

Education/Civil Rights Open Letter on the Rights of LGBTQ+ Students and Staff

This summer, the U.S. Supreme Court ruled in *Bostock v. Clayton County, Georgia* and two other cases that discrimination against LGBTQ+ people "necessarily entails discrimination based on sex; the first cannot happen without the second."¹ This decision affirmed what many civil rights and education advocates have long known: discrimination against people on the basis of sexual orientation and gender identity has been and still is prohibited under federal civil rights law.

This landmark decision from the Court is a powerful tool for changing education environments, both at K-12 schools and in higher education, for the better by removing those barriers that are impeding LGBTQ+ students and educators -- especially those who are also people of color -- from being safe and affirmed in schools and college campuses across the country.

Historically, federal, state, and local policies have required or allowed for discrimination against LGBTQ+ students, educators, faculty, and staff, and created environments where they are not safe to learn or safe to work. When students are not safe at school, they are denied an education; and when educators do not feel safe at school, they cannot do their jobs.

Research conducted over the past thirty years consistently documents that LGBTQ+ students experience discrimination based on their gender identity and sexual orientation, as well as intersecting identities that include race, disability, ethnicity, religion, color, and national origin. Discrimination creates barriers to short-term and long-term educational attainment and well-being for students based on who they are.

In 2017, most LGBTQ+ students in K-12 schools (62.2 percent) reported experiencing LGBTQ+-related discriminatory policies or practices at school. Some of the more common forms of discrimination were:

- Disciplined for public displays of affection that were not disciplined among non-LGBTQ+ students: 31.3 percent.
- Prevented from wearing clothes considered "inappropriate" based on their gender identity: 22.6 percent.
- Prohibited from discussing or writing about LGBTQ+ topics in school assignments: 18.2 percent.
- Prohibited from including LGBTQ+ topics in school extracurricular activities (for example, in school publications including yearbook or newspaper, and in events such as the annual Day of Silence).
- Prevented from promoting GSAs (Gender Sexuality Alliances or Gay Straight Alliances): 17.6 percent.²

These experiences do not end when students graduate from high school but continue in higher education. The vast majority (65 percent) of undergraduate transgender and gender nonconforming students have

¹ *Bostock v. Clayton County, Ga.*, 140 S.Ct. 1731, 1747 (2020).

² Kosciw, J. G., Greytak, E. A., Zongrone, A. D., Clark, C. M., & Truong, N. L. (2018). *The 2017 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation's schools*. New York: GLSEN. Available at <https://www.glsen.org/research/school-climate-survey>

reported experiencing harassment at their institution.³ LGBTQ+ students experience uninviting college campuses that, in turn, can have a great negative impact on their personal academic success, a reality that this ruling has the potential to change.⁴ According to the research literature, faculty can impact a student's perceptions of the campus climate including negative classroom experiences that make them feel invisible and silenced⁵; a negative campus climate for LGBTQ+ students could also impact those students' social networks and overall satisfaction with their college experience.⁶

LGBTQ+ teachers are more likely to engage in LGBTQ+-affirming and supportive teaching practices than teachers who are not LGBTQ+ (74.5 percent of LGBTQ+ teachers versus 49.0 percent of non-LGBTQ+ teachers).⁷ However, when educators experience discrimination and do not feel safe at school themselves, it is less likely they will be able to support students in these ways. LGBTQ+ teachers were more likely than non-LGBTQ+ teachers to report experiencing backlash from administrators, parents, and communities. More than 1 in 10 LGBTQ+ teachers (11.1 percent) said that engaging in LGBTQ+-affirming and supportive teaching practices could jeopardize their employment.

In this moment of increased awareness of systemic racist police violence and the COVID-19 pandemic with its racially disproportionate harms, fairness and equal opportunity for students in K-12 schools and institutions of higher education should take on a new urgency. All civil rights and education advocates should highlight the opportunity that the Supreme Court's *Bostock* decision represents to spur positive changes in policies and practices that will benefit LGBTQ+ students and staff in both K-12 schools and institutions of higher education. These positive changes will especially benefit students and staff who are multi-marginalized.

We urge all students, educators, and families to rally in community to advance inclusive and welcoming environments in all schools that celebrate and affirm LGBTQ+ students and staff. This is both a moral imperative and a legal necessity. Learning environments should be places of liberation, where every educator can teach and every student can thrive and reach their full potential, regardless of their sexual orientation, gender identity, race, sex, religion, language, disability, immigration, or economic status.

For additional information or to add your organization to this open letter please see the resources included below or contact Aaron Ridings at GLSEN at aaron.ridings@glsen.org, CJ Powell at The Leadership Conference on Civil and Human Rights at powell@civilrights.org, or Debbie Ojeda-Leitner at the National Center for Transgender Equality at dojedaleitner@transequality.org.

