

December 15, 2021

Re: Safe Schools Improvement Act (H.R. 4402 / S. 2410)

Dear Members of Congress,

We the 92 undersigned education and civil rights organizations urge you to co-sponsor the Safe Schools Improvement Act (SSIA) sponsored by Representatives Linda Sánchez (D-CA-38), John Katko (R-NY-24), and Mark Takano (D-CA-41) and U.S. Senator Bob Casey (D-PA). SSIA ([H.R. 4402](#) / [S. 2410](#)) will establish federal standards to protect every student from bullying and harassment in K-12 schools, regardless of actual or perceived race, color, national origin, sex, sexual orientation, gender identity, disability, and religion. SSIA has earned bipartisan support from members of Congress since it was first introduced over a decade ago. The bill provides flexibility to state and local education agencies to make schools safer.

SSIA will help remove barriers to educational opportunity and promote student achievement and wellbeing by:

- Prohibiting harassment and bullying in K-12 schools with specific enumeration of students on the basis of actual or perceived race, color, national origin, sex, sexual orientation, gender identity, disability, and religion.
- Creating policies at the local level that address the unique needs of communities while ensuring students, parents/guardians, and educators are informed of their schools' policy and procedures for handling bullying and harassment.
- Requiring restorative approaches to school discipline that minimize removal of students from learning communities and prevent student push-out or diversion to the school-to-prison pipeline, which disproportionately impacts LGBTQ+ youth, particularly those who are girls, transgender, nonbinary, Black, Indigenous, people of color, and people with disabilities.
- Collecting, evaluating, and reporting data on bullying and harassment to increase transparency and identify more effective ways to make schools safer and affirming for all young people, who should be able to thrive and reach their full potential.

For over 20 years, GLSEN has conducted national studies analyzing the pervasiveness and impacts of bullying and harassment based on sexual orientation, gender identity, gender expression, and other personal characteristics.

Among elementary school students, GLSEN found:

- Most (75%) said that students at their school are bullied with at least some regularity. Of these, 23% believed the bullying they witnessed to be based on gender expression, specifically, to being a boy who acts or looks “too much like a girl” or a girl who acts or looks “too much like a boy.”*
- More than one in four (26%) reported hearing others say hurtful things based on another student's race or ethnic background.*
- 36% reported being bullied or called names at some point while in school.*

- Those who reported being bullied were four times as likely as other students to say they do not want to go to school because they feel afraid or unsafe.*

LGBTQ+ young people experience higher rates of bullying than their non-LGBTQ+ peers.[†] Bullying is particularly severe for those who are transgender, nonbinary, Black, Indigenous, people of color, and people with disabilities.

Among LGBTQ+ middle and high school students, GLSEN found:

- 68.7% were verbally harassed in the past year because of their sexual orientation.[‡]
- The vast majority of transgender students (83.3%) reported being bullied based on their gender identity.[‡]
- Students 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.[§]
- 44.9% experienced cyberbullying.[‡]
- Nearly one-third (32.7 %) missed at least one day of school in the last month because they felt unsafe or uncomfortable and 17.1% changed schools.[‡]

Recent studies suggest that the harm of bias-motivated harassment and bullying is especially severe.^{**}

GLSEN’s National School Climate Surveys have consistently found an association between anti-LGBTQ+ victimization and a range of adverse educational outcomes, including increased absences, lowered GPAs, and a decreased likelihood of pursuing post-secondary education.[‡] Anti-LGBTQ+ harassment, assault, and discrimination is also associated with lower self-esteem and higher levels of depression.[‡] The Trevor Project’s 2021 study of LGBTQ+ youth mental health found that 42% of LGBTQ youth seriously considered attempting suicide in the past year, including more than half of transgender and nonbinary youth.^{††} These findings underscore the intimate connection between safe, LGBTQ+ inclusive schools and student success and wellbeing.

Students who hold multiple marginalized identities experience starker disparities. GLSEN found that 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.[‡] The Trevor Project found that 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%).^{††} By requiring enumeration of race, color, national origin, sex, sexual orientation, gender identity, disability, and religion, SSIA helps foster positive school climates for students at the intersection of two or more marginalized identities.

Currently, many schools fail to respond effectively to the victimization of LGBTQ+ students.

According to the 2019 National School Climate Survey, three in five (60.5%) LGBTQ+ students who reported harassment or assault 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.[‡] LGBTQ+ youth of color and LGBTQ+ youth with disabilities may be more likely to be disciplined for reporting victimization given racial and other disparities in disciplinary action: Black, Native American/Alaskan Native, Latinx, Arab American/Middle Eastern/North African, and multiracial LGBTQ+ youth experience more school disciplinary action than white LGBTQ+

youth[‡] and LGBTQ+ youth with disabilities are more likely to experience disciplinary action than LGBTQ+ youth without disabilities.^{‡‡}

SSIA supports effective responses to bullying using proven strategies, including enumeration.

