



Education Policy

ISSUES AFFECTING
LESBIAN, GAY, BISEXUAL,
AND TRANSGENDER YOUTH

by Jason Cianciotto and Sean Cahill

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The **National Gay and Lesbian Task Force Policy Institute** is a think tank dedicated to research, policy analysis and strategy development to advance greater understanding and equality for lesbian, gay, bisexual and transgender people.

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Preface

BY MATT FOREMAN

EXECUTIVE DIRECTOR, NATIONAL GAY & LESBIAN TASK FORCE

The Task Force is proud to release *Education Policy: Issues Affecting Lesbian, Gay, Bisexual, and Transgender Youth*.

Thanks to a generous grant from the Kevin J. Mossier Foundation, the Task Force Policy Institute convened a research meeting in Minneapolis in October 2002, attended by more than a dozen researchers and policymakers with expertise on lesbian, gay, bisexual, and transgender (LGBT) issues in primary and secondary education. Also participating were LGBT youth advocacy groups, the National School Boards Association, the American Federation of Teachers, and the American Psychological Association. The report you hold in your hands is the result of the discussions held at that meeting, and subsequent research and analysis prioritized by the meeting's participants. We thank the researchers, policymakers and activists who reviewed this document and helped us develop an analysis in this critical policy area.

This report provides a comprehensive overview of the extent of anti-LGBT harassment and bias, its impact on students, policy interventions that support LGBT students and improve school climate, and the changing policy context that complicates these efforts. It includes an in-depth analysis of how the No Child Left Behind Act affects LGBT students. And it profiles eight young people who stood up to the abuse and discrimination so many LGBT young people live with on a daily basis; one paid the ultimate price, when she was killed in an antigay attack. It also articulates an agenda for future research and policy analysis. In identifying gaps in our understanding of LGBT issues in schools, we encourage graduate students, professors, government-based researchers, and community activists to help fill them.

This study continues a proud Task Force tradition of combating hate-motivated violence, including harassment. In 1982, we launched the first national project to combat antigay violence, established the first national crisis hotline, worked with local groups to gather data, and lobbied the Justice Department to pay attention to antigay violence. Two years later, we issued the first comprehensive national report on antigay violence



and launched our Campus Project, which documented antigay harassment and violence on college campuses across the country. In 1990, thanks to Task Force–led efforts during the previous decade, the Hate Crimes Statistics Act was signed into law. In 1995, we held the first of several week-long Youth Leadership Trainings. A year later, we released *Lesbian, Gay, Bisexual and Transgender Campus Organizing: A Comprehensive Manual*, and earlier this year we published *Campus Climate for Gay, Lesbian, Bisexual and Transgender People: A National Perspective*, the largest-ever study of LGBT students, faculty and staff on college campuses in the U.S.

Clearly, much progress has been made over the past 15 years to make schools safer and more affirming places for all students. Organizations like the Gay, Lesbian and Straight Education Network (GLSEN), the National Youth Advocacy Coalition (NYAC), and Parents, Families and Friends of Lesbians and Gays (PFLAG) have led the fight to end anti-LGBT discrimination and violence in schools, and our community is deeply indebted to them. We are equally indebted to LGBT and questioning youth, children of LGBT parents, LGBT faculty and staff, and supportive straight allies, who work every day to make schools environments where all students can focus on learning, not just making it through the day in one piece.

We hope this report will hasten the day when all—regardless of their sexual orientation or gender identity—are welcomed and cherished as full participants in every American school.

A handwritten signature in black ink that reads "Matt Foreman". The signature is written in a cursive, slightly slanted style.

Matt Foreman
Executive Director
National Gay and Lesbian Task Force

Executive Summary

Violence and harassment against lesbian, gay, bisexual, and transgender (LGBT) students is widespread, but a growing number of states are taking steps to make schools safer for LGBT students and the children of LGBT parents. Eight statesⁱ and the District of Columbia have passed laws banning discrimination or harassment on the basis of sexual orientation. Three statesⁱⁱ and the District of Columbia ban discrimination or harassment against students on the basis of gender identity. At least five other statesⁱⁱⁱ plus Wisconsin have adopted anti-harassment or nondiscrimination regulations covering sexual orientation. Still, anti-LGBT bias and violence remains widespread.

At least 13 states have taken steps aimed at protecting gay youth.

Education Policy: Issues Affecting Lesbian, Gay, Bisexual, and Transgender Youth provides a comprehensive overview of the school experiences of LGBT youth, and existing policy interventions aimed at making schools safe and affirming environments for all students. It also examines recent federal policy changes that complicate these efforts, and offers a research agenda to fill gaps in our understanding of the experiences of LGBT youth and children of LGBT parents.

Youth today are coming out as gay, lesbian, bisexual, and transgender younger than ever before.

Youth today are coming out as gay, lesbian, bisexual, and transgender younger than ever before. One recent study found that the average age gay and lesbian teenagers first self-identify is 16. In the 1980s, the average age of self-identification was approximately 20 for gay men and 22 for lesbians. Yet many schools are not keeping up with this cultural change, and youth are paying the price. The Task Force offers this critical report as a resource to those who want to better understand LGBT youth and help end the harassment and violence too many face on a daily basis.

i. California, Connecticut, Massachusetts, Minnesota, New Jersey, Vermont, Washington, and Wisconsin

ii. California, Minnesota, and New Jersey

iii. Hawaii, Maryland, Oregon, Pennsylvania, and Rhode Island



THREE TO SIX PERCENT OF ADOLESCENTS REPORT SAME-SEX ATTRACTION OR IDENTIFY AS LESBIAN, GAY, OR BISEXUAL

Education Policy analyzes the social science literature on LGBT youth and children of LGBT parents, including estimates of how many secondary school students are LGBT or have LGBT parents. Several studies report a range of 3 to 6% of adolescent and post-adolescent youth who report same-sex attraction or identify as lesbian, gay, or bisexual. For example, the 1996 National Longitudinal Study of Adolescent Health found that 6% of youth aged 13 to 18 reported same-sex attraction. The 2001 Massachusetts Youth Risk Behavior Survey found that 5% of respondents self-identified as gay, lesbian, or bisexual, or reported same-sex sexual experiences. The 2001 Vermont Youth Risk Behavior Survey reported that 3% of youth had engaged in same-sex activity.

LGBT youth and children of LGBT parents face widespread harassment and violence in America's schools. A recent national survey of LGBT youth conducted by the Gay, Lesbian and Straight Education Network (GLSEN) found that more than four-fifths of LGBT youth experienced verbal harassment over the past year, and 42% experienced physical harassment or violence. One in four students in the GLSEN survey reported hearing antigay slurs from faculty or school staff. A 1997 Iowa study found that on average, high school students heard 25 antigay remarks each day. Although most research documents sexual orientation and gender-based harassment in middle and high schools, such harassment is also reported by children as young as six years old. Unchecked, such harassment can escalate to physical attacks and even rape. A five-year study by the Safe Schools Coalition of Washington State, described in this report, documented 111 incidents of anti-LGBT violence in 73 schools. These included eight gang rapes in which a total of 11 students were molested, two of them sixth graders.

Many—and perhaps most—LGBT students succeed in school and develop ways to cope with often systemic hostility. However, a sizable body of research documents correlations between having a homosexual or bisexual orientation and a number of risk factors, including: poor school performance, truancy and dropping out of school, getting in fights at school or while en route, suicidal ideation, substance abuse, and unsafe sex. Antigay harassment often manifests itself as sexual harassment; its victims can experience loss of appetite, loss of interest in school, nightmares, feelings of isolation from family and friends, and sadness, nervousness, and anger.

A 1997 Iowa study found that on average, high school students heard 25 antigay remarks each day. Unchecked, such harassment can escalate to physical attacks and even rape.

STUDENT LEADERS ORGANIZE TO MAKE SCHOOLS SAFER

In the face of this widespread harassment and violence, LGBT youth are joining allied heterosexual youth, school faculty and staff, parents, policymakers, and advocates to promote policy interventions that can interrupt and prevent anti-LGBT bias. Eight student leaders are profiled in this report, including:

- Corey Johnson, a Massachusetts high school football captain who came out to his teammates

- Kelli Peterson, who organized a gay-straight alliance in Salt Lake City, Utah and then fought the school board for the right to meet at her high school
- Tenaja Jordan, whose guidance counselor outed her to her conservative religious parents, and who eventually transferred to the Harvey Milk High School, an LGBT-affirmative school in New York City
- Thomas McLaughlin, a 13-year-old Arkansas student who was forced to read aloud passages from the Bible that allegedly condemn homosexuality, who successfully sued his school district, securing changes that will make it safer for future gay students
- Alana Flores and Jamie Nabozny, who both successfully sued their school districts for failing to prevent systemic antigay harassment
- Pat Doe, a male-to-female transgender student who successfully sued her school for the right to dress in accordance with her self-identified gender
- Sakia Gunn, a 15-year-old from Newark, New Jersey whose friends formed a lesbian youth group named for her after she was murdered in a vicious antigay attack

Alana Flores and Jamie Nabozny both successfully sued their school districts for failing to prevent systemic antigay harassment.

FAILING TO PROTECT GAY STUDENTS COSTS SCHOOLS MILLIONS

At least 15 lawsuits brought by students against their school districts for failing to stop the harassment they were experiencing have been successfully litigated or settled. These 15 lawsuits resulted in total damages of more than \$2.3 million. In these and other lawsuits, youth and their advocates have successfully cited federal policies and provisions to protect the rights of LGBT youth to exist and support one another in schools. These include:

- Title IX of the Education Amendments Act of 1972
- The Equal Protection Clause of the U.S. Constitution
- The Equal Access Act of 1984

Youth and their advocates have successfully cited federal policies and provisions to protect the rights of LGBT youth.

GROWTH IN STATE POLICIES PROTECTING LGBT YOUTH

Five states^{iv} prevent the discussion of homosexuality in schools, or mandate that any references to homosexuality be exclusively negative. Utah prohibits the “advocacy” of homosexuality. Dozens of states have parental notification laws with opt-out provisions, through which parents can excuse their children from classes or assemblies dealing with sexuality, HIV, and other sexually transmitted diseases. Massachusetts is considering a bill that would convert its parental opt-out policy into a more restrictive, opt-in law.

But support is growing for the implementation of gay-straight alliances, safe schools programs, nondiscrimination policies, and other interventions designed to counteract and prevent anti-LGBT violence and harassment in public schools. Thirteen states and the District of Columbia prevent antigay discrimination and/or harassment by law or

iv. Alabama, Arizona, Mississippi, South Carolina, and Texas

regulation. Three of the eight states with sexual orientation nondiscrimination or anti-harassment laws also prevent discrimination or harassment based on gender identity. Nearly 2,000 gay-straight alliances all across the U.S. offer support for LGBT and questioning youth as well as straight allies. Preliminary research shows that gay-straight alliances, safe school programs, and teacher training correlate with more supportive and safe school environments for LGBT students. This report also examines the model offered by New York City's 20-year-old Harvey Milk High School.

Nearly 2,000 gay-straight alliances all across the U.S. offer support for LGBT and questioning youth as well as their straight allies.

CONCERNS RAISED BY THE NO CHILD LEFT BEHIND ACT

Education Policy closely examines the impact of the 2002 No Child Left Behind (NCLB) Act on LGBT youth and existing policy interventions. The NCLB Act's promotion of school vouchers for private and religious schools, charter schools, single-sex education, standardized testing, and Internet filtering raises concerns for LGBT youth. Private religious schools are usually exempted from nondiscrimination laws, making it harder for teachers to be openly gay role models and leaving students unprotected. Charter schools may offer opportunities to LGBT students, but the decentralized nature of charter school governance also poses potential threats. The NCLB Act authorizes the use of federal funds for single-sex schools for the first time in three decades, which clearly has implications for transgender youth but could also negatively affect all students, including those who are lesbian, gay, and bisexual. NCLB Act provisions related to parental rights and the "promotion and encouragement" of sexual activity also raise concerns which are examined herein. Finally, amendments to the NCLB Act related to the Boy Scouts' and military's ability to meet and recruit at schools with sexual orientation nondiscrimination policies also send a troublesome message.

PROMOTION OF ABSTINENCE-ONLY-UNTIL-MARRIAGE

Abstinence-only-until-marriage curricula teach that sex outside the context of marriage, including sex between people of the same gender, is inherently dangerous, both physically and psychologically. At best they ignore the existence of gay and lesbian students and children of gay parents. At worst, they are overtly hostile to gay people and people with HIV and AIDS. We describe the effects of abstinence-only curricula's deeply sexist and antigay messages as well as the misinformation it promotes about HIV risk, safer sex, and the effectiveness of condoms.

Abstinence-only promotes sexist and antigay messages, as well as misinformation about the effectiveness of condoms.

A PROACTIVE RESEARCH AGENDA FOR FILLING INFORMATION GAPS

The final chapter of *Education Policy* offers a research agenda targeted at academic and government-based researchers in order to fill the many gaps in our knowledge of LGBT youth, children of LGBT parents, and the effectiveness of various policy interventions. Research is particularly needed on:

- Resiliency factors that correlate with health and strong academic performance among LGBT youth
- LGBT youth of color
- Transgender youth
- Rural LGBT youth
- The experiences of children of LGBT parents and the effectiveness of policy interventions vis-à-vis the harassment they face
- Immigrant LGBT youth and the children of LGBT immigrants
- Elementary school experiences of LGBT youth
- Homophobic and gender-based harassment in elementary schools
- The impact of nondiscrimination clauses in teachers union contracts
- The impact of “out” teachers on LGBT youth
- The experiences of LGBT youth outside the school setting

Methodological barriers to studying LGBT youth as well as ethical considerations are also addressed, along with recent political developments related to sexuality research.

THE RESPONSIBILITY OF ADULTS TO CREATE SAFE AND AFFIRMING SCHOOLS

Adults have a responsibility to create social institutions that are safe and affirming places for all young people. For policymakers and educators with control over this most important social institution—our nation’s school system—this responsibility is especially weighty. The National Gay and Lesbian Task Force hopes that this report will provide educators, policymakers, parents, and students the background information they need to continue to promote safe schools for all, regardless of sexual orientation or gender identity. We also hope it focuses researchers on the most critical gaps in our understanding of the experiences of LGBT youth and children of LGBT parents, and on what policy interventions can most effectively improve their school experiences.



1. Lesbian, Gay, Bisexual, and Transgender Youth: A Critical Population

INTRODUCTION

Lesbian, gay, bisexual, and transgender (LGBT) youth are coming out at younger ages than ever before, a trend that dramatically impacts their education and experience at school. One recent study found that the average age gay and lesbian teenagers first self-identify is 16.¹ There is no research on the average age that youth first identify as transgender or bisexual. However, many individuals report knowing that they were lesbian, gay, or bisexual in the sixth or seventh grade. In the 1980s, when the average age for self-identification was 19 to 21 for gay men and 21 to 23 for lesbians, the coming-out process for most young adults occurred either during college, or after having established an independent life.² Self-identification at an earlier age can expose students to rejection at home and at school, creating a greater need for appropriate advice, health education, and referrals to available resources from supportive adults.³

Youth who do not have access to such resources can become dangerously isolated. In one study, 50% of gay male adolescents reported being rejected by their parents because of their sexual orientation.⁴ Many LGBT youth are also cut off by their friends and members of their religious community, harassed and attacked by their peers in school, and demeaned by society at large. Because of their age, they lack independent resources and have an especially hard time finding support at school, with 80% reporting severe emotional distress and isolation.⁵ For some LGBT youth, these situations lead to a higher incidence of substance abuse and suicide. A report produced by the U.S. Department of Health and Human Services in 1989 found that gay

This report summarizes what is currently known about the school experiences of LGBT youth and children of LGBT parents, and analyzes the institutional and policy interventions aimed at making schools safe and affirming places for these students.

1. Herdt, G., & Boxer, A. (1996). *Children of horizons* (2nd ed.). Boston: Beacon Press.
2. Troiden, R. R. (1988). Homosexual identity development. *Journal of Adolescent Health*, 9, 105.
3. Ryan, C., & Futterman, D. (1998). *Lesbian and gay youth: Care and counseling*. New York: Columbia University Press.
4. Remafedi, G. (1987). Male homosexuality: The adolescent perspective. *Pediatrics*, 79, 326–330.
5. Hetrick, E. S., & Martin, A. D. (1987). Developmental issues and their resolution for gay and lesbian adolescents. *Journal of Homosexuality*, 14 (1–2), 25–43.

and lesbian youth are two to three times more likely to attempt suicide than their heterosexual peers, and that up to 30% of all completed suicides are committed by gay and lesbian youth.⁶ Up to 35% of homeless youth identify as gay or lesbian, and many engage in sex work (prostitution) to feed and support themselves.⁷ Although there is a dearth of research on transgender homeless youth, anecdotal evidence suggests that they face similar choices when rejected by their families. Homelessness and reliance on sex work to survive may be more prevalent among LGBT youth of color, who already face social prejudice and stigmatization because of their race or ethnicity.⁸ By coming out, they also risk rejection by members of their own ethnic community and, therefore, intensified isolation.⁹ The anti-LGBT atmosphere in schools also directly affects children who have LGBT parents. Although their experiences are different because they generally come from homes with a positive attitude toward diversity in sexual orientation or gender identity, they are commonly targeted and harassed by their peers because their parents are LGBT, or because of the stereotype that the children of LGBT parents are also LGBT. Even the siblings of LGBT youth can experience harassment and violence because of a brother's or sister's sexual orientation or gender identity, though there is a paucity of research on the impact of homophobia on siblings.

Violence and harassment against LGBT students is epidemic. Eighty-three percent of LGBT youth report verbal harassment at school because of their sexual orientation, and 42% say they have been physically harassed.

Violence and harassment against LGBT students is epidemic. The 2001 National School Climate Survey by the Gay, Lesbian and Straight Education Network (GLSEN) reported that 83% of LGBT youth reported verbal harassment at their school because of their sexual orientation, and 42% said they had been physically harassed. More than two-thirds felt unsafe at school.¹⁰ Despite the harassment and violence they experience on a daily basis, these youth often display amazing strength and resiliency. In many instances, they have organized to demand policy changes and to make schools safer and more inclusive, often without the support of the school officials responsible for protecting all students. After they graduate from high school, many have continued working to increase awareness and understanding of the harassment and violence youth experience and its impact on their academic achievement, as well as on their mental and physical health. In cooperation with a broad coalition of advocates, these youth have led successful interventions in a growing number of schools and communities, including nondiscrimination and anti-harassment policies, safe schools programs, and community- and school-based support groups that provide peer and adult mentors, role models, and information.

The ultimate reach of these initiatives goes beyond making schools safer for LGBT youth. A program that acknowledges and values the LGBT members of a school com-

6. Rosario, M., Hunter, J., & Rotheram-Borus, M. J. (1992). Unpublished data, HIV Center for Clinical and Behavioral Studies, New York State Psychiatric Institute; Gibson, P. (1989). Gay male and lesbian youth suicide. In *Report of the Secretary's Task Force on Youth Suicide* (DHHS Publication No. ADM 89-1623. Vol. 3, pp. 3-110-3-142). Washington, DC: Department of Health and Human Services.
7. Cochran, B. N., Stewart, A. J., Ginzler, J. A., & Cauce, A. M. (2002). Challenges faced by homeless sexual minorities: Comparison of gay, lesbian, bisexual, and transgender homeless adolescents with their heterosexual counterparts. *American Journal of Public Health, 92*(5), 773-776.
8. Ryan & Futterman, 1998.
9. Varney, J. A. (2001). Undressing the normal: Community efforts for queer Asian and Asian American youth. In K. K. Kumashiro (Ed.), *Troubling intersections of race and sexuality: Queer students of color and anti-oppressive education*. New York: Rowman & Littlefield.
10. Kosciw, J. G., & Cullen, M. K. (2001). *The GLSEN 2001 national school climate survey: The school-related experiences of our nation's lesbian, gay, bisexual and transgender youth*. New York: The Gay, Lesbian and Straight Education Network.

munity changes the school atmosphere for everyone, making it safer for many other students who are perceived to be different. The children of LGBT parents, regardless of their own sexual orientation or gender identity, benefit greatly from an environment that allows them to be honest about their families. In addition, many young people use anti-LGBT epithets against peers they perceive as different for a variety of gender-related reasons: they might target a boy who does not like sports, is introverted, studious, sensitive, or has many female friends; or a girl who is athletic, a “tomboy,” aggressive, does not wear makeup, or has rejected boys’ advances. While some of these youth may be lesbian, gay, bisexual, or transgender, it is likely that a substantial proportion of them, perhaps even most, are not.

This report summarizes what is currently known about the school experiences of LGBT youth and children of LGBT parents, and analyzes the institutional and policy interventions aimed at making schools safe and affirming places for these students. It highlights recent policy innovations that may complicate or threaten the success of programs created to support LGBT youth. And it provides an agenda for researchers and policymakers, including suggestions for future research and analysis that could increase our understanding of the experiences of LGBT youth in schools and serve as the basis for advocacy to change education policy at the local, state, and national levels.

Gay Teen Forced to Read Aloud from Bible at School: A Profile of Thomas McLaughlin

When Thomas McLaughlin was a 13-year-old student at Jacksonville Junior High School in Jacksonville, Arkansas, the assistant principal called him out of his seventh period class and asked if his parents knew that he was gay. When Thomas replied no, the assistant principal said that Thomas had until 3:40 PM that day to tell them, or the school would. Too upset to sit through eighth period, Thomas went to his guidance counselor for help. But despite Thomas’ protest, she called his mother and told her that Thomas was gay.

This chain of events began when Thomas’ science teacher overheard him

refuse to deny that he was gay when another student was teasing him. Along with calling in the assistant principal, the science teacher also gave Thomas a four-page, handwritten letter that, referencing the Bible, told Thomas he would be condemned to hell if he “chose” to be gay.¹¹

Thomas’ parents were accepting of his sexual orientation. Back at school, however, the troubles had only just begun. While other students generally did not have a problem with Thomas’ sexual orientation, several teachers and administrators did. One teacher told Thomas to stop talking about being gay because she found it “sickening.” Another publicly scolded Thomas for talking with a female friend about which boys in class they thought were cute.

One teacher told Thomas to stop talking about being gay because she found it “sickening.”

11. Lewin, T. (2003, March 25). Arkansas school is accused of harassing a gay student. *The New York Times*. Retrieved October 7, 2003, from <http://www.nytimes.com/2003/03/25/education/25GAY.html>



THOMAS MCLAUGHLIN

As part of his disciplinary action, the assistant principal forced Thomas to read aloud passages from the Bible.

The female student was not disciplined. Several teachers also attempted to silence Thomas by warning him that he was going to be beaten up in school because he was gay, that the school would not protect him, and that if he didn't keep quiet, he would end up like Matthew Shepard, the gay college student from Laramie, Wyoming who in 1998 was tied to a fence, beaten, and left to die.¹²

Over the course of the school year, the situation grew worse. After arguing with a teacher who had called him "abnormal" and "unnatural" for being gay, Thomas was sent to the assistant principal's office again. As part of his disciplinary action, the assistant principal forced Thomas to read aloud passages from the Bible that allegedly condemn homosexuality. When Thomas, who is also a Christian, told his friends about having to read the Bible aloud at school, he was suspended for two days. The principal also warned him that if he told anyone why he was suspended, he would be expelled. When Thomas told his mother about the suspension and forced Bible readings, she called the American Civil Liberties Union. "We're Christians," she

said, "but this isn't the school's business. It's something for us, the parents, to talk about."¹³

On April 8, 2003, after repeated attempts to resolve the situation with various school administrators, the ACLU filed suit against Pulaski County Special School District on behalf of Thomas and his parents. The lawsuit charged that school officials had violated Thomas' rights to free speech, equal protection, and privacy, as well as his religious liberty. Thomas simply wanted to go to school without being harassed by his teachers: "All I want out of this is for me and other gay students to be able to go to school without being preached to and without being expected to lie about who we are."¹⁴

On July 17, 2003, in a court-ordered settlement, Thomas got his wish. Under the terms of settlement, school officials agreed not to disclose any student's sexual orientation to others, not to punish students for talking about their sexual orientation during noninstructional time, not to discriminate against students on the basis of their sexual orientation in disciplinary matters, and not to preach to students or force them to read the Bible.¹⁵

In addition, the school district issued a formal apology to Thomas and his parents, expunged Thomas' disciplinary record, and agreed to pay \$25,000 in damages and attorneys' fees. After the settlement, Thomas said, "I'm really glad that this is all over and that the ACLU is making the school treat gay students the way they should have been treated in the first place. No more students should have to go through what I did."¹⁶

12. McLaughlin v. Bd. of Educ. of Pulaski County Special Sch. Dist., No. 4:03-CV-00244 GTE, 2003 WL 21182283 (E.D. Ark. April 22, 2003).

13. Lewin, 2003.

14. American Civil Liberties Union. (2003, April 8). *ACLU sues Arkansas school district to guarantee gay student's rights to be "out" at school*. Retrieved October 7, 2003, from <http://www.aclu.org/LesbianGayRights/LesbianGayRights.cfm?ID=12298&c=106>

15. American Civil Liberties Union. (2003, July 17). *ACLU secures sweeping changes in Arkansas school district*. Retrieved July 29, 2003, from <http://aclu.org/news/NewsPrint.cfm?ID=13163&c=106>

16. Ibid.

METHODOLOGICAL BARRIERS TO RESEARCH ON LGBT YOUTH

Conducting research on the experiences of LGBT youth, the harassment and violence they endure, and the effects of this abuse on their mental health, physical health, and educational performance is fraught with technical challenges. A number of problems, including a lack of funding and potential barriers that complicate researchers' attempts to collect information from youth, make it difficult to capture a random, representative sample of LGBT youth. For example, a provision in the No Child Left Behind Act of 2001, which is discussed further in Chapter 5, has caught the attention of many researchers. It requires all school districts to develop written policies and procedures, in consultation with parents, regarding any "third party" survey of students that includes questions about political affiliations or beliefs, mental problems, sex attitudes or behavior, illegal or antisocial behavior, critical appraisals of family members, religious beliefs of the student or parent, and income.¹⁷ At a minimum, these policies must specify how parents will be notified about surveys and how they will be given the opportunity to opt their children out of taking any surveys.

As written this provision does not dramatically influence researchers' ability to collect information. Many schools already independently choose to notify parents about surveys administered to students, allowing parents to request that their child not participate. In practice, however, few parents exercise this "opt out" option, and it has had no substantial impact on survey results. On the other hand, policies that require parents to "opt in," by sending in written prior or "active permission" for their child's participation makes collecting reliable data extremely difficult. The danger inherent to this provision of the No Child Left Behind Act is that some parents or conservative activists may attempt to modify this federal requirement in the future, or use it to pressure their state legislature or local school board to adopt "active permission" or "opt-in" requirements for surveys. Once in place, such active parental consent regulations make it virtually impossible to collect data on large representative samples of students in schools. This has already occurred in three states—Alaska, New Jersey, and Utah—which require the prior written informed consent of a parent before a survey can be administered to a student.¹⁸ Alaska Department of Health staff confirm that Alaska's "opt-in" law prevented the state from obtaining a high enough response rate for it to participate in the 2001 Youth Risk Behavior Survey.

Although volunteer-based research methodologies, which use participants who self-select to be a part of a study, are commonly used in many academic disciplines, they can be problematic for research on small, minority populations. For participants in studies about sexual orientation or gender identity issues, self-identification often comes with tremendous risk, both real and perceived. Consequently, LGBT research participants may choose to withhold information about their sexual orientation or gender identity. Even though most studies are anonymous, fear of the consequences of coming out still prevents many people from participating, especially youth. The issues of self-selectivity and coming out tend to skew research on LGBT youth toward those who are most comfortable with their identities, making broader-based research especially difficult.

Studies that ask youth to self-identify as lesbian or gay yield lower numbers compared with studies that ask questions about same-sex attraction, sexual behavior, or both.

17. Protection of Pupils Rights Amendment, 20 U.S.C. § 1232h (2003).

18. ALASKA STAT. § 14.03.110 (Michie 2002); N.J. STAT. ANN. § 18A: 36-34 (West 2001); UTAH CODE ANN. § 53A-13-302 (1999).

Thus, some argue that researchers who rely on self-selected volunteers are likely to overlook important developmental characteristics of those who experience same-sex attractions, but do not necessarily consider themselves lesbian, gay, or bisexual.¹⁹ Because of the perception that being gay entails being harassed at school, some adolescents choose not to categorize themselves according to existing labels, instead describing their same-sex relationships in terms of desires or attractions. Consequently, studies that ask youth to self-identify as “lesbian” or “gay” yield lower numbers compared with studies that ask questions about same-sex attraction, sexual behavior, or both.²⁰

To address these inadequacies, researchers use population-based data, which can include a large number of students in one region or nationwide. Since the late 1980s, state and federal agencies have surveyed a broad range of issues critical to teen health and safety using this method. The Centers for Disease Control and Prevention (CDC), for example, coordinates the nationwide Youth Risk Behavior Survey every two years. Although none of these population-based studies focuses exclusively on LGBT youth, they do offer important and sometimes striking information about health and safety risks that disproportionately affect lesbian, gay, and bisexual students by including questions about same-sex sexual behavior. Unfortunately, none of them includes questions specific to gender identity.

HOW MANY LGBT YOUTH ARE THERE?

The problems endemic to the scientific study of LGBT students make it difficult to determine exactly how many LGBT youth there are in the United States. Data from population-based studies allow for estimates of the prevalence of homosexuality and bisexuality among adolescents. The 1996 National Longitudinal Study of Adolescent Health, a comprehensive study of over 12,000 youth in grades seven through 12, found that 6% of participants between the ages of 13 and 18 reported same-sex attraction, with 1% reporting that they were only attracted to members of their own sex and 5% reporting attraction to both sexes.²¹ Similarly, a 1999 Safe Schools Coalition of Washington report found that among eight population-based studies administered over 10 years to 83,042 youth, 4 to 5% of teens in secondary schools either identified themselves as lesbian, gay, or bisexual; had engaged in same-sex sexual activity; or had experienced same-sex attraction.²² More recent population-based studies have had similar results:

- The 2001 Massachusetts Youth Risk Behavior Survey reported that 5% of respondents either self-identified as gay or bisexual or reported same-sex sexual experiences²³
- The 2001 Vermont Youth Risk Behavior Survey found that 3% of students had engaged in same-sex activity²⁴

19. Savin-Williams, R. C. (2001). A critique of research on sexual-minority youths. *Journal of Adolescence*, 24, 5–13.

20. Savin-Williams, R. C., & Lenhart, R. E. (1990). AIDS prevention among lesbian and gay youth: Psychosocial stress and health care intervention guidelines. In D. G. Ostrow (Ed.), *Behavioral aspects of AIDS*. New York: Plenum.

21. Russell, S. T., Seif, H., & Truong, N. L. (2001). School outcomes of sexual minority youth in the United States: Evidence from a national study. *Journal of Adolescence*, 24, 111–127.

22. Reis, B., & Saewyc E. (1999) *Eighty-three thousand youth: Selected findings of eight population-based studies as they pertain to antigay harassment and the safety and well-being of sexual minority students*. Seattle: The Safe Schools Coalition of Washington.

