



Policy Priorities to Create Safe and Inclusive Schools for LGBTQ+ Students

About GLSEN

GLSEN is a national education non-profit organization, leading the movement to create safe and inclusive in K-12 schools for all since 1990. We work tirelessly to ensure that LGBTQ+ students can have a high-quality education where they feel safe and affirmed. We envision a world in which every child learns to respect and accept all people, regardless of sexual orientation, gender identity, and gender expression, and in turn is respected and accepted themselves. Our purpose during this moment of the twin pandemics of COVID-19 and systemic racism is to lift up the needs and lived experiences of LGBTQ+ students, particularly those who are transgender, nonbinary, Black, Indigenous, people of color (BIPOC), English learners, and/or people with disabilities.

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. We are committed to supporting Congress and the next Secretary of Education in lifting up the needs of LGBTQ+ students with multiple marginalized identities and those who are increasingly at risk for systematic discrimination.

Recommendations

Building upon our decades-long partnership with federal leaders we offer the following recommendations to the White House, U.S. Department of Education, and Congress, GLSEN offers the following ideas on how to safeguard and affirm the next generation of students, including those who are LGBTQ+. Our recommendations are enumerated under our four core policy priorities:

1. **Establish interagency efforts to ensure safe and inclusive schools for all**, including an interagency task force on LGBTQ+ students.
2. **Promote equity and reduce gaps in opportunity in K-12 education** for LGBTQ+ students, who experience the most marginalization – students of color, students with disabilities, immigrant students, transgender including nonbinary students, English learners, students who experience homelessness and housing instability, and students in foster care.
3. **Eliminate anti-LGBTQ+ bias in K-12 education** to remove barriers to educational opportunity and equity.
4. **Affirm the worth and identity of every student and emphasize a respect for diversity**, with respect to LGBTQ+ identities in K-12 education.

Establish interagency efforts to ensure safe and inclusive schools for all

We urge the White House, together with Congress, to take significant and courageous action to address the needs of diverse LGBTQ+ communities in all aspects of their lives and to respond to a national call for systemic change that eliminates white supremacy and advances racial justice for Black, Indigenous, and people of color (BIPOC) communities. The killings by police of Ahmaud Arbery, Breonna Taylor, George Floyd and the deaths of transgender individuals such as Tony McDade, Dominique Fells, and others whose names do not make it into the public consciousness, have highlighted that we have a moral responsibility to attend to the needs and demands of communities of color. As an organization dedicated to the improvement of our public education system so that LGBTQ+ youth and educators are affirmed and supported, we call on the White House to take direct, cross-agency action to address the needs of LGBTQ+ youth of color.

Therefore, we call on the White House to do the following:

- **Issue an interagency Memorandum on implementation of the *Bostock v. Clayton County, Ga.* decision that includes the U.S. Department of Education.**
- **Establish an interagency task force composed of the U.S. Departments of Education, Health and Human Services, Justice, and Housing and Urban Development**, which shall be charged with the following:
 - Addressing the unique challenges and needs of LGBTQ+ students and eliminating educational and other disparities affecting these populations, particularly those who are transgender, nonbinary, Black, Indigenous, and people of color (BIPOC), English learners, and/or students with disabilities;
 - Reviewing, revising, and adopting new regulations, policies, programs, and funding notices across all included agencies to eliminate barriers, reduce disparities, and promote equity, opportunity, and well-being for LGBTQ+ youth;
 - Publishing proposed regulatory changes in the Spring 2021 Regulatory Agenda, and within 180 days in the Federal Register;

- Providing recommendations to the President, Congress, and states on legislative measures to protect and advance the civil rights and promote equity, opportunity, and well-being of LGBTQ+ youth.
- Publishing a biannual Interagency Strategic Plan outlining current and planned actions pursuant to the above goals.
- **Establish an Office of Equity within the White House Domestic Policy Council** that will incorporate the needs of LGBTQ+ people in policymaking within the context of racial, disability, immigrant, gender, and other equity concerns across multiple issues that include K-12 education.
- **Appoint an Assistant Secretary of the U.S. Department of Education’s Office of Civil Rights** who will uphold the education and civil rights of all students, including LGBTQ+ students, and provide leadership to interagency efforts to better meet the needs of the most disadvantaged students.
- **Direct the Office Management and Budget to establish data collection standards on sexual orientation and gender identity**, including for surveys of students and educators, based on recommendations from the National Academies of Science.
- **Appoint a National Center for Education Statistics Commissioner** who will provide leadership on implementing interagency standards on sexual orientation and gender identity, including surveys for students and educators.

Promote equity and reduce gaps in opportunity in K-12 education

When we attend to the experiences of our most marginalized students, we start the journey to creating equitable opportunities for all students. GLSEN firmly believes that our federal government has an obligation to put the needs and experiences of LGBTQ+ youth at the center of every policy, program, and budget decision, with particular attention to those who experience multiple forms of marginalization.

