

EQUALITY ACT

The Equality Act amends the Civil Rights Act of 1964 and other civil rights laws to establish explicit federal nondiscrimination protections for LGBTQ+ people in housing, employment, public education, credit, public spaces, federally funded programs, and jury service. It also prohibits discrimination against women for the first time in public spaces and federal programs, and prohibits racial and religious discrimination in public spaces not covered by current law.

In June of 2020, the Supreme Court ruled in *Bostock v. Clayton County* that Title VII, the federal law prohibiting sex discrimination in employment, includes discrimination on the basis of sexual orientation or gender identity. In early 2021, President Biden issued Executive Orders directing the Department of Education to apply these same protections in education settings under Title IX. Yet today only 17 states, the District of Columbia, and Puerto Rico have clear laws that protect students from discrimination based on both their sexual orientation and gender identity.

Under the Equality Act, LGBTQ+ students and educators in every state and territory of the US will have clear, guaranteed nondiscrimination protections, regardless of any future court rulings or actions by future Administrations.

Specifically the Equality Act would protect LGBTQ+ students and educators by spelling out the following protections:

- Codifying the Bostock decision to ensure clear, lasting nondiscrimination protections on the basis of sexual orientation or gender identity for students and educators.
- Prohibiting discrimination based on a student or educator's perceived sexual orientation or gender identity, regardless of if they actually identify as LGBTQ+.
- Prohibiting discrimination based on the sexual orientation or gender identity of those a student or educator associates with, for example if a student has LGBTQ+ parents.
- Protecting LGBTQ+ students and educators from discrimination in all other areas of public life.
- Protecting intersex students and educators against discrimination based on their sex characteristics.
- Enabling the Justice Department to take action in court in response to discrimination against LGBTQ+ students.

GLSEN's National School Climate Survey findings demonstrate the need for the Equality Act to protect LGBTQ+ students from discrimination:

- Nearly six in ten (59.1%) LGBTQ+ students report having experienced discriminatory policies at school. This includes being prevented from using their chosen names and correct pronouns, using bathrooms or other facilities aligned with their gender identity, discussing or writing about LGBTQ+ topics, and forming peer support networks such as GSAs (Gay Straight Alliances or Gender and Sexuality Alliances). It also includes being disciplined for public displays of affection for which non-LGBTQ+ students are not disciplined.
- More than three-quarters (77.3%) of transgender students, and more than two-thirds (69.1%) of nonbinary students, report having been discriminated against in school.
- LGBTQ+ students who are Black, Indigenous, or people of color (BIPOC) often experience anti-LGBTQ+ discrimination that is compounded by discrimination on the basis of race. Experiences of discrimination in school were reported by

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73.6% of LGBTQ+ Native American, Indigenous, and Alaska Native, or Two Spirit students, 57.4% of Latinx LGBTQ+ students, 48.3% of Black LGBTQ+ students, and 35.5% of Asian American and Pacific Islander (AAPI) LGBTQ+ students.

- LGBTQ+ students with disabilities experience both LGBTQ+ related and disability-related discrimination at school. LGBTQ+ students with disabilities experience higher rates of both in-school and out of school punishments compared to LGBTQ+ students without disabilities.
- Compared to LGBTQ+ students who did not experience LGBTQ+-related discrimination at school, those who experienced discrimination had lower GPAs, were almost three times as likely to have missed school due to feeling unsafe, were more likely to have been disciplined at school, were less likely to feel a sense of belonging in their school community, and reported lower levels of self-esteem and higher levels of depression.

Frequently Asked Questions

- **If LGBTQ+ people are protected from discrimination under *Bostock*, then why do we need the Equality Act?**
The Bostock decision, and the recognition by the Biden Administration and lower courts that it applies to learning communities under Title IX, are important steps in protecting LGBTQ+ students and educators from discrimination. However, these rulings and interpretations do not provide the clarity, certainty, and broad public awareness of the law's protections that exists for other forms of discrimination. Not only would the Equality Act enshrine these protections into law—making them much harder to overturn or for future presidential administrations to disregard—but it would also extend those protections to all federally funded programs and public spaces and services.
- **Which K-12 schools will the Equality Act Cover?**
The Equality Act protects LGBTQ+ students from discrimination in schools that are federally funded, which includes all public schools and a limited number of private schools.

View current maps of state level policies at <https://www.glsen.org/policy-maps>.

GLSEN's 2019 School Climate Survey is available at <https://www.glsen.org/research/2019-national-school-climate-survey>.

For additional information, contact the GLSEN Public Policy Office at 202-621-5815 or policy@glsen.org, located at 1015 15th Street NW, 6th floor, Washington, DC 20005.