



September 27, 2022

Submitted via email to equitabledata@ostp.eop.gov

NSTC Subcommittee on Equitable Data
Office of Science and Technology Policy
Eisenhower Executive Office Building
1650 Pennsylvania Avenue, NW
Washington, D.C. 20504

Dear Subcommittee Members:

Thank you for the opportunity to respond to the Request for Information; Federal Evidence Agenda on LGBTQI+ Equity (87 FR 52083) and provide testimony during the listening session scheduled for September 28, 2022. As the nation’s leading organization on LGBTQ+ issues in K-12 education, GLSEN knows that collecting data on the experiences of LGBTQI+ young people—including those who are lesbian, gay, bisexual, transgender, queer, nonbinary, Two-Spirit¹, and intersex²—is essential both for enforcing civil rights protections and advancing racial, gender, and disability justice outcomes in K-12 education systems across the country.

Describing Disparities

For over twenty years, GLSEN’s biennial National School Climate Survey (NSCS) has demonstrated that LGBTQ+³ young people commonly experience discrimination, bullying, harassment, and other forms of victimization in secondary schools because of their sexual orientation, gender identities, and gender expression:⁴

- 81.0% of LGBTQ+ youth reported being verbally harassed because of their sexual orientation, gender identity, or gender expression; 35.1% reported they were verbally harassed often or frequently.
- 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 based on their sexual orientation, gender expression, and/or gender identity.⁵

¹ “Two-Spirit” is a contemporary umbrella term used by Native American LGBTQ+ communities that refers to the historical and current First Nations people whose individual spirits were and are a blend of female and male spirits. See: Edmo, Se-ah-dom and Aaron Ridings, editors. (2017). Tribal Equity Toolkit 3.0: Tribal Resolutions and Codes to Support Two Spirit & LGBT Justice in Indian Country. <https://www.thetaskforce.org/tribal-equity-toolkit-3-0/> (Accessed May 3, 2022).

² “Intersex” is an umbrella term describing individuals born with variations in internal or external sex characteristics. For example, an intersex person may have variations in their chromosomes or genitals. See: interact: Advocates for Intersex Youth. (N.D.). Intersex Definitions. <https://interactadvocates.org/intersex-definitions/> (Accessed May 3, 2022).

³ When referencing studies that do not include disaggregated data on the experiences of intersex students, we use “LGBTQ+.”

⁴ 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 young people in our nation’s schools. New York: GLSEN. <https://www.glsen.org/research/2019-national-school-climate-survey> (Accessed May 3, 2022). The 2021 NSCS will be published in October and available at <https://www.glsen.org/nsccs>.

⁵ Kosciw, et al., *The 2019 National School Climate Survey*, 29.

- Among LGBTQ+ students who said they reported being harassed or bullied to school staff, more than three in five (60.5%) said that staff did nothing or told the student to ignore it.⁶ More than one in five (20.8%) were told to change their behavior by, for example, changing the way they dressed.⁷
- Nearly three in five LGBTQ+ students (59.1%) report experiencing anti-LGBTQ+ discrimination at school, including being prevented from using the bathroom or locker room that corresponds with their gender identity, being prevented from forming or promoting a Gender-Sexuality Alliance (GSA) or another LGBTQ+ affirming student club, and being disciplined because they identify as LGBTQI+.⁸
- One-third of LGBTQ+ students (32.7%) missed at least one day of school in the past month because they felt unsafe at school, and nearly one-fifth of students (17.1%) had to change schools entirely due to feeling unsafe or uncomfortable at school.

LGBTQ+ young people who are transgender; nonbinary; Black, Indigenous, people of color (BIPOC); and people with disabilities experience starker disparities and intersecting marginalizations:

- 77.3% of transgender students, including trans nonbinary students, reported anti-LGBTQ+ discrimination at school in the past year, and overall experience more hostile school climates than their cisgender LGBQ peers.⁹
- At least two in five LGBTQ+ young people of color report bullying based on both their sexual orientation and their race, and those who experience both racist and anti-LGBTQ+ victimization are 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.¹⁰
- LGBTQ+ students of color and LGBTQ+ students with disabilities experience elevated rates of school discipline compared to white LGBTQ+ students and LGBTQ+ students who do not have a disability, respectively.¹¹ Further, LGBTQ+ students with disabilities are more likely to report being referred to law enforcement as a result of school discipline.¹²

⁶ Kosciw, J.G. et al. (2020). The 2019 National School Climate Survey. <https://www.glsen.org/research/2019-national-school-climate-survey>. (pp. 34-35).

