Civil Rights Principles For Safe, Healthy, & Inclusive School Climates

Introduction

Schools should be places of liberation where every student can thrive and reach their full potential. Three decades of GLSEN research documents the fact that LGBTQ+ students disproportionately experience school climates that are hostile to their overall well-being and educational attainment. This is especially true for LGBTQ+ students who are Black, Indigenous, people of color (BIPOC), transgender, nonbinary, and students with disabilities. All students deserve a K-12 education system that allows them to learn and grow free from harm. In order to achieve that goal, LGBTQ+ students must be afforded the equal opportunity to learn in a liberated and liberating school environment.

As the leading national organization working to guarantee LGBTQ+ students a safe and affirming education and as a member of the Leadership Conference on Civil and Human Rights Education Task Force that has convened members to create the Civil Rights Principles for Safe, Healthy, and Inclusive School Climates,[1] GLSEN calls on K-12 education policymakers to enact legislation and promulgate regulations that uphold the following principles:

1. Eliminate the presence of school-based law enforcement, including school resource officers, which contributes to the criminalization of LGBTQ+ students
2. Ensure LGBTQ+ student's right to be free from discrimination in all of its multiple and intersecting forms
3. Ensure LGBTQ+ students are protected from victimization in schools with enumerated anti-bullying and harassment policies
4. Ensure K-12 learning communities are equipped to address childhood trauma, including traumas more frequently experienced by LGBTQ+ students, through evidence-based, trauma-informed care
5. Eliminate threats to LGBTQ+ students' health and safety
6. Replace punitive discipline, which is disproportionately applied to LGBTQ+ students, with restorative discipline
7. Invest in school infrastructures that support positive school climates for LGBTQ+ students
8. Hold all levels of the K-12 education system accountable to each of these school climate principles through accurate and comprehensive data collection that includes survey measures that illustrate LGBTQ+ students' experiences

GLSEN is committed to making sure that LGBTQ+ students are able to learn and thrive in K-12 learning communities that are affirming of their identities and are freed from anti-LGBTQ+ based barriers to those students' ability to learn and thrive. The Civil Rights Principles for Safe, Healthy, and Inclusive Schools is a call for the federal government and all education policymakers to ensure that all students, including LGBTQ+ students, are actually afforded the liberating school climates that they deserve. It is for these reasons that GLSEN has endorsed the Civil Rights School Climate Principles and calls on policymakers to adopt the following recommendations.

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Eliminate school-based law enforcement, including school resource officers, which contributes to the criminalization of LGBTQ+ students

The presence of law enforcement in K-12 learning communities is a net negative for school safety and equity. It also disproportionately harms LGBTQ+ students, and the disparity is even more pronounced for LGBTQ+ Black and Latinx students.[2] As of now, there is no empirical foundation for asserting that the presence of school-based law enforcement is actually effective at providing the types of protection that they are supposed to be there to provide (e.g. protection from school shooters). Instead, school-based law enforcement demonstrably increases the influx of students into the school-to-prison pipeline.[3] School Resource Officers (SROs) are sworn law enforcement officers,[4] subject to the same institutional biases and failings that exist in police departments generally.[5] While mass school shootings have occurred more often in predominately white communities, SROs are overrepresented in schools predominantly attended by students of color.[6] In schools with SROs on the premises, students are significantly more likely to be referred to law enforcement outside of the school, in addition to whatever disciplinary intervention they receive in school.[7] Black and Latinx students are more likely than their white peers to be arrested for minor infractions.[8] The Education Week Research Center also found that although Black students comprise 15.5% of the overall student population in the U.S., they made up 33.4% of students arrested in schools.[9] Similarly, although students with disabilities comprise 12% of all students nationwide, they make up 28% of all students arrested at school or referred to law enforcement.[10]

