

October 6, 2021

Honorable Miguel Cardona
Secretary of the U.S. Department of Education
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Re: Recommendations for Advancing Equity Inclusive of LGBTQ+ Equity under the Every Student Succeeds Act (ESSA) and ARP ESSER

Dear Secretary Cardona,

Lesbian, gay, bisexual, transgender, queer, nonbinary, and intersex, (LGBTQ+) youth and educators face substantial barriers to full and equitable inclusion in our nation’s K-12 learning communities, particularly those who experience intersecting marginalization as Black, Indigenous, people of color, and people with disabilities. As the leading organization on LGBTQ+ issues in K-12 education, we are grateful for the U.S. Department of Education’s recent efforts to dismantle these barriers. The express and clear affirmation 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”¹ and acknowledgement of the disparate impact of the COVID-19 pandemic on LGBTQ+ young people² are meaningful steps towards addressing deep-rooted inequities.

As the Department moves forward with work that aligns with President Biden’s Executive Orders on implementing the landmark *Bostock* ruling, advancing gender equity and equality, and advancing racial equity and support for underserved communities,³ we ask the Department to advance equity inclusive of LGBTQ+ equity through improved guidance and resources related to the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA) and Covid-19 relief spending (ESSER I/II/III and ARP).

ESSA provides broad goals, flexible funding, and important accountability mechanisms to promote equity for all students. Yet GLSEN’s recent report, [States’ Use of the Every Student Succeeds Act \(ESSA\) to Advance LGBTQ+ Equity](#), suggests that SEAs have largely overlooked ESSA as a resource for addressing disparities in K-12 education systems.⁴ Current State Plans and guidance from SEAs seldom mention LGBTQ+ equity, and even more rarely identify specific activities to advance LGBTQ+ equity. Only six states —California, DC, Pennsylvania, New York, Oregon, and Rhode Island — indicate specific statewide activities or local activities to advance LGBTQ+ equity beyond those identified by federal guidance. The lack of attention to equity inclusive of LGBTQ+ equity is particularly concerning for LGBTQ+ students who are Black, Indigenous, people of color (BIPOC), people with disabilities, or otherwise at the intersection of two or more communities that experience marginalization.

ARP ESSER-Eligible Activities for LGBTQ+ Equity

We welcome the Department’s inclusion of language encouraging SEAs to address LGBTQ+ equity in the American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) State Plan template. The template asks for states to describe their “2-3 highest priority academic, social, emotional, and/or mental health needs” for various student groups, including “Other groups disproportionately impacted by the pandemic that have been identified by the SEA, (e.g., LGBTQ+ students).”⁵ This is an important first step that we hope the Department will build on in future guidance under both ARP ESSER and ESSA.

Any additional ARP ESSER guidance should encourage LEAs to use funds—including the line items on addressing learning loss and for youth experiencing homelessness—to support LGBTQ+ inclusive equity efforts, including by:

- Targeting, or otherwise ensuring the **accessibility and effectiveness of school programs**, for LGBTQ+ and other youth who experience marginalization, including:
 - Mental health and other school-based wraparound support services;
 - Classroom or remote instruction;
 - Extracurricular, afterschool, and other out-of-school time programs, including sports and athletics;
 - Student, parent, and family outreach and engagement; and
 - Collaboration with communities that experience marginalization on State Plans.
- Ensuring that **teacher training and professional development** activities address supporting the social and emotional learning and other needs of LGBTQ+ and all youth who experience marginalization.

Each of these topics are discussed further in our ESSA recommendations that are included below.

Allowable Uses Under ESSA to Advance LGBTQ+ Equity

The Department should issue updated ESSA guidance and resources for SEAs and LEAs to comprehensively advance intersectional, LGBTQ+ inclusive equity efforts. The Department should highlight these opportunities throughout its ESSA guidance and publications, including a revised ESSA State Plan template. Additionally, the Department should consider issuing a dedicated resource, such as a handbook, focused on promoting LGBTQ+ equity under ESSA and ARP/ESSER. In its guidance documents, the Department should highlight the wide range of ESSA funding lines and types of activities that can be used to promote equity for LGBTQ+ and other youth who experience marginalization. GLSEN’s resources can help inform this work, including GLSEN’s [model policies](#), [inclusive curriculum guide](#), [policy issue briefs](#), [recommendations for SEAs](#), and our report, [States’ Use of the Every Students Succeeds Act \(ESSA\) to Advance LGBTQ+ Equity: Assessment of State Plans and Recommendations](#), which includes spotlights on states that are advancing LGBTQ+ Equity under ESSA and GLSEN’s detailed recommendations for advancing equity inclusive of LGBTQ+ equity under ESSA.

