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Safe Schools Policy for LGBTQ Students

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Abstract

Two proposed U.S. federal laws would provide explicit protection for lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) students in public schools. These federal laws follow actions by many states and school districts to define and implement laws or policies to protect the safety of LGBTQ students in schools. Research during the past decade has shown that LGBTQ youth are a vulnerable population, and that the negative school experiences of LGBTQ students often contribute to their vulnerability. This Social Policy Report reviews research relevant to these federal, state, and local laws and policies. Research on sexual orientation/identity development is reviewed, with attention to the growing numbers of youth that “come out” or disclose their LGBTQ identities to others during their school-age years. Schools are often hostile environments for LGBTQ students; this evidence is considered along with research on the consequences for compromised achievement and emotional and behavioral health. We then review strategies in education policy and practice that are associated with well-being for LGBTQ (and all) students.

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From the Editors

In this issue of *Social Policy Report*, Stephen Russell, Joseph Kosciw, Stacey Horn and Elizabeth Saewyc summarize the research on an important but sometimes controversial topic—school policies to prevent or reduce bullying based on sexual orientation. Reducing bullying would seem to be a goal that everyone could support, but the enumeration of sexual orientation as a reason for bullying is objectionable to some policymakers. Being a straight teenager is difficult enough, but being a teenager struggling with sexual identity brings its own set of issues, including the potential for harassment. As these researchers report, bullying and victimization are at their peak in the adolescent years, and frequent insults, harassment, and ostracizing are reported by students who identify as lesbian, gay, or bisexual. In the best of circumstances, these LGB teenagers have strong families, understanding teachers, and schools with policies that enable them to flourish. Unfortunately, many do not. Fortunately, however, considerable research in the last decade on the relation of school policies to student outcomes, summarized in this issue, lends support to specific policies and procedures that seem to make a difference.

Although not mentioned in this paper, one can imagine that those who study this area face challenges in obtaining approvals to conduct student surveys or interviews from school boards, school system human subjects committees, administrators, and parents. In addition, concerns about sampling and confidentiality may be especially heightened. All the more reason, then, to appreciate the fact that we do have this growing body of research in the past decade that can guide policy. But, will policies change based on research knowledge?

The enacted laws of several states and two proposed federal policies related to sexual minority students are noted in the paper, so obviously there is policy movement related to anti-bullying; however, it is not clear to what extent research findings moved the policy needle or whether specific events (e.g., highly publicized suicides of bullied youth who were gay or perceived to be gay) or the winds of social change were the primary factors. Because studies in this area are mainly descriptive and correlational, it is also not clear whether new policies cause improved outcomes for students. Optimistically, we hope so.

To address policy, two legislators from the states of New York and Washington offer commentaries. We value the input of Assembly Member O'Donnell and Representative Liias and are thankful for the years of work they have put into promoting laws that require school policies to reduce bullying. Two researchers also provide thoughtful comments on the paper. Ian Rivers addresses the one aspect that puzzled me—the Q in LGBTQ—and helped my own understanding of this acronym as well as the evolving nature of research with LGBTQ youth. Susan Swearer notes the underlying need for tolerance and respect for differences that we'd best inculcate in this generation of teenagers because policy change can only take us so far. While the paper and commentaries in this issue present some sobering stories and facts, you will also learn about specific policy changes that are associated with the well-being of sexual minority (and all) students.

— Donna Bryant (Issue Editor)
Samuel L. Odom (Lead editor)
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Safe Schools Policy for LGBTQ Students

Recent events have focused significant public attention and discussion on school safety and well-being for lesbian, gay, bisexual, transgender, queer, and questioning¹ (LGBTQ) youth. The murder of 15-year-old Lawrence King in his middle school in 2008 received media attention around the world; King was murdered at school by a boy to whom he had given a valentine. A year later, in 2009, 11-year-old Carl Walker-Hoover committed suicide after years of bullying and daily taunts at school about his sexuality. These tragic events represent the most extreme examples of unsafe school climates for young people who are LGBTQ like Larry or perceived to be LGBTQ like Carl. Yet homophobia and LGBTQ prejudice are daily experiences for many students (Kosciw, Diaz & Greytak, 2008). For example, a population-based study of over 200,000 California students found that 7.5% reported being bullied because they were “gay or lesbian or someone thought [they] were” (O’Shaughnessy, Russell, Heck, Calhoun, & Laub, 2004, p. 3).

In the context of this growing attention to safe school environments, there is also clear scientific consensus that LGBTQ young people, particularly those in unsafe and unsupportive contexts, are a vulnerable population in their schools. The

¹ The single “Q” is used to refer to youth who identify as “queer” and to those who identify as “questioning.” “Queer” is an umbrella term used to describe a sexual orientation, gender identity or gender expression that does not conform to dominant societal norms. While it is used as a neutral, or even a positive term among many LGBT people today, some consider it a derogatory, pejorative term. “Questioning” is an identity label for a person who is uncertain of or exploring sexual orientation/identity and/or gender orientation/identity.

last decades have seen notable attention to concerns for LGBT students: Studies have demonstrated the elevated rates of victimization and bullying that LGBT youth experience at school, and more recent attention has focused on the contexts and characteristics of schools that may support negative attitudes and behaviors toward LGBT youth (Horn, Kosciw & Russell, 2009). The central challenge for education professionals is how to identify and design supportive school climates that promote the positive development of LGBTQ and all students.

In this article, we use LGBTQ to broadly describe this population of students. In discussion of prior research, however, we amend this acronym to reflect—as best we know—the specific identity groups that were included in the studies. For example, some studies do not include transgender students or queer or questioning students; in such cases we refer to findings about LGB youth. Others studies are based on measures of same-sex attraction and behavior rather than identity; we use the term “sexual minority” to include those who identify as LGBTQ as well as those who report same-sex attraction or behavior but may not identify as LGBTQ.

Until recently, the nearly exclusive emphasis in studies of LGBTQ or sexual minority youth had been on behavioral risks such as sexual risk behaviors (Saewyc, Richens, Skay, Reis, Poon, & Murphy, 2006), substance use and abuse (Marshal et al., 2008), and mental health, including depression and suicide risk (Russell, 2005; Saewyc, Skay, et al., 2007). During the last decade a shift has occurred as scholars have turned from a focus

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on problems to an attempt to understand the contexts in which sexual minority youth grow and develop (Horn, Kosciw, & Russell, 2009) and the protective factors or assets in their lives that promote healthy youth development (Russell, 2005; Saewyc, Homma, Skay, Bearinger, Reznick, & Reis, 2009). Scholars have begun to trace the health risks of LGBTQ youth exposed to sexual prejudice or homophobia in the key environments that guide their development: their families, peers, schools, and communities. This growing body of research emphasizes the social context of LGBT youths' lives and demonstrates how youth risk behavior in this population can be attributed to family dynamics (e.g., Ryan, Huebner, Diaz, & Sanchez, 2009), peer relationships (e.g., Poteat, 2008; Poteat, Espelage, & Koenig, 2009), the school environment (e.g., Chesir-Teran, 2003) and community environments (Saewyc, Poon, Homma & Skay, 2008). Thus, prejudice and discrimination not only make a difference for individual students; they shape the culture of schools and threaten the effectiveness of education institutions. For example, there have been hundreds of legal cases related to LGBTQ issues in schools in the United States and Canada in recent years (e.g., Valentine, 2008), and there are recent examples of efforts to document the economic and academic costs to school districts when students feel unsafe (e.g., Russell, Talmage, Laub, & Manke, 2009). Yet in the past decade several states and school districts have fought to keep gay-straight alliance clubs (GSAs) or LGBT-inclusive curriculum out of high schools. Such attention has brought issues of LGBT student identity into a topic of major debate in public education for contemporary communities.