There is a long and troubling history of biased policing of LGBTQ+ communities in the U.S., including discriminatory profiling and harassment[11] and this legacy carries on in LGBTQ+ students' experiences of disparate treatment by law enforcement officers in schools. LGBTQ+ students, especially those who are BIPOC and students with disabilities, are entering the school-to-prison pipeline at higher rates than their peers, in part because of the increasing presence of school-based law enforcement and zero-tolerance policies.[12] These students do not have a higher rate of engagement in illegal or otherwise prohibited behavior, and yet LGBTQ+ youth channeled into the school-to-prison pipeline make up 20% of all people in juvenile detention.[13] More alarming, among girls in juvenile justice placements, 40% identify as LGBTQ+.[14]

In addition to accelerating the school-to-prison pipeline and exacerbating inequities, there is increasing documentation of the use of force against students resulting in serious physical harm.[15] These incidents of violence against students by SROs have included, but are not limited to, the use of chokeholds, body slams, kicks, punches, handcuffs, batons, Tasers, pepper spray and other chemical agents.[16] In fact, law enforcement are reportedly "more likely to use force in interactions with young people than with adults."[17]

There is not adequate evidence that stationing police in K-12 schools increases student safety or promotes learning. In contrast, there is a growing body of evidence that police presence in schools erodes safe and healthy school climates and pushes more students into the school-to-prison pipeline. The impact of these unintended consequences cannot be understated for LGBTQ+ students, BIPOC students, students with disabilities, and the students for whom these identities intersect. Therefore, GLSEN opposes the presence of law enforcement in schools, including SROs.

GLSEN's Policy Recommendations

- Congress should pass the **Counseling Not Criminalization in Schools Act**, which would prohibit the use of federal funding for police in schools and instead fund evidence-based, trauma-informed and LGBTQ+ inclusive school-based mental health services and professional development.
- State Education Agencies (SEAs) and Local Education Agencies (LEAs) should adopt the Dignity in Schools Campaign's **Model Code** and **Policy Recommendations for transforming K-12 learning communities and dismantling the school-to-prison pipeline**.

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Ensure LGBTQ+ students' right to be free from discrimination in all of its multiple and intersecting forms

All students should be able to thrive and reach their full potential in K-12 learning communities. Yet LGBTQ+ students, especially BIPOC, transgender, nonbinary, and students with disabilities, experience disparate treatment due to punitive discipline, gender policing, bullying and harassment, and multiple forms of discrimination. Not only does this differential treatment contribute to school climates that inhibit students' ability to learn and thrive, but it also leads to students being disproportionately criminalized and pushed out of schools when they enter the school to prison pipeline.

Nearly six in ten LGBTQ+ students report having experienced discriminatory policies at school.[18] This discrimination includes students being prevented from using their chosen names and correct pronouns, using bathrooms or other facilities aligned with their gender identity, discussing or writing about LGBTQ+ topics, and forming peer support networks such as GSAs (Gay Straight Alliances or Gender and Sexuality Alliances).[19] It also includes being disciplined for public displays of affection that are not disciplined among non-LGBTQ+ students. Compared to LGBTQ+ students who did not experience LGBTQ+-related discrimination at school, those who experienced discrimination had lower GPAs, were almost three times as likely to have missed school due to feeling unsafe, were more likely to have been disciplined at school, were less likely to feel a sense of belonging in their school community, and reported lower levels of self-esteem and higher levels of depression.[20]

The rates of anti-LGBTQ+ discrimination and the harmful effects experienced as a result are even more pronounced among transgender and nonbinary students. More than three-quarters (77.3%) of transgender students and more than two-thirds (69.1%) of nonbinary students report encountering discriminatory policies.[21] These high numbers may be a result of the fact that certain types of disparate treatment, such as being prevented from using the bathroom or playing sports on a team consistent with one's gender identity, are far more common to the experiences of transgender and nonbinary students.[22]

LGBTQ+ students who are BIPOC often experience anti-LGBTQ+ discrimination that is compounded by discrimination on the basis of their race. Among LGBTQ+ Native American, Indigenous, and Alaska Native, or Two Spirit students, 73.6% experienced discriminatory policies and practices in school based on sexual orientation and gender identity.[23] Among Latinx LGBTQ+ students 57.4% reported this experience, as did 48.3% of Black LGBTQ+ students and 35.5% of Asian American and Pacific Islander (AAPI) LGBTQ+ students.[24] Discrimination in K-12 learning communities is associated with the likelihood of experiencing school discipline.[25]