GLSEN urges the Department to address the following key areas in revised or additional ESSA guidance and other topical guidance, as appropriate:

- **Policy review and development.** The Department acknowledges that setting strong policies is integral to all Title programs.⁶ ESSA guidance has previously recognized that policy review and development should be considered as a part of all ESSA activities.⁷ SEAs and LEAs can use ESSA fund—including under Titles I, II-A, IV-A, and IV-B—to review and develop policies in areas such as nondiscrimination, bullying and harassment, discipline, dress or grooming codes, and student privacy to ensure these policies promote equity for students who are LGBTQ+, BIPOC, and people with disabilities. Additionally, the Department should encourage SEAs and LEAs to develop policies to support transgender, nonbinary, and intersex students, is currently available in over a dozen states.⁸
- **Educator and staff supports, including supports for LGBTQ+ staff.** ESSA supports increasing educator and staff readiness, retention, leadership, diversity, and inclusion. Yet GLSEN’s research has found many teachers are unprepared to support LGBTQ+ students, and LGBTQ+ educators often feel unsafe and unsupported themselves.⁹ Prior Department guidance has generally noted that Title II-A funds can be used to support building and sustaining a diverse workforce and improve conditions for LGBTQ+ educators and youth in schools.¹⁰ Future guidance can be strengthened by providing additional examples of how Title II-A can be used to foster safe, welcoming schools for LGBTQ+ youth and educators, including through training and professional development, policy review and development, technical assistance and programming resources, and efforts to support employee resource groups and leadership development opportunities for LGBTQ+ and educators and staff who identify as members of communities that experience marginalization.¹¹ Building on prior Title II guidance, the Department should make clear that these activities can include efforts to strengthen teacher preparation, licensing, and certification standards to ensure readiness, promote equity, and support LGBTQ+ and other youth who experience marginalization.¹²
- **Curricular standards, library, and other academic supports.** GLSEN’s research shows that LGBTQ+ students who attend schools with curriculum that is inclusive of LGBTQ+ people, history, and events experience a better school climate and improved academic outcomes.¹³ SEAs and LEAs can use ESSA funds, including under Titles II-B-3 and IV-A, to review and develop LGBTQ+ inclusive curricular standards (SEAs) or curricular content and materials (LEAs) across subject areas,¹⁴ including but not limited to: history and civics, health and sex education, humanities, English language learning, and STEM.¹⁵ School libraries should offer inclusive content in which LGBTQ+ and other youth who experience marginalization are able to see themselves and their potential represented.¹⁶ SEAs and LEAs can use ESSA funds to acquire LGBTQ+ inclusive library materials, such as books and online content, and support LGBTQ+ inclusive library programming.¹⁷ SEAs and LEAs can also use ESSA funds to connect LGBTQ+ and other youth who experience marginalization with effective mentoring and academic counseling, not only through expanding services overall but through professional development, targeted services, outreach, and community collaboration focused on supporting LGBTQ+ young people.¹⁸

