



March 8, 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, OMB Control No: 1850-0928

GLSEN is pleased to submit this comment regarding measures to advance inclusion and equity for LGBTQ+¹ students and educators in the National Assessment of Educational Progress of 2024 (NAEP 2024) administered by the National Center for Education Statistics (NCES). As the leading national organization on LGBTQ+ issues in K-12 education, GLSEN urges the inclusion of LGBTQ+ demographic measures in the NAEP 2024 student and educator questionnaires.

The Federal Evidence Agenda on LGBTQI+ Equity directs federal agencies to “consider prioritizing assessments of programs and services for LGBTQI+ people in areas where known disparities exist, such as in education.”² As a nationally representative sample of students and, periodically, representative at the state level as well, the NAEP 2024 provides critical insight into student achievement and learning experiences across academic subjects that inform education policy and practice. Given that available data consistently show disparities impacting LGBTQ+ students in K-12 schools,³ including specifically with regard to conventional educational metrics like GPA and absences,⁴ the NAEP 2024 should include LGBTQ+ demographic measures. Doing so would also support the NCES in “better determin[ing] how well education is meeting the needs of all students,”⁵ including LGBTQ+ students of color and others who experience marginalization across multiple aspects of their identity.

¹ 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.

² Subcommittee on Sexual Orientation, Gender Identity, and Variations in Sex Characteristics (SOGI) Data Subcommittee on Equitable Data, “Federal Evidence Agenda on LGBTQI+ Equity,” January 2023, available at <https://www.whitehouse.gov/wp-content/uploads/2023/01/Federal-Evidence-Agenda-on-LGBTQI-Equity.pdf>.

³ Johns, M. M., Lowry, R., Haderxhanaj, L. T., Rasberry, C. N., Robin, L., Scales, L., Stone, D., & 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), 19–27.

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>

⁴ 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>.

⁵ 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 (Accessed January 4, 2023).

In response to GLSEN’s earlier comment on the NAEP of 2024 urging the addition of measures that allow students and teachers to self-report their gender identity, NCES stated that it “is actively working towards including more gender identity options in future NAEP data collections both from school records (where we get student gender information) and teacher self-reports via the teacher survey questionnaire.”⁶ NCES is not required to collect gender data through student records (20 U.S. Code § 9622) and other data on population characteristics are already collected through student questionnaires. Because collecting comprehensive gender identity data via student records is not currently possible and raises unique student privacy and safety concerns,⁷ GLSEN urges the use of student self-reports instead of (exclusively) relying on student records and implementation of existing measures for teacher self-reports.

Specifically, GLSEN recommends the following:

1. The NAEP student survey should include measures that allow students to self-report their gender identity rather than relying exclusively on student records for gender data. NCES should prioritize the development and testing of such measures in coordination with the U.S. Census Bureau, if needed, including by requesting funds for this purpose;
2. NCES should allow for accurate reporting of data on nonbinary students through school records where schools have implemented nonbinary-inclusive student records and have enrolled nonbinary students; and
3. The NAEP teacher survey should include a measure of gender identity like that included on the proposed National Teacher and Principal Survey of 2023-2024 (NTPS of 2023-2024).⁸

To elaborate on GLSEN’s second recommendation above, it is important to know that at least 14 states allow students to use an “X” or another gender marker besides “M” and “F” and at least nine state education agencies have published data on nonbinary student enrollments state reports.⁹ Requiring schools participating in the NAEP to report nonbinary students as male or female creates a burden for schools that have implemented more inclusive student information systems and leads to the collection of data that is known to be inaccurate. For example, Corvallis School District in Oregon implemented a more inclusive student information system, allowing students to record their gender as “X” instead of “M” or “F,” with the support of the Oregon Department of Education, only to encounter a problem when ask reporting enrollment data to the U.S. Department of Education. As one school personnel explained, “[t]he federal government wants me to make a decision on whether or not a student is male or female. And I don’t think I should do that.”¹⁰

⁶ NCES. (2023) Response to 60 Day Comments. Available at:

https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202211-1850-002.

⁷ Washick, B., Ridings, A., Juste, T. (2022). LGBTQ+ Data Inclusion: Advancing Intersectional Equity in K-12 Education Systems (Issue Brief). New York and Washington, DC: GLSEN. Available at <https://eric.ed.gov/?id=ED623159>.

