

EXECUTIVE SUMMARY

The Every Student Succeeds Act (ESSA) provides states, districts, and schools with multiple, flexible funding streams, as well as accountability requirements, designed to advance equity in multiple aspects of a student's education experience. Yet ESSA's potential for advancing equity remains largely untapped for lesbian, gay, bisexual, transgender, queer, questioning, nonbinary, and intersex (LGBTQ+) students and educators.

GLSEN conducted a comprehensive review of ESSA State Plans and state guidance for districts and schools on ESSA implementation in all 50 states, the District of Columbia, and Puerto Rico, as of June 2021. Our review revealed a lack of attention to strategies and activities to advance LGBTQ+ equity, including as it intersects with racial justice and disability justice in the lives of LGBTQ+ students of color and LGBTQ+ students with disabilities.

In addition to these findings, we offer a roadmap for the many ways state education agencies (SEAs) and local education agencies (LEAs) can leverage ESSA funding and accountability systems to advance equity for LGBTQ+ and other marginalized students. SEAs can provide critical support to advance LGBTQ+ equity in the form of professional development, model policies and curricular standards, statewide summits or needs assessments, dedicated offices or programs for LGBTQ+ equity, and technical assistance.

Key Findings

- Just over half of all SEAs (25 states, the District of Columbia, and Puerto Rico) — include some mention of LGBTQ+ equity in their ESSA State Plan or state guidance to LEAs.
- Among SEAs that mentioned LGBTQ+ equity, thirteen included only a single reference, most commonly in the form of a general statement of principle, policy, or state law regarding discrimination or bullying and harassment.
- To date, US Department of Education (USED) guidance has encouraged states, districts, and schools to use ESSA funds to ensure equitable education outcomes for LGBTQ+ students in a number of areas, including through activities to support homeless youth and a diverse educator workforce. Twelve SEAs copied USED guidance that addressed LGBTQ+ equity in their State Plans or guidance to LEAs.
- Only six SEAs — California, DC, Pennsylvania, New York, Oregon, and Rhode Island — indicated specific statewide activities, or recommended local activities, to advance LGBTQ+ equity beyond those mentioned in federal guidance.
- No SEA included collecting or reporting data on outcomes for LGBTQ+ students as part of their ESSA state accountability system. Of the nine states that use a school climate survey for accountability purposes, none ask LGBTQ+ inclusive demographic questions, however Maryland includes a question about bullying based on sexual orientation and two states (Iowa and Kentucky) ask questions about respect for differences that include sexual orientation as an example. No state named LGBTQ+ students as an accountability subgroup for broader ESSA reporting.
- ESSA state plans and implementation guidance from states often failed to mention existing state laws or regulations that are (more) LGBTQ+ inclusive. For example, eighteen SEAs that have an anti-bullying statute that enumerates both sexual orientation and gender identity do not reference the statute or otherwise address LGBTQ+ related bullying when discussing anti-bullying efforts in their state plans or guidance to LEAs.

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Key Recommendations

ESSA requirements, allowable activities, and accountability mechanisms can be used to promote equity for LGBTQ+ and other students who experience marginalization. While there are positive examples of actions that SEAs and LEAs have taken, our research suggests there remain many untapped opportunities. We urge SEAs and LEAs to take advantage of these opportunities, and to expressly incorporate LGBTQ+ equity efforts into their state and local ESSA plans, related guidance, and accountability systems.

Our report outlines how SEAs and LEAs can include the following in their ESSA-funded activities:

- Review and develop LGBTQ+ inclusive and gender-affirming policies.
- Strengthen professional development and staff supports for LGBTQ+ equity.
- Foster LGBTQ+ inclusion in the classroom, curriculum, and other academic programs.
- Engage and support LGBTQ+ families and families with LGBTQ+ students.
- Expand student health and support services to be inclusive of LGBTQ+ student needs.
- Engage and partner with LGBTQ+ affirming community centers and groups.
- Implement comprehensive and inclusive climate, anti-violence, and suicide prevention activities.
- Support LGBTQ+ affirming student groups and student leadership development.
- Ensure LGBTQ+ inclusion in school sports and other extracurricular activities.
- Collect and report data on the experiences of LGBTQ+ students.
- Improve forms, records, and IT systems to protect and respect transgender and nonbinary students.
- Create dedicated offices, programs, convenings, and needs assessments to advance LGBTQ+ equity.

We hope SEAs and LEAs will use this roadmap to integrate LGBTQ+ equity in to all school improvement efforts, and will recognize and embrace ESSA as a powerful tool for ensuring nondiscrimination and equitable opportunities for LGBTQ+ students.

Read the full report here www.glsen.org/ESSA-Implementation