

2021 LEGISLATIVE AGENDA

POLICY PRIORITIES TO CREATE SAFE AND INCLUSIVE K-12 SCHOOLS FOR LGBTQ+ STUDENTS

About GLSEN

We believe, and our research has found, that if schools are supportive of LGBTQ+ students, schools can be safer for all students. We must reinvigorate our efforts to ensure that K-12 schools everywhere understand their responsibility to protect LGBTQ+ students, educators, and school staff from discrimination, and to advocate for equity and inclusion and fair treatment in all aspects of school life. We also know that such environments cannot be created unless **educators and school leaders are holistically supported** and there is **truly adequate and equitable funding for public education** – especially for our schools in communities that experience the greatest marginalization and students who are most impacted by the widening equity gap in K-12 education.

We understand that equitable outcomes will not be possible unless **grounded in racial justice**. Our nation's educators need additional resources to support innovations that will reduce the equity gap and create equal educational opportunities for all students regardless of who they are or where they live. The COVID-19 pandemic and the uprisings against systemic racism underscore the imperative to **center the needs and experiences of LGBTQ+ students, particularly those who are transgender, nonbinary, Black, Indigenous, people of color (BIPOC), English learners, and/or people with disabilities**. GLSEN is committed to that purpose, and to supporting the next Secretary of Education in addressing the needs of LGBTQ+ students with multiple marginalized identities and those whose wellbeing and educational opportunity are increasingly at risk due to systematic discrimination.

Building upon our decades-long partnership with federal, state, and local policymakers we will work in community and coalition to advance GLSEN's policy platform in 2021.¹

1. **Remove barriers to educational opportunity caused by anti-LGBTQ+ bias in K-12 learning communities** that include physical education classes and extracurricular activities such as transgender and nonbinary student participation in athletics.
2. **Affirm LGBTQ+ identities in K-12 learning communities** through supportive actions, such as by displaying LGBTQ+ flags, including positive representations in curriculum, inclusive families studies in

¹ <https://www.glsen.org/national-safe-learning-partnership>

elementary schools, and celebrating whole-school LGBTQ+ days or weeks of action beyond Pride month.

- 3. Center equity in K-12 learning communities** for LGBTQ+ students who have multiple intersecting marginalized identities and lived experiences, including those who are transgender and nonbinary, Black, Indigenous, people of color (BIPOC), people with disabilities, English learners, experience homelessness, and/or are placed in foster care.

Congress

Legislation

Pass the Safe Schools Improvement Act (SSIA) to require state and local educational agencies to maintain enumerated, LGBTQ+ inclusive bullying and harassment policies and collect and report bullying and harassment data.

Pass the Equality Act, which would provide essential civil rights protections to all LGBTQ+ youth and educators across multiple dimensions of their lives and experiences.

Pass the Counseling Not Criminalization in Schools Act to prohibit the use of federal funds to pay for the presence of law enforcement in schools, which has disparately and negatively impacted BIPOC students, including those who identify as LGBTQ+.

Pass a suite of comprehensive legislation to support positive school climates and student safety, addressing the need to remove law enforcement, including school resource officers, from schools as well as restraint and seclusion, corporal punishment, adequate and accessible facilities, restoring disparate impact remedies, and increasing trauma-informed supports for students' emotional, mental, and physical health.²

Pass the LGBTQ Data Inclusion Act so that the experiences of all Americans, including LGBTQ+ students and educators, are accurately represented in federal data collection efforts so that the research can continue to inform best practices and federal funding can be used in the most effective, efficient manner.

Pass the Full-Service Community School Expansion Act that will provide additional wraparound support systems in K-12 learning communities that are accessible to LGBTQ+ students and provide comprehensive support services – including critical mental and emotional health programs – for students and their families, which will be even more critical once students begin returning back to school and must cope with the impacts of the global pandemic.

Build support and awareness of GLSEN's mission and priorities by reintroducing and increasing the number of Members of Congress who co-sponsor the No Name Calling Week and Day of Silence resolutions.

² Leadership Conference on Civil and Human Rights, Civil Rights Principles for Safe, Healthy, and Inclusive School Climates (Sept. 2019), <http://civilrightsdocs.info/pdf/education/School-Climate-Principles.pdf>.

