Legal, is a first-of-its-kind fundraising campaign** - fueled by dedicated volunteers - with one goal: to raise \$5 million to support Lambda Legal's mission to improve the lives of LGBTQ people and everyone living with HIV.

We had hoped to re-open our offices and return to in-person events this fall. However, the surge of the COVID-19 Delta variant, and the return of mask mandates, makes that possibility uncertain and unlikely. We will follow all issued safety protocols and mask mandates, and may have small vaccination-only gatherings, but we have decided to keep our offices closed and will pause all large-

scale events for the remainder of 2021.

October is LGBT History Month and our virtual-first approach offers a week of panels and programming and opportunities for our community to learn, connect, grow and support Lambda Legal's work. ONE Lambda Legal week will be held virtually October 4th - 8th and will serve to mobilize our community to raise the funds we typically raise from in-person events.



**You can help! At [onelambdalegal.com](https://onelambdalegal.com) you can create your own page and set your own fundraising goal. Join our community of volunteers all doing their small part.**

In 1973, Lambda Legal was founded by volunteers who came together with a common purpose and cause. We're now a diverse national organization, but together We're ONE Lambda Legal and when we work as one, we win for all. Join us. **LL**

# ONE

— LAMBDA LEGAL —

**MARK YOUR CALENDAR FOR ONE LAMBDA LEGAL WEEK,**  
with each day celebrating a Lambda Legal region and area of our work:

**MONDAY,  
OCTOBER 4<sup>TH</sup>**  
*Our Midwest Region*  
> Youth

**TUESDAY,  
OCTOBER 5<sup>TH</sup>**  
*Our Western Region*  
> Women

**WEDNESDAY,  
OCTOBER 6<sup>TH</sup>**  
*Our Southern  
Region*  
> Our LGBTQ Legacy

**THURSDAY,  
OCTOBER 7<sup>TH</sup>**  
*Our South Central  
Region*  
> Allies

**FRIDAY,  
OCTOBER 8<sup>TH</sup>**  
*A National  
Celebration with  
primetime Liberty  
Awards broadcast*

**Learn more, register and tune in at [onelambdalegal.com](https://onelambdalegal.com)**