- **Family engagement.** Family acceptance is a critical factor in LGBTQ+ students' well-being and success, and the absence of acceptance is associated with increased risk for outcomes such as experiencing homelessness. School and community interventions can improve outcomes by engaging families and supporting acceptance of LGBTQ+ youth who are family members. SEAs and LEAs can use ESSA funds, including under Titles I, IV-A, and IV-E, to ensure appropriate engagement of families of LGBTQ+ students, including through targeted outreach and programming. Schools and districts can also collaborate with community organizations, such as a [PFLAG Chapter](#), to promote family acceptance.
- **Suicide prevention activities.** CDC data show startlingly high suicidality among LGBTQ+ youth, especially transgender youth. Research conducted by the Trevor Project demonstrates that the COVID-19 pandemic has exacerbated this well-documented crisis.¹⁹ SEAs and LEAs can use ESSA funds, including under Titles I, II, and IV-A, to support training, technical assistance, policy development (including implementing the American Foundation for Suicide Prevention's Model School District Policy on Suicide Prevention),²⁰ teacher resources, curriculum development and materials at the school and local levels, extracurricular programs, and community collaborations with a focus on effective LGBTQ+ mental health services that must include suicide prevention.²¹
- **Effective and trauma-informed practices in classroom management.** GLSEN's research reveals that many educators are not sufficiently equipped or supported to maintain safe and inclusive classroom environments for LGBTQ+ students, including intervening in incidences of discrimination, bullying and harassment and supporting students experiencing trauma or suicidality.²² SEAs and LEAs can use Title II and Title IV funds to create targeted efforts that will ensure safety and equity for LGBTQ+ students. For example, inclusive educator resources and training, technical assistance, specialized support staff, and community partnerships with LGBTQ+ affirming health and service providers may be funded under Titles II, Part A and IV.²³
- **Supporting LGBTQ+ affirming student groups and student leadership.** LGBTQ+ affirming clubs, such as Gender-Sexuality Alliances or Gay-Straight Alliances (GSAs), and student leadership opportunities have both been shown to benefit student wellness and educational attainment.²⁴ Some SEAs and LEAs provide targeted resources and technical assistance for schools to support GSAs, and Massachusetts has a statewide GSA Student Leadership program.²⁵ States may also clearly communicate students' right to form a GSA as Connecticut has done under the Equal Access Act.²⁶ SEAs and LEAs can use funds, including under Titles II-A and IV-A and B, to support LGBTQ+ affirming student groups and student leadership.²⁷
- **Safe and inclusive extracurricular, afterschool, and other out-of-school time (OST) programs, including sports and athletics.** Extracurricular and OST programs have demonstrated academic and well-being benefits for all youth, including LGBTQ+ youth.²⁸ LGBTQ+ students who experience societal stigma, unwelcoming homes, or who are homeless²⁹ may gain access to critical supports that promote resilience and educational attainment through LGBTQ+ inclusive extracurricular programming during non-school

hours.³⁰ Unfortunately, LGBTQ+ students are less likely to participate and often face harassment when they do.³¹ This is especially true for transgender, nonbinary, and intersex youth.³² GLSEN's and other research show clear harms to student achievement, health, and well-being from efforts to prohibit discussion of LGBTQ+ people or identities (so-called "No Promo Homo" laws);³³ to require invasive sex testing procedures;³⁴ or otherwise exclude transgender, nonbinary, and intersex students from school facilities or activities.³⁵ ESSA guidance, including Title IV guidance, should expressly discourage, and promote alternatives to exclusionary athletic and other extracurricular or OST policies, clarifying that these discriminatory policies are not evidence-based and providing information on civil rights obligations under Title IX and other laws. SEAs and LEAs can use Title IV Parts A, B, and F funds to promote equitable access to afterschool and extracurricular programs for LGBTQ+ students, including through program or policy development, targeted outreach or programming, training, community collaborations, and participating in statewide or national reform efforts for inclusive athletic participation standards.³⁶ For example, Wisconsin's SEA provided technical assistance to LEA recipients of Title IV, Part B grants for 21st Century Community Learning Centers.³⁷