23. Massachusetts Department of Education. (2002). *2001 Massachusetts youth risk behavior survey results* [Electronic version]. Malden, MA: Author. Available at <http://www.doe.mass.edu/hssss/yrbs/01/results.pdf>

24. Vermont Department of Health Office of Alcohol and Drug Abuse Programs. (2002). *2001 Vermont Youth Risk Behavior Survey* [Electronic version]. Burlington, VT: Author. Available at <http://www.state.vt.us/health/adap/pubs/2001/yrbs2001.pdf>



To estimate the number of LGBT youth in public schools in the U.S., researchers could focus on students in public school grades nine through 12 (ages 15 to 18), who are most likely to be aware of their sexual attractions, sexual orientation, or gender identity. In 2002, the U.S. Department of Education estimated that there were 13.8 million students in this grade range.²⁵ Five percent of that figure would equal approximately 689,000 students who may identify as homosexual or bisexual, have same-sex attractions, or have same-sex sexual experiences. This estimate is conservative: it is likely that many youth are either afraid to report same-sex attraction on a survey, or are simply not yet aware of their sexual orientation or gender identity. However, it does provide a rough estimate of the minimum number of students who could be impacted by anti-LGBT violence or harassment, as well as policies and curricula related to LGBT issues.

TRANSGENDER YOUTH

Some people are less aware of the struggles of transgender youth than they are of lesbian, gay, and bisexual youth. Transgender is an umbrella term used to describe a wide range of identities and experiences, including (but not limited to) transsexual people (who may or may not pursue medical treatments to change their bodies), cross-dressers, “drag queens,” “drag kings,” and men and women, regardless of sexual orientation, whose appearance or characteristics are perceived to be gender atypical. In its broadest sense, transgender encompasses anyone whose identity or behavior falls outside of stereotypical gender norms. That includes people who do not self-identify as transgender, but who are perceived as such by others and are thus vulnerable to the same social oppressions and physical violence as those who actually identify with any of these categories.²⁶

Transgender is an umbrella term used to describe a wide range of identities and experiences.

Gender identity refers to how people understand themselves: as boys or girls, men or women, or something else altogether. Gender expression refers to all of the ways that people express their gender identity to the outside world, including through dress, appearance, and behavior.²⁷ Transgender youth include those who identify with the gender opposite their birth sex. Some transgender youth are transsexual, and may seek to modify their bodies through hormones and/or gender reassignment surgery in order to bring their physical appearance in line with their gender identity.²⁸

Unfortunately, transgender and gender-variant youth face relentless harassment and overwhelming isolation.²⁹ According to GLSEN, almost 90% of self-identified transgender youth reported feeling unsafe in their school because of their gender, as compared to less than half of gay or bisexual male (46%) or female (41%) students in the same study.³⁰ One activist argues:

25. National Center for Education Statistics. (2002). *Enrollment trends, public and private schools*. Retrieved August 11, 2003, from <http://nces.ed.gov/fastfacts/display.asp?id=65>

26. Currah, P. & Minter, S. (2001). *Transgender equality: A handbook for activists and policymakers*. New York: National Gay and Lesbian Task Force Policy Institute and National Center for Lesbian Rights.

27. Transsexual youth may or may not be diagnosed with gender dysphoria or gender identity disorder, diagnoses listed in the DSM-IV. The National Gay and Lesbian Task Force supports the reform of these diagnoses, possibly through the creation of a medical diagnosis that does not pathologize transgender people or gender-nonconforming children.

28. Goodrum, A. J. (2002). *Gender identity 101: A transgender primer*. Retrieved July 24, 2003, from The Southern Arizona Gender Alliance website: http://www.sagatucson.org/tgnetaz/gender_101.htm

29. Bochenek, M., & Brown, A. W. (2001). *Hatred in the hallways: Violence and discrimination against lesbian, gay, bisexual and transgender students in U.S. schools* [Electronic version]. New York: Human Rights Watch. Available at <http://www.hrw.org/reports/2001/uslgbt/toc.htm>; Leach, C. (2002). Transgender youth and the role of service providers. *Transitions: A newsletter of Advocates for Youth*, 14(4), 12–13. Leck, G. M. (2000). Heterosexual or homosexual? Reconsidering binary narratives on sexual identities in urban schools. *Education and Urban Society*, 32(3), 324–348; Kosciw & Cullen, 2001.

30. Kosciw & Cullen, 2001.

Given the bullying and discrimination faced by “sissy” boys, “tomboy” girls, gay teens, and [transgender] students, school administrators have a special obligation today to set an example of tolerance for diversity. They must make sure every student knows that gender stereotyping—and the violence that often accompanies it—no longer has a place in our nation’s schools.³¹

There are no longitudinal, population-based data on the prevalence or experiences of transgender youth in public schools. Of the 904 LGBT youth interviewed by GLSEN, 3% (22) identified as transgender and 1% (9) as “[an]other gender identity.”³² Surveys based on self-identification may underestimate the number and proportion of transgender and gender-variant youth. A study conducted in the United Kingdom in 2002 analyzed 124 transgender youth who were receiving mental health treatment at St. George’s Hospital in London.³³ The average age of the youth in the program was 11; 32% were biologically female, 66% biologically male, and 2% were intersex, meaning they were born with ambiguous genitalia. Although 75% of the youth in the study stated that they wished they were of the opposite sex, only 21% stated a belief that they belonged to the opposite sex. Many of these youth exhibited problems at school and in social relationships:

“School administrators have a special obligation today to set an example of tolerance for diversity.”

- 16% of all the youth in the study, and 28% of the females, refused or were afraid to go to school
- 11% did not attend school at all
- 22% experienced discipline problems
- 52% cited difficulty relating to their peers
- 33% of all the youth, and 43% of the males, experienced harassment or persecution by their peers

The study concluded that these youth require long-term support and understanding, particularly at school, given the higher incidence of harassment and violence they experience. The fact that boys were harassed more often may indicate that gender non-conformity is more socially acceptable for girls.³⁴

Basing an estimate of the proportion of transgender youth in a school-age population purely or primarily on a clinical subpopulation raises serious conceptual and methodological issues, however, and may also overestimate the extent of non-gender-identity-related mental health issues in that subpopulation. The experiences of transgender youth have not been well documented through research. More inquiry is needed to better understand their experiences, and what kinds of interventions might best mitigate the harassment and other obstacles they face. Breaking the silence around transgender issues and including positive representations of transgender individuals in the classroom are both important steps toward creating a more hospitable environment for all gender-nonconforming youth.³⁵

31. Gender PAC (2002, July 15). *Time for schools to stand up to gender stereotyping in the classroom*. Retrieved August 2, 2002, from <http://www.gpac.org/archive/news/index.html?cmd=view&archive=news&msgnum=0411>

32. Kosciw & Cullen, 2001

33. Di Ceglie, D., Freedman, D., McPherson, S., & Richardson, P. (2002). Children and adolescents referred to a specialist gender identity development service: Clinical features and demographic characteristics. *International Journal of Transgenderism*, 6(1). Retrieved July 30, 2003, from http://www.symposion.com/ijt/ijtvo06no01_01.htm

34. Ibid.

35. Mallon, G. P. (1999). *Social services with transgendered youth*. Binghamton, NY: Harrington Park Press.



INTERSEX YOUTH

Like LGBT youth, intersex youth suffer the negative consequences of not fitting into prevailing ideas about sex and gender. Intersex youth, however, are distinct from transgender youth and can have any sexual orientation or gender identity. Intersex youth are born with sex chromosomes, external genitalia, or an internal reproductive system that are not considered standard for either male or female.³⁶ Overall, there are at least 15 different medical causes of intersexuality, and only a small percentage of these cases result in ambiguous genitalia at birth. Other intersex conditions manifest at puberty, while still others manifest even later in life. Frequencies of intersex conditions range widely, from late onset adrenal hyperplasia, found in one in 66 births, to complete gonadal dysgenesis, found in one in 150,000 births.³⁷

Doctors perform surgery on one or two babies per 1,000 births in a misguided effort to “correct” ambiguous genitalia. The Intersex Society of North America (ISNA), along with other groups, has exposed the fact that these surgeries are harmful to many intersex people and that performing cosmetic genital surgery on infants is often not in the best interests of the child. Instead, ISNA recommends that a child should be raised either male or female and later, when older, given choices about whether to pursue surgery.

In school, where anti-LGBT attitudes reinforce prevailing notions about what it means to be a girl or a boy, intersex youth are likely to feel great discomfort and shame about their intersex status. Intersex youth may live in fear of others learning of their condition. Many intersex youth only learn of their intersex status as adults. Education about the existence of intersex individuals is a necessary first step to eradicating this fear. Greater understanding and acceptance of the fluidity of sex and gender would benefit not only intersex youth, but all young people who exhibit gender-nonconforming characteristics.

A girl who is certain of her heterosexual identity may be called “dyke” simply because she has short hair and plays softball. A lot of anti-LGBT harassment is actually a response to gender nonconformity.

GENDER NONCONFORMITY: MAKING THE CONNECTION

Research on anti-LGBT violence in public schools has focused heavily on sexual orientation. As students identify as gay or lesbian at younger ages, they are harassed in school at younger ages. This simple correlation, however, does not account for the majority of violence and harassment that occurs in elementary and middle schools—sometimes long before these youth are even aware of sexual orientation and gender identity issues. Even in high school, a girl who is certain of her heterosexual identity may be called “dyke” simply because she has short hair and plays softball. This may be because a lot of anti-LGBT harassment is actually a response to gender nonconformity, or behavior and mannerisms that do not match socially acceptable standards of behav-

36. Intersex Society of North America. (n.d.). *What is an intersex condition? What do these diagnoses mean?* Retrieved October 18, 2003, from <http://www.isna.org/faq/faq-medical.html#what>

37. Blackless, M., Charuvastra, A., Derryc, A., Fausto-Sterling, A., Lauzanne, K., & Lee, E. (2000). How sexually dimorphic are we? *American Journal of Human Biology*, 12, 151–166; Intersex Society of North America. (2003). *Frequency: How common are intersex conditions?* Retrieved August 4, 2003, from <http://www.isna.org/faq/frequency.html>

ior for males and females. Children who prefer sex-typical activities and same-sex playmates are referred to as gender conforming, while children who prefer sex-atypical activities and opposite-sex playmates are referred to as gender nonconforming.³⁸ Not all children who exhibit gender-nonconforming behavior grow up to identify as LGBT. In fact, many, perhaps most, grow up to be heterosexual. More research is needed to understand the connection between gender conformity and sexual orientation, with an emphasis on the fact that all youth, regardless of sexual orientation, exhibit some behaviors that could be perceived as gender nonconforming.

Regardless of their sexual orientation or gender identity, many youth experience violence and harassment because they do not conform to gender-stereotypical behavior in their attire, interests, or mannerisms. Violations of these stereotypes and gender roles (which can be as innocuous as a boy who is more artistic than athletic) may cause harassment and victimization beginning long before a child is aware of his or her sexual orientation or gender identity. A 1998 study of school counselors' experiences with lesbian and gay students found that the majority of reported incidents of harassment targeted male students who acted "too feminine."³⁹ Despite the lack of data, there is little dispute that school-age youth who identify as transgender, or who do not conform to gender-role stereotypes, are particularly vulnerable to harassment and violence in schools.⁴⁰

Judge Rules That School Must Allow Transgender Youth to Express Her Gender Identity: A Profile of Pat Doe

Doe v. Yunits, a case decided by a Massachusetts Superior Court in 2000, was the first reported case on behalf of a transgender student.⁴¹ The 15-year-old plaintiff, known only as "Pat Doe," began wearing make-up and women's clothing to school when she was in the seventh grade. Her outfits included tight skirts, high-heeled shoes, and a "slinky" dress she once wore to a semi-formal dance. Although this attire was not different from what many girls in Pat's school wore, school officials singled her out and treated her differently because she

was transgender.⁴²

When Pat began eighth grade in the fall of 1999, the principal required that she report to his office each morning so that he could determine whether her clothing was "appropriate." If Pat came to school in clothing deemed "too feminine," she was sent home to change. She was frequently too upset to return. Eventually, Pat stopped going to school altogether. The next year, the administration told her she could not enroll if she continued to wear women's clothing. Pat's grandmother, who had raised

38. D'Augelli, A. R., & Patterson, C. J. (2001). *Lesbian, gay, and bisexual identities and youth: Psychological perspectives*. New York: Oxford University Press.

39. Fontaine, J. (1998). Evidencing a need: School counselors' experiences with gay and lesbian students. *Professional School Counseling*, 1(3), 8–14.

40. Bochenek & Brown, 2001.

41. *Doe v. Yunits*, No. 001060A, 2000 WL 33162199 (Mass. Super. Ct. Oct. 11, 2000), *aff'd by*, *Doe v. Brockton Sch. Comm.*, No. 2000-J-638, 2000 WL 33342399 (Mass. App. Ct. Nov. 30, 2000).

42. PlanetOut. (2000, October 13). Trans teen's school dress allowed. Retrieved October 1, 2003, from <http://www.planetout.com/pno/news/article.html?date=2000/10/13/1>



Pat since she was an infant, filed suit against the school district with the help of the Boston-based Gay and Lesbian Advocates and Defenders.⁴³

On October 12, 2000, Superior Court Judge Linda Giles ruled that the school had discriminated against Pat on the basis of her sex by treating her differently from other girls simply because she was biologically male. The court also ruled that the school had violated Pat's right to free expression and her liberty interest in expressing her self-identified gender while attending school. The court explained that Pat's decision to wear women's clothing "is not merely a personal preference but a necessary symbol of her very identity." Furthermore, to force her to wear male clothing would be to stifle her selfhood "merely because it causes some members of the community discomfort."⁴⁴

The school district's attorney, Edward Lenox, argued that Pat's wearing clothing that was "too feminine" constituted a "pattern of behavior that has been disruptive." Judge Giles disagreed, stating that Pat could not be

reprimanded for wearing clothing and accessories that would be considered acceptable on other female students. Furthermore, Judge Giles suggested that rather than view Pat as a disruption to the educational process, the situation could be seen as an educational opportunity. She wrote, "exposing children to diversity at an early age serves the important social goals of increasing their ability to tolerate differences and teaching them respect for everyone's unique personal experience."

When Pat returned to school, 20 of her fellow classmates, in a show of protective solidarity, shielded their friend from the media and urged the public to be more sensitive. As they walked home with Pat on her second day back, a friend remarked, "[She's] mad cool. I don't know why people have to hate...[her]; all they have to do is get to know [her]."⁴⁵ Six months after the ruling, Pat's attorney, Jennifer Levi, remarked on the significance of the case. "Now schools know," she said, "that they can easily and happily incorporate a transgender student."⁴⁶

LGBT YOUTH OF COLOR: THE "TRICULTURAL" EXPERIENCE

In GLSEN's 2001 National School Climate Survey, 6.1% of LGBT youth identified as African-American or black, 8.7% as Latino or Latina, 5.3% as Asian/Pacific Islander, 4.5% as Native American, and 1.8% as multiracial. Another 1.8% selected "other race/ethnicity" on the survey.⁴⁷ Although youth from minority communities face challenges that reflect the unique multidimensionality of their lives, there is a paucity of research about the intersection of race, ethnicity, and sexual orientation among youth.⁴⁸ In GLSEN's survey, 48% of the LGBT youth of color experienced verbal harassment based on both their sexual orientation and their race or

43. Ibid.

44. Doe v. Yunits, No. 001060A, 2000 WL 33162199 (Mass. Super. Ct. Oct. 11, 2000).

45. Meek, J. (2000, November 17). Brockton students protect transgendered classmate. *Brockton (Mass.) Enterprise*. Available at National Transgendered Advocacy Coalition website: <http://www.ntac.org/news/00/11/21doe.html>

46. Scanlan-Stefanakos, V. (2001, April 10). Youth trans-action. *The Advocate*. Available at http://www.advocate.com/html/stories/835/835_cvr_transaction.asp

47. Kosciw & Cullen, 2001.

48. Varney, 2001.

ethnicity.⁴⁹ LGBT youth of color may confront a “tricultural” experience: they face homophobia from their respective racial or ethnic group, racism from within a predominantly white LGBT community, and a combination of the two from society at large.⁵⁰ Feeling that they must choose between various aspects of their identity can be particularly burdensome.

Research into the influence of ethnicity on the development of a sexual orientation indicates that some identity development milestones, such as labeling same-sex attractions and same-sex romantic or sexual involvement, are consistent among all ethnicities, while others, such as disclosure to family members and opposite-sex romantic and sexual relationships, vary according to ethnic group.⁵¹ A small study of 15 minority, gay male youth found no difference between racial or ethnic groups when analyzing disclosure of sexual orientation. Instead, attitudes toward marriage, religion, and the use of a second language played a much larger role in coming out. Racial or ethnic minority youth who had families with more “traditional” values were less likely to come out at all.⁵² Unfortunately, there is no research on whether transgender youth of color develop and disclose their gender identity differently from white transgender youth.

LGBT youth of color are likely to face different challenges and stressors in consolidating their racial, ethnic, and sexual identities than white, non-Hispanic LGBT youth.⁵³ The significance of sexuality can vary greatly among different cultural and ethnic groups, and identity is influenced, in part, by such cultural factors, including values and beliefs regarding sexuality, stereotypes about gender roles and expectations about child-bearing, religious values and beliefs, and the degree of acculturation or assimilation into mainstream society. The tight-knit family structures important to many immigrant communities and communities of color can make the coming-out process more difficult for some LGBT youth.⁵⁴ As Trinity Ordone, a co-founder of Asian/Pacific Islander PFLAG in San Francisco notes, “The families are the core of the culture. When a gay Asian comes out and gets kicked out of the family, it’s like being severed from the heart. But if you get the family on your side they will stand and protect you.”⁵⁵

For children, racial and ethnic identity is an important point of commonality with their families, which provide a vital support system for living in a society in which racism persists.⁵⁶ Even when children experience hostility in the outside world because of their race or ethnicity, they usually come home to a supportive environment anchored by a shared culture. In contrast, LGBT youth cannot expect to find similar support around

LGBT youth of color may confront a “tricultural” experience: they face homophobia from their respective racial or ethnic group, racism from within a predominantly white LGBT community, and a combination of the two from society at large.

49. Kosciw & Cullen, 2001.

50. Hunter, J. & Mallon, G. P. (2000). *Lesbian, gay, and bisexual adolescent development: Dancing with your feet tied together*. In B. Greene & G. L. Croom (Eds.), *Education research and practice in lesbian, gay, bisexual, and transgendered psychology*. Thousand Oaks, CA: Sage.

51. Dube, E. M., & Savin-Williams, R. C. (1999). Sexual identity development among ethnic sexual-minority male youths. *Developmental Psychology*, 35(6), 1389–1398.

52. Newman, B. S., & Muzzonigro, P. G. (1993). The effects of traditional family values on the coming out process of gay male adolescents. *Adolescence*, 23(109), 213–227.

53. Ryan, C., & Futterman, D. (2001). Social and developmental challenges for lesbian, gay and bisexual youth. *SIECUS Report*, 29(4) 4–18; Dube & Savin-Williams, 1999.

54. Greene, B. (1997). Ethnic minority lesbians and gay men. In B. Greene (Ed.), *Ethnic and cultural diversity among lesbians and gay men*. Thousand Oaks, CA: Sage.

55. Varney, 2001.

56. Ibid.



sexuality or gender issues at home.⁵⁷ In addition, conservative religious beliefs dominate in some ethnic minority and immigrant communities. In a survey of 2,700 black LGBT people, two-thirds of respondents said homophobia was a problem in the black community. Forty-three percent reported mostly negative experiences in black churches and mosques, while another 31% reported equally positive and negative experiences.⁵⁸

The age at which youth become aware of same-sex attraction and the degree to which they are comfortable coming out to school friends may vary along racial and ethnic lines. Though not necessarily generalizable to all LGBT youth, a study of 139 gay men found that Latinos became aware of their same-sex attraction at a younger age compared with white and African American youth. White youth, however, were more likely to come out to their families. The same study found that Asian American youth were more likely to have sex at an earlier age—three years earlier, on average—than other racial or ethnic groups. The majority of African American youth in the study engaged in sex before labeling their sexual identity, while Asian American youth overwhelmingly engaged in sex only after labeling themselves as gay or bisexual.⁵⁹ A 1996 study reported that African American youth had more optimistic attitudes about coming out to their friends than whites, believing that their heterosexual peers would accept them. In fact, most had already come out to their best friends, with positive results.⁶⁰

Some researchers have proposed that there are differences in the coming out process based on race and culture. In one study, Asian American, African American, and Latino youth were less likely than white youth to disclose their sexual orientation to family members. Lower levels of disclosure of sexual orientation to others were associated with higher levels of internalized homophobia among Latino and Asian American youth. This dynamic was not the case for African American and white youth.⁶¹ White youth may be more likely to hide their sexual orientation in school, citing fears of harassment and violence.⁶² Some researchers suggest that white adolescent students feel less comfortable coming out because they are not accustomed to minority status, and have not developed the same coping skills as minority youth.⁶³

LGBT youth of color often experience racism in white-dominated LGBT communities, organizations, and support networks, which may disproportionately help white, suburban, middle-class LGBT youth.⁶⁴ In contrast, there may be fewer resources connected to the LGBT community for urban youth, who are more likely to be black or Latino, and

“The families are the core of the culture. When a gay Asian comes out and gets kicked out of the family, it’s like being severed from the heart. But if you get the family on your side they will stand and protect you.”
—Trinity Ordone, Asian/Pacific Islander PFLAG

57. Ryan & Futterman, 2001.

58. Battle, J., Cohen, C. J., Warren, D., Ferguson, G., & Audam, S. (2001). *Say it loud, I’m black and I’m proud: Black pride survey 2000*. New York: National Gay and Lesbian Task Force Policy Institute.

59. Dube & Savin-Williams, 1999.

60. Edwards, W. (1996). A sociological analysis of an in/visible minority group: Male adolescent homosexuals. *Youth and Society*, 27(3), 229–251.

61. Dube & Savin-Williams, 1999.

62. Pilkington, N. W., & D’Augelli, A. R. (1995). Victimization of lesbian, gay, and bisexual youth in community settings. *Journal of Community Psychology*, 23(1), 34–56.

63. Russell, S. T., & Truong, N. L. (2001). Adolescent sexual orientation, race and ethnicity, and school environments: A national study of sexual minority youth of color. In K. K. Kumashiro (Ed.), *Troubling intersections of race and sexuality: Queer students of color and anti-oppressive education*. Lanham, MD: Rowman & Littlefield.

64. Pharr, S. (1997). *Homophobia: A weapon of sexism*. California: Chardon Press; Leck, 2000.

the institutions that do exist may be perceived as “white,” inaccessible, or irrelevant to their experiences. For example, some students in a California high school reported that the local Project 10 program, a chapter of the first major school-based program developed to provide education and counseling on the subject of sexual orientation, did not serve the purpose for which it was intended.⁶⁵ During the 1997–1998 academic year, a researcher investigated the reasons why black gay males were reluctant to be involved with Project 10. About one of the students interviewed, the researcher wrote:

At [the high school], where social groups are often defined by race, identifying himself as gay (a social identity he and other Black students perceived as White) in every situation would put him at odds with his Black peers. Consequently, he chose to de-emphasize his sexuality and involve himself in extracurricular clubs and activities (such as student government) that are legitimated by Black students. Downplaying his sexuality also meant that Project 10 was off limits—to align himself with Project 10 meant risking harassment and public ridicule.⁶⁶

Although sizable and well-organized LGBT communities of color exist, particularly in large urban areas, LGBT youth of color may choose not to connect with them because they fear they will be harassed by their peers. Though these youth are stigmatized on the basis of race and sexual orientation or gender identity, many find inadequate support as they navigate among three, often compartmentalized communities.⁶⁷

The few researchers and educators who have examined the relationships among sexuality, race, and the harassment faced by LGBT youth of color often treat LGBT students’ race as an add-on to their sexuality or gender identity.⁶⁸ Initiatives to make schools safer for LGBT students, and to integrate LGBT issues into the curriculum, sometimes lack an understanding of how the experiences of youth of color differ from those of white LGBT students. The information that is available seems to assume that because of the stigmatization of being a racial and sexual minority, LGBT youth of color have a more difficult school experience. However, that may not always be the case. A recent study found that African American youth who experience same-sex attraction actually had significantly higher self-esteem than their white, Asian, or Hispanic peers.⁶⁹ While these findings do not discount other studies documenting the negative experiences of LGBT youth of color, they do highlight the need for more research on the different ways that white youth and youth of color cope with coming out at school.

65. Irvine, J. M. (2001). Educational reform and sexual identity. In A. R. D’Augelli & C. J. Patterson (Eds.), *Lesbian, gay, and bisexual identities and youth*. New York: Oxford University Press.

66. McCready, L. (2001). When fitting in isn’t an option, or why black queer males at a California high school stay away from Project 10. In K. K. Kumashiro (Ed.), *Troubling intersections of race and sexuality: Queer students of color and anti-oppressive education*. New York: Rowman & Littlefield.

67. Uribe, V. (1994). Project 10: A school-based outreach to gay and lesbian youth. *The High School Journal*, 77, 108–112.

68. McCready, 2001.

69. Russel & Truong, 2001.



CHILDREN OF LGBT PARENTS

Estimates of the number of lesbian or gay parents in the U.S. range from two to eight million, making it difficult to accurately count the number of school-age children who have one or more LGBT parents.⁷⁰ There are no estimates available on the number of children who have a parent that identifies as transgender. A poll of the experiences of self-identified lesbians, gay men, and bisexuals conducted by the Kaiser Family Foundation in 2000 found that 8% of the 405 participants had children under the age of 18 living with them.⁷¹ U.S. Census data also provide estimates of the number of unmarried, same-sex couples with children. Of the nearly 600,000 same-sex couples counted in the 2000 census, 34% of female, unmarried-partner households (i.e., lesbian and bisexual female couples) and 22% of male, unmarried-partner households (i.e., gay or bisexual male couples) had at least one child under the age of 18 living with them.⁷² The percentage of unmarried, female same-sex couples raising children is not that much lower than the percentage of married, opposite-sex households with children (46%) or the percentage of unmarried, opposite-sex households with children (43%).⁷³ Some estimates indicate that between 6 and 14 million children have at least one gay or lesbian parent.⁷⁴ More conservative estimates find that between one and nine million children ages 19 and under are being raised by a gay or lesbian parent.⁷⁵ These children are enrolled in schools throughout the U.S., not just in urban areas. For example, the following rates of parenting by female or male same-sex unmarried partners were reported by the U.S. Census in heavily rural states:

- **Alaska:** 37% of male same-sex couples and 39% of female same-sex couples
- **Mississippi:** 31% of male same-sex couples and 44% of female same-sex couples
- **South Dakota:** 34% of male same-sex couples and 42% of female same-sex couples⁷⁶

Analysis of the 1990 census data also revealed some interesting statistics regarding the intersection of lesbian, gay, and bisexual (LGB) parenting with race and ethnicity: lesbians and bisexual women of color in same-sex relationships were much more likely than white lesbians and bisexual women in same-sex relationships to have given birth. Sixty percent of black lesbians, 50% of Native American lesbians, 43% of Hispanic lesbians, and 30% of Asian/Pacific Islander lesbians had given birth to at least one child, compared with just 23% of white non-Hispanic lesbians. Multiracial households accounted for 13% of lesbian couples and 12% of gay male couples. In a 2000 survey of LGBT African Americans, 21% of respondents reported being biological parents, and

Same-sex male couples are about half as likely as heterosexual couples to be raising children. More than one-third of female same-sex couples are raising children, compared with about 45% of heterosexual couples.

70. Casper, V., & Schultz, S. B. (1999). *Gay parents/straight schools: Building communication and trust*. New York: Teachers College Press; Patterson, C. J. (1995a). Lesbian mothers, gay fathers and their children. In A. R. D'Augelli & C. J. Patterson (Eds.), *Lesbian, gay and bisexual identities over the lifespan*. New York: Oxford University Press.

71. Safe Schools Coalition. (n.d.). *Quick facts on sexual minority youth*. Retrieved July 21, 2003, from <http://www.safeschoolscoalition.org>

72. Simmons, T., & O'Connell, M. (2003, February). *Married-couple and unmarried-partner households: 2000*. United States Census Bureau. Retrieved September 18, 2003, from <http://www.census.gov/prod/2003pubs/censr-5.pdf>

73. Ibid.

74. Johnson, S. M., & O'Conner, E. (2002). *The gay baby boom*. New York: New York University Press.

75. Stacey, J., & Biblarz, T. (2001). (How) does the sexual orientation of the parent matter? *American Sociological Review*, 66(2), 164.

76. Ibid.

2.2% reported being adoptive or foster parents.⁷⁷ Another study found that one in four black lesbians lived with a child for whom she had childrearing responsibilities, while only 2% of black gay men reported raising children.⁷⁸ Clearly, many lesbian, gay, and bisexual people are parents, and parenting may be even more prevalent among LGB people of color.

LGBT individuals pursue different paths to parenthood. Some have children from previous or current heterosexual relationships. Others have children—either biologically, or through adoption or foster parenting—after coming out. Some parents are couples. Others are single parents.

The vast majority of professional organizations, including the American Academy of Pediatrics,⁷⁹ the National Association of Social Workers,⁸⁰ and the American Psychological Association (APA),⁸¹ recognize that gay and lesbian parents are just as good as heterosexual parents, and that children thrive in gay- and lesbian-headed families. As one APA publication reports, “not a single study has found children of gay or lesbian parents to be disadvantaged in any significant respect relative to children of heterosexual parents.”⁸² These conclusions are likely true of bisexual parents as well. Although there is a lack of research focusing specifically on bisexual parents, it is highly probable that there are bisexuals in the same-sex couples included in the samples of many of these studies.⁸³ Since many studies do not ask people to self-identify by sexual orientation, there are no conclusive findings on bisexual parents. Studies on the children of transgender parents have found that these children are not negatively affected by their parents’ gender identity.⁸⁴

According to Abigail Garner, the founder of Families Like Mine, an organization dedicated to decreasing the isolation of people who have LGBT parents and giving voice to their experience, “It wasn’t having a gay father that made growing up a challenge, it was navigating a society that did not accept him and, by extension, me.”⁸⁵ Societal homophobia also affects the ability of LGBT parents to gain or retain custody of children, and to be completely honest about their lives. It may also result in harassment and violence directed against them and their children.

Research conducted to determine the possible differences between the children of lesbian, gay, or bisexual parents and the children of heterosexual parents has focused primarily on the children’s ability to interact within peer groups. This research has found

In one school, a sixth-grader was labeled a “fag” by classmates who discovered that he had lesbian parents. He was thrown against his locker and kicked in the head by a boy wearing cleats.

77. Battle, Cohen, Warren, Ferguson, & Audam, 2001.

78. Mays, V. M., Chatters, L. M., Cochran, S. D., & Mackness, J. (1998). African American families in diversity: Gay men and lesbians as participants in family networks. *Journal of Comparative Family Studies*, 29(1), 73–87.

79. Perrin, E. C., & the Committee on Psychosocial Aspects of Child and Family Health. (2002). Technical report: Co-parent or second-parent adoption by same-sex parents. *Pediatrics*, 109(2), 341–344.

80. Ferrero, E., Freker, J. and Foster, T. (2002). *Too high a price: The case against restricting gay parenting*. New York: ACLU Lesbian and Gay Rights Project. Available at <http://www.lethimstay.com/pdfs/gayadoptionbook.pdf>

81. Patterson, C. J. (1995b). *Lesbian and gay parenting: A resource for psychologists*. Washington: American Psychological Association. Available at <http://www.apa.org/pi/parent.html>

82. Ibid.

83. For more information on bisexuality, see Hutchins, L. & Kaahumanu, L. (1991). *Bi any other name: Bisexual people speak out*. Los Angeles: Alyson.

