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# **A PROPOSAL FOR LGBTQ+ INCLUSIVE CURRICULA IN PUBLICLY FUNDED ELEMENTARY AND SECONDARY SCHOOLS IN NEW MEXICO: A POLICY BRIEF**

## **The case for an LGBTQ+ Education Act in New Mexico**

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### **EXECUTIVE SUMMARY**

The LGBTQ+ Education Act is a proposal to address inclusive curricula in K-12 public schools. Currently, New Mexico has not passed laws in support or against LGBTQ+ inclusion in K-12 instruction. New Mexico permits LGBTQ+ SAFE Zones training and displays to a degree, as they are currently a part of Albuquerque Public Schools (Albuquerque Public Schools, n.d.). However, the neighboring district of Rio Rancho was recently in the midst of public debate over whether symbols of LGBTQ+ inclusivity may be displayed by teachers (Freeman, 2024). Although New Mexico does not legislatively prohibit LGBTQ+ inclusive practices at the state level, the absence of state-wide policies allow school districts to decide whether to prohibit or support inclusivity.

Throughout New Mexico, LGBTQ+ youth have poorer mental health outcomes than their peers. Seven out of ten LGBTQ+ youth experience anxiety and about six in ten experience depression. Two of every five LGBTQ+ youth seriously considered suicide and one in five youth attempted suicide. When LGBTQ+ youth sought behavioral health treatment, many were unsuccessful (Trevor Project, 2022). In 2019, LGB youth in grades 9-12 were three and half times more likely to attempt suicide compared to their peers (New Mexico Department of Health's Indicator Data & Statistics, 2022). Only half of LGBTQ+ youth feel that school is a supportive environment. According to LGBTQ+ youth, a supportive space includes protection from harassment and discrimination, representation and resources, seeing other LGBTQ+ youth in school comfortably expressing their gender and sexuality, access to bathrooms where they feel most comfortable, being referred to by their preferred pronouns, and LGBTQ+ staff in school (Trevor Project, 2022).

Accepting communities and school spaces can promote wellbeing for youth and decrease thoughts of suicide and suicide attempts.

### **BACKGROUND**

Youth who identify as lesbian, gay, bisexual, or transgender (LGBT+) experience higher rates of poor mental health outcomes, risky sexual behaviors (Hafeez et al., 2017), and hostile school environments compared to their peers (Burwick et al., 2015). Schools have the unique opportunity to provide interventions for youth that improve not only academic outcomes, but social-emotional well-being, behavioral health, and physical health. Recent surveys document a growing population of LGBT identified youth in the U.S. with one in four high school students identifying as LGBT (Mpofu et al., 2023). As of 2021 only seven states have policies for inclusive LGBT curricula, and New Mexico remains part of the majority of states missing policies for providing students with such curricula (Movement Advancement Project, n.d.).

Policies requiring public schools and subsidized public higher education to provide LGBT inclusive sexual health and history curricula have shown positive outcomes for LGBT youth (Bittker, 2020).

**1 in 4 Youth in the US Identify as LGBT**



Note references to LGBTQ+ individuals are reported based on LGBTQ+ populations included throughout research studies. References to LGBTQ+ individuals are inconsistent throughout this policy brief due to inconsistencies in LGBTQ+ representation in research and policy.

## RESEARCH OVERVIEW

Students who identify as lesbian, gay, bisexual, or transgender, questioning, or something else (LGBTQ+) have varying levels of support and resources at school. The most common support is a Gay-Straight Alliance school club or organization (GSA) (73%), followed by inclusive sex education (20%), and lastly, inclusive history education (14%). Students in the Northeast and Western regions of the U.S. are more likely to have a GSA, LGBTQ+ inclusive sex education, and LGBTQ+ inclusive history education. Percentages do not account for all students, but rather students who identify as LGBTQ+. Students in the South are least likely to have any of the three supports, and the Midwestern region of the U.S. most similarly reflects the national average of support. Across the country, LGBTQ+ youth have inconsistent support and resources, likely resulting in inconsistent health outcomes (Human Rights Campaign Foundation, 2023).

According to the New Mexico Public Education Department (2023), 6% of New Mexican middle-and-high school youth identified as transgender or unsure of their gender identity in the 2019 Youth Risk and Resiliency Survey. Nationally, that number was 1.43%. Youth in New Mexico were over three times as likely to identify as transgender in 2019. Families and youth may be moving to New Mexico because nearby states such as Texas, Oklahoma, Arizona, and Utah have banned gender-affirming care for youth. Texas has declared that traveling for gender-affirming care is illegal (Villarreal, 2023). In contrast, New Mexico passed several laws to protect persons of all gender identities. In 2023 New Mexico passed SB 13, which is an important bill for transgender persons because it forbids local governments from assisting with out-of-state investigations on reproductive and gender-affirming care.

