Advancing LGBTQ+ Inclusive Equity through COVID-19 Relief Funds

LGBTQ+ Youth and the COVID-19 Pandemic

The COVID-19 pandemic created unique challenges for lesbian, gay, bisexual, transgender, nonbinary, and intersex (LGBTQ+) youth. LGBTQ+ youth—particularly those who are transgender, nonbinary, Black, Indigenous, people of color (BIPOC), and people with disabilities—experienced discrimination and multiple barriers in K-12 education systems before COVID-19, and these unequitable conditions were exacerbated by the pandemic.

For LGBTQ+ young people who experience rejection from family members or who are not yet out to their family, **social distancing and virtual learning can mean increased time in unsupportive and even violent home environments**.[2] For many, social distancing and virtual learning meant **less access to supportive school programming**, including school-based mental health programs and Gender-Sexuality Alliances or Gay-Straight Alliances (GSAs).[3] While inclusive online communities and virtual programming can offer invaluable supports,[4] GLSEN's research shows that **LGBTQ+ youth experience higher rates of online bullying than their non-LGBTQ+ peers** (42% vs 15%), which is associated with lower academic success and well-being.[5] For LGBTQ+ youth who are BIPOC and people with disabilities these challenges often intersect with others, such as inadequate or inaccessible school-based wraparound supports.[6]

> **A 2021 SURVEY OF LGBTQ+ YOUTH AGED 13-17 FOUND:**
>
> **72%** reported that their mental health was "poor" most or all of the time during the pandemic
>
> **81%** reported experiencing a more stressful living situation due to COVID-19[1]

As LGBTQ+ youth return to in-person instruction, they bring with them the ongoing impacts of the COVID-19 pandemic on their mental health, their families and home-life, and their communities. For LGBTQ+ students who found relief from discriminatory practices, such as being misgendered, in virtual learning—and for all students who experience marginalization—we must do better than return to a pre-pandemic normal. Advancing racial, gender, and disability justice outcomes in K-12 education systems requires holistic approaches that protect LGBTQ+ students from discriminatory practices and policies, as well as the proactive addition of supports, including mental health services.[7] Prioritizing social emotional learning and restorative practices will also be critical as students grieve and grapple with changes the COVID-19 pandemic brought about in their lives.

COVID-19 Relief Funds for K-12 Education Systems: ESSER, ESSER I, ESSER II, and ARP ESSER

Congress allocated over $189 billion to the Elementary and Secondary School Emergency Relief (ESSER) fund to assist state and local education agencies to prevent, prepare for, and respond to COVID-19.[8]

- The **Coronavirus Response and Relief Supplemental Appropriations Act** (CARES) Act of 2020 established the ESSER fund and funded it at $13.2 billion (ESSER I).

- The **Coronavirus Response and Relief Supplemental Appropriations Act** (CRRSA) of 2020 directed an additional $54.3 billion to the ESSER fund (ESSER II).

- The **American Rescue Plan** (ARP) Act of 2021 contributed $122 billion to the ESSER fund (ARP ESSER). ARP separately allocated $800 million to support students experiencing homelessness (ARP-HCY).

At least 90% of ESSER grants to State Education Agencies (SEAs) are reallocated as sub-grants to Local Education Agencies (LEAs). SEAs may retain 10% of ESSER funds for state-level programs and activities.

Any programs or activity authorized by the Every Student Succeeds Act (ESSA) that addresses the impacts of COVID-19 is an authorized use of ESSER funds.[9] Additional activities and programs related to COVID-responsiveness are also authorized uses of ESSER funds. These may include trainings or facility repairs to improve sanitation, preparedness planning and coordination, and prevention of staff layoffs.

ARP ESSER requires SEAs and LEAs to fund evidence based[10] practices that support students' social, emotional, mental health, and academic needs and address the disproportionate impact of COVID-19 on students from low-income families, youth of color, English learners, young people with disabilities, students experiencing homelessness, youth in foster care, and migratory students. Specifically:

- SEAs must reserve 5% of ARP ESSER grants for programs that address learning loss, 1% for summer enrichment programs, and 1% for comprehensive afterschool programs.
- LEAs must reserve 20% of ARP ESSER sub-grants for programs that address learning loss, which can include summer and afterschool programs.

The U.S. Department of Education acknowledged the disparate impact of the COVID-19 pandemic on LGBTQ+ young people in its COVID-19 related guidance and **SEAs and LEAs have discretion to use COVID-19 relief funds in ways that advance LGBTQ+ inclusive equity**.[11]

Using COVID-19 Relief Funds to Advance Equity Inclusive of LGBTQ+ Equity

SEAs and LEAs can ensure the accessibility and effectiveness of school programs for LGBTQ+ and other youth who experience marginalization. Due to the particular impacts of COVID-19 and GLSEN's finding on the **four supports** that make the greatest difference for LGBTQ+ students, GLSEN urges SEAs and LEAs to ensure inclusive, equitable, LGBTQ+ affirming programming in the following areas:

- Mental health and other school-based wraparound support services;
- Classroom or remote instruction;
- Summer, afterschool, and other out-of-school time programs, including GSAs and peer networks of support; and
- Educator training and professional development.

GLSEN's 2021 report, States' Use of the Every Student Succeeds Act (ESSA) to Advance LGBTQ+ Equity, provides detailed recommendations on how SEAs and LEAs can leverage ESSA to advance equity inclusive of LGBTQ+ equity in each of the areas highlighted above. Because any activity or program authorized by ESSA that prevents, prepares for, or responds to the COVID-19 pandemic is an authorized use of ESSER funds, SEAs and LEAs can apply **GLSEN's recommendations and resources related to ESSA** as they develop and implement COVID-19 relief funded programs.