Two federal laws are currently under consideration in the United States that would provide explicit protections to LGBT students in public schools: HR2262, the Safe Schools Improvement Act (SSIA), and HR4530, the Student Non-Discrimination Act (SNDA) (see sidebar). These laws build on years of state and local efforts to establish non-discrimination and anti-bullying laws and policies in order to assure access to a quality education free from discrimination. The anti-bullying policy approach (such as proposed in SSIA) includes requiring that

schools and school districts institute and implement policies that include prevention and intervention strategies, professional development for school personnel, student and parent notification regarding rights and complaint procedures, and responsibility for reporting incidences of bullying and harassment to parents and to state and local authorities. Nondiscrimination laws (such as proposed in SNDA) provide protection as well as provisions for legal recourse to students who are victims of violence based on personal characteristics. A critical distinguishing feature of these laws and policies is whether they include enumeration of personal characteristics (real or perceived) known to be the basis for prejudice and discrimination: real or perceived race, ethnicity, religion, physical ability, sex, sexual orientation, and gender identity.

Proposed U.S. Federal Education Laws Relevant for LGBTQ Students

H.R. 2262 & S. 3739, the Safe Schools Improvement Act

The Safe Schools Improvement Act (SSIA) requires each school and district that receives Safe and Drug-Free Schools and Communities Act funding to implement a comprehensive anti-bullying and anti-harassment policy that enumerates categories of protection; including “a student’s actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or religion.” The SSIA also encourages schools and districts to implement effective prevention strategies and professional development for school personnel regarding effectively addressing bullying and harassment in their schools. This law would also require states and districts to include bullying and harassment data in their statewide reporting (GLSEN, 2010a).

H.R. 4530 & S. 3390, the Student Non-Discrimination Act

The Student Non-Discrimination Act (SNDA) was modeled after Title IX, and would provide protections and recourse to students targeted for discrimination based on their actual or perceived sexual orientation or gender identity (GLSEN, 2010b). SNDA would provide federal protections similar to those designed to prevent discrimination based on race, color, national origin, sex, disability, or age, helping to ensure that students who are or who are perceived to be LGBT would have access to a quality education free from discrimination.

Canada, in contrast, provides federal recognition for sexual orientation as a “prohibited ground of discrimination” (Hurley, 2005): the Canadian Supreme Court has ruled that sexual orientation should be “read into” the Charter of Rights and Freedoms’ Section 15 (the equality rights section as it pertains to federal and provincial laws), and in 1996, the Canadian Human Rights Act was amended to include sexual orientation. Thus, unlike in the United States, there is constitutional protection in Canada against discrimination on the basis of sexual orientation. However, education policy is generally not considered a federal mandate in Canada, but devolves to the provinces and territories; education policies regard-

ing LGBTQ youth have emerged slowly, often in response to legal challenges.²

In this issue of the *Social Policy Report* we review research on LGBTQ youth and schools in order to provide a context for understanding the rationale for these laws and policies. First we briefly consider trends in sexual identity development and “coming out” among LGBTQ young people. This work suggests that LGBTQ youth are coming out at younger ages, and that the younger age at coming out appears to be in conflict with emerging evidence about young adolescents’ attitudes regarding homosexuality. We then review what is known about hostile school climates for LGBTQ youth and the implications for their social, emotional, and academic adjustment. Historically, research in this area has focused on person-level processes, in particular, on victimization and its consequences. More recently there has been a shift to incorporate attention to school-level factors, or the structural conditions and education practices that shape the experiences of LGBTQ students. Finally, we review research on school policies and programs designed to create supportive environments for LGBTQ students, and the evidence of their association with safety and well-being for students.

Contemporary Development of LGBTQ Youth

Youth are coming out as LGBTQ in larger numbers and at younger ages than ever before (Floyd & Bakeman, 2006; Ryan & Futterman, 1998). At a basic level, we understand this at face value: historically speaking, there simply was almost no such thing as a “gay teenager” because there were few possibilities for adolescents to come out as LGBTQ. Scholars have compared studies of lesbian and gay youth across the last 30 years and shown that the reported milestones of sexual identity development—self awareness, self-labeling, and disclosing an LGB identity to others—are reported at younger ages in more recent cohorts (Ryan & Futterman, 1998). One recent study used data from a wide age-range of LGBTQ adults and asked about the ages of these sexual identity development milestones (Floyd & Bakeman, 2006); those from recent cohorts (after the 1980s) who self-identified as gay or lesbian during the teenage

² For example, in British Columbia, the westernmost province, a Human Rights Tribunal case brought against the provincial Ministry of Education in 1999, over the lack of inclusion of LGBTQ historical figures and role models in the curriculum, resulted in a settlement in 2006, which involved developing a Social Justice course for 12th graders, curricular changes, and requirements for all schools to have codes of conduct based on the BC Charter of Rights, which includes sexual orientation (Hansen, 2006).

years reporting reaching these milestones at earlier ages compared to the earlier cohorts. Although these studies are not conclusive, they lend evidence to the idea that LGBTQ youth are coming out at younger ages. At the same time it is clear that young people are coming out in larger numbers: the growing number and visibility of middle and high school Gay-Straight Alliance clubs (GSAs) is one simple indication that things have changed (Miceli, 2005). Because social scientists never included questions about sexual orientation or identity on representative surveys until the 1990s, there are few population-based, representative studies that show these trends. However, one regularly repeating survey of high school students in Canada has shown a declining number of students who identify as exclusively heterosexual, from 85% in 1992 to 82% in 2003 (Saewyc, Poon, Wang, Homma, Smith, & McCreary, 2007).

No strong basis exists for thinking that there have been significant historical changes in the ontogeny of sexual orientation; thus, explanations for these cohort differences focus on the dramatic social and historical changes in the visibility of LGBTQ people and associated changes in attitudes toward LGBTQ people and issues (Horn, 2010). Contemporary youth are the first to have visible LGBTQ role models, along with access to information and support about same-sex sexuality in their communities and online (Russell, 2002; Ryan & Futterman, 1998). These dramatic changes have created the possibilities that LGBTQ youth recognize, label, and come out as LGBTQ at younger ages or in greater numbers than before.

