



February 28, 2022

Submitted via Regulations.gov

Ruth Ryder
Deputy Assistant Secretary
Office of Discretionary Grants & Support Services
U.S. Department of Education, OESE
400 Maryland Ave SW
Washington D.C. 20202-6244

Re: Proposed Priorities, Requirements, and Definitions for the Project Prevent Grant Program [ED-2021-OESE-0122; FR Docket #2022-01611]

Dear Deputy Assistant Secretary Ruth Ryder,

I write to you on behalf of GLSEN, the leading national organization on LGBTQ+ issues in K-12 education, regarding the Department's proposed priorities for the Project Prevent grant program. As an organization working to ensure that all LGBTQ+ youth—including lesbian, gay, bisexual, transgender, queer, nonbinary, Two-Spirit, and intersex youth—are safe and have equal opportunities to thrive, grow, and reach their full potential, GLSEN strongly supports investing in programming to prevent and address the impacts of community violence. We do however urge revisions to strengthen the Project Prevent grant program by applying an intersectional, LGBTQ+ inclusive lens.

Recommendation Regarding Proposed Definition of Community Violence

First, we urge the Department to revise the proposed definition of community violence to expressly include group-based, bias-related, and sexual violence. We recommend the following amendments (underlined):

Community violence means firearm injuries, assaults, homicides, and other acts of interpersonal violence, including but not limited to group-based, bias-related, or sexual violence, committed outside the context of a familial or romantic relationship.

Recommendations Regarding Proposed Priorities

The Department proposes three priorities for the Project Prevent program:

1. *Addressing the Impacts of Community Violence*: "Projects that implement community- and school-based strategies to help prevent community violence and mitigate the impacts of children and youth's exposure to community violence in collaboration with local community-based organizations (e.g., local civic or community service organizations,

local faith-based organizations, or local foundations or non-profit organizations) and include community and family engagement in the implementation of the strategies.”

2. *Established Partnership with a Local Community-Based Organization*: “An application that includes at least one memorandum of agreement (MOA) or memorandum of understanding (MOU) signed by the authorized representative of a local community-based organization that agrees to partner with the applicant on the proposed project and provide resources or administer services that are likely to substantially contribute to positive outcomes for the proposed project. The MOA or MOU must clearly delineate the roles and responsibilities of each entity.”
3. *Supporting Children and Youth from Low-Income Backgrounds*: “In its application, an applicant must demonstrate, based on Small Area Income and Poverty Estimates (SAIPE) data from the U.S. Census Bureau or, for an LEA for which SAIPE data are not available, the same State-derived equivalent of SAIPE data that the State uses to make allocations under part A of title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA),” that a minimum of “25 percent of the students enrolled in the LEA to be served by the proposed project are from families with an income below the poverty line.”

GLSEN supports these three priorities and urges the Department to add a fourth priority for projects that establish alternatives to programming and activities that promote law enforcement officer presence in schools. For many young people who experience marginalization—including youth who are LGBTQ+, BIPOC, and people with disabilities—law enforcement is a source of community violence, including harassment, assault, and homicide.¹

Over the past several decades, the sustained presence of law enforcement officers in schools has increased dramatically, owing in part to substantial federal funding that continues today. In 1975, only 1% of schools reported having school-based law enforcement officers.² By 2018, 58% of schools reported having at least one school-based law enforcement officer.³ This increase is not supported by research on the efficacy and positive impacts of school-based law enforcement for all students. A Regional Education Laboratory of the Department’s Institute for Education Sciences (IES) recently concluded that “the consensus of the available evidence does not support the belief that police presence makes schools safer overall.”⁴ At the same time, a growing body of research shows that school-based law enforcement personnel are associated with discriminatory discipline practices that are particularly severe for students who are LGBTQ+, BIPOC, and people with disabilities.⁵

A 2020 review of existing research found that school-based law enforcement officers were more common in schools serving a high number of students of color and were associated with higher rates of punitive discipline and school arrests, mostly for non-violent offenses, and often for vague reasons such as “disorderly conduct.”⁶ Alarming, a survey of school-based law enforcement officers found that more than 3 in 4 officers (77%) reported that they had arrested a student in order to calm them down.⁷