COVID-19 relief funds can SUPPORT POLICY REVIEW AND DEVELOPMENT, including anti-bullying polices that enumerate vulnerable students and address cyberbullying.[12]

LEAs may also use ARP ESSER funds for renovation, repairs, and construction that are necessary and reasonable to prevent, prepare for, and respond to COVID-19.[13] LEAs making improvements to school bathrooms or locker rooms should consider gender neutral or all-user facilities. All-user facilities have been implemented in K-12 schools to enhance student privacy and improve sanitation through an easier to supervise and maintain communal handwashing area.[14] All-user facilities may also reduce instances of bullying.[15]

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Notes

[1] The Trevor Project, National Survey on LGBTQ Youth Mental Health 2021, "Covid-19" (2021). **https://www.thetrevorproject.org/survey-2021/?section=Covid19**.

[2] Salerno, J. P., Williams, N. D., Gattamorta, K. A. (2020). LGBTQ populations: Psychologically vulnerable communities in the COVID-19 pandemic. Psychological Trauma: Theory, Research, Practice and Policy 12, Suppl 1. doi:10.1037/tra0000837.
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[3] Fish et al.; Salerno et al.

[4] Fish et al.; The Trevor Project. (2020). Implications of COVID-19 for LGBTQ Youth Mental Health and Suicide Prevention. **https://www.thetrevorproject.org/2020/04/03/implications-of-covid-19-for-lgbtq-youth-mental-health-and-suicide-prevention/**.

[5] GLSEN, CiPHER, & CCRC (2013). Out online: The experiences of lesbian, gay, bisexual, and transgender youth on the internet. New York: GLSEN. Available at **https://www.glsen.org/news/out-online-experiences-lgbt-youth-internet**.

[6] Quirk, Abby. (July 7, 2020). Mental Health Support for Students of Color During and After the Coronavirus Pandemic. **https://www.americanprogress.org/issues/education-k-12/news/2020/07/28/488044/mental-health-support-students-color-coronavirus-pandemic/**

[7] Byard, E., Willingham-Jaggers, M. (October 19, 2020). As LGBTQ Students, Especially Those of Color, Head Back to School, They Must Be Kept Safe — & Not Just From COVID-19. The 74. **https://www.the74million.org/article/as-lgbtq-students-especially-those-of-color-head-back-to-school-they-must-be-kept-safe-not-just-from-covid-19/**.

[8] U.S. Department of Education. (May 2021). Frequently Asked Questions: Elementary and Secondary School Emergency Relief Programs and Governor's Emergency Education Relief Programs. Washington, DC. **https://oese.ed.gov/files/2021/05/ESSER.GEER_.FAQs_5.26.21_745AM_FINALb0cd6833f6f46e03ba2d97d30aff953260028045f9ef3b18ea602db4b32b1d99.pdf**. (p. 9).

[9] U.S. Department of Education. (May 2021). Frequently Asked Questions. (p. 10). ESSA amended the Elementary and Secondary Education Act (ESEA). Activities and programs authorized by the McKinney-Vento Homeless Assistance Act, the Individuals with Disabilities Education Act (IDEA), the Adult Education and Family Literacy Act, and the Perkins CTE Act are also authorized uses of ESSER funds.

[10] ARP ESSER defines "evidence-based" as having the meaning in section 8101(21) of the Elementary and Secondary Education Act as amended by ESSA. See: Washick, B., Tobin, H. J., Ridings, A., Juste, T. (2021). States' Use of the Every Students Succeeds Act to Advance LGBTQ+ Equity: Assessment of State Plans and Recommendations. DC: GLSEN. Available at **https://www.glsen.org/essa-implementation**. (p. 38).

[11] U.S. Department of Education. (2021). Education in a Pandemic: The Disparate Impacts of COVID-19 on America's Students. Washington, DC. **https://www2.ed.gov/about/offices/list/ocr/docs/20210608-impacts-of-covid19.pdf**. (pp. 1, 27-30, 45-48).
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[12] Washick et al. **https://www.glsen.org/essa-implementation**. (p. 22).

[13] U.S. Department of Education. (September 2, 2021). Webinar: American Rescue Plan Elementary and Secondary School Emergency Relief (ESSER) Program: Using COVID-Relief Funds for Facility Upgrades, Renovations, and Construction. Available at **https://oese.ed.gov/files/2021/09/Using-COVID-Relief-Funds-for-Facility-Upgrades-Renovations-and-Construction-09.02.21.pdf** (Accessed October 13, 2021).

[14] Kennedy, M. (October 13, 2017). New schools in Washoe County (Nev.) district will have only gender-neutral bathrooms. American School and University Magazine. **https://www.asumag.com/construction/washrooms-locker-rooms/article/20855815/new-schools-in-washoe-county-nev-district-will-have-only-genderneutral-bathrooms. https://spaces4learning.com/Articles/2018/04/01/Restrooms.aspx?Page=1**.
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See also: Washick et al. **https://www.glsen.org/essa-implementation**. (p. 35).

[15] LaRowe, A., Raible, M. (April 1, 2018). A Moment of Privacy. Spaces4Learning. **https://spaces4learning.com/Articles/2018/04/01/Restrooms.aspx?Page=1**.