

What is Enumeration?

The most effective anti-bullying and harassment laws and policies enumerate, or list, characteristics that are most frequently the subject of bullying and harassment, such as race, color, national origin, sex, sexual orientation, gender identity or expression, disability and religion.

For example, an enumerated policy may define bullying as:

“Bullying means written, verbal or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school’s educational programs or activities by placing the student (or students) in reasonable fear of physical harm. This includes, but is not limited to, conduct that is based on a student’s actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, or any other distinguishing characteristics that may be defined by the state or state educational agency. This also includes association with a person or group with one or more of the abovementioned characteristics, whether actual or perceived.”

Why is Enumeration Essential?

1. Enumeration protects ALL students.

- Enumeration is essential to protecting as many students as possible from bullying and harassment. The strength of an enumerated law or policy is that it underscores those students who research shows are most likely to be bullied and harassed and least likely to be protected under non-enumerated anti-bullying laws and policies. While enumerated policies specifically highlight the most vulnerable students, they do not limit the policy to only those students. All students are protected, even if they do not fall into one of the enumerated categories.
- Enumeration that includes sexual orientation and gender identity removes any doubt that LGBT youth are protected from bullying and harassment.

2. Enumerated policies help create safe schools and reduce absenteeism.

- Students who attend schools with enumerated policies experience significantly lower severities of victimization related to their sexual orientation or gender expression compared to students with a generic (or non-enumerated) policy. For example, 25% of students in schools with an enumerated policy reported experiencing elevated severities of victimization because of their gender expression compared to 34% of students in schools with a generic policy.
- Students who attend schools with enumerated policies reported hearing fewer biased-based remarks than students with generic

anti-bullying policies. For example, 74% of students in schools with enumerated policies heard phrases like “that’s so gay” often or frequently, compared to 87% of students in schools with generic policies.

- Students who attend schools with no anti-bullying policy were twice as likely to miss school compared to students with enumerated policies.

3. Enumeration is essential if laws are to be implemented.

- Enumeration provides teachers and school personnel with the tools they need to implement anti-bullying and harassment policies, making it easier for them to prevent bullying and intervene when incidents occur. Evidence shows that educators often do not recognize anti-LGBT bullying and harassment as unacceptable behavior. Sometimes they fail to respond to the problem due to prejudice or community pressure. When they can point to enumerated language that provides clear protection for LGBT students, they feel more comfortable enforcing the policy. Students in schools with enumerated policies reported that teachers intervened more than twice as often compared to students in schools with generic anti-bullying policies, and more than three times as often compared to students in schools with no policy at all.
- History and the Supreme Court tell us that enumerating policies is essential. Without the enumeration of categories like “race” and “sex” in federal law, the integration of public schools and the introduction of Title IX would not have been possible. The US Supreme Court noted in *Romer v. Evans* that “enumeration is the essential device used to make the duty not to discriminate concrete and to provide guidance for those who must comply.”

4. Enumeration is popular.

- The vast majority of Americans (85%) support Congress passing a law to require schools to enforce specific rules to help stop bullying. Similarly, the vast majority of parents (83%) support fully enumerated anti-harassment and anti-discrimination policies in schools.
- Over 100 leading national organizations have shown their support for enumerated anti-bullying policies. These organizations represent leaders in the fields of education, health, civil rights, youth development, and religion and have come together to form the National Safe Schools Partnership, a coalition to support an enumerated federal anti-bullying law.
- The US Department of Education considers enumeration a key component of anti-bullying laws and policies.
- Enumeration has broad bipartisan support. In 2011, over 170 Republican state lawmakers voted in support of fully enumerated state anti-bullying and harassment laws. At the federal level, there is increasing bipartisan support for the Safe Schools Improvement Act, a fully enumerated anti-bullying bill.