

States' Use of the Every Student Succeeds Act (ESSA) to Advance LGBTQ+ Equity:

Assessment of State Plans
and Recommendations

A Report from GLSEN'S DC Policy Office

© 2021 GLSEN

DC Policy Office

Make Office K Street
6th Floor, Attn: GLSEN
1015 15th Street, NW
Washington, DC, 20005
Ph: 202-347-7780 Fax: 202-347-7781

National Headquarters

110 William Street, 30th Floor
New York, NY 10038
Ph: 212-727-0135 Fax: 212-727-0254

policy@glsen.org

www.glsen.org

When referencing this document, we recommend the following citation:

Washick, B., Tobin, H. J., Ridings, A., Juste, T. (2021). States' Use of the Every Student Succeeds Act to Advance LGBTQ+ Equity: Assessment of State Plans and Recommendations. DC: GLSEN. Available at <https://www.glsen.org/essa-implementation>.

GLSEN is the leading national education organization focused on ensuring safe schools for all students. Established in 1990, GLSEN envisions a world in which every child learns to respect and accept all people, regardless of sexual orientation or gender identity/expression. GLSEN seeks to develop school climates that advance racial, gender, and disability justice outcomes in K-12 learning communities. For more information on our educator resources, research, public policy agenda, student leadership programs, or development initiatives, visit www.glsen.org.

Acknowledgements:

GLSEN thanks Harper Jean Tobin Policy Consulting for extensive consultation on this report. Thanks also to EducationCounsel, LLC for reviewing and providing feedback.

Graphic Design:

Carrie Chatterson Studio

Electronic versions of this report and all other GLSEN policy reports, issue briefs, and resources are available at www.glsen.org/policy.

Contents

1	Introduction: Overview of challenges for LGBTQ+ students and opportunities in ESSA	3
	• Conditions for LGBTQ+ Students	3
	• ESSA 101.....	5
2	Federal ESSA Guidance and LGBTQ+ Equity	7
3	LGBTQ+ Equity in State ESSA Plans.....	8
	• State and Local Accountability for LGBTQ+ Student Outcomes.....	9
	• Nondiscrimination and Equal Access Policies and Practices	10
	– Gender-Affirming Policies	11
	– Supporting LGBTQ+ Homeless Youth.....	12
	• Strengthening School Safety and Climate.....	12
	– Climate Surveys.....	13
	– Anti-Bullying and Harassment Efforts	14
	– Equitable, Restorative Discipline	15
	• Inclusive Learning	16
	• Educator & Staff Supports	16
4	Using ESSA to Support Equity for LGBTQ+ Students.....	17
	• Recommendation: Revise State Plans & ESSA Guidance for LEAs to Promote LGBTQ+ Equity.....	17
	– Include LGBTQ+ Students in the ESSA Statewide Accountability System.....	17
	> Spotlight: Implement LGBTQ+ Inclusive Climate Surveys.....	19
	– Update ESSA Guidance for LEAs to Promote LGBTQ+ Equity	20
	> Spotlight: Decriminalization of Youth in Education Systems	21
	• Recommendation: Leverage ESSA for Policy Development and Implementation.....	22
	> Spotlight: LGBTQ+ Equity Focused Programs, Commissions, and Advisory Groups	23
	– Adopt Affirming Policies for Transgender and Nonbinary Students.....	25
	> Spotlight: Strengthen IT Systems and Privacy Practices.....	26
	– Adopt Comprehensive Anti-Bullying and Harassment Policies, Training, and Programs.....	27
	– Implement Equitable, Restorative Discipline Policies and Practices.....	28
	• Recommendation: Provide LGBTQ+ Inclusive Student Health and Support Services.....	29
	> Spotlight: Supplementing ESSA Funds for LGBTQ+ Equity Work	30

- Recommendation: Leverage Community Partnerships for LGBTQ+ Equity 30
 - > Spotlight on DC: Leading with Pride Annual Conference..... 31
- Recommendation: Ensure Equitable Learning Opportunities for LGBTQ+ Students 31
 - Equity in the Classroom, Curricular Standards, and Curriculum 31
 - > Spotlight on California: Implementing Broadly Inclusive Curricular Standards.....32
 - LGBTQ+ Equity Outside the Classroom and in Extracurricular Activities.....32
 - > Spotlight: Provide Accessible Facilities for All Students, Regardless of Gender Identity.....35
- Recommendation: Support Educator and Staff Readiness, Diversity, and Inclusion35
 - Training, Professional Development, and Leadership Opportunities that Promote Equity 36
 - > Spotlight on Wisconsin: Inclusive Training for Title IV-B Grant Recipients.....37
 - Professional Development and Supports for LGBTQ+ Educators and Staff37
- Recommendation: Using Evidence to Promote LGBTQ+ Equity Using ESSA Funds 38

5 Conclusion 40

- GLSEN Resources 40
 - State Education Agency Resources 40
 - Additional Policy Development Resources..... 40
 - Educator Resources 40

6 Bibliography 41

1 Introduction: Overview of challenges for LGBTQ+ students and opportunities in ESSA

Schools should be places of safety and liberation for young people who are LGBTQ+, but all too often they fall short of that promise. June 2021 marks five and half years since the passage of the Every Student Succeeds Act (ESSA), a landmark law that addresses disparities in educational opportunities and outcomes. Three full academic years have passed since implementation of ESSA began in 2017, including a year in which the Covid-19 pandemic led to mass disruption in schooling and a deepening of disparities.¹ It has also been just months since the end of a presidential administration that sought to undermine the safety, health, and well-being of all LGBTQ+ people, including K-12 students.²

The Supreme Court has made clear that discrimination against LGBTQ+ people violates federal law and the U.S. Departments of Justice and Education have joined lower courts in making clear that this protection applies to LGBTQ+ students. President Biden's administration has brought a renewed and deepened federal commitment to intersectional racial equity³ and nondiscrimination on the basis of sex, explicitly defined as including sexual orientation and gender identity.⁴ Most recently, the U.S. Department of Education (USED) issued an Educator Letter that provided guidance on Title IX's application to K-12 learning communities.⁵

At the same time, several states have passed laws barring transgender and intersex youth from participating in school sports.⁶ Other political attacks and discriminatory proposals further threaten the well-being of LGBTQ+ youth, including efforts to ban affirming health care for trans youth. It is with these events in mind that we examine the extent to which states have built upon ESSA's equity commitments to support LGBTQ+ students and staff.

Conditions for LGBTQ+ Students

GLSEN's research over two decades has found that LGBTQ+ students face unique challenges in K-12 education due hostile school climates, discriminatory practices, and a notable absence of supports in the form of school policies and standard practices. LGBTQ+ youth experience higher rates of bullying and harassment than their

¹ U.S. Department of Education, *Education in a Pandemic: The Disparate Impacts of COVID-19 on America's Students* (Washington, DC: 2021). <https://www2.ed.gov/about/offices/list/ocr/docs/20210608-impacts-of-covid19.pdf>.

² Logan Casey and Elizabeth Mann Levesque, "LGBTQ students face discrimination while Education Department walks back oversight," Brookings Institute, April 18, 2018. <https://www.brookings.edu/blog/brown-center-chalkboard/2018/04/18/lgbtq-students-face-discrimination-while-education-department-walks-back-oversight> (Accessed March 3, 2021).

³ "Executive Order 13985 of January 20, 2021," Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," *Code of Federal Register* 86, no. 14 (January 25, 2021): 7009-7013. <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf> (Accessed June 17, 2021).

⁴ "Executive Order 14021 of March 8, 2021, Guaranteeing an Educational Environment Free From Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity," *Code of Federal Register* 86, no. 46 (March 11, 2021): 13803-13804. <https://www.govinfo.gov/content/pkg/FR-2021-03-11/pdf/2021-05200.pdf> (Accessed June 17, 2021).

⁵ U.S. Department of Education, "Letter to Educators on Title IX's 49th Anniversary: Notice of Language Assistance" (June 23, 2021). <https://www2.ed.gov/about/offices/list/ocr/correspondence/stakeholders/educator-202106-tix.pdf>.

⁶ GLSEN, "Gender Affirming and Inclusive Athletics Participation" (2021). <https://www.glsen.org/activity/gender-affirming-inclusive-athletics-participation> (Accessed June 24, 2021).

Trudy Ring, "Record Number of Anti-Trans Bills Introduced in States This Year," *The Advocate*, March 12, 2021. <https://www.advocate.com/transgender/2021/3/12/record-number-anti-trans-bills-introduced-states-year> (Accessed June 16, 2021).

non-LGBTQ+ peers.⁷ GLSEN found that the vast majority of LGBTQ+ students (86.3%) experienced harassment or assault in the past year based on personal characteristics, such as their sexual orientation, gender identity, or gender expression.⁸ LGBTQ+ youth of color commonly experience multiple forms of victimization — 40.0% of both Black and Asian American/Pacific Islander students, 41.2% of Indigenous students, and 41.6% of Latinx students reported bullying based on both their sexual orientation and their race.⁹

Recent studies suggest that the harms of bias-motivated harassment and bullying are especially severe in their effects on student well-being and success.¹⁰ Anti-LGBTQ+ harassment is associated with poorer academic performance, as measured by GPA, more absences, and being less likely to plan on completing high school.¹¹ LGBTQ+ youth of color who experience both racist and anti-LGBTQ+ victimization were most likely to skip school due to feeling unsafe, reported the lowest levels of school belonging, and experienced the highest levels of depression, compared to those who experience one or neither form of victimization.¹²

Currently, many schools fail to respond effectively to victimization of LGBTQ+ students. Among those who reported their harassment or assault, three in five (60.5%) said that school staff did nothing or told them to ignore it, one in five (20.8%) were told to change their behavior (e.g., by changing the way they dressed), and 7.3% were disciplined after reporting their victimization to school staff.¹³

LGBTQ+ youth also experience unfair discipline in other contexts, as when school policies prohibiting public displays of affection are not enforced for heterosexual couples but are for same-sex or queer couples.¹⁴ LGBTQ+ youth who are Black, Indigenous, people of color, (BIPOC) and people with disabilities experience starker disparities. Zero tolerance policies and the unjust application of school discipline policies can push LGBTQ+ students out of school and into juvenile and criminal justice systems. A growing body of research indicates that LGBTQ+ youth are over-represented in the juvenile justice system. For example, a national survey of seven juvenile justice facilities found 40% of girls and 20% of all detained youth identified as LGBTQ+. Of these LGBTQ+ detained youth, 85% were youth of color.¹⁵

⁷ Michelle M. Johns, Richard Lowry, Laura T. Haderxhanaj, Catherine N. Rasberry, Leah Robin, Lamont Scales, Deborah Stone, and Nicolas A. Suarez, "Trends in Violence Victimization and Suicide Risk by Sexual Identity Among High School Students - Youth Risk Behavior Survey, United States, 2015-2019," *MMWR supplements* 69, no. 1: 19–27 (August 21, 2020). <https://doi.org/10.15585/mmwr.su6901a3>.

⁸ Joseph G. Kosciw, Caitlin M. Clark, Nhan L. Truong, and Adrian D. Zongrone, *The 2019 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools* (New York: GLSEN, 2020), p. 28. <https://www.glsen.org/research/2019-national-school-climate-survey>.

⁹ Nhan L. Truong, Adrian D. Zongrone, and Joseph G. Kosciw, *Erasure and resilience: The experiences of LGBTQ students of color, Asian American and Pacific Islander LGBTQ youth in U.S. Schools* (New York: GLSEN, 2020). <https://www.glsen.org/research/aapi-lgbtq-students>.

Nhan L. Truong, Adrian D. Zongrone, and Joseph G. Kosciw, *Erasure and resilience: The experiences of LGBTQ students of color, Black LGBTQ youth in U.S. Schools*. (New York: GLSEN, 2020). <https://www.glsen.org/research/black-lgbtq-students>.

Adrian D. Zongrone, Nhan L. Truong, and Joseph G. Kosciw. *Erasure and resilience: The experiences of LGBTQ students of color, Latinx LGBTQ youth in U.S. Schools* (New York: GLSEN, 2020). <https://www.glsen.org/latinx>.

Adrian D. Zongrone, Nhan L. Truong, and Joseph G. Kosciw. *Erasure and resilience: The experiences of LGBTQ students of color, Native and Indigenous LGBTQ youth in U.S. Schools* (New York: GLSEN, 2020). <https://www.glsen.org/research/native-and-indigenous-lgbtq-students>.

¹⁰ Stephen T. Russell, Katerina O. Sinclair, V. Paul Poteat, and Brian W. Koenig, "Adolescent Health and Harassment Based on Discriminatory Bias," *American Journal of Public Health* 102, no. 3 (2012): 493–495.

Michelle Birkett, Michael E. Newcomb, and Brian Mustanski, "Does it get better? A longitudinal analysis of psychological distress and victimization in lesbian, gay, bisexual, transgender, and questioning youth," *Journal of Adolescent Health* 56, no. 3 (2015): 280–285.

¹¹ Kosciw et al., *The 2019 National School Climate Survey*, p. xviii–xix.

¹² Truong et al., *Erasure and resilience: The experiences of LGBTQ students of color, Black LGBTQ youth in U.S. Schools*.

Zongrone et al., *Erasure and resilience: The experiences of LGBTQ students of color, Latinx LGBTQ youth in U.S. Schools*.

Zongrone et al., *Erasure and resilience: The experiences of LGBTQ students of color, Native and Indigenous LGBTQ youth in U.S. Schools*.

¹³ Kosciw et al., *The 2019 National School Climate Survey*, p. 35.

¹⁴ Neal A. Palmer, Emily A. Greytak, and Joseph G. Kosciw, *Educational Exclusion: Drop Out, Push Out, and the School-to-Prison Pipeline among LGBTQ Youth* (New York: GLSEN, 2016). <https://www.glsen.org/research/educational-exclusion-drop-out-push-out-school-prison-pipeline>.

¹⁵ Center for American Progress (CAP) and Movement Advancement Project (MAP), *Unjust: How the Broken Juvenile and Criminal Justice Systems Fail LGBT Youth* (Washington & Denver: CAP & MAP, 2016), p. 4 <https://www.lgbtmap.org/file/lgbt-criminal-justice-youth.pdf>.

Many LGBTQ+ students face rejection by family and experience unsafe home environments simply for being who they are. This is one reason LGBTQ+ youth are over-represented among youth experiencing homelessness, accounting for up to 40% of homeless youth.¹⁶

The COVID-19 pandemic has also had especially harsh impacts on students who experience marginalization, including LGBTQ+ students. These young people have often been cut off from critical in-school supports, extracurricular activities, and affirming peer networks such as Gender-Sexuality Alliances or Gay-Straight Alliances (GSAs), while some have been isolated in unsupportive home environments. USED has recognized that these students are especially likely to be disconnected from learning communities due to the COVID-19 pandemic, and has urged states and schools to ensure their reopening and other efforts during this time include “a focus on historically underserved populations including ... Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual (LGBTQIA) students.”¹⁷

ESSA 101

The ***Every Student Succeeds Act (ESSA)*** of 2015 reauthorized and revised the Elementary and Secondary Education Act (ESEA) of 1965, which directs federal funds to low-income and struggling schools with the goal of reducing disparities in school and educational outcomes. Because of an over-reliance on local property taxes to supplement other funds, schools in low-income communities often have fewer financial resources to address needs and support school programs. ESSA provides substantial federal assistance each year through formula grants that account for student poverty levels. In exchange for these funds, states track and report the progress of schools and districts and provide support through statewide programs and technical assistance. ESSA was intended to correct for prior shortcomings in federal laws by introducing more nuanced and flexible measures of school success, and by empowering states, districts, and schools to develop their own, evidence-based improvement strategies.

Under ESSA, all State Education Agencies (SEAs) operate under an ESSA State Plan approved by USED.¹⁸ The State Plan details each state’s long-term goals and how they will use ESSA funds to address disparities and promote equity in student achievement and educational opportunities. SEAs must also submit annual assurances to USED regarding their compliance with civil rights laws and their efforts to ensure equal access to federally funded programs. Local Educational Agencies (LEAs) in turn submit funding applications — and, in some cases, improvement plans — to be approved by their SEA. USED provides SEAs and LEAs alike with guidance on ESSA requirements and the many ways they can use ESSA funds (see Figure 1), as well as a template for Revised State Plans. SEAs also regularly provide similar guidance and resources to LEAs in their state. Throughout, ESSA’s focus on equity includes addressing the needs of students marginalized based on poverty, race, language, disability, homelessness, or other factors, which may include LGBTQ+ identities.

¹⁶ Soon Kyu Choi, Bianca D.M. Wilson, Jama Shelton, and Gary Gates, *Serving Our Youth 2015: The Needs and Experiences of Lesbian, Gay, Bisexual, Transgender, and Questioning Youth Experiencing Homelessness* (Los Angeles: The Williams Institute with True Colors Fund, 2015). <https://truecolorsunited.org/portfolio/serving-our-youth/>.

Laura E. Durso and Gary J. Gates, *Serving Our Youth: Findings from a National Survey of Service Providers Working with Lesbian, Gay, Bisexual, and Transgender Youth who are Homeless or At Risk of Becoming Homeless* (Los Angeles: The Williams Institute with True Colors Fund & The Palette Fund, 2012). <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Serving-Our-Youth-July-2012.pdf>.

See also: True Colors United and the National LGBTQ Task Force, *At the Intersections: A Collaborative Resource on LGBTQ Youth Homelessness* (New York: True Colors United, 2019). <https://truecolorsunited.org/wp-content/uploads/2019/04/2019-At-the-Intersections-True-Colors-United.pdf>.

¹⁷ U.S. Department of Education, “Request for Information on Supporting the Reopening and Continuing Operation of Schools, Colleges and Universities, and Early Childhood Education Providers,” *Code of Federal Register* 86, no. 50 (March 17, 2021): pp. 14616-14618. <https://www.govinfo.gov/content/pkg/FR-2021-03-17/pdf/2021-05588.pdf>.

¹⁸ ESEA § 1111.

Figure 1: Key ESSA Equity Funding Provisions

<p>Title I, Part A: Improving Basic Programs</p> <ul style="list-style-type: none"> Objective: Narrow achievement gaps between schools and student subgroups. Authorized uses of funds include: materials, salaries, parent and community outreach, as well as Titles II-A, III, and IV programs and activities that reasonably support school improvement. Required set-aside to support homeless youth.
<p>Title II, Part A: Supporting Effective Instruction & Educators</p> <ul style="list-style-type: none"> Objective: Increase student achievement by recruiting, preparing, training, and supporting teachers and school leaders. Authorized uses of funds include: teacher salaries to reduce class size, training, leadership development, instructional coaches, and job fairs or recruitment events.
<p>Title III: Supporting English Language Learners and Immigrant Students</p> <ul style="list-style-type: none"> Objective: Promote academic success of English language learners and immigrant students. Authorized uses of funds include: designing and implementing effective language programs. Required use of funds for parent and community outreach and to track students' English language progress.
<p>Title IV, Part A: Supports for the Whole Student</p> <ul style="list-style-type: none"> Objective: Promote (1) well-rounded educational opportunities, (2) student health and safety, and (3) effective technology use. Authorized use of funds include: improving curriculum or curricular standards; in-school mental health services; programs to reduce bullying, harassment, and exclusionary discipline; classroom technology; and enhancing student records and other IT systems. Required allocation of at least 20% to both well-rounded educational opportunities and student health and safety programs for an LEA that receives a grant of \$30,000 or more.
<p>Title IV, Part B: Strengthenings Extracurricular Programs</p> <ul style="list-style-type: none"> Objective: Strengthen academic and other supports outside of school hours and engage families in students' educations. Authorized use of funds include: mentoring, tutoring, athletics, English-language learning, and cultural programs.
<p>Other ESSA Funding Provisions</p> <ul style="list-style-type: none"> SEAs are authorized to use statewide funds to monitor, evaluate, provide technical assistance, and otherwise support LEA recipients of ESSA subgrants. ESSA typically stipulates that funds "supplement, not supplant," meaning that they cannot be used to pay for services that, in the absence of ESSA funds, would be required to be paid for by other federal, state, or local funds. Title IV-F includes the Promise Neighborhoods and Full-Service Community Schools (FSCS) grant programs for LEAs awarded directly by USED, both of which can support community partnerships. Title V, Part B provides flexible funding to rural schools that may be used for programs under Titles I through IV. Title VI provides flexible funding for Indigenous schools that may be used for programs similar to those described under Titles I through IV, as well Indigenous language and cultural immersion programs. Title VII-B provides additional subgrants for supporting homeless youth, based on a local needs assessment.

Federal ESSA Guidance and LGBTQ+ Equity

USED has adopted a number of regulations, guidance documents, FAQs, templates, and other tools to assist SEAs and LEAs in understanding the opportunities and requirements that ESSA provides. These tools help inform updates to SEA and LEA plans, and provide examples of the many ways states and localities can use ESSA plans and funding to foster safety, health, support, and success for young people in K-12 learning communities.

Despite ESSA's broad focus on equity and the flexibilities it provides, federal guidance has so far said little about how schools can leverage ESSA to support equity for LGBTQ+ students.

However, as of June 2021, USED has addressed LGBTQ+ equity in a few ways:

- USED guidance on Title II, Part A, indicates that efforts to support a diverse educator workforce can include providing ongoing professional development aimed at cultural competency and responsiveness and equity coaching that improves conditions for educators and “students from underrepresented minority groups, diverse national origins, English language competencies, and varying genders and sexual orientations.”¹⁹
- USED guidance on Title IV, Part A, Student Support and Academic Enrichment (SSAE), states that “funds can be used to reduce incidences of bullying and harassment against all students, including bullying and harassment based on a student’s (or their associates) actual or perceived race, color, national origin, sex (including gender identity), disability, sexual orientation, religion, or any other distinguishing characteristics that may be identified by the state or LEA.”²⁰
- USED guidance on supporting homeless students advises that schools must review and revise school discipline policies that have a disproportionate impact on homeless students, and specifically emphasizes that this includes examining barriers for LGBTQ+ homeless students.²¹
- USED guidance on state and local report cards notes that SEAs and LEAs may use disaggregated data on bullying and harassment targeting LGBTQ+ students to meet ESSA reporting requirements.²²
- USED guidance on annual equity assurances under the General Education Provisions Act (GEPA) §427 provides an example inclusive of LGBTQ+ students. Specifically, an SEA or LEA “might describe the special efforts it will take to address concern of lesbian, gay, bisexual, and transgender students, and efforts to reach out to and involve the families of LGBT students”.²³ This document was included as Appendix B in USED’s Revised State Plan template.
- USED chose not to specifically list LGBTQ+ students as a stakeholder group or an optional accountability subgroup in ESSA regulations, but stated that ESSA’s provisions are broad enough to give SEAs and LEAs these options if they wish.²⁴

¹⁹ U.S. Department of Education, “Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading” (September 27, 2016), p. 19. <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf>.