## DISCUSSION OF FINDINGS

According to the Human Rights Campaign Foundation (2023) New Mexico has more pro-equity laws than anti-equity laws including hate crimes and criminal justice laws, non-discrimination laws, health and safety laws, youth laws, and parenting laws. There is precedent for passing LGBTQ+ inclusive policies in New Mexico, which supports the political feasibility of inclusive LGBTQ+ education policies. However, parental pressure could diminish political feasibility.

Parents and community leaders are pressuring local school districts and legislation to increase parental rights and keep LGBTQ+ references and discussions out of the classroom. Apart from students, parents are the most important stakeholder for education-related policies. Students are most impacted, but they have little influence and voice as stakeholders.

Parents from local school districts with inclusive LGBTQ+ school communities, that may or not include LGBTQ+ curricula, have expressed strong disapproval of how educational funds are being used. Parents and other groups in opposition view inclusive LGBTQ+ practices as perverse and a misuse of funds (Independent Women's Voice, 2023; Southwest Public Policy Institute, 2024).

Although New Mexico has a history of supporting LGBTQ+ rights, parental groups have expressed opposition to pro-LGBTQ+ classroom resources, supports, and education. Moms for Liberty (M4L) is a large, powerful, political opponent. They do not think LGBTQ+ topics should be included in the classroom. They support acts similar to Florida's "Don't Say Gay Bill." They have access to funds and resources greater than local constituents. Despite their involvement, New Mexico government agencies such as PED and the Department of Health (DOH), have not endorsed increasing parental rights in schools (Kaplan, 2023). Opponents such as M4L with resources to endorse candidates that support their views complicate the political feasibility of passing legislation for LGBTQ+ inclusive curricula, despite a history of pro-LGBTQ+ legislative action. However, research supports LGBTQ+ inclusive history and sex education curricula as an intervention for improving LGBTQ+ youth's experiences in school (Killen & Rutland, 2022; Bitker, 2022; Camicia, 2018).

The short-term goal of the LGBTQ+ Education Act is to minimize stigmatization and oppression of LGBTQ+ students and to assuage instructor fears over including such topics in classroom instruction (Najarro, 2022). Long-term, the goal is to make robust LGBTQ+ curricula a standard for public education in New Mexico.

Administratively, New Mexico passed inclusive policies targeting specific identity groups such as the Indian Education Act (2003), Hispanic Education Act (2010), and Black Education Act (2021). Much of the language from previous education acts can be used and modified to develop a LGBTQ+ Education Act. Therefore, NMPED, the implementing agency, has a structure or system for change that has already been established.

The LGBTQ+ Education Act would be overseen by NMPED and would be funded by the state of New Mexico's general fund. For example, The Black Education Act (2021) was initially allotted \$200,000 from the general fund with the stipulation that ongoing expenses would be drawn from the NMPED annual budget (Sena, 2021). Funding for the LGBTQ+ Education Act would be similar. Adjusted for inflation, the initial cost for the would be \$232,000 (U.S. Inflation Calculator, 2024). The low cost of the LGBTQ+ Education Act would reap tremendous benefits for LGBTQ+ students and their peers if it leads to a safer and more inclusive school environment as predicted by scholars (Glazzard & Stones, 2021). The costs of not having such an environment can lead to expensive legal proceedings such as *Yazzie/Martinez v. State of New Mexico* (Judge orders state of New Mexico to pay \$312K in education lawsuit, 2019).

## IMPLICATIONS

Negative impacts of implementing LGBTQ+ inclusive curricula are not well documented. Authors for this policy proposal found no academic research illustrating negative consequences due to teaching youth about gender identity and sexual orientation or including representation from LGBTQ+ individuals in history curricula. On the contrary, only positive effects were discussed in academic literature. However, talk of negative consequences exists. Opponents to teaching LGBTQ+ inclusive curricula in schools argue that it should be students' parents' right to choose whether their children are taught about LGBTQ+ subject matter. Additionally, critics argue it is not developmentally appropriate, and there is no agreement about when it is considered appropriate to teach youth about LGBTQ+ identities and individuals (Shannon-Baker, 2020). On the national level, the United States Supreme Court is considering a case which could impact LGBTQ+ inclusion in schools nationwide. In April of 2025, the court heard arguments regarding *Mahmoud v. Taylor*, which considers whether parents are allowed to opt out of LGBTQ+ inclusive curricula in public elementary schools (Golde, 2025).