Funding Priorities

Support an increase in funding for Title IV, Part A of ESSA to support efforts to create and sustain positive school conditions for all students, including LGBTQ+ students, which we know – if designed intentionally and implemented genuinely – can help foster environments where LGBTQ+ youth can be affirmed in their identities, supported in their social-emotional development, and find community in peer networks of support through student led groups such as GSAs (Gay Straight Alliances or Gender and Sexuality Alliances).

Support an increase in funding for Title II, Part A of the Higher Education Act (HEA) to support K-12 teacher and school leader development programs, including reporting requirements and incentives for teacher diversity and for instruction on culturally responsive and affirming teaching practices that are supportive of students who are LGBTQ+, BIPOC, English Learners, and/or students with disabilities.

Incorporate maintenance of equity provisions in future funding for education.³

Significantly increase funding of programs to support broadband internet and digital device access, mental health services, supports for students experiencing homelessness and housing insecurity, and professional development for educators on identifying and responding to cyberbullying or other forms of harassment.

Significantly increase funding for federal education programs for marginalized students by at least tripling Title I of the Elementary and Secondary Education Act (ESEA) and fully funding the Individuals with Disabilities Education Act (IDEA) within five years so that students in our most marginalized schools and students with disabilities have truly equitable and adequate financial resources.

Support an increase in funding for school-based supports and comprehensive sex education, including Centers for Disease Control and Prevention (CDC) Division of Adolescent and School Health Programs, which provides school-based health, nutrition, and other support services and technical assistance to local educational agencies on issues such as bullying and harassment prevention policies and comprehensive sexual health education; and the U.S. Department of Health and Human Services (HHS) Administration for Children and Families (ACF) Personal Responsibility Education Program; and the HHS Office of Adolescent Health (OAH), which funds medically accurate sex education.

Reject and end any efforts to support the privatization of public schools through federally funded school voucher, student scholarship, and tax-credit programs that divert essential funding from public schools, including repealing the DC Opportunity Scholarship program.

Increase funding for the U.S. Department of Education's Office of Civil Rights (OCR) and DOJ's Educational Opportunities Section, to enable them to expand their staff and enforcement capacities.

³ See Joint Letter From Education and Civil Right Advocates to U.S. House and Senate Leadership Calling for Maintenance of Equity Requirement in any New COVID-19 Relief Package (Sept. 2, 2020), <https://edtrust.org/press-room>.

State Legislatures

Legislation

Pass inclusive curricular standards legislation that supports creation of inclusive curriculum at the local level that will help strengthen educational attainment and health outcomes for LGBTQ+ students who see their full identities reflected in the classroom.⁴

Pass enumerated anti-bullying and harassment legislation that prohibits bullying and harassment based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, and gender identity, thereby reducing barriers to educational access and opportunity.⁵

Pass a suite of comprehensive legislation to support positive school climates and student safety, addressing the need to remove law enforcement, including school resource officers, from schools as well as restraint and seclusion, corporal punishment, adequate and accessible facilities, restoring disparate impact remedies, and increasing trauma-informed supports for students' emotional, mental, and physical health.⁶

Build support and awareness of GLSEN's mission and priorities by increasing the number of state officials who sponsor No Name Calling Week and Day of Silence resolutions.

Oppose all discriminatory legislation that includes any bills that seek to target and create barriers to educational opportunities for transgender and nonbinary students, legislation establishing private school programs that can sanction discrimination against LGBTQ+ students and educators, and any other proposals that will negatively impact LGBTQ+ student's wellbeing and educational opportunities.

Funding Priorities

- Provide students equitable access to technology with a primary focus on students from low-income and rural communities.
- Provide high-quality, culturally affirming, and accessible professional development opportunities, materials, and resources for educators and mental health providers to address heightened traumas that students, including LGBTQ+ and other marginalized students, may be facing because of the pandemic, and barriers they may face in distance learning and returning to school buildings. This should include how educators can ensure positive, culturally affirming experiences for young people; how educators can identify signs of abuse, cyberbullying, and mental health needs of students; how to identify currently available resources to support students; and how to connect students to resource providers during distance learning.