GLSEN's National School Climate Surveys have consistently found that 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. LGBTQ+ students who indicated that they had 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 gender expression (72.3% v. 52.2%) than educators in schools with no anti-bullying policy.^{§§}

We thank you for your consideration of co-sponsoring SSIA, which will make schools safer for all students, and welcome the opportunity to connect further on this bill. If you have any questions, please contact Aaron Ridings of GLSEN at aaron.ridings@glsen.org and Jennifer Pike Bailey of the Human Rights Campaign at jennifer.bailey@hrc.org.

Sincerely,

GLSEN

Human Rights Campaign

Joined by:

ADL (the Anti-Defamation League)

Advocates for Youth

American Association of Colleges for Teacher Education (AACTE)

American Association of University Women (AAUW)

American Atheists

American Federation of Teachers

American Humanist Association

American Library Association

American Psychological Association

American School Counselor Association

American-Arab Anti-Discrimination Committee (ADC)

Association of Latino Administrators and Superintendents (ALAS)

Athlete Ally

Autistic Self Advocacy Network

Bazelon Center for Mental Health Law

Campus Pride

Center for American Progress

Center for LGBTQ Economic Advancement & Research (CLEAR)

CenterLink: The Community of LGBT Centers

Children's Defense Fund

COLAGE

Collaborative for Academic, Social and Emotional Learning (CASEL)

Committee for Children

Communities In Schools
Council of Administrators of Special Education
EDGE Consulting Partners
Education Law Center-PA
Equality California
Equality Federation
Family Equality
FORGE, Inc.
Freedom for All Americans
Gender Spectrum
Girls Inc.
GLMA: Health Professionals Advancing LGBTQ Equality
Healthy Teen Network
Higher Education Consortium for Special Education (HECSE)
Hispanic Federation
Howard Brown Health
interACT: Advocates for Intersex Youth
Lambda Legal
Legal Momentum, the Women's Legal Defense and Education Fund
LULAC
Mazzoni Center
Modern Military Association of America
Movement Advancement Project
National Association of School Psychologists
National Association of Secondary School Principals
National Association of State Directors of Special Education (NASDSE)
National Black Justice Coalition
National Center for Learning Disabilities
National Center for Lesbian Rights
National Center for Transgender Equality
National Council of Jewish Women
National Education Association
National Equality Action Team (NEAT)
National Indian Education Association (NIEA)
National LGBTQ Task Force Action Fund
National Organization for Women
National Parents Union
National PTA
National Women's Law Center
National Women's Political Caucus
New Leaders
People For the American Way
PFLAG National
PowerOn, a program of LGBT Technology Institute
Public Justice
Sandy Hook Promise
School Social Work Association of America

Sikh American Legal Defense and Education Fund (SALDEF)
Silver State Equality-Nevada
Stop Sexual Assault in Schools (SSAIS)
Teach For America
Teach Plus
Teacher Education Division of the Council for Exceptional Children
The Arc of the United States
The Augustus F. Hawkins Foundation
The Institute for Compassion in Justice
The Sikh Coalition
The Trevor Project
TNTP
TransFamily Support Services
Transgender Law Center
True Colors United
Union for Reform Judaism
URGE: Unite for Reproductive and Gender Equity
Whitman-Walker Institute
Women's Law Project
YWCA USA

Notes

* GLSEN and Harris Interactive (2012). Playgrounds and Prejudice: Elementary School Climate in the United States, A Survey of Students and Teachers. New York: GLSEN.

https://www.glsen.org/sites/default/files/2020-04/Playgrounds_Prejudice.pdf.

† 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>.

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<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5613818/>.

‡ 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>.

§ 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>.

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>.

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<https://www.glsen.org/sites/default/files/2020-06/Erasure-and-ResilienceLatinx-2020.pdf>.

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-and-Resilience-Native-2020.pdf>.

** 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.

†† The Trevor Project. (2021). 2021 National Survey on LGBTQ Youth Mental Health. West Hollywood, California: The Trevor Project. <https://www.thetrevorproject.org/survey-2021/>

‡‡ Palmer, N. A., Greytak, E. A., Kosciw, J. G. (2016). Educational exclusion: Drop out, push out, and school-to-prison pipeline among LGBTQ youth. New York: GLSEN. https://www.glsen.org/sites/default/files/2019-11/Educational_Exclusion_2013.pdf.

§§ Greytak, E.A., Kosciw, J.G., Villenas, C. & Giga, N.M. (2016). From Teasing to Torment: School Climate Revisited, A Survey of U.S. Secondary School Students and Teachers. New York: GLSEN.

https://www.glsen.org/sites/default/files/2019-12/From_Teasing_to_Tormet_Revised_2016.pdf.