

Legislative Bullying

by Katherine Kersten

Who—in sensitive, civilized America in 2014—could possibly be in favor of bullying? Every

decent adult wants students to treat each other with courtesy and respect. So who could oppose attempts to strengthen anti-bullying laws to shield children from the hurtful schoolyard taunts so many of us remember?

But what if the anti-bullying project is hijacked by zealous special-interest groups with little concern for protecting kids who are overweight, shy, or viewed as nerds—the traditional victims of bullying? What if state policy-makers use anti-bullying programs to pry open the doors of religious schools and compel them to teach ideas directly at odds with the tenets of their faith?

This is the scenario now unfolding in Minnesota, where a high-profile anti-bullying campaign signals what is on the horizon for schools elsewhere. Recent events at the capitol in St. Paul—not yet resolved—demonstrate how aggressive advocacy groups can use a supposed anti-bullying crusade as a vehicle not only to promote a political-cultural agenda but to foist it on children in their formative years.

Advocates of the Safe and Supportive Minnesota Schools Act portray bullying as an urgent and escalating problem, though surveys by the U.S. Department of Justice indicate that bullying is actually declining in American schools. But a closer look reveals an unsettling truth: This campaign—and the legislation it has spawned—is not so much about stopping bad behavior as it is about using the machinery of state education to

compel children to adopt politically correct attitudes on the nature of human sexuality, gender identity, and alternative family structures.

The multi-year effort to replace Minnesota’s “local control” anti-bullying law has been led by OutFront Minnesota, the state’s largest lesbian, gay, bisexual, and transgender advocacy group. OutFront has long sought to dump the straightforward law, which requires every school district to adopt a policy “prohibiting intimidation and bullying of any student.”

In August 2012, OutFront’s campaign got a major boost from Governor Mark Dayton’s Task Force on the Prevention of School Bullying. The handpicked task force—of which OutFront’s legal director was a prominent member—called for a sweeping statewide anti-bullying regime administered from St. Paul and a powerful new “School Climate Center” at the Minnesota Department of Education.

In early 2013, legislative supporters of OutFront’s agenda introduced the Safe and Supportive Minnesota Schools Act, intended to enshrine the task force’s recommendations in law. Heart-rugging stories of bullying dominated the headlines and hearings that followed. Yet behind the public relations push was a multifaceted crusade to shape children’s attitudes and beliefs about sexuality and family structure through programs in public, private, and religious schools across the state.

The “Safe Schools” strategy relied, first and foremost, on reframing school bullying in the group-based language of civil rights. Instead of treating all children equally, the legislation inspired by the task force singled out eighteen “protected classes”

of students—based on criteria including race, sexual orientation, and “gender identity and expression”—for special attention and protection.

At the same time, the task force called for vastly expanding the scope of prohibited student speech and conduct. Instead of targeting bullying defined as a pattern of verbal or physical abuse, it recommended that students be punished for even one word that another student (especially those in protected groups) could claim to find “humiliating” or “offensive,” or that “interferes” with another student’s ability to “participate in a safe and supportive learning environment.” In addition, the regulations proposed by the task force would require schools to police “cyberbullying,” including comments a student writes on his Facebook page.

This momentous shift in the conception of bullying entails deeply troubling consequences. It means, for example, that a youngster who believes that children need a mom and a dad can be labeled a bully, because his views “offend” gay, lesbian, bisexual, or transgender students. A student who announces in social studies class that she opposes illegal immigration can be hauled up before school authorities if a Hispanic student charges that this statement creates an “imbalance of power” or interferes with a safe and supportive learning environment—both barred as bullying.

In essence, the task force endorsed imposing an unprecedented new obligation on Minnesota schools. Instead of merely prohibiting bad behavior, schools would have an affirmative, legally enforceable duty to assure a “safe and supportive environment,”

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or “positive school climate,” for state-approved demographic groups.

This would open the way for what appears to be Safe Schools supporters’ primary goal: mandatory, state-sponsored reeducation on sexual matters for all K–12 Minnesota students. Specifically, the task force recommended that students receive “multi-cultural/anti-bias education” that promotes “values, attitudes and behaviors” that “understand the nature of human sexuality.” Schools would be required to consult with “community-based advocacy groups” like OutFront as they craft their anti-bullying policies and training. The purpose, the task force acknowledged, is to “change[] peer and community norms.”