According to our 2019 National School Climate Survey, schools are not safe for LGBTQ+ students and more than 8 in 10 experienced identity-based harassment or assault in school.¹ More than half of those experiencing harassment never reported it to their school, most often because they doubted intervention would make things better. Transgender and nonbinary students face especially high rates of discrimination and victimization. They are denied access to school facilities and feel unsafe at school. Students who face anti-LGBTQ+ discrimination or victimization were three times more likely to miss school in the past month, had lower grade point averages, and felt lower self-esteem. Twenty years of research shows that dedicated support from teachers and staff, LGBTQ+ inclusive school policies, and continued investments in resources relate to better school outcomes for LGBTQ+ students. For example, in 2019, 62% of LGBTQ+ students had a GSA (Gay Straight Alliances or Gender and Sexuality Alliances) at their school, and these students felt safer, were less likely to miss school, and were less likely to hear homophobic or transphobic remarks than those without a GSA.

Therefore, GLSEN calls upon the White House, U.S. Department of Education, and Congress to do the following:

Regulations, Policy, and Enforcement

- **Prioritize the needs of marginalized communities in COVID-19 response, including LGBTQ+ students.** Specifically, the Department of Education should include goals for supporting LGBTQ+ students and educators in federal plans, guidance, and resources for continued response to the coronavirus pandemic, with special emphasis on those facing multiple forms of marginalization.
- **Improve the U.S. Department of Education Civil Rights Data Collection (CRDC), National Teacher and Principal Survey and other key Department surveys by:**
 - Including survey measures that provide greater insight into the experiences for LGBTQ+ students, adding elements on sexual orientation, gender identity, and gender expression to enumerated categories throughout the CRDC, in consultation with organizational partners who supported the Obama Administration's Interagency Task Force on LGBTQ+ Inclusive Data Collection.
 - Gathering additional information on whether local educational agencies' bullying and harassment policies enumerate protected characteristics such as race, class, sex, sexual orientation, gender identity, national origin, etc.

¹ 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. <https://www.glsen.org/research/2019-national-school-climate-survey>

- **Strengthen elements of the Centers for Disease Control and Prevention (CDC) Youth Risk Behavior Surveillance System** by adding additional measures on the experiences of LGBTQ+ students, such as adding survey measures on gender identity.

Legislation and Funding

- **Incorporate a maintenance of equity provision in future federal education funding.**²
- **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 cyber-bullying 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.
- **Increase funding for the Full-Service Community Schools Program and other wraparound support systems** in K-12 learning communities that 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 outstanding impacts of the global pandemic. Guidance and technical assistance for grantees should include content on the unique experiences and needs of LGBTQ+ students.
- **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.
- **Pass the LGBTQ Data Inclusion Act (H.R.3509/S.1980)** 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.³

² 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>.

³ Baker, K., and Durso, L.E., Filling in the Map: The Need for LGBT Data Collection (2015), <https://www.americanprogress.org/issues/lgbtq-rights/news/2015/09/16/121128/filling-in-the-map-the-need-for-lgbt-data-collection/>

Remove all barriers to educational opportunity and equity by eliminating anti-LGBTQ+ bias in K-12 education

A student's learning environment is significantly influenced by many factors including a school's discipline policies and practices. LGBTQ+ youth, as for all students, not only have a right to a high-quality education but also to the opportunity to thrive in a safe and supportive learning environment. Yet, across this country, the majority of LGBTQ+ students continue to face discriminatory school and district policies.⁴ Nearly two-thirds of Native and Indigenous LGBTQ+ youth felt unsafe at school because of their sexual orientation;⁵ over 40% of Latinx LGBTQ+ youth experienced harassment or assault at school due to their sexual orientation and their race/ethnicity;⁶ nearly 98% of Black LGBTQ+ youth heard "gay" used in a negative way;⁷ and less than half of Asian American and Pacific Islander (AAPI) LGBTQ+ youth reported that school staff responded effectively when they reported being victimized.⁸ Further, Black LGBTQ+ youth are nearly twice as likely to be suspended or expelled compared to white LGBTQ+ youth,⁹ and LGBTQ+ youth with disabilities also face disproportionate levels of disciplinary action.¹⁰

Additionally, transgender and nonbinary students continue to suffer from discriminatory school practices and policies that fail to recognize their gender identity and continue to perpetuate social, emotional, and academic harm – as well as fail to uphold their civil rights. The U.S. Supreme Court decision in *Bostock v. Clayton County, Ga.* affirmed that sex discrimination laws necessarily prohibit bias against LGBTQ+ individuals, but schools currently face a patchwork of guidance, regulations, case law, and state laws. The federal government must ensure that state and local educational agencies across this country should not discriminate against LGBTQ+ youth.