Competing with the trend in coming out is a developmental pattern that seems to work in the opposite direction: attitudes about same-sex sexuality are less favorable among early adolescents, and become more favorable as youth mature (Heinze & Horn, 2009; Horn, 2006; Poteat, Espelage, & Koenig, 2009). The early adolescent years are a period during which awareness of and conformity to gender roles and norms becomes particularly salient (Galambos, Almeida, & Petersen, 1990). This sensitivity to gender roles coincides with awareness of normative values regarding (hetero)sexuality. Further, it is well established that high quality contact with LG people (e.g., interacting regularly with a good friend or family member who is LG) is one of the strongest predictors of tolerant and inclusive attitudes (Heinze & Horn, 2009; Herek & Glunt, 1993; Horn, 2010); a recent study showed that among heterosexual youth, those who had at least one LG friend were less likely to tolerate unfair treatment toward LG peers (Heinze & Horn, 2009).

Murdock and Bolch (2005) found that
LGB youth at schools with negative environments had lower academic
success than LGB youth in more positive school environments.

Heterosexual youth who have no exposure to LG people in their families or communities may only gain that exposure at school as other students come to awareness of and begin to assert their LG identities.

A challenge for many LGBTQ youth is the developmental tension between their personal awareness and desire to come out, and the degree to which coming out may conflict with the social pressures of conformity that appear to be particularly strong during the early and middle adolescent years. Thus, while the dramatic social changes in the last decades have led to unprecedented possibilities for LGBTQ youth to come out, their interpersonal and cultural realities are often still characterized by prejudice and homophobia.

Homophobia at School and LGBTQ Student Well-being

Studies since the mid- to late 1990s have documented the higher rates of harassment, exclusion, and assault experienced by LGBT youth in schools compared to their heterosexual peers. These negative experiences have been documented in the United States and in multiple other Western countries (Almeida, Johnson, Corliss, Molnar & Azrael, 2009; Berlan, Corliss, Field, Goodman, & Austin, 2007; Birkitt, Espelage, & Koenig, 2009; Bontempo & D'Augelli, 2002; Bos, Sandfort, de Bruyn & Hakvoort, 2008; Busseri, Willoughby, Chalmers, & Bogaert, 2008; Meininger et al., 2007; Saewyc, Singh, Reis, & Flynn, 2000; Saewyc, Poon et al., 2007; Smyser & Reis, 2002; Williams, Connolly, Pepler, & Craig, 2003). These studies have identified different forms of harassment: anti-gay language, verbal teasing, relational aggression, and physical aggression/bullying, and have documented that experiencing name-calling, bullying, harassment and assault in school is common for the majority of LGBTQ students. For example, in the GLSEN's *National School Climate Survey* study, which involved a national sample of over 6,000 LGBT secondary school students, Kosciw et al. (2008) found that nearly 100% of LGBT students heard homophobic remarks in their school, and over 75% heard them frequently or often. The authors also found that over 80% of LGBT students reported being verbally

harassed, over 40% reported being physically harassed, and over 20% reported being physically assaulted because of their sexual orientation.

Some of the earliest studies of LGB youth found that this form of bullying and victimization at school was associated with poorer mental health (Hershberger & D'Augelli, 1995; Martin & Hetrick, 1988). One study found that verbal abuse in high school was one of the strongest predictors of traumatic stress reactions for LGB youth, which include symptoms of depression, anxiety and sleep disturbances (D'Augelli, Pilkington & Hershberger, 2002). Other work has made use of larger school-based samples that include comparisons of LGB to heterosexual students. Using data from the Massachusetts and Vermont *Youth Risk Behavior Surveys*, Bontempo and D'Augelli (2002) found that LGB youth were at higher risk for at-school victimization and for health risk behaviors, such as substance use, sexual risk-taking and mental health. The health risk behaviors were attributed to higher victimization: specifically, at low levels of victimization, LGB youths' behavioral and emotional health was similar to their non-LGB peers. Other recent research found that students harassed or bullied based on LGBT status report greater psychological distress (Swearer, Turner, Givens, & Pollack 2008), depression, self harm, or suicide feelings (Almeida, Johnson, Corliss, Molnar, & Azrael, 2009; Espelage, Aragon, Birkett, & Koenig, 2008, Birkett, Espelage, & Koenig, 2009) and substance use (Espelage et al., 2008; Birkett et al., 2009).

Fewer studies have examined the associations between academic achievement indicators and experiences of victimization in school for LGBT students; however, links between LGBT-based harassment and poor academic achievement have been found for GPA (Kosciw et al., 2008; Russell, Seif, & Truong, 2001), attendance (Kosciw et al., 2008, Birkett et al., 2009), and attitudes towards school (Swearer, Turner, Givens, & Pollack, 2008; Espelage et al., 2008). Murdock and Bolch (2005) found that LGB youth at schools with negative environments had lower academic success than LGB youth in more positive school environments. In the *National School Climate Survey* study noted previously, Kosciw et al. (2008) found that victimization at school based on sexual orientation

or gender expression was related to poorer educational outcomes. LGBT students who had experienced high levels of victimization at school reported having lower GPAs (2.6 vs. 2.9) than LGBT students who had experienced lower levels of victimization at school and were more than twice as likely to have missed school in the past month, 48.3% vs. 20.1%, respectively.

Finally, it is important to note that gender and gender nonconformity intersect with LGBTQ identities in shaping school experiences. Males and those who do not conform to typical gender behaviors and roles (or whose behaviors or mannerisms are gender atypical) are most vulnerable to victimization and harassment at school (Human Rights Watch, 2001; Pascoe, 2007). Further, studies of LGB youth have shown that gender atypicality is associated with greater mental health and suicide risk (D'Augelli, et al, 2002; Remafedi, Farrow, & Deisher, 1991). One new study of LGBTQ young adults specifically showed that the link between gender nonconformity during adolescence and current negative psychological adjustment (depression and life satisfaction) was fully explained by experiences of victimization at school (Toomey, Ryan, Diaz, Card, & Russell, in press). This work highlights the importance of policy efforts that include attention to actual or perceived gender identity and expression, in addition to sexual orientation and identity.

School LGBTQ Policy Strategies Associated with Student Well-being

As noted earlier, research on LGBTQ youth in schools historically has emphasized person-level risk such as bullying and lack of safety at school (Bontempo & D'Augelli, 2002; Rivers, 2001). Much of the new work on LGBTQ youth in schools has focused on characteristics, policies, and practices of schools (rather than of LGBTQ young people) that are associated not only with risk for students, but also positive adjustment and achievement (Goodenow, Szalacha, & Westheimer, 2006; Hansen, 2007; O'Shaughnessy, Russell, Heck, Calhoun, & Laub, 2004; Szalacha, 2003). For example, data from a national study of LGBTQ youth show that several environmental characteristics are associated with homophobic experiences at school: rural status, lower education level, and higher poverty levels were each associated with hostile school climates (Kosciw, Greytak, & Diaz, 2009; see also Poon & Saewyc, 2009). The challenge in reducing LGBT harassment is that these characteristics are not amenable to education policy

change. A growing body of new work, however, focuses on structural conditions of schools and shows that a number of education policies and program strategies can make a difference in the experiences of LGBTQ students in secondary schools, as well as for heterosexual students' attitudes about LGBTQ peers and homosexuality. Across multiple studies and in multiple geographic settings, several education policies, programs, or practices have been shown to promote safety and wellbeing for LGBTQ youth in schools. These include:

1. School nondiscrimination and anti-bullying policies that enumerate or specifically include actual or perceived sexual orientation or gender identity or expression;
2. Teacher intervention when harassment takes place, and training of teachers on effective intervention strategies;
3. Presence of school-based support groups or clubs (often called "gay-straight alliances" or GSAs);
4. Inclusion of LGBTQ people or issues in school curricula and access to information and resources through the library, school-based health centers, and other avenues.

