

# **POLICY ISSUE BRIEF:** **LGBTQ+ STUDENTS AND EDUCATORS**

## **Issue at a Glance**

Even after years of progress, lesbian, gay, bisexual, transgender, queer/questioning (LGBTQ+) children and young adults still face high rates of harassment, bullying, and discrimination at school. According to the 2021 Gay, Lesbian & Straight Education Network (GLSEN) National School Climate Survey, approximately 80% of LGBTQ+ students in grades K–12 experienced, verbal, physical, or sexual harassment or assault at school. LGBTQ+ youth are nearly four times as likely to attempt suicide as their heterosexual peers, with two in 10 reporting a suicide attempt in 2021. These challenges are even more profound for transgender students, 70% of whom report persistent feelings of sadness or hopelessness. More than one in four transgender students report attempting suicide. Negative and unsafe school environments lead to adverse academic and social-emotional outcomes for all students including school dropout, self-harm, and even suicide.

Climates conducive to the educational success of transgender students, specifically, can be even more elusive. In an annual survey of more than 7,000 students ages 13–21, GLSEN found that transgender students were more likely than any other students to have negative experiences at school and were more likely to have felt unsafe and to experience victimization based on their gender identity or expression. The survey indicated that 57% of transgender students had been prevented from using their preferred name, 74% had been required to use a bathroom or locker room of their legal sex, and 33% had been prevented from wearing clothes considered inappropriate based on their legal sex.

Creating an inclusive school also means creating an inclusive workplace where all employees are safe, accepted, and free from discrimination or harassment. In a landmark ruling in June 2020, the U.S. Supreme Court affirmed in *Bostock v. Clayton County* that LGBTQ+ employees, including educators and school staff, are protected under Title VII of the Civil Rights Act of 1964 from discrimination at work based on sexual orientation or gender identity. While the court's decision helped cement a legal protection basis for LGBTQ+ employees and educators, the reality is that discrimination and harassment still exist in many workplaces. Just as it is incumbent on school leaders to take intentional actions to eliminate stigma, discrimination, and harassment against students, it is also incumbent on them to do the same for staff. School leaders should promote an LGBTQ+ affirming workplace and ensure that all educators and employees have equal pay, benefits, and opportunity for promotion and advancement.

## NASSP Position

- NASSP supports the rights, safety, and identity of all LGBTQ+ students, educators, and school leaders. We acknowledge that there has been historic marginalization and institutional bias associated with LGBTQ+ individuals, and we oppose legislation and policies that discriminate against LGBTQ+ individuals.
- The Professional Standards for Educational Leaders (PSEL) state that “effective educational leaders strive for equity of educational opportunity and culturally responsive practices to promote each student’s academic success and well-being,” which includes LGBTQ+ students.
- Students should be able to enter school free of judgment from school officials, educators, and their peers. Therefore, the principal must provide an affirming school environment where each student is treated fairly, respectfully, and with an understanding of each student’s identity, culture, and context.
- Principals influence the school culture in profound ways, specifically in the values they emphasize and the behaviors they reinforce.
- The principal’s primary responsibility is to create and sustain a school environment in which each student and educator is known, accepted, cared for, and encouraged to be an active and responsible member of the school community.
- The principal also must support a school environment where diversity is valued and where all students and educators from diverse backgrounds and identities are treated equally, affirmed, supported, and assured equitable educational opportunities and access to school and community-based support services.
- School leaders must create environments where the well-being and safety of everyone in the learning community is nurtured, and all students have an equitable opportunity to learn and thrive. To fully achieve that goal, school leaders must take intentional action to promote education and advocacy that furthers positive social-emotional and academic development for each student. They must also proactively work to eliminate bias, discrimination, and harassment based on sexual orientation, gender identity, and gender expression.