⁴ <https://www.glsen.org/activity/inclusive-curriculum-standards>

⁵ <https://www.glsen.org/activity/model-state-anti-bullying-harassment-legislation>

⁶ Dignity in Schools Campaign, Model Code on Education and Dignity, <https://dignityinschools.org/toolkits/model-code/>; Leadership Conference on Civil and Human Rights, Civil Rights Principles for Safe, Healthy, and Inclusive School Climates (Sept. 2019), <http://civilrightsdocs.info/pdf/education/School-Climate-Principles.pdf>.

- Coordinate the sharing of high-quality resources and practices across local education agencies especially those practices and resources related to social, emotional, and academic development of students, addressing cyberbullying, and maintaining connectivity to students.
- Address situations that may arise during the pandemic, such as Zoom bombing and other forms of cyberbullying, and ensuring adequate follow-up and supports for students who have been bullied, harassed, or who may be isolated from social support or at risk of harm.

School Boards

Policies

Adopt enumerated anti-bullying and harassment policies that prohibit bullying and harassment based on a student’s actual or perceived race, color, national origin, sex, disability, sexual orientation, and gender identity, thereby reducing barriers to educational access and opportunity.⁷

Adopt policies on the treatment of transgender and nonbinary students that address key issues including nondiscrimination protections, privacy and confidentiality, school records and pronouns, and training and professional development for educators.⁸

Adopt a suite of comprehensive policies to support positive school climates and student safety, addressing the need to remove law enforcement, including school resource officers, from schools as well as restraint and seclusion, corporal punishment, adequate and accessible facilities, restoring disparate impact remedies, and increasing trauma-informed supports for students’ emotional, mental, and physical health.⁹

Build support and awareness of GLSEN’s mission and priorities by increasing the number of local officials who sponsor No Name Calling Week and Day of Silence resolutions.

Oppose all discriminatory policies including any proposals that seek to target and create barriers to educational opportunities for transgender and nonbinary students, establish private school programs that can sanction discrimination against LGBTQ+ students and educators, and any other policies that will negatively impact LGBTQ+ student’s wellbeing and educational opportunities.

Funding Priorities

- Ensure focused outreach and follow-up to address the unique needs of LGBTQ+ students who are also low-income, students with disabilities, English language learners, experience homelessness, or who have been placed in foster care.

⁷ <https://www.glsen.org/activity/model-district-anti-bullying-harassment-policy>

⁸ <https://www.glsen.org/activity/model-local-education-agency-policy-on-transgender-nonbinary-students>

⁹ Dignity in Schools Campaign, Model Code on Education and Dignity, <https://dignityinschools.org/toolkits/model-code/>; Leadership Conference on Civil and Human Rights, Civil Rights Principles for Safe, Healthy, and Inclusive School Climates (Sept. 2019), <http://civilrightsdocs.info/pdf/education/School-Climate-Principles.pdf>.

- Conduct adequate follow-up to ensure marginalized students have and can use technology for distance learning and afterschool programs.
- Retain, hire, and contract as needed with additional school counselors and psychologists to address the heightened level of mental and behavioral health needs of students.
- Provide high-quality, culturally affirming, and accessible professional development for educators and mental health providers to address heightened traumas that students, including LGBTQ+ and other marginalized students, may be facing because of the pandemic, and barriers they may face in distance learning and returning to school buildings.
- Support and encourage the virtual continuation of afterschool programs, including GSAs (Gay Straight Alliances or Gender and Sexuality Alliances), during distance learning.

GLSEN builds evidence-based practices and programs that support the creation of affirming, inclusive learning communities for all students. Each year, GLSEN programs and resources reach millions of students and educators in K-12 learning communities in every part of the country, via action at the national, state, and local level, including through a national network of 41 state and local volunteer GLSEN Chapters. Over three decades of advancing our mission, GLSEN has improved conditions for LGBTQ+ students across the United States and launched an international movement to address LGBTQ+ issues in K-12 education and promote respect for all in schools. For more information on GLSEN's legislative agenda contact the Public Policy Office at policy@glsen.org.