³ Postsecondary National Policy Institute. Fact Sheet on LGBTQ Students in Higher Education. (Updated June 2020). Available at <https://pnpi.org/wp-content/uploads/2020/06/LGBTQStudentsFactsheetUpdatedJune2020.pdf>

⁴ Linley, J. L., Nguyen, D., Brazelton, G. B., Becker, B., Renn, K., & Woodford, M. (2016). Faculty as sources of support for LGBTQ college students. *College Teaching*, 64(2), 55–63.

⁵ Linley, J. L., & Nguyen, D. J. (2015). LGBTQ experiences in curricular contexts. In D. Stewart, K. A. Renn, & G. B. Brazelton (Eds.), *New directions for student services*, no. 152: Lesbian, gay, bisexual, trans*, and queer students in higher education: An appreciative inquiry (pp. 25–39). San Francisco, CA: Jossey-Bass.

⁶ Garvey, J. C., Squire, D. D., Stachler, B., & Rankin, S. R. (2018). The impact of campus climate on queer-spectrum student academic success. *Journal of LGBT Youth*, 15(2), 89–105.

⁷ Greytak, E.A., Kosciw, J.G., Villenas, C. & Giga, N.M. (2016). *From Teasing to Torment: School Climate Revisited, A Survey of U.S. Secondary School Students and Teachers*. New York: GLSEN. Available at https://www.glsen.org/sites/default/files/2019-12/From_Teasing_to_Torment_Revised_2016.pdf

Sincerely,

National Organizations:

The Leadership Conference on Civil and Human Rights
ADL (Anti-Defamation League)
Alliance for Excellent Education
American Association of Colleges for Teacher Education
American Association of University Women (AAUW)
American Atheists
American Civil Liberties Union
American Federation of Teachers
American School Counselor Association
Americans United for Separation of Church and State
Asian Pacific American Labor Alliance, AFL-CIO
Athlete Ally
Augustus F. Hawkins Foundation
Autistic Reality
Break the Cycle
Center for American Progress
Center for Law and Social Policy (CLASP)
Clearinghouse on Women's Issues
COLAGE
Committee for Children
Council of Administrators of Special Education
EDGE Consulting Partners
Educators for Excellence
End Rape On Campus
Equal Rights Advocates
Family Equality
Feminist Majority Foundation
FORGE, Inc.
Girls Inc.
GLBTQ Legal Advocates & Defenders
GLMA: Health Professionals Advancing LGBTQ Equality
GLSEN
Hispanic Federation
Human Rights Campaign
IDRA (Intercultural Development Research Association)
interACT: Advocates for Intersex Youth
Interfaith Alliance
KIPP
Know Your IX, a Project of Advocates for Youth
Lambda Legal

Lawyers' Committee for Civil Rights Under Law
Lawyers for Good Government
Learning Heroes
Modern Military Association of America
NAACP
National Alliance for Partnerships in Equity (NAPE)
National Alliance to End Sexual Violence
National Association of School Psychologists
National Association of Secondary School Principals
National Black Child Development Institute, Inc.
National Black Justice Coalition
National Center for Learning Disabilities
National Council on Independent Living
National Education Association
National Equality Action Team (NEAT)
National Immigration Law Center (NILC)
National Indian Education Association (NIEA)
National LGBTQ Task Force
National PTA
National Organization for Women
National Urban League
National Women's Law Center
New America
New Leaders
Next100
PFLAG
PowerOn, a program of LGBT Technology Institute
Public Citizen
Safe School Action Network
Southeast Asia Resource Action Center (SEARAC)
Southern Poverty Law Center
Stop Sexual Assault in Schools
Teach For America
The Advocacy Institute
The Education Trust
The Fenway Institute
The Institute for College Access & Success (TICAS)
The Trevor Project
TNTP
True Colors United
Union for Reform Judaism
WCJC Digital Broadcasting Company
Whitman-Walker Institute
Young Invincibles

Youth Justice Project - Southern Coalition for Social Justice

State & Local Organizations:

Applied Research Consultants
Arizona Coalition to End Sexual and Domestic Violence
California Women's Law Center
Chicago Alliance Against Sexual Exploitation
Coalition of Rainbow Alliances
Colorado Coalition Against Sexual Assault
Day One
Education Law Center-PA
Equality California
Equality North Carolina
Georgia Equality
Georgia Network to End Sexual Assault
Girls for Gender Equity
Girls Inc. of Bay County
Girls Inc. of Central Alabama
Girls Inc. of Pinellas
Girls Inc. of Santa Fe
Girls Inc. of Hamblen
Girls Inc. of Central Alabama
Girls Inc. of Chattanooga
Girls Inc. of Greater Houston
Girls Inc. of Greater Los Angeles
Girls Inc. of New Hampshire
Girls Inc. of Greater Philadelphia & Southern New Jersey
Girls Inc. of Greater Santa Barbara
Girls Inc. of Jacksonville
Girls Inc. of Kingsport
Girls Inc. of Long Island
Girls Inc. of Metro Denver
Girls Inc. of Omaha
Girls Inc. of Orange County
Girls Inc. of San Antonio
Girls Inc. of Shelbyville & Shelby County
Girls Inc. of Sioux City
Girls Inc. of the Pacific Northwest
Girls Inc. of the Valley
Girls Inc. of TN Valley
Girls Inc. of Washington County
Girls Inc. of Wayne County
Girls Inc. of Westchester
Girls Inc. of Sioux City