²⁰ U.S. Department of Education, “Non-Regulatory Guidance: Student Support and Academic Enrichment Grants” (October 21, 2016), p. 30. <https://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>.

²¹ U.S. Department of Education, “Education for Homeless Children and Youths Program Non-Regulatory Guidance: Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act,” (July 27, 2016 [updated March 2017]), p. 6. <https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716updated0317.pdf>.

²² U.S. Department of Education, “Opportunities and Responsibilities for State and Local Report Cards under the ESEA of 1965, as Amended by the Every Student Succeeds Act” (September 2019). <https://www2.ed.gov/policy/elsec/leg/essa/report-card-guidance-final.pdf>. The guide refers to USED’s Civil Rights Data Collection (CDRC), which currently includes a question about complaints of bullying or harassment based on sexual orientation.

²³ U.S. Department of Education, Revised State Template for Consolidated State Plan, Appendix B (March 13, 2017). <https://www2.ed.gov/admins/lead/account/stateplan17/plans.html> (Accessed March 3, 2021).

²⁴ U.S. Department of Education, “Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act-Accountability and State Plans; Final Rule,” *Code of Federal Register* 81, no. 229: 86076-86248 (November 29, 2016), p. 86196. <https://www.govinfo.gov/content/pkg/FR-2016-11-29/pdf/2016-27985.pdf>.

In addition, other recent publications, such as the USED COVID-19 Handbook, have encouraged LGBTQ+ equity efforts in other ways, including reengaging disconnected student and “creating identity-safe classrooms and schools that support our students who are LGBTQ+.”²⁵ A 2016 USED publication — complementing USED’s previous guidance on Title IX requirements — also outlined “Examples of Policies and Emerging Practices for Supporting Transgender Students.”²⁶

While ESSA provides states and localities with great flexibility to advance equity for all students, including LGBTQ+ students, our assessment of ESSA State Plans and guidance to LEAs suggests that federal guidance is heavily relied on and should be strengthened to encourage efforts to promote equity for LGBTQ+ youth and educators.

3 LGBTQ+ Equity in State ESSA Plans

All states operate under ESSA State Plans, which have been developed by SEAs in consultation with stakeholders and approved by USED. States must review and revise their State Plans “periodically” to reflect any changes in their approach. All State Plan revisions must go through public comment and USED approval.²⁷

ESSA funding can be used to support the implementation of a broad range of best practices for LGBTQ+ equity (see **Section 4** for details). Unfortunately, our review of fifty-two ESSA State Plans — 50 states, DC, and Puerto Rico — and accompanying state guidance to LEAs suggests SEAs are missing many opportunities to leverage ESSA to support equity for LGBTQ+ students.²⁸ As Figure 2 illustrates, **just over half of all SEAs (27 of 52) include some mention of LGBTQ+ equity in their ESSA State Plan or SEA guidance to LEAs**, as of June 2021.

Among these:

- Thirteen SEAs include only a single reference to LGBTQ+ equity. In five states, this single reference comes through language copied directly from USED guidance documents.
- Only six SEAs — California, DC, Pennsylvania, New York, Oregon, and Rhode Island — identify specific types of activities they were pursuing to support LGBTQ+ equity beyond that copied from USED guidance.
- Most commonly (21 SEAs), when addressing LGBTQ+ equity, SEAs communicate a general commitment to LGBTQ+ equity and inclusion, sometimes by citing state laws or regulations pertaining to nondiscrimination and bullying that enumerate sexual orientation and gender identity.

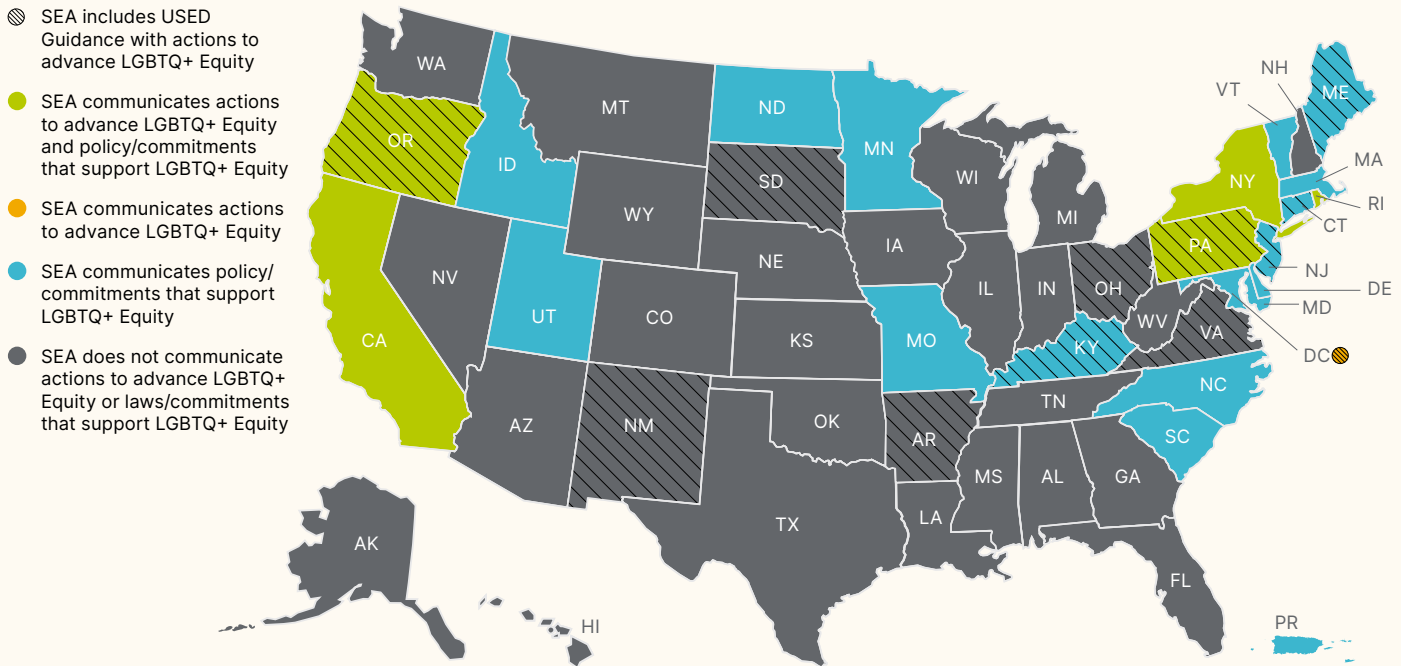
²⁵ U.S. Department of Education, *ED COVID-19 Handbook, Vol. 2: Roadmap to Reopening Safely and Meeting All Students’ Needs* (Washington, DC: April 2021), pp. 9, 12, 14. <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>.

²⁶ U.S. Department of Education, “Examples of Policies and Emerging Practices for Supporting Transgender Students” (May 2016). <https://files.eric.ed.gov/fulltext/ED572043.pdf>.

²⁷ U.S. Department of Education, ESEA Dear Colleague Letter on State Plan Amendments from Assistant Secretary of Elementary and Secondary Education Frank Brogan (November 14, 2018). <https://www2.ed.gov/policy/elsec/leg/essa/dclessaspamendmentprocessltr.pdf>.

²⁸ All approved plans are available here: U.S. Department of Education, ESSA Consolidated State Plans, <https://www2.ed.gov/admins/lead/account/stateplan17/index.html> (Accessed June 29, 2021). Appendix A includes links to reviewed documents by state or territory. See: GLSEN, *States’ Use of ESSA to Advance LGBTQ+ Equity* (2021). <https://www.glsen.org/essa-implementation>.

Figure 2: SEA Inclusion of LGBTQ+ Equity in ESSA State Plans and/or SEA Guidance to LEAs



State and Local Accountability for LGBTQ+ Student Outcomes

ESSA requires that each SEA develop a statewide accountability system to evaluate school performance and identify schools with the greatest need for Title I-A funds for narrowing achievement gaps. SEAs are required to publicly report student outcomes by state, district, and school in annual report cards.²⁹ Data must be disaggregated by race, disability status, English proficiency status, gender,³⁰ and any additional accountability subgroups the SEA identifies. ESSA requires that certain academic measures be given the most weight in the accountability system, but states have substantial flexibility to factor in other school quality and student success (SQSS) measures, including school climate.

Schools with lower overall performance receive comprehensive support under Title I-A³¹ and where one or more student subgroups are consistently underperforming receive targeted support to improve basic programs and narrow achievement gaps (see **Figure 1**).³² LEAs with schools receiving support under Title I-A must submit improvement plans developed with local stakeholders that use evidence-based strategies to improve their performance on state accountability indicators.³³ Improvement plans must be “periodically” updated to reflect changes in their approach. SEAs may use ESSA funds to monitor, evaluate, and provide technical assistance and support recipients of Title I-A funds.³⁴

We examined each SEA’s accountability system for reference to LGBTQ+ students. No SEA includes LGBTQ+ students as an additional accountability subgroup. Additionally, no State Plan specifically discusses accountability to LGBTQ+ students in explaining its choice of accountability indicators.

²⁹ ESEA §1111 (h).

³⁰ “Gender” is not defined under ESSA (ESEA §1111(b)(2)(B)(xi)(V)). Schools should report a student’s self-identified gender. See Section 4 for additional details on this recommendation.

³¹ Schools are eligible for comprehensive support if their overall performance is in the lowest 5% Title I schools statewide, or if their high school’s graduation rates is below 67%. ESEA § 1111(c)(4), (d)(1).

³² ESEA § 1111 (c)(4), (d)(2).

³³ ESEA § 1111 (d)(2)(B).

³⁴ ESEA § 1003 (b)(2)(B)-(C).

Using a climate survey to measure an SQSS indicator can be a means of incorporating accountability to LGBTQ+ students in a statewide accountability system, depending on survey design and analysis of results. We found **nine states — Idaho, Illinois, Iowa, Kentucky, Maryland, Montana, New Mexico, North Dakota, and South Carolina — use a school climate survey to measure a SQSS indicator**, giving the results a weight ranging from 5% to 30% in their ESSA Statewide Accountability System.

Among the nine states using a climate survey for the purpose of ESSA accountability, none include LGBTQ+ inclusive demographic questions. Maryland was required by legislation to use a climate survey to measure a SQSS indicator and includes a question about bullying based on sexual orientation; student responses to this question are not analyzed separately, but comprise one of several inputs into a composite “bullying” result.³⁵ Two states — Iowa and Kentucky — include questions about respect for differences and list sexual orientation as an example.³⁶ In the absence of LGBTQ+ inclusive demographic questions, Iowa and Kentucky’s surveys fall short of accountability, because they are unable to identify potential disparities between LGBTQ+ and non-LGBTQ+ students. As discussed below, several other states reference the use of school climate surveys in their ESSA State Plan and support districts in conducting school climate surveys with LGBTQ+ inclusive questions, but these states do not use school climate surveys to measure a SQSS indicator.

One state — Oregon — promotes accountability for LGBTQ+ students’ educational outcomes at the local level by requiring LEA improvement plans to “[a]pply an equity lens and culturally responsive practices... to ensure that the needs of historically and traditionally marginalized students... are addressed,” and defining “historically and traditionally marginalized students” to include “students who are LGBTQ.”³⁷

Nondiscrimination and Equal Access Policies and Practices

ESSA requires both SEAs and LEAs to submit annual assurances of compliance with federal nondiscrimination laws. While these assurances may be submitted separately from State Plans, many SEA include equal access assurances and discuss their commitments, policies, and laws related to nondiscrimination. Nondiscrimination statements, including equal access assurances,³⁸ were the most common way that State Plans referenced LGBTQ+ equity, with 18 states and Puerto Rico incorporating such a statement.

As Figure 3 illustrates, **only six SEAs enumerated both sexual orientation and gender identity in nondiscrimination assurances**. Fourteen SEAs enumerate only sexual orientation. Half (7) of the states that enumerated only sexual orientation have statutes or regulations that enumerate gender identity.³⁹

³⁵ Email correspondence with Maryland State Department of Education (August 19, 2021). Maryland does not currently make its climate survey available publicly. See: Maryland State Department of Education, “Maryland School Survey Frequently Asked Questions” (2020), p. 9. http://marylandpublicschools.org/about/Documents/DAAIT/MarylandSchoolSurvey/Maryland_School%20Survey_Frequently%20Asked%20Questions_2020_final%203.4.2020_updated.pdf (Accessed July 14, 2021). See also: Tim Kautz, Charles Tilley, Christine Ross, and Natalie Larkin, “Development of a School Survey and Index as a School Performance Measure in Maryland: A REL-MSDE Research Partnership” (June 2020). https://ies.ed.gov/ncee/edlabs/regions/midatlantic/pdf/REL_MD_School_Survey_2020.pdf.

³⁶ Kentucky Department of Education, Quality of School Climate and Safety Survey, https://education.ky.gov/AA/Acct/Documents/Quality_of_SchoolClimateandSafetySurvey_Grades6-HS-02_2021.pdf (Accessed June 28, 2021). Iowa Department of Education, “Every Student Succeeds Act in Iowa: Final Plan” (May 3, 2018), p. 207. https://educateiowa.gov/sites/files/ed/documents/2019-12-23ESSAPlan_508.pdf. Accessed July 13, 2021.

³⁷ Oregon Department of Education, “Oregon’s Consolidated State Plan Under the Every Student Succeeds Act,” (August 30, 2017). https://www.oregon.gov/ode/rules-and-policies/ESSA/Documents/APPROVED%20OR_ConsolidatedStateplan8-30-17.pdf (Accessed August 10, 2021).

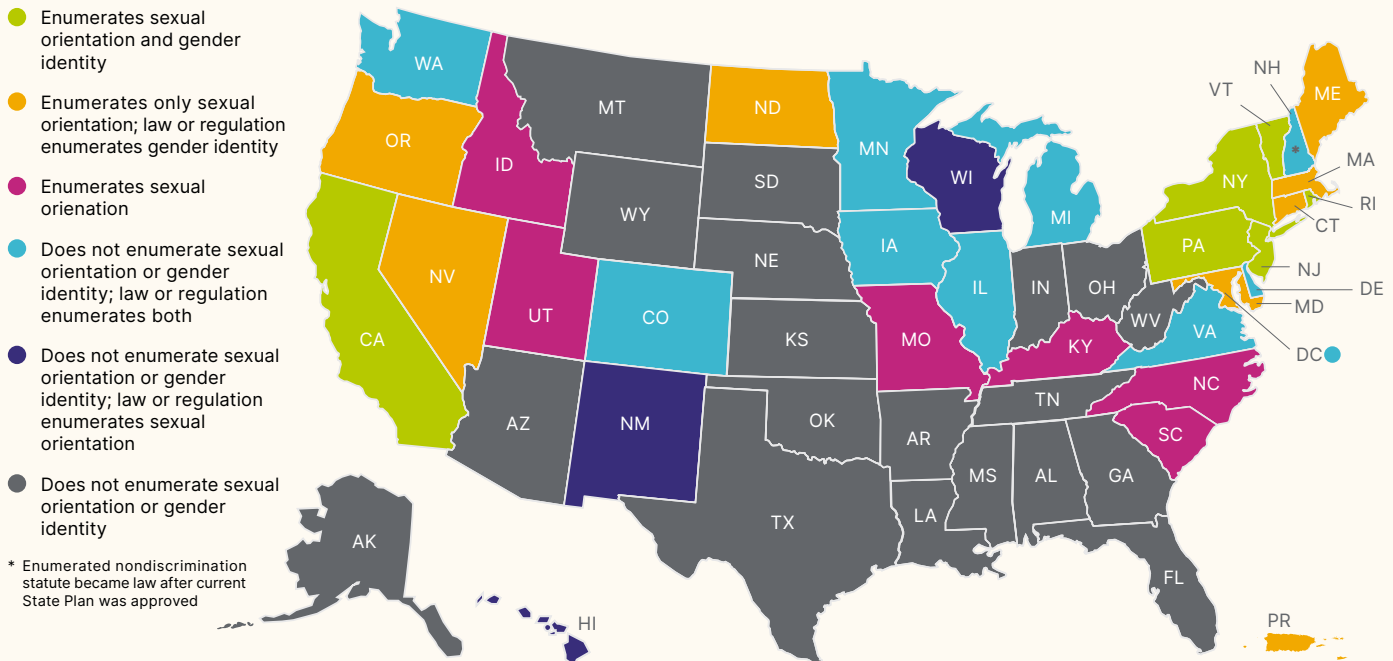
³⁸ GEPA requires SEAs and LEAs to provide annual statements regarding their efforts to ensure equitable access to USED-funded programs, and USED guidance makes clear that this includes LGBTQ+ equity. While GEPA assurances may be submitted separately, USED’s Revised State Plan Template incorporates GEPA assurance instructions and many State Plans retained the instructions with the LGBTQ+ inclusive example (see Section 2). We did not count inclusion of USED’s GEPA instructions in State Plans as advancing LGBTQ+ equity. States that include GEPA §427 assurances in their State Plans and mention LGBTQ+ equity are counted here.

³⁹ GLSEN, Policy Maps, <https://www.glsen.org/policy-maps> (Accessed July 14, 2021). In several states (Colorado, Illinois, Maine, Minnesota, and Oregon), “sexual orientation” is defined in state law to include gender identity. At first glance, these statute often appear to only afford protections based on sexual orientation. GLSEN’s research shows that enumeration in school plans and policies matters. GLSEN urges SEAs to separately enumerate gender identity.

Most SEAs did not enumerate either sexual orientation or gender identity in assurances regarding nondiscrimination and equal access. Eleven states that have state nondiscrimination laws or regulations that enumerate both sexual orientation and gender identity include neither. Two additional states, Michigan and New Mexico, have regulations that enumerate only sexual orientation.

Six ESSA State Plans have nondiscrimination statements that are more inclusive than their own state nondiscrimination laws or regulations. These are Delaware, Idaho, Kentucky, North Carolina, Rhode Island, and South Carolina. Only one of these — Rhode Island — enumerates both sexual orientation and gender identity.

Figure 3: Nondiscrimination Assurances in ESSA State Plans and SEA Guidance to LEAs



Gender-Affirming Policies

Both SEAs and LEAs can use ESSA funds to review and develop policies to ensure students from communities that experience marginalization, including LGBTQ+ students, are guaranteed equal access to quality education. **Only one ESSA State Plan — Rhode Island’s — speaks directly to the work it has done to support transgender and nonbinary students through policy development.** Rhode Island’s Plan indicates that it “is implementing several strategies to address health and safety” in schools and, as one example, references and links to its 2016 “Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students-Creating Safe and Supportive School Environments.”⁴⁰

Over a dozen states have similarly comprehensive guidelines covering students’ rights with respect to issues such as names and pronouns, school records, privacy, facilities, and sports and extracurricular activities. No other SEA mentioned these guidelines in their State Plans or guidance to LEAs.⁴¹

⁴⁰ Rhode Island Department of Education, “Rhode Island’s Every Student Succeeds Act State Plan” (March 29, 2018), p. 64. <https://www.ride.ri.gov/Portals/0/Uploads/Documents/Information-and-Accountability-User-Friendly-Data/ESSA/RhodeIsland-ESSA-State-Plan-Final-100119.pdf?ver=2019-10-01-153829-000>.

Rhode Island Department of Education, “Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students-Creating Safe and Supportive School Environments” (June 2016). <http://www.thriveri.org/documents/Guidance.for.RhodeIsland.Schools.on.Transgender.and.Gender.Nonconforming.Students-2016.pdf>.

⁴¹ GLSEN, Policy Maps, <https://www.glsen.org/policy-maps> (Accessed July 14, 2021).

Supporting LGBTQ+ Homeless Youth

ESSA Title VII-B revised and strengthened the existing McKinney-Vento Education for Homeless Children and Youth (EHCY) program. The McKinney-Vento Act:

- Requires SEAs and LEAs to review policies or practices that may act as barriers for homeless youth.⁴²
- Requires LEAs receiving Title I grants to set aside sufficient funds to support homeless youth, including hiring a local homeless liaison and covering student needs such as tutoring, transportation, food, clothing, school fees, health needs, and outreach.⁴³
- Provides additional subgrants for supporting homeless youth, based on a local needs assessment.⁴⁴

ESSA requires SEAs to address support for homeless youth in their State Plan. Despite LGBTQ+ youths' overrepresentation among homeless youth,⁴⁵ only two State Plans mention specific activities to ensure LGBTQ+ homeless youth have the support they need to attend school and fully participate in educational programs:

- Washington, DC describes its partnerships with “community-based organizations that provide housing and other services for homeless and runaway youth to provide quality trainings focusing on trafficked, LGBTQ, and runaway children and youth experiencing homelessness.”⁴⁶
- New Mexico commits to “create a process for reviewing and revising policies that will include a review of school discipline policies that disproportionately impact students experiencing homelessness, including children and youth... [w]ho identify as lesbian, gay, bisexual, transgender, and questioning (LGBTQ).”⁴⁷ This language is drawn directly from USED’s guidance on the McKinney-Vento Act (see **Section 2**).

Strengthening School Safety and Climate

ESSA encourages a holistic focus on the conditions for learning, including supports for student health, safety, and well-being, both through the School Quality and Student Success (SQSS) indicator under Title I accountability systems, and through Title IV-A’s support for “safe and healthy” student activities and programs.