In the following sections, we review research findings related to each of these education policies, programs, or practices along with discussions of ways that these strategies may be translated into other systems of service and care for young people.

First, it is important to provide an overview on research methods in this body of work. There are no published studies of changes in school climate or student well-being due to structured implementation of LGBTQ education policies or programs; that is, no studies used an experimental (or even quasi-experimental) design. The work that is reviewed here, like most of the research that has been reviewed thus far, comes from multiple disciplines and perspectives, and uses multiple methodologies, including: ethnographies of school settings; in-depth interviews of students and school personnel; and local, regional, and national cross-sectional surveys (some repeated over time; some population-based). Some studies were intentionally designed for within-group analyses of LGBTQ youth; others have been based on samples that include non-LGBTQ youth. The research represented here includes geographic areas across the United States and in several Western countries. Some of the work has been published in academic journals, and some in publications designed for public

and policy audiences. The four areas of education policy and practice reviewed here represent areas in which there have been consistent results from studies based on multiple methods and sources.

Inclusive, Enumerated Policies

The proposed *Safe Schools Improvement Act* and the *Student Non-Discrimination Act* would provide groundbreaking federal protection for LGBT students in the United States. Although not yet in place for the nation, a number of states have enacted legislation to protect students on the basis of actual or perceived sexual orientation and gender identity/expression. Currently, 16 states plus the District of Columbia prohibit discrimination or harassment in schools on the basis of sexual orientation.³ Most of these enumerated laws, many passed in the past five years, also include protections on the basis of gender identity/expression, including specific anti-bullying laws and non-discrimination laws that apply to K-12 education. In contrast, however, 33 states have enacted school anti-bullying/anti-harassment laws that do not enumerate specific protections for any group of students, including LGBT students.⁴ Enumeration that is inclusive of sexual orientation and gender identity is often at the forefront of the challenges in these state laws being passed. Michigan, for example, remains one of the few states with no anti-bullying legislation, in part, because of the debate about enumerated protections including sexual orientation and gender identity. In the sidebar, we outline the anti-bullying legislation recently passed in three states: Illinois, New York, and Massachusetts. Illinois and New York each have LGBTQ-inclusive, enumerated state laws. In Massachusetts the law is not enumerated, in part due

³ In addition to the District of Columbia, states that include protection based on sexual orientation are: California, Colorado, Connecticut, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, North Carolina, Oregon, Vermont, Washington, and Wisconsin. All of these states also include protection based on gender identity/expression except for Connecticut, Massachusetts, and Wisconsin. Colorado, Connecticut, the District of Columbia, Maine, Massachusetts, Minnesota and Wisconsin are considered to have enumerated safe school laws because their enumerated state anti-discrimination laws contain protections applicable to schools. The remaining states have specific anti-bullying laws that included enumerated categories of protection including sexual orientation and/or gender identity.

⁴ States that have non-enumerated legislation are: Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming. States without any type of anti-bullying/harassment law include: Hawaii, Michigan, Montana, North Dakota, and South Dakota.

to controversy about LGBTQ inclusion; however, the law does include a provision for staff training about specific categories of students who are particularly at risk for bullying in school.

Selected 2010 State

Anti-Bullying Laws in the United States

Illinois: Senate Bill 3266, Prevent School Violence Illinois

This law defines bullying for the first time in Illinois state law, lists the categories of students against which bullying is explicitly prohibited (“actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic”), and creates the Illinois Bullying Prevention Task Force.

New York: Senate Bill 1987B, Dignity for All Students Act

Provides protection from harassment or discrimination, including such acts based on a person’s “actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.” It requires schools to: adopt non-discrimination and anti-harassment policies and inform students and parents of those policies; develop guidelines for nondiscriminatory instruction and counseling and for training teachers, administrators, and other school employees to discourage discrimination and harassment; and report incidents of discrimination and bias harassment to the State Education Department. The bill also requires the State Education Department to assist school districts to implement the requirements of the act with regulations, direct services, and model policies.

Massachusetts: Senate Bill 2404, An Act Relative to Bullying in Schools

Requires teachers and other school staff to report bullying to the principal or another administrator picked to handle reports when they see or become aware of it; mandates annual training for teachers and staff on prevention and intervention; and calls for instruction on preventing bullying for students in every grade level as part of the curriculum. The law is non-enumerated. However, each school district is required to develop a plan to address bullying prevention and intervention which shall include a provision for ongoing professional development for all school personnel which includes “research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment.”

The importance of inclusive, enumerated policies is that they serve as a foundation on which other LGBTQ safe school policies and practices can be based (Russell & McGuire, 2008). Both researchers and advocates have argued that creating safe and supportive learning envi-

ronments is best achieved through policies that require protection of all students from bullying and harassment and also specifically identifies categories of students most likely to experience such harassment. Enumeration provides students with clear understanding of their rights to safety at school. Furthermore, enumeration also provides educators with the tools needed to implement anti-bullying and harassment policies, and can make it easier to intervene to prevent bullying. For example, school staff may be more comfortable intervening on behalf of LGBT students when the state, district or school policy provides clear protection for these students (GLSEN, 2010c). Thus, nondiscrimination policies that do not specifically include enumeration of sexual orientation and gender identity do not provide the grounding needed for consistent policy implementation and change. Below we consider the few studies that have compared student wellbeing indicators in states with different policies.

Kosciw et al. (2008) found that LGBT students in states with comprehensive, enumerated safe school laws reported hearing fewer homophobic remarks in school and experienced lower levels of harassment and assault based on their sexual orientation or gender expression than students in states with no law or in states with a non-enumerated anti-bullying law. Further, in states with comprehensive and enumerated laws, students also reported a higher frequency of staff intervention in instances of harassment. The study also tracked changes in school climate since 2001, finding a general decrease after 2001 in victimization based on sexual orientation and gender expression in states that had enumerated safe schools laws, but no change over time for students in states with no laws and states with non-enumerated laws. During the same period there was an increase in levels of victimization for all other students (Kosciw et al., 2008).

One possible effect of a state having a comprehensive safe schools law is that school districts and perhaps even individual schools institute local policies that also enumerate protections based on individual characteristics. Kosciw et al. (2008) found that having a local comprehensive policy (those with enumerated categories) in one's school or district was associated with less hostile and more supportive schools: LGBT students reported hearing fewer homophobic comments and less victimization or bullying, and more teacher intervention when harassment happened.