84. Green, R. (1978). Sexual identity of 37 children raised by homosexual or transsexual parents. *American Journal of Psychiatry*, 135, 692; Green R. (1998). Transsexuals’ children. *International Journal of Transgenderism*, 2(3). Available at <http://www.symposion.com/ijt/ijtc0601.htm>

85. Garner, A. (2002, February 11). Don’t “protect” me; give me your respect. *Newsweek*.



that, in the case of the children of lesbian mothers, peer relations are normal.⁸⁶ While social science research demonstrates that these children have the same outcomes for health, social adjustment, and development as children with heterosexual parents, some do face harassment in schools:

In one school, a sixth-grader was labeled a “fag” by classmates who discovered that he had lesbian parents. Other children would point pencils at his behind and make sexual innuendoes, while teachers who witnessed this harassment failed to intervene. The harassment spiraled out of control, culminating in physical violence. He was thrown against his locker and kicked in the head by a boy wearing cleats. Moments later, he yelled at one of his attackers, and he was later punished for using inappropriate language. His mothers, with the help of a lawyer, quickly had their son transferred to another school.⁸⁷

A 1998 study of school counselors and their perceptions of the gay and lesbian students in their schools found that many of the students targeted for harassment were those whose parents were gay or lesbian.⁸⁸

There is very little research on the children of transgender parents. A small study published in the *International Journal of Transgenderism* in 1998 noted that opposition to transsexuals’ continuing in a parenting role during and after their transition to the opposite sex is still very high among psychiatrists, psychologists, and society at large.⁸⁹ This opposition is largely due to unsubstantiated concerns that the children of transgender parents will be confused about their own gender identity during critical years of child development, and that they will be subjected to bullying and ostracism at school.⁹⁰ However, the small body of research that is available does not support these concerns. A study of 18 children, each with one transsexual parent, found that none became transsexual despite continued contact with their transsexual parent, and that only three of them experienced some teasing when their peers found out about their parents. In each case the situation was quickly resolved with the help of supportive teachers and school administrators. The 14-year-old daughter of a female-to-male transsexual parent summarized her experience in this way:

My mother is not happy in the body she is in. My mom is a lot happier since starting to live as who she wants to be. When I was 13, my mother said, “I want to be a man, do you care?” I said, “No. As long as you are the same person inside and still love me. I don’t care what you are on the outside.” It’s like a chocolate bar, it’s got a new wrapper but it’s the same chocolate inside.⁹¹

While further research is needed on the experiences of children with transgender parents, the author of this study concluded that these children are more likely to be hurt by a traumatic separation from their parent than because of that parent’s gender identity.⁹²

“My mom is a lot happier since starting to live as who she wants to be. It’s like a chocolate bar, it’s got a new wrapper but it’s the same chocolate inside.”
—14-year-old daughter of a female-to-male transsexual

86. Patterson, C. J. (2000). Family relationships of lesbians and gay men. *Journal of Marriage & Family*, 62(4), 1052–1070.

87. Perrotti, J., & Westheimer, K. (2001). *When the drama club is not enough: Lessons from the safe schools program for gay and lesbian students*. Boston: Beacon Press.

88. Fontaine, 1998.

89. Green, 1998.

90. Ibid.

91. Ibid.

92. Ibid.

Children of LGBT parents hear messages from society, their school-age peers, and even from school personnel that their families are at best nontraditional and at worst a threat to them and to Western civilization. Heterocentric assumptions are pervasive in society, and tolerated, if not magnified, in public schools.⁹³ Most early childhood education programs and teachers are ill-equipped to address the needs of these youth.⁹⁴ So the inclusion of LGBT parents in school partnerships can only aid students:

It is well established that the development of school, family, and community partnerships can help children succeed in school and later in life. By extension, it can be assumed that efforts to improve communication among school professionals, sexual minority parents, and the entire school community will be a tremendous help to the success of children with sexual minority parents.⁹⁵

Educators and administrators who work to create safer and more inclusive schools assist not only LGBT-identified students, but also children in LGBT families, and children who come from other, nontraditional families.⁹⁶

LGBT YOUTH IN FOSTER CARE

An estimated 5 to 10% of youth in the foster care system are gay or lesbian.⁹⁷ The lack of institutional acknowledgement of LGBT youth in foster care leads to a hostile atmosphere in which they are often forced to hide their sexual orientation or gender identity, and are subjected to physical, verbal, and emotional harassment and abuse.⁹⁸ One of the problems transgender youth in foster care face is not being allowed to dress in accordance with their gender identity. One study found that 78% of LGBT youth ran away from foster care placements because of the hostile treatment they received due to their sexual orientation or gender identity. Sadly, 100% of LGBT youth surveyed in group homes run by New York City's Administration on Children's Services reported being verbally harassed, and 70% suffered physical abuse because of their sexual orientation.⁹⁹

Youth in the foster care system are also more likely to encounter difficulty finding a long-term living situation, and to suffer multiple interruptions in their education. This discontinuity, combined with their experience of harassment and alienation in schools, places these students at an elevated risk for dropping out. The New York City Child Welfare Administration, the Council of Family and Child Care Agencies, and the Child Welfare League of America have all endorsed reforming the foster care system to better aid LGBT youth.¹⁰⁰

93. Sears, J. T. (1994). Challenges for educators: Lesbian, gay, and bisexual families. *The High School Journal*, 77, 138–54.

94. Rubin, S. A. (1995). *Children who grow up with gay or lesbian parents: How are today's schools meeting this "invisible" group's needs?* Unpublished master's thesis, University of Wisconsin-Madison. (ERIC Document Reproduction Service No. ED386290); Kissen, R. (1999). Children of the future age: Lesbians and gay parents talk about school. In W. J. Letts & J. T. Sears (Eds.), *Queering elementary education: Advancing the dialogue about sexualities and schooling*. New York: Rowman and Littlefield.

95. Ryan, D., & Martin, A. (2000). Lesbian, gay, bisexual and transgender parents in the school system. *School Psychology Review*, 29(2) 207–216.

96. Rubin, 1995.

97. Lambda Legal Defense and Education Fund. (2001). *Youth in the margins*. New York: Author.

98. Ibid.

99. Feinstein, R., Greenblatt, A., Hass, L., Kohn, S., & Rana, J. (2001). *Justice for all: A report on lesbian, gay, bisexual, and transgendered youth in the New York juvenile justice system*. New York: Urban Justice Center.

100. Mallon, G. P. (1998). *We don't exactly get the welcome wagon: The experiences of gay and lesbian adolescents in child welfare system*. New York: Columbia University Press. This study examined the experiences of 54 gay and lesbian youth in the New York City foster care system.



HOMELESS LGBT YOUTH

Though the number of homeless youth who identify as LGBT is difficult to estimate, the National Network of Runaway and Youth Services estimated in 1985 that approximately 6% of homeless adolescents were gay or lesbian.¹⁰¹ In a national survey of community-based agencies providing services to runaway, homeless, and other youth in high-risk situations, 6% identified themselves as gay or lesbian.¹⁰² It has been estimated that more than 40% of homeless youth in large cities like New York and Los Angeles are LGBT.¹⁰³ According to a recent report by the Urban Justice Center, 4 to 10% of youth in the juvenile justice system in New York identify as LGBT.¹⁰⁴ The 1991 National American Indian Adolescent Health Survey found that gay Native American youth were significantly more likely than their heterosexual peers to have run away from home in the previous 12 months (28% vs. 17%, respectively).¹⁰⁵

A study released in 2002 was the first to compare the risks faced by homeless LGBT youth to those faced by their heterosexual counterparts. From 1995 to 1998, data were collected from homeless youth 13 to 21 years of age. The majority of participants identified as white (53%) and heterosexual (78%). Of the 22% of the participants who identified other than heterosexual, 85% identified as bisexual, with only 14% identifying as exclusively gay or lesbian. Only one participant (1%) identified as transgender.¹⁰⁶

The study indicated that many LGBT youth and heterosexual youth left their homes for similar reasons, including an inability to get along with parents and domestic violence. But LGBT youth left their homes, returned, and ran away again almost twice as frequently. And LGBT youth were also more likely to leave home as a result of physical abuse and parental alcoholism. Only 12 LGBT youth (14%) said that they ran away because of conflicts with their families over their sexual orientation. The LGBT homeless youth experienced higher levels of victimization than their heterosexual counterparts, and gay male homeless youth had been sexually victimized since the time that they first became homeless more frequently than their heterosexual counterparts. These youth were also more likely to abuse drugs and alcohol, and experienced a higher incidence of the symptoms of depression. The LGBT homeless youth had sex with more partners, and, at an average age of 13, were also younger when they had their first sexual experience. The majority also reported that they did not use a condom during sex “most of the time.”¹⁰⁷

While the process of coming out to family and friends at school is difficult for the majority of LGBT youth, many are fortunate enough to have a support network to rely on for guidance and acceptance. This is almost completely absent for homeless

The 1991 National American Indian Adolescent Health Survey found that gay Native American youth were significantly more likely than their heterosexual peers to have run away from home in the previous 12 months.

101. Cochran, Stewart, Ginzler, & Cauce, 2002.

102. National Network of Runaway and Youth Services [now the National Network for Youth]. (1991). *To whom do they belong? Runaway, homeless and other youth in high-risk situations in the 1990s*. Washington: Author.

103. Feinstein, Greenblatt, Hass, Kohn, & Rana, 2001.

104. Cochran, Stewart, Ginzler, & Cauce, 2002.

105. Reis & Saewyc, (1999).

106. Cochran, Stewart, Ginzler, & Cauce, 2002.

107. Ibid.

LGBT youth, who until recently were almost completely ignored by researchers and policymakers. The homeless shelters that exist are often segregated by sex, and do not properly integrate transgender youth according to their gender identity. Left on their own to support themselves, many LGBT youth are arrested for “survival crimes” such as robbery or sex work.

LGBT YOUTH AND THEIR FAMILIES

LGBT youth often feel estranged from their families because they must hide their emerging sexual orientation or gender identity. One study found that coming out or being discovered as gay by family or friends, along with gay-related harassment, induced the most common gay-related stressors among youth.¹⁰⁸ This stress is magnified when youth are prematurely discovered to be gay by their parents, which happened to 33% of the predominantly black and Hispanic gay and bisexual male adolescents interviewed in a 1996 study.¹⁰⁹ The same study found that a slightly higher percentage (38%) chose to disclose their sexual orientation to their parents, confirming an earlier study from 1987 that reported a 39% disclosure rate.¹¹⁰

Youth have frequently been forced to choose between being honest about who they are and losing the vital support of their families.

Youth are voluntarily coming out to their parents more frequently than ever before, with 60 to 80% telling their mothers, and 30 to 65% coming out to their fathers.¹¹¹ When parents find out that their child is gay, lesbian, or bisexual, responses range from warm acceptance to open hostility. Unfortunately, hostility is the most common reaction. One study documented that only 11% of gay and lesbian youth experienced supportive responses after coming out to their parents, while 20% of mothers and 28% of fathers were rejecting or completely intolerant.¹¹² A 1993 study of 120 lesbians and gay men ages 14 to 21 found that 42% of the females and 30% of the males reported negative responses from their families after coming out to them.¹¹³ These statistics indicate that the experiences of youth who come out to their parents have not gotten much better over the past decade. The 1987 study found that 26% of adolescent males were forced to leave their homes because of their families’ conflict over their sexual orientation, and only 21% of mothers and 10% of fathers were supportive after their sons came out to them. Clearly, youth have frequently been forced to choose between being honest about who they are and losing the vital support of their families.¹¹⁴ Given the prevalence of parents discovering their child’s homosexuality on their own, youth who actually get to choose are the lucky ones.

108. D’Augelli, A. R. (1996). Enhancing the development of lesbian, gay and bisexual youths. In E. Rothblum & L. Bonds (Eds.), *Prevention of heterosexism and homophobia*. Newbury Park, CA: Sage.

109. Rosario, M., Rotheram-Borus, M. J., & Reid, H. M. (1996). Gay-related stress and its correlates among gay and bisexual male adolescents of predominantly black and Hispanic background. *Journal of Community Psychology*, 24, 136–159.

110. Remafedi, 1987.

111. Savin-Williams, R. C. (1998). The disclosure to families of same-sex attractions by lesbian, gay, and bisexual youths. *Journal of Research on Adolescence*, 8, 49–68.

112. D’Augelli, A. R. (1996).

113. Telljohann, S. K., & Price, J. H. (1993). A qualitative examination of adolescent homosexuals’ life experiences: Ramifications for secondary school personnel. *Journal of Homosexuality*, 22, 9–28.

114. Remafedi, 1987.



STRENGTH AND RESILIENCY OF LGBT YOUTH

Because many researchers and advocacy groups passionately advocate for the safety of lesbian, gay, or bisexual youth, a lot of information is collected regarding the difficulties these youth face. Unfortunately, there is less attention paid specifically to the experiences of transgender youth, good or bad. While the existing research is significant in establishing the need for nondiscrimination policies, gay-straight alliances, and other policy interventions, many LGBT youth are happy, healthy, and display remarkable strength and resiliency.¹¹⁵ Even after they experienced harassment or violence at school, some youth reported feeling well supported and cared about because of the interventions of friends, family, or school administrators. “I don’t feel as scared as I did. I’m a whole lot angrier now,” asserted one youth.¹¹⁶ “[I am] much stronger. Very sure of who I am,” said another.¹¹⁷ Some youth were also able to use these negative experiences to develop self-empowering, proactive behaviors. According to one youth, “I joined a club at school to combat racism, sexism and homophobia. Hopefully that will help.” Another reported, “[Harassment] has made me a lot more active, made me try to push harder to fix what’s wrong at my school.”¹¹⁸

In Massachusetts, hundreds of LGBT youth successfully lobbied the legislature to pass a law banning sexual orientation discrimination in the state’s public schools.

Many LGBT youth are also thriving in their school environments and are proud of who they are and what they are accomplishing.¹¹⁹ They have remarkable strengths, talents, and skills at their disposal, are able to develop positive and productive coping strategies, and can tap into existing support networks or even create their own.¹²⁰ And they don’t just advocate for themselves; they also educate their peers and teachers in the process.¹²¹ Many LGBT students are one another’s role models and sources of support, learning from each other’s experiences.¹²² Through these experiences they gain a sense that they can make a difference and contribute positively to their communities.¹²³ In Massachusetts, hundreds of LGBT youth successfully lobbied the legislature to pass a law banning sexual orientation discrimination in the state’s public schools. For most legislators, it was the first time they had met an openly gay youth. While the statistics regarding LGBT youth and suicide demand immediate intervention, one study of 11,940 adolescents revealed that the majority of the sexual minority youth surveyed (85% of males and 72% of females) reported no suicidal ideation at all.¹²⁴ Another study of 221 lesbian, gay, and bisexual youth found that participants who had neither considered nor attempted suicide “possessed internal and

115. Savin-Williams, 2001.

116. The Safe Schools Coalition of Washington State (1999, January). *They don't even know me: Understanding antigay harassment and violence in schools* [Electronic version]. Seattle: Author. Available at <http://www.safeschoolscoalition.org/theydontevenknowme.pdf>

117. Ibid.

118. Ibid.

119. Lipkin, A. (1994). The case for a gay and lesbian curriculum. *The High School Journal*, 77 (1&2), 95–107.

120. Munoz-Plaza, C., Quinn, S., & Rounds, K. (2002). Lesbian, gay, bisexual and transgender students: Perceived social support in the high school environment. *High School Journal*, 85(4), 52–63.

121. Bochenek & Brown, 2001.

122. Gilliam, J. (2002). Respecting the rights of LGBTQ youth, a responsibility of youth-serving professionals. *Transitions: A Newsletter of Advocates for Youth*, 14(4), 1–2; Ginsberg, R. (1999). In the triangle/out of the circle: Gay and lesbian students facing the heterosexual paradigm. *The Educational Forum*, 64, 46–56.

123. Lee, C. (2002). The impact of belonging to a high school gay/straight alliance. *High School Journal*, 85(3), 13–26.

124. Russell, S. T. & Joyner, K. (2001). Adolescent sexual orientation and suicide risk: Evidence from a national study. *American Journal of Public Health*, 91(8), 1276–1281.

external qualities that enabled them to cope well in the face of discrimination, loneliness, and isolation.”¹²⁵ The need for more research on LGBT youth and resiliency is discussed in more detail in Chapter 6.

Of course, it would be far better for youth to develop increased self-esteem and personal acceptance without having to deal with harassment and violence, and in many of the cases discussed in the next section, parents and school and administrators did little or nothing to protect this vulnerable population. School districts that believe they do not need to address the needs of LGBT students, or worse, believe that they have no gay or lesbian students, are woefully mistaken.¹²⁶

More Than Just the “Gay Football Captain”: A Profile of Corey Johnson

Corey had been hiding his sexual orientation since the sixth grade. It was during his sophomore year that his coming out process began—appropriately enough, as a result of a football party.

“I’d keep so much in all day long. Then at night, when I’d be by myself in bed, I’d just cry and cry because of everything I kept in during the day, all the pain.”¹²⁷ That was Corey Johnson’s life before he came out—

first to a school counselor, then a teacher, then to his parents, and finally, to the varsity football team. At the time, Corey was a junior at Masconomet

High School in Topsfield, Massachusetts, and the elected co-captain and starting linebacker of his school’s football team. Corey had been hiding his sexual orientation since the sixth grade. It was during his sophomore year that his coming out process began—appropriately enough, as a result of a football party. At a 1998

Super Bowl party, a few of his uncles made disparaging remarks about gays. The remarks infuriated him, but also caused him to retreat to the bathroom to cry.¹²⁸ Corey knew then that he had to speak out. His burdens lightened with each person he told. He received unconditional support from his teachers and unconditional love from his parents. But how would his teammates respond? They often engaged in rowdy sexual banter and ridiculed gays. Moreover, his coach regularly told the players, “Don’t be a bunch of fairies,” and “Don’t be a bunch of fags.”¹²⁹

Despite such remarks, his coach turned out to be supportive when Corey came out to him and arranged a team meeting. Corey stood in front of his teammates and announced, “Guys, I called this meeting because I have something to tell all of you.... I’m coming out as an openly gay man.”¹³⁰ When he

125. Proctor, C., & Groze, V.K. (1994). Risk factors for suicide among gay, lesbian, and bisexual youths. *Social Work*, 39(5), 504–513.

126. Bennett, L. (1997). Break the silence [Electronic version]. *Teaching Tolerance Magazine*, 12. Available at <http://www.tolerance.org/teach/printar.jsp?p=0&ar=110&pi=ttm>

127. ABC News.com. (2000, June 22). A profile of courage: High school athlete reveals homosexuality, community rallies behind him. Retrieved September 29, 2003, from http://abcnews.go.com/onair/2020/2020_000622_coreyjohnson_feature.html

128. Lum, M. (n.d.). *Corey Johnson: Confident, courageous and coming to Texas*. Retrieved September 29, 2003, from <http://www.txtriangle.com/archive/921/coverstory.htm>

129. Ibid.

130. Cassels, P. (2000) A brave athlete, supportive school. *Bay Windows*. Available at Outsports website: <http://www.outsports.com/gaymassplayer.htm>



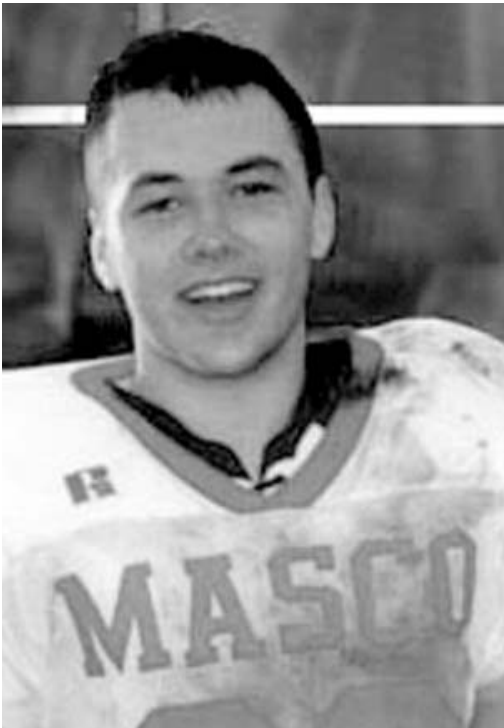
noticed the wide eyes and dropped jaws Corey quickly added, “I’m still the same person.... I didn’t come on to you in the locker room last year. I’m not going to do it this year. Who says you guys are cute enough anyway?”¹³¹ Corey’s honesty and sense of humor defused the tension, and his teammates rallied behind him with

comments like, “I’d like to be supportive in any way possible,” and “Even if others on the team don’t agree with you being gay, in order to be a cohesive team, they just have to accept it and put it aside.”¹³² The team did join together in support of Corey, leading them not only to a 25–0 victory over a vocally homophobic opposing team, but also prompting the Gay, Lesbian, and Straight Education Network to honor Corey and

his teammates with their Visionary Award.

Today Corey is a successful radio personality, co-hosting the McMullen and Johnson show on OutQ, an LGBT-themed radio station on the SIRIUS satellite radio network. Broadcasting live from Rockefeller Center, he conducts high-profile interviews and initiates issues-oriented dialogue.

“Someday I want to get beyond being the gay football captain, but for now I need to get out there and show these machismo athletes who run high schools that you don’t have to do drama or be a drum major to be gay,” Corey said.¹³³ Even after Corey moves beyond his role as “the gay football captain,” the significance of his actions will remain. Corey not only effectively challenged dominant stereotypes of male gay identity, but his experience also serves as a reminder that coming out as a gay youth can have a happy ending. Amid the epidemic of violence, harassment, and discrimination against LGBT youth, Corey’s story provides an example of how things could, or rather, should be.



COREY JOHNSON

“Someday I want to get beyond being the gay football captain, but for now I need to get out there and show these machismo athletes who run high schools that you don’t have to do drama or be a drum major to be gay.”

131. Ibid.

132. Ibid.

133. Lum, n.d.

2. A Grave Picture of Harassment and Violence in Schools

“Daddy, do you know what a ‘faggot’ is?”
“Why do you ask?”
“[My friend] called me one at recess.”¹³⁴

This conversation took place between a six-year-old elementary school student and his father. It is but one striking example of the epidemic of harassment and violence directed at lesbian, gay, bisexual, and transgender (LGBT) youth in American schools. Numerous studies have reported pervasive harassment and violence perpetrated by students, and even some school faculty and staff, against students from elementary school through senior high. This little boy’s question illustrates that the violence and harassment is about more than sexual orientation.

Students routinely use terms such as “fag,” “sissy,” “fairy,” “queer,” and “gay” to tease and berate peers who do not conform to gender-role stereotypes, as well as to express disgust and disdain for something they simply don’t like.¹³⁵ Like the cartoon characters on South Park who say “that’s so gay” to disparage something, children around the U.S. frequently use language about gay people to connote “bad.” In fact, a 1997 Iowa study found that high school students on average heard 25 antigay remarks per day, with teachers who hear such slurs failing to respond 97% of the time. Similarly, in 2001, the Gay, Lesbian and Straight Education Network (GLSEN) reported that 85% of youth across the nation heard antigay slurs from other students on a regular basis. *Twenty-four percent heard those slurs from faculty or school staff.*¹³⁷

“It’s not just name calling. I don’t know how schools can isolate it like that. When are they going to see it as a problem? When we’re bloody on the ground in front of them?”
—A gay student

134. The Safe Schools Coalition, 1999.

135. Letts, W. J., & Sears, J. T. (1999). *Queering elementary education: Advancing the dialogue about sexualities and schooling*. New York: Rowman and Littlefield.

136. Carter, K. (1997, March 7). Gay slurs abound. *Des Moines Register*, p. B1. Cited in Callahan, C. J. (2001). Protecting and counseling gay and lesbian students. *Journal of Humanistic Counseling, Education & Development*, 40(1), 5–10.

137. Kosciw & Cullen, 2001.



Verbal harassment is not harmless behavior. “It’s not just name calling,” stressed one student interviewed for a study conducted by Human Rights Watch in 2001. “I don’t know how schools can isolate it like that. When are they going to see it as a problem? When we’re bloody on the ground in front of them?”¹³⁸ Sadly, it often does not stop even then. A 1993 Massachusetts study of high school students found that gay teens are twice as likely as their straight peers to be threatened or injured with a weapon at school. GLSEN reported that 42% of LGBT youth are shoved, pushed, or otherwise physically harassed because of their real or perceived sexual orientation, and almost 90% of self-identified transgender youth reported feeling unsafe in their school because of their gender identity.¹³⁹ A five-year study conducted by the Safe Schools Coalition of Washington State documented 111 incidents of anti-LGBT violence in 73 schools. These included 38 cases of ongoing verbal harassment, 17 incidents of physical harassment, and eight gang rapes in which a total of 11 students were molested, two of them sixth graders. Most of these incidents occurred in a classroom or in school hallways, and more than one-third of the cases involved female offenders. As a result of this violence, 10 students dropped out of school, 10 students attempted suicide, and two students successfully committed suicide.¹⁴⁰

A five-year study conducted by the Safe Schools Coalition of Washington State documented 111 incidents of anti-LGBT violence in 73 schools, including eight gang rapes in which a total of 11 students were molested, two of them sixth graders.

ANTI-LGBT HARASSMENT AND VIOLENCE IN ELEMENTARY AND MIDDLE SCHOOLS

Dear Mom,

Bobby hit me on the bus. I did not do anything. What he did was put his earphones on my ear, and then I moved it away and he said, “Don’t hit me, you little fagite [sic].” Then he hit me real hard. I wanted to cry. Then he said, “I’ll hit you so hard you will want to cry forever.” Why does everyone pick on me? Why? I think I am ugly like people say. I don’t think I look nice at all.

Bye bye,

Jamal

I have been called gay, faggot and a girl most of my life. I have recently had a new name added...”gay prick.” I have reached out for help so many times it’s unbelievable. Nothing much has happened except a phone call home. I am still being teased and embarrassed in front of people and also my friends.... I have been putting up with this since elementary school. And let me tell you this—the longer you let this continue, the worse it will get. And it will be twice as hard to deal with it.

Jamal was in third grade when he wrote the first letter to his mother, and in seventh grade when he wrote the second letter to teachers at his school.¹⁴¹ When people

138. Bochenek & Brown, 2001.

139. Faulkner, A. H. & Cranston, K. (1998). Correlates of same-sex behavior in a random sample of Massachusetts high school students. *American Journal of Public Health*, 88(2), 262–266; Kosciw & Cullen, 2001.

140. Safe Schools Coalition, 1999.

141. Perrotti & Westheimer, 2001.

think of violence and harassment against LGBT students, they think of incidents occurring in high school, and maybe middle school. The experiences of elementary students like Jamal are often dismissed as anecdotal or tolerated as immature childhood behavior. Because people mistakenly believe that it does not happen, there is little documentation of anti-LGBT harassment in elementary schools. But violence is targeted at youth who do not conform to stereotypical gender roles regardless of their sexual orientation or gender identity, and this victimization can begin at very young ages. Through observing adults or their older brothers and sisters, elementary students know that it is bad to call someone a “fag,” even if they do not understand what it means. Consequently, interventions at the high school level come too late for many children who are teased, bullied, and tormented from the very first day they set foot in elementary school.

A five-year study by the Safe Schools Coalition of Washington State documented numerous anti-LGBT incidents in elementary schools. For example:

- After hearing taunts like “Get away, gay boy!” from his peers over a four-month period, a second-grader finally reported the incidents to his mother, upset that no one would play with him and afraid to go to school. The school intervened by teaching the class that name-calling would not be tolerated. According to the boy’s mom, “[It’s made me] more aware that [the teasing] starts younger than I would have thought. These are second-grade kids. I don’t know how aware they are of sexual orientation at that age.”
- An 11-year-old boy was attacked by a large group of classmates after his diary, in which he described feeling like a girl inside and wondered if he were a lesbian, was stolen. The classmates sold his diary for \$10 per page, and then they attacked him, took some of his clothes off and tried to force him to wear girl’s clothes. This youth, who eventually identified as transgender, waited until age 16 before talking to school administrators about these experiences.
- A 12-year-old sixth-grader was attacked and repeatedly gang raped by four other sixth-graders and two high school students at an elementary school-sponsored camp. One of the attackers vomited on him and threatened to kill him if he told anyone about the incident.

Incidents of violence and harassment were more pervasive in middle and junior high schools:

- Since the beginning of the school year, a seventh-grader was repeatedly teased and harassed by students in the hallways. The students called him “flute boy” because he played flute in the school symphony. One demanded, “How come you look so gay? Are you gay?” The boy’s family reported that he cried nearly every day and no longer wanted to go to school. But when the boy’s mother reported these incidents to a school counselor she trusted, the counselor was hesitant to intervene because she did not want the harassment to get worse.
- After her seventh-grade son was harassed daily at school by being called a “faggot,” a “pervert,” and told that “queers burn in hell,” the boy’s mother complained to the school principal, who assured her that the staff would get sensitivity training, even

According to a harassed boy’s mom, “[The teasing] starts younger than I would have thought. These are second-grade kids. I don’t know how aware they are of sexual orientation at that age.”



though it was the students who were doing the harassing. Later in the year, after a game of “smear the queer,” the boy started a fight with two other students after a classmate told him that standing up for himself would end the teasing. When the fight was over, the boy was sent to the nurse’s office with cuts, bruises, a lump on his neck from being hit by a soda bottle, a sprained ankle, and a broken arm. He was reprimanded by school administrators for starting the fight, and was suspended for the rest of the day.¹⁴²

None of the largest population-based studies cited in this report collected information from students below the sixth-grade level. These horrific accounts of violence and harassment, though specific to just one state, clearly underscore the need for more research and intervention on behalf of elementary and middle school students nationwide.

Unchecked harassment against young children in elementary school predictably escalates into violence as they grow older, especially in smaller school systems in which the student population remains fairly consistent. According to a 19-year-old high school senior who had been harassed since first grade:

It was horrible. At first they made fun of me because I was different. Then it was because I was gay. They’d call me things like “fag” and “cocksucker.” It went on through middle school and got really bad in high school. After I came out it was like I had a death wish or something. I was pushed around, thrown into lockers. I can see it all in my head. It was just constant. Everybody was always harassing me.¹⁴³

While not all youth first experience harassment in elementary school, many claim that middle and junior high is where it begins to be unbearable, often leading to physical attack in high school. “It started in fourth or fifth grade,” said one 18-year-old high school senior, “and didn’t stop until the second semester of my senior year,” which was when he enrolled in college courses.¹⁴⁴

“It went on through middle school and got really bad in high school. After I came out it was like I had a death wish or something. I was pushed around, thrown into lockers. Everybody was always harassing me.”
—A gay high school senior

ANTI-LGBT HARASSMENT AND VIOLENCE IN HIGH SCHOOLS

There is far more information about anti-LGBT harassment of high school students—in part because many become aware of their sexual orientation or gender identity and begin to self-identify during their high school years—allowing for a much clearer picture of experiences of secondary school students. A study in the United Kingdom found that although 93% of openly gay and bisexual students in British high schools experienced verbal harassment and bullying, only 6% of schools had a nondiscrimination policy that included sexual orientation.¹⁴⁵ The lack of attention and intervention on behalf of these students led one researcher to claim that this institutional neglect is “nothing less than state-sanctioned child abuse.”¹⁴⁶ The high school environment in the United States is no better.

142. Safe Schools Coalition, 1999.

143. Bochenek & Brown, 2001.

144. Ibid.

145. Thurlow, C. (2001). Naming the “outsider within”: Homophobic pejoratives and the verbal abuse of lesbian, gay and bisexual high school pupils. *Journal of Adolescence*, 24, 25–38.