We reviewed State Plans for indications that LGBTQ+ equity informed improvement strategies and priorities as they related to school climate and safety. **Two states — New York and Pennsylvania — address school climate and the experiences of LGBTQ+ students.** In addition to affirming that schools must be safe, welcoming environments for LGBTQ+ students and other youth who experience marginalization, these states detail specific actions to foster a positive, LGBTQ+ inclusive climate (see, p. 14-15).

Climate Surveys

LGBTQ+ inclusive climate surveys present opportunities for states and districts to identify disparities in the experiences of LGBTQ+ youth and inform their equity efforts. States and districts can use ESSA funds to develop, oversee, and coordinate climate surveys, and states can also use these surveys for ESSA accountability purposes,

⁴² McKinney-Vento Act §§ 721, 722.

⁴³ ESEA § 1113 (c)(3)(A)(i).

⁴⁴ McKinney-Vento Act § 723.

⁴⁵ True Colors United and the National LGBTQ Task Force, *At the Intersections*.

⁴⁶ DC Office of the State Superintendent of Education, “District of Columbia Revised State Template for the Consolidated State Plan” (August 28, 2017), p. 71. https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/OSSE%20ESSA%20State%20Plan_%20August%2028_Clean.pdf (Accessed July 14, 2021).

⁴⁷ New Mexico Public Education Department, “New Mexico Rising: New Mexico’s State Plan for the Every Student Succeeds Act” (2019), p. 172. <https://webnew.ped.state.nm.us/wp-content/uploads/2020/02/New-Mexico-ESSA-Plan-2019.pdf> (Accessed July 14, 2021).

as discussed above. The use of a climate survey may also be required or recommended by SEAs as part of the improvement planning process for schools receiving assistance under Title I-A.

Most SEAs address the use or availability of climate surveys in their State Plan. Beyond the nine states using climate surveys for ESSA accountability purposes, five states — California, Delaware, Georgia, Massachusetts, and Nevada — plan to use surveys to measure school climate for other ESSA-related purposes.⁴⁸ Several other SEAs note that they are exploring their potential uses to support ESSA implementation.

We reviewed SEA climate surveys and found only thirteen that include questions related to some aspect of LGBTQ+ students' experiences.⁴⁹ Questions about sexual orientation and gender identity are included in three different ways, as detailed below. Typically, LGBTQ+ inclusive questions are introduced in Middle School.

- **Demographic questions** either include only gender identity (Hawaii, Rhode Island) or include both sexual orientation and gender identity or transgender status (California, Michigan, Minnesota, DC). States collecting LGBTQ+ demographic information are able to disaggregate responses to general questions, such as “I feel safe from the bullying behavior of students at my school” and “How much respect do students in your school show you?” to compare the experiences of LGBTQ+ students and their non-LGBTQ+ peers.
- Four states — Maryland, New York, Vermont, and West Virginia — ask **questions about bullying** due to sexual orientation only. Two states — California and Minnesota (both of which also include demographic questions) — ask **questions about bullying** due to sexual orientation and gender identity.
- Five states — Iowa, Kentucky, Massachusetts, New York, and Vermont — ask **questions about respect for differences** and include sexual orientation as an example.

A 2019 report found that eight states were including some climate survey results in their annual ESSA report cards and others plan to include this data, even if they are not using climate surveys for accountability purposes.⁵⁰ To date, no states have published LGBTQ+ inclusive climate survey data in their annual ESSA report cards.

Since no state includes LGBTQ+ students as an accountability subgroup, none are currently required under ESSA to publish climate survey data disaggregated by sexual orientation and gender identity, unless it is required by states.

As discussed above, Maryland, Iowa, and Kentucky use climate surveys for ESSA accountability purposes. Maryland includes a question about bullying based on sexual orientation and both Iowa and Kentucky include questions about respect for differences that list sexual orientation as an example (see p. 10). Maryland and Iowa share climate survey results in broader categories, such as “student-student relationships,” rather than sharing responses to individual questions.⁵¹ Kentucky planned to administer a climate survey to all students in the 2020-2021 academic year and publish results in its annual report card.⁵²

⁴⁸ Phyllis W. Jordan and Laura S. Hamilton, “Walking a Fine Line: School Climate Surveys in State ESSA Plans,” FutureEd (December 2019), p. 1-2. <https://www.future-ed.org/wp-content/uploads/2019/12/FutureEdSchoolClimateReport.pdf>.

⁴⁹ Several SEAs that do not authorize specific climate surveys, provide resources that LEAs and schools could use to conduct local surveys. Most commonly, they directed interested LEAs and schools to USED’s climate survey resources. USED’s “EDSCLS” climate survey is the same survey authorized by both New York and Vermont. See: National Center on Safe Supportive Learning Environments, ED School Climate Surveys (EDSCLS), <https://safesupportivelearning.ed.gov/edscls> (Accessed April 12, 2021).

⁵⁰ Jordan and Hamilton, “Walking a Fine Line,” pp. 10-17.

⁵¹ Email correspondence with Maryland State Department of Education (August 19, 2021). State of Iowa, Iowa School Performance Profiles, “Conditions for Learning,” 2019. <https://www.iaschoolperformance.gov/ECP/StateDistrictSchool/StateDetails?DetailType=ConditionsForLearning&y=2019>. Accessed July 13, 2021. Note that “Conditions for Learning” data is not available for 2020 due to the Covid-19 pandemic.

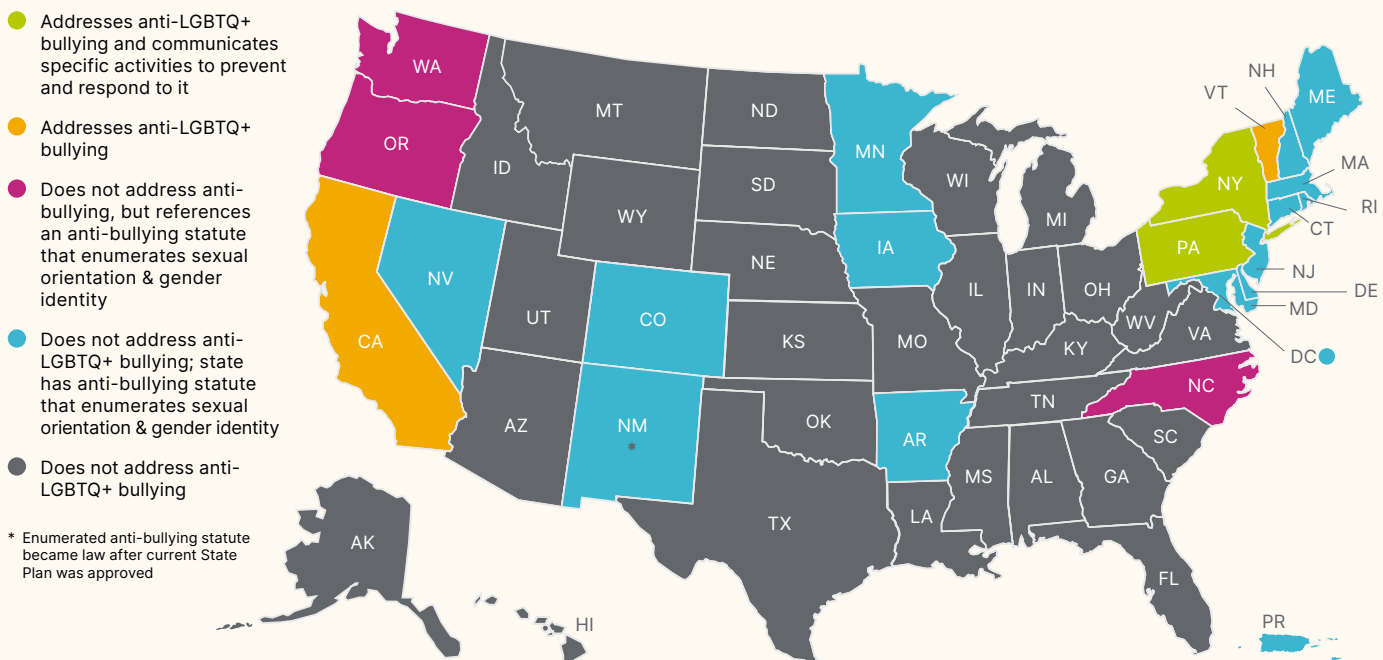
⁵² Kentucky had planned to introduce its climate survey during the 2019-2020 school year, but was unable to fully administer the survey as planned due to the COVID-19 pandemic and received a waiver from USED from this portion of ESSA reporting requirements. Email correspondence with Kentucky Department of Education (March 19, 2021).

Anti-Bullying and Harassment Efforts

State Plans are required to address how they will support Title I-A schools to improve school conditions, including by reducing bullying and harassment.⁵³ Many SEAs also address bullying in their plans for Student Support and Academic Enrichment (Title IV-A) funds. Despite these opportunities, **only four SEAs address anti-LGBTQ+ bullying and harassment when discussing what they are doing to reduce incidences of bullying or ensure equal access** (see Figure 4). Three additional SEAs reference a state anti-bullying statute that enumerates sexual orientation and gender identity, but do not mention LGBTQ+ students in relation to any specific anti-bullying efforts.

As was seen with nondiscrimination assurances, ESSA State Plans often fail to mention their existing LGBTQ+ inclusive enumerated anti-bullying laws or regulations. In total, eighteen SEAs that have an anti-bullying law that enumerates both sexual orientation and gender identity do not mention this protection or otherwise address LGBTQ+ bias motivated bullying and harassment when discussing anti-bullying efforts.

Figure 4: LGBTQ+ Equity in Anti-Bullying Discussed in ESSA State Plan and SEA Guidance to LEAs



Of the four ESSA State Plans that address anti-LGBTQ+ bullying when discussing what they are doing to reduce bullying, only two outline specific activities:

- The Pennsylvania Department of Education’s State Plan states that it “will prioritize Title IV-A funding, as available, to invest in strategies to help LEAs... foster safe, healthy, inclusive, and affirming school environments for all students” including through “reducing incidents of violence, harassment and bullying, especially incidents tied to bias and discrimination on the basis of race, ethnicity, sexual orientation, gender, gender identity or expression, religion, ancestry, national origin, or disability.”⁵⁴

⁵³ ESEA § 1111 (g)(1)(C).

⁵⁴ Pennsylvania Department of Education, “Pennsylvania ESSA Consolidated State Plan” (August 1, 2019), p. 114. <https://www.education.pa.gov/Documents/K-12/ESSA/PennsylvaniaConsolidatedStatePlan.pdf> (Accessed May 22, 2021).

- The New York State Department of Education states that it will support LEAs “through activities, policies, and strategies that reduce bullying [and] harassment,” “especially for traditionally marginalized youth,” including LGBTQ+ youth. Among the activities it listed to achieve this goal were to “[e]xpand and build upon existing guidance and resources” to improve school climate, “in particular” through staff training.⁵⁵

Equitable, Restorative Discipline

In their State Plans, SEAs are required to address how they will support LEAs receiving assistance under Title I-A to improve school conditions by reducing the use of exclusionary discipline.⁵⁶ SEAs can also plan to use Title IV-A funds to support LEAs in reviewing disciplinary policies and implementing more equitable, restorative discipline processes.

Two State Plans mention LGBTQ+ equity in this context:

- As with bullying, New York expresses a commitment to supporting LEAs “through activities, policies, and strategies that reduce... the overuse of punitive and exclusionary responses to student misbehavior” to support student learning, with particular attention to “traditionally marginalized youth, including youth of color, LGBTQ+ youth, and youth with disabilities.” New York’s State Plan also commits to providing guidance and technical assistance to schools on best practices for positive behavioral interventions and supports, but does not mention addressing disparities or targeting of LGBTQ+ students in these efforts.⁵⁷
- As noted above, New Mexico incorporates USED guidance on reviewing and revising discipline policies to ensure homeless youth are not disproportionately impacted that specifically mentions considering impacts on LGBTQ+ homeless youth.⁵⁸

Inclusive Learning

Many SEAs elaborate plans for curricular and extracurricular improvements when detailing how they would use Student Support and Academic Enrichment (Title IV-A) and 21st Century Community Learning Centers (Title IV-B) funds. However, **we found only one reference to LGBTQ+ inclusion in discussions of curricular standards in ESSA State Plans and guidance to LEAs, and no references in SEA discussions of in-school student supports or extracurricular programs.**

In its State Plan, California includes an excerpt from its English Language Arts curriculum framework that references LGBTQ+ students as a priority population for equity and access. California — the first state to pass specific legislation on inclusive curricular standards in 2010⁵⁹ — also describes the role that its LGBTQ+ inclusive frameworks play in evaluating instructional materials and encouraging the development of educational resources that fulfill standards outlined under each framework.⁶⁰

⁵⁵ New York State Department of Education, “Revised State Template for the Consolidated State Plan” (January 12, 2018), pp. 116-18. <http://www.nysed.gov/common/nysed/files/programs/essa/nys-essa-plan.pdf> (Accessed March 13, 2021).

⁵⁶ ESEA § 1111 (g)(1)(C).

⁵⁷ New York State Department of Education, “Revised State Template for the Consolidated State Plan,” pp. 116-18.

⁵⁸ New Mexico Public Education Department, “New Mexico Rising: New Mexico’s State Plan for the Every Student Succeeds Act,” p. 172.

⁵⁹ GLSEN, “Curricular Standards that Include LGBTQ+ Representation Promote Student Achievement and Wellbeing” (2020). <https://www.glsen.org/activity/inclusive-curriculum-standards> (Accessed June 24, 2021).

⁶⁰ California State Board of Education, “California ESSA Consolidated State Plan” (2020), p. 124. <https://www.cde.ca.gov/re/es/> (Accessed March 11, 2021).

Educator and Staff Supports

ESSA Title II-A recognizes that well-supported educators are essential to successful schools. Eleven SEAs borrow directly from USED guidance to describe how they would use Title II-A funds to support a diverse workforce and “improve conditions for all educators and students, including educators and students from underrepresented minority groups, diverse national origins, English language competencies, and varying genders and sexual orientations” by “providing ongoing professional development aimed at cultural competency and responsiveness and equity coaching.”⁶¹

Only two states include additional discussion of LGBTQ+ equity as an important component of educator training:

- Massachusetts “strongly recommends sustained professional development and collaborative learning around issues of cultural competency and SEL [social-emotional learning]. Developing students’ social emotional competencies can provide an opportunity to develop a sense of positive self-worth in connection to a student’s race, color, sex, gender identity, religion, national origin, and sexual orientation.”⁶² (The State’s multifaceted Safe Schools Program for LGBTQ+ Students, discussed in our [Spotlight on LGBTQ+ Equity Focused Programs, Commissions, and Advisory Groups](#), is not mentioned in its State Plan or guidance to LEAs.)
- California is unique in detailing specific statewide activities to support educator training on inclusive teaching. The California State Board of Education provides trainings on its state curriculum frameworks, or curricular standards, which include LGBTQ+ communities. California positions inclusive curriculum as part of a broad strategy to support student transitions through grade levels and to prevent dropping out. The state gives LEAs receiving ESSA Title I aid priority registration for these trainings.⁶³

4 Using ESSA to Support Equity for LGBTQ+ Students

Our assessment of current State Plans and SEA guidance to LEAs point to missed opportunities to leverage ESSA to promote equity for LGBTQ+ and other students who experience marginalization. For these students, a safe, affirming, and supportive school environment can function as a protective factor.⁶⁴ By supporting LGBTQ+ students, particularly those who are Black, Indigenous, people of color (BIPOC), people with disabilities, and people experiencing homelessness, schools can counteract some of the harms of discrimination, stigma, and instability students may face. Creating positive school climates requires both the reduction and elimination of harms, such as bullying and punitive discipline, and the proactive addition of supports, such as LGBTQ+ inclusive curricular standards and affirming mental health services.

⁶¹ Arkansas, Connecticut, DC, Kentucky, Maine, New Jersey, Ohio, Oregon, Pennsylvania, South Dakota, and Virginia incorporate USED’s Title II-A guidance. See: U.S. Department of Education, “Non-Regulatory Guidance for Title II, Part A,” p. 19.

⁶² Massachusetts Department of Elementary and Secondary School Education, “Massachusetts Consolidated State Plan Under the Every Student Succeeds Act (ESSA)” (2017), p. 72. <https://www.doe.mass.edu/federalgrants/essa/stateplan/> (Accessed March 17, 2021).

In its Title IV-A guidance, Massachusetts notes that professional development related to “comprehensive health prevention education (including sexuality education)” is an authorized use of funds. It is unclear from this language if “sexuality education” is LGBTQ+ inclusive. Given the existence and harmful impacts of “No Promo Homo” laws and broader stigma, GLSEN urges SEAs to adopt explicitly LGBTQ+ inclusive language and practices.

⁶³ California State Board of Education, “California ESSA Consolidated State Plan,” p. 105.

⁶⁴ LGBTQ+ youth have greater exposure to universal risk factors for depression and other mental health issues owing to factors such as higher rates of conflict with parents. Protective factors are those that promote mental health, well-being, and resilience. See: Stephen T. Russell and Jessica N. Fish, “Mental Health in Lesbian, Gay, Bisexual, and Transgender (LGBT) Youth,” *Annual Review of Clinical Psychology* 12 (2016): 465–487.

As discussed in the previous sections, ESSA requires SEAs and LEAs to consider equity in all aspects of education and provides wide flexibility in identifying activities that promote ESSA goals. SEAs and LEAs can do much more to leverage this flexibility to promote equity and inclusion for LGBTQ+ and other students who experience marginalization across all ESSA Title Programs. Most funds under ESSA Title programs go to LEAs, but some funds — five percent under Titles II-A, III, and IV-A — are allocated to SEA activities, which must be detailed in the State Plan.⁶⁵ While many LEAs must allocate at least 20% of Title IV-A funds to “safe and healthy students” activities,⁶⁶ this is not the only source of funding that can be used for LGBTQ+ equity efforts. This section provides recommendations and ESSA funding lines for both SEAs and LEAs across many areas covered by ESSA. GLSEN encourages LEAs to ask for assistance and coordination from SEAs or USED to maximize impact through the sharing of best practices, and to consider partnerships with other LEAs on equity efforts.

Recommendation: Revise State Plans and ESSA Guidance for LEAs to Promote LGBTQ+ Equity

With only six SEAs currently outlining programming, activities, or specific uses of ESSA funds that promote LGBTQ+ equity, there are many opportunities for SEAs to strengthen their State Plans and guidance for LEAs.

Include LGBTQ+ Youth in the ESSA Statewide Accountability System

SEAs have an important role to play in ensuring high-quality, comprehensive measures are used for school needs assessments and improvement planning. SEAs are encouraged to ask USED for guidance and assistance on inclusion of LGBTQ+ students as a subgroup within their state’s accountability system while ensuring privacy of individual students. Designating student subgroups creates a mechanism to promote accountability and transparency, and potentially to inform allocation of comprehensive and targeted support under Title I-A. Designation of a subgroup would require collecting demographic information on LGBTQ+ students and tracking disaggregated academic and other data for that subgroup. Collecting disaggregated data has been a critical means of identifying gaps and advancing equity for communities that experience marginalization; the absence of federally disseminated best practices and guidance for collecting data on educational outcomes for LGBTQ+ students and employment experiences of LGBTQ+ educators is an inequity that must be addressed with urgency.⁶⁷

SEAs or LEAs should take additional steps to build accountability to LGBTQ+ students into their statewide accountability systems. One established and effective means of collecting data on LGBTQ+ students’ experiences is through the use of anonymous school climate surveys.

⁶⁵ ESEA §§ 2101 (c)(1), 3111 (b)(1), 4104 (a).

⁶⁶ ESEA § 4106 (e)(2)(D).

⁶⁷ A prior reauthorization of ESEA, titled the No Child Left Behind Act (NCLB), made visible the severe disparity in educational outcomes experienced by students of color by requiring disaggregation of test score and other data by race/ethnicity. Despite strong criticisms of how NCLB addressed the disparities it revealed, experts agree that disaggregated data on educational outcomes is critical to advancing equity. See: Tom Loveless, “The Peculiar Politics of No Child Left Behind,” The Brookings Institution (August 2006). https://www.brookings.edu/wp-content/uploads/2016/06/08k12education_loveless.pdf (Accessed June 18, 2021).

For information on the importance of - and methods for - collecting data on the experiences of LGBTQ+ people, including young people see: Kellan Baker, Laura E. Durso, “Filling in the Map: The Need for LGBT Data Collection,” Center for American Progress (September 16, 2015). <https://www.americanprogress.org/issues/lgbtqrights/news/2015/09/16/121128/filling-in-the-map-the-need-for-lgbt-data-collection/> (Accessed August 16, 2021). The GenIUSS Group, *Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys*, edited by J.L. Herman (Los Angeles, CA: The Williams Institute, 2014). <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Survey-Measures-Trans-GenIUSS-Sep-2014.pdf>.

SEAs should:

- Implement a valid, reliable LGBTQ+ inclusive climate survey;
- Designate school climate as an SQSS indicator measured via the LGBTQ+ inclusive climate survey; and
- Analyze and report climate survey data on LGBTQ+ students' experiences when doing so is not identifying (at least the state level) in their annual ESSA report card — regardless of whether the SEA designates LGBTQ+ students as an accountability subgroup.

Many SEAs included feedback from stakeholder consultations in their State Plans and others summarized stakeholder feedback. Reviewing these materials, we found that adding a climate survey as an SQSS indicator was one of the most common recommendations that SEAs received from stakeholders during required consultations to develop their ESSA State Plans. LEAs and other stakeholders in states that currently have no statewide climate survey, or have a survey that is not LGBTQ+ inclusive, should urge their SEAs to adopt this critical support for accountability to LGBTQ+ and other students who experience marginalization.