Other studies have looked at differences between school districts and schools within states. Studies in

Massachusetts have documented that LGBT-inclusive school policies are associated with students' positive assessment of the school diversity climate (Szalacha, 2003); also, students in schools with enumerated policies report fewer suicide attempts (Goodenow et al., 2006). Additionally, in a study investigating the implementation of safe schools practices on heterosexual students' sexual prejudice, Horn and Szalacha (2009) found that heterosexual students in a school without an enumerated school policy endorsed excluding and teasing a lesbian or gay peer as more acceptable than students in a school with an enumerated school policy. Further, students in the school with an enumerated policy were more likely to view exclusion and teasing as unfair and hurtful than students in the school without the policy. These findings provide some preliminary evidence that schools' policies can create safer and more supportive climates for LGBTQ students by reducing prejudicial attitudes among heterosexual students within the school environment.

Inclusive, enumerated nondiscrimination and anti-bullying policies at the school level may provide more immediate or direct protection for students and provide the basis for other forms of school safety policy, practice, or programs. Such policies create a context in which proactive efforts to support LGBTQ students can be enacted and provide the institutional backing for school personnel (administrators, staff, and teachers) to create and enforce these nondiscrimination and anti-bullying measures (Russell & McGuire, 2008). The studies reviewed above used administrative data to confirm school policy, but most research on inclusive LGBT school policies has been based on students' reports (their perceptions) of policies in their schools. This work shows that students feel safer at school when they perceive that their school has inclusive policies. For example, a study of over 2,400 students in California has shown that when students report that their schools have inclusive policies they feel safer at school, report less anti-LGBTQ harassment, and believe that their schools are safer for LGBTQ students in general (O'Shaughnessy et al., 2004). These results hold for LGBTQ and heterosexual students, but the differences are particularly pronounced for LGBTQ students. More recent work documents that although inclusive, enumerated policies are an essential starting point for creating safe school climates, policies alone are not enough. In an internet study of over 2,000 LGBQ youth, students who believed that their school had inclusive policies were moderately less likely to report harassment, but no less likely to report LGBQ victimization. There were stronger

... results show that inclusive and enumerated school policies create supportive education environments and promote individual student perceptions of safety and well-being.

associations, however, between students' perceptions of specific programs (discussing homosexuality in the classroom; having relevant books in the school library; and the presence of a GSA) and both harassment and victimization (Chesir-Teran & Hughes, 2009). This work shows that policies are important, but one step removed from the daily experiences of students, for whom classroom and school practices matter on a day-to-day level.

Several conclusions can be drawn from these studies. First, the results show that inclusive and enumerated school policies create supportive education environments and promote individual student perceptions of safety and well-being. Second, although there is variability in the alignment between actual school policies and students' perceptions of them, the studies of students' perceptions of inclusive policies demonstrate that policy implementation matters. For example, in the study based in California (O'Shaughnessy et al., 2004), a state for which there are enumerated anti-bullying and non-discrimination policies that apply to all public school students, some students were unaware of safe schools policies, and on average those students judged their schools to be less safe. These results suggest that a key strategy for promoting school safety is information dissemination and advocacy so that students know about and understand state and local policies that affect them (Hansen, 2007). Finally, although inclusive policies are important for establishing the overall school climate, other factors in the daily experiences of students, including the strategies that are discussed next, are more proximal in their association with students' experiences of bullying and victimization at school (Chesir-Teran & Hughes, 2009).

Personnel Training and Advocacy

With comprehensive, enumerated policies as a backdrop, the training of school personnel to be knowledgeable and supportive advocates for LGBTQ students is a second school safety strategy. Several studies have documented the important role that educators play in the lives of vulnerable students, including LGBTQ students.

A study using data from the *National Longitudinal Study of Adolescent Health* (Add Health) found that same-sex attracted students reported fewer school-related troubles when they reported more positive relationships with teachers (Russell, Seif, & Truong, 2001). Further, in a nationwide study of LGBT students, having more teacher supports in schools was associated with missing fewer days of school for safety reasons, feeling safer in school, and reporting higher grades and educational aspirations (Kosciw et al., 2008).

Beyond teacher support, intervention in harassment is particularly important: students feel safer when they report that their teachers intervene to stop harassment (O'Shaughnessy et al., 2004). Unfortunately, students say that U.S. teachers intervene less often when homophobic remarks are made than when racist or sexist remarks are made (Harris Interactive & GLSEN, 2005; Kosciw et al., 2008). Furthermore, many LGBT students also report that school personnel are perpetrators of homophobic remarks in school—nearly two-thirds (63%) of LGBT students in GLSEN's *National School Climate Survey* reported hearing homophobic remarks from school staff (Kosciw et al., 2008). A lack of intervention by school authorities when hearing homophobic remarks in school sends a message to students that such language is tolerated; school staff making homophobic remarks sets an example that intolerance toward LGBTQ people is acceptable.

But teacher training appears to make a difference. A recent evaluation of a district-wide educator training program in New York City demonstrated that training school personnel about LGBTQ student issues was an effective means for developing the competency of educators to address bias-based bullying and harassment, and to create safer school environments for LGBTQ students (Greytak & Kosciw, 2010). In Illinois, an evaluation of a school-based professional development program provided similar evidence that educators who participated in mandatory educator training more frequently reported that they had an obligation to create a safe environment for students regardless of sexual orientation and gender

identity, that they would intervene in instances of anti-LGBT harassment or discrimination, that they were more knowledgeable about LGBT issues, and that students have the right to an education environment that is free from harassment and discrimination (Horn & Gregory, 2005). Further, a statewide study in Massachusetts showed that students reported a safer diversity climate in schools in which teachers were trained in LG youth violence and suicide prevention (Szalacha, 2003).

Ultimately the responsibility for training school personnel is a matter for teacher preparation or for ongoing professional development, and thus the responsibility of school administrators. LGBTQ topics were represented in all textbooks in a recent comprehensive review of foundations of education textbooks (Macgillivray & Jennings, 2008); this and other work suggests that at least in terms of formal teacher education, LGBTQ topics receive at least some attention. However, the available information about ongoing professional development is less encouraging. In a survey of California school districts, 17% reported that there was no training available in their district for high school teachers on how to address discrimination and harassment based on sexual orientation (training was reportedly available in 34% of districts; required by 49%). When asked about barriers to training, resources, expertise and time were identified as the greatest obstacles to staff training; but notably, almost a third of the districts reported that they did not have incidents that necessitated training for employees (California Safe Schools Coalition, 2005). In a national survey of school principals, although the majority reported professional development for their school staff about bullying and harassment, less than 5% reported that the trainings specifically addressed LGBTQ student issues (GLSEN & Harris Interactive, 2008). Interestingly, however, principals reported that the most helpful efforts for creating safe environments for LGBT students would be professional development, clear consequences for school personnel who do not intervene when witnessing anti-LGBT harassment or homophobic remarks, and anti-harassment and anti-discrimination policies that explicitly protect LGBT students. These findings not only underscore that more pre-service and in-service professional development is needed for school professionals on LGBT issues, but they also highlight the importance of education for and advocacy with school administrators, given their role in providing training for their staff.