⁷ Kosciw, J.G. et al. (2020). The 2019 National School Climate Survey. <https://www.glsen.org/research/2019-national-school-climate-survey>. (pp. 34-35).

⁸ Kosciw, et al., *The 2019 National School Climate Survey*, 40.

⁹ Kosciw, et al., *The 2019 National School Climate Survey*, 95, 99.

¹⁰ 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 young people in U.S. Schools. New York: GLSEN. <https://www.glsen.org/research/aapi-lgbtq-students> (Accessed May 3, 2022). (p. 17).

Truong, N. L., Zongrone, A. D., & Kosciw, J. G. (2020). Erasure and resilience: The experiences of LGBTQ students of color, Black LGBTQ young people in U.S. Schools. New York: GLSEN. <https://www.glsen.org/research/black-lgbtq-students> (Accessed May 3, 2022). (p. 16).

Zongrone, A. D., Truong, N. L., & Kosciw, J. G. (2020). Erasure and resilience: The experiences of LGBTQ students of color, Latinx LGBTQ young people in U.S. Schools. New York: GLSEN. <https://www.glsen.org/research/latinx-lgbtq-students> (Accessed May 3, 2022). (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 young people in U.S. Schools. New York: GLSEN. <https://www.glsen.org/research/native-and-indigenous-lgbtq-students> (Accessed May 3, 2022). (p. 18).

¹¹ Kosciw, et al., *The 2019 National School Climate Survey*, 112.

¹² LGBTQ+ youth with disabilities are more likely to experience disciplinary action than LGBTQ+ youth without disabilities and are more likely to be referred to law enforcement as a result of school discipline. Neal A. Palmer, Emily A. Greytak, and Joseph G. Kosciw, *Educational exclusion: Drop out, push out, and the school-to-prison pipeline among LGBTQ youth*, (New York: GLSEN, 2016), <https://www.glsen.org/research/educational-exclusion-drop-out-push-out-school-prison-pipeline>.

GLSEN has found that anti-LGBTQ+ victimization is associated with a range of harmful educational and wellbeing outcomes, including increased absences, lower GPAs, decreased likelihood of pursuing post-secondary education, higher rates of discipline, lower school belonging, lower self-esteem, higher levels of depression, and suicidality.¹³ LGBTQ+ students 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.¹⁴

Students whose parents or family are LGBTQI+, parents and family of LGBTQI+ students, and LGBTQI+ teachers, administrators, and schools staff also experience disparities in K-12 education systems. For example, GLSEN has found:

- Among students with an LGBTQ+ parent or parents, 42% reported verbal harassment and 12% reported physical harassment or assault in the past year because they have an LGBTQ+ parent or parents.¹⁵
- Among elementary school students, 7% said that students at their school were bullied or called names because they have gay parents.¹⁶
- LGBTQ+ parents or guardians with students in K-12 schools found that more than half (53%) reported being excluded or prevented from fully participating in school activities and events, being excluded by school policies and procedures, or being ignored and feeling invisible.¹⁷
- LGBTQ educators are more likely than their non-LGBTQ+ peers to report barriers to engaging in LGBTQ+-affirming and supportive practices, including fear that their job would be at risk if they came out or were outed as LGBTQ+.¹⁸

Informing Data Collections

Researchers estimate that LGBTQ+ young people represent 9.5% of the United States population aged 13-17.¹⁹ According to a 2022 Gallup poll, 7.1% of adults identify as LGBTQ+ with LGBTQ+

¹³ Kosciw, et al., *The 2019 National School Climate Survey*, 46-54; Johns, et al., “Trends in violence victimization and suicide risk by sexual identity among high school students”; Johns, et al., “Transgender identity and experiences of violence victimization, substance use, suicide risk, and sexual risk behaviors among high school students.”

The impact of bullying and harassment on mental health is especially alarming. The Trevor Project’s 2022 national survey found that 45% of LGBTQ youth seriously considered attempting suicide in the past year, including more than half (53%) of transgender and nonbinary youth. The Trevor Project. *2022 National Survey on LGBTQ Youth Mental Health* (West Hollywood, California: The Trevor Project, 2022). <https://www.thetrevorproject.org/survey-2022/>.

¹⁴ Truong, et al., *Erasure and resilience: The experiences of LGBTQ students of color. Asian American and Pacific Islander LGBTQ youth in U.S. Schools*, 17; Truong, et al., *Erasure and resilience: The experiences of LGBTQ students of color. Black LGBTQ youth in U.S. Schools*, 16; Zongrone, et al., *Erasure and resilience: The experiences of LGBTQ students of color. Latinx LGBTQ youth in U.S. Schools*, 17.