146. Ibid.

Analysis of data from the 1996 National Longitudinal Study of Adolescent Health, which included over 12,000 students in U.S. high schools, revealed that lesbian, gay, and bisexual youth were more likely than heterosexual youth to have been in a fight that resulted in the need for medical attention, and more likely to have witnessed violence. Bisexual youth were also more likely to be violently attacked. This study also found that gay youth were more likely to *perpetrate* violence against their peers. This was explained by accounting for the fear and need to defend themselves they feel because of the violence and harassment they regularly endure.¹⁴⁷ The story of Jamie Nabozny, a student from Wisconsin, is a tragic example of how verbal harassment can escalate into life-threatening violence in high school.

Gay Student Sues School, Wins \$900K Settlement: A Profile of Jamie Nabozny

In elementary school, although shy and quiet, Jamie was a good student and enjoyed going to school. In seventh grade, however, Jamie realized that he was gay, and when other students at Ashland Middle School in Wisconsin learned of his sexual orientation, the torment began. What started as name-calling and spitting quickly turned to more violent attacks. In a science lab, for example, Jamie was the victim of a “mock rape” by two boys who told him he should enjoy it, while 20 other students looked on and laughed. In response to the attack, the middle school principal told Jamie and his parents that “boys will be boys,” and if Jamie “was going to be so openly gay, he had to expect this kind of stuff to happen.”¹⁴⁸ This “kind of stuff” continued throughout middle school and escalated in high school, where he was attacked several times in the bathroom and urinated on. On the school bus, he was routinely pelt-

ed with objects, including steel nuts and bolts. But the most serious assault occurred in 11th grade, when Jamie was surrounded by eight students and kicked in the stomach repeatedly while other students stood by. Jamie collapsed due to internal bleeding caused by the attack and was rushed to the hospital.¹⁴⁹

Despite frequent meetings with school officials, the identification of his attackers, and the intervention of his parents, the school took no meaningful disciplinary action against Jamie’s abusers.¹⁵⁰ Throughout his time at Ashland High School, Jamie tried to kill himself several times. He dropped out of school twice, and eventually decided to leave for good: “In December of my eleventh grade year, we had a meeting with my parents and guidance counselor at school, and we decided the best thing for me to do was to leave. [The guidance counselor] said, ‘I’ve tried to help you through this whole thing and nobody’s

147. Russell, S. T., Franz, B. T., & Driscoll, A. K. (2001). Same-sex romantic attraction and experiences of violence in adolescence. *American Journal of Public Health, 91*(6), 903–906.

148. Walsh, J. (1996, February). Profiles in Courage: Jamie Nabozny, 20, of Minneapolis, Minnesota. Oasis. Retrieved October 6, 2003, from Youth.org website: <http://www.youth.org/loco/PERSONProject/Alerts/States/Minnesota/jamie.html>

149. *Nabozny v. Podlesny*, 92 F.3d 446 (7th Cir. 1996).

150. Lambda Legal Defense and Education Fund. (1996). *Nabozny v. Podlesny: Victory!* Retrieved July 28, 2003, from <http://www.lambdalegal.org/cgi-bin/iowa/cases/record?record=54>



willing to do anything.”¹⁵¹ Jamie left Ashland, moved to Minneapolis, and earned a G.E.D. He also began to get involved in the local LGBT community, working for a while with District 200, a community center for LGBT youth.¹⁵²



JAMIE NABOZNY AND PARENTS

In November 1996, a jury unanimously found Jamie’s middle and high school principals liable for failing to protect him during four years of brutal antigay abuse, and he was awarded over \$900,000 in damages.

While in Minneapolis, Jamie was diagnosed with post-traumatic stress disorder related to his experiences in school. He initially simply wanted to put the Ashland experiences behind him and move on. But a trip to the Gay and Lesbian Community Action Center in Minneapolis changed his mind. Having moved out of his parents’ home at 17, Jamie had gone to the center in search of foster parents. It was there that a crime victims’ advocate told Jamie that what had happened to him was illegal and

that the school should be held responsible. Jamie remembers his thoughts at the time: “I didn’t realize what was being done to me was illegal or wrong. I just thought it’s a small town; they’re very prejudiced, homophobic. I almost felt it was okay what they did to me, that they

could get away with it. I knew it wasn’t right, but I didn’t know that it was illegal.”¹⁵³ The crime victims’ advocate secured a lawyer for Jamie and within a few days a suit was filed. Unfortunately, the lawyer turned out to be “quite homophobic and did not want to be labeled as a gay rights advocate. She didn’t want this to be a gay case.”¹⁵⁴ The federal district judge presiding over Jamie’s lawsuit ruled that Jamie’s school could not be held liable for the actions of its students, and the case was dismissed.¹⁵⁵

However, Lambda Legal Defense and Education Fund offered to represent Jamie on appeal, arguing, “Jamie’s rights to equal protection and due process were violated when the school refused to protect him from antigay abuse.”¹⁵⁶ In July 1996, in a precedent-setting decision, the federal appellate court ruled that public schools have a constitutional obligation to prevent the abuse of lesbian and gay students. Then, in November 1996, a jury unanimously found Jamie’s middle and high school principals liable for failing to protect him during four years of brutal antigay abuse, and he was awarded over \$900,000 in damages.¹⁵⁷ The case succeeded in bringing national attention to violence and harassment against LGBT students in public schools. As for Jamie’s personal message, he said, “It really had become much more about everyone else and less about me. I’m going to go on. I’m going to be OK... but there’s a lot of people who aren’t, some people don’t make it out of high school because they kill themselves. It’s very important, to me that [LGBT stu-

151. Walsh, 1996.

152. Ibid.

153. Ibid.

154. Ibid.

155. Lambda Legal Defense and Education Fund, 1996.

156. Ibid.

157. Ibid.

dents] know they don't have to take the abuse. They don't have to go through this stuff."¹⁵⁸

Jamie Nabozny's victory was the first in a series of court rulings that have held school districts responsible for failing to protect LGBT students from discrimination, violence, or harassment. According to a summary of 15 lawsuits by the Gay, Lesbian and Straight Education Network and the

National Center for Lesbian Rights, school districts have paid between \$40,000 and almost \$1 million in damages between 1996 and 2002. The lawsuits have succeeded throughout the U.S., from California to Kentucky, including in states that do not have legislation or department of education regulations specifically protecting students on the basis of sexual orientation or gender identity.

Unfortunately, the threat of an expensive lawsuit has not translated into a safer environment for many LGBT students. GLSEN's 2001 National School Climate Survey of 904 students in 48 states and the District of Columbia found that violence and harassment are still pervasive:

- 84% of LGBT students heard insults like "faggot" or "dyke" frequently from other students at school
- 24% heard similar remarks from faculty at least some of the time
- 82% reported that faculty or staff either never intervened or only sometimes intervened when they heard other students make such remarks
- 83% had been verbally harassed at school because of their sexual orientation
- 65% had been sexually harassed
- 42% had been physically harassed because of their sexual orientation
- 31% of the students were physically harassed because of their gender identity, and 14% of those students were physically assaulted
- 69% felt unsafe in their school
- 48% of the LGBT students of color reported being verbally harassed because of both their sexual orientation and their race or ethnicity¹⁵⁹

SEXUAL HARASSMENT IN PUBLIC SCHOOLS

Much of the verbal harassment directed at LGBT or gender-nonconforming youth can actually be classified as sexual harassment. In fact, one nationwide study found that 63% of students experienced sexual harassment by a peer of the same sex, including:

- Sexual comments, jokes, gestures, or looks

158. Walsh, 1996.

159. Kosciw & Cullen, 2001.



- Sexual messages or graffiti on bathroom walls and in locker rooms
- Sexual rumors
- Being shown sexual pictures, photographs, illustrations, messages, or notes
- Being identified as gay or lesbian through the use of derogatory terms like “fag” or “dyke”
- Being touched, pinched, or grabbed in a sexual way
- Being blocked or cornered in a sexual way
- Being forced to kiss or forced to endure other unwelcome sexual behavior¹⁶⁰

While sexual harassment by a member of the opposite sex is more commonly reported in the workplace, members of the same sex often perpetrate peer-to-peer harassment in schools.¹⁶¹ This creates a hostile environment regardless of the sexual orientation or gender identity of the student being victimized. In a study conducted by the American Association of University Women Educational Foundation in 1993, 86% of all students who were sexually harassed claimed that being labeled gay or lesbian, regardless of their true sexual orientation, was more distressing than physical abuse, especially for boys.¹⁶² And, a study of Midwestern high school students found that male and female adolescents were more distressed about being harassed by same-sex peers than by peers of the opposite sex.¹⁶³

Students who openly identify as LGBT experience more sexual harassment (much of which is based on gender nonconformity) than their heterosexual peers.¹⁶⁴ Young lesbians and bisexual girls are more likely to be sexually harassed, called sexually offensive names, and touched or grabbed in a sexual way.¹⁶⁵ “People would grab my breast area,” recalled one lesbian high school student. “They’d come up and grab my waist, put their arm around me.”¹⁶⁶ Gay and bisexual male students are also victims of sexually suggestive remarks or gestures. “Guys will grab themselves, or they’ll make kissing noises,” reported another high school student. “They mimic homoerotic acts. They’ll mimic anal sex, oral sex.”¹⁶⁷

Attention to and the prevalence of sexual harassment in schools has been increasing. In 1991, the U.S. Department of Education reported only 11 same-sex sexual harassment claims by elementary and secondary school students. In 1999 and 2000, the combined number increased to 274 for elementary and secondary education schools, and 111 for post-secondary educational institutions.¹⁶⁸ Despite the increased reporting, efforts to protect students who are sexually harassed have been largely unsuccessful. For example, in Utah, a same-sex harassment lawsuit filed by a high school football player

Eighty-six percent of all students who were sexually harassed claimed that being labeled gay or lesbian, regardless of their true sexual orientation, was more distressing than physical abuse, especially for boys.

160. Fineran, S. (2002). Sexual harassment between same-sex peers: Intersection of mental health, homophobia, and sexual violence in schools. *Social Work, 47*(1), 65–74.

161. Ibid.

162. American Association of University Women Educational Foundation. (1993). *Hostile hallways: The AAUW survey on sexual harassment in America's schools*. Washington: Harris/Scholastic Research.

163. Fineran, S., & Bennett, L. (1998). *Implications of peer sexual harassment between same-sex teens*. Paper presented at the meeting of the International Social Work Research Conference, Miami.

164. Fineran, S. (2001). Sexual minority students and peer sexual harassment in high school. *Journal of School Social Work, 11*.

165. Ibid.

166. Bochenek & Brown, 2001.

167. Ibid.

168. Ibid.

against his teammates was dismissed by a court “on the grounds that the boy failed to prove that he had been a victim of any discriminatory effort.”¹⁶⁹ While he was naked, his teammates had taped his genitals to a towel rack and then exposed him to a girl brought into the locker room against her will. School administrators called the incident “hazing,” and did not feel that the behavior of his teammates was abnormal.¹⁷⁰

Efforts to curtail sexual harassment in public schools have been hampered by the belief that sexual harassment in school is a normal adolescent behavior. This view ignores both the cruelty inherent to many instances of harassment, and the mental health effects of that cruelty on its victims. These effects can include:

- Loss of appetite
- Loss of interest in school
- Nightmares or disturbed sleep
- Feelings of isolation from family and friends
- Feeling sad, nervous, threatened, and angry¹⁷¹

As a result of these symptoms, the school performance of students who are sexually harassed often declines. They are more likely to cut class or be absent or truant, have lower grades, and lose friends. Students who are forced to endure long-term harassment may also be more likely to retaliate out of anger and self-defense. This can lead to physically threatening situations, and even make the victim appear to be a perpetrator.¹⁷²

THE IMPACT OF ANTI-LGBT HARASSMENT AND VIOLENCE

The threat of violence and harassment makes school an unsettling and unsafe place for LGBT students. Some find it difficult to concentrate in class and focus on schoolwork. Many, fearing discovery of their sexual orientation or gender identity, hesitate to participate in school activities. As a result, they distance themselves from the school environment both emotionally and physically, becoming truants or dropping out altogether.¹⁷³ This has a lasting, negative impact on LGBT youth, inhibiting their development and their successful transitions to adulthood.¹⁷⁴

A number of studies highlight the problem of chronic truancy among LGBT students. According to GLSEN’s 2001 survey, 32% of students had skipped class at least once in the previous month, and 31% had missed at least one entire day of school in the previous month, because they felt unsafe.¹⁷⁵ Students reporting same-sex behavior on the 1993 Massachusetts YRBS were more than three times as likely as their heterosexual peers to skip school because they felt unsafe.¹⁷⁶ In 1995, the same survey indicated that

169. *Seamons v. Snow*, D. C. No. 94-NC-4B (D. Utah Oct. 4, 1994), app., 84 F3d 1226 (10th Cir. 1996).

170. Stein, N. (1999). *Classrooms & courtrooms: Facing sexual harassment in K–12 schools*. New York: Teachers College Press.

171. *Ibid.*

172. *Ibid.*

173. Hunter, J. & Schaecher, R. (1987). Stressors on lesbian and gay adolescents in schools. *Social Work in Education*, 9(3), 180–190.

174. D’Augelli, A. R. (1998). Developmental implications of victimization of lesbian, gay, and bisexual youths. In G. M. Herek (Ed.), *Stigma and Sexual Orientation*. California: Sage.

175. Kosciw & Cullen, 2001



self-identified lesbian, gay, and bisexual students were almost five times as likely as heterosexual students to have missed school because of fears about safety.¹⁷⁷ In 1999, 20% of Massachusetts students who described themselves as lesbian, gay, or bisexual reported that they had skipped school in the previous month because of feeling unsafe at or en route to school, compared with only 6% of other students.¹⁷⁸

Given that LGBT students have higher truancy rates than their heterosexual peers, it is not surprising that they also score lower on other indicators of school performance and satisfaction. A study published in 2001, using data from the 1996 National Adolescent Health Survey, was the first to analyze the differences in several school outcome measures between students who identified as being attracted to members of the same sex or both sexes, and students who were only attracted to the opposite sex.¹⁷⁹ Female students who identified as being attracted to both sexes (i.e., with a bisexual sexual orientation) were significantly more likely to report that they had trouble getting along with other students, difficulty paying attention in class, and difficulty getting their homework done, than their heterosexual peers. They also had lower grade point averages (GPAs).

Bisexual females had more negative school attitudes, did not feel like a part of their school community, and had significantly more negative feelings about their teachers than heterosexual female students. Females with only same-sex attractions also had more negative school attitudes and lower GPAs than heterosexual female students. Surprisingly, the same study found that adolescent boys who reported exclusively same-sex attraction did not significantly differ from their heterosexual peers in school outcomes, including GPA. The results of this study call for more research focusing on why male and female students who were attracted to both sexes reported more problems at school than those who were only attracted to the same sex or the opposite sex, and why female students tended to have more negative experiences and outcomes overall.¹⁸⁰

A 2002 report from the New York State Department of Education identified the torment experienced by many LGBT youth as one of the leading causes for their dropping out of school.¹⁸¹ In order to reduce the student dropout rate, it proposed that administrators be flexible in accommodating individual student situations, including the sexual orientation or gender identity of students who are LGBT. It also recommended training teachers about cultural differences. The most effective programs in the New York study attempted to generate and sustain a welcoming community within the school, and sought to involve the parents of the children the school served. Collaborating with neighborhood communities may be particularly crucial in addressing the needs of LGBT students of color, who may also be coping with issues of alienation beyond the schoolyard that impact their ability to participate and learn at school.

Self-identified lesbian, gay, and bisexual students were almost five times as likely as heterosexual students to have missed school because of fears about safety.

176. Faulkner & Cranston, 1998.

177. Garofalo, R., Wolf, R. C., Kessel, S., Palfrey, J. & DuRand, R. H. (1998). The association between health risk behaviors and sexual orientation among a school-based sample of adolescents. *Pediatrics*, 101(5), 895–902.

178. Massachusetts Department of Education. (1999). *Massachusetts high school students and sexual orientation results of the 1999 youth risk behavior survey* [Electronic version]. Boston: Author. Available at http://www.doe.mass.edu/hssss/yrs99/glb_rslts.html

179. Russell, Seif, & Truong, 2001.

180. Ibid.

181. Gardner, R. (2002, February). Destination graduation: Dropout prevention New York State style. Paper presented at annual conference of the Centers for Disease Control and Prevention Division of Adolescent and School Health, Washington.

The combination of violence and powerlessness experienced by LGBT youth leads some to bring weapons onto school property. According to the 1995 Massachusetts Youth Risk Behavior Study, lesbian, gay, and bisexual (LGB) youth were more than four times as likely to have been threatened with a weapon on school property than their heterosexual peers (33% and 7%, respectively).¹⁸² Forty-four percent of the LGB and questioning youth had also carried a weapon to school in the preceding month, compared with only 19% of heterosexual students.¹⁸³ Based on the results of the 1995 Vermont Youth Risk Behavior Study data, some researchers have argued that male youth with multiple same-sex sexual partners were more likely to be victims of violence at school, and therefore more likely to carry weapons both in and out of school.¹⁸⁴ Analysis of the 1996 National Adolescent Health Study also provided data on the prevalence of LGB adolescents using weapons. An analysis of these data showed that youth who indicated same-sex romantic attraction were more likely than their peers to perpetrate extreme forms of violence against others, such as pulling a gun or knife, or shooting or stabbing someone. While previous findings have indicated that LGB youth are more likely to carry weapons, this study is the first to suggest that these same students are willing to use them. The authors of the analysis suggest that the use of weapons results primarily from fear of being a victim of violence and the need for self-defense.¹⁸⁵

The harassment and violence that LGBT students experience has a negative impact on their mental and physical health in indirect ways as well. A 2002 study indicated that lesbian, gay, bisexual, and questioning youth who experienced three or more incidents of harassment within the preceding year engaged in behaviors putting their health at risk at a higher rate than their heterosexual peers who were similarly harassed.¹⁸⁶ Substance abuse by LGBT youth is linked to being marginalized by society, seeking relief from depression and isolation, and attempting to alleviate the stress associated with stigma.¹⁸⁷ Students reporting same-sex behavior on the 1993 Massachusetts Youth Risk Behavior Study were nine times more likely to report using alcohol on each of the 30 days preceding the survey; and 10 to 15% of LGB youth appeared to abuse alcohol and/or use marijuana regularly, compared to 1 to 4% of students reporting only heterosexual attraction and behavior.¹⁸⁸ In a 2002 study of data from the 1995 Youth Risk Behavior Surveys in Massachusetts and Vermont, gay, bisexual, and questioning male students reported significantly higher marijuana and cocaine use than did lesbian, bisexual, and questioning females.¹⁸⁹ Another study, analyzing 1996 National Adolescent Health Study data, indicated that youth attracted to both males and females were at a somewhat higher risk for substance use and abuse than were heterosexual youth.¹⁹⁰

Experiences of harassment and violence correlate with increased risk behaviors, including substance abuse, unprotected sex, and suicidality.

182. Garofalo, Wolf, Kessel, Palfrey, & DuRand, 1998.

183. Massachusetts Department of Education. (1996). *1995 Youth Risk Behavior Survey Results* [Electronic version]. Boston, MA: Author. Available at <http://www.doe.mass.edu/hssss/yrb95/yrb95111.html>

184. DuRant, R. H., Krowchuk, D. P., & Sinal, S. H. (1998). Victimization, use of violence, and drug use at school among male adolescents who engage in same-sex sexual behavior. *The Journal of Pediatrics*, 133(1), 113–118.

185. Russell, Franz, & Driscoll, 2001.

186. Bontempo, D. E., & D'Augelli, A. R. (2002). Effects of at-school victimization and sexual orientation on lesbian, gay, or bisexual youths' health risk behavior. *Journal of Adolescent Health* 30(5), 364–374.

187. Jordan, K. M. (2000). Substance abuse among gay, lesbian, bisexual, transgender, and questioning adolescents. *School Psychology Review*, 29(2), 201–206.

188. Faulkner & Cranston, 1998.

189. Bontempo & D'Augelli, 2002.

190. Russell, S. T., Truong, N. L., & Driscoll, A. K. (2002). Adolescent same-sex romantic attractions and relationships: Implications for substance use and abuse. *American Journal of Public Health*, 92, 198–202.



LGBT youth, faced with the stress caused by victimization and isolation, and often lacking positive sources of peer support and socialization, may engage in unprotected sex or other risky sexual behaviors, which increases their risk of contracting sexually transmitted diseases, including HIV.¹⁹¹ A Minnesota study of gay and bisexual males between the ages of 13 and 21 conducted from 1989 to 1991 found that nearly one-quarter had had a sexually transmitted disease.¹⁹² A San Francisco study found that almost one-third of gay and bisexual young men reported contracting at least one sexually transmitted disease.¹⁹³ A study of 334 homeless and runaway adolescents and young adults in San Francisco found that 33% of the gay and bisexual males and 3% of the lesbian and bisexual females were HIV-positive, as opposed to 1% of the heterosexual males and none of the heterosexual females in the study.¹⁹⁴

Youth who are harassed and attacked for their real or perceived sexual orientation or gender identity are also at higher risk for suicidal ideation and suicide attempts. A 1989 U.S. government study found suicide to be the leading cause of death among gay and lesbian youth, who were almost three times more likely to try to kill themselves than their heterosexual counterparts.¹⁹⁵ An analysis of 1995 Massachusetts Youth Risk Behavior Survey data indicated that students who self-identify as lesbian, gay or bisexual, or who are not sure of their sexuality, were over three times more likely to have attempted suicide in the previous year.¹⁹⁶ Data from the same survey in 1999 show that nearly half of lesbian, gay, and bisexual students had considered suicide during the previous year.¹⁹⁷

The prevalence and impact of anti-LGBT violence in public schools is a national tragedy. It affects all youth, regardless of sexual orientation or gender identity, who experience or are forced to witness harassment and violence against their peers on a daily basis. Whether they identify as LGBT or simply do not conform to what American society deems appropriate for male or female behavior, LGBT youth are publicly demeaned and demoralized, with many teachers and administrators turning a blind eye, or even tacitly approving because of their conservative moral or religious beliefs, or just out of ignorance. Though there is a continued need for more nationwide, population-based research, numerous studies have shown that this violence is harmful to childhood and adolescent development and well-being, and also life-threatening. Efforts to curtail this harassment should certainly not be delayed until further research is completed.

Anti-LGBT violence in public schools is a national tragedy. LGBT youth are publicly demeaned and demoralized, with many teachers and administrators turning a blind eye or even tacitly approving.

191. Bochenek & Brown, 2001.

192. Remafedi, G. (1994). Predictors of unprotected intercourse among gay and bisexual youth: Knowledge, beliefs, and behavior. *Pediatrics*, 94, 163.

193. Lemp, G. F., Hirozawa, A. M., Givertz, D., Nieri, G. N., Anderson, L., Lindegren, M. L., et al. (1994). Seroprevalence of HIV and risk behaviors among young homosexual and bisexual men. The San Francisco/Berkeley Young Men's Survey. *Journal of the American Medical Association*, 272(6), 449–454.

194. Moon, M. W., McFarland, W., Kellogg, T., Baxter, M., Katz, M. H., MacKellar, D., et al. (2000). HIV risk behavior of runaway youth in San Francisco: Age of onset and relation to sexual orientation. *Youth & Society*, 32(2), 184–212.

195. Gibson, 1989.

196. Garofalo, R., Wolf, R. C., Wissow, L. S., Woods, E. R. & Goodman, E. (1999). Sexual orientation and risk of suicide attempts among a representative sample of youth. *Archives of Pediatrics & Adolescent Medicine*, 153(15), 487–501.

197. Massachusetts Department of Education. (2000). *1999 Massachusetts Youth Risk Behavior Study* [Electronic version]. Boston: Author. Available at <http://www.doe.mass.edu/hssss/yrebs99/toc.html>

3. Existing Policy Interventions

Amid all the violence and harassment, some students, parents, teachers, and administrators are creating ways to protect and support lesbian, gay, bisexual, and transgender (LGBT) youth. Interventions that counteract and prevent anti-LGBT violence in public schools include gay-straight alliances, nondiscrimination policies, safe-schools programs, and curricula designed to provide positive and inclusive examples of the contributions that LGBT people have made to American and world culture. Unfortunately, such programs are often met with harsh resistance from antigay organizations and activists, who falsely claim that “homosexuals recruit public school children,”¹⁹⁸ and that “there is evidence that harassment of gay teens may neither be as frequent, as severe, nor as disproportionate, as some pro-homosexual rhetoric would suggest.”¹⁹⁹ By summarizing initiatives that have succeeded despite such opposition, the National Gay and Lesbian Task Force hopes to inspire and equip parents, teachers, and school administrators to protect and nurture LGBT youth.

A variety of policies and support systems can help communities combat anti-LGBT harassment and violence in their public schools:

- The Equal Protection Clause of the U.S. Constitution and existing federal laws, including Title IX of the Education Amendments Act of 1972 and the Equal Access Act of 1984, offer LGBT students some protection from harassment and violence, as well as the freedom to create and attend gay-supportive clubs on school campuses²⁰⁰
- School districts can implement and enforce nondiscrimination and anti-harassment policies that protect LGBT students and teachers

198. Sheldon, L. P. (2001). Homosexuals recruit public school children. *Traditional Values Coalition Special Report*, 18(11). Available at http://www.traditionalvalues.org/modules.php?name=Downloads&d_op=viewdownload&cid=7&min=10&orderby=titleA&show=10

199. Prevention of harassment and intimidation in public schools (HB 345): Hearings before the Ways and Means Committee of the Maryland House of Delegates (testimony of Peter Sprigg). Retrieved October 17, 2003, from <http://www.frc.org/get.cfm?i=TS03C1>

200. E. High Gay/Straight Alliance v. Bd. of Educ., No. CIV. 2:98-CV-193J, 1999 WL 1390255 (D. Utah, Nov. 30, 1999). Available at <http://www.lambdalegal.org/cgi-bin/iowa/documents/record?record=534>



- Teachers can include LGBT culture and history in curricula, and create a safe environment by not tolerating anti-LGBT harassment; those who are either LGBT or LGBT-friendly can also serve as role models for both their gay and straight students and co-workers²⁰¹
- Gay-straight alliances (GSAs) or other support groups can give LGBT students and their straight allies a place to meet on school property in a safe and supportive environment; their very existence is symbolic of a school's commitment to a safe and inclusive environment for all students

Combined, these resources can comprehensively meet the needs of LGBT students. A pilot study of the Massachusetts Safe Schools Program found that clear nondiscrimination policies, backed by financial resources and support from key administrators, educators, and community and student leaders, are at least as important as GSAs in creating more tolerant and safer environments for LGBT students.²⁰² The decentralized nature of the U.S. public education system demands that each individual school district act to implement such measures, especially since efforts to mandate these protections and curriculum changes at the federal level have been largely unsuccessful.

If school officials fail to stop antigay harassment because they believe that a student who is out of the closet should expect to be harassed, the school can be held liable for failing to provide equal protection.

THE EQUAL PROTECTION CLAUSE OF THE U.S. CONSTITUTION

Federal courts have held that public schools have an obligation under the Equal Protection Clause of the 14th Amendment to the U.S. Constitution to protect students from harassment and discrimination based on their sexual orientation.²⁰³ If school officials fail to stop antigay harassment or violence because they believe that a student who is out of the closet should expect to be harassed, or simply because they are uncomfortable addressing the situation, the school can be held liable for failing to provide equal protection for that student.²⁰⁴

Court Rules School Liable For Failing to Protect Students from Harassment: A Profile of Alana Flores

Alana Flores met her first girlfriend the summer before her sophomore year of high school, but she did not come out of the closet until the end of her senior

year. Nonetheless, she endured harassment and death threats at Live Oak High School in Morgan Hill, California because other students believed she was

201. Schneider, M. E. & Owens, R. E. (2000). Concern for lesbian, gay and bisexual kids: The benefits for all children. *Education & Urban Society*, 32(3), 349–68.

202. Griffin, P., & Ouellett, M.L. (2002). Going beyond gay-straight alliances to make schools safe for lesbian, gay, bisexual, and transgender students. *Angles*, 6(1).

203. *Nabozny v. Podlesny*, 92 F.3d 446 (7th Cir.1996); *Flores v. Morgan Hill Unified Sch. Dist.*, 324 F.3d 1130 (9th Cir. 2003).

204. National Center for Lesbian Rights. (2002). *Harassment & discrimination: A legal overview*. Retrieved October 16, 2003 from <http://www.nclrights.org/publications/pubs/harass-overview0902.pdf>

gay. For three years, threatening notes and pornographic images were repeatedly taped to her locker. One note threatened, “Die, Die...Dyke Bitch, Fuck off. We’ll kill you.”²⁰⁵ When Alana went to a teacher for help, the teacher asked only, “Why does that word bother you? Are you a lesbian?”²⁰⁶ The harassment continued, and she went to her principal for help, but he did nothing to stop the harassment. When Alana asked for a new locker, the principal replied, “Yes, sure, sure, later. You need to go back to class. Don’t bring me this trash anymore. This is disgusting.”²⁰⁷ The threats, and the failure of school officials to stop them, combined with Alana’s own reluctance to accept her sexual orientation, kept Alana in the

“I could have graduated from Live Oak, moved on with my life, and never looked back. But there was always something in me that said that’s not the right thing to do, because it could happen to somebody else, over and over and over again.”

—Alana Flores

closet and reinforced her fear of coming out. By her senior year, the stress became too much, and she tried to kill herself.²⁰⁸

In the hospital, she told her parents—about the constant harassment, the death threats, and that, yes, she was a

lesbian. Her family expressed unconditional love and support, and stood by her when, nine months after graduation, she decided to file a lawsuit against the school for failing to protect her from pervasive and ongoing harassment. The American Civil Liberties Union (ACLU) and the National Center for

Lesbian Rights (NCLR) represented Alana and five other plaintiffs who joined the case, including one student who had been hospitalized after a group of male students shouted “faggot” and other homophobic slurs while hitting and kicking him at a bus stop in full view of the bus driver.²⁰⁹ All of the plaintiffs had endured significant emotional distress related to harassment and violence that occurred on school property. Some suffered from flashbacks and felt generally unsafe in the world.²¹⁰

In fact, the plaintiff’s lawyers were able to document a long history of anti-gay harassment at Live Oak High School, including a 1993 incident reported in the school’s newspaper, *The Oak Leaf*. The paper described graffiti reading, “Kill all gays. Keep it in the closet,” which had been written in an area where a few gay students tried to organize a support group. NCLR lawyer Leslie Levy argued that the history of harassment “was so open and obvious that teachers and administrators had to know about it; that it was clear that the school district, in almost every instant [sic], failed to respond appropriately”; and that this failure violated the Equal Protection Clause of the U.S. Constitution.²¹¹ On April 8, 2003, the Federal Ninth Circuit Court of Appeals issued a historic decision in *Flores v. Morgan Hill Unified School District*.²¹² The court held that school officials had failed in their constitutionally mandated duty to treat lesbian, gay, and bisexual students equally by not protecting

205. American Civil Liberties Union of Northern California. (2003, April 8). *Federal appeals court say schools must protect gay students from harassment*. Retrieved October 21, 2003, from <http://www.aclunc.org/pressrel/030409-flores.html>

206. Speak Truth.com. (n.d.). *Alana Flores*. Retrieved October 16, 2003, from http://www.speak-truth.com/bio/flores_alana.html

207. American Civil Liberties Union of Northern California, 2003.

208. Clair, R. (n.d.). Making school safe for queer kids. *Curve*. Retrieved October 16, 2003, from <http://www.curvemag.com/Detailed/7.html>

209. American Civil Liberties Union of Northern California, 2003.

210. Clair, n.d.

211. *Ibid.*

212. 324 F.3d 1130 (9th Cir. 2003).



them from harassment. And the court ordered them to address and eliminate any harassment of lesbian, gay, and bisexual students in the future.²¹³

After winning the case, NCLR Executive Director Kate Kendell commented, “This decision is long overdue. Finally, it’s clear that schools can no longer stand back and turn a blind eye to the kind of debilitating harassment that so many lesbian, gay and bisexual students face everyday.”²¹⁴ Matt Coles, director of the Lesbian and Gay Rights Project of the ACLU, added, “The court made it very clear that going through the motions is not enough. Schools have to really deal with the problem of

antigay harassment.”²¹⁵ And Alana explained why she chose to sue the school in the first place: “I could have graduated from Live Oak, moved on with my life, and never looked back. But there was always something in me that said that’s not the right thing to do, because it could happen to somebody else, over and over and over again.”²¹⁶ Unfortunately, many youth will continue to experience harassment and violence at schools across the country due to their real or perceived sexual orientation. Thanks to Alana, the ACLU, and NCLR, however, students can demand that schools be held responsible for failing to protect them.