Student-Led School Clubs (Gay-Straight Alliances)

Student-led, school-based organizations and clubs such as gay-straight alliances (GSAs) have grown dramatically in numbers in recent years. They serve several purposes for students: education and safety, interpersonal support, leadership development, advocacy training, and recreation (Griffin, Lee, Waugh, & Beyer, 2004). Through GSAs students create a context for developing positive attitudes towards themselves and others (Herdt, Russell, Sweat, & Marzullo, 2007); GSAs have been described and documented as a social space where marginalized youth are empowered to critique and challenge dominant norms for gender and sexuality (Russell, Muraco, Subramaniam, & Laub, 2009). Multiple studies have shown that the presence of a GSA at school is linked to safety at school for LGBTQ youth, as well as youth in general (Kosciw et al., 2008; Lee, 2002; O'Shaughnessy et al., 2004; Szalacha, 2003). Specifically, students in schools with GSAs report fewer homophobic remarks, less harassment and bullying based on sexual orientation or gender identity, were less likely to miss school because of feeling unsafe, and were more likely to feel a sense of belonging to their school environment (Kosciw et al., 2008). Further, several studies have shown that simply the presence of the GSA - not necessarily participation in it - is associated with general school safety (Goodenow et al., 2006; O'Shaughnessy et al., 2004). In fact, Szalacha's (2003) statewide study in Massachusetts found that the presence of a GSA was the most predictive factor in perceived school safety amongst LGB and heterosexual students. For example, in schools with GSAs, 52% of students reported that there were faculty who were supportive of LGB students compared to only 37% of students in schools without GSAs: 75% of students in schools without GSAs reporting hearing anti-gay slurs everyday compared to 57% of students in schools with GSAs (Szalacha, 2003). Additionally, the study by Horn and Szalacha (2009) provides some evidence that schools with a GSA create a safer climate for students by reducing sexual prejudice among heterosexual students within the school context.

Access to LGBT-Related Resources and Curricula

A final LGBTQ school safety strategy involves making LGBTQ-related resources and support available for students at school, and integrating LGBTQ topics into the school curricula. Although most students in U.S. schools report that they do not have access to LGBTQ resources (Kosciw et al., 2008), a California study showed that

when students report that they know where to go at school for information and support about LGBTQ issues, they also felt safer personally, and they perceived that their schools were safer for LGBTQ and gender non-conforming students, overall. They also reported more resilience factors (e.g., perceptions that adults care, or that teachers treat students fairly; O'Shaughnessy et al., 2004).

In addition to information and support resources, several studies now document the role of LGBTQ inclusive or sensitive curriculum for promoting positive school climate and student well-being. California students who reported that they learned about LGBTQ issues at school said that their schools were safer, and they reported less teasing and social aggression and less LGBTQ bullying (Russell, Kostroski, McGuire, Laub, & Manke, 2006). Similar to the results for GSAs, students in a national study who reported having learned about LGBTQ issues at school reported hearing fewer LGBTQ slurs, less LGBTQ victimization, more safety, and more supportive conversations with teachers at school (Kosciw et al., 2008). Finally, consistent with the argument that LGBTQ curricular inclusion could promote the health and well-being of LGBTQ students (Lipkin, 1999), one study showed that teacher sensitivity to gay issues in HIV education has been linked to lower sexual risk-taking for gay males (Blake, et al., 2001). Finally, in two studies (one in California and the other in Massachusetts), the inclusion of LGBTQ issues in the curriculum has also been shown to explain differences between schools in average number of reports of LGBTQ bullying (Russell et al., 2006), and in perceived safety and school diversity climate (Szalacha, 2003).

Why Resistance?

In light of these studies, an obvious question might be why some schools, school districts, or policymakers do not want or resist implementing the policy strategies reviewed above. One simple explanation is homophobia—yet the ways that heterosexism and homophobia structure education systems and school environments is complex, and beyond the scope of this paper, as one

must take into consideration the interplay among policies, programs, the social environment of the school (Chesir-Teran, 2003; Chesir-Teran & Hughes, 2009), and the community surrounding the school (Kosciw et al., 2009). With few exceptions (Mayo, 2008), such resistance is not well documented in the developmental science or education literatures because it often remains unstated. Yet there

are clear examples in legal cases and legislation. For example, several states have education laws that prohibit the positive portrayal of homosexuality in schools, often colloquially referred to as “no promo homo” laws.⁵ These laws have been used to prevent access in schools to young adult literature with LGBTQ characters, and to limit inclusion of LGBTQ topics in the formal curriculum. Indeed, LGBTQ students from states with “no promo homo” laws are less likely to report having inclusive curriculum and are less likely to report having other positive LGBTQ-related resources in their schools, such as having supportive teachers, a Gay-Straight Alliance or a comprehensive school anti-harassment/assault policy (Kosciw et al., 2008). Whereas about 40% of students in states without “no promo homo” laws had a GSA in their school, only a quarter of students in states with this type of law had GSAs. Thus, these laws may contribute to a general hostile school climate for LGBT students: reports of victimization because

of sexual orientation or gender expression at school were higher in states with such laws (Kosciw et al., 2008).

When implementing these policy strategies, school administrators often face a common form of resistance: the argument that these practices promote homosexuality as an acceptable “lifestyle” and thus force students who believe otherwise to change their beliefs or values. It is argued that this infringes on students’ rights to adhere to cultural or religious beliefs that homosexuality is wrong or sinful. However, there is good evidence to suggest that students distinguish between their personal values and a shared ethic of tolerance and inclusion (Horn, 2007; Horn

... there is good evidence to suggest that students distinguish between their personal values and a shared ethic of tolerance and inclusion ...

⁵ States that prohibit the positive portrayal of homosexuality in schools include: Alabama, Arizona, Mississippi, North Carolina, Oklahoma, South Carolina, Texas and Utah.

& Nucci, 2003). Also, there is compelling evidence that most adolescents distinguish between their beliefs and attitudes about homosexuality and their understanding of the fair treatment of others. Across different samples, between 50% and 80% of adolescents judged homosexuality to be unacceptable, yet fewer than 10% believed excluding a gay or lesbian peer was acceptable, and less than 5% evaluated it as acceptable to tease or harass someone because they were gay or lesbian (Horn, 2007; Horn & Nucci, 2003). These data clearly suggest that students can and do distinguish between their individual beliefs about homosexuality and the fair treatment of lesbian and gay individuals.