Under ESSA, Title I-A schools must use all accountability indicators to inform their improvement plans.⁶⁸ Beyond the statewide accountability system, climate survey results can further support efforts to achieve equitable outcomes as required inputs for needs assessments under Title IV-A.⁶⁹ LEAs should specifically consider the needs of LGBTQ+ and other students who experience marginalization in all needs assessments, including under ESSA Titles I-A, I-C, IV-A, IV-F, and the McKinney-Vento Act.⁷⁰ Needs assessments should also consider LGBTQ+ equity in a variety of ways, including through the use of LGBTQ+ inclusive climate surveys; community-based demographic, health, and other data; and inputs from stakeholders such as parents of LGBTQ+ students, LGBTQ+ families, and LGBTQ+ affirming student organizations and community centers or groups. (See our Spotlight on p. 19 for a discussion of activities and ESSA funding for SEAs to support implementation of an LGBTQ+ inclusive statewide climate survey, as well as resources and uses of climate surveys by LEAs when no statewide LGBTQ+ inclusive climate survey is available.)

⁶⁸ ESEA §§ 1111 (d)(1)(B)(i), 1111 (d)(2)(B)(i).

⁶⁹ ESEA § 4106 (d)(1)(B).

⁷⁰ ESEA §§ 1111 (d)(1)(B), 1114 (b)(6), 1115 (e)(2)(A), 1306, 4106 (c)-(d), 4625 (a)(4); McKinney-Vento § 723(b)(1).



SPOTLIGHT:

Implement LGBTQ+ Inclusive Climate Surveys

An LGBTQ+ inclusive climate survey is a critical tool to identify trends and challenges in school climates, including the experiences of LGBTQ+ and other students who are marginalized, and to hold schools and districts responsible for improvement. An effective, LGBTQ+ inclusive climate survey should include demographic questions about race, ethnicity, sexual orientation, and gender identity, as well as specific questions about experiences of bullying and harassment, feeling safe at school, perceptions of school climate, and availability of supportive school resources, such as GSAs.

GLSEN has recommended that the U.S. Office of Management and Budget 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 Sciences, Engineering, and Medicine.⁷¹ SEAs are encouraged to request federal assistance in developing a valid, reliable statewide survey and can also reach out to GLSEN for support.

SEAs should develop and promote the use of LGBTQ+ inclusive climate surveys for students, staff, and parents. SEAs can use flexible Title IV-A statewide funds to support the development and piloting of a climate survey that could be incorporated into a statewide accountability system (as Ohio is currently doing⁷²), and may be able to use the same funds to support administration or coordination of surveys on an ongoing basis as an evidence-based school safety and climate activity.⁷³

SEAs should offer training and technical assistance to LEAs on administering climate surveys, reporting results, and using results to inform interventions and strategies to improve school climate. This kind of technical assistance can be funded under ESSA Titles I-A, II-A, or IV-A.⁷⁴

LEAs in states that do not currently have an inclusive statewide survey can use GLSEN's **Local School Climate Survey** tool to collect LGBTQ+ inclusive climate survey data. LEAs may also be able to use ESSA Title II-A and IV-A funds to develop and administer LGBTQ+ inclusive local climate surveys.⁷⁵ LEAs interested in developing an LGBTQ+ inclusive local climate survey should consider coordinating with other LEAs to help reduce costs and maximize impact by making it possible to identify differences between LEAs that can help inform equity strategies and programming.

⁷¹ GLSEN, "Policy Priorities to Create Safe and Inclusive Schools for LGBTQ+ Students" (2020). <https://www.glsen.org/activity/executive-summary-presidential-transition-recommendations-2020> (Accessed June 24, 2021).

⁷² Ohio Department of Education, "Revised State Template for the Consolidated State Plan" (2018), pp. 96-97. http://education.ohio.gov/getattachment/Topics/Every-Student-Succeeds-Act-ESSA/OH_ESSA_SUBMISSION.pdf.aspx (Accessed March 16, 2021).

⁷³ ESEA § 4104 (b).

⁷⁴ ESEA §§ 1111 (d)(3)(A)(iii), 2101 (c)(4)(B)(x), 4104 (b)(1).

⁷⁵ Surveys for teachers and staff may be funded as a "feedback mechanism to improve school working conditions" (ESEA §2103 (b)(3)(N)). Surveys for students and parents may be funded as part of an LEA Title IV-A program that "helps prevent bullying and harassment" (ESEA §4108(a)(5)(C)(iii)).

Update ESSA Guidance for LEAs to Promote LGBTQ+ Equity

Many schools and LEAs may be unaware of the breadth of opportunities ESSA provides to promote LGBTQ+ equity and inclusion. **SEAs should revise or develop ESSA guidance to address the needs of LGBTQ+ students, create welcoming environments for LGBTQ+ teachers and staff, and to support efforts led by LEAs and schools.**

Most SEAs supplement federal ESSA guidance with additional state guidance for LEAs, explaining key components and outlining a range of appropriate uses of funds. Given limited resources and the complexity of ESSA, LEAs often rely heavily on the explanations and examples in state and federal guidance.⁷⁶ A recent study found that 70% of districts with at least one Title I school reported that state guidance was a source they consulted when developing their improvement strategy.⁷⁷ Fifty-one percent of districts also reported consulting a state list of approved vendors, including consultants and instructional coaches to support program development and implementation.⁷⁸

As SEAs update their guidance for local agencies, GLSEN cannot overstate the need for explicit attention to all aspects of equity, and especially to *intersectionality*, or, how identities we often treat as distinct — race, disability status, sexual orientation, gender identity, etc. — intersect and shape the challenges and opportunities students face.⁷⁹ Youth at the intersections of multiple marginalized identities — for example, LGBTQ+ students who are also English language learners, experiencing homelessness, BIPOC, or have disabilities — often find existing policies, procedures, or programs fail them by only considering one set of challenges they face.⁸⁰ For example, they may benefit less from supportive programming if it speaks to only part of who they are.⁸¹ Existing SEA guidance touches on programming to support students experiencing marginalization, including students of color, students with disabilities, and English-language learners. However efforts to promote racial equity, ensure equal access for students with disabilities, and support English language learners will fall short to the extent they fail to account for students who are also LGBTQ+. At the same time, programming to promote LGBTQ+ equity must take into account LGBTQ+ students' other identities.

The following pages describe how both SEAs and LEAs can promote intersectional LGBTQ+ equity through evidence-based programming to improve policies, school climate, curricular standards or curriculum developed at the local level, extracurricular programs, and work conditions. SEAs are encouraged to include these examples in updated guidance to better serve students and promote equity for all young people and educators from marginalized communities.

⁷⁶ Ryan M. Kull, Joseph G. Kosciw, and Emily A. Greytak, *From Statehouse to Schoolhouse: Anti-Bullying Policy Efforts in U.S. States and School Districts* (New York: GLSEN, 2015). <https://www.glsen.org/research/statehouse-schoolhouse-state-and-school-district-anti-bullying-policies>.

⁷⁷ Thomas Wei and Erica Johnson, "How States and Districts Support Evidence Use in School Improvement," Institute of Education Sciences (2020), p. 4. <https://ies.ed.gov/ncee/pubs/2020004/pdf/2020004.pdf> (Accessed March 20, 2021).

⁷⁸ Wei and Johnson, "How States and Districts Support Evidence Use in School Improvement," p. 4.

⁷⁹ Truong et al., *Erasure and resilience: The experiences of LGBTQ students of color, Asian American and Pacific Islander LGBTQ youth in U.S. Schools*. Truong et al., *Erasure and resilience: The experiences of LGBTQ students of color, Black LGBTQ youth in U.S. Schools*.

Zongrone et al., *Erasure and resilience: The experiences of LGBTQ students of color, Latinx LGBTQ youth in U.S. Schools*.

Zongrone et al., *Erasure and resilience: The experiences of LGBTQ students of color, Native and Indigenous LGBTQ youth in U.S. Schools*.

⁸⁰ Kimberlé Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," *University of Chicago Legal Forum* 1, no. 8 (1989). <http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8> (Accessed March 4, 2021).

⁸¹ A 2020 study found that while the presence of a GSA was associated with better outcomes for all students in a majority white school, the association was weaker for students of color and stronger for white, non-Hispanic students. See: Laura Baams and Stephen T. Russell, "Gay-Straight Alliances, School Functioning, and Mental Health: Associations for Students of Color and LGBTQ Students," *Youth & Society* 53, no. 2 (2021): 211–229. <https://journals.sagepub.com/doi/pdf/10.1177/0044118X20951045>.



SPOTLIGHT:

Decriminalization of Youth in Education Systems

A growing body of research makes it clear that school law enforcement officers do not make schools safer and are associated with discriminatory discipline practices that are particularly severe for students who are LGBTQ+, BIPOC, and people with disabilities.⁸² A 2014 survey found that nearly a quarter (23%) of LGBTQ+ youth who had school law enforcement officers in their middle or high school reported hearing them use anti-LGBTQ+ language and 14% reported that school law enforcement officers were hostile to them.⁸³

A comprehensive 2020 survey of the research found that school law enforcement officers were more common in schools serving a high number of students of color and were associated with higher rates of punitive discipline and school arrests, mostly for non-violent offenses, and often for vague reasons such as “disruptive” behavior or wanting to “calm down” a student.⁸⁴ It is now clear that the core assumption that the presence of police makes schools safer is not correct. Accordingly, GLSEN recommends that schools invest in prevention, restorative practices, and trauma-informed staff to promote safer schools.

SEAs should communicate in State Plans and guidance that the evidence does not support placing law enforcement in schools to improve safety and that LEAs should consider using ESSA funds to support social emotional learning, restorative approaches to discipline, and trauma-informed school staff. ESSA aims to advance equity in education and should be used to fund preventative and evidence-based practices.

SEAs should also provide resources to support LEAs implementing a locally tailored restorative discipline program (discussed on p. 28). In addition to Title I, SEAs can use Title IV-A funds to disseminate best practices and evaluate program outcomes, including assessing any disparate treatment or outcomes for LGBTQ+ students.⁸⁵ SEAs can also provide technical assistance to LEAs to review and develop new discipline policies and LEAs can use ESSA funding, including under Titles I and IV-A, to develop policies that promote equity and safety for all students.⁸⁶

⁸² A Regional Education Laboratory of the U.S. Department of Education’s Institute for Education Sciences (IES) recently concluded that “the consensus of the available evidence does not support the belief that police presence makes schools safer overall.” See: Anthony Petrosino, Trevor Fronius, and Darius Taylor, “Research in Brief: School-Based Law Enforcement,” Regional Education Laboratory West (2020). <https://ies.ed.gov/ncee/edlabs/regions/west/Publications/Details/283> (Accessed June 24, 2021).

See also: Kenneth A. Anderson, “Does more policing make middle schools safer?” Brookings Institute, November 8, 2018, <https://www.brookings.edu/blog/brown-center-chalkboard/2018/11/08/does-more-policing-make-middle-schools-safer/> (Accessed June 24, 2021).

Jason P. Nance, “Students, Police, and the School-to-Prison Pipeline,” *Washington University Law Review* 99, no. 4: 919-987. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2577333 (Accessed June 24, 2021).

Tyler Whittenberg and Maria Fernandez, “Ending Student Criminalization and the School-to-Prison Pipeline,” Advancement Project (New York: NYU Steinhardt Metropolitan Center for Research on Equity and the Transformation of Schools, 2020). <https://steinhardt.nyu.edu/metrocenter/ejroc/ending-student-criminalization-and-school-prison-pipeline> (Accessed June 24, 2021).

Education Week Research Center, “Policing America’s Schools,” <https://www.edweek.org/which-students-are-arrested-most-in-school-u-s-data-by-school#/overview> (Accessed June 24, 2021).

⁸³ Lambda Legal, “Protected and Served?” (2015). <https://www.lambdalegal.org/protected-and-served> (Accessed June 24, 2021).

⁸⁴ Chelsea Connery, “The Prevalence and the Price of Police in Schools” (Storrs, CT: Uconn Center for Education Policy Analysis, 2020). https://cepa.uconn.edu/wp-content/uploads/sites/399/2020/10/Issue-Brief-CEPA_C-Connery.pdf (Accessed April 2, 2021).

⁸⁵ ESEA § 4104 (b)(3)(B)(iv).

⁸⁶ ESEA §§ 1111 (d)(3)(A)(iii), 2101(c)(4)(B)(x), 4104(b)(1).

Recommendation: Leverage ESSA for Policy Development and Implementation

Both SEAs and LEAs can use ESSA Title I, II-A, IV-A, and IV-B funds to review and develop policies to ensure students from marginalized communities have access to quality education and are not disproportionately and adversely impacted by school policies. In some cases — such as with respect to equity for homeless students — policy review is required (see **Section 2**). SEAs can use GLSEN’s **State Policy** resources and LEA’s can use GLSEN’s **Local Policy** resources to support these efforts.

At a minimum, SEAs and LEAs should develop policies, guidelines, or regulations on the following areas:

- Comprehensive policies to support transgender, nonbinary, and gender non-conforming students (see p. p. 25-26 of this report for additional details);
- Anti-bullying and harassment policies that enumerate sexual orientation and gender identity and expression and outline timely procedures for responding to incidents (see p. 27-28);
- Implementing locally tailored restorative discipline programs (see p. 28); and
- Affirming policies on student organizations and extracurricular activities for LGBTQ+ student groups, including GSAs, which can stand for “Gay Straight Alliance” or “Gender Sexuality Alliance” (see p. 27 and p. 33).

LEAs can use ESSA funding, including under Titles I, II-A, IV-A, and IV-B, to develop and implement a variety of policies that promote equity. For example, policy development and implementation can be included under Title I activities to “improve school conditions for student learning.”⁸⁷ Policy development can also fall under Title IV-A activities that support equitable access to educational opportunities,⁸⁸ and that foster safe, healthy, and supportive environments for all students, including LGBTQ+ students.⁸⁹

LEAs can also use Title II-A funds for professional development to train educators, administrators, and other staff on developing inclusive and affirming policies with community input,⁹⁰ and for community forums to inform policy development and implementation.⁹¹

⁸⁷ ESEA § 1112 (b)(1)(D).

⁸⁸ ESEA § 4107 (a)(3)(J).

⁸⁹ ESEA § 4108 (2).

⁹⁰ ESEA § 2103 (b)(3)(E).

⁹¹ U.S. Department of Education, “Non-Regulatory Guidance for Title II, Part A,” p. 14.



SPOTLIGHT:

LGBTQ+ Equity Focused Programs, Commissions, and Advisory Groups

SEAs and LEAs can leverage ESSA funds to support statewide, regional, or local programs, commissions, or advisory groups dedicated to promoting LGBTQ+ equity. Examples from around the country range from dedicated SEA programs, interdisciplinary staff working groups, one-time community task forces, and standing advisory boards.

Massachusetts's Commission on LGBTQ Youth is a standing, independent state agency with 50 members and six staff.⁹² The Commission and the Department of Elementary and Secondary Education jointly provide the **Safe Schools Program for LGBTQ Students**, which offers training, technical assistance, professional development, and curriculum resources to LEAs.⁹³ The same program also supports a **GSA Leadership Council** to promote statewide collaboration and leadership development.

Other states have established standing working groups, or produced comprehensive LGBTQ+ equity plans. For example, DC Public Schools has an **LGBTQ and Sexual Health Program** within its Office of Teaching and Learning,⁹⁴ as well as a community-based **LGBTQ Steering Committee**, which in 2011 produced an LGBTQ+ inclusion plan for DC schools.⁹⁵ In 2019, the New Jersey Department of Education participated in the Governor's **Transgender Equality Task Force**, whose recommendations included a standing commission on LGBTQ+ equity in schools.⁹⁶

Oregon's Department of Education established a community advisory group that produced the **LGBTQ2SIA+ Student Success Plan**.⁹⁷ Among other recommendations, Oregon's advisory group urged the state to include LGBTQIA+ students among other marginalized communities for whom the SEA is required to create a statewide education plan addressing inequities, in consultation with relevant community-based organizations and those who have lived experienced. This recommendation was taken up by Oregon's state legislature (S.B. 52) and passed in June 2021.⁹⁸

Illinois's Governor created a community-based **Affirming and Inclusive Schools Task Force**, which produced a 2020 report on inclusion for transgender, nonbinary, and gender nonconforming students. Illinois's report recommendations included strengthening policies and training, designating staff who are responsible for developing gender-affirming support plans for transgender and nonbinary students.⁹⁹

⁹² Massachusetts Commission on LGBTQ Youth, <https://www.mass.gov/orgs/massachusetts-commission-on-lgbtq-youth> (Accessed August 4, 2021).

⁹³ Massachusetts Commission on LGBTQ Youth, Safe Schools Program for LGBTQ students <https://www.mass.gov/info-details/safe-schools-program-for-lgbtq-students> (Accessed August 4, 2021).

⁹⁴ DC Public Schools, Leading with Pride, <https://www.dcleadingwithpride.com/> (Accessed April 16, 2021).

⁹⁵ New Jersey Transgender Equality Task Force, "Addressing Discrimination Against Transgender New Jerseyans" (November 20, 2019), pp. 16-18. https://d31hzlhk6di2h5.cloudfront.net/20191120/f4/7e/90/c9/00459d579894f77ec23529f1/Transgender_Equality_Task_Force_Report.pdf (Accessed May 3, 2021).

⁹⁶ New Jersey Transgender Equality Task Force, "Addressing Discrimination Against Transgender New Jerseyans" (November 20, 2019), pp. 16-18. https://d31hzlhk6di2h5.cloudfront.net/20191120/f4/7e/90/c9/00459d579894f77ec23529f1/Transgender_Equality_Task_Force_Report.pdf (Accessed May 3, 2021).

⁹⁷ Oregon Department of Education, "LGBTQ2SIA+ Student Success Plan" (June 2020). <https://digital.osl.state.or.us/islandora/object/osl:948401> (Accessed May 3, 2021).

⁹⁸ Oregon State Legislature, Senate Bill 52 (2021). <https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/SB52> (Accessed June 28, 2021).

⁹⁹ Illinois Affirming and Inclusive Schools Task Force, "Strengthening Inclusion in Illinois Schools" (January 2020). https://www.aclu-il.org/sites/default/files/field_documents/affirming_and_inclusive_schools_task_force_report.pdf (Accessed May 3, 2021).

SEAs should develop and share guidelines and model policies for LEAs that clarify relevant state and federal laws ensuring LGBTQ+ equity, their application to common situations, and recommend best practices and additional resources to support their implementation. SEAs may also adopt regulations in accordance with applicable state laws, independently or through coordination with other state agencies, such as their human rights agency or attorney general.¹⁰⁰ LEAs developing regulations or advising on legislation can consult GLSEN’s **Model State Anti-Bullying and Harassment Legislation**.

SEAs can use Titles II-A and IV funds to develop and disseminate statewide guidelines and provide technical assistance and training for LEAs. SEAs can provide resource and technical assistance to recipients of ESSA funds to support local policy development and implementation under ESSA Titles I-A, II-A, or IV-A.¹⁰¹ Decades of evidence indicates that these policies support safe, welcoming school climates for LGBTQ+ students and empower faculty to respond effectively to bias-based incidents.¹⁰²

SEAs should offer technical assistance, training, and professional development to support LEAs as they develop and implement policies. SEA’s can use GLSEN’s recommendations on **Nondiscrimination Protections and Inclusion of LGBTQ+ Students in K-12 Learning Communities** as a starting point.

SEAs should also consider requiring schools and districts receiving assistance under Title IV-A to describe how they will review policies and procedures to ensure they comply with nondiscrimination, anti-bullying and harassment, and other equity laws and requirements, including with respect to protections for LGBTQ+ students.¹⁰³

LEAs that have developed inclusive policies can submit them to SEAs as part of their improvement plans or applications for ESSA funds, including in Title IV-A needs assessments and annual reporting.¹⁰⁴

GLSEN recommends that SEAs create a publicly available repository of resources to support LGBTQ+ equity that includes examples of existing district and school policies, and share this repository on their annual ESSA report card as “additional information” for families and the public on school progress.¹⁰⁵

¹⁰⁰ GLSEN, “Nondiscrimination Protections and Inclusion of LGBTQ+ Students in K-12 Learning Communities: Recommendations for State Education Agencies.”

¹⁰¹ ESEA §§ 1111 (d)(3)(A)(iii), 2101 (c)(4)(B)(x), 4104 (b)(1).

¹⁰² GLSEN, Enumeration of Statewide Anti-Bullying Laws and Local Policies, <https://www.glsen.org/activity/enumeration> (Accessed June 28, 2021). Ryan M. Kull, Emily A. Greytak, Joseph G. Kosciw, and Christian Villenas, “Effectiveness of school district antibullying policies in improving LGBT youths’ school climate,” *Psychology of Sexual Orientation and Gender Diversity* 3, no. 4 (2016): 407–415.

Terri Phoenix, Will Hall, Melissa Weiss, Jana Kemp, Robert Wells, and Andrew Chan, “Homophobic language and verbal harassment in North Carolina high schools,” Safe Schools NC (2006). <https://files.eric.ed.gov/fulltext/ED491454.pdf> (Accessed June 24, 2021).

¹⁰³ ESEA § 4106 (a)(1) (requiring applicants to submit “such information as the [SEA] may reasonably require”).

¹⁰⁴ ESEA § 4106 (d)(1)(B), 4106(e)(2)(F).