- **Improving forms, records, and IT systems.** In adopting ESSA, Congress stated that “the responsibility to protect students’ personally identifiable information is more important than ever,” and “[t]he Secretary has the responsibility to ensure every entity that receives funding under this Act holds any personally identifiable information in strict confidence.”³⁸ The Department’s Office of Civil Rights (USED OCR) has previously recognized that certain name and gender-related information may be sensitive and protected by FERPA and Title IX,³⁹ and USED OCR should provide updated guidance in this area. Some SEAs and LEAs may need to revise policies to give students access to systems where they can make name or gender changes or, if applicable, to enable educators to confidentially maintain required enrollment information that is not consistent with a student’s gender identity. As discussed above, policy review and development can be funded under ESSA.⁴⁰ SEAs and LEAs can use Title II-A and IV-A funds to support implementing IT infrastructure changes and training staff on procedures to protect student privacy.⁴¹
- **Supporting LGBTQ+ youth who experience homelessness.** LGBTQ+ youth are more than twice as likely (120% more likely) to experience homelessness, compared to non-LGBTQ+ youth, making it all the more important for this data collection to expressly include LGBTQ+ youth.⁴² The Department has previously encouraged agencies to consider LGBTQ+ youth needs when reviewing policies that may pose barriers for youth experiencing homelessness,⁴³ however GLSEN found that only two SEAs (DC and Nevada) address LGBTQ+ youths’ overrepresentation among homeless students in their State Plan or guidance to LEAs (as of June 2021). SEAs and LEAs may use Title I-A and McKinney-Vento Act funds for targeted outreach, programming, evaluation, training, and collaborations with LGBTQ+ community groups to ensure they effectively serve LGBTQ+ youth experiencing homelessness.⁴⁴
- **School based wraparound support services, including mental health services.** LGBTQ+ youth face substantial disparities in mental health, and school environments can be either a risk or a protective factor. GLSEN’s research shows that school counselors, psychologists, and

social workers have an important role to play in promoting student wellness and educational attainment, but that many received little or no relevant training and are not fully equipped to provide these supports.⁴⁵ SEAs and LEAs can use ESSA funds to expand and improve in-school mental health and other school based wraparound support services, including training and professional development and targeted outreach or services to meet the needs of LGBTQ+ students; collaborating with LGBTQ+ affirming health centers or providers; and participating in efforts to strengthen professional education, licensing, and certification standards.⁴⁶

- **Restorative, trauma-informed school discipline best practices.** ESSA requires that school safety interventions be, at minimum, evidence-informed and that school improvement interventions under Title I, Section 1003 be more rigorously evidence-based. A large and growing body of evidence demonstrates that school-based law enforcement “does not... mak[e] schools safer overall”⁴⁷ and is associated with deepening inequities for students of color, students with disabilities, and LGBTQ+ students.⁴⁸ Programs that arm adults with weapons are also unsupported by evidence and raise equity concerns.⁴⁹ The Department should caution SEAs and LEAs that the evidence does not support placing law enforcement in schools to improve safety and communicate how Title I and Title IV funds can be used to support social emotional learning, restorative approaches to discipline, and trauma-informed training for staff. The Department should also support and conduct research to elevate the potential impacts of school-based law enforcement and weapons in school, including on LGBTQ+ and other students who experience marginalization, including how the effects of school-based law enforcement and/or weapons in school compare to restorative, trauma-informed prevention approaches.
- **Community collaborations.** Several LEAs have successfully leveraged ESSA funding to support programs and services for LGBTQ+ students through collaborations with community organizations.⁵⁰ LEAs can use Title I-A, IV-A, or IV-F funds to support collaborations with LGBTQ+ affirming community centers, health centers, or other community groups.⁵¹ For example, the Schools Uniting Neighborhoods (SUN) Community Schools Program of Multnomah County, Oregon, contracted with the Sexual & Gender Minority Youth Resource Center, or SMYRC, for more than a decade to provide culturally competent services to students and educators, including counseling, support groups, and community building activities.⁵²
- **Dedicated LGBTQ+ equity offices, programs, and needs assessments.** Several SEAs, including Illinois, Oregon, and the District of Columbia have developed comprehensive, community-informed LGBTQ+ equity plans or recommendations to guide efforts at the state and local to advance intersectional equity in education systems.⁵³ Some SEAs, such the District of Columbia, have also established standing LGBTQ+ offices and programs to provide resources, technical assistance, and programming for LEAs, educators, and students. The Department should make clear that SEAs and LEAs can use Title I and Title IV-A funds, among other options to support these efforts.⁵⁴
- **Using evidence to identify and develop intersectional, LGBTQ+ inclusive equity best practices.** ESSA encourages, and in some cases requires, that ESSA-funded activities be evidence-based.⁵⁵ Fortunately, there is a strong and rapidly growing evidence base supporting