The issue of LGBTQ+ inclusion in K-12 curricula remains unsettled on the state level in New Mexico. On November 20, 2024, the Albuquerque Public School Board held a Finance Committee meeting at which parents, teachers, students, and community members argued on the topic of LGBTQ+ book bans in public schools. Representative Marianna Anaya of NM House District 18 joined the meeting virtually, and stated that she and Representative Cate were going to introduce legislation that "assures that all materials relevant to students' identities and their lives will be accessible in our public schools and our libraries" (APS Board of Education, 2024, 1:11:58). Representatives Anaya, Pope, Johnson, and Parajon have proposed, HB 27, The Librarian Protection Act to address book banning in public libraries (*Legislation - New Mexico Legislature*, n.d.). However, legislation has yet to be proposed that promotes LGBTQ+ inclusion in K-12 school curricula.

The proposed LGBTQ+ Education Act requires few resources and has the potential for large benefits, most importantly improving the wellbeing of youth across the state of New Mexico. The cost of implementation and resources required are minimal compared to the cost of lives lost due to continued discrimination, harassment, and mistreatment of LGBTQ+ youth in homes, schools, and communities. Inclusive LGBTQ+ practices and curricula can provide support and positive child experiences for LGBTQ+ youth to increase resiliency and improve mental health outcomes (Crouch, et al., 2021; Killen & Rutland, 2022).