Research also shows that LGBTQ+ students with disabilities experience both LGBTQ+ related and disability-related discrimination at school.[26] Among all students, students with disabilities experience comparatively high rates of school discipline, and GLSEN's research confirms that this is likewise true for LGBTQ+ students with disabilities compared to LGBTQ+ students without disabilities.[27] This includes higher rates of both in-school and out of school punishments.[28]

No student should ever be subject to discrimination or have less access to educational opportunities in K-12 learning environments. Discriminatory treatment of students based on their actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, or religion creates barriers to students thriving and their success in school settings and throughout their lives.

GLSEN's Policy Recommendations

- Congress should pass the **Equality Act**, which amends the Civil Rights Act of 1964 to extend explicit nondiscrimination protections to LGBTQ+ individuals alongside the existing prohibition of discrimination based on race, color, religion, sex, and national origin. Among other protections, the Equality Act would ensure a right of civil action by the Attorney General should a student be denied equal protection in and access to education. Currently, only 17 states,

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the District of Columbia, and Puerto Rico have policies that protect students from discrimination based on both their sexual orientation and gender identity.[29]

- The U.S. Department of Education should enforce Title IX pursuant to the Court's ruling in *Bostock v. Clayton County, GA* that discrimination based on sexual orientation and gender identity is constitutionally prohibited sex discrimination, and Executive Order 13988 (Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation) by:

  A. Revising Title IX regulations to codify the Bostock ruling and clarify that provisions permitting sex segregation do not authorize excluding transgender students.

  B. Revising and strengthening the Office for Civil Rights (OCR) Case Processing Manual, including standards for opening an investigation in light of Bostock.

  C. Expanding the Civil Rights Data Collection (CRDC) and other surveys to collect key information on the experiences of LGBTQ+ students.

- State legislatures should pass nondiscrimination laws that explicitly prohibit discrimination against students based on their actual or perceived sexual orientation and gender identity.

- State and Local Education Agencies should take necessary steps to include LGBTQ+ students in all equity plans, including plans under the Every Student Succeeds Act, and to implement nondiscrimination protections in accordance with the Supreme Court's *Bostock* decision.

  A. SEAs should adopt statewide guidelines and regulations that build from **GLSEN's SEA Nondiscrimination Guidelines**, address LGBTQ+ equity in all aspects of state equity plans and guidance, and provide training and technical assistance to local agencies.

  B. LEAs should adopt GLSEN's **Model Local Education Agency Policy on Transgender and Nonbinary Students**.

  C. LEAs should address LGBTQ+ equity in all aspects of local equity plans, including school climate, curriculum, training, and workforce.

  D. LEAs should ensure that all members of K-12 learning communities are aware of LGBTQ+ students' and educators' rights by providing digital and print materials and trainings to students, families, and educators, building on GLSEN's resources on **Student Rights** and **Educator Rights**.

- SEAs and LEAs should take steps to support GSAs and other LGBTQ+ inclusive and affirming groups and activities —including during distance learning. This includes informing students of their rights under the Equal Access Act, vocally expressing support, and providing resources to GSAs and faculty sponsors. SEAs should offer guidance, templates, and technical assistance on promoting and supporting formation and activities of GSAs.

Ensure LGBTQ+ students are protected from victimization in schools with enumerated anti-bullying and harassment provisions and practices

A safe, healthy, and inclusive school climate is one in which students are free to reach their full potential and thrive. To ensure that this is possible, students must be protected from harassment and bullying, including cyber-bullying, from their peers in schools based on a their actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, or religion. Decades of GLSEN research has demonstrated that when schools are safer for LGBTQ+ students, they are safer for all students.[30]

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According to the data collected in GLSEN's 2019 National School Climate Survey ("2019 NSCS"):

