



March 28, 2022

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: National Assessment of Educational Progress (NAEP) 2022 Materials Update #3  
[ED-2022-SCC-0027; Docket # 2022-04360]**

Dear PRA Coordinator Stephanie Valentine,

I write to you regarding measures to advance inclusion and equity for LGBTQ+ students—including lesbian, gay, bisexual, transgender, queer, nonbinary, Two-Spirit, and intersex youth—in the Department’s proposed National Assessment of Educational Progress (NAEP) administered by the National Center for Education Statistics (NCES). As the leading national organization on LGBTQ+ issues in K-12 education, GLSEN urges the Department to revise the proposed instruments to collect LGBTQ+ demographic data on NAEP surveys that include other demographic measures.

In 2020, the National Academies of Sciences, Engineering, and Medicine (NAEM) recommended that federal, state, local, and tribal agencies “should consider adding measures of sexual orientation, gender identity, and intersex status to all data collection efforts and instruments,” including in education.<sup>1</sup> In March 2022, NAEM issued a consensus study report with recommended measures and guiding principles for collecting LGBTQ+ demographic data.<sup>2</sup>

The NAEP provides critical insight into student achievement and learning experiences across academic subjects that inform education policy and practice. We strongly support the continued inclusion of measures related to students’ and teachers’ race and ethnicity, as well as measures related to students’ socioeconomic status. Revising the NAEP surveys to include LGBTQ+ identity measures will advance NCES’s efforts “to better determine how well education is meeting the needs of all students,”<sup>3</sup> including LGBTQ+ students of color and other students who experience marginalization across multiple aspects of their identity.

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<sup>1</sup> National Academies of Sciences, Engineering, and Medicine. (2020). Understanding the Well-Being of LGBTQI+ Populations. Washington, DC: The National Academies Press. <https://doi.org/10.17226/25877>.

<sup>2</sup> National Academies of Sciences, Engineering, and Medicine. (2022). Measuring Sex, Gender Identity, and Sexual Orientation. Washington, DC: The National Academies Press. <https://doi.org/10.17226/26424>.

<sup>3</sup> Institute for Education Science, National Center for Education Statistics (NCES). Survey Questionnaires: Questionnaires for Students, Teachers, and School Administrators. [https://nces.ed.gov/nationsreportcard/experience/survey\\_questionnaires.aspx](https://nces.ed.gov/nationsreportcard/experience/survey_questionnaires.aspx) (Accessed February 25, 2022).

As of 2020, LGBTQ+ youth are estimated to represent 9.5% of the U.S. youth population aged 13-17.<sup>4</sup> The CDC's Youth Risk Behavior Survey (YRBS) shows that LGBTQ+ youth are far more likely than their non-LGBTQ+ peers to experience violence victimization, including bullying at school.<sup>5</sup> For over twenty years, GLSEN's biennial National School Climate Survey of LGBTQ+ secondary students has consistently found an association between anti-LGBTQ+ victimization and a range of adverse educational outcomes that matter for educational progress, including increased absences, lower GPAs, and a decreased likelihood of pursuing post-secondary education.<sup>6</sup> Experiencing anti-LGBTQ+ harassment and bullying is also associated with lower self-esteem and higher levels of depression.<sup>7</sup> LGBTQ+ youth who are who are Black, Indigenous, and people of color (BIPOC) and 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 bias related victimization.<sup>8</sup>

The NAEP student survey (Appendix J1 and J-S) currently collects gender data through student records, providing only binary (male/female) options for reporting students' gender identities. The Department should include a nonbinary gender identity category, like that which has been added to the proposed 2021-2022 Civil Rights Data Collection (CRDC).<sup>9</sup> As the U.S. Department of Education's Office of Civil Rights (ED OCR) noted in its explanation of the addition of this measure, many state education agencies (SEAs) have an option for recording student gender beyond male and female.<sup>10</sup> In addition to the 11 SEAs identified by ED OCR,

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<sup>4</sup> The Williams Institute. (2020). *LGBT Youth Population in the United States*. <https://williamsinstitute.law.ucla.edu/publications/lgbt-youth-pop-us/>.

<sup>5</sup> Johns, MM et al. (2020). Trends in Violence Victimization and Suicide Risk by Sexual Identity Among High School Students. [https://www.cdc.gov/mmwr/volumes/69/su/su6901a3.htm?s\\_cid=su6901a3\\_w](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>.

<sup>6</sup> 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. 46-54.)

<sup>7</sup> Kosciw, J.G. et al. (2020). *The 2019 National School Climate Survey*. <https://www.glsen.org/research/2019-national-school-climate-survey>. (pp. 46-54.)

<sup>8</sup> 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).

<sup>9</sup> See: GLSEN et al. (2022). Comment on U.S. Department of Education, Office of Civil Rights. (December 7, 2021), *Agency Information Collection Activities; Comment Request; Mandatory Civil Rights Data Collection*, 86 Federal Register §236. Available at <https://www.glsen.org/activity/civil-rights-data-collection-and-lgbtq-youth>.

<sup>10</sup> The 13 SEAs represent California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, New Jersey, New Mexico, Oregon, Pennsylvania, Utah, Virginia, and Washington. See: U.S. Department of Education, Office of Civil Rights. (December 7, 2021). *Agency Information Collection Activities; Comment Request; Mandatory Civil Rights Data Collection: Supporting Statement A*. Available at <https://www.regulations.gov/document/ED-2021-SCC-0158-0042>.