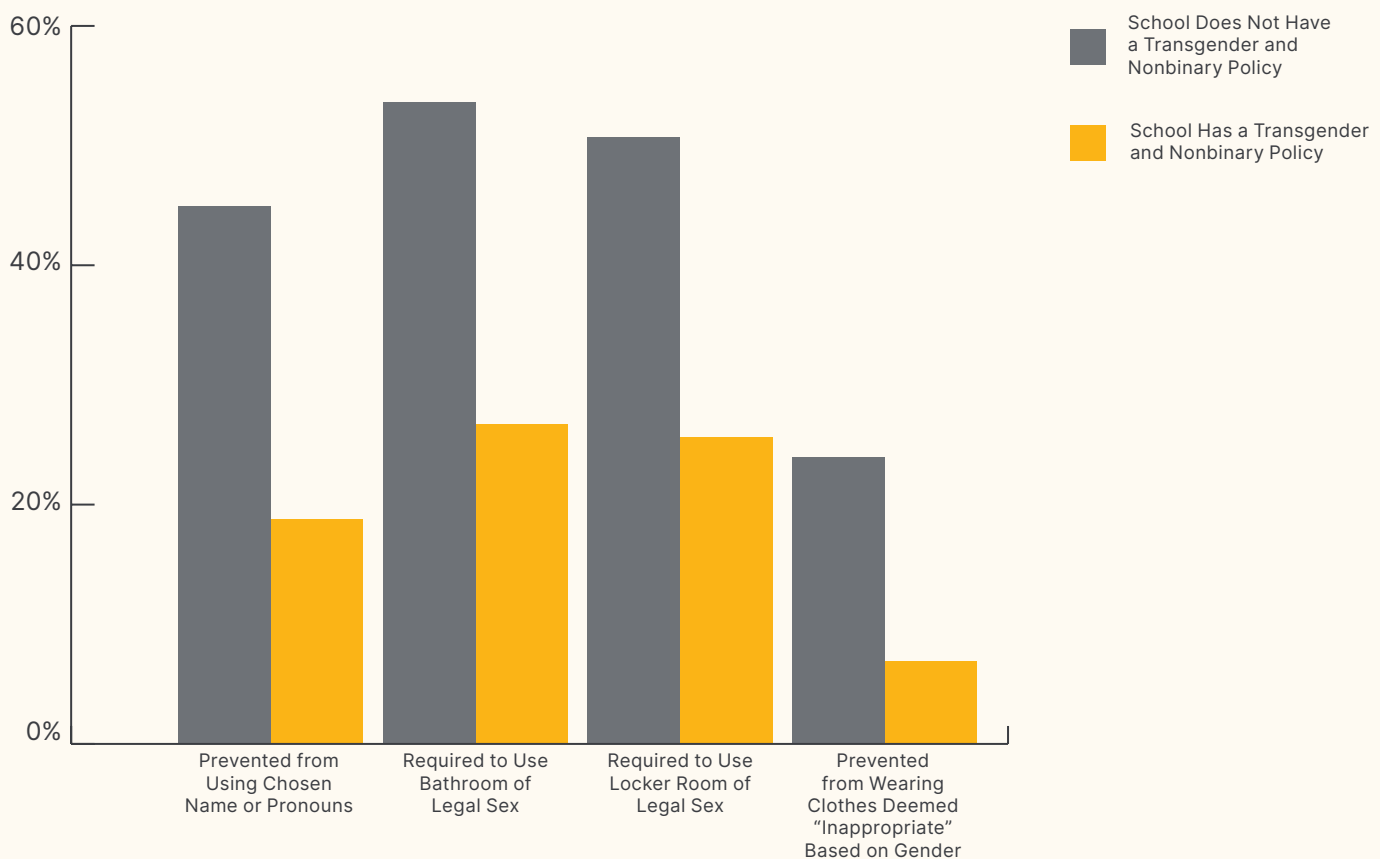
¹⁰⁵ ESEA § 1111 (h)(C)(xiv).

Adopt Affirming Policies for Transgender and Nonbinary Students

Transgender and nonbinary students continue to experience high rates of discrimination in schools and educational settings. In a recent survey, over three-quarters (77.3%) of transgender students and over two-thirds (69.1%) of nonbinary students reported experiencing discriminatory treatment at school.¹⁰⁶ This discrimination has been linked to negative educational and health outcomes with long-term impacts,¹⁰⁷ and violates the federal Title IX law.¹⁰⁸

GLSEN’s 2019 National Climate Survey findings provide evidence that comprehensive gender-affirming policies and guidelines work to prevent discrimination and foster a positive school climate by providing clear guidelines for staff and a clear message of inclusion.¹⁰⁹ As illustrated in Figure 6, transgender and nonbinary students attending schools with gender-affirming policies reported significantly less discriminatory treatment than those in schools without affirming policies.

Figure 6: Transgender & Nonbinary Policy and Gender-Related Discrimination (% of Transgender and Nonbinary Students Experience Types of Discrimination in School)



¹⁰⁶ Kosciw et al., *The 2019 National School Climate Survey*, p. 95.

¹⁰⁷ Myeshia Price-Feeney, Amy E. Green, and Samuel Dorison, "Understanding the mental health of transgender and nonbinary youth," *Journal of Adolescent Health* 66, no. 6 (2020): 684-690.

¹⁰⁸ In June 2021, USED further clarified that "the Department interprets Title IX's prohibition on discrimination 'on the basis of sex' to encompass discrimination on the basis of sexual orientation and gender identity" while asserting that it "has long recognized that Title IX protects all students, including students who are lesbian, gay, bisexual, and transgender, from harassment and other forms of sex discrimination." See: U.S. Department of Education, "Notice of Interpretation: Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*," *Code of Federal Register* 86, no. 117: 32637-32640. <https://www.govinfo.gov/content/pkg/FR-2021-06-22/pdf/2021-13058.pdf>.

¹⁰⁹ Kosciw et al., *The 2019 National School Climate Survey*, p. 112. Figure 6 data from p. 82 of this report.

SEAs and LEAs can use Title I, II-A, and IV funds to develop and implement gender-affirming policies, as discussed above. At minimum, policies and guidance for the equitable treatment of transgender and nonbinary students should:

- Make clear that discrimination based on actual or perceived gender identity, transgender status, or sex characteristics (including intersex traits) violates federal and often state laws or regulations;
- Direct educators and staff to use each student’s chosen name (regardless of legal name change status) and pronouns consistent with their gender identity;
- Provide guidance on data reporting, including reporting self-identified gender for the purpose of ESSA and other federal reporting requirements (as New York currently does);¹¹⁰
- Affirm students’ right to use school facilities and participate in school activities including sports and other extracurricular activities in accord with their gender identity;
- Encourage schools to evaluate and eliminate unnecessary gender-segregated educational activities and rules, including dress codes;
- Affirm students’ right to privacy and confidentiality with regard to transgender status, assigned gender at birth, current or former legal name, or medical history;
- Direct schools to share their guidelines with students and families at least annually and to provide regular training for staff on supporting transgender and nonbinary students, parent/guardians, and family members.

Further details and model language are available via GLSEN and the National Center for Transgender Equality’s [Model Local Education Agency Policy on Transgender and Nonbinary Students](#).



SPOTLIGHT:

Strengthen IT Systems and Privacy Practices

SEAs and LEAs may be able to support improvements to student records and other IT systems under Title IV-A.¹¹¹ For example, agencies may need to update IT systems, procedures, or training to allow gender transitions or nonbinary designations, and to maintain separate, confidential records of sensitive information, such as a legal name that differs from a chosen name, changes to the legal name, or the gender provided at enrollment.

At minimum, Title II-A funds can be used by SEA and LEAs to develop and provide training for educators on how to protect privacy when using student data and to support implementation of best practices, including reporting students’ self-identified gender whenever there are no legal barriers to doing so, which includes data collection under ESSA.¹¹² ESSA requires SEAs and LEAs to ensure that statistical data on certain topics, including bullying and harassment and academic achievement, can be disaggregated by gender. ESSA does not define “gender” and USED does not currently provide guidance on reporting gender for the purpose of ESSA accountability. In this and similar cases, SEA and LEAs should report a student’s self-identified gender.

¹¹⁰ New York’s provides this guidance in its ESSA State Plan. See: New York State Department of Education, “Revised State Template for the Consolidated State Plan,” p. 27.

¹¹¹ ESEA §§ 4104 (b)(3)(C)(i), §4109 (a)(2).

¹¹² ESEA §§ 2101 (c)(4)(B)(xx), 2103 (b)(3)(E)(ii).

Adopt Comprehensive Anti-Bullying and Harassment Policies, Training, and Programs

Studies have consistently found that enumerated anti-bullying policies support safer, LGBTQ+ inclusive schools.¹¹³ Based on findings from GLSEN’s National School Climate Survey, LGBTQ+ students who reported having an enumerated policy at their school experienced less anti-LGBTQ+ victimization than those who reported having a generic policy or no anti-bullying policy. Additionally, LGBTQ+ students who reported having an enumerated anti-bullying policy were more likely to report bullying and were also far more likely to say that staff responses were effective than those in schools with only generic policies. There is evidence of the positive impact of enumeration from the perspective of educators, too. Educators in schools with enumerated anti-bullying policies reported higher levels of comfort addressing bullying based on sexual orientation (77.7% v. 53.9%) and actual or perceived gender identity (72.3% v. 52.2%) than educators in schools with no anti-bullying policy.¹¹⁴

GLSEN further recommends that LEAs affirm the right of students to form a GSA student group as part of enumerated anti-bullying policies. Compared to LGBTQ+ students with no GSA, those who reported having a GSA in their school experienced less severe anti-LGBTQ+ victimization, were less likely to feel unsafe, heard fewer homophobic and transphobic remarks, and were far more likely to describe their peers as accepting of LGBTQ+ people.¹¹⁵

SEAs and LEAs can use GLSEN’s resources to support policy development and implementation, including GLSEN’s **Model School Anti-Bullying and Harassment Policy** and **Model LEA Bullying and Harassment Prevention Policy**. Effective policies must outline clear and timely procedures for reporting that ensure that a student does not face additional harm (e.g., by being outed to a parent or guardian) and provide for regular training to ensure teachers and staff intervene and respond effectively.¹¹⁶ LEAs and schools should also assign a staff lead to oversee implementation and evaluation of SEA and LEA anti-bullying policies and applicable federal laws.

LEAs can use Title I, II-A, and IV-A funds for LGBTQ+ inclusive policy development and reviews, training, and professional development on bullying and harassment prevention and intervention. Title IV-A’s broad support for “safe and healthy students” activities specifically includes anti-bullying efforts, which may include strengthening policies, procedures, and trainings.¹¹⁷ Trainings and related professional development on bullying and harassment may also be funded under Title II-A.¹¹⁸

¹¹³ GLSEN, Enumeration of Statewide Anti-Bullying Laws and Local Policies.

William J. Hall, “The effectiveness of policy interventions for school bullying: A systematic review,” *Journal of the Society for Social Work and Research* 8, no. 1: 45-69. <https://pubmed.ncbi.nlm.nih.gov/28344750/>.

Mark L. Hatzenbuehler and Katherine M. Keyes, “Inclusive Anti-bullying Policies and Reduced Risk of Suicide Attempts in Lesbian and Gay Youth,” *Journal of Adolescent Health* 53, no. 1 (2021): pp. S21-S26. <https://www.sciencedirect.com/science/article/pii/S1054139X12003540>.

Kull et al., “Effectiveness of school district antibullying policies in improving LGBT youths’ school climate.”

Phoenix et al., “Homophobic language and verbal harassment in North Carolina high schools.”

¹¹⁴ Emily A. Greytak, Joseph G. Kosciw, Christian Villenas, and Noreen M. Giga, *From Teasing to Torment: School Climate Revisited, A Survey of U.S. Secondary School Students and Teachers* (New York: GLSEN, 2016). https://www.glsen.org/sites/default/files/2019-12/From_Teasing_to_Torment_Revised_2016.pdf.

¹¹⁵ Kosciw et al., *The 2019 National School Climate Survey*, pp. xix-xx, 70-73.

¹¹⁶ William J. Hall and Mimi V. Chapman, “Fidelity of implementation of a state anti-bullying policy with a focus on protected social classes,” *Journal of School Violence* 17, no. 1 (2018): 58-73. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5802375/>.

¹¹⁷ ESEA §§ 4108 (5)(C)(iii), (5)(D)(vii).

¹¹⁸ ESEA § 2103 (b)(3)(I)(iv).

SEAs can use Title I, II-A, and IV-A funds to develop and disseminate model, LGBTQ+ inclusive anti-bullying and harassment policies¹¹⁹ and provide technical assistance and programs or materials for training and professional development. ESSA not only requires SEAs to provide technical assistance to all Title I schools generally,¹²⁰ but specifically requires them to describe how they'll use Title I funds to support safe schools, including by "reducing incidences of bullying and harassment."¹²¹ Title IV-A's broad support for statewide "safe and healthy students" activities also specifically includes disseminating "best practices and evaluating program outcomes relating to any local educational agency activities to promote student safety and violence prevention through effective communication."¹²² These efforts can also fall under SEAs technical assistance under Titles II-A and IV-A.¹²³

Finally, SEAs and LEAs can also use Title I, II-A, and IV-A funding for programs, materials, and events to prevent bullying and harassment and promote safe and inclusive school climates. SEAs and LEAs can use GLSEN's **Educator Resources** as a starting point, including the **Safe Space Kit** and an annually updated school year calendar featuring key dates for LGBTQ+ affirming events and observances. For example, GLSEN's **Day of Silence** is a national student-led demonstration where LGBTQ+ students and allies across the country take a vow of silence to protest the harmful effects of harassment and discrimination of LGBTQ people in schools.

Implement Equitable and Restorative Discipline Policies and Practices

Research by GLSEN and others found that exclusionary discipline fuels the school-to-prison pipeline that disproportionately impacts LGBTQ+ youth and especially LGBTQ+ youth of color and LGBTQ+ youth with disabilities.¹²⁴ **SEAs and LEAs can use Title I and Title IV-A funds to develop policies and implement programs and training on restorative discipline.** Title I requires both SEAs and LEAs to describe how they'll decrease reliance on exclusionary discipline.¹²⁵

LEAs should use Title IV-A funds to develop or improve a locally tailored restorative discipline program.¹²⁶

Title IV-A funds can further support prevention and implementation of restorative practices by bringing in specialized support personnel¹²⁷ and partnering with community organizations that support these efforts (see p. 30).

SEAs and LEAs can use GLSEN's **Issue Brief on Replacing Punitive Discipline with Restorative Policies and Practices** as a starting point for supporting or developing locally tailored restorative discipline programs.¹²⁸

Recommendation: Provide LGBTQ+ Inclusive Student Health and Support Services

All students, and especially LGBTQ+ and other students who experience marginalization, benefit when schools invest more in student health and support services.

LEAs should use Title I and IV-A funds to expand and strengthen in-school mental health services for students, including hiring more mental health professionals.¹²⁹ LEAs should ensure that all school health and

¹¹⁹ ESEA § 4104 (b)(3)(B).

¹²⁰ ESEA §1111 (d)(3)(A)(iii).

¹²¹ ESEA § 1111 (g)(1)(C)(i).

¹²² ESEA § 4104 (b)(3)(B)(iv).

¹²³ ESEA §§ 2101 (c)(4)(B)(x), 4104(b)(1).

¹²⁴ Palmer et al., *Educational Exclusion*, pp. xiii, 21-30. GLSEN, "Civil Rights Principles For Safe, Healthy, and Inclusive School Climates" (March 2021). <https://www.glsen.org/activity/civil-rights-school-climate-principles> (Accessed June 24, 2021).

¹²⁵ ESEA §§ 1111 (g)(1)(C)(ii)-(iii), 1112(b)(11).

¹²⁶ ESEA § 4108 (5)(F).

¹²⁷ ESEA §§ 4108 (5)(D)(ii-iii), (5)(D)(v).

¹²⁸ GLSEN, "Replacing Punitive Discipline with Restorative Policies and Practices" (2020). <https://www.glsen.org/activity/restorative-discipline> (Accessed June 24, 2021).

¹²⁹ ESEA § 4108 (5)(B).

support personnel demonstrate knowledge, training, or experience working with diverse student groups, including LGBTQ+ students, students of color, immigrants, English language learners, people with disabilities, and students who have experienced homelessness, incarceration, or other traumas. LEAs can use this funding to support training and professional development for this purpose, and to review and improve intake and other forms and procedures to be inclusive of all students.

SEAs should use Title IV-A funds to support LEAs in expanding access to LGBTQ+ affirming mental health services or coordinating resources for school-based counseling and mental health programs, such as through school-based mental health services, partnership programs, and disseminating training materials, model policies, procedures, and forms, and other best practices.¹³⁰ SEAs can also use this funding to participate in efforts to strengthen standards for school mental health preparation, licensure, and certification programs. SEAs and LEAs can use GLSEN’s research as a reference for strengthening standards for, and services provided by, school-based counseling and mental health programs.¹³¹

SEAs and LEAs should implement evidence-based mental health awareness training and professional programs for school personnel, including specialized training for health and support staff, as well as training to ensure educators are able to identify student mental health needs, listen to young people’s assessments of their needs, and prevent the use of exclusionary and punitive discipline. This work can be funded under Title IV-A.¹³²

LEAs may also bring in specialized support personnel trained in suicide prevention and effective trauma-informed practices that support positive classroom LGBTQ environments.¹³³ Trauma-informed practices should include consideration of trauma related to abuse, harassment, victimization, and medical trauma experienced by LGBTQ+ and other young people who experience marginalization.¹³⁴

As noted in **Section 1**, LGBTQ+ youth — and especially youth of color — are over-represented among homeless youth and youth involved in the juvenile justice system. **SEAs and LEAs should ensure that programming for homeless youth applies an intersectional, LGBTQ+ inclusive lens and promote staff-readiness to work with LGBTQ+ young people experiencing homelessness in all supportive programs.**¹³⁵ Schools must support justice-involved LGBTQ+ students while making every effort to end the school-to-prison pipeline. **SEAs and LEAs should use ESSA’s dedicated Title I-D funds to develop or strengthen programs that support youth involved in the juvenile justice system, including those returning from correctional facilities, and ensure that LGBTQ+ inclusion and equity are explicit considerations.**¹³⁶ SEAs and LEAs can support LGBTQ+ inclusion and equity in these programs in a range of ways, including through hiring specialized support staff, training and professional development, and community partnerships with LGBTQ+ affirming providers and organizations.

¹³⁰ ESEA § 4104 (b)(3)(B)(ii).

¹³¹ GLSEN, ASCA, ACSSW, and SSWAA, *Supporting safe and healthy schools for lesbian, gay, bisexual, transgender, and queer students: A national survey of school counselors, social workers, and psychologists* (New York: GLSEN, 2019). <https://www.glsen.org/schoolmentalhealth> (Accessed June 24, 2021).
GLSEN, “How School-Based Mental Health Providers Can Support LGBTQ Youth” (2019). https://www.glsen.org/sites/default/files/2019-11/GLSEN_LGBTQ_Mental_Health_Resource_2019.pdf (Accessed June 24, 2021).

¹³² ESEA § 4104 (b)(3)(B)(ii).

¹³³ ESEA § 4108 (5)(D)(i)-(iii).

¹³⁴ National LGBT Health Education Center, “Affirming Primary Care for Intersex People” (2020). <https://www.lgbtqihealtheducation.org/publication/affirming-primary-care-for-intersex-people-2020> (Accessed July 13, 2021).
¹³⁴ National Resource Center for Mental Health Promotion and Youth Violence Prevention, “Adopting a Trauma-Informed Approach for LGBTQ Youth—Part 2: How Do You Implement a Trauma-Informed Approach With LGBTQ Youth?” (2019). https://healthysafechildren.org/sites/default/files/Trauma_Informed_Approach_LGBTQ_Youth_2.pdf (Accessed July 13, 2021).
National Resource Center for Mental Health Promotion and Youth Violence Prevention, “Adopting a Trauma-Informed Approach for LGBTQ Youth—Part 2: How Do You Implement a Trauma-Informed Approach With LGBTQ Youth?” (2019). https://healthysafechildren.org/sites/default/files/Trauma_Informed_Approach_LGBTQ_Youth_2.pdf (Accessed July 13, 2021).

¹³⁵ LEAs receiving Title I grants must set aside sufficient funds to support homeless youth, including by hiring a local homeless liaison and covering student needs such as tutoring, transportation, food, clothing, school fees, health needs, and outreach (ESEA § 1113 (c)(3)(A)(i)). LEAs may receive funds to support homeless youth based on a local needs assessment (McKinney-Vento Act § 723). True Colors United provides information and resources for supporting LGBTQ+ homeless youth. See: True Colors United. <https://truecolorsunited.org/>.

¹³⁶ ESEA §§ 1415 (a)(2)(A)(iii), 1424 (a)(1).



SPOTLIGHT:

Supplementing ESSA Funds for LGBTQ+ Equity Work

While ESSA funding provides many opportunities to advance LGBTQ+ equity, it is far from the only funding source SEAs and LEAs can draw on. Other federal grant programs by the Administration for Children and Families (ACF), Centers for Disease Control and Prevention (CDC), Substance Abuse and Mental Health Services Administration (SAMHSA), Office of Juvenile Justice and Delinquency Prevention (OJJDP), and other agencies may also be used to support LGBTQ+ equity efforts. Schools can also use Medicaid and CHIP funds to support community health partnerships and reimburse in-school health services and school-based telehealth.¹³⁷

Many state grant programs also support school equity and safety efforts, and SEAs and LEAs can also partner with LGBTQ+ affirming community centers, health centers, foundations, and other organizations to bring in relevant, community-based expertise and maximize the impact of in-school, afterschool, and community-based programs for students.

Recommendation: Leverage Community Partnerships for LGBTQ+ Equity

All ESSA Title programs encourage SEAs and LEAs to partner with community organizations on programs designed to better serve the needs of the whole student. For example, schools can partner with LGBTQ+ led organizations and community centers, as well as LGBTQ+ affirming faith groups, health centers or providers, university programs, homeless services, anti-violence, and other organizations that serve youth and families to better meet the needs of LGBTQ+ and other students.

Many ESSA funding lines can support such partnerships by LEAs or SEAs.¹³⁸ In addition, ESSA Title IV-F includes two grant programs for LEAs awarded directly by USED — the Promise Neighborhoods program¹³⁹ and the Full-Service Community Schools (FSCS) program¹⁴⁰ — that are dedicated to such partnerships. Several LEAs have used Title IV-F grants to support programs and services for LGBTQ+ students.¹⁴¹

¹³⁷ Heather Clapp Padgett and Phyllis Jordan, “How Medicaid and CHIP Can Support Student Success through Schools” (Washington, DC: Georgetown University Health Policy, 2019). <https://collections.nlm.nih.gov/catalog/nlm:nlmuid-101770658-pdf> (Accessed July 13, 2021).

¹³⁸ ESEA §§ 3111 (b)(2)(D)(iv), 4106 (e)(1)(A), 4107(a)(2), 4108 (4), 4108 (5)(H), 4202 (c)(3)(I), 5222 (a)(5).