- More than eight in ten LGBTQ+ students experienced harassment or assault at school, and in the majority of cases the basis for the mistreatment was the student's sexual orientation, gender identity, or gender expression.[31]
- More than four in five LGBTQ+ students (81%) students reported being verbally harassed, 34.2% were physically harassed,[32] and 14.8% were physically assaulted.[33]
- In addition, LGBTQ+ students experienced harassment based on other intersecting identities, including their actual or perceived disability status (36.5%), religion (23.1%), and actual or perceived race or ethnicity (21.4%).[34] Many BIPOC LGBTQ+ students experienced a combination of both racist and anti-LGBTQ+ victimization in school.[35] LGBTQ+ students of color who experience both racist and anti-LGBTQ+ victimization report the poorest levels of well-being, the lowest levels of school belonging, and were the most likely to report missing school due to feeling unsafe as compared to those who experienced only one form or neither form of victimization.[36] The percentages of students of color experiencing these multiple forms of victimization were similar across racial/ethnic groups.[37]
- Bullying and harassment experiences were not limited to brick and mortar settings: 44.9% of LGBTQ+ students were cyber-bullied.[38]

In addition to students being victimized directly, students who witness or report incidents of bullying and harassment also must be protected. Findings from the 2019 NSCS indicate that most LGBTQ+ students (56.6%) did not report incidents in which they were victimized to school staff. Students shared several reasons for not reporting, including doubts about the effectiveness of the school's response, fears of retaliation from perpetrators, fears of being outed to school personnel or their family members, fears of being punished or blamed for their own mistreatment, and knowledge that some school staff were themselves homophobic, transphobic, or a part of the harassment.[39]

These telling findings indicate that schools need to not only prevent and intervene in instances of anti-LGBTQ+ bullying and harassment, but also to proactively create learning communities in which students feel safe to report that they have had these experiences. This includes establishing bullying and harassment prevention programs, professional development for educators, and training for students.

GLSEN's Policy Recommendations

- Congress should pass the **Safe Schools Improvement Act**, which requires that all local education agencies adopt policies that prohibit bullying and harassment based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, and religion. Currently, **only 21 states and the District of Columbia have bullying and harassment protections that explicitly protect LGBTQ+ students**.[40] Students should be safe at school, regardless of where they live.
- State legislatures should also pass anti-bullying and harassment legislation with clearly enumerated protected classes of students including actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, or religion. State legislators can refer to **GLSEN's State Model Anti-Bullying and Harassment Legislation**.
- SEAs should support implementation of enumerated state laws and create guidance for LEAs to make schools safer under state standards. **SEAs can refer to GLSEN's SEA Anti-Bullying and Harassment Implementation Guidelines**.
- LEAs should also adopt enumerated anti-bullying and harassment policies, based on **GLSEN's Model LEA Anti-Bullying and Harassment Policy**. Students, parents, educators, and community advocates can assess their LEA's anti-bullying and harassment policies using the tools provided in **GLSEN's LEA Anti-Bullying and Harassment Policy Assessment Project**.

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Ensure K-12 learning communities are equipped to address childhood trauma, including traumas more frequently experienced by LGBTQ+ students, through evidence-based, trauma-informed care

Students may be impacted by traumatic experiences at home as well as at school and LGBTQ+ students experience trauma at higher rates than their non-LGBTQ+ peers.[41] For some LGBTQ+ students these experiences have been compounded by consequences of the COVID-19 pandemic, such as losing access to GSAs or having to shelter-in-place in unsupportive or abusive environments.[42] The National Association of School Psychologists has reviewed existing research related to the connection between students' mental health and their thriving in K-12 education systems.[43] Children exposed to trauma are more likely to suffer academically, to be retained at a grade level beyond one year, and to have an Individualized Education Plan.[44]

In addition to the higher rates of adverse childhood experiences overall (e.g. abuse and neglect, witnessing violence, experiencing life threatening accidents or victimization),[45] LGBTQ+ students may face particular forms of childhood trauma such as being targeted for bullying and harassment due to their sexual orientation or gender identity, societal stigma and biases both in and out of educational settings, rejection by family, peers, and institutions.[46]