## REFERENCES

- Albuquerque Public Schools. (n.d). What is safe zone? <https://www.aps.edu/student-health-and-life-skills/safe-zone>
- APS Board of Education. (2024, November 21). Regular Board of Education Meeting and Finance Committee meeting 11-20-2024 - 1 [Video]. YouTube. <https://www.youtube.com/watch?v=htCV2OAmYh4>
- Bittker, B. M. (2022). LGBTQ-Inclusive curricula as a path to better public health. *Human Rights*, 47(3/4), 36–38.
- Burwick, A., Gates, G., Baumgartner, S., & Friend, D. (2014). Human services for low-income and at-risk LGBT populations: An assessment of the knowledge base and research needs. OPRE Report Number 2014-79. Washington, DC: Office of Planning, Research and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.
- Camicia, Steven P. (2016) *Critical democratic education and LGBTQ-inclusive curricula* [eBook edition]. Routledge. [https://www.amazon.com/Critical-Democratic-Education-LGBTQ-Inclusive-Curriculum/dp/041570992X?ref\\_=nav\\_signin](https://www.amazon.com/Critical-Democratic-Education-LGBTQ-Inclusive-Curriculum/dp/041570992X?ref_=nav_signin)
- Crouch, E., Radcliff, E., Merrell, M., Hung, P., & Bennett, K. (2021). Positive childhood experiences promote school success. *Maternal and Child Health Journal* 25(4). doi:[10.1007/s10995-021-03206-3](https://doi.org/10.1007/s10995-021-03206-3)
- Freeman, L. (2024, September 28). Rio Rancho community shares what they think should be allowed in schools. KRQE NEWS 13. <https://www.krqe.com/news/education/rio-rancho-community-shares-what-they-think-should-be-allowed-in-schools/>
- Glazzard, J. & Stones, S. (2021). Running scared? A critical analysis LGBTQ+ inclusion policy in schools. *Front Sociol*, 6. doi: [10.3389/fsoc.2021.613283](https://doi.org/10.3389/fsoc.2021.613283)
- Golde, K. (2025, May 12). *Mahmoud v. Taylor*. SCOTUSblog. <https://www.scotusblog.com/cases/case-files/mahmoud-v-taylor/>
- Hafeez H, Zeshan M, Tahir MA, Jahan N, & Naveed S. (2017). Health care disparities among lesbian, gay, bisexual, and transgender youth: A literature review. *Cureus*, 9(4). doi: [10.7759/cureus.1184](https://doi.org/10.7759/cureus.1184)
- Hispanic Education Act (2010). Hispanic Education Act. <https://webnew.ped.state.nm.us/bureaus/identity-equity-transformation/hispanic-education-act/>
- Human Rights Campaign Foundation. (2023). 2023 LGBTQ+ youth report. HRC Foundation. <https://reports.hrc.org/2023-lgbtq-youth-report>.
- Independent Women's Voice. (2023, November 20). New Mexico mom blows the whistle on gender madness inside schools. Independent Women's Voice. Retrieved September 6, 2024, from <https://www.iwv.org/2023/11/layla-carter/>
- Indian Education Act (2003) Indian Education Act. <https://web.ped.nm.gov/wp-content/uploads/2025/01/NM-Indian-Education-Act.pdf>
- Judge orders state of New Mexico to pay \$312K in education lawsuit. (2019). KRQE NEWS 13. <https://www.krqe.com/news/new-mexico/judge-orders-state-of-new-mexico-to-pay-312k-in-education-lawsuit/>
- Kaplan, E. (2023). The political minefield of parental rights in New Mexico. Searchlight New Mexico. Retrieved September 6, 2024, from <https://searchlightnm.org/the-political-minefield-of-parental-rights-in-new-mexico/>
- Killan, M. & Rutland, A. (2022). Promoting fair and just school environments: developing inclusive youth. *Policy Insights from the Behavioral and Brain Sciences*, 9(1). <https://doi.org/10.1177/23727322211073795>
- Legislation - New Mexico Legislature. (n.d.). <https://www.nmlegis.gov/Legislation/Legislation?chamber=H&legType=B&legNo=27&year=25>
- Movement Advancement Project. (n.d.). Equality maps: Curricular laws. [Map]. [https://www.lgbtmap.org/equality-maps/curricular\\_laws](https://www.lgbtmap.org/equality-maps/curricular_laws).
- Mpofu, J. J., Underwood, J. M., Thornton, J. E., Brener, N. D., Rico, A., Kilmer, G., Harris, W. A., Leon-Nguyen, M., Chyen, D., Lim, C., Mbaka, C. K., Smith-Grant, J., Whittle, L., Jones, S. E., Krause, K. H., Li, J., Shanklin, S. L., McKinnon, I., Arrey, L., . . . Roberts, M. (2023). Overview and methods for the youth risk behavior surveillance system — United States, 2021. *MMWR Supplements*, 72(1), 1–12. <https://doi.org/10.15585/mmwr.su7201a1>
- Najarro, I. (2022, January 12). Teachers are divided on teaching LGBTQ topics; Dearth of curricula, lack of training, and fear of getting it wrong can cause hesitation to teach LGBTQ topics. *Education Week*, 41(18), 8. [https://link.gale.com/apps/doc/A689869394/GPS?u=nm\\_p\\_elportal&sid=bookmark-GPS&xid=f6ef9a2](https://link.gale.com/apps/doc/A689869394/GPS?u=nm_p_elportal&sid=bookmark-GPS&xid=f6ef9a2)
- New Mexico Black Education Act (2021). H.R. 43. 55th Legislature. <https://klvg4oyd4j.execute-api.us-west-2.amazonaws.com/prod/PublicFiles/ee3072ab0d43456cb15a51f7d82c77a2/a6973d1a-258a-474a-b811-b185e7239a20/CH51-HB43-2021.pdf>
- New Mexico Department of Health's Indicator Data & Statistics. (2022). Mental health - Youth attempted suicide [Data set]. <https://ibis.doh.nm.gov/indicator/summary/MentHlthYouthSuicAtt.html>
- New Mexico Public Education Department. (2023). Public Education Department bill analysis 2023 regular session. New Mexico Public Education Department. <https://webnew.ped.state.nm.us/wp-content/uploads/2023/02/HB394-924-Feb-15.pdf>
- New Mexico Public Education Department. (2020). Youth Risk and Resilience Survey.
- Sena, John. (2021). Black Education Act. (PDF). <https://webnew.ped.state.nm.us/wp-content/uploads/2021/01/HB43-924-Jan-26.pdf>
- Shannon-Baker, P. (2020). Unlearning heteronormativity. In Cathy A. R. Brant, Editor, *Teaching the teachers: LGBTQ issues in teacher education*. Southwest Public Policy Institute. (2024). New Mexico parents want gender ideology out of school curricula. Southwest Public Policy Institute. Retrieved September 6, 2024, from <https://southwestpolicy.com/albuquerque-journal-new-mexico-parents-want-gender-ideology-out-of-school-curricula>
- The Trevor Project. (2022). 2022 national survey on LGBTQ youth mental health. <https://www.thetrevorproject.org/wp-content/uploads/2022/12/The-Trevor-Project-2022-National-Survey-on-LGBTQ-Youth-Mental-Health-by-State-New-Mexico.pdf>
- US Inflation Calculator. (2024, September 11). Inflation calculator | Find US dollar's value from 1913-2024. US inflation calculator | Easily calculate how the buying power of the U.S. dollar has changed from 1913 to 2023. Get Inflation Rates and U.S. Inflation News.
- Villarreal, D. (2023). How New Mexico quietly became a refugee state for trans people. LGBTQNation. <https://www.lgbtqnation.com/2023/05/how-new-mexico-quietly-became-a-refugee-state-for-trans-people/>