## Recommendations for Federal Policymakers

- Enact legislation to further clarify and strengthen anti-bullying and nondiscrimination laws that specifically protect individuals based on actual or perceived sexual orientation, gender identity, and gender expression in K–12 schools.
- Periodically review and update guidance that strongly affirms the protections LGBTQ+ students are afforded under Title IX and provide schools with recommendations on best practices to ensure they are not discriminating against LGBTQ+ youth, their parents or guardians, and school employees.
- Prioritize funding under the Higher Education Act for partnership grants that prepare school leaders, teachers, and other educators to create a culturally responsive climate for diverse populations, including LGBTQ+ and other underrepresented students.
- Fully fund Title IV, Part A of the Elementary and Secondary Education Act to improve school conditions for student learning through school-based mental health services, bullying and harassment prevention programs, and schoolwide positive behavioral interventions and supports.

- Through the Civil Rights Data Collection, collect and report annual data on the race, ethnicity, gender or gender identity, and sexual orientation of teachers and school leaders in all public schools and the enrollment and completion rates for candidates of underrepresented populations in teacher and leader preparation programs to identify gaps in retention strategies.
- Promote policies for student information records that respect LGBTQ+ students' need for privacy throughout the PreK–20 education continuum.

## Recommendations for State Policymakers

- Enact state legislation to strengthen anti-bullying and nondiscrimination laws that specifically protect individuals based on actual or perceived sexual orientation, gender identity, and gender expression in K–12 schools; and clarify reporting and investigation requirements for incidents of bullying or harassment.
- Adopt or adapt the PSEL to ensure that principal certification and licensure requirements include a focus on equity and cultural responsiveness that is inclusive of LGBTQ+ students.
- To support safe and welcoming school environments, school-based interventions, and LGBTQ+ mental health and wellness services for students and their families, increase the number of school-based mental health professionals to reach the nationally recommended ratios: one school counselor for every 250 students; one school psychologist for every 500–700 students, and one school social worker for every 400 students.
- Oppose any attempt to introduce or pass legislation aimed at discriminating against LGBTQ+ students and school staff.
- Make working with school districts and school leaders to ensure student safety and well-being the number one priority when designing programs for sports participation and other school activities.
- Oppose legislation aimed at banning professional learning on equity and inclusion for school leaders, educators, and school staff.
- Align and adjust policies to eliminate provisions that prevent school leaders from respecting a student's gender identity on their formal record.

## Recommendations for District Leaders

- Develop and implement comprehensive anti-bullying and nondiscrimination policies that specifically protect individuals based on actual or perceived sexual orientation, gender identity, and gender expression. Educate school staff, students, and parents/guardians about these policies, expectations of student behavior, how to report violations, and the consequences for policy violations. Work with building-level administrators to address students who violate policies and provide support for students who are targets of bullying and harassment.
- Provide ongoing professional development for principals, teachers, and other school staff. Identify local expert trainers to educate school staff about LGBTQ+ issues, addressing anti-LGBTQ+ bias and stigma, knowing how to recognize and intervene when LGBTQ+ related harassment and bullying occur, and developing skills and strategies to serve as supportive allies.

- Ensure that school counselors, school psychologists, and school social workers receive specialized training on understanding and responding to the needs of LGBTQ+ students.
- Work with building-level administrators to adopt or further develop inclusive curricula with accurate and unbiased information on LGBTQ+ people, history, and events and LGBTQ+ inclusive sexual health education that includes HIV education and prevention.
- Work with building-level administrators to adopt anti-bias curriculum and social-emotional learning programs in K-12 classrooms that are LGBTQ+ inclusive, and that embrace diverse family structures, including students with LGBTQ+ parents/guardians.
- Widely disseminate the district's anti-bullying and nondiscrimination policies and make them readily accessible on the district and schools' websites, in student and parent/guardian handbooks, and in policy manuals available in school offices.
- Review the GLSEN Model Local Education Agency Policy on Transgender and Nonbinary Students and revise district policies as needed.
- Follow the National Educational Leadership Preparation Program Recognition Standards in preparing and evaluating school leaders, especially the recommendations provided in Standard #3: Equity, Inclusiveness, and Cultural Responsiveness.
- In the annual notices sent to all parents and guardians at the beginning of the school year, include a disclosure stating that the district allows students to participate in sex-segregated school programs and activities consistent with their gender identity or expression.
- Develop policies and protocols for maintaining correct data for transgender students in the district student information system.
- Provide support for the unique privacy needs of transgender or nonbinary students so they can comfortably participate in field trips, overnight trips, and other school activities.