School personnel must be trained and supported to recognize and effectively respond to students impacted by trauma. Yet, many school mental health professionals are not receiving adequate training on LGBTQ+ student issues.[47] In GLSEN's 2019 survey of school counselors, social workers, and psychologists, 37% of school mental health professionals reported not having received any formal education or training on working with LGBTQ+ student issues and 76% reported receiving little to no preparation on working with LGBTQ+ students.[48] This lack of training and support manifests in an inability to meet the needs of LGBTQ+ youth who have experienced trauma and runs the risk of inadvertently traumatizing them further.[49]

GLSEN's Policy Recommendations

- Congress should pass the **Full-Service Community School Expansion Act**, which will provide comprehensive wraparound support services for K-12 learning communities that are accessible to LGBTQ+ students, including mental and emotional health programs for students and their families.
- SEAs should guide LEAs in providing widespread trauma-informed training for school-based mental health service providers to appropriately address the needs of LGBTQ+ students. SEAs can build on the list of staff training and development topics in numerous resources that are referenced in GLSEN's **SEA Recommendations on Nondiscrimination Protections and Inclusion of LGBTQ+ Students in K-12 Learning Communities**.
- LEAs should devote funding to increase the presence of school psychologists, school social workers, and school counselors, and ensure that they, along with all school staff, receive high-quality, culturally affirming, accessible training that includes:
  - Understanding student diversity with respect to sexual orientation, gender identity, gender expression.
  - Understanding LGBTQ+ students' experiences in school and their impacts on student safety, wellbeing, and academic success.
  - Understanding and meeting the specific needs of LGBTQ+ students who are BIPOC, who are people with disabilities, or who have other intersecting marginalized identities.
  - Understanding students' rights and applicable policies regarding nondiscrimination, harassment and bullying, privacy and records, and curriculum. See, for example, GLSEN's **student rights** and **educator rights** resources.

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- Understanding and using students' chosen names and pronouns consistent with their gender identity. For reference, see GLSEN's **Model LEA Policy on Transgender and Nonbinary Students**.
- Recognizing and responding to bullying, harassment, and other forms of victimization.
- Understanding ways to support LGBTQ+ students and to improve the learning environment.
- Engaging with parents and families and supporting family acceptance, building on best practices identified by institutions with expertise on fostering family acceptance, such as **PFLAG**.[50]
- Implementing positive behavior intervention and supports, which have been positively correlated with increases in student achievement and reduction in student discipline issues, in contrast to harsh and exclusionary discipline practices.[51]

Eliminate threats to LGBTQ+ students' health and safety

Overly harsh punishments cause students acute harm as well as persistent trauma which can continue impacting students long after such punishments have been employed. Specifically, corporal punishment, restraints, and seclusion have long-term mental and behavioral health impacts on students in K-12 learning communities.[52] GLSEN opposes these punitive discipline practices because they cause pain, injury, health and education losses, and there is no reliable evidence that they benefit students.[53]

Restraints and seclusion are disproportionately applied to students with disabilities. LGBTQ+ students who are people with disabilities report higher rates of school discipline than their LGBTQ+ peers who are not people with disabilities.[54] U.S. Department of Education data for the 2017-2018 school year found that while students with disabilities make up 13% of the overall student population, they made up 80% of students who were physically restrained, 41% of those placed in mechanical restraints, and 77% of those secluded from others in school.[55] In GLSEN's 2019 NSCS, 29.5% of LGBTQ+ students with disabilities reported feeling unsafe in school specifically because they are a person with a disability.[56]

Restraints, seclusion, and corporal punishment are also disproportionately used against Black students.[57] U.S. Department of Education data for 2017-2018 show that Black students with disabilities made up 18% of all students with disabilities, but represented 26% of students with disabilities subjected to physical restraint, 34% of those subjected to mechanical restraint, and 22% of those subjected to seclusion. A 2013-2014 study of corporal punishment also found that Black boys were nearly twice as likely to be hit as punishment in school as compared to white boys, while Black girls were over three times more likely to be hit than white girls.[58] Research also suggests that the prevalence of corporal punishment in the southern U.S. is linked to the history of lynching in those same locations.[59] Corporal punishment is still legally permitted in 19 states.[60]