FEDERAL STATUTES: TITLE IX AND THE EQUAL ACCESS ACT

Although they do not explicitly protect students based on sexual orientation or gender identity, there are several federal laws that do provide some protection for LGBT students. Usually associated with access to sports programs, Title IX of the Education Amendments of 1972²¹⁷ guarantees equal educational opportunities regardless of a student’s sex, and prohibits schools from limiting or denying a student’s participation in any school program on the basis of sex. While Title IX does not protect LGBT students from harassment based on their sexual orientation, it does protect all students from harassment based on gender nonconformity. It also requires school administrators to intervene in and remediate any harassment “of a sexual nature” severe enough to prevent an LGBT student’s access to, or enjoyment of, any school program.²¹⁸

In 2001, the U.S Department of Education released a set of revised guidelines detailing the applicability of Title IX to sexual harassment in public schools, which are also applicable to same-sex sexual harassment:

Although Title IX does not prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay or lesbian students that is sufficiently serious to limit or deny a student’s ability to participate in or benefit from the school’s pro-

Sexual harassment directed at gay or lesbian students that is sufficiently serious to limit a student’s ability to benefit from the school’s program is prohibited by Title IX.

213. American Civil Liberties Union of Northern California, 2003.

214. Ibid.

215. Ibid.

216. Clair, n.d.

217. 20 U.S.C. §§ 1681-88 (2003).

218. U.S. Department of Education, Office of Civil Rights. (2001, January). *Revised sexual harassment guidance: Harassment of students by school employees, other students, or third parties* [Electronic version]. Washington: Author. Available at <http://www.ed.gov/offices/OCR/archives/pdf/shguide.pdf>

gram constitutes sexual harassment prohibited by Title IX.... For example, if a male student or a group of male students target a gay student for physical sexual advances, serious enough to deny or limit the victim's ability to participate in or benefit from the school's program, the school would need to respond promptly and effectively...just as it would if the victim were heterosexual. On the other hand, if students heckle another student with comments based on the student's sexual orientation (e.g., "gay students are not welcome at this table in the cafeteria"), but their actions do not involve conduct of a sexual nature, their actions would not be sexual harassment covered by Title IX.... Gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, but not involving conduct of a sexual nature, is also a form of sex discrimination to which a school must respond, if it rises to a level that denies or limits a student's ability to participate in or benefit from the educational program.²¹⁹

Title IX does not hold a school responsible for the behavior of students who harass; it holds a school accountable for failing to correct harassment once school officials have been notified about it. A U.S. Supreme Court ruling in 1999 reinforced this policy, specifically stating that schools are liable for student-to-student sexual harassment if the school has been informed of the problem. In its decision, the Court wrote that schools are liable for monetary damages "only if they were 'deliberately indifferent' to information about 'severe, pervasive, and objectively' offensive harassment among students."²²⁰

The Equal Access Act²²¹ (EAA) was passed by a bipartisan majority of Congress and signed into law by President Ronald Reagan in 1984. The purpose of the bill was to counteract perceived discrimination against religious speech in public high schools while maintaining the constitutional separation of church and state. The legislation was developed after two federal appellate courts held that student-led religious groups could not meet on school property before or after school hours. The law was eventually challenged in the Supreme Court, which ruled that it was constitutional in 1990.²²² Under the EAA, a school cannot deny equal access to student activities because of the "religious, political, philosophical, or other content of the speech at such meetings."²²³ This also had an unexpected, secondary effect: it provided legal standing for the formation of gay-straight alliances in all public schools that allow any other school-sponsored clubs. In 2000, a federal judge in California ruled that under the Equal Access Act, schools could not pick and choose among clubs based on what they think students should or should not discuss:

The [school] Board members may be uncomfortable about students discussing sexual orientation and how all students need to accept each other, whether gay or straight.... [But they] cannot censor the students' speech to avoid discussion[s] on campus that cause them discomfort or represent an unpopular viewpoint. In order to comply with the Equal Access Act...the members of the Gay-Straight Alliance must be permitted access to the school campus in the same way that the District provides access to all clubs, including the Christian Club and the Red Cross/Key Club.²²⁴

219. Ibid.

220. Walsh, M. (1994, October 19). Harassment suit rejected. *Education Week*, p. 10.

221. 20 U.S.C. §§ 4071-74 (2003).

222. *Boyd County High Sch. Gay Straight Alliance v. Bd. of Educ. of Boyd County, Ky.*, 258 F. Supp. 667 (E.D. Ky. 2003). Available at <http://www.aclu.org/LesbianGayRights/LesbianGayRights.cfm?ID=12417&c=106>

223. 20 U.S.C. § 4071(a) (2003).

224. *Colin v. Orange Unified Sch. Dist.*, 83 F. Supp. 2d 1135 (C.D. Calif. 2000).



In the same ruling, the judge recognized that violence and harassment against gay students was “widespread,” and that his ruling was not just about promoting tolerance for diverse viewpoints: “As any concerned parent would understand, this case may involve the protection of life itself.”²²⁵

STATE POLICIES

Without the formal protection of nondiscrimination and anti-harassment policies that specifically mention sexual orientation and gender identity, students may justifiably continue to fear discrimination, including harassment, because they are LGBT. Including sexual orientation and gender identity in nondiscrimination and anti-harassment policies makes LGBT students feel welcome, and encourages the kind of social change that makes schools safer.²²⁶

As of November 2003, eight states and the District of Columbia had passed laws banning discrimination and/or harassment of students on the basis of sexual orientation: California, Connecticut, Massachusetts, Minnesota, New Jersey, Vermont, Washington, and Wisconsin.²²⁷ California, Minnesota, New Jersey, and the District of Columbia prohibit discrimination and/or harassment in schools on the basis of gender identity or expression as well. Four states have promulgated professional standards for educators that forbid discrimination against students on the basis of sexual orientation: Alaska, Florida, Massachusetts, and Pennsylvania.²²⁸

At least five other states (Hawaii, Maryland, Oregon, Pennsylvania, and Rhode Island) plus Wisconsin have adopted nondiscrimination and/or anti-harassment regulations or ethical codes through state administrative regulations.²²⁹ Unfortunately, none of these regulations prohibits discrimination or harassment on the basis of gender identity.

Nondiscrimination and anti-harassment laws and regulations often afford exemptions for religious institutions. They also differ in their scope of coverage: some cover only public schools, while others extend to private schools as well. The table opposite lists specifically what each state bans, on what basis, and the scope of its law.

225. Ibid.

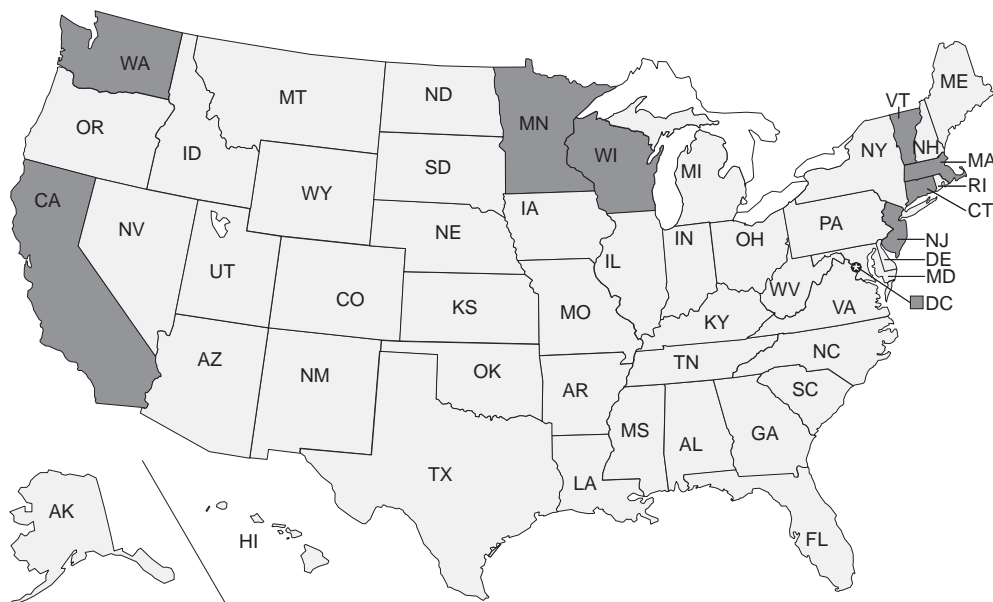
226. Bauer, A. F. (2002). *State of the states 2002: GLSEN's policy analysis of lesbian, gay, bisexual and transgender (LGBT) safer schools issues* [Electronic version]. New York: Gay, Lesbian and Straight Education Network. Available at http://www.GLSEN.org/binary-data/GLSEN_ARTICLES/pdf_file/1397.pdf; Lambda Legal Defense and Education Fund, & Gay, Lesbian and Straight Education Network. (2001). *A guide to effective statewide laws/policies: Preventing discrimination against LGBT students in K-12 schools* [Electronic version]. New York: Authors. Available at http://www.lambdalegal.org/binary-data/LAMBDA_PDF/pdf/61.pdf; D'Augelli, 1996; Lipkin, 1994.

227. CAL. EDUC. CODE § 220 (West 2003); CAL. PENAL CODE § 422.6(a) (West 2003); CAL. PENAL CODE § 422.76 (West 2003); CONN. GEN. STAT. § 10-15c (2003); D.C. CODE ANN. § 2-1402.41 (2003); MASS. GEN. LAWS, ch. 71, § 89(1) (2003); MASS. GEN. LAWS, ch. 76, § 5 (2003); MINN. STAT. § 363A.02 (2003); MINN. STAT. § 363.03(5) (2003); N.J. STAT. ANN. § 10:5-5 (West 2003); N.J. STAT. ANN. § 10:5-12(f)(1) (West 2003); N.J. STAT. ANN. § 18A:37-15 (West 2003); VT. STAT. ANN. tit. 9, §§ 4501-02 (2003); VT. STAT. ANN. tit. 16, § 11(26) (2003); VT. STAT. ANN. tit. 16, § 565 (2003); WASH. REV. CODE § 9A.36.080(1)(c) (2003); WASH. REV. CODE § 28A.300.285 (2003); WASH. REV. CODE § 49.60.030 (2003); WIS. STAT. § 118.13 (2003); WIS. STAT. § 118.40 (2003).

228. ALASKA ADMIN. CODE tit. 20 § 10.020(b)(6) (2003); FLA. ADMIN. CODE r. 6B-1.006(3) (2003); MASS REGS. CODE tit. 603 § 7 (2003); 22 PA. CODE. § 235.8 (2003).

229. Haw. Dep't of Educ. Nondiscrimination Policy Mem. August 17, 1996; Haw. Bd. of Educ. Admin. Rules § 8-41-1-15; MD. REGS. CODE tit. 13A § 01.04.03 (2003); OR. ADMIN. R. 571-003-0025 (2003); Pa. Bd. of Educ. Rules & Regs. § 4.4(c) (1992); R.I. Dep't of Educ., State of R.I. and Providence Plantations, A Policy Statement of the State Board of Regents Prohibiting Discrimination Based on Sexual Orientation; WIS. ADMIN. CODE § 9.01 (2003). This listing may not be comprehensive. Please contact the National Gay and Lesbian Task Force Policy Institute with updates at nglft@nglftf.org. Put “Policy Institute” in the subject line.

STATES WITH NONDISCRIMINATION AND/OR ANTI-HARASSMENT LAWS²³⁰



DETAILS BY STATE

	Protected from	On the basis of	Scope	Notes
California	Discrimination	Sexual orientation and gender identity	Public and private	Only private schools that receive state funding are covered.
Connecticut	Discrimination	Sexual orientation	Public	
Washington, DC	Discrimination	Sexual orientation and personal appearance	Public and private	“Personal appearance” has been interpreted by DC courts to cover transgender people.
Massachusetts	Discrimination	Sexual orientation	Public and charter	
Minnesota	Discrimination	Sexual orientation and gender identity	Public and private	
New Jersey	Discrimination	Sexual orientation	Public and private	New Jersey’s Law Against Discrimination passed in 1992 and covers all schools. In 2002, the state passed a second, harassment-specific law.
	Harassment	Sexual orientation and gender identity and expression	Public	
Vermont	Discrimination	Sexual orientation	Public	The Vermont Human Rights Law of 1992 covers education as a public accommodation. Vermont also passed a specific anti-harassment law in 2001.
	Harassment	Sexual orientation	Public	
Washington	Harassment	Sexual orientation	Public	
Wisconsin	Discrimination	Sexual orientation	Public	

230. All discrimination laws include harassment as a form of discrimination, but some states have also passed specific anti-harassment laws in addition to their nondiscrimination laws.

During the 2003 legislative session, a number of state legislatures considered nondiscrimination or anti-harassment bills, none of which have yet become law:

- Arizona H.B. 2453 stated that no person should be subjected to discrimination based on sexual orientation or gender identity in public schools. (Schools controlled by religious organizations whose beliefs are not consistent with the bill would be exempt.)
- Florida H.B. 19, known as the Dignity for All Students Bill, would protect students against harassment, discrimination, and violence on the basis of sexual orientation. The bill would also provide training to teachers, school administrators, and counseling staff; and guidance and counseling to students.
- Louisiana H.B. 1482 would add gender identity and sexual orientation to the categories protected from discrimination and harassment in schools.
- Maryland H.B. 345 would direct the board of education to prevent harassment and intimidation based on sexual orientation.
- Montana H.B. 449 included language prohibiting harassment, intimidation, and bullying in schools on the basis of sexual orientation. Diversity training for teachers and staff would be provided to the extent that funds were available.
- South Carolina H.B. 3781, also known as the Safe Schools Act, would prohibit harassment, intimidation, and bullying based on sexual orientation and gender identity.
- Texas H.B. 862 would add sexual preference and gender identity to existing school nondiscrimination laws.

In 15 known lawsuits involving anti-LGBT harassment or discrimination, school districts have paid between \$40,000 and \$962,000 in settlements. And DAs' fees were in many cases far greater than the settlements themselves.

Violations of the Equal Protection Clause of the U.S. Constitution and Title IX are the most often cited claims in lawsuits filed against school boards for failing to protect LGBT students. However, cases relying on the Due Process Clause and the First Amendment have also been pursued. The majority of cases brought against school districts to date have either been won by the students, or settled in their favor. And such settlements are costly. In 15 known lawsuits involving anti-LGBT harassment or discrimination, school districts have paid between \$40,000 and \$962,000 in settlements to the parents of harassed students.²³¹ And these figures do not include district attorney's fees, which in many cases were far greater than the settlements themselves.

Rather than wait for a lawsuit, schools should take proactive steps to support and protect their LGBT students.

Five of the 15 cases that resulted in settlements were filed in states that have nondiscrimination laws, including California and Minnesota. (In California's *Ray v. Antioch*, the plaintiff had urine-soaked towels thrown on him and was beaten by another student, leaving him with a concussion, hearing impairment, and severe, permanent headaches. The reason? He was perceived to be gay, and one of his parents is transgender.)²³² Some of these lawsuits have even been filed in states that do not have statutes prohibiting such abuses,

231. Gay, Lesbian and Straight Education Network & National Center for Lesbian Rights. (2003). *Fifteen expensive reasons why safe schools legislation is in your state's best interest*. Unpublished report.

232. *Ray v. Antioch*, 107 F. Supp.2d 1165 (N.D. Cal. 2000).

FIFTEEN LAWSUITS AGAINST PUBLIC SCHOOL DISTRICTS

	State	Date of Settlement	Monetary Award
Nabozny v. Podlesny ²³²	Wisconsin	1996	\$962,000
Wagner v. Fayetteville Public Schools* ²³³	North Carolina	1998	None
Iverson v. Kent* ²³⁴	Washington	1998	\$40,000
Vance v. Spencer County Public School District ²³⁵	Kentucky	2000	\$220,000
Lovins v. Pleasant Hill Public School District* ²³⁶	Missouri	2000	\$72,000
O.H. v. Oakland Unified School District ²³⁷	California	2000	Undisclosed
Ray v. Antioch Unified School District ²³⁸	California	2000	Undisclosed
Montgomery v. Independent School District ²³⁹	Minnesota	2000	Undisclosed
Putman v. Board of Education of Somerset Independent Schools* ²⁴⁰	Kentucky	2000	\$135,000
Snelling v. Fall Mountain Regional School District ²⁴¹	New Hampshire	2001	None
Dahle v. Titusville Area School District* ²⁴²	Pennsylvania	2002	\$312,000
Gay/Straight Alliance Network v. Visalia Unified School District ²⁴³	California	2002	\$130,000
Henkle v. Gregory ²⁴⁴	Nevada	2002	\$451,000

*settled out of court

including Kentucky, Missouri, and Nevada. But even in states with laws specifically protecting them, LGBT students continue to experience daily, persistent harassment and violence. While the passage and enforcement of such laws is a necessity, antidiscrimination education at the local level must also continue to be a priority.

Unfortunately, state legislation does not usually mandate the inclusion of LGBT-positive curricula or safe schools training for students. However, many settlements have required teachers and staff to receive sensitivity training. School districts throughout the country should follow the lead of these court rulings. Rather than wait for a lawsuit, they should take proactive steps to support and protect their LGBT students from harassment and discrimination. Concurrently, they should provide education and training to their students and employees.

233. 92 F.3d 446 (7th Cir.1996).

234. Settled out of court. For more information, see Lambda Legal Defense and Education Fund. (1998, June 22). *Complaint by gay student triggers historic civil rights agreement*. Retrieved October 22, 2003, from <http://www.lambdalegal.org/cgi-bin/iowa/documents/record?record=252>

235. Gay, Lesbian and Straight Education Network & National Center for Lesbian Rights, 2003.

236. 231 F.3d 253 (6th Cir. 2000).

237. Gay, Lesbian and Straight Education Network & National Center for Lesbian Rights, 2003.

238. No. C-99-5123 JCS, 2000 WL 33376299 (N.D. Cal. Apr. 14, 2000).

239. 107 F. Supp.2d 1165 (N.D. Cal. 2000).

240. 109 F. Supp.2d. 1081 (D. Minn. 2000).

241. Gay, Lesbian and Straight Education Network & National Center for Lesbian Rights, 2003.

242. No. CIV. 99-448-JD, 2001 WL 276975 (D. N.H. Mar. 21, 2001).

243. Gay, Lesbian and Straight Education Network & National Center for Lesbian Rights, 2003.

244. 262 F. Supp.2d 1088 (E.D. Cal. 2001).

245. Henkle v. Gregory, 150 F. Supp.2d 1067 (D. Nev. 2001).



PARENTAL NOTIFICATION AND “NO PROMO HOMO” LAWS

Parental notification laws in four states—Arizona,²⁴⁶ California,²⁴⁷ Nevada,²⁴⁸ and Utah²⁴⁹—require students to obtain the written consent of their parents before they participate in classes in which topics like sex, sexuality, and AIDS are discussed. (These laws do not, however, require prior written consent if teachers want to discuss discrimination or harassment related to a student’s sexual orientation or gender identity.) In many instances, these laws were introduced and supported by anti-LGBT and right-wing religious activists.

State parental notification laws with opt-out provisions are also common. They allow parents to remove their children from classes or assemblies that include education on sexuality, HIV, sexually transmitted diseases, abortion, or even death. Such laws exist in several dozen states and the District of Columbia, varying in their provisions and scope.²⁵²

Massachusetts is considering a bill to convert its parental opt-out policy into a more restrictive, opt-in law. The new policy would also expand the scope of parental control beyond “curriculum which primarily involves human sexual education or human sexuality issues”²⁵⁰ to also encompass “school sanctioned program or activity, which primarily involves human sexual education, human sexuality issues, or sexual orientation issues.”²⁵¹

A number of states have also passed laws preventing teachers from even mentioning the word “homosexual” in the classroom, or mandating that homosexuality be presented in an exclusively negative way. South Carolina bans discussion of “alternative sexual lifestyles from heterosexual relationships including, but not limited to, homosexual relationships, except in the context of instruction concerning sexually transmitted disease.”²⁵³ Arizona law prohibits instruction that “promotes a homosexual lifestyle, portrays homosexuality as a positive alternative lifestyle, or suggests that it is possible to have ‘safe’ homosexual sex.”²⁵⁴ Alabama requires any mention of homosexuality to be made within the context “that homosexuality is not a lifestyle acceptable to the general public and that homosexual conduct is a criminal offense under the laws of the state.”²⁵⁵ Texas²⁵⁶ and Mississippi²⁵⁷ require any mention of gay-related issues to be followed by the admonition that homosexual conduct is a criminal offense in those states, while Utah prohibits the “advocacy” of homosexuality.²⁵⁸

A number of states have passed laws mandating that homosexuality be presented in an exclusively negative way.

Arizona law prohibits instruction that “suggests that it is possible to have ‘safe’ homosexual sex.”

246. ARIZ. REV. STAT. § 15-716 (2003).

247. CAL. EDUC. CODE § 51550 (West 2003).

248. NEV. REV. STAT. 389.065 (2003).

249. UTAH CODE ANN. § 53A-13-101 (2003).

250. MASS. GEN. LAWS ch. 71, § 32A (2003).

251. H1445.

252. Alan Guttmacher Institute. (2003, August 1). *State policies in brief*. Retrieved August 11, 2003, from http://www.guttmacher.org/pubs/spib_SE.pdf

253. S.C. CODE ANN. § 59-32-30(A)(5) (Law, Co-op 2003).

254. ARIZ. REV. STAT. § 15-716(C) (2003).

255. ALA. CODE § 16-40A-2(c)(8) (2003).

256. TEX. HEALTH & SAFETY CODE ANN. § 163.002(8) (Vernon 2003).

257. MISS. CODE ANN. § 37-13-171(1)(e) (2003); MISS. CODE ANN. § 41-79-5(6)(d) (2003).

258. UTAH ADMIN. CODE R277-474-3(A)(2) (2003); UTAH CODE ANN. § 53A-13-101 (2003).

State laws that require schools to teach that homosexual conduct is illegal will presumably be challenged and struck down in light of the 2003 U.S. Supreme Court ruling in *Lawrence v. Texas*, which held that sodomy laws—which made homosexual sex a criminal offense in those states—violate the U.S. Constitution.²⁵⁹

In the meantime, these laws are having an adverse impact on students. Kay Coburn, an administrator with the Temple (Tex.) Independent School District, told Human Rights Watch that there is “no discussion of homosexuality,” nor “any message in the curriculum about how homosexuals might protect themselves from HIV. Abstinence is the only message. The traditional family is where you have sex. The curriculum doesn’t address sex outside this structure.”²⁶⁰ Cheryl Cox, a health teacher and member of her Robinson (Tex.) High School Health Education Advisory Council, noted that coverage of homosexuality and other “lifestyle options” was “not needed or necessary.... I can’t see it ever being acceptable to discuss homosexuality, as it’s a very conservative community. It’s a topic that I’m not supposed to be talking about because of the standards set forth by the community and by the health advisory board.”²⁶¹ Terry Cruz, an abstinence educator in Laredo, Texas, told Human Rights Watch that “probably the only time I touch on the subject [of homosexuality] is with HIV, referring to how HIV originally started.”²⁶²

“Schools are battlegrounds for the right.... Queer youth are on the front lines of these battles, often in isolation and without organizational support.”

Fear of “promoting homosexuality” due to these provisions sometimes prevents school districts from protecting LGBT students. In response to violence and harassment against gay students, the West Virginia Attorney General’s office searched for a program that would promote tolerance through school curricula. The state received \$80,000 in federal grants from the U.S. Department of Justice to implement a model program from Maine that included training manuals for teachers. However, when the West Virginia Family Foundation, a conservative Christian group, found references in those manuals to making LGBT students feel safer, they brought 200 people to a state board of education meeting wearing antigay t-shirts, and accused the attorney general of “promoting homosexuality.” The program was immediately suspended.²⁶³ Anti-LGBT activists around the country have forced LGBT youth to defend themselves not only against their peers, but also against the parents, administrators, and religious leaders who have targeted schools as the primary sphere for their moralistic crusades:

Schools are battlegrounds for the right. So much of their “cultural war” is waged over curricula, teachers’ roles, parental rights, censorship, and privatization. Queer youth are on the front lines of these battles, often in isolation and without organizational support. In the name of family and community moral standards, the right fights against any mention of homosexuality in schools, whether in books, sex education classes, counseling sessions, or through the presence of openly queer youth and teachers. This enforced silence leaves our schools riddled with homophobia and provides no opportunities for young people to learn truths about queer lives and to have open discussions of their own sexuality.²⁶⁴

259. *Lawrence v. Texas*, 123 S. Ct. 2472 (2003).

260. Human Rights Watch. (2002, September). *Ignorance Only: HIV/AIDS, Human Rights and Federally Funded Abstinence-Only Programs in the United States; Texas: A Case Study*, 14(5G), 35.

261. *Ibid.*

262. *Ibid.*

263. Winerip, M. (2003, February 5). Promoting tolerance, not paying heed. *The New York Times*, p. B9.

264. Pharr, 1997.



Although some state “no promo homo” laws are written to specifically cover sexuality and health education, others use such sweeping language that their scope is unclear, and they have a chilling effect not only on discussions of sexual orientation and gender, but on scholarship in general. As a result of such a law in New Hampshire, teachers decided not to discuss Shakespeare’s *Twelfth Night* because a female character disguises herself as a man. They also declined to show a video about Walt Whitman that mentioned he was gay.²⁶⁵

STAFF DEVELOPMENT AND TRAINING

Staff training is an essential tool for creating a school atmosphere free of anti-LGBT harassment and discrimination. School staffers must be able to assist students who are struggling with their own, or another’s, sexual orientation or gender identity. And they must be able to identify and intervene on behalf of students who are harassed, discriminated against, or facing detrimental health consequences as a result of prejudice.²⁶⁶ In addition to providing the tools to deal with such situations, training gives teachers, administrators, and other staffers the opportunity to work out their feelings related to sexual orientation and gender diversity, and learn how to handle the discomfort of colleagues, students, and parents around such issues.²⁶⁷

Most teachers interviewed for a 2001 Human Rights Watch report said their teacher training programs had not addressed harassment or discrimination based on sexual orientation or gender identity.²⁶⁸ A study of 101 junior and senior high school counselors found that only 8% felt they had a high level of competence in counseling LGBT youth; almost the same percentage indicated they had little or no competence. Eighty-nine percent of the counselors said they would be interested in such training.²⁶⁹ A study by the Massachusetts Safe Schools Project found that 54% of students in schools where the staff had been through training sponsored by that organization reported feeling supported by teachers and counselors, as opposed to only 26% of the students in schools without trained staff.²⁷⁰

The American Civil Liberties Union, the National Center for Lesbian Rights, and the Gay, Lesbian and Straight Educational Network (GLSEN) all offer training workshops for school districts seeking to address and prevent anti-LGBT harassment and violence.²⁷¹ These workshops show teachers and administrators how to create a safe envi-

A study of school counselors found that only 8% felt they had a high level of competence in counseling LGBT youth; almost the same percentage indicated they had little or no competence.

265. Bonauro, M. (2002, September 16). *Background information on “no promo homo” policies*. Retrieved August 29, 2003, from the Gay, Lesbian and Straight Education Network website: <http://www.GLSEN.org/templates/resources/record.html?section=14&record=42>

266. Blumenfeld, W. J. (1994). “Gay/straight” alliances: Transforming pain to pride. *The High School Journal*, 77, 113–121; D’Augelli, 1996; Walling, D. R. (1993). *Gay teens at risk*. Bloomington, IN: Phi Delta Kappa Educational Foundation.

267. Lipkin, 1994.

268. Bochenek and Brown, 2001.

269. Fontaine, 1998.

270. Szalacha, L. (2001, Fall). Safe schools program for gay and lesbian students. *Girls Coalition of Greater Boston Newsletter* [Electronic version]. Available at www.girlscoalition.com/researcherfall01.html; Perrotti & Westheimer. (2001).

271. American Civil Liberties Union. (2002). *Making schools safe* [Electronic version]. New York: Author. Retrieved July 29, 2003, from <http://www.aclu.org/LesbianGayRights/LesbianGayRights.cfm?ID=11187&c=106#FileAttach>; Goldstein, N. (2001). *Zero indifference: A how-to guide to ending name-calling in schools* [Electronic version]. Retrieved October 17, 2003, from the Gay, Lesbian, and Straight Education Network website: http://www.glsen.org/binarydata/GLSEN_ARTICLES/pdf_file/1053.pdf

ronment for LGBT students. The training programs are designed to alert school districts to their responsibility to change any environment hostile to LGBT youth, and to provide the skills and resources needed to promote an environment intolerant of harassment. The ACLU emphasizes that its workshop is not about sex or teaching morality:

...[I]t is about safety, equal access and equal protection. It is about making sure every student feels that they can achieve their best in school in an environment free of hostility. And it is about taking proactive steps to prevent the antigay attitudes that may exist in a school from turning into harassment and escalating into violence.²⁷²

The most common response to anti-LGBT harassment and violence remains no response at all.

Staff development and training workshops can have a significant impact on the experiences of LGBT students. One student described her experience at a new school with more supportive teachers compared to the previous school she attended:

It's wonderful here. My science and English teachers are so nice. If someone says "fag" or "dyke," they stop them. My teachers are really good about stopping homophobic words from being spread. There was one girl who used to give me complete hell. She'd tell me I'm fruity, stuff like that. The teacher took her into the hall and talked to her. My teachers are really cool.²⁷³

Unfortunately, most students never receive this kind of support. The most common response to anti-LGBT harassment and violence is no response at all. One student interviewed by Human Rights Watch described the lengths to which he went to document the harassment he experienced, only to be completely ignored by his school principal:

I took a folder, wrote down dates and times every time I was harassed. I took it down to the principal. He said, "Son, you have too much time on your hands to worry about these folks. I have more important things to do than worry about what happened two weeks ago." I told him, "I wanted to give you an idea of what goes on, the day-to-day harassment." He took the folder away from me and threw it in the trash. That was my freshman year, first semester. After that I realized [the school] wasn't going to do anything.²⁷⁴

"If a model was in place to stop violence and take advantage of 'teachable moments,' a lot of kids would embrace it."
—a Georgia teacher

But staff development and training programs about anti-LGBT harassment, in conjunction with nondiscrimination policies that include sexual orientation and gender identity, can effectively address the ignorance, fear, and apathy that prevent effective intervention on behalf of such students. The teachers interviewed by Human Rights Watch emphasized that students would benefit from staff training programs like the one described in the ACLU's *Making Schools Safe*.²⁷⁵ According to one teacher in Georgia, "If a model was in place, something designed to stop violence and take advantage of what teachers always refer to as 'teachable moments,' there's a lot of kids that would embrace it."²⁷⁶

272. Goldstein, 2001.

273. Bochenek & Brown, 2001.

274. Ibid.

275. American Civil Liberties Union, 2002.

276. Ibid.



CURRICULA

Even at schools that recognize the need for the protection of LGBT students and teachers, there has been little progress in making positive changes to curricula.²⁷⁷ Having an anti-harassment or nondiscrimination policy in the classroom is a first step toward reducing the negative environment caused by anti-LGBT language, but educators must do more. They can improve the efficacy of such policies by discussing why using slurs is inappropriate, how they are damaging to people, and how they perpetuate homophobia.