The Department previously acknowledged racial and other disparities in the use of school arrests and referrals to law enforcement in its 2021 Request for Information on the Nondiscriminatory Administration of Discipline.⁸ We urge the Department to acknowledge that the presence of law enforcement has been shown to promote the criminalization of youth who are BIPOC, LGBTQ+,

and people with disabilities and to prioritize projects that establish alternatives to law enforcement presence in schools. We recommend the following language for this priority:

4. *Establishing alternatives to criminalization*: A project that establishes dedicated restorative practices and Social Emotional Learning (SEL) programming in lieu of programs and activities that promote law enforcement presence in schools and districts. In its application, an applicant must describe plans for concluding its collaboration with law enforcement, including those with an existing MOA or MOU.

Recommendations Regarding Proposed Requirements

For the reasons elaborated in the preceding section, we urge the Department to remove the proposed project activity of “Undertaking activities in collaboration and coordination with law enforcement to address community violence affecting students, to support victims’ rights, and to promote public safety” (c-6).

Similarly, the Department should revise the instruction regarding “collaborating and coordinating with... law enforcement (where appropriate)” as an option for fulfilling the proposed application requirement of “Describ[ing] the community violence that affects students in those schools” (a-2). We urge the Department to caution primary reliance on law enforcement data owing to problems indicative of structural biases, including racial disparities in who is arrested for the same behaviors and fear of being discriminated against by law enforcement, which leads to discrepancies in violence victimization data, particularly as it pertains to BIPOC and LGBTQ+ people.⁹ For example, a nationally representative survey conducted by NPR, the Robert Wood Johnson Foundation, and the Harvard T.H. Chan School of Public Health found that 15% of all LGBTQ+ people and 30% of LGBTQ+ people of color reported that they had not called the police even when in need, out of fear they would be discriminated against because of their LGBTQ+ identity.¹⁰

Finally, we urge the Department to add application requirements specific to ensuring planned activities support and address the needs of youth who experience marginalization—including BIPOC, LGBTQ+, and students with disabilities—under application requirement (b), addressing collaboration and coordination with community-based organizations, and (d), addressing evidence-based, culturally competent, and developmentally appropriate programs and practices. With this revision, the Department ensures this important grant program is in alignment with President Biden’s Executive Order on advancing racial equity and support for underserved communities—including BIPOC communities, LGBTQ+ people, and people with disabilities¹¹—and addresses the disparate impact of community violence on these communities.

GLSEN’s 2019 National School Climate Survey found that more than one in three LGBTQ+ students were physically harassed, and one in seven were physically assaulted because of their sexual orientation, gender expression, or gender.¹² The vast majority of transgender students (83.3%) reported being bullied based on their gender identity,¹³ and roughly three in four nonbinary students reported that they were harassed or bullied in the past year because of their gender expression and more than two-thirds reported that they were harassed or bullied because of their sexual orientation.¹⁴ Students who hold multiple marginalized identities commonly report victimization across these identities. At least two in five BIPOC LGBTQ+ youth report

bullying based on both their sexual orientation and their race.¹⁵ Similarly, LGBTQ+ students who are people with disabilities experience higher levels of bullying and harassment because of their actual or perceived disability in addition to victimization based on their sexual orientation, gender identity, and gender expression.¹⁶

CDC's Youth Risk Behavior Survey (YRBS) further supports the need to prioritize programming that addresses the disparate rates of violence victimization experienced by LGBTQ+ youth and BIPOC youth.¹⁷ For example, LGB youth were twice as likely to be threatened or injured with a weapon at school, with Black and Hispanic LGB youth being more likely to be threatened or injured with a weapon than white LGB students.¹⁸

We recommend the following additional application components:

(b-4): Describe the community-based organization's experience working with underserved students.

(d-3): Describe how programming specifically considers and addresses the needs of underserved students.

These additional application components should be accompanied by a definition of "underserved students" that is expressly inclusive of students who are BIPOC, LGBTQ+, and students with disabilities, as the Department has recently included in other grant programs.¹⁹

We appreciate the efforts of the Department to ensure that the Project Prevent grant program empowers local education agencies to address disparities and promote the creation of learning environments that are equitable for all students. To discuss the recommendations that we raised in this comment, please contact me at 202-621-5815 or aaron.ridings@glsen.org.