GLSEN's Policy Recommendations

- Congress should pass the **Protecting our Students in Schools Act** which prohibits the use of corporal punishment in schools; requires schools to track incidents and notify parents and disability protection and advocacy systems; allows students and the U.S. Department of Education to seek remedies; and funds activities to improve school climate and eliminate the use of exclusionary and aversive discipline.
- SEAs should promulgate guidance and LEAs should implement GLSEN's Recommendations on **Replacing Punitive Discipline with Restorative Policies and Practices**. Specifically, SEA and LEA policies should:

  A. Prohibit all corporal punishment in schools.

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B. Prohibit the use of restraints against students unless in imminent danger.

C. Prohibit seclusion practices as punishment.

D. Require immediate notification of parents or guardians if any of these punishments is used.

- SEAs and LEAs should adopt additional reforms based on the **2019 Model Code on Education and Dignity, published by the Dignity** in Schools Campaign, which includes model policy language on school-wide positive behavior interventions, restorative justice practices, and eliminating reliance on restraints, seclusion, corporal punishment, and other harmful responses to student behavior.[61]

Replace punitive discipline, which is disproportionately applied to LGBTQ+ students, with restorative discipline policies and practices

LGBTQ+ students face a greater degree of exclusionary and punitive discipline than their non-LGBTQ+ peers in K-12 learning communities.[62] Many factors contribute to this disparity. Zero-tolerance policies are sometimes applied to LGBTQ+ students who were victims of harassment or assault and are then punished for self-defensive actions.[63] In the 2019 NSCS, LGBTQ+ students who reported a higher rate of victimization in school also reported a higher rate of school discipline.[64] Further, LGBTQ+ students who reported experiencing any anti-LGBTQ discriminatory policy or practice at school (e.g., discriminatory treatment for public displays of affection; restrictions on wearing clothes or using facilities that align with their gender identity; restrictions on discussing or writing about LGBTQ+ topics in school work; or reprimand for openly identifying as LGBTQ+) reported higher rates of school discipline.[65]

Disparities in discipline widen for LGBTQ+ students who are BIPOC. Compared to white LGBTQ+ students, Latinx and multiracial LGBTQ+ students experienced more in-school discipline (e.g. going to the principal's office, detention, in-school suspension), while Black and multiracial students experienced more out-of-school discipline (e.g. out-of-school suspension and expulsion from school).[66] Among Asian American and Pacific Islander LGBTQ+ students, 30.7% reported experiencing some form of school discipline, and these experiences were correlated with higher rates of peer victimization and discriminatory school practices.[67] Nearly half (48.5%) of Native and Indigenous LGBTQ+ or Two Spirit students experienced school discipline, which was associated with negative impacts on educational outcomes, including lower grades and lower likelihood of planning for college.[68]

Additionally, LGBTQ+ students with disabilities also face higher rates of punitive discipline than their peers.[69] Behaviors related to a student's disability are sometimes treated as deliberate misbehavior.[70] Discipline disparities are also greater for transgender (37.3%) and nonbinary students (34.7%), compared to cisgender LGBQ students (28.5%).[71] Overall, one-third of LGBTQ+ students surveyed (32.7%) reported missing at least one day of school in the last month because of feeling unsafe at school, while at least two in five students avoided school bathrooms (45.2%) and locker rooms (43.7%).[72]

All students must have access to school environments free from discipline practices that create harms and barriers to their learning and wellbeing. LGBTQ+ students must be afforded the opportunity to learn and thrive without being subjected to punitive discipline at all, let alone at higher rates than their non-LGBTQ+ peers. GLSEN supports the adoption of restorative practices which have been demonstrated to have a greater, positive impact on school climates.[73]

GLSEN's Policy Recommendations

- Congress should pass the **Ending PUSH OUT Act**, which would strengthen data collection on exclusionary discipline practices in schools which disproportionately impact students of color, particularly girls of color; eliminate the discriminatory use and overuse of exclusionary discipline practices based on actual or perceived race, ethnicity,

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color, national origin, sex (including sexual orientation, gender identity, pregnancy, childbirth, a medical condition related to pregnancy or childbirth), or other stereotypes related to sex or disability; and prevent the criminalization and pushout of students from school, especially Black and brown girls, as a result of discrimination, punitive discipline, and a failure to recognize and support students with mental health needs or experiencing trauma.