In many schools, the only time LGBT issues are discussed is in health classes, where gay men are invariably linked to sexually transmitted diseases such as AIDS. Teachers should be encouraged to include discussions about gay men and lesbians in other classes as well. Such curricular expansion might include a discussion of the Mattachine Society, the Daughters of Bilitis, and the Stonewall riots in the context of social change movements in recent U.S. history, or the inclusion of a novel by a gay author like James Baldwin in a class on American literature.²⁷⁸ Information on same-sex-couple families should be included in family-life planning curricula, and school libraries should include books on the history of the LGBT rights movement.²⁷⁹ The National Education Association, among other groups, supports the inclusion of LGBT issues in curricula.²⁸⁰

In GLSEN's 2001 National Survey of LGBT Youth, only 25% of respondents reported that LGBT issues were taught in some of their classes; but of those, nearly 80% said that the representation of LGBT topics was positive. (The inclusion of LGBT issues most often occurred in history or social studies, English, and health classes.) But less than one-third reported having inclusive textbooks, and only about one-third said they had LGBT resources in their libraries or Internet access to LGBT community websites. There were also significant differences in availability and access to these resources between youth in rural communities and those in suburban or urban communities:

- Only 5% of rural students reported that LGBT issues were taught in class, compared with 24% of urban students and 29% of suburban students
- Less than 10% of rural students reported that LGBT issues were represented in their textbooks, compared with over 21% of urban students and 23% of suburban students
- Forty-nine percent of rural students reported that LGBT resources were available in their school libraries, compared with 55% of urban students and 64% of suburban students
- Forty-five percent of rural students had access to LGBT resources via Internet connections at school, compared to 63% of urban students and 59% of suburban students²⁸¹

In many schools, the only time LGBT issues are discussed is in health classes, where gay men are invariably linked to sexually transmitted diseases such as AIDS.

277. Ginsberg, 1999.

278. For more information on other organizations that participated in the gay rights movement prior to the Stonewall riots of 1969, see Marcus, E. (1992). *Making history: The struggle for gay and lesbian equal rights 1945–1990*. New York: Harper Collins; and D'Emilio, J. (1983). *Sexual politics, sexual communities: The making of a homosexual minority in the United States, 1940–1970*. Chicago: University of Chicago Press.

279. Proctor & Groze, 1994; Rubin, 1995.

280. National Education Association. (2002). *Report of the NEA task force on sexual orientation*. Retrieved August 21, 2003, from <http://www.nea.org/nr/02taskforce.html>

281. Kosciw & Cullen, 2001.

Multicultural education with curricular integration of LGBT issues reduces the alienation felt by LGBT students who do not see themselves reflected in school materials. It also makes all students more aware of a greater diversity of human experience. And the development of LGBT students is enhanced through their exposure to their diverse and rich cultural history; even heterosexual students exposed to LGBT-inclusive education may come to better understand themselves and their own sexuality.²⁸² Unfortunately, there is an overall lack of support for the inclusion of LGBT-related materials in school curricula. In 1993, Massachusetts Governor William Weld and his education department rejected two key recommendations of the Governor's Commission on Gay and Lesbian Youth: that schools purchase library books that positively portray gay men and lesbians, and that curricula incorporate gay issues wherever appropriate. This rejection came a year before Weld's re-election, and at the height of the Children of the Rainbow curriculum controversy in New York, during which the proposed adoption of a multicultural curriculum that included two minor references to gay people and gay families was defeated amid charges that it "promoted" homosexuality. Seven years later, however, Massachusetts amended the state's Equal Educational Opportunity regulations regarding curricula and sexual orientation:

Information on same-sex-couple families should be included in family-life planning curricula, and school libraries should include books on the history of the LGBT rights movement.

1. All public school systems shall, through their curricula, encourage respect for the human and civil rights of all individuals regardless of race, color, sex, religion, national origin or sexual orientation.
2. Teachers shall review all instructional and educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, religion, national origin or sexual orientation. Appropriate activities, discussions and/or supplementary materials shall be used to provide balance and context for any such stereotypes depicted in such materials.²⁸³

SAFE SCHOOLS PROGRAMS

Massachusetts launched the country's first safe schools initiative nearly a decade ago, after the Governor's Commission on Gay and Lesbian Youth documented the hostile school climate pervasive in most of the state's schools and its negative impact on gay and lesbian students, the children of gay parents, and other students who were perceived as somehow different. The Safe Schools Program sought to fulfill four recommendations the Massachusetts Board of Education made in 1993:

- Develop policies that protect gay and lesbian students from harassment, violence, and discrimination
- Offer school personnel training in violence prevention and suicide prevention
- Offer school-based support groups for gay, lesbian, and heterosexual students
- Provide school-based counseling for family members of gay and lesbian students²⁸⁴

282. Lipkin, 1994.

283. MASS. REGS. CODE tit. § 26.00 (2003) (Access to Equal Educational Opportunity Regulation). Available at <http://www.doe.mass.edu/lawsregs/603cmr26.html>

284. Perrotti & Westheimer, 2001.



The Massachusetts legislature appropriated funds to support the Safe Schools Program through the Departments of Education and Public Health. Within a few years more than 140 schools across the Commonwealth had gay-straight alliances, and many teachers and counselors were trained in how to deal with antigay harassment and violence. The program showed results very quickly. One study found that in schools with GSAs (in-school support groups for LGBT, questioning, and straight students), 35% of students said gay, lesbian, and bisexual students could safely choose to be open about their sexuality. In schools without GSAs, only 12% said students could openly identify as lesbian, gay, or bisexual safely. It also discovered that in schools where the faculty had undergone training on gay issues, 54% of students said that gay students felt supported by teachers and counselors. In schools that had not undergone faculty training, only 26% of students said gay students felt supported.²⁸⁵

The Massachusetts Safe Schools Program was a national model until 2002, when Governor Jane Swift vetoed funding for the program—the only one fully funded by state money. In other states and municipalities with safe schools programs, private funding is the primary source of support. These initiatives cannot succeed without the dogged determination of community-based supporters. Even in Massachusetts, many urban and rural communities did not have GSAs and hadn't conducted promised teacher trainings until recently. Most safe schools activity occurred in white, suburban, middle- and upper-class communities. In the past few years, however, the number of GSAs in Boston schools increased from one to 15, and more safe schools work was done in other cities with large communities of color. In California, GSAs exist across the state, in urban, rural, and suburban school districts. Minneapolis, St. Paul, and Chicago also have many GSAs in their public schools, which are predominantly comprised of students of color. But as of 2001, GSAs were still less likely to exist in rural school districts.²⁸⁶

Prior to the founding of Project 10, a school-based support program for lesbian, gay, and bisexual (LGB) students in the Los Angeles public schools, informal discussions with LGB students revealed that they felt they were without any traditional support systems, sympathetic adults to talk to, or peers like themselves with whom to socialize. In 1985, after Project 10 had been in place for a full school year at Los Angeles' Fairfax High School, a study of the general student population was conducted. Of the 342 (out of 500) surveys that were returned, 56% of the respondents said they knew a lesbian, gay, or bisexual person, and felt that there should be outreach to such students on every campus. Fifty-one percent felt that the effect of Project 10 on Fairfax High School had been positive. Only 11% felt the effect had been negative and that it had given the school a bad name; 38% were unsure as to the effect. Seventy-nine percent of students surveyed felt that "the greatest benefit of Project 10 was that it provided all students with a place to get accurate information" on LGB-related issues.²⁸⁷ Portions of the Project 10 model have since been replicated in schools across the country.

285. Szalacha, L. (2001). *The sexual diversity climate of Massachusetts' secondary schools and the success of the Safe Schools Program for gay and lesbian students*. Unpublished doctoral dissertation, Harvard University. Cited in Perrotti, J., & Westheimer, K. (2001). *When the drama club is not enough: Lessons from the safe schools program for gay and lesbian students*. Boston: Beacon Press.

286. Kosciw & Cullen, 2001.

287. Uribe, V., & Harbeck, K. (1992). Addressing the needs of lesbian, gay, and bisexual youth: The origins of Project 10 and school-based intervention. In K. Harbeck (Ed.), *Coming out of the classroom closet*. New York: Haworth Press.

GAY-STRAIGHT ALLIANCES

As of 2003, there are almost 2,000 gay-straight alliances in U.S. public schools.²⁸⁸ GSAs are in-school, extracurricular groups that support LGBT students, those questioning their sexual orientation or gender identity, and their straight friends and allies. They are an important part of an overall strategy to ensure that schools provide education in a safe and welcoming environment.²⁸⁹ GSAs, which are always student-initiated, bring together students and school staff to end anti-LGBT bias and homophobia or transphobia in their schools.²⁹⁰ They are the most visible and widely adopted component of safe schools programs.²⁹¹

As of 2003, there are almost 2,000 gay-straight alliances in U.S. public schools.

GSAs are often the only school-based place where LGBT youth can safely discuss problems associated with their sexual orientation or gender identity, and they foster communication with others who understand what they are going through.²⁹² Students are thus able to make friends without hiding their sexual orientation or gender identity, helping them develop social skills and self-esteem.²⁹³ GSAs also increase interest in learning about cultural and social issues related to sexual orientation or gender identity among LGBT students and their allies.²⁹⁴

Liz Welsh, a Connecticut teacher and GSA co-advisor, told *Education World* magazine:

I have seen changes in students who come to the GSA. Kids with support move away from risk behaviors and experience school success. You can't pretend these kids don't exist. Even kids who won't step foot in the room benefit. At least they know there is a safe place; someone is acknowledging them and the issues they face.²⁹⁵

A study involving seven students from the GSA at East High School in Salt Lake City found that it had a positive impact on their academic performance and enhanced their sense of belonging to the school community. The students' sense of physical safety improved as well. Several students reported that they attended school more often following their involvement with the GSA, and that they worked harder when they were there. They also improved their relationships with their families and at school, developed a higher comfort level with their own sexual orientation, learned strategies for dealing with others' presumptions about their sexuality, and felt better about their ability to contribute to society.²⁹⁶

A study of the Massachusetts Safe Schools Program found that the presence of GSAs made a positive difference. In those schools with a GSA, 52% of the students indicat-

288. The Gay, Lesbian and Straight Educational Network offers a state-by-state list of GSAs on its website: <http://www.glsen.org/templates/student/index.html?section=49>

289. Blumenfeld, 1994.

290. Gay, Lesbian and Straight Education Network. (n.d.). *About gay-straight alliances (GSAs)*. Retrieved August 20, 2003, from <http://GLSEN.org/templates/student/record.html?section=48&record=145>

291. Griffin & Ouellett, 2002.

292. Ginsberg, 1999.

293. Radkowsky, M. & Siegel, L. J. (1997). The gay adolescent: Stressors, adaptations, and psychosocial interventions. *Clinical Psychology Review*, 17(2), 191–216.

294. Griffin & Ouellett, 2002.

295. Bulion, L. (2000, December 19). *Gay-straight alliances: Ground zero for school tolerance*. Retrieved July 15, 2003, from Education World website: http://www.education-world.com/a_issues/issues149.shtml

296. Lee, 2002.



ed that there were members of the faculty, staff, or administration who supported LGBT students, in contrast to only 37% of students in schools without a GSA. Students in schools with a GSA were also more comfortable referring a friend with questions about sexual orientation to a counselor. And staff in schools with a GSA were more comfortable assisting students with questions about sexual orientation.²⁹⁷

A forthcoming study of GSAs in 22 schools describes four key roles that they can play in the school environment:

1. **Counseling and support:** Two of the GSAs in the study served as places where students could meet as a group or individually with the GSA advisor. These GSAs focused on assisting students with issues about sexual orientation or gender identity issues.
2. **Creating a “safe” space:** Six of the GSAs became highly visible throughout the school through announcements over the school’s public address system and posters advertising their meetings. Their goal was to provide a place where students could socialize and talk about common interests and experiences. Typical activities included watching movies, eating pizza, listening to an invited speaker, and discussing school safety issues. (Students of color or students who were not openly gay were underrepresented in these GSAs. The authors of the study consequently used the word *safe* in quotation marks to underscore that not all students felt safe and included there.)
3. **Raising awareness, educating, and increasing visibility:** Nine of the GSAs had regularly scheduled meetings that included both social and educational or political activities. These groups were not only visible through announcements and posters, but also played a lead role in calling attention to safety issues affecting LGBT students. These GSAs initiated LGBT-supportive school programming and lobbied for staff training; students planned schoolwide assemblies that addressed LGBT issues, and visited classrooms to talk to their peers.
4. **Becoming part of broader efforts:** Five of the GSAs partnered with other schools, community members, or groups addressing LGBT issues. School-based safe schools task forces comprised of staff members, parents, and students took on a primary role, and sponsored community-wide and school-based projects, like administering school climate surveys to students. In partnership with the GSAs, these organizations also developed mandatory staff development programs on LGBT issues, and facilitated the inclusion of LGBT curricula in the classroom. The staff in these schools also created intervention strategies for ending anti-LGBT harassment, and fought for the inclusion of domestic partnership benefits for LGBT staff.²⁹⁸

“Kids with support [from a GSA] move away from risk behaviors and experience school success. You can’t pretend these kids don’t exist. Even kids who won’t step foot in the room benefit. At least they know someone is acknowledging them and the issues they face.”
—Liz Welsh, teacher

297. Szalacha, 2001 Fall.

298. Griffin, P., Lee, C., Waugh, J., & Beyer, C. (in press). Describing roles that gay-straight alliances play in schools: From individual support to school change. *Journal of Gay and Lesbian Issues in Education*, 1(3).

GSA in Utah Fights for its Right to Meet At School: A Profile of Kelli Peterson

A struggling student and out lesbian, Kelli Peterson had been beaten up on occasion. She also battled depression, isolation, and thoughts of suicide. “I hated high school,” she recalls. “I didn’t

feel like I had anything there.”²⁹⁹

In the autumn of 1995, her senior year at Salt Lake City’s East High School, Kelli began talking with a friend about the difficulties LGBT students faced. “Wouldn’t it be great,” they thought as they compared stories, “to have a place where we could meet regularly and talk about stuff...a place where we could feel safe and just be ourselves?”³⁰⁰ Kelli

found inspiration for action in Candace

Gingrich, the openly gay sister of former House Speaker and conservative Newt Gingrich. After attending a November 1995 speech by Ms. Gingrich, Kelli and 25 other students formed the East High Gay-Straight Alliance. In February 1996, the school board banned all extracurricular clubs rather than allow it to meet.³⁰¹

Although the gay-straight alliance’s

mission was initially approved, resistance arose once some religious conservatives got involved, and on February 20 the school board voted 4 to 3 to discontinue all clubs rather than permit the existence of the GSA.³⁰² On February 23, 1996, students of both East and West High Schools walked out of school in protest, marched to the Utah State Capitol Building, and held a rally.

While protests against the ban continued, the school board began a reclassification project, which allowed selected clubs defined as “curricular” to continue their meetings. In a special session, the state legislature passed a law that allowed schools to deny a free meeting space to any group that they believed encouraged criminal conduct, promoted bigotry, or involved human sexuality. As a result, the school board began charging the GSA rent for its meeting space at the school. In addition, the school denied it official standing, and it was not allowed to announce meetings or post notices of its activities, nor was it represented in the high school yearbook, as other clubs were.

Two years after Kelli and her friends inadvertently caused a statewide controversy simply because they wanted a safe space for LGBT students to meet, three civil rights groups joined forces to file a lawsuit against the school board.³⁰³ In 1999, the Utah District Court ruled that the school board had violated the Equal Access Act by banning some extracur-



KELLI PETERSON

299. Shahum, L. (1996, July/August). MoJo’s July Hellraiser, *Mother Jones*. Retrieved September 29, 2003, from http://www.motherjones.com/mother_jones/JA96/shahum.html

300. Human Rights Resource Center. (2000). *Lesbian, gay, bisexual, and transgender rights: A human rights perspective, Activity 3*. Retrieved October 21, 2003, from <http://www1.umn.edu/humanrts/edumat/hreduseries/TB3/act3/act3f.htm>

301. Shahum, 1996.

302. Bennett-Haigney, L. (1996, May). Young activists fight intolerance in Utah. *National NOW Times*. Retrieved September 30, 2003, from <http://www.now.org/nnt/05-96/kelliut.html>

303. The American Civil Liberties Unions of North Carolina and Utah, Lambda Legal Defense and Education Fund, and the National Center for Lesbian Rights. The law firm of Heller Ehrman White & McAuliffe was also involved.



ricular clubs, while allowing others to meet.”³⁰⁴

Despite a senior year filled with hate mail, scorn from her relatives, and a death threat, Kelli finished high school on a high note. Her grades, and her relationship with her friends, improved. Kelli graduated with no regrets, believing that, “People should not always take

the middle ground, because you definitely need to take sides on issues.”³⁰⁵

Standing up for the right of LGBT students to meet on school grounds ultimately led to positive changes in Kelli’s personal life. For Kelli, a life of depression, isolation, and thoughts of suicide turned into a life full of friendship and support.

TEACHERS, ADMINISTRATORS, AND STAFF

In a 1991 study of 289 school counselors, one in five reported that counseling adolescent lesbian or gay students was or would be gratifying. An almost equal number reported just the opposite. Seventy-one percent reported having counseled at least one lesbian or gay student, although only 25% believed they were competent to do so.³⁰⁶ In a 1993 study of 120 gay and lesbian adolescents, the same researchers also found that only one-quarter of students felt able to talk with their school counselors about their sexual orientation; none of the respondents identified school personnel as being a major source of support.³⁰⁷ Given the low level of interest and competence reported by counselors in the earlier study, such an outcome was predictable.

Many teachers and other school staff members hesitate to discuss sexual orientation or LGBT issues in general. For heterosexual teachers, the reason may be a lack of knowledge or understanding, or moral or religious objections. For LGBT teachers, such reticence may stem from fears of eliciting parental complaints or jeopardizing their jobs.³⁰⁸ One teacher from rural Georgia, recalling what happened after she came out to her principal, said he told her that “if the parents found out, he didn’t need that kind of shit in his life, and he’d hang me out to dry.”³⁰⁹ Human Rights Watch reported that these kinds of fears were expressed most often in states and school districts that do not have nondiscrimination policies.

A study of 15 lesbian and gay educators found that their apprehensions about disclosing their sexual orientation centered on harassment and discrimination, job loss, and accusations of child molestation or “recruiting” students into the “gay lifestyle.”³¹⁰ Many gay and lesbians teachers have grown wary of charges of pedophilia. Anti-LGBT activists

A 2000 report titled *Homosexuals Recruit Children* claims that “homosexual militants” have a “campaign to legalize sex with children,” and are “pushing for aggressive recruitment programs in public schools.”

304. E. High Gay/Straight Alliance v. Bd. of Educ., No. CIV. 2:98-CV-193J, 1999 WL 1390255 (D. Utah Nov. 30, 1999).

305. Shahum, 1996.

306. Price, J. H., & Telljohan, S. K. (1991). School counselors’ perceptions of adolescent homosexuals. *Journal of School Health*, 61(10), 433–8.

307. Telljohann & Price, 1993.

308. Harris, M. B. (1997). *School experiences of gay and lesbian youth: The invisible minority*. New York: Harrington Park Press.

309. Ibid.

310. Griffin, P. (1992). *From hiding out to coming out: Empowering lesbian and gay educators*. In K. Harbeck (Ed.), *Coming out of the classroom closet*. New York: Haworth Press.

and right-wing politicians regularly conflate homosexuality with pedophilia, and claim that gay men are more likely to molest children than heterosexual men, a claim regularly repudiated by social science research (see below). A 2000 report titled *Homosexuals Recruit Children*, published by the Traditional Values Coalition, even claims that “homosexual militants” have an ongoing “campaign to legalize sex with children,” and are “pushing for aggressive recruitment programs in public schools.” The report concludes, “Since homosexual couples can’t reproduce, they will simply go after *your* children for seduction and conversion to homosexuality.”³¹¹ Such hate-filled lies are all too typical of organizations on the far right.

SOCIAL SCIENCE RESEARCH ON CHILD SEXUAL ABUSE

Any notion of a link between pedophilia and homosexuality has been definitively refuted by peer-reviewed social science research. A 1998 study in the *Journal of the American Medical Association* noted that 90% of pedophiles are men and that 95% of these individuals are heterosexual.³¹² One researcher explained this statistic by noting, “Gay men desire consensual sexual relations with other adult men. Pedophiles are usually adult men who are sexually attracted to pre-pubescent children. They are rarely sexually attracted to other adults.”³¹³ In fact, gay men and lesbians are *less* likely than heterosexuals to sexually abuse children. Two studies that examined the sexual orientation of convicted child molesters found that less than 1% in one study and 0% in the other were lesbian or gay.³¹⁴

About four in five cases of child sexual abuse reported to child protection authorities involve a girl who is abused. But because the sexual abuse of boys is less likely to be reported, it is estimated that one-quarter to one-third of all sexually abused children are boys, while two-thirds to three-quarters are girls.³¹⁵ Because 90% of child molesters are men, some have argued that “homosexual child abuse” is widespread and that homosexuals abuse children at a rate higher than their proportion of the population.³¹⁶ Such claims are based on the false belief that men who sexually abuse boys are homosexual. In fact, the overwhelming majority of men who sexually abuse children live their lives as heterosexual men. One psychologist reviewed the existing social science literature on the relationship between sexuality and child sexual abuse and found that “a gay man is no more likely than a straight man to perpetrate sexual activity with children.”³¹⁷ Further, “cases of perpetration of sexual behavior with a pre-pubescent child by an adult lesbian are virtually nonexistent.”³¹⁸

A review of 352 medical records of children evaluated for sexual abuse during a 12-month period at a Denver children’s hospital found that less than 1% had been

311. Sheldon, 2000.

312. Holmes, W. C., & Slap, G. B. (1998). Sexual abuse of boys: Definitions, prevalence, correlates, sequelae and management. *Journal of the American Medical Association*, 280(21), 1855–1862.

313. Stevenson, M. R. (2000). Public policy, homosexuality and the sexual coercion of children. *Journal of Psychology & Human Sexuality*, 12(4), 8.

314. Groth, A. N., & Birnbaum, H. J. (1978). Adult sexual orientation and attraction to underage persons. *Archives of Sexual Behavior*, 7(3), 175–181; Jenny, C., & Roesler, T. A. (1994). Are children at risk for sexual abuse by homosexuals? *Pediatrics*, 94(1), 44.

315. Finkelhor, D. (1994). The future of children: Sexual abuse of children. *Journal of Psychology & Human Sexuality*, 4(2), 46–47; Stevenson, 2000.

316. Finkelhor, 1994.

317. Stevenson, 2000.

318. Ibid.



abused by a gay man or a lesbian. Of 269 adult perpetrators of child abuse identified among the 352 cases of abuse, only two were gay or lesbian. The vast majority of the children in the study (82%) “were suspected of being abused by a man or a woman who was, or had been, in a heterosexual relationship with a relative of the child.” And the review concluded that in this sample, “a child’s risk of being molested by his or her relative’s heterosexual partner is over 100 times greater than [the risk of being molested] by someone who might be identifiable as being homosexual, lesbian, or bisexual.”³¹⁹ In an earlier study of convicted male child molesters in Massachusetts, none of the 175 men were found to have an exclusively homosexual adult sexual orientation or to be primarily attracted to other adult men.³²⁰

Despite the evidence to the contrary, LGBT people are often characterized as a threat to youth, and some argue that gay people should not be allowed to teach, parent, or serve as Boy Scout troop leaders. Some conservatives have even suggested that nondiscrimination laws protecting LGBT people and the recognition of their rights will lead to an increase in child molestation. One researcher has noted that due to fear of accusations of pedophilia, LGBT adults are the “only oppressed group that is severed from its relationships with youth. Youth then experience the absence of adult mentoring, support, counseling, or befriending of both queer and non-queer adults.”³²¹ Because LGBT youth usually grow up in heterosexual households, they often lack role models who understand their unique situations, and remain without access to accurate information about their sexuality, their community, and themselves.³²² Researchers found that the majority (77%) of the supportive adults in the lives of the 17 lesbian, gay, and bisexual youth they interviewed were not family members.³²³

In one study of 101 school counselors, only six indicated that there was at least one faculty member at their school who was openly gay or lesbian.

Literature on the emotional development of ethnic minority children has revealed a definitive need for affirmative adult role models from their own racial or ethnic backgrounds. Similarly, research has shown that having an openly gay role model improves health outcomes for gay youth.³²⁴ An exploratory study with 12 self-identified LGBT youth found that they perceived peers and unrelated adults to be more supportive than family members. Peers and adults who were also LGBT provided especially valuable information and support. Unfortunately, the participants reported that their teachers, counselors, coaches, and administrators “strove to uphold the heterosexual model as normative,” in direct conflict with the students’ emerging sexual identity.³²⁵ In one study of 101 school counselors, only six indicated that there was at least one faculty member at their school who was openly gay or lesbian.³²⁶

319. Jenny & Roesler, 1994.

320. Groth & Birnbaum, 1978.

321. Pharr, 1997.

322. Telljohan & Price, 1993; Walling, 1993.

323. Nesmith, A., Burton, D. L., & Cosgrove, T. J. (1999). Gay, lesbian, and bisexual youth and young adults: Social support in their own words. *Journal of Homosexuality*, 37(106).

324. Diaz, R., & Ayala, G. (2001). *Social discrimination and health: The case of Latino gay men and HIV risk*. New York: National Gay and Lesbian Task Force Policy Institute. Available at <http://www.ngltf.org/downloads/DiazEng.pdf>.

325. Munoz-Plaza, Quinn, & Rounds, 2002.

326. Ibid.

Fortunately, some students are able to rely on teachers, counselors or coaches who are LGBT or who are, in some way, perceived to be accepting.³²⁷ According to Human Rights Watch, when LGBT students reported positive school experiences, they attributed them to the presence of supportive teachers.³²⁸ In GLSEN's National School Climate Survey, 60% of respondents reported that they knew of a teacher or staff person supportive of LGBT students at their school. Thirty-five percent of youth who had a supportive teacher or staff person felt as if they belonged at their school, compared with 25% who did not have a supportive teacher or staff person.³²⁹ Students' awareness of which teachers and school staff are unlikely to condemn them comes from a multitude of sources, including rumors, a passing expression of tolerance, a poster or a book in a classroom, and the enforcement of an anti-harassment policy.³³⁰

While the school environment is often hostile toward LGBT students, supportive teachers can help them avoid a broad range of problems often associated with being young and LGBT.³³¹ In their analysis of the National Adolescent Health Study data, one group of researchers found that “feelings about teachers play the largest role in predicting the troubles of both boys and girls with bisexual attractions in school—paying attention, getting homework completed, and getting along with other students.”³³² Data from the 1998–1999 *Nuestras Voces* study of Latino gay and bisexual men show that the presence of an adult gay role model while growing up increased self-esteem, lowered psychological distress, and lessened the likelihood of engaging in high-risk sexual behavior later in life.³³³

The presence of out gay men and lesbians among teachers, administrators and staff has a positive impact on all members of a school community.³³⁴ The insight that students gain from experiences with openly LGBT teachers in the school environment can be significant. A survey of 11 former students in their late 20s and early 30s did not elicit any intense concerns about having had a gay teacher while in middle school. The experience even seems to have left them with a more open-minded perspective on issues related to sexual orientation. Though further research is needed with a larger population, the results of this study suggest that openly LGBT teachers can be important role models for both LGBT and heterosexual students.³³⁵

Reporting on the decision of a Massachusetts teacher to come out to members of his school community, one author writes:

His motivations for taking this action were twofold: first, he did it for the students. “It was an attempt to alleviate some of the fear, shame, loneliness, and despair of kids in high school today that I also felt as a closeted teen,” he told me. And second, he did it for himself and other staff members. “It takes much more energy to be closeted than it does to be out,” he continued. “All of the energy I used in wor-

327. Fontaine, 1998; Ginsberg, 1999.

328. Bochenek & Brown, 2001.

329. Kosciw & Cullen, 2001.

330. Lipkin, A. (1999). Know sexual identity, homosexual adjustment issues before counseling LGBT youth. *The Brown University Child and Adolescent Behavior Letter*, 15(12), 1.

331. Russell, S. T. (2001). LGBTQ youth are at risk in U.S. school environment. *SIECUS Report*, 29(4), 19–22.

332. Russell, Seif, & Truong, 2001.

333. Diaz & Ayala, 2001.

334. Woog, D. (1995). *School's out: The impact of gay and lesbian issues on America's schools*. Boston: Alyson; Kissen, R. (1993). Listening to lesbian and gay teenagers. *Teaching Education*, 5(2), 57–68.

335. Rofes, E. (2000). Young adult reflections on having an openly gay teacher during early adolescence. *Education and Urban Society*, 32(3), 399.



rying that I would say the wrong thing is now freed up for other things. I think I'm a much more effective teacher now on many levels."³³⁶

The response to this teacher's acknowledgement of his sexual orientation was decidedly mixed. While some students and parents expressed concern, there were also messages of support and encouragement from the community. One father wrote, "I...support your courageous statements. You will undoubtedly pay a price for your honesty, yet others would pay a price for your silence, and that price could be fatal."³³⁷

THE HARVEY MILK HIGH SCHOOL

New York City's Harvey Milk High School, named for the slain civil rights leader and native New Yorker, was established to meet "the educational needs of children who are in crisis or at risk of physical violence and/or emotional harm in a traditional education environment, especially lesbian, gay, bisexual and transgender youth."³³⁸ The only school of its kind, it provides a place for LGBT youth to go to high school in a safe and supportive environment. It was established in 1984 as an accredited program of the New York City Department of Education's Career Education Center in partnership with the Hetrick-Martin Institute, a social service agency serving LGBT youth since 1979.³³⁹ Employing the same curricula and teachers, and requiring the same regents exams and graduation standards as any other New York City public high school, it is similar to other specialized public schools, like the Frederick Douglass Academy in Harlem, which serves primarily African American students; the Young Women's Leadership School for Girls in East Harlem; and the Urban Academy Laboratory School, a multicultural, multiracial, 120-student school on Manhattan's East Side.³⁴⁰ Admissions standards are the same as those for other New York City public schools.³⁴¹

The majority of students at Harvey Milk High School belong to racial minorities: nearly three-quarters of the 71 enrollees in 2002–2003 were either African American or Latino. Forty percent reported a family income below \$20,000. Although the school is located in Manhattan's Greenwich Village, 60% of its students come from Brooklyn, the Bronx and Queens. A significant number of its students are either homeless or living in group homes with a guardian because they have been thrown out of their own homes by their parents.³⁴² Ninety-five percent of the students at Harvey Milk High School graduate, and over 60% go on to attend advanced programs or college.³⁴³ Given that

Nearly three-quarters of students at Harvey Milk High School in 2001–2002 were either African American or Latino. Forty percent reported a family income below \$20,000. Ninety-five percent of its students graduate, and over 60% go on to advanced programs or college.