Sincerely,

Aaron Ridings
Chief of Staff
Deputy Executive Director of Public Policy and Research

Notes

¹ GLSEN. (2021). Civil Rights Principles For Safe, Healthy, & Inclusive School Climates.

<https://www.glsen.org/activity/civil-rights-school-climate-principles>.

Lambda Legal. (2015). Protected and Served?

https://www.lambdalegal.org/sites/default/files/publications/downloads/ps_executive-summary.pdf.

Mallory, C., Hasenbush, A., Sears, B. (2015). Discrimination and Harassment by Law Enforcement Officers in the LGBT Community. Los Angeles: The Williams Institute. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Discrimination-by-Law-Enforcement-Mar-2015.pdf>.

Grant, J. M., Mottet, L. A., Tanis, J., Harrison, J., Herman, J. L., and Keisling, M. (2011). Injustice at Every Turn: A Report of the National Transgender Discrimination Survey. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force.

https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf.

Forliti, A. "Chauvin pleads guilty to federal charge in Floyd's death," AP News, December 15, 2021.

<https://apnews.com/article/death-of-george-floyd-george-floyd-minneapolis-race-and-ethnicity-st-paul-a8b12b1e3e0fedc1270c659e3428134e>.

Kozuch, E. "HRC Mourns Tony McDade, Black Trans Man Killed in Florida," HRC News, May 29, 2020.

<https://www.hrc.org/news/hrc-mourns-tony-mcdade-black-transgender-man-killed-in-florida>.

