



October 12, 2021

Vanita Gupta
Associate Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Doris James
Acting Director, Bureau of Justice Statistics
U.S. Department of Justice, Office of Justice Programs
810 7th Street, NW
Washington, DC 20531

Re: Revision of Currently Approved Collection: 2022 School Crime Supplement (SCS) to the National Crime Victimization Survey (NCVS) [OMB 1121-0184; 86 FR 50558]

Dear Associate Attorney General Vanita Gupta and Acting Director Doris James:

I write to you regarding the inclusion of lesbian, gay, bisexual, transgender, queer, nonbinary, and intersex (LGBTQ+) youth in the Department's proposed data collection via the 2022 School Climate Supplement (SCS) to the National Crime Victimization Survey. The SCS includes important questions about bias-motivated bullying and hate speech. As the nation's leading organization on LGBTQ+ issues in K-12 education, GLSEN urges several revisions to the proposed SCS instrument to ensure it produces reliable and useful data on the experiences of LGBTQ+ students. Our recommendations are informed by GLSEN's Research Institute, which was the first to regularly conduct nationally representative surveys of LGBTQ+ students, having launched our biannual National School Climate Survey in 1999.

Findings from the CDC's Youth Risk Behaviors Survey demonstrate that LGTBQ+ young people experience higher rates of bullying than their non-LGBTQ+ peers.¹ GLSEN's National School Climate Survey of LGBTQ+ youth in middle and high school shows that the vast majority (86.3%) of LGBTQ+ students reported being victimized (assaulted or harassed) in the past year based on personal characteristics, such as their sexual orientation, gender identity, or gender expression.² Experiencing anti-LGBTQ+ victimization is associated with a range of adverse educational outcomes—including increased absences, lowered GPAs, and a decreased likelihood of pursuing post-secondary education—and is also associated with lower self-esteem and higher levels of depression.³

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.⁴ LGBTQ+ youth of color who experience both racist and anti-LGBTQ+ victimization were most likely to skip school due to feeling unsafe, report the lowest levels of school belonging, and experience the

highest levels of depression, compared to those who experience one or neither form of victimization.⁵ Alarmingly, 31% of Native/Indigenous LGBTQ+ youth, 21% of Black LGBTQ+ youth, and 18% of Latinx LGBTQ+ youth reported attempting suicide in the past year, which is substantially higher than the already high rates reported by their white LGBTQ+ peers (12%).⁶

Given the scope and long-term impacts⁷ of anti-LGBTQ+ bullying and harassment, GLSEN strongly supports the Department’s continued inclusion of questions within the SCS that disaggregate data by sexual orientation. However, GLSEN recommends a small revision to ensure all instances of bullying and hate speech based on sexual orientation are effectively captured. Specifically, GLSEN recommends that questions 32f and 34f, which ask about respondents’ experiences with bullying and hate speech based on their sexual orientation, respectively, be amended by replacing “by this we mean” with “such as” so that the questions read as follows:

32f. G_BULLYING_ORIENTATION

Your sexual orientation – such as gay, lesbian, bisexual, or straight?

34f. G_HATE_SEXUAL_ORIENTATION

Your sexual orientation – such as gay, lesbian, bisexual, or straight?

GLSEN’s proposed language mirrors the nonexclusive clarifying language used in questions 32c and 34c, with regard to ethnic background or national origin, and questions 32d and 34d, with regard to disability. GLSEN’s National School Climate Survey found that 75.9% of LGBTQ+ students who identify as pansexual and 66.5% who identify as queer reported experiencing victimization based on their sexual orientation.⁸ The survey’s current language (“by this we mean gay, lesbian, bisexual, or straight”) expressly excludes these students’ experiences of bullying and hate speech based on sexual orientation and could result in underreporting.

The vast majority of transgender students (83.3%) and three in four (75.2%) nonbinary students reported experiencing victimization based on their gender identity.⁹ Given how common and harmful these experiences are, GLSEN urges the Department to amend questions 32e and 34e to make them expressly inclusive of victimization experienced by gender minorities. We recommend the following language:

32e. G_BULLYING_GENDER

Your gender identity – such as being a boy, a girl, or another gender?

34e. G_HATE_GENDER

Your gender identity – such as being a boy, a girl, or another gender?

To strengthen data collection on gender-related victimization of all students, including LGBTQ+ youth, GLSEN further recommends the addition of distinct measures under 32 and 34 related to gender expression that would read as follows:

32. G_BULLYING_GENDER_EXPRESSION

The way you express your gender – such as how masculine or feminine you dress or behave?

34. G_HATE_GENDER_EXPRESSION

The way you express your gender – such as how masculine or feminine you dress or behave?

To further strengthen its data collection on anti-LGBTQ+ victimization, GLSEN urges the Department to collaborate with other agencies to develop and test measures to improve our understanding of the lived experiences of intersex youth in education systems. A recent consensus study by the National Academies of Sciences, Engineering, and Medicine noted that “[p]opulation-based data on intersex populations are generally not available at all,” calling this “a significant gap in terms of identifying and understanding the well-being of intersex populations.”¹⁰ The report recommends that federal agencies work “to develop and validate measures relevant to people with intersex traits,” including “[m]easures that evaluate the implementation of policies and practices known to be associated with positive educational environments.”¹¹ For example, the Department could explore the addition of new measures under questions 32 and 34 that asks respondents about their experience of bullying and hate speech, respectively, based on sex characteristics or intersex status.

