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PST*3010

PROTECTING LGBTQ+ STUDENTS IN PUBLIC EDUCATION

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THE PROBLEM:

DISCRIMINATION OF LGBTQ+ STUDENTS

Recently, there has been a rise in discriminatory policies in public education systems at the state level against LGBTQ+ students. More specifically, these policies have excluded LGBTQ+ identities from curriculums, extracurriculars, and student bodies, as a whole. This analysis aims to address this trend by examining potential solutions at a national level that will potentially give more uniformity to the fair and equitable treatment of LGBTQ+ students in public education.

As can be seen in the variation of discriminatory and exclusionary laws across the nation, this issue impacts some areas much more than others in the country. While some states have few to no discriminatory education laws, other states tend toward much more discrimination against the LGBTQ+ students in their schools. This can be seen in greater detail through the examination of recent events, such as Florida's "Don't Say Gay" bill (Phillips 2022), and many other states' discrimination against transgender athletes (Archie 2022; Associated Press 2022). This wide variation of discriminatory policies across states has been the status quo of public education, with no national guidance to protect against exclusion and harassment of LGBTQ+ students.

Such discriminatory practices have severe impacts on all students in locations with such policies, not just students who identify as LGBTQ+. The burden of these practices is faced by queer students, who tend to suffer increased emotional distress as a result of discrimination and may be at higher risk of severe anxiety, depression, and suicide (Almeida et al. 2009). However, students who identify as heterosexual also experience negative impacts from these discriminatory policies; research has shown that exposure to this kind of discrimination in their formative years of socialization from a trusted institution teaches students to see their queer peers as others and is more likely to lead to homophobic attitudes in the future (Birkett and Espelage 2015).



Perhaps the most influential cause of these issues is an existing lack of education and knowledge about the LGBTQ+ community and LGBTQ+ youth in particular. This failure to educate students of different sexual orientations and gender identities appears to have become a self-reinforcing system in which straight students who attend schools in locations with more discrimination are socialized to believe that queer identities are wrong and, when those students grow up and attain positions of power, further enforce those beliefs.

Another cause, though this analysis optimistically assumes that it is far less prominent, is outright hate and homophobia against the LGBTQ+ community. While it is the hope that this may be related to a lack of education (Horton et al. 1993), as opposed to hate itself, it is nonetheless important to note that individual prejudices may have an impact on the discriminatory policies passed in the state level.

Based on all of the information discussed above, it seems clear that the key failure that has allowed these discriminatory policies to flourish is the federal government. Specifically, this analysis posits that it is a failure of the federal government to institute a national standard for the protection of LGBTQ+ students in public schools. Where laws have been passed at the federal level to protect other identities, such as those based on sex and race, there is not any government intervention on the behalf of gender and sexuality.

As seen in other education policies of the federal government, Congress has been willing, in the past, to step in and offer regulations to protect at-risk students. The fact that it has not done so yet has led to the variation in discriminatory policies seen today. As such, with precedent from past laws and programs, it seems clear that the federal government has both cause and legitimacy in intervening in this situation.

30+ STATES ARE ATTEMPTING TO PASS ANTI-LGBTQ+ LAWS

According to the ACLU, more than 30 states have attempted or are attempting to pass laws that would discriminate against LGBTQ+ students in public education systems.

OVER HALF OF LGBTQ+ STUDENTS REPORT BEING BULLIED

More than half of LGBTQ+ students reported being bullied between 2020 and 2021 and students attending non-affirming schools were 30% more likely to experience bullying.

LGBTQ+ STUDENTS ARE 2X MORE LIKELY TO ATTEMPT SUICIDE

In addition to being at higher risk for severe anxiety and depression, LGBTQ+ youth are twice as likely to feel suicidal and four times as likely to attempt suicide rates compared to their heterosexual peers.

EDUCATIONAL ACHIEVEMENT IS LOWER FOR LGBTQ+ STUDENTS

Research has shown that LGBTQ+ students are more likely to skip school, tend to have lower grades, and are less likely to graduate high school or attend four-year colleges when compared to their non-LGBTQ+ peers.



GOALS:

WHAT WILL HELP FIX THE PROBLEM?

