



“No Promo Homo” Laws: Harmful and Outdated

Laws barring or explicitly restricting educators from discussing LGBTQ+ people or issues in schools are harmful to Texas students and put the Texas education system at a serious comparative disadvantage.

Texas is one of only five states in the United States that has a “no promo homo” law in effect. Originally enacted in 1991, the law reads that public education programs must “state that homosexual conduct is not an acceptable lifestyle and is a criminal offense” and sexual education programs must emphasize “that homosexuality is not a lifestyle acceptable to the general public and that homosexual conduct is a criminal offense.”

According to research, this rhetoric has negative impacts on both student health and academic achievement. But the law has also been **legally incorrect** since the 2003 U.S. Supreme Court ruling in *Lawrence v. Texas*, which struck down the Texas law criminalizing “homosexual conduct.” It’s time for the Texas Legislature to follow the example of Arizona, North Carolina, and Utah and repeal this harmful and outdated law so Texas students can receive the healthy and supportive education they deserve.

Background and History

In the 1980s and 1990s, in response to the HIV/AIDS epidemic, a number of states enacted laws prohibiting instruction on LGBTQ+ issues in public education. Over the past two decades, these “no promo homo” laws have been repealed in three states and overturned in one state.[\[1\]](#)

The North Carolina Legislature repealed their state's prohibition of discussing homosexuality in the classroom in 2006. In 2016, following a lawsuit from Equality Utah, the Republican-controlled Utah State Legislature repealed Utah's "no promo homo" law with support from Republican Governor Gary Herbert. In 2019, the Republican-controlled Arizona State Legislature repealed Arizona's "no promo homo" law with support from Republican Governor Doug Ducey. Most recently, South Carolina's "no promo homo" law was overturned by the U.S. District Court of South Carolina after failing to "satisfy any level of judicial review under the Equal Protection Clause."

As of 2021, the other four states with similar laws still on the books (see map below) solely prohibit instruction on LGBTQ+ issues in sex education. Texas is the only state that prohibits instruction on LGBTQ+ issues in both general "education programs" and in "sexual education."

Although there have been previous attempts to repeal the Texas law, none have been successful. With a public school system encompassing five and a half million students, hundreds of thousands of whom identify as LGBTQ+[2], the Texas education system is perpetuating an unjust burden for an overwhelming number of students. 2021 is the year this must change.

Impacts on Student Education

This policy has a negative impact on the educational outcomes of LGBTQ+ students because **LGBTQ+ students attending school in a state with a "no promo homo" law must navigate a more hostile school climate.** In comparison to LGBTQ+ students in states without "no promo homo" laws, Texas LGBTQ+ students are:

- Less likely to have peers accepting of LGBTQ+ people (39.4% vs. 51.1%)
- More likely to hear homophobic remarks (66.9% vs. 57.3%)
- More likely to face harassment and assault at school as a result of their sexual orientation or gender identity (35.1% vs. 26.0%)[3]

Research has demonstrated that when students are faced with a hostile educational environment, they are **more likely to miss school, have lower grade point averages, and are less likely to pursue post-secondary education.**[4]

Impacts on Student Health

This policy has a negative impact on the physical and mental health of LGBTQ+ students because **in states that have “no promo homo” laws, important health resources are less accessible to LGBTQ+ students.**

In comparison to LGBTQ+ students in states without “no promo homo” laws, Texas LGBTQ+ students are less likely to:

- Have access to relevant health services at school (13.9% vs. 28.8%)
- Have access to school health professionals who have received professional development training on sexual minorities (1.7% vs. 14.9%)[5]
- Learn safe sexual health education due to the blocking of accurate information and promotion of inaccurate stereotypes[6]

A lack of access to accurate resources about LGBTQ+ sexual health leads to greater risk-taking behavior and the ultimate spread of preventable STIs. But the climate of discrimination created by the law also has a negative impact on mental health. Research has shown that **increased victimization of LGBTQ+ students leads to lower self-esteem, higher levels of depression, and high suicidal ideation.**[7],[8]

Recommendations

To create the most effective and healthy educational environment for its students, Equality Texas and GLSEN Austin call on the Texas Legislature to **repeal the “no promo homo” law from the Texas Health & Safety Code § 85.007 and § 163.002 during the 87th Legislative Session.** But this should just be the first step in creating a more inclusive education system for Texas students to succeed.

Supporting Texas students should not be political. We urge all Texas lawmakers to support efforts that will make the Texas education system more inclusive, supportive, and effective for students of all backgrounds and identities.

For a visual infographic showing states with “no promo homo” laws and other laws impacting LGBTQ+ students, see [here](#).

Related Bills in the 87th legislative session

- **HB 1038** (Beckley, D-Carrollton), **HB 4425** (Zwiener, D-Driftwood)

[1] "#DontEraseUs: FAQ About Anti-LGBT Curriculum Laws." Lambda Legal, www.lambdalegal.org/dont-erase-us/faq.

[2] Kann, L, McManus, T., Harris, W.A., et al. (2018). Youth Risk Behavior Surveillance — United States, 2017. *Morbidity and Mortality Weekly Report Surveillance Summaries*, 67(8).

[3] GLSEN. (2018). *Laws Prohibiting "Promotion of Homosexuality" in Schools: Impacts and Implications (Research Brief)*. New York: GLSEN.

[4] Kosciw, J. G., Clark, C. M., Truong, N. L., & Zongrone, A. D. (2020). *The 2019 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation's schools*. New York: GLSEN.

[5] GLSEN, *Laws Prohibiting "Promotion of Homosexuality" in Schools*

[6] "#DontEraseUs: FAQ About Anti-LGBT Curriculum Laws." Lambda Legal, www.lambdalegal.org/dont-erase-us/faq.

[7] Kosciw, J. G., *The 2019 National School Climate Survey*

[8] Barnett, A. P., Molock, S. D., Nieves-Lugo, K., & Zea, M. C. (2019). Anti-LGBT victimization, fear of violence at school, and suicide risk among adolescents. *Psychology of Sexual Orientation and Gender Diversity*, 6(1), 88–95.