



November 2, 2021

Stephanie Valentine,  
PRA Coordinator, Strategic Collections and Clearance  
Governance and Strategy Division  
Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202

**Re: Agency Information Collection Activities; Comment Request; Implementation of Title I/II-A Program Initiatives [ED-2021-SCC-0129; Docket #2021-19044]**

Dear PRA Coordinator Stephanie Valentine,

I write to you regarding measures to advance inclusion and equity for lesbian, gay, bisexual, transgender, queer, nonbinary, and intersex (LGBTQ+) people in the Department's proposed data collection on implementation of Title I and II, Part A programs under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA). As the leading national organization on LGBTQ+ issues in K-12 education, GLSEN strongly supports several components of the proposed instrument. We do however urge revisions to improve clarity and support more fully LGBTQ+ inclusive data collection. Our recommendations are informed by our Research Institute, which was the first to regularly conduct national surveys on LGBTQ+ issues in schools, having launched our biennial National School Climate Survey in 1999.

GLSEN strongly supports the Department's inclusion of measures of professional development on implicit bias and culturally responsive teaching in its state, district, school principal, and teacher surveys, and the inclusion of measures of "alignment with equity goals" in state and district surveys. These measures will assist in evaluating if ESEA/ESSA Title I and II, Part A grants are advancing equity for students who experience marginalization, including LGBTQ+ students.

The Department includes a measure of gender identity and intersex status on its surveys for teachers (#4-10) and school principals (#4-8). We strongly support the inclusion of measures of gender identity and intersex status on these and all surveys that collect respondent demographic data on a voluntary basis. However, it is unclear if the proposed measure would enable respondents to select multiple responses and allow their identities to be accurately reflected in the data. Barring respondents from selecting more than one response to this measure will force many transgender individuals to choose between aspects of their gender identity, and force intersex individuals to choose between describing their gender identity or their intersex status, which could result in

underreporting of transgender, nonbinary, and intersex respondents. We urge the Department to enable respondents to select all applicable responses to question #4-10 on the survey for teachers and question #4-8 on the survey for school principals and to make clear that this is an option by adding an instruction to that effect so that the question reads as follows:

**4-10. / 4.8. Which of the following most accurately describes you? *(Select all that apply.)***

- 1  Male
- 2  Female
- 3  Non-binary
- 4  Transgender
- 5  Intersex
- 9  I prefer not to answer

For the highest quality data, the Department can use separate measures for gender identity and intersex status. InterACT, the leading national organization on intersex issues, recommends including a definition of intersex in a separate intersex measure and provides examples,<sup>1</sup> and the Williams Institute provides best practices and examples for measures of gender identity that enable identification of transgender and nonbinary respondents.<sup>2</sup>

The proposed survey does not include a question about sexual orientation. A recent consensus study by the National Academies of Sciences, Engineering, and Medicine (NASEM) recommends that federal data collection efforts should include collecting data on LGBTQ+ people and their experiences. The NASEM consensus report concludes:

Entities throughout the federal statistical system [and] other federal agencies ... should consider adding measures of sexual orientation, gender identity, and intersex status to all data collection efforts and instruments, such as population-based surveys, administrative records, clinical records, and forms used to collect demographic data.<sup>3</sup>

GLSEN strongly recommends adding the following measure of sexual orientation to the teacher and school principal surveys:

**4-#. / 4-#. Which of the following most accurately describes your sexual orientation?**

- 1  Heterosexual / Straight
- 2  Gay
- 3  Lesbian
- 4  Bisexual
- 5  Queer
- 9  I prefer not to answer

Adding a measure of sexual orientation would better support the Department in evaluating whether school personnel reflects the diversity of student populations, which the Department has recognized as a relevant factor in addressing inequities in K-12 education systems.<sup>4</sup>

Educators from communities that experience marginalization are uniquely prepared to advance educational equity for all students and prepare them to live and work in a diverse society. GLSEN’s research 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 lead or manage LGBTQ+ inclusive programs or activities. This visibility fosters positive school climates in addition to providing individual support to LGBTQ+ young people. For example, a national GLSEN 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 curriculum (31.5% vs. 14% for non-LGBTQ+ teachers). LGBTQ+ teachers were also nearly three times as likely to educate other staff or advocate for staff training about LGBTQ+ issues (25.2% vs. 8.9%) and to advocate for LGBTQ+ inclusive school or district policies (21.7% vs. 7.8%).<sup>5</sup> With the recommended survey amendments detailed above, the Department will be able to assess whether school personnel reflects the diversity of student populations nationally, and the unique contributions of LGBTQ+ school personnel in implementing school improvement (Title I) and educator development (Title II, Part A) programs.

GLSEN strongly supports the inclusion of measures of race and ethnicity on the teacher and school principal surveys. However, the measure of race on the school principal survey (#4-10) does not include an instruction indicating that respondents can select all applicable responses. GLSEN therefore urges the Department to revise question #4-10 on the school principal survey so that it has identical language and multi-check functionality as the related measure on the teacher survey (#4-12).

Taken together, these recommendations would bring this important study into closer alignment with President Biden’s recent Executive Orders—including those on implementing the landmark Bostock ruling, advancing gender equity and equality, and advancing racial equity and support for underserved communities—which collectively call for an “ambitious whole-of-government equity agenda.”<sup>6</sup>

We appreciate the efforts of the Department to ensure that the substantial funding directed to states and school districts via Title I and II, Part A grants is being used to provide a learning environment that is inclusive, affirming, and supportive for all students. To discuss the recommendations that were raised in this comment, please contact me at 202-621-5815 or [aaron.ridings@glsen.org](mailto:aaron.ridings@glsen.org).

Sincerely,

Aaron Ridings  
Interim Chief of Staff  
Director of Public Policy

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## Notes

<sup>1</sup> interACT (N.D.). Intersex Data Collection: Your Guide to Question Design. <https://interactadvocates.org/intersex-data-collection/> (Accessed November 1, 2021).

<sup>2</sup> The GenIUSS Group. (2014). 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. <https://williamsinstitute.law.ucla.edu/publications/geniuss-trans-pop-based-survey/>.

<sup>3</sup> National Academies of Sciences, Engineering, and Medicine. (2020). Understanding the Well-Being of LGBTQI+ Populations, 401. Washington, DC: The National Academies Press.

<sup>4</sup> Proposed Priorities- Effective Educator Development Division Programs, 86 Fed. Reg. §74 (April 20, 2021), <https://www.federalregister.gov/documents/2021/04/20/2021-08193/proposed-priorities-effective-educator-development-division-programs>.

Proposed Priorities and Definitions-Secretary's Supplemental Priorities and Definitions for Discretionary Grants Programs, 86 Fed. Reg. §123 (June 30, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-06-30/pdf/2021-14003.pdf>.

<sup>5</sup> GLSEN. (2020). Supporting LGBTQ Students by Protecting LGBTQ Teachers (Research Brief). New York: GLSEN. <https://www.glsen.org/sites/default/files/2020-08/LGBTQ%20Supportive%20Teaching%20Brief%20.pdf>.

<sup>6</sup> 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>.