For these reasons, GLSEN calls upon the White House, and U.S. Departments of Education (ED) and Justice (DOJ) to:

Regulations, Policy, and Enforcement

- **Issue updated ED/DOJ guidance on the rights of transgender students**, pending revision to reflect the *Bostock* decision and other legal developments.¹¹
- **Immediately review all relevant pending complaints and litigation** involving LGBTQ+ related claims and review the extent to which any appeal deadlines should be waived for recently resolved complaints.

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 Zongrone, A. D., Truong, N. L., and Kosciw, J. G. (2020). "Erasure and resilience: The experiences of LGBTQ students of color, Native American, American Indian, and Alaska Native LGBTQ youth in U.S. schools." (New York: GLSEN).

⁶ Zongrone, A. D., Truong, N. L., and Kosciw, J. G. (2020). "Erasure and resilience: The experiences of LGBTQ students of color, Asian American and Pacific Islander LGBTQ youth in U.S. schools." (New York: GLSEN).

⁷ Zongrone, A. D., Truong, N. L., and Kosciw, J. G. (2020). "Erasure and resilience: The experiences of LGBTQ students of color, Black LGBTQ youth in U.S. schools." (New York: GLSEN).

⁸ Zongrone, A. D., Truong, N. L., and Kosciw, J. G. (2020). "Erasure and resilience: The experiences of LGBTQ students of color, Latinx LGBTQ youth in U.S. schools." (New York: GLSEN).

⁹ 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.

¹⁰ GLSEN (2016). Educational exclusion: Drop out, push out, and school-to-prison pipeline among LGBTQ youth. 25-26. New York: GLSEN.

- **Issue new, comprehensive guidance on the nondiscrimination and privacy rights of LGBTQ+ students** under Title IX, the Family Educational Rights and Privacy Act (FERPA), the Equal Access Act, and other relevant laws, including students' right to participate in all school programs and activities consistent with their gender identity.
- **Coordinate with Equal Employment Opportunity Commission to increase awareness and enforcement of the employment rights of LGBTQ+ educators**, including a public education campaign.
- **Coordinate with other agencies to issue corresponding guidance** for education activities they fund or administer (building on, for example, 2016 U.S. Department of Defense Education Activity (DoDEA) guidance).
- **Revise ED's Title IX regulations to:**
 - Restore and strengthen protections against gender-based and sexual harassment and violence;
 - Codify that Title IX prohibits discrimination on the basis of sexual orientation, gender identity, transgender status, and sex characteristics;
 - Fully reflect statutory limits on religious exemptions;
 - Clarify that seeking advance assurance of a religious exemptions is not required but shall be considered evidence of sincerity of a religious tenet.
- **Work with other agencies to revise the Title IX Common Rule** to recognize that Title IX prohibits gender-based and sexual harassment and violence and discrimination on the basis of sexual orientation, gender identity, transgender status, and sex characteristics.
- **Issue new, comprehensive guidance on exclusionary and punitive discipline practices**, building on the rescinded 2014 ED/DOJ guidance, to ensure discipline does not have a disproportionate impact on students of color, students with disabilities, or LGBTQ+ students.¹²
- **Revise and strengthen the ED Office of Civil Rights (OCR) Case Processing Manual**, including standards for opening an investigation.
- **Prioritize enforcement of civil rights protections for LGBTQ+ students** by ED's Office of Civil Rights (OCR) and DOJ's Educational Opportunities Section, including filing *amicus* briefs or Statements of Interest in appropriate cases, and initiating enforcement actions against statewide laws or policies that single out LGBTQ+ students (such as Idaho House Bill 500 that targets transgender students).

Legislation and Funding

- **Pass the Safe Schools Improvement Act (SSIA) (H.R.2653/S.2548)** 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** (H.R. 5/S.788), which would provide essential civil rights protections to all LGBTQ+ youth and educators across multiple dimensions of their lives and experiences.¹³
- **Pass the Counseling Not Criminalization in Schools Act** (H.R.7848/S.4360) to reduce local educational agencies' reliance on school resource officers (SROs), which has disparately and negatively impacted students of color.
- **Pass a suite of comprehensive legislation to support positive school climates and student safety**, addressing the issues mentioned above 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.¹⁴
- **Increase funding ED's Office of Civil Rights (OCR) and DOJ's Educational Opportunities Section**, to enable them to expand their staff and enforcement capacities.

¹³ Gruberg, Sharita (2020). "Beyond *Bostock*: The Future of LGBTQ Civil Rights." (Center for American Progress: Washington, DC). Available at <https://www.americanprogress.org/issues/lgbtq-rights/reports/2020/08/26/489772/beyond-bostock-future-lgbtq-civil-rights/>

¹⁴ 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>

Affirm the worth and identity of every student and emphasize a respect for diversity, with respect to LGBTQ+ identities in K-12 education.