We appreciate the efforts of the Department to ensure that all students are provided a safe, inclusive, affirming, and supportive learning environment, and the opportunity to support the Department’s efforts. To discuss the recommendations that were raised in this comment, please contact me at 202-621-5815 or aaron.ridings@glsen.org.

Sincerely,

Aaron Ridings
Interim Chief of Staff
Director of Public Policy

Notes

- ¹ Johns, M. M., Lowry, R., Haderxhanaj, L. T., Rasberry, C. N., Robin, L., Scales, L., Stone, D., & Suarez, N. A. (2020). 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(1), 19–27. <https://doi.org/10.15585/mmwr.su6901a3>.
- Earnshaw, V. A., Reisner, S. L., Juvonen, J., Hatzenbuehler, M. L., Perrotti, J., & Schuster, M. A. (2017). LGBTQ Bullying: Translating Research to Action in Pediatrics. *Pediatrics*, 140(4). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5613818/>.
- ² Kosciw, J. G., Clark, C. M., Truong, N. L., & Zongrone, A. D. (2020). The 2019 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation’s schools. New York: GLSEN. <https://www.glsen.org/research/2019-national-school-climate-survey>. (p. 28).
- ³ Kosciw et al. (2020). The 2019 National School Climate Survey. (pp. xx, 46-52). Related, the Trevor Project’s 2021 study of LGBTQ+ youth mental health, which found that 42% of LGBTQ youth seriously considered attempting suicide in the past year, including more than half of transgender and nonbinary youth. See: The Trevor Project. (2021). 2021 National Survey on LGBTQ Youth Mental Health. West Hollywood, California: The Trevor Project. <https://www.thetrevorproject.org/survey-2021/>.
- ⁴ Truong, N. L., Zongrone, A. D., & Kosciw, J. G. (2020). Erasure and resilience: The experiences of LGBTQ students of color, Asian American and Pacific Islander LGBTQ youth in U.S. Schools. New York: GLSEN. <https://www.glsen.org/sites/default/files/2020-06/Erasure-and-Resilience-AAPI-2020.pdf>. (p. 17).
- Truong, N. L., Zongrone, A. D., & Kosciw, J. G. (2020). Erasure and resilience: The experiences of LGBTQ students of color, Black LGBTQ youth in U.S. Schools. New York: GLSEN. <https://www.glsen.org/sites/default/files/2020-06/Erasure-and-ResilienceBlack-2020.pdf>. (p. 16).
- Zongrone, A. D., Truong, N. L., & Kosciw, J. G. (2020). Erasure and resilience: The experiences of LGBTQ students of color, Latinx LGBTQ youth in U.S. Schools. New York: GLSEN. <https://www.glsen.org/sites/default/files/2020-06/Erasure-and-ResilienceLatinx-2020.pdf>. (p. 17).
- Zongrone, A. D., Truong, N. L., & Kosciw, J. G. (2020). Erasure and resilience: The experiences of LGBTQ students of color, Native and Indigenous LGBTQ youth in U.S. Schools. New York: GLSEN. <https://www.glsen.org/sites/default/files/2020-06/Erasure-andResilience-Native-2020.pdf>. (p. 18).
- ⁵ Truong et al. (2020). Erasure and resilience: The experiences of LGBTQ students of color, Asian American and Pacific Islander LGBTQ youth in U.S. Schools. (p. 18).
- Truong et al. (2020). Erasure and resilience: The experiences of LGBTQ students of color, Black LGBTQ youth in U.S. Schools. (p. 17).
- Zongrone et al. (2020). Erasure and resilience: The experiences of LGBTQ students of color, Latinx LGBTQ youth in U.S. Schools. (p. 18).
- Zongrone et al. (2020). Erasure and resilience: The experiences of LGBTQ students of color, Native and Indigenous LGBTQ youth in U.S. Schools. (p. 18).
- ⁶ The Trevor Project. (2021). 2021 National Survey on LGBTQ Youth Mental Health. West Hollywood, California: The Trevor Project. <https://www.thetrevorproject.org/survey-2021/>.
- ⁷ Russell, S.T., Sinclair, K.O., Poteat, V.P., & Koenig, B.W. (2012). Adolescent health and harassment based on discriminatory bias. *American Journal of Public Health*, 102(3): 493–495.
- Birkett, M., Newcomb, M.E., & Mustanski, B. (2015). 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(3):280–285.
- ⁸ Kosciw et al. (2020). The 2019 National School Climate Survey. (p. 89).
- ⁹ Kosciw et al. (2020). The 2019 National School Climate Survey. (pp. 94, 96).
- ¹⁰ National Academies of Sciences, Engineering, and Medicine. (2020). Understanding the Well-Being of LGBTQI+ Populations (pp. 54, 67). Washington, DC: The National Academies Press. <https://doi.org/10.17226/25877>.
- ¹¹ National Academies of Sciences, Engineering, and Medicine. (2020). Understanding the Well-Being of LGBTQI+ Populations (pp. 402-03). Washington, DC: The National Academies Press. <https://doi.org/10.17226/25877>.