a wide range of efforts to advance LGBTQ+ inclusive intersectional equity. For example, data from sources such as GLSEN’s National Climate Survey⁵⁶ and accompanying state snapshots, as well as the CDC’s Youth Risk Behavior Surveillance System (YRBSS) survey provides at “promising evidence” (Tier 3) evidence, according to the Department’s guidance. ESSA guidance should assist SEAs and LEAs by identifying GLSEN’s National School Climate Survey, YRBSS findings, and other key studies and resources for using evidence for LGBTQ+ equity efforts.

ESSA Reporting, Data, and Accountability to Advance LGBTQ+ Equity

The Department should promote inclusion of LGBTQ+ equity considerations in all aspects of ESSA-required or supported needs assessments, including surveys, interviews or focus groups, community collaborations, and policy reviews. Prior Department guidance has recognized that state and local report cards may include Civil Rights Data Collection (CRDC) data on sex and sexual orientation-based bullying and harassment.⁵⁷ GLSEN supports this guidance while urging the Department to first add CRDC questions on bullying and harassment based on gender identity and then similarly communicate that state and local report cards can include results disaggregated by gender identity.

To date, no states have included LGBTQ+ inclusive data in their ESSA state report cards despite the opportunity to do so.⁵⁸ Of the nine states that use climate surveys to measure a School Quality and Student Success (SQSS) indicator, no state includes voluntary demographic questions on sexual orientation and gender identity that would enable respondents to self-identify, despite survey methods that can ensure student privacy and confidentiality. Two states—Kentucky and Maryland—ask questions about experiences of bullying and harassment based on actual or perceived sexual orientation, but include no similar questions regarding bullying and harassment based on actual or perceived gender identity.

The Department should update its guidance on the use of surveys for ESSA purposes by:

- Communicating that SEAs can and should publicly report survey data on LGBTQ+ and other student groups that are not designated as Title I accountability subgroups in annual ESSA report cards.
- Explaining how anonymous climate surveys provide SEAs and LEAs the data that is needed to identify inequities and areas for improvement, and can play a particularly important role in the absence of other data collection to promote accountability for the educational outcomes of students who experience marginalization, including LGBTQ youth.
- Encouraging SEAs and LEAs to use Title IV-A or other funds to develop, pilot, coordinate, or administer climate surveys of students, staff, and parents/family guardians, including LGBTQ+ inclusive demographic questions that enable respondents to self-identify their sexual orientation and gender identity, questions regarding bullying and harassment based on sexual orientation and gender identity, and other school climate questions, such as questions regarding the availability of GSAs and other supportive student groups.⁵⁹

- Providing best practices for analyzing and reporting LGBTQ+ inclusive climate survey results, including steps to ensure students privacy and confidentiality is protected.
- Encouraging SEAs to adopt LGBTQ+ inclusive climate survey components to measure a Title I SQSS indicator, such as “school climate” or “conditions for learning.”

Further, **the Department should provide SEAs and LEAs with additional tools and resources to support data collection, needs assessments, and accountability for the educational outcomes of LGBTQ+ youth and the experiences of LGBTQ+ educators.** In addition to gaps in the CRDC, the Department’s School Climate Surveys (EDSCLS) includes no demographic measures of sexual orientation or gender-identity expressly inclusive of transgender and nonbinary individuals. While the EDSCLS includes questions about teasing and communicating respect that enumerate sexual orientation, there are no corresponding questions regarding gender identity.⁶⁰ The *School Climate Improvement Resource Package* that is sponsored by the Department includes only two resources that minimally address LGBTQ+ equity⁶¹: the EDSCLS (discussed above) and the School Climate Improvement Reference Manual, which urges administrators to ensure participants in focus groups and interviews “represent as many subgroups (e.g., race/ethnicity; English learners; and students who identify as lesbian, gay, bisexual, and transgender) of the population as possible.”⁶² The Department should take additional steps to support SEAs and LEAs in building in accountability to LGBTQ+ young people and educators, including:

- Adding a strong and explicit focus on intersectional, LGBTQ+ inclusive equity in Equity Assistance Center grants and other Technical Assistance Center grants in FY22 and beyond.⁶³
- Strengthening CRDC measures to address LGBTQ+ equity on measures of bias-motivated bullying and harassment and overall climate, as well including an assessment of affirming local policies.⁶⁴
- Adding LGBTQ+ equity measures to the Department’s School Climate Surveys (EDSCLS), including LGBTQ+ demographic measures, a question about bullying or harassment based on gender identity, and a question about whether the school communicates respect for people of all gender identities.
- Disseminating resources on best practices for data collection, needs assessments, and accountability for LGBTQ+ equity, including through the National Center on Safe Supportive Learning Environments.

Finally, **the Department should ensure that its data collection on states’ uses of ESSA, ARP-ESSER, and other Department funds is LGBTQ+ inclusive,** including by:

- Clarifying that students’ self-identified gender should be used for the purpose of ESSA Title I and other Department requirements to report disaggregated data.
- Enumerating lesbian, gay, bisexual, transgender, queer, nonbinary, and intersex (LGBTQ+) students as among those disproportionately impacted by COVID-19 in the proposed form for collecting data from recipients of Elementary and Secondary School Emergency Relief Funds (ESSER I, ESSER II, and ARP ESSER).⁶⁵
- Incorporating LGBTQ+ equity measures in annual data collection from recipients of ESSA funds⁶⁶ and in all of the Department’s national studies of ESSA programs, including the recently proposed study of the 21st Century Community Learning Centers program (Title IV, Part B).⁶⁷ In addition to the measures described above, the Department should

consider questions for educators regarding training or professional development to foster safe, welcoming schools for LGBTQ+ youth.

- Collaborating with other agencies to develop and test measures to improve understanding of the lived experiences and impacts of intersex youth in education systems.

Equity Assurances under GEPA Section 427

Current guidance for General Education Provisions Act (GEPA) equitable access assurances suggests, among several examples, that an applicant “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.”⁶⁸ Our review of all 52 ESSA State Plans and state guidance to LEAs indicates only six states—California, DC, Pennsylvania, New York, Oregon, and Rhode Island—identify specific types of activities they were pursuing to support LGBTQ+ equity beyond that copied directly from Department guidance on ESSA Title II, Part A (11 states) or the McKinney-Vento Act (New Mexico). Many states also copy-pasted or simply retained the Department’s GEPA guidance that was included in the Departments’ revised State Plan Template in their final ESSA State Plans.

Given how impactful the Department’s guidance can be, providing new or additional examples of how SEAs and LEAs can demonstrate compliance with GEPA could help encourage innovation. For example, 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.”⁶⁹

The Department should update guidance on equitable access assurances under GEPA section 427 by:

- Clarifying that “based on gender” under GEPA includes based on sexual orientation, gender identity, transgender status, or sex characteristics, consistent with the Supreme Court’s *Bostock* ruling;⁷⁰ and,
- Providing different or additional examples of steps to ensure equitable access for LGBTQ+ students, such as strengthening curricular standards, providing in-school wraparound support services, forming community collaborations, supporting the formation and accessibility of GSAs and employee resource groups regardless of in-person or remote status, and developing an LGBTQ+ state equity plan in collaboration with youth, families, and educators, particularly those who are from communities that experience marginalization.

GLSEN Resources

The following resources can assist in creating revised and new ESSA, ARP/ESSER, and topical guidance that advances intersectional LGBTQ+ equity. GLSEN’s report (enclosed), [States’ Use](#)

[of the Every Students Succeeds Act \(ESSA\) to Advance LGBTQ+ Equity: Assessment of State Plans and Recommendations](#), describes how each of these resources can support specific activities and programs under ESSA that promote safe, welcoming schools where all young people can thrive and reach their full potential.

- 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](#)

We thank the Department for considering these recommendations and resources. To discuss GLSEN's recommendations, please contact me at 202-621-5815 or aaron.ridings@glsen.org.