¹³⁹ ESEA § 4624.

¹⁴⁰ ESEA § 4625.

¹⁴¹ Aaron Ridings and Daniel Clark, “Community Schools Can Make a Difference for LGBTQ Youth,” Center for American Progress, December 12, 2016. <https://www.americanprogress.org/issues/lgbtq-rights/news/2016/12/12/294803/community-schools-can-make-a-difference-for-lgbtq-youth/> (Accessed July 13, 2021).



SPOTLIGHT ON DC:

Leading with Pride Annual Conference

For the last decade, the DC Public Schools Office of Teaching and Learning has sponsored an annual *Leading with Pride* conference that brings together LGBTQ+ youth leaders, educators, and families from the DC metro region to promote LGBTQ+ equity and youth leadership development.¹⁴² DC partners with a diverse array of community partners to plan the event and make it a success, including: Supporting and Mentoring Youth Advocates and Leaders (SMYAL), Whitman-Walker Health, and the Gay Men’s Chorus of Washington, DC.

Recommendation: Ensure Equitable Learning Opportunities for LGBTQ+ Students

Inclusive learning activities foster youth engagement, support the development of a positive sense of self-worth, and can act as a protective factor for students experiencing discrimination, stigma, and instability elsewhere in their lives. As detailed below, Titles I, II-A, III, IV-A, and IV-B can be used to ensure curricular standards (for SEAs), curriculum (for LEAs), academic programs, and extracurricular programs are inclusive and equitable for LGBTQ+ and other students experiencing marginalization.

Equity in the Classroom, Curricular Standards, and Curriculum

LEAs can support inclusive, equitable learning environments through revised and updated curricular content that includes the lives, stories, and contributions of LGBTQ+ and other diverse communities. Among other benefits, inclusive content can promote the entry of LGBTQ+ youth into science, technology, engineering, and mathematics (STEM) fields, where they are currently underrepresented.¹⁴³

As states and districts consider LGBTQ+ inclusive curricular standards and curriculum, respectively, it is important to apply an intersectional analysis by considering the needs of students who hold two or more marginalized identities. For example, research suggests that English language learners who are LGBTQ+ may feel doubly marginalized in English for Speakers of Other Languages (ESOL) classrooms where the absence of representations of their lived experience can create additional obstacles to naming and negotiating their identities in formative years.¹⁴⁴

SEAs and LEAs should support the addition or improvement of LGBTQ+ inclusive content across all subject areas. Titles I, II, and IV-A provides broad support for SEA and LEA efforts to ensure well-rounded educational opportunities.¹⁴⁵

¹⁴² DC Public Schools LGBTQ and Sexual Health Program, *Leading with Pride '21*, <https://www.dcleadingwithpride.com/leading-with-pride> (Accessed April 16, 2021).

¹⁴³ Mary Hoelscher, “Why (and How) STEM Curriculum Needs to Be LGBT Inclusive,” GLSEN, <https://www.glsen.org/blog/why-and-how-stem-curriculum-needs-be-lgbt-inclusive> (Accessed April 12, 2021).

Jacob M. Carter, “The problem with LGBTQ underrepresentation,” ASBMB Today, August 1, 2018. <https://www.asbmb.org/asbmb-today/opinions/080118/the-problem-with-lgbtq-underrepresentation> (Accessed July 13, 2021).

Lala Tanmoy Das, “We need more transgender and gender nonbinary doctors,” Association of American Medical Colleges, September 1, 2020. <https://www.aamc.org/news-insights/we-need-more-transgender-and-gender-nonbinary-doctors> (Accessed July 13, 2021).

¹⁴⁴ Evan Kaiser, “LGBTQ+ Voices from the Classroom: Insights for ESOL Teachers,” *CATESOL Journal* 29, no. 1 (2017): 1-21. <https://files.eric.ed.gov/fulltext/EJ1144365.pdf>.

Anthony J. Liddicoat, “Sexual identity as linguistic failure: Trajectories of interaction in the heteronormative language classroom,” *Journal of Language, Identity, and Education*, 8, no. 2-3 (2009): 191-202.

¹⁴⁵ ESEA §§ 1112(b)(1)(A), 1114(b)(7)(ii), 1115(b)(2)(A), 2224(a)(4)(D), 4104(b)(3)(A), 4107, 8101(52). LEAs receiving at least \$30,000 in Title IV-A funds are required to conduct a local needs assessment and to allocate at least 20% of funds to “well-rounded educational opportunities” activities.

This can include strengthening:

- **American history, civics, economics, geography, or government curricular standards (SEAs) or curriculum (LEAs)**¹⁴⁶ — including instruction targeted to youth from immigrant and refugee communities¹⁴⁷ — by ensuring the voices, stories, and contributions of LGBTQ+ and other communities that experience marginalization are included.¹⁴⁸
- **STEM education** and increasing access for underrepresented groups,¹⁴⁹ such as by integrating inclusive, fact-based content on sex development, variations in sex traits, and gender diversity;¹⁵⁰ examples and assignments that reflect diversity; and the contributions of LGBTQ+ people to STEM fields.¹⁵¹
- **Music and arts education** inclusive of the content and themes related to diversity, respect, and inclusion, including the lives, experiences, and contributions of LGBTQ+ people. This may include in- or out-of-school programs that use music and the arts to promote constructive engagement, problem solving, or conflict resolution.¹⁵²
- **Literacy, English, and foreign language instruction**, including sources and topics that represent LGBTQ+ people's lives, experiences, and contributions.¹⁵³
- **Healthy relationships, anti-violence, and sex education curricular standards (SEAs) or curriculum (LEAs)** and programs¹⁵⁴ that are consent-based; improve relationship-building skills and recognition and prevention of coercion, violence, or abuse; and include accurate information on and representations of LGBTQ+ people and families.¹⁵⁵

These efforts may include developing or purchasing content or materials, hiring specialized staff or consultants, and staff training or professional development. SEAs and LEAs can use GLSEN's **Educator Resources** to support this work, including the guide to **Developing LGBTQ-Inclusive Classroom Resources**.

SEAs can support this work by developing LGBTQ+ inclusive curricular standards, and by providing content resources, programming, training, and technical assistance to help increase student access and engagement across any or all of these subject areas.¹⁵⁶ States that have adopted LGBTQ+ inclusive curricular standards can use ESSA funds to support implementation. In all of this work, GLSEN's **Curricular Standards that Include LGBTQ+ Representation Promote Student Achievement and Wellbeing** can be a resource.

¹⁴⁶ ESEA §§ 4104(b)(3)(A)(i)(V), 4107(a)(3)(E).

¹⁴⁷ ESEA §§ 3111 (b)(2)(D)(i)), 3115(a)(1).

¹⁴⁸ GLSEN, LGBTQ History, <http://live-glsen-website.pantheonsite.io/lgbtq-history> (Accessed June 24, 2021).

¹⁴⁹ ESEA §§ 4104(b)(3)(A)(i)(I), 4107(a)(3)(C).

¹⁵⁰ GLSEN and interACT, "Gender Triangle Education Guide" (2019). <https://www.glsen.org/activity/gender-triangle-education-guide> (Accessed June 24, 2021).

¹⁵¹ Lewis Maday-Travis, "6 Ways I Make My Science Class LGBTQ-Inclusive as a Trans Teacher," GLSEN. <https://www.glsen.org/blog/6-ways-i-make-my-science-class-lgbtq-inclusive-trans-teacher> (Accessed June 24, 2021).

Kyle S. Whipple, "How Do We Make Math Class More Inclusive of Trans and Non-binary Identities?" GLSEN. <https://www.glsen.org/blog/how-do-we-make-math-class-more-inclusive-trans-and-non-binary-identities> (Accessed June 24, 2021).

¹⁵² ESEA §§ 4014(b)(3)(A)(i)(III), 4107a(3)(B).

¹⁵³ ESEA §§ 2222-26, 3111 (b)(2)(D)(i)), 3115(a)(1).

¹⁵⁴ ESEA § 4108(5)(C)-(E). ESSA funded sex education or HIV-prevention education must be age appropriate and must include the health benefits of abstinence; contraception distribution is prohibited (ESEA §§ 8526(3), (5), and (6)).

¹⁵⁵ Future of Sex Education Initiative, *National Sex Education Standards: Core Content and Skills, K-12*, 2nd edition. (Washington, DC: Advocates for Youth, 2020). <http://www.advocatesforyouth.org/resources/health-information/future-of-sex-education-national-sexuality-education-standards/> (Accessed April 12, 2021).

¹⁵⁶ ESEA §§ 4104 (b)(1), (b)(3)(A)(i).



SPOTLIGHT ON CALIFORNIA:

Implementing Broadly Inclusive Curricular Standards

As discussed in **Section 3**, California was unique in speaking to both its LGBTQ+ inclusive curricular standards and inclusive teaching in its ESSA State Plan, across all subject areas.

For example, California's STEM curriculum framework includes an example of how role models can be used to support diverse students' engagement and participation. Teachers are provided resources such as assignable readings and lesson plans related to Jack Andraka, who identifies as a gay teen scientist. Students would learn that Andraka was just 15 years old and a high school sophomore when he invented an inexpensive, early detection test for pancreatic, ovarian, and lung cancers. In addition to learning about Andraka's scientific contributions, students learn of his experiences with bullying, depression, rejection, as well as how he found role models, supports, and ultimately success. Suggestions for assigned readings include an article in *The Advocate* titled "How Gay Genius Alan Turing Got Me Through Middle School."¹⁵⁷

LGBTQ+ Equity Outside the Classroom and in Extracurricular Activities

Academic achievement and student well-being is supported not only in the classroom, but also in school libraries, afterschool programs, and extracurricular activities. Promoting LGBTQ+ equity requires a visible, affirming LGBTQ+ presence in these settings as well. In all of these areas, SEAs and LEAs can use ESSA funds to promote LGBTQ+ inclusion in a variety of ways, including but not limited to training and professional development, curricular standards materials (SEAs) or curriculum materials (LEAs), community partnerships, disseminating best practices, and other program costs.

SEAs and LEAs should use Title II-A funds to support LGBTQ+ inclusive and affirming student organizations and extracurricular activities. Several studies indicate that affirming student clubs such as GSAs (Gender and Sexuality Alliances or Gay Straight Alliances) support LGBTQ+ students' health and well-being.¹⁵⁸ LEAs may also use Title IV-A funds to support GSA programming, and Title IV-B funds for extracurricular "cultural" programs, which might include partnerships with LGBTQ+ community centers or other affirming organizations.¹⁵⁹ For example, SEAs and LEAs can provide training, materials, and best practices for supporting and advising GSAs and other inclusive clubs and activities, and develop clear policies recognizing students' rights to form GSA and other groups.¹⁶⁰ SEAs and LEAs can also promote LGBTQ+ youth leadership.

¹⁵⁷ California State Board of Education, "Chapter 10: Access and Equity," 2016 Science Framework for California Public Schools, Kindergarten Through Grade Twelve (Sacramento: California Department of Education 2018). <https://www.cde.ca.gov/ci/sc/cf/documents/scifwchapter10.pdf> (Accessed June 15, 2021).

¹⁵⁸ GLSEN has found that LGBTQ+ students who reported having a GSA experienced less severe victimization based on sexual orientation and gender expression, were less likely to feel unsafe regarding their sexual orientation or gender expression, were less likely to have missed school in the past month due to feeling unsafe, and were much more likely to report peer acceptance, compared to LGBTQ+ students who said they did not have a GSA. Others have found that GSAs can serve as a protective factor, supporting LGBTQ+ young people's mental health. See: Kosciw et al., *The 2019 National School Climate Survey*, pp. xix-xx, 70-73.
See also: Russell and Fish, "Mental Health in Lesbian, Gay, Bisexual, and Transgender (LGBT) Youth."

¹⁵⁹ ESEA §§ 4108 (5)(H), 4205 (a)(7). See p. 30 for additional ESSA funding lines that support community partnerships.

¹⁶⁰ ESEA § 2101(c)(4)(B)(vii), § 2103(b)(3)(E).

SEAs and LEAs can find ideas and resources for supporting LGBTQ+ inclusive and affirming student organizations and extracurricular activities in GLSEN's [GSA Resources](#). GLSEN's [National Student Council](#), a yearlong program for LGBTQ+ students that promotes youth leadership, can provide ideas for leadership development programming.

LEAs and SEAs can use Title II-A funds to support the instructional services provided by effective school library programs.¹⁶¹ Inclusive school libraries support healthy self-esteem development, help young people negotiate identity formation in critical years, enable LGBTQ+ students to explore their passions and envision career paths, and provide students a safe space before, during, and after school hours. These efforts may include training for school librarians on supporting LGBTQ+ students, and acquiring books and other resources that include the stories and contributions of LGBTQ+ people. LEAs can also use Title IV-B funds to expand library service hours.¹⁶²

GLSEN's [Rainbow Library](#) can support schools in this work. The Rainbow Library sends LGBTQ+ affirming books and other resources to schools at no charge. Any full-time staff member at a K-12 school or library in participating states is welcome to request a Rainbow Library set.¹⁶³

SEAs and LEAs should use Title IV-A and IV-B funds to review and strengthen school sports, athletics programs, and policies to ensure they are safe, welcoming, and inclusive for LGBTQ+ students.¹⁶⁴ Youth sports and athletics are another critical area where proactive steps are essential to promote LGBTQ+ equity and prevent harm. *The National Youth Sports Strategy* (published by the U.S. Department of Health and Human Services in 2019), recognizes that participating in sports has numerous benefits for young people; unfortunately LGBTQ+ youth today are less likely to play sports, and often face harassment when they do.¹⁶⁵ Transgender, nonbinary, and intersex youth, face additional obstacles exacerbated by recent efforts to legislate discrimination in school athletics.¹⁶⁶

In addition to developing inclusive policies and procedures for athletic participation, SEAs and LEAs can disseminate best practices and provide training and resources on topics such as promoting team building, respect, and inclusion; identifying and addressing participation gaps; exploring alternatives to gender separation in specific contexts, such as elementary, middle school, and certain types of sports; and addressing bullying and harassment at sports events and practices.¹⁶⁷ LEAs can also use Title IV-B funds to directly support an afterschool athletics program that addresses identified gaps.¹⁶⁸ State Athletic Associations and educators can learn more about LGBTQ+ inclusive athletics from GLSEN's [Gender Affirming and Inclusive Athletics Participation](#) issue brief.

¹⁶¹ ESEA § 2101(c)(4)(B)(xiii), § 2103(b)(3)(K).

¹⁶² Each school that applies will be eligible for one Rainbow Library text set, and sets are provided on a first-come, first-served basis. See: GLSEN, [Rainbow Library](https://www.rainbowlibrary.org/), <https://www.rainbowlibrary.org/> (Accessed July 13, 2021).

¹⁶³ ESEA § 4205 (a)(9).

¹⁶⁴ ESEA § 4202(c)(3)(I), § 4205 (a)(4).

¹⁶⁵ U.S. Department of Health and Human Services, *The National Youth Sports Strategy* (Washington, DC: 2019). https://health.gov/sites/default/files/2019-10/National_Youth_Sports_Strategy.pdf (Accessed July 13, 2021).

¹⁶⁶ GLSEN, "Gender Affirming and Inclusive Athletics Participation."

The Trevor Project, "The Trevor Project Research Brief: LGBTQ Youth Sports Participation" (2020). <https://www.thetrevorproject.org/wp-content/uploads/2020/06/June-2020-Brief-LGBTQ-Youth-Sports-Participation-Research-Brief.pdf>.

Bethany Alice Jones, Jon Arcelus, Walter Pierre Bouman, and Emma Haycraft. "Sport and transgender people: a systematic review of the literature relating to sport participation and competitive sport policies," *Sports Medicine* 47, no. 4 (2017): 701-716.

Anna Kavoura and Marja Kokkonen, "What do we know about the sporting experiences of gender and sexual minority athletes and coaches? A scoping review," *International Review of Sport and Exercise Psychology* (2020): 1-27. <https://doi.org/10.1080/1750984X.2020.1723123>.

¹⁶⁷ ESEA §4104 (b)(3)(B)(iii), §4108(5)(C)(i).

For additional information on factors impacting participation see: Nicole Zarrett, Phillip Veliz, and Don Sabo, *Keeping Girls in the Game:*

Factors that Influence Sport Participation (New York: Women's Sports Foundation, 2020). https://www.womenssportsfoundation.org/articles_and_report/keeping-girls-in-the-game/.

¹⁶⁸ § 4205(a)(4).



SPOTLIGHT:

Provide Accessible Facilities for All Students, Regardless of Gender Identity

LEAs can replace gender-segregated facilities with gender-neutral facilities that provide privacy and accessibility for all students. GLSEN strongly encourages schools and districts planning renovations or new construction to incorporate universal-design approaches that provide greater privacy and accessibility for all. Gender-neutral facilities promote equitable access not only for transgender and nonbinary students, but also for students with certain disabilities or medical conditions.¹⁶⁹

ESSA funding generally cannot be used for renovation or construction costs, but there are exceptions.

For example, ESSA Title I or Title IV funds could be used to assess facility needs as part of climate or other surveys or needs assessments.¹⁷⁰ ESSA also includes an exception for charter schools, authorizing ESSA funds for renovations that bring school facilities up to state and local building codes.¹⁷¹ Charter schools using this funding line to renovate gender-segregated facilities should plan for gender-neutral facilities, as allowed by code. Building and plumbing codes increasingly permit and encourage, and in some cases require, gender-neutral facilities.¹⁷²

Finally, **LEAs can use Title IV-A funds to provide mentoring and academic counseling to all students, including those who are struggling academically, at risk of dropping out of school, involved in behavior that is criminalized, or have addiction issues.**¹⁷³ Because youth who experience marginalization are over-represented among these groups as a result of bullying or harassment and unfair discipline or law enforcement practices,¹⁷⁴ LEAs must ensure that educators leading these programs are trained and prepared to support students who are LGBTQ+, BIPOC, or people with disabilities.

Recommendation: Support Educator and Staff Readiness, Diversity, and Inclusion

GLSEN's research over two decades shows that the presence of supportive adults in a school can be determinative in whether LGBTQ+ young people are safe and included in K-12 learning communities. Educators have a powerful role to play in fostering LGBTQ+ inclusive learning environments, such as providing one-on-one support to LGBTQ+ students, including LGBTQ+ topics in their curriculum, and educating other staff or advocating for staff training about LGBTQ+ issues. However, in a national survey of secondary school teachers, only half (50.3%) reported engaging in LGBTQ+ inclusive and supportive practices.¹⁷⁵ A large majority (73.6%) of teachers who did not engage in LGBTQ+ inclusive and supportive teaching practices at all or as much as

¹⁶⁹ Danni/y Rosen, "Gender-neutral Bathrooms Are Radical, but Not How You Think," GLSEN, <https://www.glsen.org/blog/gender-neutral-bathrooms-are-radical-not-how-you-think> (Accessed April 12, 2021).

¹⁷⁰ ESEA § 1111 (d)(1)(B), § 4106(d).

¹⁷¹ ESEA § 4303 (h)(3).

¹⁷² GLSEN, "Nondiscrimination Protections and Inclusion of LGBTQ+ Students in K-12 Learning Communities."

¹⁷³ ESEA § 4108 (5)(C)(v).

¹⁷⁴ GLSEN, "Civil Rights Principles For Safe, Healthy, and Inclusive School Climates."

¹⁷⁵ GLSEN, "Supporting LGBTQ Students by Protecting LGBTQ Teachers" (2020). <https://www.glsen.org/research/lgbtq-supportive-teaching> (Accessed July 13, 2021).

they would have liked indicated that they faced at least one barrier to doing so, such as that they thought their administration would not support their efforts.¹⁷⁶ This may indicate a lack of guidance or leadership from administrators with regard to equity and inclusion of LGBTQ+ students.

Advancing equity that includes LGBTQ+ equity requires ensuring that all educators are prepared to support students who are LGBTQ+, BIPOC, people with disabilities and implement inclusive curricular standards (SEAs) or curriculums (LEAs) and other educational programs. Investing in recruiting, retaining, and supporting LGBTQ+ staff is also critically important.

Training, Professional Development, and Leadership Opportunities that Promote Equity

As noted throughout Section 4, many ESSA funding lines can support training and professional development for educators and other staff, because training is an essential element of every other program area. In addition, **SEAs and LEAs can use Title II-A and Title IV-A funds for LGBTQ+ inclusive or LGBTQ+ focused professional development**, including on topics such as cultural competence and responsiveness, implicit bias, gender inclusivity, and other inclusive teaching practices.¹⁷⁷ GLSEN's research and that of others show that educators find gender inclusivity trainings to be effective in better preparing them to support LGBTQ+ young people.¹⁷⁸ GLSEN has also found that school personnel, specifically those who are schools counselors, social workers, or psychologists, want more training on supporting LGBTQ+ students.¹⁷⁹

SEAs can also use Title II-A and Title IV-A funding to support teacher and staff leadership through participating in LGBTQ+ equity and reform efforts at the local, state, or national levels. This might include, for example, covering expenses for attending a conference or other event, increased work flexibility, or increased compensation for teachers taking on leadership roles in family and community outreach, curriculum development, or participating in efforts to reform statewide or national teacher preparation programs or licensing and certification standards.¹⁸⁰

SEAs and LEAs can refer to GLSEN's Educator and Administrator Resources, including GLSEN's chapter-based **Professional Development** program, **Educator Webinar Series**, and **LGBTQ-Inclusive and Supportive Teaching Practices** research brief to inform these efforts.

¹⁷⁶ GLSEN, "Supporting LGBTQ Students by Protecting LGBTQ Teachers."

¹⁷⁷ ESEA §§ 2101 (c)(4)(B)(i), 2103 (b)(3)(B)(iv).

U.S. Department of Education, "Non-Regulatory Guidance for Title II, Part A."

Note that SEAs can also fund this as technical assistance for LEA grant recipients for this purpose.

¹⁷⁸ Emily A. Greytak, Joseph G. Kosciw, and Madelyn J. Boesen, "Educating the Educator: Creating supportive school personnel through professional development," *Journal of School Violence* 12, no. 1 (2013): 80-97.