Teachers and school staff would also be required to attend regular anti-bullying training, as would parent volunteers. After all, it is presumably parents who pass on to children the “bias” that Safe Schools advocates aim to stamp out.

Several aspects of the legal campaign betray the authoritarian impulses behind it. The task force called for subjecting not just public but also private and religious schools to the dictates of the new anti-bullying regime, thereby ensuring that Christian, Jewish, and Muslim families who reject state-approved orthodoxy on sexual matters have no educational refuge.

It also advocated strong-arm compliance measures. These included giving school officials authority to refer students who express views that others consider offensive to “counseling” for “mental or other health services.” Likewise, the state’s Department of Education would have power to reduce or withhold state aid from school districts it judged to be insufficiently enthusiastic about creating a “positive school climate.”

It is not clear how the anti-bullying crusade in Minnesota will play out. In 2013, the Minnesota House of Representatives passed the Safe Schools

bill after its authors excluded private schools and modified a few provisions to address First Amendment concerns, reportedly at the advice of the state’s attorney general. Opponents managed to avert a vote in the Senate. In 2014, however, the bill is widely expected to pass.

If the Safe and Supportive Schools Act becomes law, this year or in the future, Minnesota schools are likely to turn for guidance on curriculum and training to OutFront and groups and resources it recommends.

One such resource is the “Welcoming Schools” curriculum, a K–5 anti-bullying program developed by the Human Rights Campaign (HRC). Some aspects of the program were tested in Minneapolis in 2008.

Welcoming Schools has little to do with bullying and much to do with ensuring that kids as young as age five are taught HRC’s views on sexuality and family structure. In its original form, the curriculum advised teachers not to call students “boys and girls,” on grounds that this can create “internal dissonance” in some children. It called for students to read books like *The Sissy Duckling* and to be evaluated on “whether or not [they] feel comfortable making choices outside gender expectations.” Kids in grades three to five “acted out” being members of non-traditional families, including families headed by same-sex couples.

OutFront also recommends the K–12 programs of the Gay, Lesbian and Straight Education Network (GLSEN), which describes itself as working “across the country . . . to improve school climate and champion LGBT issues in K–12 education.” GLSEN asserts that “safe” schools need LGBT “affirming” curricula. “LGBT people, history, and events can be easily inserted into most content areas,” it declares.

In a safe school, for example, science teachers “acknowledge the gay identity of Francis Bacon (creator of the scientific method),” while

art teachers identify the artist Frida Kahlo as bisexual. In math class, students analyze “LGBT demographic trends”—for instance, creating charts illustrating the “number of same-sex couples raising children” or the “number of adopted or foster children in LGBT-headed households.”

In a safe school, students can “participate on sports teams according to their gender identity.” Presumably, that applies to locker rooms and gym class, as well.

GLSEN encourages schools to show a film entitled *Straightlaced: How Gender’s Got Us All Tied Up*, which describes the many gender identities available to students. And it applauds Facebook’s recent “exciting” decision to offer “custom gender settings” beyond male and female: “You can now choose . . . from a list of 50 identities” the one or ones that “suit you best”—such as “Genderqueer,” “Trans* Male,” or “Cis Female,” and “boi,” “zie,” “femme,” or “gurl.”

The anti-bullying campaign in Minnesota is the leading edge of a national campaign to re-frame bullying as a civil-rights issue, with a strong focus on LGBT students. The Office for Civil Rights at the U.S. Department of Education launched the effort in 2010. In 2011, the federal government investigated Minnesota’s largest school district, Anoka-Hennepin, concluding that it fostered a “hostile environment” for gay, lesbian, bisexual, and transgender students. The district settled a related lawsuit and is currently under an onerous five-year consent decree monitored by the Department of Justice.

Events in Minnesota illustrate how quickly yesterday’s pleas for mere tolerance of sexual behavior “outside the mainstream” can morph into mandates for active approval of that behavior. They also make clear that the ideologies whose agenda has had such success in higher education and the workplace are now reaching for our children. ■