Research has shown that an affirming school climate leads to improved behavioral, academic, and mental health outcomes for all students.¹⁵ Not surprisingly, in schools with LGBTQ+ inclusive and affirming learning environments students report fewer absences and greater improvements in academic achievement across grade levels.¹⁶

Unfortunately, there are still too many schools that do not provide these inclusive and affirming learning environments. Our research has shown that 59.1% of LGBTQ+ youth felt unsafe at school because of their sexual orientation, and 42.5% felt unsafe because of their gender expression.¹⁷ LGBTQ+ youth continue report higher levels of peer victimization (e.g. verbal and physical harassment and assault) at school than other students – 89.4% of LGBTQ+ youth compared to 71.4% of other students.¹⁸

Students who experienced higher levels of victimization at school were almost three times more likely to have skipped school because they felt unsafe or uncomfortable; demonstrated lower levels of academic achievement, including lower GPAs, due to barriers to educational opportunity; and had lower self-esteem and higher levels of depression when compared to students who experienced lower levels of victimization related to their sexual orientation and/ or gender expression.¹⁹ Similarly, the CDC reports that 60.4% of gay, lesbian, and bisexual students nationwide felt so sad or helpless in schools that they stopped participating in usual activities compared to 26.4% of heterosexual students.²⁰

Therefore, we call on the U.S. Department of Education to do the following:

Regulations, Policy, and Enforcement

- **Adopt reporting requirements and publish guidance to ensure teacher education programs prepare educators to support marginalized student populations, including LGBTQ+ students.**
- **Review and strengthen equity measures and resources** for state and local educational agencies under the Every Student Succeeds Act (ESSA), including with respect to ensuring equity for LGBTQ+ students.
- **Issue a series of new resources for educators and administrators on creating safe and supportive schools for LGBTQ+ students**, including examples of inclusive state and local policies and resources for professional and curricular development (building on the

¹⁵ Thapa, A., Cohen, J., Guffey, S., & Higgins-D'Alessandro, A. (2013). A review of school climate research. *Review of Educational Research*, 83, 357-385.

¹⁶ Kosciw, J. G., Palmer, N. A., Greytak, E. A., & Kull, R. M. (2013). The effect of negative school climate on academic outcomes for LGBT youth and the role of in-school supports. *Journal of School Violence*, 12, 45-63.

¹⁷ 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.

¹⁸ Greytak, E.A., Kosciw, J.G., Villenas, C. & Giga, N.M. (2016). From Teasing to Torment: School Climate Revisited, A Survey of U.S. Secondary School Students and Teachers. New York: GLSEN.

¹⁹ Greytak et al., 2018.

²⁰ Kann L, Olsen EO, McManus T, et al. Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9–12 — United States and Selected Sites, 2015. *MMWR Surveill Summ* 2016;65(No. SS-9):1-202.

2016 "Examples of Policies and Emerging Practices" issued as a companion to the Title IX guidance and recently archived by ED).²¹

Legislation and Funding

- **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 that 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.

²¹ Office of Safe and Healthy Students, Examples of Policies and Emerging Practices for Supporting Transgender Students (May 2016), <https://files.eric.ed.gov/fulltext/ED572043.pdf>.

Appendix

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 student leadership initiatives, school-based programs, research, policy advocacy, and professional development for educators visit www.glsen.org.

Research:

- 2019 National School Climate Survey (<https://www.glsen.org/research/school-climate-survey>)
- Erasure & Resilience reports (<https://www.glsen.org/lgbtq-youth-color>)
- Educational Exclusion (<https://www.glsen.org/research/educational-exclusion-drop-out-push-out-school-prison-pipeline>)

Policy:

- National civil rights and education organization sign on letter on the *Bostock* decision calling for an end to discrimination in schools (<https://www.glsen.org/Sign-Support-Rights-LGBTQ-Students-Staff>)
- Statement in solidarity with transgender and nonbinary athletes (<https://www.glsen.org/statement-in-solidarity-transgender-athletics>)
- Anti-bullying and harassment recommendations (<https://www.glsen.org/LEA-Assessment>)
- Nondiscrimination recommendations (<https://www.glsen.org/activity/state-education-agency-recommendations>)
- Restorative discipline recommendations (<https://www.glsen.org/activity/restorative-discipline>)
- State policy maps (<https://www.glsen.org/policy-maps>)

Best Practice:

- School-based programs: [Solidarity Week](#), [No Name-Calling Week](#), [Day of Silence](#)
- Professional development (<https://www.glsen.org/professional-development>)
- Educator resources (<https://www.glsen.org/resources/educator-resources>)
- GLSEN's Four Supports for Inclusive Schools (<https://www.glsen.org/four-supports>)