

Public Policy Postcard

NOVEMBER – DECEMBER 2022

Welcome to the **GLSEN Policy Postcard**, a monthly newsletter for GLSEN staff and other state and local advocates to keep abreast of the happenings in the LGBTQ+ and education spheres. The purpose of this newsletter is to facilitate information sharing, collaboration, and community, so please feel free to ask questions, provide comments, or share ideas at policy@glsen.org.

CONTENTS

- [Toplines And Fast Facts](#)
- [Administrative Updates](#)
- [Updates from the Hill](#)
- [Supreme Court Updates](#)
- [State Public Policy Updates](#)
- [Public Policy Moves to Watch](#)
- [What We're Watching In The News](#)
- [Questions, Comments, Concerns, Additions?](#)

Toplines and Fast Facts

Club Q Colorado Springs Shooting Tragedy Resources

In the wake of the horrific attack that took place on Sunday November 20th and the Club Q LGBTQ+ nightclub, GLSEN has published a **Conversation Guide for Educators** talking about the tragedy with students, as well as a **Response and Community Conversation Guide**. You can access local resources and support local organizations working in response to the tragedy in Colorado, as well as GLSEN's press release about the attack, [here](#).

National Safe Learning Partnership Meeting

GLSEN will be hosting a National Safe Learning Partnership (NSLP) members meeting on **Thursday, December 1 at 4:00pm ET**. To learn more about the NSLP or become a member organization, follow [this link](#).

GLSEN Policy Network Meeting

On **Wednesday, December 21 at 8:00pm ET**, GLSEN will have its first State Policy Fellows Orientation Meeting. The agenda for this call will be shared soon. Contact Tessa Juste, State and Local Policy Manager, at tessa.juste@glsen.org, if you have any questions in advance of the convening.

Administrative Updates

In October, GLSEN authored a comment letter to the Department of Education's Office of Civil Rights (OCR) regarding the revisions to its proposed Civil Rights Data Collection (CRDC) measures. GLSEN thanks OCR for revising proposed measures related to school athletics participation and law enforcement officers in schools, while also making further recommendations to strengthen the CRDC. Specifically, GLSEN recommends that OCR retains its prior definition of 'nonbinary' in order to support more uniform reporting from Local Education Agencies (LEAs) that have adopted more LGBTQ+ inclusive administrative data collection practices. GLSEN also recommends that OCR enables LEAs to report

teachers as nonbinary when they are identified as such in their personnel records, given that almost half of all US states allow nonbinary gender markers. GLSEN's additional recommendations include for the CRDC to collect data on students subjected to and disciplined for harassment or bullying on the basis of their actual or perceived sexual orientation or gender identity, and standardizing the collection of demographic data to allow for intersectional analyses of disparities impacting students who hold multiple marginalized identities.

GLSEN has also signed on to a comment letter urging the Department of Education (US ED) and the Department of Justice to issue Title VI guidance on nondiscriminatory school discipline. This letter, led by the Leadership Conference on Civil and Human Rights, calls for these agencies to address the overuse and discriminatory application of suspension and expulsion on youth in schools. The signers of the letter argue that the requested guidance would send a message that both agencies care that schools are discriminating against youth of color by disproportionately excluding them from schools and would enable LEAs to adopt decisionmaking that supports student safety and well-being.

Finally, GLSEN also signed on to a letter from the Center for American Progress and the Movement Advancement Project urging the US Census Bureau to include questions to measure sexual orientation, gender identity, and variations in sex characteristics on the 2030 census. Secondly, the letter requests that the Census Bureau directly undertake educational outreach and community engagement efforts to reduce distrust and encourage census participation by LGBTQI+ individuals.