- The U.S. Department of Education, as well as SEAs and LEAs, should issue policies on replacing punitive discipline with restorative practices, including on which practices are evidence-based, students' right to due process, and the timely and effective parental notice of discipline.

Invest in school infrastructures that support positive school climates for LGBTQ+ students

All students, including LGBTQ+ students, deserve to learn in K-12 communities that are physically safe, clean, and accessible. Schools that do not meet these basic standards are not conducive to students thriving and reaching their full potential. Yet while schools are underfunded overall, schools with high percentages of BIPOC students receive far fewer resources. LEAs serving the greatest proportion of BIPOC students receive approximately $1,800 less per student than majority-white districts.[74] This differential funding exposes BIPOC students to more outdated and hazardous school infrastructures. Many schools in the U.S. were constructed 50 years ago or more and, as a result, many students are forced to contend with hazards and infrastructure decay including poor ventilation, lack of appropriate cooling and heating, dust, mold, poor lighting, and contaminated drinking water, all of which adversely affect students' ability to learn along with their physical health.[75] As it stands, 53% of public schools report needing funding for at least one major infrastructural upgrade or repair.[76] For LGBTQ+ students who are BIPOC, these disparities add yet another layer on top of the many barriers to their opportunities to learn and thrive in positive school climates.

Investments are also needed to shore up technological infrastructure and eliminate the digital divide that exacerbates the equity gap in K-12 learning communities. The digital divide is a pre-existing problem whose impact has been profoundly exacerbated by COVID-19.[77] The digital divide is contributing to significant learning losses for students who lack access to adequate internet service or devices, many of whom were already contending with opportunity gaps in their education. One in five parents report their children will likely not be able to complete schoolwork because of lack of access to a computer.[78] One in five parents report their children will need to use public internet to complete school work because they do not have access to reliable internet at home.[79]

Moreover, the digital divide disproportionately impacts BIPOC students.[80] Even before COVID-19 the digital divide put BIPOC students at an educational disadvantage. 25% of all school age children lack access to computers and other digital devices and/or lack access to high-speed internet at home, but the numbers for BIPOC students are disproportionate: 50% for Native and Indigenous students, 36% for Black students, and 34% for Latinx students.[81] Recently revised learning loss predictions indicate that while white students may lose anywhere from four to eight months of learning as a result of the COVID-19 pandemic by the end of the academic year in June 2021, BIPOC students may have learning losses ranging from six months up to a full year.

The digital divide also disproportionately burdens students in low-income families.[82] Of parents surveyed from low-income households, 43% reported that their children have to complete work on a cell phone, and 40% reported that their children would need to use public internet to complete schoolwork.[83]

Access to technology and high speed internet, especially during the COVID-19 pandemic, facilitates student organizing and formation of student clubs such as GSAs, which are among the supports associated with better K-12 experiences for LGBTQ+ students.[84] Students with access to GSAs in their schools report a lower frequency of hearing anti-LGBTQ+ remarks, less severe levels of LGBTQ+ related victimization, and more frequent staff intervention in response to

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anti-LGBTQ+ remarks, among other positive outcomes.[85] Thus, it is not surprising that a lack of digital access, especially during the COVID-19 pandemic, creates a barrier for LGBTQ+ students who may not be able to form a GSA and interact remotely with supportive educators. LGBTQ+ students, especially those who are transgender, nonbinary, BIPOC, and/or people with disabilities, continue to experience multiple intersecting forms of discrimination during the twin pandemics of COVID-19 and systemic racism. Many students are self-isolating with unsupportive families.[86] LGBTQ+ youth are still more than twice as likely as their non-LGBTQ+ peers to experience homelessness.[87] The higher risk to LGBTQ+ youth of experiencing depression, anxiety, and other mental health concerns is even greater during this unprecedented time of mass disruption and trauma.[88]

The learning and social support losses that students are experiencing as a result of the digital divide are rapidly widening educational and social disparities among students.[89] Closing the digital divide is essential for LGBTQ+ students, BIPOC students, and students from low-income families, who are disproportionately impacted by the lack of access to high speed internet and technological devices. Likewise, closing the divide in disparate physical school infrastructures, is critically important to ensure that these students are learning in safe, healthy, and inclusive school climates.