In the pursuit of better protection of LGBTQ+ students, it is important to identify specific goals that a good policy must accomplish. In this analysis, these goals are political feasibility, efficiency, national uniformity, improved mental health outcomes, and improved education. In measuring each of these, both qualitative and quantitative standards will be utilized. Political feasibility will be measured based on the successes and challenges of similar policies, as well as by a qualitative analysis of current political trends. Efficiency will aim to gauge the cost-benefit aspects of each policy, given the amount of time and/or money needed compared to the amount and quality of the information provided through each policy. Uniformity will examine how well each policy standardizes the treatment of LGBTQ+ students in public education systems across all states. In looking at improved mental health outcomes, this analysis will use LGBTQ+ suicide rates for students under the age of 18 to measure the future success of each policy, but more immediately, this will be judged by each policy's ability to reduce bullying and harassment, as seen through similar policies used in the past. Finally, improved education, similar to improved mental health outcomes, will be judged based on future reduction in homophobic attitudes but will be immediately judged based on the impacts of similar policies.

1 POLITICAL
FEASIBILITY

2 ECONOMIC
EFFICIENCY

3 NATIONAL
UNIFORMITY

4 MENTAL HEALTH
OUTCOMES

5 EDUCATIONAL
IMPROVEMENTS

ALTERNATIVES:

WHAT ARE THE OPTIONS?

For this analysis, I examine several policy alternatives to address discrimination against LGBTQ+ students in public education on a national level. The first of these alternatives is the current status quo, in which no national policy exists to dictate standards of education or protections of LGBTQ+ students in public schools. In addition, I examine the potential of introducing federal guidelines, like those found in Title IX, for the protection of LGBTQ+ students. Finally, another potential alternative discussed here is the creation of a nationally sponsored and incentivized LGBTQ+ education module, similar to those centered around sexual education, drunk driving, or substance use and abuse.

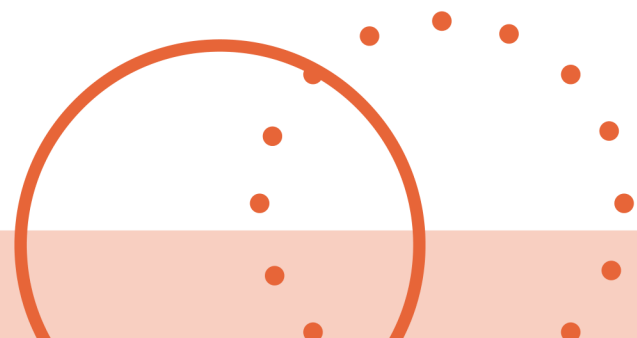
THE STATUS QUO: NO NATIONAL GUIDANCE

At present, there are no federal guidelines for the protection of LGBTQ+ students in K-12 public education across the states. This lack of national guidance has allowed for the vast variation in discriminatory policies we can see across the nation today. That said, on the federal level, the U.S. Department of Education holds an Office of Civil Rights (OCR), which has resources available for LGBTQ+ students (Office of Civil Rights 2021). These include fact sheets, letters to educators, and guides on confronting harassment and discrimination. In addition, the OCR allows students to file complaints if they believe they have faced discrimination at school, however, there are strict standards, based on current federal law, about the kinds of complaints the OCR can respond to (Office of Civil Rights 2020).



BUDGETARY INCENTIVES

A potential alternative to the current state of national policy as discussed above could be to introduce federal budgetary incentives for states that enact specific education policies that protect queer students. This strategy has been used for countless common education policies such as the Elementary and Secondary Education Act (U.S. Department of Education 2022a) and the No Child Left Behind Act (U.S. Department of Education 2022b). The premise of this solution would be to offer federal funding to states and districts that implement policies that meet a set of clear goals intended to reduce discrimination, harassment, and bullying of LGBTQ+ students and increase education of queer identities and orientations.



FEDERALLY MANDATED PROTECTIONS

A potential alternative to the current state of national policy as discussed above could be to introduce new federal legislation specifically addressing LGBTQ+ discrimination in public schools. This is a solution that has been implemented several times in the past for disability discrimination, race and ethnicity discrimination, and sex discrimination, through Titles II, VI, and IX, respectively. While not a perfect solution, these past iterations substantially increased the protections of the targeted groups at the time of their introduction and continue to be amended and improved today. Likewise, a specific national policy addressing LGBTQ+ discrimination would be a strong starting point for improved protection of queer students.

ACCESSIBLE NATIONAL MODULE

Finally, another alternative discussed in this analysis is the creation of a federal module available to all focusing specifically on LGBTQ+ discrimination. This would be in line with other, well-known module campaigns such as DARE (D.A.R.E. America 2022) or Every15Minutes (Every15Minutes 2022). In addition to these better-known, semi-private organizations, the federal government also has similar modules, such as the CDC's short info packet on sexual health education (CDC 2020). In line with these examples, the OCR could create a module pertaining specifically to the discrimination, harassment, and bullying of LGBTQ+ students and prevention measures and resources for such issues.