336. Blumenfeld, 1994. When he made the decision to come out in 1993, Peter Atlas was a math teacher at Concord Carlisle Regional High School in Massachusetts.

337. Ibid.

338. Hetrick-Martin Institute. (n.d.) *Q & A's on HMS*. Retrieved August 22, 2003, from <http://www.hmi.org/GeneralInfoAndDonations/QAndAsonHMS/default.aspx>

339. Hetrick-Martin Institute. (n.d.) *About HMI & HMS*. Retrieved August 22, 2003, from <http://www.hmi.org/GeneralInfoAndDonations/AboutHMIAndHMS/default.aspx>

340. Hetrick-Martin Institute. *Q & A's on HMS*.

341. Hetrick-Martin Institute. *About HMI & HMS*.

342. Winerip, M. (2003, August 27). A safe haven finds itself under siege. *The New York Times*, p. B1.

343. Hetrick-Martin Institute. *About HMI & HMS*.

lesbian, gay, and bisexual adolescents drop out of school at a rate three times the national average, such success is extraordinary.³⁴⁴

In June 2002, the Board of Education approved \$3.2 million in funds for the renovation and expansion of the school, and in September 2003, the Harvey Milk High School opened its doors as a full-fledged public high school, no longer operating in collaboration with the Hetrick-Martin Institute. Although the media took no interest in the allocation of those funds, when the mainstream media got hold of the story the month before the school was scheduled to re-open, it came under intense criticism. Although it had been operating for nearly two decades with the support of a succession of mayors, including the sitting Mayor Michael Bloomberg and his predecessor, Rudolph Giuliani (both Republicans), its “creation” became international news, and opinion pages across the country denounced its existence.

Acknowledging the good intentions behind the Harvey Milk High School and supporting its basic aim, *The New York Times* nonetheless could not “condone the concept of establishing a special school specifically for students based on their sexual orientation.”³⁴⁵ *The Wall Street Journal* published a deceitful and especially polarizing editorial accusing the school system of creating an institution for an “education elite” in response to pressure from a “politically influential group.” Ignoring the economic background of much of Harvey Milk High School’s student body, it concluded, “Only in America’s big-city public schools do you get better treatment if you’re gay than if you’re poor.”³⁴⁶

Of the major newspapers in New York City, only the *Daily News* called the concern over the school’s expansion overblown, noting that many of the students at the school had been ostracized by their families or their former schools. The paper wrote, “[A] lot of people reasonably contend it would be better if New York didn’t have dozens of differently themed schools—that students should adjust to their surroundings, as they one day will have to do when they are adults.... But since the goal of education is not just to teach students, but to enable them to learn, policies that help that process along are worth trying.”³⁴⁷ No other newspapers were supportive.

Although Republicans were largely silent on the issue, the chairman of the state’s Conservative Party belittled that school in the press. And Democratic State Senator Ruben Diaz, a politician with a long record of antagonism toward the LGBT community, even sued to block the school’s opening, with the help of attorneys from the Florida-based Liberty Counsel, a group that defends “traditional families, sanctity of life and religious liberty.” Cloaked in the language of civil rights and decrying the school as a “separate but equal” institution, Senator Diaz accused the school of “taking from the poor and giving to the rich,” segregation, and “leaving my Spanish children, my black children behind.”³⁴⁸

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344. Hetrick-Martin Institute. (n.d.) *LGBTQ youth statistics*. Retrieved August 22, 2003, from <http://www.hmi.org/Community/LGBTQYouthStatistics/default.aspx>

345. *The New York Times*. (2003, August 3). The Harvey Milk High School. [Editorial].

346. *The Wall Street Journal*. (2003, August 21). Choice, if you’re gay. [Editorial].

347. *Daily News*. (2003, August 7). School’s gay, that’s okay. [Editorial], p. 26.

348. Osborne, D. (2003, August 15–21). Diaz bashes Milk school. *Gay City News*, p. 1. Available at <http://www.gaycitynews.com/gcn233/diazbashes.html>



Even the LGBT community was ambivalent. Michael Bronski, a prominent journalist, activist, and academic, writing in the *Boston Phoenix*, commented:

[S]egregating these students for their own protection also patronizes them, and that's why [the Harvey Milk School]—as helpful as it may be for a few queer kids at the moment—is not really a solution.... The Harvey Milk School made sense in the 1980s, when the prevailing politics on GLBT youth favored carving out private spaces to protect them. But the gay-rights movement has grown since then, and the politics of privacy has given way to a more forceful politics of public intervention.... At this point the public-school system should mandate a series of measures that will make all schools safe for all students.³⁴⁹

The Harvey Milk High School should be encouraged as an interim solution to the epidemic of violence and harassment against LGBT students in America's public schools.

In fact, a separate school is not the best solution. It is available only to a small percentage of youth who need it: those whose parents have either abandoned them or who will allow them to go. Making sure that *all* schools are safe for LGBT youth is, of course, a better, although longer-term, goal. But that goal for future LGBT youth must not be met by endangering the mental and physical well-being of today's students. Given the dismal statistics on the treatment of these youth in American schools, LGBT-supportive institutions like the Harvey Milk High School should be encouraged as an interim solution to the epidemic of violence and harassment against LGBT students in America's public schools.

Only one other such school has ever existed. Founded in 1997, the Walt Whitman School in Dallas, a private school with a sliding-scale tuition, closed its doors in 2003, having repeatedly failed to win accreditation from the Southern Association of Colleges and Schools.³⁵⁰

Lesbian Youth Takes Control of Her Life With the Help of the Harvey Milk High School: A Profile of Tenaja Jordan

Tenaja Johnson's high school career began well. As a freshman at Staten Island Technical High School, she felt loved by her parents and accepted at school. She knew she was a lesbian, but she wasn't out to anyone. But during her sophomore year, Tenaja started seeing her sexual orientation in a social and political context, and began her coming out process. By her junior year, everyone at school knew that she was gay. She

never felt in physical danger, but she did experience verbal harassment. Female students would say, "At least I'm not a lesbian like *her*," while male students taunted her by calling out, "Come with me, I'll make you straight." Generally speaking, Tenaja felt that students viewed her lesbianism as "disgusting." The other students' reactions to her sexual orientation quickly took a toll on Tenaja's well being; she began to skip

349. Bronski, M. (2003, August 8–14). Rethinking the Harvey Milk School: Not-so-fast times at Queermont High. *Boston Phoenix*. Available at http://www.bostonphoenix.com/boston/news_features/other_stories/documents/03073221.asp

350. 365Gay.com. (2003, August 7). School for gay students to close. Retrieved October 16, 2003, from <http://www.gaypasg.org/Press%20Clippings/August%202003/School%20For%20Gay%20Students%20To%20Close.htm>

school, and her grades started to slip. During the middle of her junior year, she went to a guidance counselor for help.

Unfortunately, the guidance counselor was not equipped to help Tenaja deal with the harassment she was experiencing. At a loss, the counselor called Tenaja's parents, even though Tenaja was afraid to tell them about her lesbianism: her parents

are devout Jehovah's Witnesses, and Tenaja knew they would have a difficult time accepting her sexual orientation. In a

meeting with her parents, Tenaja was backed into a corner by the counselor, who kept pushing her to tell her parents what was bothering her. Feeling that she had no choice, Tenaja came out to her parents. Her mother refused to accept that she was gay, while her father refused to deal with it at all. Her mother believed it resulted from the bad influence of other students, and forbid Tenaja from attending any extracurricular school activities. As Tenaja put it, "All I had was school and home." Neither environment offered her much in the way of support.

The situation went from bad to worse when her Jehovah's Witness congregation excommunicated her. Even so, Tenaja's mother continued to take her to church, where she was forbidden to speak to anyone and others prohibited

from speaking to her. By the end of the school year, Tenaja had made the decision to move out and live on her own. She moved into an independent living program in Brooklyn during the summer, determined to graduate from

Staten Island Tech and prove to her parents that she could make it on her own. However, Tenaja found it difficult to return to her old school life and be constantly reminded that she wasn't accepted.

Worse still, she was identified as a "troubled teen" and an "underprivileged kid" by the city's Department of Youth Services, which was trying to make decisions for her at a time when Tenaja felt it was important to make decisions for herself. She fell into a deep depression, slept a lot, and rarely went to school. When she did go, she was regularly harassed. Fortunately, while searching the Internet for LGBT youth resources, Tenaja discovered the Hetrick-Martin Institute, home of the Harvey Milk High School.

During the middle of her senior year, Tenaja transferred to Harvey Milk High School, and the world became a brighter place. She went from a school where she was one of eight black students and the only lesbian to a school where LGBT youth of color were the majority. From an environment where she was taught, she recalls, that "everything that is white is beautiful and everything that is beautiful is white," she moved to a place that embraces diversity. Tenaja was surprised when other students asked her to identify as aggressive or femme. She responded by declaring herself a "nondenominational lesbian." She made friends with other lesbians for the first time. "It was great," Tenaja explains. "It felt very, very positive to me." She also loved the teachers at the Harvey Milk High School, whom she describes as "really, really nice people" who gave her the freedom to make her own choices and create a plan for her life.

Tenaja is now a freshman at Hunter College, and she plans to go to graduate school. She remains actively involved

During the middle of her senior year, Tenaja transferred to Harvey Milk High School, and the world became a brighter place.

Tenaja was surprised when other students asked her to identify as aggressive or femme. She responded by declaring herself a "nondenominational lesbian."



with the Hetrick-Martin Institute and serves as chairperson of its youth advisory board. She has recently re-established contact with her parents, and hopes that they can all reconcile their differences. In response to the criticism that the publicly funded Harvey Milk High School is a return to segregated schools, Tenaja argues, “Separation of at-risk students is not segregation. It is a temporary solution to a problem. It sta-

bilizes young people so that they can get an education. [In extreme cases,] it saves a life. The Department of Education owes kids a safe space.” The Harvey Milk High School provided support and guidance for Tenaja and enabled her to draw on her own strength and follow her own path. She says she shares her experiences because “if my story helps another queer minority youth, I’m all for that.”

4. Leaving Our Children Behind: The No Child Left Behind Act of 2001

There's no greater challenge than to make sure that every child...not just a few children, every single child, regardless of where they live, how they're raised, the income level of their family, every child receive[s] a first-class education in America.³⁵¹

—President George W. Bush

President George W. Bush signed the No Child Left Behind Act (NCLB Act) in front of a cheering crowd of high school students in Hamilton, Ohio on January 8, 2002.³⁵²

A complex and comprehensive package of policies reauthorizing the Elementary and Secondary Education Act of 1965, the NCLB Act ostensibly codifies the Bush Administration's campaign promise to improve public education for every child in the United States.³⁵³ Bush described the NCLB Act as “the cornerstone” of his administration, and in announcing the policy just three days after his inauguration, he said, “These reforms express my deep belief in our public schools and their mission to build the mind and character of every child, from every background, in every part of America.”³⁵⁴ His solutions focus on creating accountability for student performance through federally mandated standardized testing; allowing parents to choose their children's schools through vouchers and the creation of charter schools; and giving greater control of federally funded education programs to local governments.³⁵⁵ The NCLB Act received bipartisan support in Congress, including that of liberal Senator Edward Kennedy (D-MA). Both houses symbolically assigned the bill the number “1” to illustrate that education policy was its top priority.

The NCLB Act fails to address the needs of all students—especially LGBT students. And some of its provisions are having a negative impact on LGBT youth nationwide.

351. The White House. (2002, January 8). *President signs landmark education bill*. Retrieved October 18, 2003, from <http://www.whitehouse.gov/news/releases/2002/01/20020108-1.html>

352. The No Child Left Behind Act of 2001, 115 U.S.C § 1425 (2002).

353. U.S. Department of Education. (2002). *The No Child Left Behind Act of 2001*. Retrieved July 16, 2003, from <http://www.ed.gov/offices/OESE/esea/NCLBexecsumm.pdf>

354. *Ibid.*

355. The White House, 2002.



Unfortunately, the NCLB Act fails to address the needs of all students—especially lesbian, gay, bisexual, and transgender (LGBT) students. And some of its provisions are having a negative impact on LGBT youth nationwide.

Through its support for private and charter schools, for example, the NCLB Act grants federal dollars to schools and religious organizations, which are often exempt from state or local nondiscrimination or anti-harassment laws aimed at protecting LGBT students. It also mandates Internet filtering for schools that use federal funding to purchase computer-related Internet technology, preventing LGBT youth from accessing educationally appropriate and potentially lifesaving information online. Conservatives in Congress saddled the NCLB Act with the Vitter Amendment and the Boy Scouts of America Equal Access Act, which threaten schools with the loss of all federal funding if they refuse to allow the U.S. military or the Boy Scouts to hold activities on school grounds—even if the anti-gay policies of these organizations violate the school district’s own nondiscrimination policies. The NCLB ACT also gives parents the opportunity to remove their children from antibias programs designed to prevent harassment and victimization associated with prejudice and intolerance, which are funded under its Safe and Drug-Free Schools provision.

The NCLB ACT allows parents to remove their sons and daughters from some antibias programs designed to prevent harassment and victimization associated with intolerance.

The NCLB Act does not preclude schools from using other federal funds (or state and local funds) to combat homophobia in schools. But if a school decides to address the ongoing bullying of an LGBT student by using federal Safe and Drug-Free Schools funding to conduct an assembly designed to address such harassment, it requires the school to notify every parent first. And the parents of the bully could actually excuse their child from attending that assembly.

This chapter analyzes several provisions of the NCLB Act, including its support for school vouchers, single-sex education, and Internet filtering laws, and how they impact LGBT youth in America’s public schools.

VOUCHERS AND SCHOOL CHOICE

...[W]e trust parents to make the right decisions for their children. Any school that doesn’t perform, any school that cannot catch up and do its job, a parent will have these options: a better public school, a tutor, or a charter school.³⁵⁶

—President George W. Bush

Beginning with the 2003–2004 school year, the NCLB Act allowed parents of children attending “schools identified for improvement, corrective action, or restructuring” to send their children to a different public school or charter school within the same school district.³⁵⁷ Low-income students attending schools that have failed to meet state standards for at least three of the four preceding years must be allowed to use federal funds to pay for “supplemental education services from the public- or private-sector provider selected by the students and their parents.”³⁵⁸ The NCLB Act also requires school dis-

356. The White House, 2002.

357. Department of Education, 2002.

358. *Ibid.*

tricts to spend up to 20% of their federal funding to provide school choice and supplemental educational services to eligible students.³⁵⁹ But instead of offering a financial incentive to schools making real efforts to improve educational quality, this policy is essentially punitive: when students go to a charter or private school, federal funding goes with them, and their public schools are forced to try to improve with even less money. In places where conservative religious institutions are the only alternative to public schools, school choice programs provide no choices for parents who desire superior but secular educational alternatives for their children.

School vouchers allow public tax dollars to be used to pay for private, religious schooling, which had historically been a losing proposition for social conservatives. But in 2002, a divided U.S. Supreme Court ruled five-to-four that a school voucher program in Cleveland was constitutional because it was “entirely neutral with respect to religion,” and “provide[d] benefits directly to a wide spectrum of individuals, defined only by financial need and residence in a particular school district.”³⁶⁰ Referring to a 1947 case in which the Court had ruled that “[n]o tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion,”³⁶¹ Justice John-Paul Stevens called the decision “profoundly misguided” in his dissent.³⁶²

The Court’s ruling paved the way for the school vouchers provision in the NCLB Act, which allows federal dollars to support private schools—schools that may be exempt from state or local education policies, including those that protect youth from harassment or discrimination based on sexual orientation and gender identity. Many of these private schools are religiously affiliated and have policies and practices that are discriminatory toward LGBT teachers, parents, and youth.³⁶³ Over 80% of the private schools included in Cleveland’s voucher program are affiliated with a specific religion. As a result, \$8 million in public funds were distributed to schools in Cleveland that taught religious doctrine to 3,700 economically disadvantaged children in the 1999–2000 school year.³⁶⁴ Nonetheless, there is at least some anecdotal evidence that religious schools may, in some cases, provide a haven of sorts for LGBT students harassed in public schools. For example, Jamie Nabozny (see Chapter 2) reports that he experienced less harassment and violence in a religious school to which he was temporarily transferred than in public school.

The NCLB Act allows federal dollars to support private schools—schools that may be exempt from state or local policies that protect LGBT youth from harassment or discrimination.

359. Department of Education, 2002.

360. ABCNews.com. (2002, June 28). Supreme Court OKs vouchers that send kids to religious schools. Retrieved August 20, 2003, from http://abcnews.go.com/sections/us/DailyNews/scotus_vouchers020627.html

361. *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1 (1947).

362. *Zelman v. Simmons-Harris*, 234 F.3d 945 (6th Cir. 2000), rev’d by, 536 U.S. 639 (2002).

363. Gay, Lesbian and Straight Education Network. (n.d.). *Parental “choice,” school “choice,” and school vouchers*. Retrieved July 8, 2003, from http://www.GLSEN.org/binary-data/GLSEN_ARTICLES/pdf_file/695.pdf

364. *Zelman v. Simmons-Harris*, 234 F.3d 945 (6th Cir. 2000), rev’d by, 536 U.S. 639 (2002).

365. Center for Education Reform. (2003, March 24). *Charter school highlights and statistics*. Retrieved September 3, 2003, from <http://edreform.com/pubs/chglance.htm>; U.S. Charter Schools. (n.d.). *Overview of charter schools*. Retrieved September 3, 2003, from http://www.uscharterschools.org/pub/uscs_docs/gi/overview.htm



CHARTER SCHOOLS

Beginning with a single school in Minnesota in 1992, the charter school movement has burgeoned into a nationwide phenomenon with over 2,600 schools serving more than 685,000 students in 37 states and the District of Columbia.³⁶⁵ Publicly funded but granted relative autonomy with regard to structure, curriculum, and educational focus, charter schools function more or less independently of the public school system. Proponents argue that a charter school's freedom from the regulations and bureaucracy of a public school system allows for greater innovations that can ultimately better meet students' needs.

The types and quality of charter schools vary dramatically, as do the state laws and regulations that govern them. Arizona, which has more charter schools than any other state, imposes almost no restrictions on them at all. In Rhode Island, charter schools' curricula and teacher certification standards are highly regulated. Some charter schools have been created by groups of parents and teachers seeking an alternative to the neighborhood public school. Others have been established by private, for-profit enterprises. Some are even former public schools that have converted to charter status, seeking greater freedom to provide innovative education.³⁶⁶

School choice is "not just about making opportunities for people to create new, potentially more effective public schools[, but also] represents a dramatic change in the way states offer public education."³⁶⁷ The same can be said about the charter school movement itself. Both have become especially controversial issues that have forged unusual political alliances (between conservative white members of Congress and black urban parents, for example), and caused friction between other longstanding political allies, like the national teachers unions and their local affiliates.³⁶⁸ Some advocate for vouchers and school choice programs because they use tax dollars to provide affordable alternatives to low-income, mostly black and Latino students in urban areas. In some urban school districts, students may indeed get a better education at charter schools than at struggling public school. But many educators and elected officials denounce such programs for draining scarce public funds from financially strained public school systems and for funneling the brightest students to private and parochial schools, all the while meeting the educational needs of a very small number of students.

The National Education Association supports "public charter schools that have the same standards of accountability and access as other public schools,"³⁶⁹ but, as the American Federation of Teachers point out, very few can claim to.³⁷⁰ Charter schools are also problematic because they often pay their teachers far less than public schools (which are often unionized), may be more racially segregated than public schools, and are often unable to meet the needs of students with disabilities.³⁷¹ The jury is still out on whether the quality of the education they provide is better than, or even equal to, public schools.

"Public money should be spent on improving the nation's public schools rather than diverted to private institutions that may not provide equal treatment for all students."
—Gay, Lesbian and Straight Education Network

366. Ibid.

367. Nathan, J. (1999). *Charter schools: Creating hope and opportunity for American education*. San Francisco: Jossey-Bass.

368. Finn, C. E., Manno, B. V., & Vanourek, G. (2000). *Charter Schools in Action: Renewing public education*. Princeton, NJ: Princeton University Press.

369. National Education Association. (n.d.). *Charter schools*. Retrieved October 19, 2003, from <http://www.nea.org/charter/>

370. American Federation of Teachers. (n.d.). *Charter schools*. Retrieved October 19, 2003, from <http://www.aft.org/issues/charterschools.html>

371. Casey, L. (2000). The charter conundrum. *Rethinking Schools Online*, 14(3). Retrieved August 29, 2003, from http://www.rethinkingschools.org/archive/14_03/char143.shtml

The school choice movement is likely to continue to be a presence in the debate on improving public education in the U.S. Ideally, all youth, gay and straight, would be able to receive a first-rate education by attending a public school that is free of any type of violence and harassment. Nonetheless, it would be wrong to ask today's youth to bear the entire burden of creating the public schools of tomorrow by not acknowledging that some of today's public schools are substandard, unsafe, and educationally unsound. For LGBT youth experiencing harassment, progressive charter schools with explicit values of acceptance may provide a much-needed alternative to their public schools. Charter schools might also provide an opportunity to replicate successful LGBT-supportive schools like New York City's Harvey Milk High School. But the decentralized nature of charter school governance leaves them particularly susceptible to homophobic policies. Given the increasing popularity of the charter school movement, it is important to advocate for the inclusion of LGBT-friendly curricula and policies at all such schools.

Administrators of charter or private schools may simply be unwilling to implement safe schools initiatives that promote tolerance, creating hostile environments for LGBT youth and the children of LGBT families. Even in states with nondiscrimination laws protecting LGBT people, such legislation often exempts private or religious institutions.³⁷² Because of these serious limitations, the Gay, Lesbian and Straight Education Network (GLSEN) warns of the negative impact that school voucher and other privatization programs can have on LGBT youth:

Public money should be spent on improving the nation's public schools rather than diverted to private institutions that may not be accountable to local educational policies and may not provide equal access or treatment for all students.³⁷³

SINGLE-SEX EDUCATION

The NCLB Act allows federal education funds to be used for “programs to provide same-gender schools and classrooms” as long as they comply with applicable civil rights laws, including Title IX, which guarantees equal educational opportunities for all students regardless of sex. That may be easier said than done. In 1996, the Supreme Court declared that single-sex programs must have “an exceedingly persuasive justification” in order to be constitutional under the Equal Protection Clause of the 14th Amendment.³⁷⁵ Though it ruled out programs that “perpetuate the legal, social, and economic inferiority of women,” the Court decided that single-sex education would be permissible if it were used to “compensate women for particular economic disabilities they have suffered...to promote equal employment opportunity...[and] to advance full development of the talent and capacities of our nation's people.”³⁷⁶ Despite these specific directions from the Court, on May 8, 2002 the U.S. Department of Education issued a report supporting the amendment of Title IX “to

372. Ibid.

373. Ibid.

374. Simpson, M. D. (2002, May 30). *Review of selected provisions of the Elementary & Secondary Act (ESEA)*. National Education Association. Paper presented at the annual meeting of the National Organization of Lawyers for Educational Associations, Anchorage, AK.

375. American Association of University Women. (2003, January). *Single-sex education*. Retrieved August 8, 2003, from <http://www.aauw.org/takeaction/policyissues/pdfs/SingleSexEducation.pdf>; *United States v. Virginia*, 518 U.S. 515 (1996).

376. Ibid.



provide more flexibility to educators to establish single-sex classes and schools at the elementary and secondary levels.”³⁷⁷

Civil rights groups opposed to single-sex education cite *Brown v. Board of Education*, the historic 1954 U.S. Supreme Court ruling that declared a separate public education system for black children to be inherently unequal. “Separate but equal” single-sex education could potentially result not only in inequities, but also in the reinforcement of harmful gender-role stereotypes.³⁷⁸ Opponents of single-sex education argue that at best, it is a cheap solution to educational problems in urban schools that would be better addressed by improving the quality of education for all students.

Proponents of single-sex education argue that it is merely a response to what they view as the failure of schools to increase academic achievement “even after allocating significant dollars,” particularly for urban schools.³⁷⁹ They also claim that there is no comparison between today’s single-sex schools and the segregated schools of the past because today’s parents and children are actively choosing a separate education. According to one author:

We have scores of books and articles on how disadvantaged boys just don’t identify with academic achievement. They gain their self-esteem from sports...even disadvantaged girls too often seek validation in early motherhood.... Equal doesn’t necessarily mean the same kinds of services have to be provided. Sometimes to achieve equal educational opportunity, we have to provide different kinds of opportunity to students.³⁸⁰

Similar arguments, focusing on students’ safety and well-being, have been made about the need for the Harvey Milk High School.

Organizations like the ACLU and the American Association of University Women (AAUW) strongly disagree, and have even disputed the ability of single-sex schools to meet the needs of female students. According to Maggie Ford, president of the AAUW Educational Foundation, “[S]eparating by sex is not the solution to gender inequity in education.... When elements of good education are present, girls and boys succeed.”³⁸¹ These elements include small classes, a rigorous curriculum, high standards, discipline, good teachers, and attention to eliminating gender bias.³⁸² Strategies that help to achieve an equitable learning environment for all students regardless of gender include staff development for all teachers focusing on gender equity, recruitment of female and minority administrators who can act as role models, adoption and dissemination of school nondiscrimination policies, sexual harassment prevention programs, and equal opportunities for female students in athletic programs.³⁸³

Brown v. Board of Education overturned a government-enforced policy of racial segre-

Do single-sex schools free their students from gender role stereotypes, or reinforce them?

377. Ibid.

378. Gandy, K. (2002, May 10). Segregation won’t help. *USA Today*. Available at <http://www.now.org/press/inTheNews/20020510.html>

379. Teicher, S. A. (2003, July 1). The case for single-sex schools. *The Christian Science Monitor*. Available at <http://www.csmonitor.com/2003/0701/p15s01-lepr.htm>

380. Ibid.

381. American Association of University Women Educational Foundation. (n.d.). *Report finds separating by sex not the solution to gender inequality in school*. Retrieved October 19, 2003, from http://www.aauw.org/about/newsroom/press_releases/sspr.cfm

382. American Association of University Women, 2003.

383. Ibid.

gation that sanctioned an inherently inferior education system for blacks that was indeed separate, but unequal to the education offered to white students. Today's generation of single-sex schools, the Harvey Milk High School, and schools for students with disabilities were created, in part, to respond to the failure of mainstream public schools to serve certain populations of students, not out of a desire to exclude them. Dealing with the gender inequality that girls experience in coeducational institutions is obviously the best long-term goal. But while the necessity for such schools might not exist in a perfect world, it is hard to argue with parents who want the best for their children today, and cannot find it in the public school system as it exists; or with youth who merely want to go to school without being harassed, threatened, and assaulted.

Do single-sex schools free their students from gender-role stereotypes, or reinforce them? Proponents of single-sex education believe the latter, and cite complex reasons rooted in both sociology and biology. According to the National Association for Single Sex Public Education, "At every age, girls in girls-only classroom[s] are more likely to explore 'non-traditional' subjects such as computer science, math, physics, woodworking, etc." But are single-sex institutions better? In 1998, the AAUW released a comprehensive report that analyzed existing research on single-sex education. Studies that examined the effect of single-sex education on girls did find higher indicators of self-esteem in single-sex schools than in coeducation institutions, a difference attributed to a learning environment in which girls were less critical of their own behavior. However, a 10-year study of student attitudes and achievements in one all-boys and one all-girls high school in Australia reported conflicting results. After each school made the transition from single-sex to coeducational, indicators of both girls' and boys' self-esteem dropped slightly, but after five years actually increased to a higher level than when students were in single-sex classrooms. Research on academic achievement differences is also contradictory, with no clear evidence that single-sex education is any better than coeducation.³⁸⁴

Since many of the LGBT youth who are harassed are gender non-conforming, would single-sex school environments be better for them? Or would they fare better in coeducational environments because they may be more likely to have friendship networks that include members of the opposite sex? No one knows for sure. Very little has been written about the impact of single-sex education programs on gender and sexuality development, or on anti-LGBT harassment and violence. Despite the need for more research, there is preliminary evidence and a historical context that indicates single-sex schools could have a significantly negative impact on both gender equality and the gender development of all students, particularly those that are transgender and gender nonconforming. According to one education expert, "The underlying message of these schools is that girls are less capable, and that the only way to control boys' behavior is to separate them from girls."³⁸⁵ A 2001 report on California's pilot program for single-gender schooling expressed similar concerns:

Our interviews and observations of the single-gender academies often revealed definitions of gender that were either limited, as was the case with masculinity, or unrealistic, as was heard in messages about femininity. Gender was constructed as

Would a transgender student who was born male but identifies as female be welcome at an all-female school? Would gender-nonconforming boys be further stigmatized in a boys-only school?

384. Ibid.

385. Bailey, S. M. (1996). Shortchanging girls and boys. *Educational Leadership*, 53(8), 76.



a dichotomous entity within the single gender academies, promoting a paradigm of girls as good, boys as bad.³⁸⁶

Such environments raise other questions as well. Would a transgender student who was born male but identifies as female be welcome at an all-female school? Would gender-nonconforming boys be further stigmatized in a boys-only elementary school? Further research into the potential impact of single-sex education is needed to specifically assess how these schools would impact LGBT youth.

STANDARDIZED TESTING AND MULTICULTURAL EDUCATION

[The] first principle is accountability...in return for federal dollars, we are asking states to design accountability systems to show parents and teachers whether or not children can read and write and add and subtract in grades three through eight... I understand taking tests aren't [sic] fun. Too bad.³⁸⁷

—President George W. Bush

The NCLB Act requires school districts to administer annual exams in reading and math to students in the third through eighth grades. Data from those exams become part of annual report cards on school performance, which give parents information about the quality of their children's schools. Statewide reports also include performance data specific to the race and gender of students "to demonstrate progress in closing the achievement gap between disadvantaged students and other groups of students" largely along economic, racial, and ethnic lines.³⁸⁸ Some educators argue, however, that relying almost exclusively on standardized testing to measure school performance undermines efforts to close that gap.³⁸⁹ Though the effort to measure whether students around the country are proficient in the same basic skills is an important part of insuring access to an equal education, Bush's policy is exclusively punitive: it takes money away from failing school districts without offering any rewards for success. Nor does the NCLB Act proffer any increase in funding for programs that attempt to address the causes of the achievement gap itself, such as school construction and remodeling programs that would make facilities in poorer, urban districts just as safe and modern as those in wealthier, suburban locales.

Bush's policy is exclusively punitive: it takes money away from failing school districts without offering any rewards for success.

Innovative studies in improving education policy and bridging the achievement gap have focused on multicultural education, which centers on curricula that validate and explore the diverse experiences of students, including LGBT students.