State Public Policy Updates

In October, GLSEN signed on to a public comment letter opposing the Virginia Department of Education's proposed model policies that require discrimination against transgender, nonbinary, and other gender expansive youth in schools. The Letter, led by the National Women's Law Center, strongly condemns the state's proposed model policies as they single out transgender students for "surveillance, censorship, and second class privacy rights through government enforcement of sex stereotypes." The signers of the letter argue that the proposed model policies require unlawful discrimination against LGBTQI+ students and appear designed to violate the Constitution and federal law and expose school districts to legal liability. The letter also states that the state cannot forbid expressions of basic courtesy and respect under the guise of free speech. Moreover, the letter emphasizes that government enforcement of sex stereotypes is especially likely to harm students of color and increases the risk of sex harassment and assault. And finally, the letter makes the affirmative argument that trans inclusive policies help to create safe, affirming, and equal educational opportunities for girls, women, and all students.

Additionally, in November GLSEN signed on to a forthcoming public comment letter, led by the National Center for Transgender Equality, opposing the Florida Board of Medicine and Board of Osteopathic Medicine's proposed rules that will ban gender-affirming care for transgender and nonbinary youth. The letter argues that the proposed rules perpetuate discrimination; defy established medical science regarding gender-affirming care for trans youth; extend significantly further than the reach of prior precedents from these Florida medical boards; would create significant confusion for doctors licensed in multiple jurisdictions; and violate the Affordable Care Act's prohibition of discrimination on the basis of sex.

Throughout the state legislative cycle GLSEN tracks bills that have been introduced in all 50 state legislatures, the District of Columbia, and U.S. territories. To date, in the 2022 state legislative cycle GLSEN is tracking 22 bills that are affirming of LGBTQ+ students and inclusive K-12 learning communities, and 212 discriminatory bills that target LGBTQ+ youth. The legislatures still in regular session this year are Ohio, Michigan, Illinois, and New Jersey. In particular, GLSEN is monitoring several bills in Ohio that target trans youth in K-12 learning communities, including HB 151, an anti-trans athletic participation bill and HB 722, a bill that could force educators to out queer and trans youth to unsupportive guardians. To learn more about the specific content and legislative progress of all of the state bills that GLSEN is tracking, you can visit our [2022 Affirmative Bill Tracker](#) and our [2022 Negative Bill Tracker](#).



Updates from the Hill

In November, GLSEN signed on to a letter by Fight for the Future, the Center for Democracy and Technology, and the Electronic Frontier Foundation opposing the Kids Online Safety Act (KOSA). The letter notes that while the bill stems from the laudable goal of protecting the privacy, online safety, and digital well-being of children, the text of the legislation risks undermining these very goals by incentivizing online platforms to take steps to adhere to KOSA that would have damaging effects on those children. Specifically, KOSA would put pressure on online platforms to over-moderate the information available to youth on their platforms, including LGBTQ+ inclusive resources, which are already under attack in many states and localities. Further, KOSA would require platforms to enable parental supervision until the user has reached age 17, which interferes with older minors' privacy rights and risks subjecting them to digital surveillance, even if they are seeking mental health support, or resources to do with domestic violence or parental abuse. Finally, KOSA may make it harder for education institutions to provide services including education technology and the maintenance of digital academic records.

Supreme Court Updates

In November, GLSEN joined an amicus brief led by the National Women's Law Center, in a case called *A.M. v. Indianapolis Public Schools*, which is currently before the Court of Appeals for the Seventh Circuit. The amicus brief was filed in support of the appellee's opposition to the implementation of Indiana House Enrolled Act 1041 on the grounds that it would require sex discrimination prohibited under Title IX. The Indiana law in question is a ban on transgender girls and women participating in athletics on teams that align with their gender identity. The brief argues that the transgender athlete ban threatens opportunities for girls and women who seek to play team sports in schools, and because it forces schools to discriminate on the basis of sex, which violates both Title IX and the Equal Protection Clause of the Constitution. Ultimately the brief urges the Court to uphold the District Court's injunction order, which has halted implementation of the law.





Public Policy Moves to Watch



GLSEN's Executive Director, Melanie Willingham-Jaggers, recently issued a press release in response to the hateful attack at Club Q, an LGBTQ+ nightclub, in Colorado Springs. The statement highlighted that,

"This weekend's violence in Colorado Springs is the latest tragic consequence of the wave of anti-LGBTQ+ rhetoric that ring-wing politicians and figures are pushing across the country. We've seen it time and again: hate speech, especially hate speech enshrined in state bills, fuels hate crimes.