⁸ National Center for Education Statistics (NCES), Department of Education (ED). Agency Information Collection Activities; Comment Request; National Teacher and Principal Survey of 2023-2024 (NTPS 2023-24) Data Collection. 88 Fed. Reg. §14 (January 23, 2023). <https://www.federalregister.gov/documents/2023/01/23/2023-01157/agency-information-collection-activities-comment-request-national-teacher-and-principal-survey-of>. NTPS instrument available at <https://www.regulations.gov/document/ED-2023-SCC-0019-0004>.

⁹ California, Connecticut, District of Columbia, Illinois, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Utah, Virginia, and Washington currently allow for the use of an “X” or another gender marker other than “M” or “F.” The state education agencies of California, Connecticut, District of Columbia, Illinois, Massachusetts, New Jersey, New Mexico, Oregon, Utah, and Washington have published data on nonbinary student enrollments in state reports.

¹⁰ Bryant, L. “Nonbinary students aren’t reflected in federal civil rights data. That might change.” May 10, 2022, Chalkbeat. <https://www.chalkbeat.org/2022/5/10/23063639/nonbinary-student-federal-civil-rights-data-collection>.

In response to GLSEN’s earlier comment recommending that measures of sexual orientation be included on surveys of students in grades 8 and 12 and for all teachers, NCES stated that “NAEP does not collect information related to sexual orientation. The content of NAEP questionnaires is outlined in the Education Sciences Reform Act (P.L. 107-279).” 20 U.S. Code § 9622(b)(2)(G) directs the Commissioner for Education Statistics “in carrying out the measurement and reporting” for the NAEP to “include information on special groups, including, whenever feasible, information collected, cross tabulated, compared, and reported by race, ethnicity, socioeconomic status, gender, disability and limited English proficiency.”

Collecting data on sexual orientation is not prohibited by the Education Sciences Reform Act or any other law and no special provisions are required for including a measure of sexual orientation on the NAEP survey secondary students.¹¹ In light of the Federal Evidence Agenda on LGBTQI+ Equity and President Biden’s Executive Order on advancing equality for lesbian, gay, bisexual, transgender, queer, and intersex individuals¹², GLSEN urge NCES to:

4. Include a measure of sexual orientation on the NAEP questionnaire for students in grade 12 that allows students to self-report their sexual orientation. NCES should prioritize the development and testing of such measures by requesting funds for this purpose and coordinating with the U.S. Census Bureau, if needed, including by requesting funds for this purpose;¹³ and
5. Add the measure of sexual orientation included on the proposed NTPS of 2023-2024 to the NAEP teacher questionnaire.¹⁴

NCES did not respond to GLSEN’s recommendation regarding measuring variations in sex characteristic or intersex status. Comprehensive LGBTQ+ inclusive data collection must include measures for intersex individuals, a population that may comprise as much as 1.7% of the population and faces documented but understudied health and social disparities.¹⁵ GLSEN urges NCES to prioritize the development and testing of such measures in coordination with the U.S. Census Bureau and other relevant federal agencies, including by requesting funds for this purpose.

¹¹ The Protection of Pupils Rights Amendment requires prior parental consent before a student is required to “submit to a survey, analysis, or evaluation that reveals information concerning” that includes enumerated topics. Sexual orientation and variations in sex characteristics are not among the enumerated topics. However, this further evaluation of topics enumerated under the PPRA is irrelevant on surveys that are voluntary. As noted in the NAEP FAQ, “Federal law specifies that NAEP is voluntary for every student, school, school district, and state.” NCES. (N.D.) NAEP Participation. <https://nces.ed.gov/nationsreportcard/participating/>.

¹² 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>.

¹³ GLSEN’s Research Brief, [Considerations for Measuring Sexual Orientation and Gender Identity in Surveys of Secondary School Students](#), and earlier comment provides sample measures of sexual orientation for use in general population surveys of secondary students. 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>.

¹⁴ NCES ED. Agency Information Collection Activities; Comment Request; NTPS 2023-24 Data Collection. 88 Fed. Reg. §14 (January 23, 2023). <https://www.federalregister.gov/documents/2023/01/23/2023-01157/agency-information-collection-activities-comment-request-national-teacher-and-principal-survey-of>. NTPS instrument available at <https://www.regulations.gov/document/ED-2023-SCC-0019-0004>.

¹⁵ 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>.

Revising NAEP questionnaires with existing demographic measures to include LGBTQI+ demographic 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@glse.org.

Sincerely,

Aaron Ridings
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