ANALYSIS

WHAT IS THE BEST SOLUTION?

Budgetary Incentives

Federal Protections

National Modules

Political Feasibility

Due to the recent rise in attention being paid to LGBTQ+ issues in education, budgetary incentives seem very likely to receive support from Democrats, but it may be unlikely that even moderate Republicans will want to take a stand on such a visible issue.

While this strategy has been used in the past, current political polarization trends and stark divides between the political parties would likely make this a monumentally difficult policy solution to pass at the federal level.

Unlike other policy solutions, this strategy would not require Congressional actions; rather, as the Dept. of Education is an executive agency, directing the creation of a national module falls within the powers of the President, which, at present, seems achievable.

Economic Efficiency

On top of ideological issues, the money needed to create these incentives will likely be substantial. For such a large investment, it is natural to want to see substantial effects, but it seems unlikely that this policy will result in equivalent change.

If passed, this policy would require a substantial up-front investment in implementation and enforcement; however, due to its broad approach, this investment would likely result in strong systems of protection.

While this strategy may create moderate additional costs for the Dept. of Education, there are many existing resources created by advocacy organizations that would help to minimize the amount of investment needed in the creation of these modules.

National Uniformity

In addition to the political barriers at the federal level, the financial incentives offered by this solution will likely not be used by the states that need the most change in their existing laws.

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while this solution would make resources more accessible across all states, it would not mandate the use or promotion of these resources to students in public education. As such, students in some states would likely use the resource much more than others.

Budgetary Incentives

Mental Health Outcomes

Since this solution requires the formation of specific state policies aimed at certain goals, including decreasing bullying and harassment, this policy will likely help to improve the mental health of LGBTQ+ students.

Education Outcome

Similar to the impacts on mental health, the policies incentivized through this solution would aim to directly improve education around LGBTQ+ issues, so this would likely be improved.

Federal Protections

As a part of this strategy, resources would be specifically developed to address the bullying and mental health of LGBTQ+ students in public schools. With resources more readily available, it seems very likely that mental health outcomes would improve under this policy.

As discussed above, this strategy would create specific policies and resources designed to ensure that students are educated about LGBTQ+ identities and orientations.

National Modules

This strategy, as discussed above, would make mental health and anti-bullying resources much more accessible, but would not specifically address either through actionable policy. It seems unlikely, without mandated action, that this would have a substantial impact on mental health outcomes

As previously stated, this solution would make educational resources much more available to all students in the nation, but would not mandate its teaching or promotion. As such, it does not seem likely that this will have a large impact on improving the education on LGBTQ+ issues.



THE BEST SOLUTION: POLICY RECOMMENDATION

Of the policy alternatives discussed above, it seems clear that, aside from its political barriers, the best solution to discrimination of LGBTQ+ students in public education is strong, federal protection. However, as this could take years to be passed (if passed at all), more immediate action needs to be taken to ensure the safety of LGBTQ+ students in school at present. As such, this analysis recommends a two-stepped approach to addressing queer discrimination in public education.

Firstly, to take immediate action, the President should direct the U.S. Department of Education to develop a readily accessible module directing students, parents, and faculty to resources teaching about LGBTQ+ identities and orientation, queer discrimination, harassment, and bullying, as well as mental health resources for struggling students.

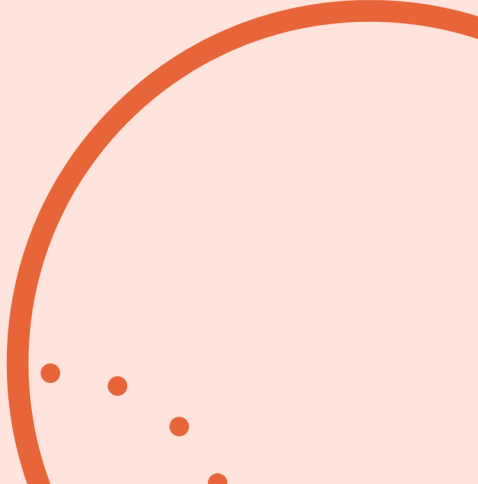
After creating these resources through the Department of Education, Congress should act to create a broad policy package, similar to Title IX or the Americans With Disabilities Act, that focuses on providing specific protections for LGBTQ+ students and guidelines on handling discrimination, harassment, or bullying against queer students, by both faculty and peers.

The combination of these two approaches, in this order, will allow for resources to be available quickly to current students, while preparing a policy to protect students well into the future.





**THANK
YOU**



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