GLSEN's Policy Recommendations

- Congress should significantly increase funding for federal education programs for marginalized students by:
  - At least tripling Title I of the Elementary and Secondary Education Act (ESEA).
  - Fully funding the Individuals with Disabilities Education Act (IDEA) within five years, so that students in our most marginalized schools and students with disabilities have truly equitable and adequate financial resources.
- Congress should significantly increase funding of programs to support broadband internet and digital device access, mental health services, supports for students experiencing homelessness and housing insecurity, and professional development for educators on identifying and responding to cyberbullying or other forms of harassment.
- Congress should adopt **Maintenance of Equity provisions** in all school funding legislation going forward, which would mandate that States accepting federal funds not cut per-pupil spending in high-poverty districts at a rate greater than what is cut from low-poverty districts, and that districts receiving funds not adopt disproportionate lay-offs and hiring freezes in their highest-need schools.[90]

Hold all levels of the K-12 education system accountable to these school climate principles through accurate and comprehensive data collection that measures LGBTQ+ students' experiences

Accurate and comprehensive data collection is necessary to address disparities and promote equity for all students in K-12 learning communities and to plan for changes in infrastructure, resources, programing, and school personnel training. It is important that federal, state, and local K-12 surveys include measures on sexual orientation and gender identity. Data about bullying, harassment, discrimination, and discipline incidents, policies, and practices must be disaggregated by student demographics, including sexual orientation and gender identity. This disaggregated data can give policymakers and education officials important insights into how to better design programs that meet the needs and experiences of the most vulnerable and underserved students. Thus, comprehensive collection of data is a necessity to ensure safe and inclusive school climates for LGBTQ+ students, and especially for those who experience multiple, intersecting forms of marginalization in schools.

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GLSEN's Policy Recommendations

- Congress should pass the **LGBTQ+ Data Inclusion Act** so that the experiences of all members of K-12 learning communities, including LGBTQ+ students and educators, are accurately represented in federal surveys and so that the research can inform best practices and federal funding can be used in the most effective and efficient manner.
- The U.S. Department of Education should strengthen the Civil Rights Data Collection and other surveys by including validated survey measures about:
  - **A.** LGBTQ+ students' experiences in K-12 learning communities through disaggregated data collection on school climate and student demographics including sexual orientation, gender identity, and gender expression.
  - **B.** Whether local policies on bullying and harassment, discrimination, and discipline specifically enumerate sexual orientation, gender identity, and gender expression as protected categories of students within the scope of those policies.
  - **C.** Whether local policies on bullying and harassment, discrimination, and discipline are published on the LEA's website.
- The Centers for Disease Control and Prevention's Youth Risk Behavior System should be strengthened by including measures of LGBTQ+ youths' experiences, by including survey items on sexual orientation, gender identity, and gender expression in all surveys.
- The Office of Management and Budget should be directed to establish system-wide data collection standards on sexual orientation, gender identity, and intersex status based on the recommendations of the National Academies of Science.[91]

Conclusion

LGBTQ+ students, like all students, deserve to learn, grow, and thrive in K-12 learning communities that afford them dignity and liberation. Education policymakers should adopt the preceding principles to cultivate safe, healthy, and inclusive schools for all. GLSEN envisions a world in which every child learns to respect and accept all people, regardless of sexual orientation, gender identity and gender expression. For additional questions about GLSEN and how K-12 education can become safer and more inclusive, contact GLSEN's Public Policy Office at **policy@glsen.org**.

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