In a similar vein, Trevor Project found that LGBTQ+ youth who are BIPOC are more likely to report attempted suicide than their white LGBTQ+ peers. The Trevor Project, *2022 National Survey on LGBTQ Youth Mental Health* (West Hollywood, California: The Trevor Project, 2022). <https://www.thetrevorproject.org/survey-2022/>.

¹⁵ Kosciw and Diaz, *Involved, Invisible, Ignored*, 52, 56.

¹⁶ 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/research/playgrounds-and-prejudice-lgbtq-issues-elementary-schools> (Accessed May 9, 2022). (pp. 24, 27).

¹⁷ Kosciw, J. G. and Diaz, E. M. (2008). *Involved, Invisible, Ignored*. (p. 78).

¹⁸ GLSEN. (2020). *Supporting LGBTQ Students by Protecting LGBTQ Teachers*. New York: GLSEN. <https://www.glsen.org/research/lgbtq-supportive-teaching> (Accessed May 3, 2022).

¹⁹ The Williams Institute. (2020). *LGBT Young people Population in the United States*. <https://williamsinstitute.law.ucla.edu/publications/lgbt-young-people-pop-us/> (Accessed May 3, 2022).

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+. ²⁰ These trends indicate that a greater number of younger people identify as LGBTQ+ and that the share of the people who openly identify as LGBTQ+ will likely continue to grow as the population ages.

Given that available data consistently shows disparities impacting LGBTQ+ people in K-12 education systems and that privacy and safety concerns mean that surveys are often the only source of data on the experiences of LGBTQ+ young people in particular (discussed in the following section below), it is essential that surveys routinely collect data related to LGBTQ+ identities and issues.

Federally administered surveys have a unique role to play in advancing intersectional, LGBTQ+ inclusive equity because the scale at which they are administered best supports the establishment of population parameters, such as the number of BIPOC young people in K-12 schools who identify as LGBTQ+. ²¹ For the GLSEN Research Institute and others, this information provides an invaluable guidepost or comparison point. For example, the inclusion of both race and sexual orientation measures on the CDC's Youth Risk Behavior Survey (YRBS) allows for representative sample sizes that enable richer study on young people of color who are lesbian, gay, and bisexual than was previously possible.

GLSEN sees the following as top priorities for LGBTQI+ data inclusion as it connects to K-12 education systems:

- 1. The CDC's Division of Adolescent and School Health (CDC DASH) should pilot a more comprehensive measure of gender identity and a measure of variations in sex characteristics.***

The leadership of CDC DASH has been invaluable in documenting disparities impacting LGBTQ+ students. Beginning in 2015, CDC DASH has included two measures of sexual orientation on the standard YRBS questionnaire that is the starting point for both the national and state and local studies. ²² Recently, CDC DASH added the transgender identity measure it began piloting in 2017 to the standard YRBS questionnaire that is the starting point for both the national and state and local studies. ²³ No measures are yet available for respondents to

See also: Herman, J. L., Flores, A. R., Brown, T. N., Wilson, B. D., & Conron, K. J. (2017). Age of individuals who identify as transgender in the United States (pp. 1-13). eScholarship, University of California. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Age-Trans-Individuals-Jan-2017.pdf> (Accessed May 3, 2022).

²⁰ 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> (Accessed May 3, 2022).

²¹ GLSEN et al. (2022). The New National Academies Report and the Importance of LGBTQI Data Inclusion. https://www.glsen.org/sites/default/files/2022-03/NASEMReportExplainer_March2022.pdf.

²² CDC. (N.D.). LGBTQ Young people Programs-At-A-Glance. https://www.cdc.gov/lgbthealth/young_people-programs.htm (Accessed April 5, 2022).

States and localities participating in the YRBS are only required to include two-thirds of the measures on the standard YRBS questionnaire, so it is still possible for participating states and localities to exclude YRBS measures of sexual orientation and gender identity, and some do. See our State and Local Recommendations for LGBTQ+ Survey Data Inclusion for additional details.

²³ CDC. (N.D.). LGBTQ Young people Programs-At-A-Glance. https://www.cdc.gov/lgbthealth/young_people-programs.htm (Accessed April 5, 2022).

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self-report that they are nonbinary or another gender identity and no intersex measure is available.