Conclusion

We began this *Report* with reference to the recent high-profile cases of school LGBTQ-related violence: the urgency for school safety policy is evident. We have reviewed recent advances in understanding of LGBTQ adolescents, and in knowledge of education strategies (laws, policies, and practices) that promote school safety for LGBTQ students. There is clear scientific consensus that LGBTQ youth, particularly those in unsafe, unsupportive, and hostile environments, are a vulnerable group with documented higher levels of negative behavioral, physical, and mental health outcomes (Coker, Austin, & Schuster, 2009). While it is important to acknowledge the ways that an uncritical emphasis on risk may further stigmatize LGBTQ young people by pathologizing them (see Savin-Williams, 2005), research from multiple disciplines

and perspectives, based on multiple methods, and from samples across the world continues to show that LGBTQ youth, particularly those in unsafe and unsupportive contexts, are a group that is at high risk for preventable negative outcomes.

On the other hand, it is clear that young people are coming out in larger numbers and at younger ages (Cohler & Hammack, 2007; Floyd & Bakeman, 2006; Saewyc, Poon, et al., 2007), they are resilient (Hammack, Thompson, & Piecki, 2009; Nairn & Smith, 2003), and in many instances they are advocating for and leading changes toward inclusive education (Miceli, 2005; Russell, Muraco, Subramaniam, & Laub, 2009). Recent research has begun to shift the focus from the individual LGBTQ youth to the environments in which they are growing up. We argue that there remains a compelling need and scientific responsibility to understand how the social contexts in which youth grow up—particularly school—relate to risk factors as well as positive outcomes among LGBTQ adolescents. Given that in the United States and Canada every child has a legal right to an education and to become a contributing member of society as an adult, it is imperative that scholars and advocates alike in the fields of education and human development address issues of anti-LGBTQ behavior in schools and examine how schools can be more affirming, safe spaces for LGBTQ students. This knowledge will be essential for informing federal, state, and district level school policy innovation and change; it is for this reason that currently proposed legislation on school safety is so important. ■

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Commentary

Understanding the Changing Nature of Identity in LGBTQ Youth Research

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The challenge faced by any author attempting to make sense of almost four decades of research with sexual minority youth lies in trying to provide readers with a coherent story. As our understanding of the experiences of these youth has developed, we have also witnessed social and political change that has provided young people who identify as other than heterosexual with opportunities to explore their sexuality in different ways. From early research focusing upon young people described as 'lesbian and gay', we have witnessed changes in the collective acronym for sexual minority youth that include those who identify as bisexual (LGB), those who are transgender (LGBT), and those who describe themselves as 'queer' and 'questioning' (LGBTQ). Methodologically this evolution in our understanding of the multiple identities that can exist within human sexual orientation brings with it questions relating to the historical coherence of this research, the continuities and discontinuities that exist in terms of its application to sexual minority youth today, and, ultimately, the robustness of the data. Are studies that purport to show the challenges faced by lesbian and gay youth also applicable to those youth who identify as bisexual, transgender, questioning, or queer?

Today we acknowledge that the challenges experienced by transgender

youth differ from those experienced by youth who identify as LGB or Q (questioning). Concomitantly, we have also come to realize that many of the difficulties gay and lesbian youth face growing up also have resonance for those who identify as bisexual, and those who openly question their sexual orientation. However, challenges remain in demonstrating the ecological validity of some of this research. For example, many early studies relied upon retrospective reports where adults were asked to reflect upon their experiences of growing up lesbian, gay, or bisexual. While we now have several excellent prospective studies conducted with youth who are open about their sexual orientation or transgender status, it is only with the advent of the internet that we have been able to access those youth who feel unable to disclose their sexual orientation or gender variance and understand the challenges they face. Finally, in terms of developmental science, we have yet to create models or theories depicting the typical development of LGBTQ youth who grow up free from fear and discrimination. Today LGBTQ youth continue to be denied culturally avowed opportunities to explore and achieve those relationship milestones we typically expect of heterosexual youth (e.g., dating) without engaging in subterfuge, or opening themselves up to risk.

And 'queer' youth? The term 'queer' can be found in much of the literature on sexual minority youth and is

increasingly used interchangeably with LGBT (Talburtt, 2010). However 'queer' is also an identity used by those who do not wish to limit themselves to the gender binaries of male and female, or indeed the limitations imposed by LGB orientations. Some describe it as liberating although historically it is grounded in notions of abnormality and stigmatization (Saltzburg & Davis, 2010). It is, in essence, about being a person rather than a sexual or gendered object. For some youth it signifies a spiritual as well a multi-sexual and non-gendered 'plastic' identity shaped experientially rather than by those socially defined roles many of us accept and adopt in life. For some scholars, 'queer' cannot be defined and has to be accepted as something that is unstable with multiple means of expression.

LGBTQ youth research is dynamic and ever-evolving. Inevitably, as young people are afforded greater opportunities to construct their own identities, it is incumbent upon researchers and policy makers to find new ways of engaging with and understanding those identities.

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Commentary

Safe Schools Policies Necessary but not Sufficient for Creating Positive School Environments for LGBTQ Students

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In this issue of *Social Policy Report*, authors Russell, Kosciw, Horn, and Saewyc review the research on LGBTQ youth and illuminate a fundamental challenge facing researchers, educators, students, families, and policymakers. They write that “homophobia and LGBTQ prejudice are daily experiences” (p. 3) and that the challenge facing educators is to “design supportive school climates that promote the positive development of LGBTQ and all students” (p. 3). There exists in this country and in many countries around the world a huge gulf between acceptance of LGBTQ individuals and creating supportive school and work environments for all individuals. The reality is that in many communities and schools there is a profound intolerance for LGBTQ youth, in particular, and for people who are perceived as different from the normative culture (Swearer, Turner, Givens, & Pollack, 2008). The question of the day becomes, can safe school policies really change the climate that promotes and supports homophobic beliefs?

In the past decade research on bullying has exponentially increased in the U.S. and world-wide. Currently, forty-three states have passed anti-bullying legislation that ranges from mandating prevention and intervention programming, assessment of bullying, and consequences

In the past decade research on bullying has focused on consequences of bullying and forms of bullying. Less research has addressed bullying among and toward specific groups of students. A paucity of research has examined the complex social-ecological influences on bullying. Research

has suggested that individuals are bullied because they are different from the norm. These differences are idiosyncratic to the norms of the community and

Tolerance implies no lack of commitment to one’s own beliefs. Rather it condemns the oppression or persecution of others.

—John F. Kennedy

for bullying (Espelage & Swearer, in press). The proliferation of anti-bullying policies is a result of the increased evidence-base regarding the association between bullying and negative mental health, health, and academic consequences (Swearer, Espelage, & Napolitano, 2009). However, will increased legislative attention translate to better protection and support for LGBTQ and all students?

In 2003, we asserted that bullying should be examined “within special populations such as GLBT youth, students in special education, and ethnically diverse youth” (Espelage & Swearer, 2003, p. 378).

the school. How do educators rise to the challenge of teaching tolerance and respect for differences when perceived differences fuel engagement in bullying behaviors? Will these federal policies trickle down to the individual school level and help change the climate that supports the oppression and harassment of LGBTQ students and students who are perceived as different?