Our hearts go out to the victims of the Club Q shooting and their families and loved ones. For the rest of us, now is a moment to mourn our siblings, but also to translate our fear and rage and desire for solidarity into clear, direct action. We are grateful to those on the scene of the shooting who were able to act so quickly to intervene and prevent further casualties. These folks are part of a legacy of queer leaders who, in the face of unfathomable adversity, chose to do something."

You can read the statement in full as well as watch GLSEN's video response in the wake of the attack, [here](#). Additionally, GLSEN has published a **Conversation Guide for Educators** having discussions about the Club Q attack with their students, and a **Community Conversation Guide**. You can find these as well as links to additional resources from One Colorado, Inside Out Youth Services, and others, [here](#).

Additionally, in October, GLSEN Published the 2021 National School Climate Survey (NSCS). The NSCS is GLSEN's flagship report on the school experiences of LGBTQ+ youth, including the extent of the challenges that they face at school and the school-based resources that support their well-being.

Major findings from the 2021 NSCS include:

- Schools remain hostile for LGBTQ+ students;
- Fewer resources are available for LGBTQ+ students;
- Bullying and harassment goes beyond the classroom;
- School policies discriminate against LGBTQ+ students, especially transgender and nonbinary students; and
- Anti-LGBTQ+ harassment and hostile school environments directly harm mental health and academic performance.

In a **press release** about the report's publication, GLSEN Chief of Staff and Deputy Executive Director for Public Policy and Research, Aaron Ridings, said "Students report a decline in school resources, the COVID-19 pandemic has created a period of mass disruption and trauma, and the attacks on LGBTQ+ youth from anti-LGBTQ+ extremists continue to create a chilling effect that threatens the wellbeing of gay and transgender youth across the country. We need leaders in states across the country who will uphold basic civil and education rights and let educators teach and students learn." You can access the 2021 NSCS report [here](#).

Finally, GLSEN is hosting the next National Safe Learning Partnership (NSLP) members meeting, on Thursday, December 1 at 4:00pm ET. NSLP members will be invited to join the meeting through the NSLP listserv. To become an NSLP member organization please reach out to policy@glSEN.org.

What We're Watching in the News

Inclusive Education Benefits All Children.

Melanie Willingham-Jaggers. Learning for Justice Magazine, Issue 3, Fall 2022.

This article, by GLSEN's Executive Director, describes the movement for inclusive education, evidences the positive impact of inclusion, and decries the continued exploitative political attacks on LGBTQ+ communities in schools.

More Than 80 Percent of Lgbtq Students Reported Feeling Unsafe at School Last Year: Report.

Brooke Midgdon. The Hill, October 20, 2022.

This article highlights the findings of GLSEN's National School Climate Survey.

What the Federal 'Don't Say Gay' Bill Actually Says.

Eesha Pendharkar. Education Week, November 9, 2022.

This article is about the provisions and potential impact of the recently introduced federal Don't Say Gay bill, formally titled the "Stop the Sexualization of Children Act."

With Their Licenses in Jeopardy, Florida Teachers Unsure How the 'Don't Say Gay' Law Will Be Applied.

Ileana Najarro. Education Week, October 27, 2022.

This article discusses the concerns, anxieties, and responses of Florida educators to the enforcement of the state's Don't Say Gay law.

Us Elections: Record-Breaking Number of Lgbtq+ Politicians Running in Midterms.

Rashi Agarwal. Pink News, November 8, 2022.

This article is about the unprecedented wave of LGBTQ+ identified candidates that sought office in the November elections.

For assistance with media inquiries, please contact info@glSEN.org.



QUESTIONS, COMMENTS, ADDITIONS?

Have a note to add for next month's postcard? See a mistake that needs correcting? Want more resources or information? Let us know what more you would like, and even what you would like less of. Please contact policy@glSEN.org.