



January 12, 2023

National Center for Education Statistics  
Institute of Education Sciences  
Potomac Center Plaza  
550 12th Street, SW  
Washington, D.C. 20202

**Re: National Assessment of Educational Progress (NAEP) 2024, ED-2022-SCC-0141,  
Docket # 2022-24796**

GLSEN is pleased to submit this comment regarding measures to advance inclusion and equity for LGBTQ+<sup>1</sup> students and educators in the 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 NCES to include LGBTQ+ demographic measures in the updated surveys of students and educators that it plans to make available for review in February 2023.<sup>2</sup>

The NAEP provides critical insight into student achievement and learning experiences across academic subjects that inform education policy and practice. GLSEN strongly supports the continued inclusion of measures related to students' and teachers' race and ethnicity, measures related to students' socioeconomic status, and the collection of data on disability status and English Learner status through student records. Revising NAEP surveys to include measures of sexual orientation and gender identity, as well as variations in sex characteristics or intersex status (SOGI-SC), 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 others who experience marginalization across multiple aspects of their identity. Specifically, GLSEN recommend that NCES revise the NAEP instrument as follows:

- The NAEP student survey should allow respondents in grades 8 and 12 to self-report their sexual orientation and gender identity, if they choose to do so;

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<sup>1</sup> GLSEN uses "LGBTQ+" to refer to sexual and gender minority populations, including but not limited to individuals who are lesbian, gay, bisexual, transgender, queer, nonbinary, Two-Spirit, and intersex.

<sup>2</sup> U.S. Department of Education. Agency Information Collection Activities; Comment Request; National Assessment of Educational Progress (NAEP) 2024. 87 Fed. Reg. §219 (November 15, 2022). <https://www.federalregister.gov/documents/2022/11/15/2022-24796/agency-information-collection-activities-comment-request-national-assessment-of-educational-progress>.

<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 January 4, 2023).

- If the NAEP collects additional gender data through student records, NCES should provide a nonbinary category for those schools that have implemented nonbinary-inclusive student information systems<sup>4</sup>;
- The NAEP teacher survey should allow respondents to self-report their sexual orientation and gender identity, if they choose to do so; and<sup>5</sup>
- The NAEP secondary student and teacher surveys should include measures that allow respondents to self-report if they were born with variations in sex characteristics or are intersex, if they choose to do so<sup>6</sup>; development of such measures should be a priority.

GLSEN’s Research Brief, [Considerations for Measuring Sexual Orientation and Gender Identity in Surveys of Secondary School Students](#), provides sample measures of sexual orientation and gender identity for use in general population surveys of secondary students.<sup>7</sup>

For the NAEP surveys of students in grade 8 and 12, GLSEN recommends the following measure of gender identity, derived from an item that has been cognitively tested with youth:

When a person’s sex and gender do not match, they might think of themselves as transgender. Sex is what the doctor labeled you when you were born. Gender is how a person feels and identifies. Which one response best describes you?

- I am **not** transgender and I identify as a boy or a girl
- I am transgender and identify as a boy or man
- I am transgender and identify as a girl or woman
- I am transgender and identify in some other way other than a boy or girl
- I am **not** transgender and identify in some other way than a boy or girl

Followed by an item assessing sex assigned at birth:

What sex were you assigned at birth (what the doctor put on your birth certificate):

- Male
- Female

<sup>4</sup> The sample NAEP student survey currently collects gender data exclusively through student records, providing only binary (male/female) categories for reporting. In at least 14 states (California, Connecticut, District of Columbia, Illinois, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Utah, Virginia, and Washington), student records allow for the collection of nonbinary gender identity data and at least nine SEAs (California, Connecticut, District of Columbia, Illinois, Massachusetts, New Jersey, New Mexico, Oregon, Utah, and Washington) are currently publishing data on nonbinary student enrollments in required state reports. Requiring participating schools to report nonbinary students as male or female results is burdensome and leads to the collection of data that is known to be inaccurate.

<sup>5</sup> The sample NAEP teacher survey asks respondents to self-report their gender using binary (male/female) gender categories.

<sup>6</sup> 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. The 2022 NASEM consensus report includes guidance and sample measures for collecting demographic data on intersex people. 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 of Sciences, Engineering, and Medicine. (2020). *Understanding the Well-Being of LGBTQI+ Populations*. Washington, DC: The National Academies Press. Available at <https://doi.org/10.17226/25877>. National Academies of Sciences, Engineering, and Medicine. (2022). *Measuring Sex, Gender Identity, and Sexual Orientation*. Washington, DC: The National Academies Press. Available at <https://doi.org/10.17226/26424>.