Mollie T. McQuillan and Jennifer Leininger, "Supporting gender-inclusive schools: educators' beliefs about gender diversity training and implementation plans," *Professional Development in Education* 47, no. 1 (2021): 156-176. (2020). DOI: 10.1080/19415257.2020.1744685.

¹⁷⁹ GLSEN, ASCA, ACSSW, and SSWAA, "Supporting safe and healthy schools for lesbian, gay, bisexual, transgender, and queer students."

¹⁸⁰ U.S. Department of Education, "Non-Regulatory Guidance for Title II, Part A."

U.S. Department of Education, "Non-Regulatory Guidance: Student Support and Academic Enrichment Grants."



SPOTLIGHT ON WISCONSIN:

Inclusive Training for Title IV-B Grant Recipients

Many SEAs and LEAs provide training and professional development opportunities for educators and staff on topics such as supporting GSAs; LGBTQ+ family acceptance; transgender, nonbinary, and intersex students; LGBTQ+ youth who are experiencing homelessness, justice involved, or systems impacted; classroom culture and curriculum; and overall health and healthy relationships for youth, including LGBTQ+ youth.

However, some agencies may be unaware that ESSA funds can be used for these efforts. Wisconsin's Department of Public Instruction used a portion of ESSA funds reserved for statewide programs during the 2019-2020 school year to facilitate trainings for recipients of Title IV-B grants on supporting LGBTQ+ youth in before- and after-school programs.¹⁸¹

Professional Development and Supports for LGBTQ+ Educators and Staff

LGBTQ+ educators, including those who are transgender, nonbinary, BIPOC, and people with disabilities, can serve as positive role models for all students, help break down negative stereotypes, prepare students to live and work in our diverse society, and help address disparities in academic outcomes. GLSEN has found that LGBTQ+ teachers are more likely than non-LGBTQ+ teachers to engage in LGBTQ-inclusive and affirming practices. Notably, LGBTQ+ educators are far more likely to engage in LGBTQ+ inclusive practices in public, visible ways. GLSEN's nationally representative survey of secondary school teachers found that LGBTQ+ educators were more than twice as likely to include the stories or contributions of LGBTQ+ people in their curriculum. LGBTQ+ teachers were also nearly three times as likely to educate other staff or advocate for staff training about LGBTQ+ issues and to advocate for LGBTQ+ inclusive school or district policies.¹⁸²

Unfortunately, many LGBTQ+ educators and school staff experience unwelcoming environments, and many are afraid to be out at work. One in ten LGBTQ+ teachers (11.1%) said that engaging in LGBTQ+ inclusive and supportive practices jeopardized their employment and one-third (33.9%) feared that their job would be at risk if they came out to an administrator.¹⁸³

Title II-A of ESSA provides grants to state and subgrants to local educational agencies to recruit, prepare, train, and support educators and staff to be effective in increasing student wellbeing and educational attainment.¹⁸⁴

SEAs and LEAs should use Title II-A funds to promote a diverse, equitable, and LGBTQ+ inclusive workforce.

¹⁸¹ Wisconsin mentioned this program in an annual report on the 21st Century Community Learning Centers under Title IV-B. This activity is not captured in our Section 3 evaluation of LGBTQ+ equity, which was limited to ESSA State Plans and SEA guidance to LEAs on implementing ESSA Title programs. See: Wisconsin Department of Public Instruction & University of Wisconsin-Green Bay Consortium of Applied Research, "21st Century Community Learning Centers 2018-19 Annual Report" (2019). https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/DPI-Annual-Report-2018-19-Low_Res_version_for_website.pdf (Accessed March 4, 2021).

GLSEN encourages SEAs that use reservations under ESSA Title programs to fund statewide professional development or trainings on supporting LGBTQ+ youth to indicate this in future State Plans or revised guidance to LEAs.

¹⁸² GLSEN, "Supporting LGBTQ Students by Protecting LGBTQ Teachers."

¹⁸³ GLSEN, "Supporting LGBTQ Students by Protecting LGBTQ Teachers."

¹⁸⁴ ESEA §§ 2101 (c)(4)(B), 2103(b)(3)(B).

These funds can be used to provide or incentivize continuing education, leadership, and mentoring opportunities; academic or instructional coaches; job fairs or recruitment events; and for participation in efforts to reform teacher preparation and certification standards. This can include focused efforts to recruit and retain culturally competent, responsive, and diverse educators, including teachers who identify as LGBTQ+.¹⁸⁵ For example, LEAs might update induction or mentoring programs for new teachers and administrators to include content on diversity, inclusion, and equal opportunity for LGBTQ+ educators, particularly those who are BIPOC, or people with disabilities. LEAs can also support LGBTQ+ affirming employee resource groups (ERGs) and provide leadership development opportunities.

Finally, LEAs can use Title II-A funds to conduct LGBTQ+ inclusive educator and staff perception surveys that support needs assessments and improvement planning under Title I (see p. 19).

Recommendation: Using Evidence to Promote LGBTQ+ Equity Using ESSA Funds

ESSA provides great discretion in funding evidence-based practices to improve schools and advance equity. The best practices outlined in this report are supported by evidence that they help improve student and school outcomes. **SEAs and LEAs should consult and cite this evidence when developing State Plan amendments, ESSA guidance for LEAs, and other funding proposals.**

GLSEN's **Research Institute** reports and briefs, including its **State Research Snapshots** and biannual nationwide **School Climate Survey**, can help SEAs identify trends nationally and within each state as regards climate and students' health and safety, including evidence of the positive impacts of best practices for LGBTQ+ equity. The CDC's Division of Adolescent and School Health (DASH), particularly the Youth Risk Behavior Survey (YRBS), illuminates disparities between LGBTQ+ students and those who are non-LGBTQ+ nationwide and in several U.S. states¹⁸⁶

Research cited throughout this report may also be useful in meeting ESSA evidence requirements.¹⁸⁷ This research, at minimum, demonstrates a rationale for a program (Tier 4), which can be used to support funding for LGBTQ+ equity best practices under ESSA Titles I through IV, with the exception of Title I, Section 1003 (School Improvement).

Research cited in this report related to affirming policies for transgender and nonbinary students, enumerated anti-bullying policies, supports for LGBTQ+ youth (including the presence of GSAs), and educator training meet a higher standard still (at least Tier 3) that satisfies evidence requirements for all programs under ESSA Titles I through IV.

¹⁸⁵ ESEA §§ 2101 (c)(4)(B)(v), 2103 (b)(3)(B)(iv).

U.S. Department of Education, "Non-Regulatory Guidance for Title II, Part A" p. 19.

¹⁸⁶ Centers for Disease Control and Prevention (CDC), Division of Adolescent and School Health, <https://www.cdc.gov/healthyyouth/index.htm> (Accessed June 28, 2021).

Centers for Disease Control and Prevention (CDC), Health Considerations for LGBTQ Youth, <https://www.cdc.gov/healthyyouth/disparities/health-considerations-lgbtq-youth.htm> (Accessed June 28, 2021).

As of the date of this report, states opt in to include YRBS survey questions that collect anonymous demographic data on LGBTQ+ youth. For this reason, data is not available from this source in each state. See: Movement Advancement Project, "Equality Maps: Data Collection," https://www.lgbtmap.org/equality-maps/data_collection (Accessed July 3, 2021).

¹⁸⁷ U.S. Department of Education, "Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments Evidence-Based Interventions Under the ESSA" (September 16, 2016). <https://www2.ed.gov/policy/elsec/leg/essa/guidanceusesinvestment.pdf>.

The following studies meet ESSA's requirements for evidence-based programs and activities across Titles I through IV:

- Hall, "The effectiveness of policy interventions for school bullying."
- Hatzenbuehler and Keyes, "Inclusive Anti-bullying Policies and Reduced Risk of Suicide Attempts in Lesbian and Gay Youth."
- Greytak et al., "Educating the Educator."
- McQuillan and Leininger, "Supporting Gender-Inclusive Schools."
- Kosciw et al., The 2019 National School Climate Survey.
- Kull et al., "Effectiveness of school district anti-bullying policies in improving LGBT youths' school climate."
- Price-Feeney et al., "Understanding the mental health of transgender and nonbinary youth."
- Truong et al., Erasure and resilience: The experiences of LGBTQ students of color, Asian American and Pacific Islander LGBTQ youth in U.S. Schools.
- Truong et al., Erasure and resilience: The experiences of LGBTQ students of color, Black LGBTQ youth in U.S. Schools.
- Zongrone et al., Erasure and resilience: The experiences of LGBTQ students of color, Latinx LGBTQ youth in U.S. Schools.
- Zongrone et al., Erasure and resilience: The experiences of LGBTQ students of color, Native and Indigenous LGBTQ youth in U.S. Schools.

Full citations and links for these and all studies cited in this report are included in our [Bibliography](#). New research is being published on an ongoing basis that is related to specific issues and best practices for intersectional equity that includes LGBTQ+ equity and GLSEN can be a resource for identifying the latest, quality research.

5 Conclusion

The Every Student Succeeds Act (ESSA) creates a framework for promoting equity in every aspect of K-12 learning communities. ESSA's flexible funding opportunities can support a wide range of efforts by SEAs and LEAs that promote health, well-being, and success for LGBTQ+ youth and all young people who experience marginalization. These efforts may range from fielding LGBTQ+ inclusive climate surveys to improving curricular standards (SEAs) or curriculum (LEAs), from in-school support services to community partnerships, from arts and civics programs to supports for LGBTQ+ staff.

Yet our review of fifty-two ESSA State Plans — 50 states, DC, and Puerto Rico — and accompanying state guidance to LEAs suggests many states are missing opportunities to leverage ESSA to advance equity for students who are LGBTQ+, Black, Indigenous, people of color, and people with disabilities. As this report makes clear, there are ample opportunities for states to strengthen their efforts. GLSEN recommends that SEAs use this report to provide concrete examples of how LEAs can use ESSA Title funds to promote intersectional equity inclusive of LGBTQ+ equity.

GLSEN can assist states, districts, and schools in identifying evidence-based practices that support LGBTQ+ youth and educators, forming multifaceted collaborations with communities, and leveraging new federal frameworks to promote liberated and liberating learning environments where all students can thrive and reach their full potential.

For questions or additional information, please contact policy@glsen.org.

GLSEN Resources

State Education Agency Resources

- **Nondiscrimination Protections and Inclusion of LGBTQ+ Students in K-12 Learning Communities: Recommendations for State Education Agencies**
- **How State Education Agencies Can Advance Implementation of Enumerated Anti-Bullying and Harassment Laws**
- **Gender Affirming and Inclusive Athletics Participation**
- **State-By-State Research: 2019 State Snapshots from the National School Climate Survey**

Additional Policy Development Resources

- **Model State Anti-Bullying & Harassment Legislation**
- **Model Local Education Agency Bullying and Harassment Prevention Policy**
- **Model Local Education Agency Policy on Transgender and Nonbinary Students (with NCTE)**
- **Issue Brief: Civil Rights Principles For Safe, Healthy, & Inclusive School Climates**
- **Local Bullying and Harassment Prevention Policy Assessment Project**
- **State Inclusive Curricular Standards**

Educator Resources

- **Developing LGBTQ-Inclusive Classroom Resources**
- **Gender Triangle Education Guide (with InterACT)**
- **Rainbow Library**
- **Safe Space Toolkit**

6 Bibliography

Anderson, Kenneth A. "Does more policing make middle schools safer?" Brookings Institute, November 8, 2018, <https://www.brookings.edu/blog/brown-center-chalkboard/2018/11/08/does-more-policing-make-middle-schools-safer/> (Accessed June 24, 2021).

Baams, Laura and Stephen T. Russell. "Gay-Straight Alliances, School Functioning, and Mental Health: Associations for Students of Color and LGBTQ Students." *Youth & Society* 53, no. 2 (2021): 211–229. <https://journals.sagepub.com/doi/pdf/10.1177/0044118X20951045>.

Baker, Kellan, Laura E. Durso. "Filling in the Map: The Need for LGBT Data Collection." Center for American Progress, September 16, 2015. <https://www.americanprogress.org/issues/lgbtqrights/news/2015/09/16/121128/filling-in-the-map-the-need-for-lgbt-data-collection/> (Accessed August 16, 2021).

Birkett, Michelle, Michael E. Newcomb, and Brian Mustanski. "Does it get better? A longitudinal analysis of psychological distress and victimization in lesbian, gay, bisexual, transgender, and questioning youth." *Journal of Adolescent Health* 56, no. 3 (2015): 280–285.

California State Board of Education. "California ESSA Consolidated State Plan" (2020). <https://www.cde.ca.gov/re/es/> (Accessed March 11, 2021).

California State Board of Education. "Chapter 10: Access and Equity." *2016 Science Framework for California Public Schools, Kindergarten Through Grade Twelve*. Sacramento: California Department of Education 2018. <https://www.cde.ca.gov/ci/sc/cf/documents/scifwchapter10.pdf> (Accessed June 15, 2021).

Carter, Jacob M. "The problem with LGBTQ underrepresentation." *ASBMB Today*, August 1, 2018. <https://www.asbmb.org/asbmb-today/opinions/080118/the-problem-with-lgbtq-underrepresentation> (Accessed July 13, 2021).

Casey, Logan and Elizabeth Mann Levesque. "LGBTQ students face discrimination while Education Department walks back oversight." Brookings Institute, April 18, 2018. <https://www.brookings.edu/blog/brown-center-chalkboard/2018/04/18/lgbtq-students-face-discrimination-while-education-department-walks-back-oversight> (Accessed March 3, 2021).

Center for American Progress (CAP) and Movement Advancement Project (MAP). *Unjust: How the Broken Juvenile and Criminal Justice Systems Fail LGBT Youth*. Washington & Denver: CAP & MAP, 2016. <https://www.lgbtmap.org/file/lgbt-criminal-justice-youth.pdf>.

Centers for Disease Control and Prevention (CDC). Division of Adolescent and School Health. <https://www.cdc.gov/healthyyouth/index.htm> (Accessed June 28, 2021).

Centers for Disease Control and Prevention (CDC). Health Considerations for LGBTQ Youth. <https://www.cdc.gov/healthyyouth/disparities/health-considerations-lgbtq-youth.htm> (Accessed June 28, 2021).

Choi, Soon Kyu, Bianca D.M. Wilson, Jama Shelton, and Gary Gates. *Serving Our Youth 2015: The Needs and Experiences of Lesbian, Gay, Bisexual, Transgender, and Questioning Youth Experiencing Homelessness*. Los Angeles: The Williams Institute with True Colors Fund, 2015. <https://truecolorsunited.org/portfolio/serving-our-youth/>.

Connery, Chelsea. "The Prevalence and the Price of Police in Schools." Storrs, CT: Uconn Center for Education Policy Analysis, 2020. https://cepa.uconn.edu/wp-content/uploads/sites/399/2020/10/Issue-Brief-CEPA_C-Connery.pdf (Accessed April 2, 2021).

Crenshaw, Kimberlé. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics." *University of Chicago Legal Forum* 1, no. 8 (1989). <http://chicagounbound.uchicago.edu/ucf/vol1989/iss1/8> (Accessed March 4, 2021).

Cuiccio, Cary and Marie Husby-Slater. "Needs Assessment Guidebook: Supporting the Development of District and School Needs Assessments." State Support Network (May 2018). https://oesse.ed.gov/files/2020/10/needsassessmentguidebook-508_003.pdf (Accessed April 20, 2021).

Das, Lala Tanmoy. "We need more transgender and gender nonbinary doctors." Association of American Medical Colleges, September 1, 2020. <https://www.aamc.org/news-insights/we-need-more-transgender-and-gender-nonbinary-doctors> (Accessed July 13, 2021).

DC Office of the State Superintendent of Education. "District of Columbia Revised State Template for the Consolidated State Plan" (August 28, 2017). https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/OSSE%20ESSA%20State%20Plan_%20August%2028_Clean.pdf (Accessed July 14, 2021).

DC Public Schools. "A Plan to Create an Inclusive School Community" (August 2011). <https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCPS%20LGBTQ%20plan%20final%20August%202011.pdf> (Accessed May 3, 2021).

DC Public Schools. Leading with Pride. <https://www.dcleadingwithpride.com/> (Accessed April 16, 2021).

DC Public Schools LGBTQ and Sexual Health Program. Leading with Pride '21. <https://www.dcleadingwithpride.com/leading-with-pride> (Accessed April 16, 2021).

Durso, Laura E. and Gary J. Gates. *Serving Our Youth: Findings from a National Survey of Service Providers Working with Lesbian, Gay, Bisexual, and Transgender Youth who are Homeless or At Risk of Becoming Homeless*. Los Angeles: The Williams Institute with True Colors Fund & The Palette Fund, 2012. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Serving-Our-Youth-July-2012.pdf>.

Earnshaw, Valerie A., Sari L. Reisner, Jaana Juvonen, Mark L. Hatzenbuehler, Jeff Perrotti, and Mark A. Schuster, "LGBTQ bullying: translating research to action in pediatrics." *Pediatrics* 140, no. 4 (2017).

Education Week Research Center. "Policing America's Schools." <https://www.edweek.org/which-students-are-arrested-most-in-school-u-s-data-by-school#/overview> (Accessed June 24, 2021).

"Executive Order 13985 of January 20, 2021, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government." *Federal Register* 86, no. 14 (January 25, 2021): 7009-7013. <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf> (Accessed June 17, 2021).

"Executive Order 13988 of January 20, 2021, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation." *Code of Federal Register* 86, no. 14 (January 25, 2021): 7023-7025. <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01761.pdf> (Accessed June 17, 2021).

"Executive Order 14021 of March 8, 2021, Guaranteeing an Educational Environment Free From Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity." *Code of Federal Register* 86, no. 46 (March 11, 2021): 13803-13804. <https://www.govinfo.gov/content/pkg/FR-2021-03-11/pdf/2021-05200.pdf> (Accessed June 17, 2021).

Future of Sex Education Initiative. *National Sex Education Standards: Core Content and Skills, K-12*, 2nd edition. (Washington, DC: Advocates for Youth, 2020). <http://www.advocatesforyouth.org/resources/health-information/future-of-sex-education-national-sexuality-education-standards/> (Accessed April 12, 2021).

The GenIUSS Group. *Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys*, edited by J.L. Herman. Los Angeles, CA: The Williams Institute, 2014. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Survey-Measures-Trans-GenIUSS-Sep-2014.pdf>.

GLSEN. "Civil Rights Principles For Safe, Healthy, and Inclusive School Climates" (March 2021). <https://www.glsen.org/activity/civil-rights-school-climate-principles> (Accessed June 24, 2021).

GLSEN. "Curricular Standards that Include LGBTQ+ Representation Promote Student Achievement and Wellbeing" (2020). <https://www.glsen.org/activity/inclusive-curriculum-standards> (Accessed June 24, 2021).

GLSEN. Day of Silence. <https://www.glsen.org/day-of-silence> (Accessed June 24, 2021).

GLSEN. Educator Resources. <https://www.glsen.org/educator-resources> (Accessed June 24, 2021).

GLSEN. Enumeration of Statewide Anti-Bullying Laws and Local Policies. <https://www.glsen.org/activity/enumeration> (Accessed June 28, 2021).

GLSEN. "Gender Affirming and Inclusive Athletics Participation" (2021). <https://www.glsen.org/activity/gender-affirming-inclusive-athletics-participation> (Accessed June 24, 2021).

GLSEN. "How State Education Agencies Can Advance Implementation of Enumerated Anti-Bullying and Harassment Laws" (2020). <https://www.glsen.org/activity/state-education-agency-implementation-resources> (Accessed June 24, 2021).

GLSEN. Lesson Plans. <https://www.glsen.org/educator-resources#snt--4> (Accessed July 13, 2021).

GLSEN. LGBTQ History. <http://live-glsen-website.pantheonsite.io/lgbtq-history> (Accessed June 24, 2021).

GLSEN. Local School Climate Survey. <https://localsurvey.glsen.org/index.cfm> (Accessed June 24, 2021).

GLSEN. Model Local Education Agency Bullying and Harassment Prevention Policy (Sept. 2020). <https://www.glsen.org/activity/model-district-anti-bullying-harassment-policy> (Accessed June 24, 2021).

GLSEN. Model School Anti-Bullying & Harassment Policy (2019). <https://www.glsen.org/activity/model-school-anti-bullying-and-harassment-policy> (Accessed June 24, 2021).

GLSEN. Model State Anti-Bullying and Harassment Legislation (April 2020). <https://www.glsen.org/activity/model-state-anti-bullying-harassment-legislation> (Accessed June 24, 2021).

GLSEN. National Student Council. <https://www.glsen.org/resources/student-and-gsa-resources#snt--3> (Accessed June 15, 2021).

GLSEN. "Nondiscrimination Protections and Inclusion of LGBTQ+ Students in K-12 Learning Communities: Recommendations for State Education Agencies" (2020). <https://www.glsen.org/activity/state-education-agency-recommendations> (Accessed June 24, 2021).

GLSEN. Policy Maps. <https://www.glsen.org/policy-maps> (Accessed July 14, 2021).

GLSEN. Policy Priorities to Create Safe and Inclusive Schools for LGBTQ+ Students (2020). <https://www.glsen.org/activity/executive-summary-presidential-transition-recommendations-2020> (Accessed June 24, 2021).

GLSEN. Policy Resources. <https://www.glsen.org/policy-resources> (Accessed June 24, 2021).

GLSEN. Professional Development. <https://www.glsen.org/professional-development> (Accessed June 25, 2021).

GLSEN. Rainbow Library. <https://www.rainbowlibrary.org/> (Accessed July 13, 2021).

GLSEN. "Replacing Punitive Discipline with Restorative Policies and Practices" (2020). <https://www.glsen.org/activity/restorative-discipline> (Accessed June 24, 2021).

GLSEN. Research. <https://www.glsen.org/research> (Accessed June 28, 2021).

GLSEN. Research and Education Webinars. <https://www.glsen.org/resources/webinars-and-workshops> (Accessed June 25, 2021).