-
- ² National Institute of Education (US), & Leinwand (CM) Associates. (1977). *Violent Schools, Safe Schools: The Safe School Study Report to the Congress* (Vol. 1). US Department of Health, Education, and Welfare, National Institute of Education.
- ³ Diliberti, M., Jackson, M., Correa, S., and Padgett, Z. (2019). *Crime, Violence, Discipline, and Safety in U.S. Public Schools: Findings From the School Survey on Crime and Safety: 2017–18* (NCES 2019-061). U.S. Department of Education. Washington, DC: National Center for Education Statistics. <https://nces.ed.gov/pubs2019/2019061.pdf>.
- ⁴ Petrosino, A., Fronius, T., & Taylor, D. (2020). Research in brief: School-based law enforcement. <https://ies.ed.gov/ncee/edlabs/regions/west/Publications/Details/283>.
- ⁵ Anderson, K. A. “Does more policing make middle schools safer?” Brookings Institute, November 8, 2018, <https://www.brookings.edu/blog/brown-center-chalkboard/2018/11/08/does-more-policing-make-middle-schools-safer/>.
- Merkwae, A. (2015). Schooling the police: Race, disability, and the conduct of school resource officers. *Mich. J. Race & L.*, 21, 147. <https://repository.law.umich.edu/mjrl/vol21/iss1/6>.
- Nance, J. P. (2015). Students, police, and the school-to-prison pipeline. *Wash. UL Rev.*, 93, 919. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2577333.
- Petrosino et al., “Research in Brief: School-Based Law Enforcement.”
- Whittenberg, T and Fernandez, M. (2020). *Ending Student Criminalization and the School-to-Prison Pipeline*. New York: NYU Steinhardt Metropolitan Center for Research on Equity and the Transformation of Schools and the Advancement Project. <https://steinhardt.nyu.edu/metrocenter/ejroc/ending-student-criminalization-and-school-prison-pipeline>.
- ⁶ Connery, C. (2020). The prevalence and the price of police in schools. Storrs, CT: Uconn Center for Education Policy Analysis. <https://cepa.uconn.edu/wp-content/uploads/sites/399/2020/10/Issue-Brief-CEPA-C-Connery.pdf>.
- ⁷ Connery. (2020). *The Prevalence and the Price of Police in Schools*.
- ⁸ The RFI notes “in 2017-18, Black students represented only 15 percent of the total student enrollment but accounted for 29 percent of all students referred to law enforcement—almost twice their share of overall student enrollment.”
- U.S. Department of Education. *Request for Information Regarding the Nondiscriminatory Administration of School Discipline*. 86 Fed. Reg. §108 (June 8, 2021). <https://www.govinfo.gov/content/pkg/FR-2021-06-08/pdf/2021-11990.pdf>.
- ⁹ See, e.g., Movement Advancement Project. (2021). Policy Spotlight: Hate Crime Laws. www.lgbtmap.org/2021-report-hate-crimes. (pp. 27-28, 31-32).
- NPR, The Robert Wood Johnson Foundation, and the Harvard T.H. Chan School of Public Health. 2018. *Discrimination in America: Final Summary*. Boston: Harvard T.H. Chan School of Public Health. <https://www.hsph.harvard.edu/horp/discrimination-in-america/>.
- ¹⁰ NPR, The Robert Wood Johnson Foundation, and the Harvard T.H. Chan School of Public Health. 2018. *Discrimination in America*.
- ¹¹ 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>.
- ¹² 34.2% of LGBTQ+ students reported being physically harassed (e.g., shoved or pushed) and 14.8% reported being physically assaulted in the past year.
- 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).
- ¹³ Kosciw, J.G. et al. (2020). *The 2019 National School Climate Survey*. <https://www.glsen.org/research/2019-national-school-climate-survey>. (pp. 94, 96).
- ¹⁴ 72.8% of trans nonbinary and 68.7% of all other nonbinary students reported victimization based on their gender identity, compared to 36.8% of cisgender LGB students who reported the same. 74.8% of trans nonbinary and 75.2% of all other nonbinary students reported victimization based on their gender expression, compared to 39.3% of cisgender LGB students who reported the same. 68.4% of trans nonbinary and 76.6% of all other nonbinary students reported victimization based on their sexual orientation, compared to 66.2% of cisgender LGB students who reported the same. See: 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>. (pp. 94, 96, 103).
- ¹⁵ 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. See: 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/research/aapi-lgbtq-students>. (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/research/black-lgbtq-students>. (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/research/latinx-lgbtq-students>. (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/research/native-and-indigenous-lgbtq-students>. (p. 18).
- ¹⁶ 38.9% of LGBTQ+ students with disabilities were bullied or harassed because they had a disability or because people thought they had a disability (compared to 20.9% of LGBTQ+ young people who are not students with disabilities. See: Kosciw, J.G. et al. (2020). The 2019 National School Climate Survey. <https://www.glsen.org/research/2019-national-school-climate-survey>. (pp. 90-91).
- ¹⁷ Johns, M. M., Lowry, R., Haderxhanaj, L. T., Rasberry, C. N., Robin, L., Scales, L., ... & 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. https://www.cdc.gov/mmwr/volumes/69/su/su6901a3.htm?s_cid=su6901a3_w.
- Johns MM, Lowry R, Andrzejewski J, et al. Transgender Identity and Experiences of Violence Victimization, Substance Use, Suicide Risk, and Sexual Risk Behaviors Among High School Students — 19 States and Large Urban School Districts, 2017. *MMWR Morb Mortal Wkly Rep* 2019;68:67–71. DOI: <http://dx.doi.org/10.15585/mmwr.mm6803a3>.
- Kann L, McManus T, Harris WA, et al. Youth Risk Behavior Surveillance — United States, 2017. *MMWR Surveill Summ* 2018;67(No. SS-8):1–114. DOI: <http://dx.doi.org/10.15585/mmwr.ss6708a1>.
- ¹⁸ Johns, M. et al. (2020). Trends in Violence Victimization and Suicide Risk by Sexual Identity Among High School Students.
- ¹⁹ See, e.g., U.S. Department of Education. *Applications for New Awards; Teacher Quality Partnership Grant Program*. 87 Fed. Reg. §38 (February 25, 2022). <https://www.govinfo.gov/content/pkg/FR-2022-02-25/pdf/2022-03889.pdf>.
- U.S. Department of Education. Final Priorities and Definitions-Secretary's Supplemental Priorities and Definitions for Discretionary Grants Programs. 86 Fed. Reg. §235 (December 10, 2021). <https://www.govinfo.gov/content/pkg/FR-2021-12-10/pdf/2021-26615.pdf>.