



Creating Safe Schools: Improving the K-12 Education System for LGBTQ+ Students of Color

Quincy Evans

Executive Summary

In the United States K-12 education system there are very few protective federal laws specifically to support LGBTQ+ students. Exposed to daily traumatizing events and the targets of sexual and gender discrimination, these unjust acts of damage stick with youth, leaving cruel memories of their years in school and long-lasting trauma. For many LGBTQ+ students school becomes a place where they feel unsafe, triggered by the behavior, direct aggressions, microaggressions and bullying that happens from their peers, teachers and school administrators alike. Congress should intervene to ensure the safety and well-being of LGBTQ+ student's mental, physical and emotional health by requiring training to teachers and administrators on sexual identity/expression and gender identity/expression inclusivity, provide funding to hire counselors to support LGBTQ+ students of color and create stronger guidelines to protect LGBTQ+ students from bullying and harassment.

Problem Statement

Over the course of 2020, there were several state bills proposed to further the mistreatment and blatant homophobia and transphobia of LGBTQ+ youth including states like Florida where the legislature proposed that performing gender reassignment therapy should be a felony. In South Dakota the legislature called for making it a misdemeanor for physicians to perform gender reassignment surgeries on minors. According to the Movement Advancement Project, South Dakota and Missouri have laws to prevent anti-discrimination proposals (Movement Advancement Project Equality Map). Missouri has a "Don't Say Gay" law which prohibits the teaching of LGBTQ+

people and issues and laws banning schools from implementing LGBTQ+ nondiscrimination or anti-bullying policies. They also prevent transgender and gender expansive students from joining sports teams to be matched with their preferred gender, have banned healthcare providers from performing gender reassignment treatments and would classify parents who sign off on the treatments as child abusers. In Colorado the legislature proposed a bill to “protect minors from mutilation and sterilization,” to prevent minors from receiving gender reassignment therapy and surgery (Colorado HB20-1114). Youth should not be denied their right to live in a comfortable body. These series of laws, which are pervasive throughout the nation are infringing upon the health and well-being and the rights of LGBTQ+ young people.

LGBTQ+ youth live in a world where bias and discrimination happen every day. For these students to thrive in school, they need to feel socially, emotionally, and physically safe and supported. However, when discrimination due to either sexual orientation or gender identity/expression occurs there are negative outcomes for LGBTQ+ youth. Hearing slurs and experiencing harassment and assault are some of the daily obstacles that LGBTQ+ youth face while at school. As a result, many LGBTQ+ students miss school due to safety concerns. This leads to emotional and mental health disturbances. For instance, 39% of LGBTQ+ youth seriously considered attempting suicide within the last twelve months (National Survey on LGBTQ Youth Mental Health 2019). In 2017, GLSEN conducted a national LGBTQ+ School Climate Survey based on the experiences of LGBTQ+ students. Almost 60% felt unsafe because of their sexual orientation, and 35% because of their gender. The survey also found that almost 35% of LGBTQ+ students missed school due to feeling unsafe and uncomfortable. In terms of verbal abuse, 95% of who was surveyed heard homophobic remarks and over 85% heard transphobic remarks—with both groups saying these remarks were frequent. Once induced to such maltreatment, it’s up to the student on whether to report the incident. However, 55% of students neglected to report due to doubt the situation would be addressed, or fear that the situation would worsen.

Some students decide file a report of their harassment, but 60% of students said that school staff did nothing in response or told the student to ignore it. In fact, school staff and teachers often create hostile environments for young people, over 50% of

students reported hearing homophobic remarks from their teachers and other school staff and 71% hearing transphobic remarks. Verbal harassment often turns into physical, as well. Almost 30% of LGBTQ+ students reported being either pushed or shoved due to their sexual orientation and almost 25% due to either their gender expression and/or identity. With a lack of proper policies and consequences for students and teachers alike these behaviors continue to heighten and create unsafe and unfit learning environments for LGBTQ+ students.

With traumatizing events on these youth minds, endless paths of negative mental health issues occur. In 2017, the Human Rights Campaign released a collection of LGBTQ+ youth surveys and research papers over the last decade. They found that 28% of LGBTQ+ youth, including 40% of transgender youth, said they felt depressed most or all of the time during the previous 30 days, compared to only 12% of non-LGBTQ+ youth. According to the CDC's 2015 Youth Risk Behavior Survey, 60% of youth surveyed reported being so sad or hopeless they stopped doing some of their usual activities, LGBTQ+ young people are more than twice as likely to feel suicidal, and over four times as likely to attempt suicide, compared to heterosexual youth. There is a clear domino effect happening to these youth. Feeling the consequences of hazardous learning settings, these students are suffering from an array of mental health disorders.