GLSEN Albuquerque, New Mexico
GLSEN Arkansas
GLSEN Austin, Texas
GLSEN Bluegrass -- Kentucky
GLSEN Bucks County, Pennsylvania
GLSEN Central New Jersey
GLSEN Central Ohio
GLSEN Connecticut
GLSEN Greater Cincinnati, Ohio
GLSEN Greater Fort Wayne, Indiana
GLSEN Greater Huntsville, Alabama
GLSEN Greater Kansas City, Missouri
GLSEN Greater Tulsa, Oklahoma
GLSEN Green Bay, Wisconsin
GLSEN Hawaii
GLSEN Kansas
GLSEN Los Angeles, California
GLSEN Lower Hudson Valley, New York
GLSEN Maryland
GLSEN Massachusetts
GLSEN Merced, California
GLSEN Mid-Hudson
GLSEN New Hampshire
GLSEN Northeast Ohio
GLSEN Northern New Jersey
GLSEN Northern Utah
GLSEN Northern Virginia
GLSEN Northwest Ohio
GLSEN Omaha, Nebraska
GLSEN Oregon
GLSEN Philly
GLSEN Phoenix, Arizona
GLSEN Richmond, Virginia
GLSEN San Diego, California
GLSEN Southeast Michigan
GLSEN Southern Maine
GLSEN Southern New Jersey
GLSEN Springfield, Missouri
GLSEN Tampa Bay, Florida
GLSEN Tennessee
GLSEN Upstate New York
GLSEN Washington State
GLSEN Yuma, Arizona
Iowa Coalition Against Sexual Assault

Kansas-Oklahoma Conference United Church of Christ
Kentucky Association of Sexual Assault Programs
LGBTQ+ Allies Lake County
Mazzoni Center
Michigan Teacher of the Year Network
Minnesota Coalition Against Sexual Assault
New York State Coalition Against Sexual Assault
North Carolina Justice Center
Oasis Legal Services
Out in the Open
PFLAG, Akron
PFLAG, Belleville
PFLAG, Birmingham, Alabama
PFLAG, Bloomington
PFLAG, Bucks County
PFLAG, Chautauqua
PFLAG, Charleston, Illinois
PFLAG, Collingswood
PFLAG, Danville, Pennsylvania
PFLAG, Danville-San Ramon Valley
PFLAG, East Texas
PFLAG, Egg Harbor Township, New Jersey
PFLAG, Franklin, Tennessee
PFLAG, Grand Island
PFLAG, Greater Providence
PFLAG, Greensboro, North Carolina
PFLAG, Greensburg
PFLAG, Hampton Roads
PFLAG, Hastings
PFLAG, Holland/Lakeshore
PFLAG, Indianapolis
PFLAG, Jersey City
PFLAG, Jersey Shore
PFLAG, Johns Creek
PFLAG, Juneau
PFLAG, Kansas City
PFLAG, Kings Tulare Counties
PFLAG, Kingston
PFLAG, Long Island
PFLAG, Los Angeles
PFLAG, Manhattan Beach, Beach Cities
PFLAG, Metro DC
PFLAG, Mount Pleasant
PFLAG, Nashville

PFLAG, New Hampshire
PFLAG, North Atlantic Region
PFLAG, Philadelphia
PFLAG, Princeton
PFLAG, Rochester
PFLAG, Sacramento
PFLAG, Salisbury
PFLAG, San Diego County
PFLAG, Siouxland
PFLAG, Skagit
PFLAG, South Miami
PFLAG, Spartanburg
PFLAG, Stillwater
PFLAG, Wilmington/Northern Delaware
PFLAG, Holland Lakeshore
PFLAG, Saginaw, Michigan
Philadelphia Gay Men's Chorus (PGMC)
Prism DMV
Rhode Island KIDS COUNT
Silver State Equality-Nevada
Texas Appleseed
The Black Student Movement at UNC Chapel Hill
Voices for Vermont's Children
Washington Coalition of Sexual Assault Programs
Women's Law Project
Youth Pride, Inc.
YWCA Kalamazoo
YWCA Nashville & Middle TN