2. ***The National Center for Education Statistics (NCES) should include LGBTQ+ identity measures in surveys of secondary school students, parents and family of students, and K-12 teachers, administrators, and other staff.*** These measures should be included as standard on anonymous surveys that are not connected to personally identifiable information, including the High School & Beyond: Longitudinal Study (HS&B),²⁴ the Parent Involvement in Education From Kindergarten to High School survey²⁵, and the National Teacher and Principal Survey (NTPS).²⁶

The inclusion of LGBTQI+ demographic measures in federal surveys normalizes the collection of this data and provides models for states and localities to replicate. This important contribution of LGBTQI+ data inclusion in federal surveys would be best supported by the following:

1. ***The Office of Management and Budget should establish data collection standards on sexual orientation, gender identity, and variations in sex characteristics*** (intersex status) as recommended by the 2020 National Academies of Sciences, Engineering, and Medicine (NAEM) report on sec.²⁷
2. ***Congress should pass the LGBTQI+ Data Inclusion Act***, which will require federal agencies that collect demographic data through surveys to add measures where respondents can self-report their sexual orientation, gender identity, and variations in sex characteristics.

Privacy, Security, and Civil Rights

GLSEN's current assessment is that surveys are the only means of *safely* collecting *comprehensive* data on the experiences of LGBTQ+ young people and adults in K-12 education systems. For this reason, it is all the more important that surveys routinely collect data on the experiences of LGBTQ+ students. In designing federal surveys, agencies must take precautions to ensure survey measures do not risk outing young people. For example, the NCES's HS&B currently includes a measure in its survey of parents or guardians that shares the student's gender identity and asks the parent or guardian respondent to confirm that it is correct.²⁸

The NSTC Subcommittee on Equitable Data should provide guidance to agencies on best practices to protect LGBTQI+ respondents' privacy and support the dissemination of guidance, including by USED, to states and localities to support the proper administration of surveys and reporting of results in a way that best protects respondents' privacy.

²⁴ National Center for Education Statistics, U.S. Department of Education. (2021). "High School and Beyond Longitudinal Study of 2022 (HS&B:22) Base-Year Full-Scale Study Data Collection and First Follow-up Field Test Sampling, Tracking, and Recruitment: Supporting Statement Appendix B," p. 451-453. https://www.reginfo.gov/public/do/PRAViewIC?ref_nbr=202103-1850-009&icID=232997 (Accessed May 4, 2022).

²⁵ National Center for Education Statistics. (N.D.). Parent Involvement in Education From Kindergarten to High School. https://nces.ed.gov/nhes/pdf/pfi/2019_pfi.pdf

²⁶ National Center for Education Statistics. (N.D.). 2020-21 NTPS Questionnaires. <https://nces.ed.gov/surveys/ntps/question2021.asp> (Accessed April 5, 2022).

²⁷ National Academies. (2020). Understanding the Wellbeing of LGBTQI+ Populations.

²⁸ National Center for Education Statistics, U.S. Department of Education. (2021). "High School and Beyond Longitudinal Study of 2022 (HS&B:22) Base-Year Full-Scale Study Data Collection and First Follow-up Field Test Sampling, Tracking, and Recruitment: Supporting Statement Appendix B," p. 451-453. https://www.reginfo.gov/public/do/PRAViewIC?ref_nbr=202103-1850-009&icID=232997 (Accessed May 4, 2022).

It is GLSEN’s assessment that the federal government does, however, have an important role to play in supporting LGBTQI+ data inclusion in K-12 administrative data collection and the implementation of K-12 information systems that are more inclusive and responsive to the safety and wellbeing needs of transgender and nonbinary students. GLSEN recommends that the U.S. Department of Education (USED) take the following actions, each of which are detailed in the attached issue brief, :

1. ***USED should further strengthen the CRDC to support nondiscrimination protections for LGBTQ+ students***, including through reporting incidents of harassment or bullying based on sexual orientation, gender identity, and variations in sex characteristics or intersex status.
2. ***USED should allow for a nonbinary gender category to be used when reporting gender data from student or personnel records.***
3. ***USED should provide guidance and instructions on collecting and reporting data on gender identity***, including potential interactions between the Family Education Rights and Privacy Act (FERPA) and Title IX and by making clear that an individual’s self-reported gender identity is appropriate and recommended for the purpose federal administrative collections.

Conclusion

Access to data related to the experiences of LGBTQI+ young people, LGBTQ+ educators, students whose parents or guardians are LGBTQI+, and LGBTQ+ parents and guardians of students K-12 schools is critically important to advance intersectional equity. We thank the NSTC Subcommittee on Equitable Data for considering these recommendations. To discuss GLSEN’s recommendations, please contact me at aaron.ridings@glsen.org.

Sincerely,

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

Enclosed resources:

- Research Brief from the GLSEN Research Institute, [**Considerations for Measuring Sexual Orientation & Gender Identity in Surveys of Secondary School Students**](#).
- Issue Brief from GLSEN Public Policy, [**LGBTQ+ Data Inclusion: Advancing Intersectional Equity in K-12 Education Systems**](#).