GLSEN is aware of at least two other SEAs that have such an option.<sup>11</sup> The absence of a nonbinary option for reporting students' gender identities has led to problematic data collection practices. For example, the Department has directed local education agencies (LEAs) to report nonbinary students "as either male or female... mak[ing] the determination as best it can."<sup>12</sup> Requiring schools, LEAs, and SEAs that use a nonbinary option to report students as male or female results in the collection of data that is known to be inaccurate and creates a burden for LEAs tasked with misgendering nonbinary students.

The Department should also add measures to the student survey that allow respondents in grades 8 and 12 to self-report their sexual orientation and gender identity. At minimum, the gender identity measure or measures should enable students to self-report if they are transgender male, transgender female, or transgender nonbinary, making it possible to evaluate the educational progress of transgender students. Transgender students experience the most victimization in schools, with the overwhelming majority reporting victimization based on their gender identity.<sup>13</sup>

The NAEP teacher survey (Appendix J-2 and J-S) asks respondents to self-report their gender using binary (male/female) gender categories. No measures are included for teachers to self-report their sexual orientation or to identify as transgender, nonbinary, or intersex. The Department should include measures that allow teachers to self-report their sexual orientation and gender identity. According to a 2022 Gallup poll, 7.1% of adults identify as LGBTQ+ with LGBTQ+ adults representing a larger share of younger adult populations: more than one in five (20.8%) adults aged 18-25 and more than 1 in 10 (10.5%) adults aged 26 to 41 identify as LGBTQ+.<sup>14</sup> It is important to identify where there are inequities in teacher diversity and representation in schools in light of the benefits of teacher diversity for all students and the particular benefits to students who experience marginalization.<sup>15</sup>

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<sup>11</sup> Pennsylvania Information Management System. (2021). *User Manual, Vol. 1*. Available at <https://www.education.pa.gov/DataAndReporting/PIMS/ManualsCalendar/Pages/default.aspx>.

Washington Office of Superintendent of Public Education. (2020). *Comprehensive Education Data and Research System (CEDARS) Data Manual*. <https://www.k12.wa.us/sites/default/files/public/cedars/pubdocs/2019-20CEDARSDataManual.pdf>.

<sup>12</sup> For example, schools that use a nonbinary gender category have been directed to report these students' genders "as either male or female... mak[ing] the determination as best it can." See: GLSEN. (2021). Comment on U.S. Department of Education Agency Information Collection Activities; Comment Request; 21st Century Community Learning Centers Annual Performance Report. 86 Fed. Reg. 133. Available at <https://www.glsen.org/21st-Century-Community-Learning-Center-LGBTQ-Inclusive-Data>. GLSEN commends the U.S. Department of Education for revising this collection to provide an alternative to binary coding for nonbinary students.

<sup>13</sup> Kosciw, J.G. et al. (2020). The 2019 National School Climate Survey. <https://www.glsen.org/research/2019-national-school-climate-survey>. (pp. 94-103).

<sup>14</sup> Jones, Jeffrey M. "LGBT Identification in U.S. Ticks Up to 7.1%." Gallup, February 17, 2022, <https://news.gallup.com/poll/389792/lgbt-identification-ticks-up.aspx>.

<sup>15</sup> For example, a national 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 their 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%). See: GLSEN. (2020). *Supporting LGBTQ Students by Protecting LGBTQ Teachers*. New York: GLSEN. <https://www.glsen.org/research/lgbtq-supportive-teaching>.

Similarly, BIPOC teachers have been found to have a positive impact on the educational outcomes and experiences of BIPOC students. See: Carver-Thomas, D. (2018). *Diversifying the teaching profession: How to recruit and retain teachers of color*. Palo Alto, CA: Learning Policy Institute. <https://learningpolicyinstitute.org/product/diversifying-teaching-profession-report>. Bond, B., Quintero, E., Casey, L., Di Carlo, M. (2015). *The state of teacher diversity in American education*. Washington, DC: Albert Shanker Institute.

Finally, the Department should add a measure or measures that allow students and teachers to self-report if they were born with variations in sex characteristics or are intersex. Comprehensive LGBTQ+ inclusive data collection must include measures for this population that may comprise as much as 1.7% of the population and faces documented but understudied health and social disparities.<sup>16</sup> The 2022 NASEM's consensus report referenced above includes guidance and sample measures for collecting demographic data on intersex people.<sup>17</sup>

Revising NAEP surveys with existing demographic measures to include LGBTQ+ demographic measures will improve our understanding of how well our schools are meeting the needs of all students. We thank the Department for considering these recommendations. To discuss the recommendations that we raised in this comment, please contact me at [aaron.ridings@glsen.org](mailto:aaron.ridings@glsen.org).

Sincerely,

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

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<sup>16</sup> Rosenwohl-Mack, A., Tamar-Mattis, S., Baratz, A. B., Dalke, K. B., Ittelson, A., Zieselman, K., & Flatt, J. D. (2020). A national study on the physical and mental health of intersex adults in the US. *PloS one*, 15(10), e0240088.

Zeeman, L., & Aranda, K. (2020). A systematic review of the health and healthcare inequalities for people with intersex variance. *International Journal of Environmental Research and Public Health*, 17(18), 6533.

National Academies. (2020). *Understanding the Well-Being of LGBTQI+ Populations*.

<sup>17</sup> National Academies. (2022). *Measuring Sex, Gender Identity, and Sexual Orientation*.