Dealing with being in two marginalized groups, Black and African-American LGBTQ+ youth face even more discrimination and hardships. Black queer and transgender/gender expansive students are disproportionately disadvantaged than both their non-Black and non-LGBTQ+ students. Black and African-American LGBTQ+ youth often face homophobia at home and at school, compounding the impact of it even further. In 2019, the Human Rights Campaign revisited their 2018 LGBTQ+ Youth Report and reanalyzed specifically the responses of Black and African-American LGBTQ+ students. In context to their living situations, 77% of the youth said they heard family members say negative things about the LGBTQ+ community, almost half surveyed to have been taunted or mocked by family, 59% said their family makes them feel bad because of their identity while 67% are transgender and gender expansive.

LGBTQ+ students also have to worry about harsher disciplinary actions, especially in schools that lack protective LGBTQ+ policies. In early 2012, the GSA

Network conducted a survey on disciplinary practices and disparities on LGBTQ+ youth. These students reported increased surveillance and policing aimed towards them and victim-blaming. Some students provided personal examples, one stating that after a queer person of color faced months of torment and homophobia, when she stood up for herself, she received a 45-day suspension while her bully only receive a 10-day suspension; ultimately, she ended up dropping out of school. Another key highlight was how Black or African-American LGBTQ+ students were withheld from educational time—either due to holding or suspension—over things like a boy wearing hair extensions and another carrying nail polish. The standard neglect of rights for LGBTQ+ students is pervasive, and Black and African-American LGBTQ+ students face higher rates of anxiety, depression, suicide, youth homelessness, harassment, and feelings of alienation over both non-Black and African-American LGBTQ+ students and non-LGBTQ+ students. This requires a comprehensive response that helps LGBTQ+ students thrive.

Policy Recommendations

Recommendation #1

Congress should pass legislation that requires all K-12 schools to incorporate a training to school staff and administrators on sexual identity/expression and gender identity/expression inclusivity, understanding transgender and gender expansive terminology, understanding the importance of pronouns, preferred names, deadnames, and other critical concepts in supporting these youth. Every teacher and administrator would have to take this required training once every two years to ensure that they are grounded in key concepts and are up to date on terminology. By giving teachers and staff training on inclusivity and demonstrating the extreme harm that can occur when LGBTQ+ students are mistreated and harassed in school, schools can potentially become safer spaces for these students. The teacher or staff may not teach that school year, if they are not up to date with this mandatory training. The school must partner with an LGBTQ+ focused non-profit organization that specifically trains staff and administrators on supporting LGBTQ+ students in order to complete their requirements. This would create a school climate where teachers and

administrators better understand the unique challenges that LGBTQ+ students face while in school and in their personal lives. It will also train teachers on how to intervene and act when LGBTQ+ students are bullied, and help them address their own biases towards LGBTQ+ students.

Recommendation #2

Congress should pass legislation that amends the Every Student Succeeds Act (ESSA) to incorporate funding for schools to hire LGBTQ+ students of color specialized mental health counselors. These counselors would ensure that LGBTQ+ students of color received specialized mental health supports, appropriate understanding of their trauma and referrals to additional services. LGBTQ+ students of color need additional resources on navigating their identities, and resources to prevent them from becoming victims of the school-to-prison pipeline. They also need trustworthy adults to confide in and receive validation, support and a non-judgmental opinion. Mental health counselors provide an important outlet for LGBTQ+ students of color because they are specially trained to understand the ongoing trauma and challenges they face because of their intersectional identities. There should be at least one LGBTQ+ students of color specialized mental health counselor in every K-12 school.

Recommendation #3

Congress should pass legislation that creates guidelines for preventing bullying towards LGBTQ+ students and mandate that hate crimes (harassment, mental and physical abuse, bullying) that occur in K-12 schools be accounted for through an appropriate plan to respond to such incidents. Students who harass and assault LGBTQ+ students need to be held accountable for their actions. There should be a formal plan to follow as created by the Department of Education that will ensure that the bully or harasser must comply with all rules and regulations and go through a formal review process. There must be consequences for teachers and administrators who review complaints or see bullying and do not act, including losing their employment. Schools should be designed for academic growth and building social connections but that becomes challenging for LGBTQ+ youth when they are repeatedly

denied those basic functions of a school. As more LGBTQ+ students continue to drop out of school, commit suicide, and are forced into juvenile justice systems and GED programs, their bullies continue to spiral with heinous acts of discrimination and into adulthood.