## Recommendations for School Leaders

- In coordination with district leaders, implement comprehensive anti-bullying and nondiscrimination policies that specifically protect individuals based on actual or perceived sexual orientation, gender identity, and gender expression. Educate school staff, students, and parents/guardians about these policies, expectations of student behavior, how to report violations, and the consequences for policy violations. Intervene with students who violate policies and provide support for students who are targets of bullying and harassment.
- Work with teachers and other school staff to develop inclusive curricula with accurate information on LGBTQ+ people, history, and events, and LGBTQ+ inclusive sexual health education, including HIV education and prevention.
- Work with teachers and other school staff to adopt anti-bias curriculum and social-emotional learning programs in K-12 classrooms that are LGBTQ+ inclusive and embrace diverse family structures, including students with LGBTQ+ parents/guardians.

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- Partner with local community groups and identify local expert trainers to educate school staff about LGBTQ+ issues, addressing anti-LGBTQ+ bias and stigma, knowing how to recognize and intervene when LGBTQ+ related harassment and bullying occur, and developing skills and strategies to serve as supportive allies.
- Actively support student leaders' efforts to establish a Gender and Sexuality Alliance (GSA) or similar LGBTQ+ support clubs and work with teachers and other advisers to support them.
- Proactively address gender and anti-LGBTQ+ bias among staff and students, and ensure that all incidents of discrimination, harassment, or violence are thoroughly investigated and that appropriate actions are taken.
- Regularly administer an LGBTQ+ inclusive and confidential school climate survey of students, parents/guardians, and school personnel, and use the data to improve school conditions for all stakeholders.
- Diagnose inequitable practices and structures for negative influence on certain groups of students or staff. The diagnostic process should include using data and individual conversations to examine formal school policies or inherent staff biases.
- Display a poster or sticker to show students, staff, and parents/guardians that your office is an LGBTQ+ affirming space and encourage staff to do the same for their office or classroom.
- Familiarize yourself with Title IX guidance and state and district policies regarding LGBTQ+ students and consult your school or district attorney should you have any questions or concerns.
- Remind your staff, students, parents/guardians, and community members of the need to support the rights of all students—including LGBTQ+ students—and that diminishing those rights runs contrary to the values of the school. Those rights include a student's sexual orientation or gender identity or expression, which should be respected especially regarding:
  - **Privacy:** Unless a student chooses to disclose certain information, their transgender status, legal name, or sex assigned at birth is confidential medical information and considered "personally identifiable information" under the Family Educational Rights Privacy Act (FERPA). Disclosure of that information to other school staff or parents/guardians could violate the school's obligations under FERPA or constitutional privacy protections.
  - **Name and pronouns:** All school staff should use the student's chosen name and pronouns, including gender-neutral pronouns such as "they/them," which is a sign of acknowledgment to the student and affirms their gender identity.
  - **Dress:** LGBTQ+ students have the right to dress in a manner consistent with their gender identity or gender expression as long as it complies with the school or district dress code. It is recommended that schools and districts adopt gender-neutral dress codes that respect all gender identities, cultural dress or hairstyles, religious dress, and disabilities.
- Model and set expectations for students, staff, and parents/guardians about how to build a positive school culture where all students feel included and respected, regardless of their sexual orientation, gender identity, or gender expression.