Sincerely,

Aaron Ridings, MPA
Interim Chief of Staff
Director of Policy

Notes

¹ 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>.

² 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>. (pp. 1, 27-30, 45-48).

U.S. Department of Education. ED COVID-19 Handbook, Vol. 2: Roadmap to Reopening Safely and Meeting All Students’ Needs. Washington, DC: February 2021 (Updated April 2021).

<https://www2.ed.gov/documents/coronavirus/reopening.pdf>. (p. 1).

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>. (pp. 9, 12, 14.)

U.S. Department of Education. ED COVID-19 Handbook, Vol. 2: Volume 3: Strategies for Safe Operation and Addressing the Impact of COVID-19 on Higher Education Students, Faculty, and Staff. Washington, DC: June 2021. <https://www2.ed.gov/documents/coronavirus/reopening-3.pdf>. (p. 47).

³ Executive Order 13985 of January 20, 2021 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government). 86 Fed. Reg. §14 (January 25, 2021). <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf>.

Executive Order 13988 of January 20, 2021 (Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation). 86 Fed. Reg. §14 (January 25, 2021). <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01761.pdf>.

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). 86 Fed. Reg. §46 (March 11, 2021).

<https://www.govinfo.gov/content/pkg/FR-2021-03-11/pdf/2021-05200.pdf>.

⁴ 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>.

⁵ US Department of Education. (April 21, 2021). State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund (p.4).

⁶ See, e.g., ESEA §§ 1103(e)(1)(F) (requiring description of how LEAs will modify policies to achieve its improvement plan), 1116 (requiring family engagement policies), 1603(a) (requiring SEAs to ensure their rules and policies conform to Title I goals), 2212(e)(2)(E) (authorizing funding for policy development to improve staff recruitment, readiness, and retention), 4202(c)(3)(G) (authorizing funding for policy development to support community learning centers); McKinney-Vento Act 722(g)(1)(I) (requiring policy reviews to eliminate barriers for homeless students).

⁷ See, e.g., US Department of Education. (June 2019). Title IV, Part A Local Educational Agency (LEA) Needs Assessment Tool (2019).

US Department of Education. (October 2016). Non-Regulatory Guidance Early Learning in the Every Student Succeeds Act.

⁸ GLSEN. (2021). Policy Maps. Available at <https://www.glsen.org/policy-maps>.

GLSEN. (Sept. 2020). Model Local Education Agency Bullying and Harassment Prevention Policy.

<https://www.glsen.org/activity/model-district-anti-bullying-harassment-policy>.

⁹ GLSEN. (2020). Supporting LGBTQ Students by Protecting LGBTQ Teachers (Research Brief). New York: GLSEN.

¹⁰ US Department of Education. (September 27, 2016). Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading (p. 19).

¹¹ See, e.g., ESEA § 2101(c)(4)(B)(v).

¹² US Department of Education. (September 27, 2016) Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading (p. 9).

¹³ 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.

¹⁴ ESEA §§ 2233, 4107.

US Department of Education (April 19, 2021). Proposed Priorities-American History and Civics Education, 86 FR 20348

¹⁵ GLSEN. (2019). Developing LGBTQ-Inclusive Classroom Resources. <https://www.glsen.org/activity/inclusive-curriculum-guide>.

¹⁶ Bannister, M.E. (2020). School Library as a Safe Harbor for LGBTQ Students and Families. *Knowledge Quest: Journal of the American Association of School Librarians*, 48(3):E1-E6.

¹⁷ ESEA §§ 1112(b)(13)(b), 2101(c)(4)(B)(vii)(10), 2103(b)(12), 2226(a)(1).

¹⁸ See, e.g., ESEA §§ 4108(5)(A)(ii), (C)(v), and (F)(iii), 4205(a)(1).

¹⁹ CDC (2020) Youth Risk Behavior Survey Data Summary & Trends Report 2009-2019 (2020).

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²⁰ American Foundation for Suicide Prevention, American School Counselor Association, National Association of School Psychologists & The Trevor Project (2019). *Model School District Policy on Suicide Prevention: Model Language, Commentary, and Resources* (2nd ed.). New York: American Foundation for Suicide Prevention.

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