<sup>7</sup> Clark, C. M. & Kosciw, J. G. (2022). *Considerations for Measuring Sexual Orientation and Gender Identity in Surveys of Secondary School Students* (Research Brief). New York: GLSEN. <https://www.glsen.org/SOGI-measurement>. Where (additional) cognitive testing is needed, NCES should prioritize such testing.

For the NAEP surveys of students in grade 8 and 12, GLSEN recommends the following measure of sexual orientation:

Your sexuality or sexual orientation describes who you are attracted to. Below is a list of terms that people often use to describe their sexuality or sexual orientation. Which of the following best describes your sexual orientation? (We know that many people identify with more than one sexual orientation, or with sexual orientations that are not listed. However, for this survey please pick the sexual orientation on this list that best fits you.)

- |                                  |                                    |  |                                  |
|----------------------------------|------------------------------------|--|----------------------------------|
| <input type="checkbox"/> Gay     | <input type="checkbox"/> Bisexual  | <input type="checkbox"/> Straight/Heterosexual | <input type="checkbox"/> Queer   |
| <input type="checkbox"/> Lesbian | <input type="checkbox"/> Pansexual | <input type="checkbox"/> Questioning           | <input type="checkbox"/> Asexual |

The inclusion of SOGI-SC measures in NAEP surveys aligns with President Biden’s Executive Order on advancing equality for lesbian, gay, bisexual, transgender, queer, and intersex individuals<sup>8</sup> and the most recent recommendations on SOGI-SC data collection from the National Academies of Sciences, Engineering, and Medicine (NASEM). In 2020, NASEM 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 the context of education.<sup>9</sup> In 2022, NASEM issued a consensus study report with recommended measures and guiding principles for collecting SOGI-SC data.<sup>10</sup>

Including SOGI-SC measures in NAEP surveys of 8<sup>th</sup> and 12<sup>th</sup> grade students does not violate the Protection of Pupils Rights Amendment (PPRA), which prohibits requiring students to “submit to a survey, analysis, or evaluation that reveals information concerning” on topics including “sex behaviors or attitudes” without prior written consent from a student’s parent or guardian. Student participation in the NAEP is voluntary and SOGI-SC measures are demographic measures that do not communicate how a respondent behaves or views sex and specifically sexual activity. For example, identifying as a cisgender girl and a lesbian does not indicate that the individual respondent is sexually active or whether she views sexual activity in a positive or negative light.

Like measures of race, ethnicity, disability, and socioeconomic status, SOGI-SC measures communicate important information about who an individual is and are necessary to identify and address disparities impacting LGBTQ+ young people in K-12 schools, including those who experience compounded marginalization as LGBTQ+ students who are Black, Indigenous, and people of color (BIPOC) or people with disabilities. 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 educational outcomes of LGBTQ+ young people, it is essential that surveys like the NAEP include SOGI-SC measures.<sup>11</sup>

<sup>88</sup> Executive Order 14075 of June 15, 2022. *Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals*. 87 Fed. Reg. §118 (June 21, 2021). <https://www.govinfo.gov/content/pkg/FR-2022-06-21/pdf/2022-13391.pdf>.

<sup>9</sup> NASEM. (2020). *Understanding the Well-Being of LGBTQI+ Populations*. <https://doi.org/10.17226/25877>.

<sup>10</sup> NASEM. (2022). *Measuring Sex, Gender Identity, and Sexual Orientation*. <https://doi.org/10.17226/26424>.

<sup>11</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. GLSEN’s biennial National School Climate Survey of LGBTQ+ secondary students have consistently found that experiencing anti-LGBTQ+ victimization is associated with a range of adverse outcomes that matter for educational progress, including increased absences, lower GPAs, a decreased likelihood of pursuing post-secondary education, higher levels of depression, and lower levels of self-esteem and school belonging. Kosciw, J. G., Clark, C. M., & Menard, L. (2022). *The 2021 National School Climate Survey: The experiences of LGBTQ+ youth in our nation’s schools*. New York: GLSEN. <https://www.glsen.org/research/2021-national-school-climate-survey>.

Revising NAEP surveys with existing demographic measures to include SOGI-SC measures will improve our understanding of how well our schools are meeting the needs of all students. Thank you for considering these recommendations. To discuss the recommendations 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