GLSEN. "Appendix A: Reviewed State Education Agency ESSA Resources as of June 2021." Safe Space Toolkit. <https://www.glsen.org/activity/glsen-safe-space-kit-solidarity-lgbtq-youth> (accessed August 12, 2021).

GLSEN, *States' Use of ESSA to Advance LGBTQ+ Equity* (2021). <https://www.glsen.org/essa-implementation>.

GLSEN. Support for Student-Led Clubs. <https://www.glsen.org/support-student-gsas> (Accessed June 15, 2021).

GLSEN. "Supporting LGBTQ Students by Protecting LGBTQ Teachers" (2020). <https://www.glsen.org/research/lgbtq-supportive-teaching> (Accessed July 13, 2021).

GLSEN, ASCA, ACSSW, and SSWAA. *Supporting safe and healthy schools for lesbian, gay, bisexual, transgender, and queer students: A national survey of school counselors, social workers, and psychologists*. New York: GLSEN, 2019. <https://www.glsen.org/schoolmentalhealth> (Accessed June 24, 2021).

GLSEN and interACT. "Gender Triangle Education Guide" (2019). <https://www.glsen.org/activity/gender-triangle-education-guide> (Accessed June 24, 2021).

Greytak, Emily A., Joseph G. Kosciw, and Madelyn J. Boesen. "Educating the Educator: Creating supportive school personnel through professional development." *Journal of School Violence* 12, no. 1 (2013): 80-97.

Greytak, Emily A., Joseph G. Kosciw, Christian Villenas, and Noreen M. Giga. *From Teasing to Torment: School Climate Revisited, A Survey of U.S. Secondary School Students and Teachers*. New York: GLSEN, 2016. https://www.glsen.org/sites/default/files/2019-12/From_Teasing_to_Torment_Revised_2016.pdf.

Hall, William J. and Mimi V. Chapman. "Fidelity of implementation of a state anti-bullying policy with a focus on protected social classes." *Journal of School Violence* 17, no. 1 (2018): 58-73. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5802375/>.

GLSEN. "How School-Based Mental Health Providers Can Support LGBTQ Youth" (2019). https://www.glsen.org/sites/default/files/2019-11/GLSEN_LGBTQ_Mental_Health_Resource_2019.pdf (Accessed June 24, 2021).

Hatzenbuehler Mark L. and Katherine M. Keyes. "Inclusive Anti-bullying Policies and Reduced Risk of Suicide Attempts in Lesbian and Gay Youth." *Journal of Adolescent Health* 53, no. 1 (2021): pp. S21-S26. <https://www.sciencedirect.com/science/article/pii/S1054139X12003540>.

Hall, William J. "The effectiveness of policy interventions for school bullying: A systematic review." *Journal of the Society for Social Work and Research* 8, no. 1: 45-69. <https://pubmed.ncbi.nlm.nih.gov/28344750/>.

Hoelscher, Mary. "Why (and How) STEM Curriculum Needs to Be LGBT Inclusive." GLSEN. <https://www.glsen.org/blog/why-and-how-stem-curriculum-needs-be-lgbt-inclusive> (Accessed April 12, 2021).

Illinois Affirming and Inclusive Schools Task Force. "Strengthening Inclusion in Illinois Schools" (January 2020). https://www.aclu-il.org/sites/default/files/field_documents/affirming_and_inclusive_schools_task_force_report.pdf (Accessed May 3, 2021).

Iowa Department of Education. "Every Student Succeeds Act in Iowa: Final Plan" (May 3, 2018). https://educateiowa.gov/sites/files/ed/documents/2019-12-23ESSAPlan_508.pdf. Accessed July 13, 2021.

Johns, Michelle M., Richard Lowry, Laura T. Haderxhanaj, Catherine N. Rasberry, Leah Robin, Lamont Scales, Deborah Stone, and Nicolas A. Suarez. "Trends in Violence Victimization and Suicide Risk by Sexual Identity Among High School Students - Youth Risk Behavior Survey United States, 2015-2019." *MMWR supplements* 69, no. 1: 19-27 (August 21, 2020). <https://doi.org/10.15585/mmwr.su6901a3>.

Jones, Bethany Alice, Jon Arcelus, Walter Pierre Bouman, and Emma Haycraft. "Sport and transgender people: a systematic review of the literature relating to sport participation and competitive sport policies." *Sports Medicine* 47, no. 4 (2017): 701-716.

Jordan, Phyllis W. and Laura S. Hamilton. "Walking a Fine Line: School Climate Surveys in State ESSA Plans." FutureEd (December 2019). <https://www.future-ed.org/wp-content/uploads/2019/12/FutureEdSchoolClimateReport.pdf>.

Kaiser, Evan. "LGBTQ+ Voices from the Classroom: Insights for ESOL Teachers." *CATESOL Journal* 29, no. 1 (2017): 1-21. <https://files.eric.ed.gov/fulltext/EJ1144365.pdf>.

Kautz, Tim, Charles Tilley, Christine Ross, and Natalie Larkin. "Development of a School Survey and Index as a School Performance Measure in Maryland: A REL-MSDE Research Partnership" (June 2020). https://ies.ed.gov/ncee/edlabs/regions/midatlantic/pdf/REL_MD_School_Survey_2020.pdf.

Kavoura, Anna and Marja Kokkonen. "What do we know about the sporting experiences of gender and sexual minority athletes and coaches? A scoping review." *International Review of Sport and Exercise Psychology* (2020): 1-27. <https://doi.org/10.1080/1750984X.2020.1723123>.

Kentucky Department of Education. Quality of School Climate and Safety Survey. https://education.ky.gov/AA/Acct/Documents/Quality_of_SchoolClimateandSafetySurvey_Grades6-HS-02_2021.pdf (Accessed June 28, 2021).

Kosciw, Joseph G., Caitlin M. Clark, Nhan L. Truong, and Adrian D. Zongrone. *The 2019 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools*. New York: GLSEN, 2020), p. 28. Available at <https://www.glsen.org/research/2019-national-school-climate-survey>.

Kull, Ryan M., Emily A. Greytak, Joseph G. Kosciw, and Christian Villenas. "Effectiveness of school district antibullying policies in improving LGBT youths' school climate." *Psychology of Sexual Orientation and Gender Diversity* 3, no. 4 (2016): 407-415.

Kull, Ryan M., Joseph G. Kosciw, and Emily A. Greytak. *From Statehouse to Schoolhouse: Anti-Bullying Policy Efforts in U.S. States and School Districts*. New York: GLSEN, 2015. <https://www.glsen.org/research/statehouse-schoolhouse-state-and-school-district-anti-bullying-policies>.

Lambda Legal. "Protected and Served?" (2015). <https://www.lambdalegal.org/protected-and-served> (Accessed June 24, 2021).

Liddicoat, Anthony J. "Sexual identity as linguistic failure: Trajectories of interaction in the heteronormative language classroom." *Journal of Language, Identity, and Education*, 8, no. 2-3 (2009): 191-202.

Loveless, Tom. "The Peculiar Politics of No Child Left Behind." The Brookings Institution (August 2006). https://www.brookings.edu/wp-content/uploads/2016/06/08k12education_loveless.pdf (Accessed June 18, 2021).

Maday-Travis, Lewis. "6 Ways I Make My Science Class LGBTQ-Inclusive as a Trans Teacher." GLSEN. <https://www.glsen.org/blog/6-ways-i-make-my-science-class-lgbtq-inclusive-trans-teacher> (Accessed June 24, 2021).

Maryland State Department of Education. "Maryland School Survey Frequently Asked Questions" (2020). http://marylandpublicschools.org/about/Documents/DAAIT/MarylandSchoolSurvey/Maryland_School%20Survey_Frequently%20Asked%20Questions_2020_final%203.4.2020_updated.pdf (Accessed July 14, 2021).

Massachusetts Department of Elementary and Secondary School Education. "Massachusetts Consolidated State Plan Under the Every Student Succeeds Act (ESSA)" (2017). <https://www.doe.mass.edu/federalgrants/essa/stateplan/> (Accessed March 17, 2021).

McQuillan, Mollie T. and Jennifer Leininger. "Supporting gender-inclusive schools: educators' beliefs about gender diversity training and implementation plans." *Professional Development in Education* 47, no. 1 (2021): 156-176. (2020). DOI: 10.1080/19415257.2020.1744685.

Movement Advancement Project. "Equality Maps: Data Collection." https://www.lgbtmap.org/equality-maps/data_collection (Accessed July 13, 2021).

Nance, Jason P. "Students, Police, and the School-to-Prison Pipeline." *Washington University Law Review* 99, no. 4: 919-987. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2577333 (Accessed June 24, 2021).

National Center on Safe Supportive Learning Environments. ED School Climate Surveys (EDSCLS). <https://safesupportivelearning.ed.gov/edscls> (Accessed April 12, 2021).

National LGBT Health Education Center. "Affirming Primary Care for Intersex People" (2020). <https://www.lgbtqihealtheducation.org/publication/affirming-primary-care-for-intersex-people-2020> (Accessed July 13, 2021).

National Resource Center for Mental Health Promotion and Youth Violence Prevention. "Adopting a Trauma-Informed Approach for LGBTQ Youth—Part 2: How Do You Implement a Trauma-Informed Approach With LGBTQ Youth?" (2019). https://healthysafekids.org/sites/default/files/Trauma_Informed_Approach_LGBTQ_Youth_2.pdf (Accessed July 13, 2021).

New Mexico Public Education Department. "New Mexico Rising: New Mexico's State Plan for the Every Student Succeeds Act" (August 9, 2017). <https://webnew.ped.state.nm.us/wp-content/uploads/2020/02/New-Mexico-ESSA-Plan-2019.pdf> (Accessed July 14, 2021).

New Jersey Transgender Equality Task Force. "Addressing Discrimination Against Transgender New Jerseyans" (November 20, 2019). https://d31hzhk6di2h5.cloudfront.net/20191120/f4/7e/90/c9/00459d579894f77ec23529f1/Transgender_Equality_Task_Force_Report.pdf (Accessed May 3, 2021).

New York State Department of Education. "Revised State Template for the Consolidated State Plan" (January 12, 2018). <http://www.nysed.gov/common/nysed/files/programs/essa/nys-essa-plan.pdf> (Accessed March 13, 2021).

Ohio Department of Education. "Revised State Template for the Consolidated State Plan" (2018). http://education.ohio.gov/getattachment/Topics/Every-Student-Succeeds-Act-ESSA/OH_ESSA_SUBMISSION.pdf.aspx (Accessed March 16, 2021).

Oregon Department of Education. "LGBTQ2SIA+ Student Success Plan" (June 2020). <https://digital.osl.state.or.us/islandora/object/osl:948401> (Accessed May 3, 2021).

Oregon State Legislature. Senate Bill 52 (2021). <https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/SB52> (Accessed June 28, 2021).

Padgette, Heather Clapp and Phyllis Jordan. "How Medicaid and CHIP Can Support Student Success through Schools." Washington, DC: Georgetown University Health Policy, 2019. <https://collections.nlm.nih.gov/catalog/nlm:nlmuid-101770658-pdf> (Accessed July 13, 2021).

Palmer, Neal A., Emily A. Greytak, and Joseph G. Kosciw. *Educational Exclusion: Drop Out, Push Out, and the School-to-Prison Pipeline among LGBTQ Youth*. New York: GLSEN, 2016. <https://www.glsen.org/research/educational-exclusion-drop-out-push-out-school-prison-pipeline>.

Pennsylvania Department of Education. "Pennsylvania ESSA Consolidated State Plan" (August 1, 2019). <https://www.education.pa.gov/Documents/K-12/ESSA/PennsylvaniaConsolidatedStatePlan.pdf> (Accessed May 22, 2021).

Petrosino, Anthony, Trevor Fronius, and Darius Taylor. "Research in Brief: School-Based Law Enforcement." Regional Education Laboratory West (2020). <https://ies.ed.gov/ncee/edlabs/regions/west/Publications/Details/283> (Accessed June 24, 2021).

Phoenix, Terri, Will Hall, Melissa Weiss, Jana Kemp, Robert Wells, and Andrew Chan. "Homophobic language and verbal harassment in North Carolina high schools." Safe Schools NC (2006). <https://files.eric.ed.gov/fulltext/ED491454.pdf> (Accessed June 24, 2021).

Price-Feeney, Myeshia, Amy E. Green, and Samuel Dorison. "Understanding the mental health of transgender and nonbinary youth." *Journal of Adolescent Health* 66, no. 6 (2020): 684-690.

Oregon Department of Education. "Oregon's Consolidated State Plan Under the Every Student Succeeds Act" (August 30, 2017). https://www.oregon.gov/ode/rules-and-policies/ESSA/Documents/APPROVED%20OR_ConsolidatedStateplan8-30-17.pdf (Accessed August 10, 2021).

Rhode Island Department of Education. "Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students-Creating Safe and Supportive School Environments" (June 2016). <http://www.thriveri.org/documents/Guidance.for.RhodeIsland.Schools.on.Transgender.and.Gender.Nonconforming.Students-2016.pdf>.

Rhode Island Department of Education. "Rhode Island's Every Student Succeeds Act State Plan" (March 29, 2018). <https://www.ride.ri.gov/Portals/0/Uploads/Documents/Information-and-Accountability-User-Friendly-Data/ESSA/RhodeIsland-ESSA-State-Plan-Final-100119.pdf?ver=2019-10-01-153829-000>.

Ridings, Aaron and Daniel Clark. "Community Schools Can Make a Difference for LGBTQ Youth." Center for American Progress, December 12, 2016. <https://www.americanprogress.org/issues/lgbtq-rights/news/2016/12/12/294803/community-schools-can-make-a-difference-for-lgbtq-youth/> (Accessed July 13, 2021).

Ring, Trudy. "Record Number of Anti-Trans Bills Introduced in States This Year." *The Advocate*, March 12, 2021. <https://www.advocate.com/transgender/2021/3/12/record-number-anti-trans-bills-introduced-states-year> (Accessed June 16, 2021).

Rosen, Danni/y. "Gender-neutral Bathrooms Are Radical, but Not How You Think." GLSEN. <https://www.glsen.org/blog/gender-neutral-bathrooms-are-radical-not-how-you-think> (Accessed April 12, 2021).

Russell, Stephen T., Katerina O. Sinclair, V. Paul Poteat, and Brian W. Koenig. "Adolescent Health and Harassment Based on Discriminatory Bias." *American Journal of Public Health* 102, no. 3 (2012): 493-495.

Russell, Stephen T. and Jessica N. Fish. "Mental Health in Lesbian, Gay, Bisexual, and Transgender (LGBT) Youth." *Annual Review of Clinical Psychology* 12 (2016): 465-487.

Ryan, Caitlin L. and Jill M. Hermann-Wilmarth. *Reading the rainbow: LGBTQ-inclusive literacy instruction in the elementary classroom* (New York: Teachers College Press, 2018).

State of Iowa. Iowa School Performance Profiles. "Conditions for Learning," 2019. <https://www.iaschoolperformance.gov/ECP/StateDistrictSchool/StateDetails?DetailType=ConditionsForLearning&y=2019>. Accessed July 13, 2021.

The Trevor Project. "The Trevor Project Research Brief: LGBTQ Youth Sports Participation" (2020). <https://www.thetrevorproject.org/wp-content/uploads/2020/06/June-2020-Brief-LGBTQ-Youth-Sports-Participation-Research-Brief.pdf>.

True Colors United. <https://truecolorsunited.org/>.

True Colors United and the National LGBTQ Task Force. *At the Intersections: A Collaborative Resource on LGBTQ Youth Homelessness*. New York: True Colors United, 2019. <https://www.glsen.org/research/aapi-lgbtq-students>.

Truong, Nhan L., Adrian D. Zongrone, and Joseph G. Kosciw, *Erasure and resilience: The experiences of LGBTQ students of color, Asian American and Pacific Islander LGBTQ youth in U.S. Schools*. New York: GLSEN, 2020. <https://www.glsen.org/research/aapi-lgbtq-students>.

Truong, Nhan L., Adrian D. Zongrone, and Joseph G. Kosciw, *Erasure and resilience: The experiences of LGBTQ students of color, Black LGBTQ youth in U.S. Schools*. New York: GLSEN, 2020. <https://www.glsen.org/research/black-lgbtq-students>.

U.S. Department of Education. *ED COVID-19 Handbook, Vol. 2: Roadmap to Reopening Safely and Meeting All Students' Needs*. Washington, DC: April 2021. <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>.

U.S. Department of Education. "Education for Homeless Children and Youths Program Non-Regulatory Guidance: Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act," (July 27, 2016 [updated March 2017]). <https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716updated0317.pdf>.

U.S. Department of Education. *Education in a Pandemic: The Disparate Impacts of COVID-19 on America's Students*. Washington, DC: 2021. <https://www2.ed.gov/about/offices/list/ocr/docs/20210608-impacts-of-covid19.pdf>.

U.S. Department of Education, "Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act-Accountability and State Plans; Final Rule," *Federal Register* 81, no. 229: 86076-86248 (November 29, 2016), p. 86196. <https://www.govinfo.gov/content/pkg/FR-2016-11-29/pdf/2016-27985.pdf>.

U.S. Department of Education. ESEA Dear Colleague Letter on State Plan Amendments from Assistant Secretary of Elementary and Secondary Education Frank Brogan (November 14, 2018). <https://www2.ed.gov/policy/elsec/leg/essa/dclassspamentmentprocessltr.pdf> (Accessed June 16, 2021).

U.S. Department of Education. ESSA Consolidated State Plans. <https://www2.ed.gov/admins/lead/account/stateplan17/index.html> (Accessed June 29, 2021).

U.S. Department of Education. "Examples of Policies and Emerging Practices for Supporting Transgender Students" (May 2016). <https://files.eric.ed.gov/fulltext/ED572043.pdf>.

U.S. Department of Education. "Letter to Educators on Title IX's 49th Anniversary: Notice of Language Assistance" (June 23, 2021). <https://www2.ed.gov/about/offices/list/ocr/correspondence/stakeholders/educator-202106-tix.pdf>.

U.S. Department of Education. "Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading" (September 27, 2016). <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartguidance.pdf>.

U.S. Department of Education. "Non-Regulatory Guidance: Student Support and Academic Enrichment Grants" (October 21, 2016). <https://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>.

U.S. Department of Education. "Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments Evidence-Based Interventions Under the ESSA" (September 16, 2016). <https://www2.ed.gov/policy/elsec/leg/essa/guidanceuseseinvestment.pdf>.

U.S. Department of Education. "Notice of Interpretation: Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*." Federal Register 86, no. 117: 32637-32640. <https://www.govinfo.gov/content/pkg/FR-2021-06-22/pdf/2021-13058.pdf>.

U.S. Department of Education. "Opportunities and Responsibilities for State and Local Report Cards under the ESEA of 1965, as Amended by the Every Student Succeeds Act" (September 2019). <https://www2.ed.gov/policy/elsec/leg/essa/report-card-guidance-final.pdf>.

U.S. Department of Education. "Request for Information on Supporting the Reopening and Continuing Operation of Schools, Colleges and Universities, and Early Childhood Education Providers." *Federal Register* 86, no. 50 (March 17, 2021): pp. 14616-14618. <https://www.govinfo.gov/content/pkg/FR-2021-03-17/pdf/2021-05588.pdf>.

U.S. Department of Education. Revised State Template for Consolidated State Plan, Appendix B (March 13, 2017). <https://www2.ed.gov/admins/lead/account/stateplan17/plans.html>. (Accessed March 3, 2021).

U.S. Department of Health and Human Services. *The National Youth Sports Strategy*. Washington, DC: 2019. https://health.gov/sites/default/files/2019-10/National_Youth_Sports_Strategy.pdf (Accessed July 13, 2021).

U.S. Department of Justice. "Application of *Bostock v. Clayton County* to Title IX of the Education Amendments of 1972." Memorandum of Principal Deputy Assistant Attorney General Pamela S. Karlan (March 26, 2021). <https://www.justice.gov/crt/page/file/1383026/download>.

Wei, Thomas and Erica Johnson. "How States and Districts Support Evidence Use in School Improvement." Institute of Education Sciences (2020). <https://ies.ed.gov/ncee/pubs/2020004/pdf/2020004.pdf> (Accessed March 20, 2021).

Whipple, Kyle S. "How Do We Make Math Class More Inclusive of Trans and Non-binary Identities?" GLSEN. <https://www.glsen.org/blog/how-do-we-make-math-class-more-inclusive-trans-and-non-binary-identities> (Accessed June 24, 2021).

Whittenberg, Tyler and Maria Fernandez. "Ending Student Criminalization and the School-to-Prison Pipeline." Advancement Project. New York: NYU Steinhardt Metropolitan Center for Research on Equity and the Transformation of Schools, 2020. <https://steinhardt.nyu.edu/metrocenter/ejroc/ending-student-criminalization-and-school-prison-pipeline> (Accessed June 24, 2021).

Wisconsin Department of Public Instruction & University of Wisconsin-Green Bay Consortium of Applied Research. "21st Century Community Learning Centers 2018-19 Annual Report" (2019). https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/DPI-Annual-Report-2018-19-Low_Res_version_for_website.pdf (Accessed March 4, 2021).

Zarrett, Nicole, Phillip Veliz, and Don Sabo. *Keeping Girls in the Game: Factors that Influence Sport Participation*. New York: Women's Sports Foundation, 2020. https://www.womenssportsfoundation.org/articles_and_report/keeping-girls-in-the-game/. (Accessed August 12, 2021)

Zongrone, Adrian D., Nhan L. Truong, and Joseph G. Kosciw. *Erasure and resilience: The experiences of LGBTQ students of color, Latinx LGBTQ youth in U.S. Schools*. New York: GLSEN, 2020. <https://www.glsen.org/research/latinx-lgbtq-students>.

Zongrone, Adrian D., Nhan L. Truong, and Joseph G. Kosciw. *Erasure and resilience: The experiences of LGBTQ students of color, Native and Indigenous LGBTQ youth in U.S. Schools*. New York: GLSEN, 2020. <https://www.glsen.org/research/native-and-indigenous-lgbtq-students>.

GLSEN[®]

glsen.org/policy