The hope is that federal policies will provide the foundation that will change homophobic beliefs, increase support toward LGBTQ students, and influence state and local policymakers. Hopefully, this social policy report will serve as a catalyst

for research on the complex relationship between homophobia and school and community environments. Social mores and norms in communities and schools influence policies, programs, and the culture of neighborhoods, schools, and communities. Research on bullying, harassment, and LGBTQ students has guided policy makers to provide specific protection for LGBTQ students in schools. This is vital for creating safe schools for all students. Future research can guide our understanding of the complex relationship between policies and attitudinal change and behavior. Creating safe

and supportive schools for all students is critical for the well-being of future generations.

Federal, state, and local policies are necessary for changing the culture of bullying toward students; however, they are not sufficient for changing the culture of homophobia that pervades many schools and communities. In the final analysis, bullying toward LGBTQ students and all students will only cease when we as a society have successfully educated a generation of youth who truly accept, support, and respect differences.

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Commentary

The Dignity for All Students Act

Daniel O'Donnell
New York State Assembly

As this issue of *Social Policy Report* makes painfully apparent, harassment and discrimination against LGBTQ students is all too prevalent in our schools today, sometimes with devastating consequences. New York State is no exception. The need to work toward creating a safe environment free of harassment for our schoolchildren is only growing.

However, I am proud to say that this year New York has finally taken up the problem. After its ninth consecutive passage in the New York State Assembly since 2002, the Dignity for All Students Act (DASA) finally passed the State Senate and was signed into law by the Governor in September 2010. DASA will require public schools in New York to combat bias-based bullying and harassment through a variety of means.

As noted in this article, DASA enumerates specific categories for protection from “harassment and discrimination,” most relevantly, “actual or perceived... sexual orientation, gender, or sex” (NYS Assembly Bill 3661C). This list was created to explicitly recognize those categories with the dubious distinction of being the most frequently-targeted characteristics.

To ensure this legislation would be both effective and pass both houses of the NYS Legislature, I worked closely with the New York State Department of Education, a coalition of advocacy organizations, and my colleagues to rewrite the legislation over the years to have a minimal fiscal impact that will be easily implemented, more likely to accomplish its intended effect, and more inclusive. To this end, DASA was designed to build off of procedures already in place in schools, taking advantage of already-existing expertise, and thus reducing the ability of legislators to hide behind cost as a reason for opposition. Additionally, while DASA does enumerate protected categories, the bill also makes clear it does not exclude students being bullied for other reasons—another sticking point on the bill.

As is true for all legislative efforts—and DASA was no exception—facts and statistics regarding the topic at hand are always useful tools for garnering support and winning passage. Without such information, it is far easier for legislators to rely on ill-informed viewpoints and biases to oppose a particular piece of legislation. However, when such individuals are faced with hard facts, it becomes much more difficult for them to fall back on these preconceived notions and forces a

confrontation of their own prejudices. Statistics and well-reasoned conclusions are always good ammunition for any legislative battle.

While anti-bullying legislation is not an end-all cure for this problem in our schools, I believe that DASA was a necessary and important first step toward preventing harassment and discrimination against LGBTQ and other vulnerable students. Too many students today are bullied based on real or perceived differences with their classmates, and as this article makes clear, changes in policy can have significant, positive results. With this knowledge, we cannot sit idly by without attempting to change our laws. All students deserve a harassment-free environment that encourages them to reach their full potential.

Commentary

We're Not Doing Enough

Marko Liias

Washington State Representative

We can all remember classic sitcoms about American families.

In every one, there is at least one episode about a bully. I can still remember the *Brady Bunch* episode where the mean bully, Buddy Hinton, teases poor little Cindy. Like all sitcoms, there is conflict, but everything works out and there is always a happy ending.

Today, we understand that school harassment, intimidation and bullying is much different than these classic images. Fights are no longer about lunch money, they are about the very basic characteristics of our students, and bullies use the ubiquity of technology to harass and intimidate their victims 24 hours a day.

As the authors of this issue of *Social Policy Report* document, the impacts of this behavior can be devastating. Victims of school bullying and harassment struggle to perform in the classroom, and fall behind their classmates. Many face emotional and psychological stress that turns into on-going mental health challenges. In the most extreme cases, these victims try to take their own lives, and a few succeed.

Simply put, we're not doing enough to prevent harassment, intimidation and bullying in our schools.

What's not simple is how to confront the problems our kids are experiencing in classrooms and hallways across the state. Society is failing both the bully and the victim by allowing intimidation and harassment to interfere with their education.

For this reason, in 2010, I sponsored a new state law designed to strengthen and expand existing state-mandated anti-bullying policies in local schools. This is our state's first step in a renewed effort to tackle bullying.

Currently, every school district in Washington is required to adopt a general policy on school harassment, intimidation and bullying. What isn't required is a clear and specific plan for how to report and respond to bullying.

Data show that in many parts of the state, local school boards have adopted policies, but these policies have been too general and have failed to translate into action at a school or student level.

The new law requires a more rigorous and comprehensive policy, along with the adoption of specific procedures for receiving and addressing complaints. The law also requires that each school district identify a specific individual responsible for assuring implementation of the policy.

Our state's approach is not confined to one subset of students. We know that LGBTQ youth are clearly victims of bullying, but so

are children of color, children with disabilities, and in some cases, children are victimized without any clear reason.

The coalition we have constructed, both among community members and policymakers, has been strengthened by our broad-based strategy that focuses on all students.

Asking our schools to create clear and specific plans is just the first step. We need to change the climate in our schools, and that will take time and investment. Bullying is a complicated issue and when it comes to changing the attitudes of students and school personnel, we have a lot of conversations that need to take place first. These are areas where we certainly could use some good research.

Moving forward, I intend to use legislative action to pull together an ongoing workgroup to examine the implementation of the new state law and tackle the broader issue of prevention.

Without better teacher preparation, curricular changes, and cultural shifts in our schools, our approach will continue to be reactive. This current approach ensures that students are victimized before appropriate action is taken. I look forward to a day when tolerance and respect are the norm in our classrooms and school hallways, not the exception.

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Social Policy Report (ISSN 1075-7031) is published four times a year by the Society for Research in Child Development. Its purpose is twofold: (1) to provide policymakers with objective reviews of research findings on topics of current national interest, and (2) to inform the SRCD membership about current policy issues relating to children and about the state of relevant research.

Content

The *Report* provides a forum for scholarly reviews and discussions of developmental research and its implications for policies affecting children. The Society recognizes that few policy issues are noncontroversial, that authors may well have a “point of view,” but the *SPR* is not intended to be a vehicle for authors to advocate particular positions on issues. Presentations should be balanced, accurate, and inclusive. The publication nonetheless includes the disclaimer that the views expressed do not necessarily reflect those of the Society or the editors.

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Reviews are typically obtained from academic or policy specialists with relevant expertise and different perspectives. Authors then make revisions based on these reviews and the editors’ queries, working closely with the editors to arrive at the final form for publication.

The Committee on Policy & Communications which founded the *Social Policy Report*, serves as an advisory body to all activities related to its publication.