CHAPTER 3:

SAFE AND SUPPORTIVE SCHOOLS

SAFE AND SUPPORTIVE SCHOOLS

Bullying and violence in schools constitute a safety crisis, impacting the health and educational achievements of transgender youth. The National Transgender Discrimination Survey illustrates the alarming extent of the problem: 78% of respondents who were out as trans or were gender non-conforming while in K-12 school indicated that they had been harassed on the basis of their gender identity/expression, with over one-third (35%) reporting that the harassment escalated to physical assault. The abuse could be so severe that it resulted in almost one-sixth (15%) leaving school to escape.[1] A national survey by GLSEN has found that 80% of transgender youth feel unsafe at school, and those who are able to persevere had significantly lower GPAs, were more likely to miss school out of concern for their safety, and were less likely to plan on continuing their education.[2] Perhaps most alarmingly, 51% of NCTE survey respondents who had been bullied reported attempting suicide.[3]

Critically, however, it is not just hostility from peers that threatens equal opportunity for transgender students. Too often, school officials themselves single out these youth by refusing to respect their gender identity and even punishing them for expressing that identity. Rather than focusing on their education, many students struggle for the ability to come to school and be themselves without being punished for wearing clothes or using facilities consistent with who they are, and are often denied opportunities to go on field trips or participate in sports.

While bullying and the need for LGBT youth support systems have become a national conversation, much of the real change is happening in local school districts and state legislatures because of the hard work of parents, youth, educators, and state equality advocates. These efforts have included adopting anti-discrimination and anti-bullying laws and policies that explicitly include gender identity and expression, as well as developing specific policies and training that spell out what nondiscrimination means in key areas such as dress codes, athletic participation and access to school facilities. NCTE has partnered with the Gay, Lesbian & Straight Education Network (GLSEN) to release a Model School District Policy on Transgender and Gender Nonconforming Students. This essential resource provides clear and specific guidance for schools on preventing bullying, protecting student privacy, and ensuring an equal chance to learn. State and local agencies around the country have used the model policy in developing their own policies.

Policy Advances

- The Department of Justice (DOJ) filed a first-ever court brief arguing that denying a transgender student access to restrooms consistent with their gender identity may constitute sex-based discrimination under Title IX. (2015)
- The Department of Education issued guidance stating that, under Title IX, transgender students must have the opportunity to participate in single-sex classes and extracurricular activities consistent with their gender identity. (2014)
- The Department of Education issued guidance stating that the federal Title IX sex discrimination law protects transgender students from discrimination and harassment. (2014)
- The Department of Education issued guidance stating that colleges must strengthen sexual assault policies. (2014)
- The Department of Education issued guidance addressing racially disproportionate school discipline—though without acknowledging impacts or protections for LGBT students. (2014)
- The DOJ, Department of Education reached landmark Title IX settlements on behalf of trans students who were not allowed access to facilities or other school opportunities consistent with their gender identity by the Arcadia Unified School District as a potential violation of Title IX. (2013-14)
- The Department of Education issued a Dear Colleague letter to school districts, stating that Title IX prohibits anti-LGBT bullying based on sex stereotypes. (2010)

1 Injustice at Every Turn: A Report of the National Transgender Discrimination Survey, at 36-38.

2 Joseph G.Kosciw, Emily A. Greytak, Elizabeth M. Diaz, and Mark J. Bartkiewicz. The 2009 National School Climate Survey: The experiences of lesbian, gay, bisexual and transgender youth in our nation's schools, 45-50. New York: GLSEN (2010).

3 Injustice at Every Turn: A Report of the National Transgender Discrimination Survey, at 45.

Needed Policy Advances

- Congress should pass the Safe Schools Improvement Act, which would ensure that all schools and districts implement comprehensive and effective anti-bullying and anti-harassment policies that specifically include gender identity and sexual orientation.
- Congress should pass the Student Non-Discrimination Act, which would prohibit discrimination in K-12 public schools on the basis of gender identity and sexual orientation.
- Congress should repeal the Souder Amendment and restore access to federal financial aid to students with prior drug convictions.
- Congress should repeal ineffective abstinence-only education programs and pass the Real Education for Health Youth Act to provide comprehensive sexuality education for young people.
- Congress or the Department of Education should mandate that all states provide comprehensive suicide prevention education to all high school students. The mandate should require that the curriculum meets minimum standards, including a discussion of LGBT youth and why they have an increased risk of suicide.
- The President and the Departments of Education and Health and Human Services should continue to devote resources and high-level attention to the problems of bullying, harassment, and peer violence, and should include explicit discussion of transgender youth as a part of those efforts.
- The Department of Education should issue guidance clarifying the application of Title IX antidiscrimination protections to transgender youth, including the right of all students to dress, access school facilities, programs and campus housing, and otherwise be treated in accord with their gender identity and have their privacy protected.
- The Department of Education should issue guidance clarifying the application of the Family Education Rights and Privacy Act (FERPA) to the privacy of information concerning a student's transgender status, including sex assigned at birth, birth name, and medical history.
- The Departments of Justice and Education should aggressively pursue Title IX complaints and litigation to advance the rights of LGBT students and publicize positive resolutions.
- The Department of Education should enhance the transparency and effectiveness of Title IX enforcement by tracking and reporting data on LGBT-related claims and by providing transgender-inclusive training for all Title IX officers.
- The National Center for Education Statistics should ensure that data collection includes detailed information about bullying, harassment, and other school violence, including whether incidents were motivated by a victim's gender identity or expression.
- The Departments of Education and Health and Human Services should develop new cultural competence and best practice resources for schools focusing on transgender students and preventing their victimization.
- The Departments of Health and Human Services should strengthen criteria for its Evidence-based Teen Pregnancy Prevention Programs list and eliminate inaccurate and ineffective abstinence-only programs.
- The Department of Education should provide guidance for transgender students on completing the Free Application for Federal Student Aid (FAFSA) and should work with schools, the Selective Service System, and the Social Security Administration to ensure that applications are not unduly delayed or rejected because of gender documentation issues.

See Counting Trans People in Federal Surveys for more on youth-focused surveys.

See Housing and Homelessness for more on LGBTQ youth homelessness.