Multicultural education is a philosophical concept built on the ideals of freedom, justice, equality, equity, and human dignity.... It recognizes the role schools can

386. Datnow, A., Hubbard, L., & Woody, E. (2001). *Is single gender schooling viable in the public sector?* University of Toronto. Available at <http://www.oise.utoronto.ca/depts/tps/adatnow/final.pdf>

387. The White House, 2002.

388. U.S. Department of Education. (2002). *Fact sheet: No Child Left Behind Act*. Retrieved July 11, 2003, from <http://www.ed.gov/offices/OESE/esea/factsheet.html>

389. Fleming, J. (2000). Affirmative action and standardized test scores. *The Journal of Negro Education*, 69(1-2), 27-37; *Sex and race differences on standardized tests: Oversight hearings before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, House of Representatives*, 100th Cong. (ERIC Document Reproduction Service No. ED312276).

play in developing the attitudes and values necessary for a democratic society. It values cultural differences and affirms the pluralism that students, their communities, and teachers reflect. It challenges all forms of discrimination in schools and society...[and] helps students develop a positive self-concept by providing knowledge about the histories, cultures, and contributions of diverse groups.³⁹⁰

The highly prescriptive curricula required to meet objectives determined solely by standardized testing are incompatible with the goals of multicultural education, as well as the policy changes required to close the achievement gap. According to one researcher, textbooks designed to help students achieve high scores on standardized tests give students “predigested knowledge presented as indisputable fact...written to be as non-controversial as possible...and are still based largely around the worldview and sensibilities of the white middle and professional class.”³⁹¹ Another researcher adds:

Texts still completely ignore the idea that social classes exist in this country.... Americans all appear to be happy, middle-class, well-treated members of society enjoying equal access to success. One wonders how those images fit with the experiences of many of the children who read those texts.... When someone with the authority of a teacher, say, describes the world and you are not in it, there is a moment of psychic disequilibrium, as if you looked into a mirror and saw nothing.³⁹²

This is particularly salient for LGBT students. The inclusion of test questions on LGBT literature, history, and the arts would be essential to insuring that LGBT issues are covered in curricula. However, the school environment in many school districts is hostile to even the mention of homosexuality in the classroom, let alone the creation of LGBT-inclusive curricula and textbooks.

Standardized testing operates on the assumption that all students have an equal opportunity to learn. Given that 85% or more of the variation in student performance on these tests is attributable to factors outside of the classroom—factors like school funding levels, class size, and other socioeconomic issues—the playing field is anything but level.³⁹³ Standardized tests that are culturally biased can adversely affect students from many cultural groups and contribute to lower expectations of student performance, negative attitudes toward low-performing students, and decreased self-esteem.³⁹⁴ This is especially true for LGBT students, who are more likely than heterosexual students to miss school because of harassment and violence, and who score lower on other indicators of school performance, including grade point average.³⁹⁵

“When someone with the authority of a teacher, say, describes the world and you are not in it, there is a moment of psychic disequilibrium, as if you looked into a mirror and saw nothing.”
—Adrienne Rich

The limited focus on standardized testing mandated by the NCLB Act further marginalizes LGBT youth and other groups largely ignored by school curricula and textbooks.

390. National Association for Multicultural Education. (2003, February 1). *Resolutions & Position Papers*. Retrieved July 15, 2003, from <http://www.nameorg.org/resolutions/definition.html>

391. Bohn, A. & Sleeter, C. (2002). Standards and multiculturalism. *Rethinking Schools Online*, 16(3). Retrieved August 25, 2003, from http://www.rethinkingschools.org/archive/16_03/Mult163.shtml

392. *Ibid.*, quoting Rich, A. (1986). “Invisible in academe,” in *Blood, bread and poetry: Selected prose 1979–1985*. New York: W. W. Norton.

393. Bohn & Sleeter, 2002.

394. Taylor, O. L. (1990). *Cross-cultural communication: An essential dimension of effective education* (Rev. ed.) Washington: The Mid-Atlantic Equity Center. Available at <http://www.nwrel.org/cnorse/booklets/ccf/>

395. Garofalo, Wolf, Kessel, Palfrey, & DuRand, 1998; Russell, Seif, & Truong, 2001.



There is little room for the inclusion of LGBT youth and the children of LGBT parents in the retaliatory climate of standardized testing mandated by the NCLB Act. This limited focus on measuring educational achievement further marginalizes them, as well as other groups largely ignored by many school curricula and textbooks. Addressing the violence and harassment faced by LGBT students does not end with nondiscrimination policies and the creation of GSAs. A school curriculum that accurately portrays the contributions made by all people must also address the root causes of racism, sexism, homophobia, and other forms of intolerance at the heart of social inequality. From the writings of Walt Whitman,³⁹⁶ Gertrude Stein,³⁹⁷ and Audre Lorde³⁹⁸ to the activism of Emma Goldman,³⁹⁹ Magnus Hirschfeld,⁴⁰⁰ and Bayard Rustin,⁴⁰¹ when LGBT students look at textbooks, they should see the faces of other LGBT people, and read about their important contributions to world history and culture.



EMMA
GOLDMAN



MAGNUS
HIRSCHFELD



AUDRE
LORDE



BAYARD
RUSTIN



GERTRUDE
STEIN



WALT
WHITMAN

INTERNET FILTERING

The NCLB Act allows school districts to apply for federal funds to purchase computers and other Internet-related technology. Schools receiving these funds must have a “...policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access...to visual depictions that are obscene; child pornography; or harmful to minors...”⁴⁰² The technology protection measure most readily available to public schools is Internet filtering software. But the federal definitions of “obscene” and “harmful to minors” are unclear, and have been used to prevent LGBT youth from accessing information about sex education, sexually transmitted diseases, sexual orientation, or gender identity.

According to the ACLU, “There is no universal definition of obscenity that a blocking software company can employ.”⁴⁰³ In fact, creating a definition for “obscene” has

396. For a biography of Walt Whitman, see Schmidgall, G. (1997). *Walt Whitman: A gay life*. New York: Plume.

397. For a biography of Gertrude Stein, see Souhami, D. (2000). *Gertrude and Alice*. London: Phoenix Press; or Hobhouse, J. (1975) *Everybody who was anybody*. New York: Putnam.

398. For a biography of Audre Lorde, see De Veaux, A. (2004). (in press). *Warrior poet: A biography of Audre Lorde*. New York: W. W. Norton. For her autobiography, see Lorde, A. (1982). *Zami: A new spelling of my name*. Trumansburg, NY: Crossing Press.

399. For biographical information on Emma Goldman, see the Emma Goldman papers. Available at <http://sunsite.berkeley.edu/Goldman>

400. For a biography of Magnus Hirschfeld, see Wolff, C. (1987). *Magnus Hirschfeld: A portrait of a pioneer in sexology*. London: Quartet Books.

401. For a biography of Bayard Rustin, see D’Emilio, J. (2003). *Lost prophet: The life and times of Bayard Rustin*. New York: Free Press.

402. The No Child Left Behind Act of 2001, 115 U.S.C. § 1425 (2002).

403. Johnson, M. J. (2000, July 25). *Letter to the House and Senate on Internet blocking/filtering requirements*. Retrieved August 20, 2003, from <http://www.aclu.org/news/NewsPrint.cfm?ID=8968&c=252>

plagued U.S. courts for over 50 years. In 1964, Supreme Court Justice Potter Stewart tried to explain his definition for obscene: “I shall not today attempt further to define the kinds of materials I understand to be embraced...but I know it when I see it.” The spirit of Justice Stewart’s definition is not too far from the standard still used by courts today, which was explained by Chief Justice Warren Burger in 1973:

- (a) Whether the “average person applying contemporary community standards” would find that the work, taken as a whole, appeals to the prurient interest,
- (b) Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and
- (c) Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.⁴⁰⁴

According to these guidelines, the determination of obscenity is relative to individual community standards. So one local school board might decide that information about an LGBT youth group or local LGBT community center is obscene, while another deems such material completely appropriate.

Because Internet filtering software is developed for a national audience, tailoring it to individual community standards is nearly impossible, which, according to the ACLU, makes the software both ineffective and constitutionally suspect.⁴⁰⁵

The ACLU also argues that a community’s definition of obscenity cannot be legally determined by government entities, such as school boards or public libraries. Only a judge or a jury can make that decision, requiring a lengthy and costly court hearing.⁴⁰⁶

Similar problems arise when applying the “harmful to minors” standard established by the NCLB Act. What is inappropriate for a five-year-old may be perfectly appropriate for a 17-year-old. Recognizing this, the U.S. Supreme Court ruled in 1997 that a single “harmful to minors” standard is not applicable to the Internet, as it would limit some minors from accessing constitutionally protected speech.⁴⁰⁷ The case arose out of challenges to the Communications Decency Act (CDA), signed by President Bill Clinton in 1996. It sought to protect minors from harmful material on the Internet by criminalizing the transmission of obscene or indecent messages to any recipient under 18.⁴⁰⁸

The Supreme Court’s seven-to-two ruling that the CDA was unconstitutional also declared that Internet content should enjoy the same First Amendment protections as print media. This decision was influenced by the wide range of socially valuable speech censored by the law, including speech about safe-sex practices and many other sexually related topics of importance to both youth and adults.⁴⁰⁹ Supreme Court Justice John Paul Stevens summarized the majority opinion:

The federal definitions of “obscene” and “harmful to minors” are unclear, and have been used to prevent LGBT youth from accessing information about sexually transmitted diseases, sexual orientation, and gender identity.

404. Silver, J. (n.d.). *Movie day at the Supreme Court or “I know it when I see it”: A history of the definition of obscenity*. Retrieved August 21, 2003, from the FindLaw web site: http://library.lp.findlaw.com/articles/file/00982/008860/title/subject/topic/constitutional%20law_first%20amendment%20-%20freedom%20of%20speech/filename/constitutionallaw_1_86#edn1

405. Johnson, 2000.

406. Ibid.

407. Ibid.

408. *Reno v. Am. Civil Liberties Union*, 521 U.S. 844 (1997). Available at <http://archive.aclu.org/court/renovacludec.html>

409. American Civil Liberties Union. (1997, June 26). *Supreme Court rules: Cyberspace will be free! ACLU hails victory in Internet censorship challenge*. Retrieved August 22, 2003, from <http://archive.aclu.org/news/n062697a.html>



As a matter of constitutional tradition, in the absence of evidence to the contrary, we presume that governmental regulation of the content of speech is more likely to interfere with the free exchange of ideas than to encourage it. The interest in encouraging freedom of expression in a democratic society outweighs any theoretical but unproven benefit of censorship.⁴¹⁰

This ruling against the Communications Decency Act did not keep Congress from attempting to legislate Internet censorship again. In October 1998, it passed the Childhood Online Protection Act (COPA).⁴¹¹ Designed with the unconstitutionality of its predecessor in mind, COPA criminalized the communication of any material for commercial purposes deemed harmful to minors by community standards. Despite the change in language, the ACLU argued that COPA was still unconstitutional because it “effectively suppress[ed] a large amount of speech on the World Wide Web that adults are entitled to communicate and receive,” even if that speech was deemed harmful to minors by some community’s standards.⁴¹² Examples of Internet websites that would have been censored under COPA include Beacon Press, an independent publisher of a wide variety of books, including titles about gay, lesbian, and gender studies,⁴¹³ and the Sexual Health Network, which provides educational material to disabled persons about how they can express their sexuality despite their disability.⁴¹⁴

“The interest in encouraging freedom of expression in a democratic society outweighs any theoretical but unproven benefit of censorship.”
—Justice John Paul Stevens

The Childhood Online Protection Act was ruled unconstitutional by multiple federal courts, and the National Academy of Sciences released a report concluding that education was more likely to protect youth from harmful content on the Internet than restrictive laws like COPA. Still, Congress opted to introduce a new Internet censorship law: the Children’s Internet Protection Act (CIPA), which was signed into law by President Clinton in 2000.⁴¹⁵ Like its forebears, CIPA restricts the access of minors using computers and related equipment purchased with federal funds in public schools and libraries to obscene or harmful material on the Internet. However, it also includes a provision that allows any Internet filtering software or device to be turned off at the request of any student or library patron who is 17 or older.⁴¹⁶ In 2002, the American Library Association challenged only the provision that restricted Internet access in libraries. But the Supreme Court ruled in 2003 that CIPA was constitutional because library patrons can turn off the filters at any time without having to give a reason or revealing what information they are trying to access.⁴¹⁷ Consequently, both libraries and public schools must either implement Internet filtering software by July 1, 2004, or choose to forfeit federal funds. It is unclear if adult library patrons will be proactively informed that they have the right to turn off the filter, or if they will be instructed how to do so.

410. Beeson, A. (2001). *Round two: Cyber-censorship returns to Supreme Court*. Retrieved August 25, 2003, from the American Civil Liberties Union website: http://archive.aclu.org/court/beeson_01.html

411. *Ibid.*

412. *Ibid.*

413. For a list of Beacon Press’ publications, see <http://www.beacon.org>

414. Beeson, 2001. For a list of the Sexual Health Network’s publications, see <http://www.sexualhealth.com>

415. Thornburgh, D., & Lin, H. S. (Eds.). (2002). *Youth, pornography, and the Internet*. Washington: National Academic Press.

416. Electronic Frontier Foundation & Online Policy Group. (2003). *Internet blocking in public schools: A study of Internet access in educational institutions*. Retrieved August 25, 2003 from http://www.eff.org/Censorship/Censorware/net_block_report/net_block_report.pdf

417. *United States v. Am. Library Assoc.*, 537 U.S. 1170 (2003).

HOW INTERNET FILTERING WORKS

Despite the legislative focus on filtering as the solution for protecting youth from harmful Internet content, many experts, Internet monitoring organizations, and civil liberties groups warn that filtering software is not only ineffective, but also allows software companies to censor Internet content based on their political beliefs and ideologies.⁴¹⁸ In testimony in a Senate committee hearing on the legislation, one expert summarized the flaws inherent to filtering the Internet:

The word “filter” is much too kind to these programs. It conjures up inaccurate gee-whiz images of sophisticated, discerning choice. When these products are examined in detail, they usually turn out to be the crudest of blacklists, long tables of hapless material which has run afoul of a stupid computer program or person, perhaps offended by the word “breast” (as in possibly breast cancer)...⁴¹⁹

FILTERING SOFTWARE PROMOTES RIGHT-WING AGENDA

According to Peacefire, a youth-led group that monitors Internet censorship, one of the most suspect filtering programs is CYBERSitter, which has been marketed by right-wing Christian organizations like Focus on the Family and includes filtering categories such as “advocating illegal/radical activities” and “gay/lesbian activities.” Websites blocked by the program include those of the National Organization for Women (NOW) and the International Gay and Lesbian Human Rights Commission.⁴²⁰

When an article by Peacefire about CYBERSitter’s censorship attracted widespread media attention, the makers of the software threatened to block all of the websites hosted by Peacefire’s Internet provider, Media3. (The company backed down when threatened with a lawsuit.) An earlier article about CYBERSitter revealed that the company is indeed trying to enforce a moral code. When CYBERSitter’s chief executive officer was asked about the software’s censorship of NOW’s website he replied, “If NOW doesn’t like it, tough.... We have not and will not bow to any pressure from any organization that disagrees with our philosophy.”⁴²¹

In 2000, Peacefire conducted an experiment to test whether Internet filtering software companies would apply the same blocking standards to right-wing, Christian organizations that they apply to smaller or personal websites. Peacefire created four anti-LGBT web pages consisting entirely of negative quotes about gay and lesbian people taken from the websites of prominent conservative groups, including Focus on the Family. Then the group submitted each of the websites to N2H2, the manufacturer of the popular filtering program Bess. After N2H2 agreed to block all four sites because they contained “hate-speech,” Peacefire told the company about the true sources of the anti-LGBT quotes. However, N2H2 refused to block the conservative groups’ web pages.⁴²²

418. Miner, B. (1998). Internet filtering: Beware the cyber censors. *Rethinking Schools Online*, 12(4). Retrieved July 15, 2003, from http://www.rethinkingschools.org/archive/12_04/12_04.shtml

419. Ibid.

420. Peacefire. (n.d.) *CYBERSitter examined*. Retrieved October 19, 2003 from <http://www.peacefire.org/censorware/CYBERSitter/>

421. Miner, 1998.

422. Peacefire. (n.d.). “BESS, the Internet Retriever” *examined*. Retrieved August 28, 2003 from <http://www.peacefire.org/censorware/BESS>



There are three methods that filtering software uses to block access to various websites on the Internet. Keyword filters are the least sophisticated. They compare the text of a web page to a list of restricted words or phrases. The software then removes the words from the web page, or blocks the site altogether. There are inherent flaws to this method. Blocking access to web pages that include the text string *s-e-x* may prevent youth from accessing some—though not all—pornographic sites, but may also block sites with information about musical sextets; Essex, England; the poet Anne Sexton; and the Catholic Church’s position on same-sex marriage.⁴²³ Address- or URL-based filters block access to specific websites. Companies that produce such software typically employ automated programs that search the Internet for content deemed objectionable. Reviewers then look at each site and rate it according to a corporate standard. Internet filtering software can also use systems that require website publishers to rate their own pages, or rely on third-party ratings of Internet sites. Given that the number of web pages available on the Internet doubles every year, this method is humanly impossible to maintain properly.⁴²⁴

According to a recent study, “schools that implement Internet blocking software even with the least restrictive setting will block at a minimum tens of thousands of web pages inappropriately.”

The manufacturer of Bess claims it is installed on “over 40% of all schools in the U.S. that have chosen to filter Internet access,” and is “trusted to protect over 16 million students.”⁴²⁵ When GLSEN tested the home version of Bess in 2001, the software blocked approximately 20% of LGBT youth advocacy sites it attempted to access. This finding is consistent with a study by *Consumer Reports*, which found that several Internet filtering programs blocked one in five sites that contained “serious content on controversial subjects.”⁴²⁶

More recently, the Frontier Foundation and the Online Policy Group conducted a study on Internet blocking in public schools, which tested Bess and Surfcontrol, another popular Internet filtering tool, by attempting to access almost one million web pages. The goal of the study was “to measure the extent to which blocking software impedes the educational process by restricting access to web pages relevant to the required curriculum.”⁴²⁷ The study found that “schools that implement Internet blocking software even with the least restrictive setting will block at a minimum tens of thousands of web pages inappropriately....”⁴²⁸ In fact, when researchers elected to use all of the block codes suggested by the software manufacturers for compliance with CIPA guidelines, the software blocked and miscategorized up to 85% of the one million web pages in the sample. The same study also found that schools using Internet filtering software’s most restrictive settings block 70% or more of the websites listed in search results based on state-mandated curriculum topics. The study concluded that Internet filtering software cannot help schools comply with CIPA: while failing to block many sites deemed

423. Spear, J. (1999). How filtering software impacts our schools. In Gay & Lesbian Alliance Against Defamation. *Access Denied Version 2.0: The continuing threat against Internet access and privacy and its impact on the lesbian, gay, bisexual, and transgender community*. Los Angeles: Author. Available at <http://www.glaad.org/documents/media/AccessDenied2.pdf>

424. Ibid.

425. N2H2. (n.d.). *Bess™ filtering for schools*. Retrieved August 21, 2003, from <http://www.n2h2.com/products/bess.php?device=school>

426. Consumer Reports. (2001, March). *Digital chaperones for kids: Which Internet filters protect the best? Which get in the way?* Retrieved October 19, 2003, from http://www.consumerreports.org/main/content/display_report.jsp?FOLDER%3C%3Efolder_id=348251&bmUID=1066584995177

427. Electronic Frontier Foundation & Online Policy Group, 2003.

428. Ibid.

obscene or harmful to minors by some community standards, they restrict access to many others protected by the First Amendment.⁴²⁹

In *United States v. American Library Association*, the Supreme Court upheld the Childhood Internet Protection Act, which the No Child Left Behind Act references directly in its provision requiring schools to protect students from material that is “obscene” or “offensive.” Because CIPA’s language was upheld by the U.S. Supreme Court, it is likely that any legal challenge to the similar language in the No Child Left Behind Act would fail. Despite the inherent flaws of using Internet filtering software to protect minors from harmful content, schools must either develop ways of providing students access to Internet resources while employing such software, or refuse federal funding for computers and related Internet technology.

This significantly impacts the educational experiences of both LGBT and straight youth, who are forced to view the Internet through a politicized lens meant to filter out material that may be an important part of their education, health, and safety. GLSEN has developed alternative recommendations for protecting minors from pornographic or other harmful content on the Internet while still maintaining access to educational, and sometimes life-saving, information:

- **Develop an acceptable use policy for the Internet.** School administrators should create policies on Internet usage, in partnership with students and teachers, allowing access to valuable educational information while restricting access to pornography and other inappropriate material.
- **Conduct trainings on Internet usage.** Schools should make instruction in this policy a prerequisite for Internet access, along with instruction on how to use the Internet as an educational resource. Students should be made aware of the privilege they exercise, and taught to respect its power and inherent dangers.
- **Enforce policies.** If students are informed of their responsibilities and the tentative nature of their connection to the Internet, they will use it more responsibly. If Internet access is used inappropriately, the student should be held responsible, in accordance with the school’s acceptable use policy.
- **Increase teacher presence.** A \$40 software program will never replace an experienced teacher. The supervision of trained teachers is much likelier to protect children from accessing inappropriate Internet sites than any filtering program. But the debate over Internet filtering software has largely ignored the shortage of teachers and resultant large class size at many American schools.⁴³⁰

A \$40 software program will never replace an experienced teacher. The supervision of trained teachers is much likelier to protect children from accessing inappropriate Internet sites than any filtering program.

President George W. Bush promised, “The federal government will not micromanage how schools are run...we believe strongly that the best path to education reform is to trust the local people.”⁴³¹ But mandatory Internet filtering is a “one-size-fits-all federal solution” that “deprives parents, schools and local libraries the opportunity to consider

429. Ibid.

430. Spear, 1999.

431. White House, 2002.

432. Johnson, 2000.



other approaches to Internet safety.”⁴³² Denying LGBT youth access to appropriate information on the Internet reinforces their isolation and puts them at greater risk. A study of 120 gay people aged 14 to 21 found that 42% of the females and 30% of the males reported negative responses from their families after coming out to them.⁴³³ This makes their ability to access such materials from schools and libraries all the more vital.

LGBT YOUTH AND THE INTERNET

Fear of rejection from family and friends and the anti-LGBT climate at public schools has prompted millions of LGBT youth around the world to turn to the Internet for social support and resources on sex education. “[The Internet] is a great place because the electronic curtain is not a closet,” according to Reid Fishler, the founder of Youth.org, an online service created to help gay, lesbian, bisexual, and questioning youth by providing them with their own safe, online space. “I did not want to see anybody go through what I went through, basically four years of hell in high school, knowing I’m different and not having anywhere to go,” Fishler said about his motivation for creating the site.⁴³⁴

A 2001 study concluded that the Internet is playing a vital role in supporting LGBT youth as well as providing them with a strong sense of community.

The true number of youth who access the myriad of LGBT informational websites and youth-themed chat rooms on the Internet is unknown. However, one study completed in 2001 concluded that the Internet is playing a vital role in supporting the development or maintenance of a positive sexual orientation or gender identity in LGBT youth, as well as providing them with a strong sense of community. The study, which analyzed an online survey completed by 206 LGBT youth in Australia, also reported the following results:

- 85% believed the Internet played an important role in connecting them with other LGBT youth
- 70% felt it played an important role in reducing their sense of isolation
- 50% reported that the Internet provided a sense of community and support when they felt depressed or suicidal
- 67% said the Internet was very important in accessing sexual health information
- 62% of males and 26% of females used the Internet to facilitate personal contact and friendship with other LGBT youth⁴³⁵

Online, LGBT youth are more likely to be out of the closet, using the Internet as a rehearsal space for coming out to peers and family. According to the online study, youth reported that communication about sexuality on the Internet was safe and comfortable, and the people they were coming out to tended to be more diverse, less judgmental, and more open, worldly, and sophisticated than people in their day-to-day lives. These youth also admitted that while they enjoyed being able to be out online, they found the

433. Telljohann & Price, 1993.

434. Gabriel, T. (1995, July 2). Some on-line discoveries give gay youths a path to themselves. *The New York Times*, p. A1.

435. Hillier, L., Kurdas, C., & Horsley, P. (2001). “It’s just easier”: *The Internet as safety-net for same sex attracted young people* [Electronic version]. Melbourne, Australia: La Trobe University, Australian Research Centre in Sex, Health and Society. Available at <http://www.latrobe.edu.au/ssay/2ndpages/Internetreport.pdf>

discrepancy between the “cyber” and “real” worlds uncomfortable and disconcerting. When asked how their life would change without the Internet, however, those who lacked any other connection to an LGBT-affirming support network admitted they would again be lonely and isolated.⁴³⁶

This dichotomy raises serious concerns. Experts fear that unmediated access to people and information on the Internet places youth at risk, and is accompanied by a disconnection from peers, friends, and family that threatens growth and development. Surprisingly, 58% of the youth surveyed agreed with this assessment, expressing concern about the addictive nature of their Internet usage, as well as the negative and sometimes life-threatening experiences they heard about online. Female youth were significantly less likely to use the Internet for connecting to a support network offline.⁴³⁷ Further research on this issue is clearly warranted.

VIOLENCE PREVENTION AND UNSAFE SCHOOLS

Eight-five percent of LGBT youth are verbally harassed and 31% are physically harassed on a regular basis.⁴³⁸ The NCLB Act reauthorizes the Safe and Drug-Free Schools and Communities Act of 1986, which grants federal funds for the creation of programs that “prevent and reduce violence in and around schools...and foster a safe and drug-free learning environment that supports academic achievement.”⁴³⁹ The NCLB Act specifically defines “violence prevention” as:

[T]he promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school sponsored activities, through the creation and maintenance of a school environment that...fosters individual responsibility and respect for the rights of others.⁴⁴⁰

This provision of the NCLB Act addresses the need for programs that both protect LGBT youth and educate teachers and students about tolerance and violence prevention. In fact, the provision calls for programs to “assist localities most directly affected by hate crimes” in developing educational and training programs to prevent them. It also uses the definition of “hate crime” from the Hate Crimes Statistics Act of 1990: “[A] crime against a person or property motivated by bias toward race, religion, ethnicity/national origin, disability, or sexual orientation.”⁴⁴¹

This provision could be interpreted to address bias-motivated harassment and violence against LGBT youth, as such harassment and violence is motivated by “prejudice and

The NCLB Act does not specifically mention characteristics such as race, ethnicity, religion, sexual orientation, or gender identity, which are often the basis of bias-motivated harassment or violence.

436. Ibid.

437. Ibid.

438. Kosciw & Cullen, 2001.

439. U.S. Department of Education. (2002). *No child left behind: A desktop reference (Section IV-A: Safe and drug-free schools and communities)*. Retrieved September 2, 2003, from <http://www.ed.gov/offices/OESE/reference/4a.html>

440. The No Child Left Behind Act of 2001, 115 U.S.C. § 1425 (2002).

441. The Hate Crimes Statistics Act of 1990, 28 U.S.C. § 534 (2003) (passed 1990). Available at <http://usinfo.state.gov/usa/race/hate/28usc534.htm>; The No Child Left Behind Act of 2001, 115 U.S.C. § 4121.



intolerance.” However, it does not specifically mention characteristics such as race, ethnicity, religion, sexual orientation, or gender identity, which are often the basis of bias-motivated harassment or violence. Because sexual orientation and gender identity are not specifically enumerated categories, some school administrators and teachers may claim that the law does not require them to protect LGBT youth. This concern is supported by the U. S. Supreme Court’s decision in *Romer v. Evans*, in which Justice Anthony Kennedy wrote, “Enumeration is the essential device used to make the duty not to discriminate concrete and to provide guidance for those who must comply.”⁴⁴² Specific inclusion of sexual orientation and gender identity (as well as race, religion, and ethnicity) in this provision of the NCLB Act would have provided clearer direction about its scope and impact, and given teachers and school administrators the backing they need to feel confident in their response to harassment and violence against LGBT students.⁴⁴³

Every state that receives federal funds must establish a policy that allows a student attending a persistently dangerous public school to attend a different and safer school.

Despite this shortcoming, the law does provide opportunities for an LGBT student in an unsafe school to go to a different, and hopefully safer, school. Under the Unsafe School Choice Option of the NCLB Act, every state that receives federal funds under the act must establish and implement a statewide policy that allows a student attending a persistently dangerous public school, or who is a victim of a violent criminal offense while on school grounds, to attend a different and safer school, including a public charter school.⁴⁴⁴ While this school choice option establishes the right of LGBT youth to attend school in a safe environment, there are few school districts that have alternative public or charter schools that are any safer. It also places the burden of going to a safe school on students and parents, who must arrange, on their own, to travel to a different school.

Lesbian Youth Killed in Newark: A Profile of Sakia Gunn

Fifteen-year-old African American lesbian Sakia Gunn was stabbed to death while waiting at a bus stop in Newark, New Jersey during the early morning hours of Sunday, May 11, 2003. A sophomore at West Side High School in Newark, Sakia had just spent Saturday night with her friends in Manhattan’s Greenwich Village. The Christopher Street Pier is a popular area for LGBT youth of color to hang out,

and Sakia and her friends had spent the evening there and on the promenade along West Street. “The pier is somewhere we go to feel open about ourselves and have fun,” explains Victoria Dingle, a 16-year-old lesbian friend and fellow West Side student who was with Sakia on the night of her murder, “Me and Sakia and some friends were just chilling and having fun and feeling good about being together.”⁴⁴⁵ They all

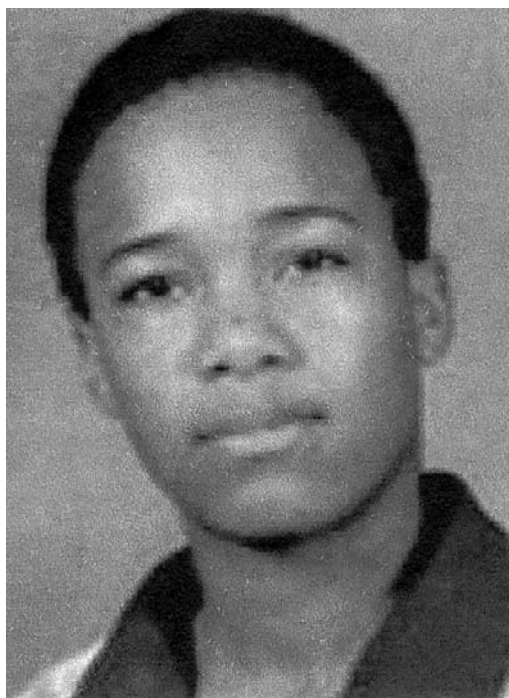
442. *Romer v. Evans*, 517 U.S. 620 (1996).

443. National Center for Lesbian Rights & Gay, Lesbian and Straight Education Network. (n.d.). *Inclusion of enumerated categories in safe school legislation/policies*. Retrieved September 2, 2003, from <http://www.nclrights.org/publications/pubs/inclusion.pdf>

444. The No Child Left Behind Act of 2001, 115 U.S.C. § 1425 (2002).

445. Meenan, M. (2003a, May 16–23). Lesbian teen dies in hate stabbing. *Gay City News*. Available at <http://www.gaycitynews.com/gcn220/lesbianteendies.html>

returned to Newark via the PATH train. Victoria took a cab home from there, while Sakia waited at a bus stop with four other friends.



SAKIA GUNN

“The only antidote to fear is love. No matter how much some people choose to hate, we can still live our lives with dignity and create a world where love is rewarded over fear. That won’t bring Sakia Gunn back to life, but it will ensure that her death was not in vain.”

—activist Keith Boykin

While awaiting the bus, a car with two men in it pulled up to the curb. Valencia Bailey, a friend of Sakia, recalls what happened next. “Yo, shorty, come here,” one of them said. We told them, “No, we’re okay. We’re not like that. We’re gay.”⁴⁴⁶ After refusing the men’s sexual advances, Sakia’s alleged killer, later identified as 29-year-old Richard McCullough, got out of the car, and a fight ensued. During the fight, McCullough allegedly grabbed Sakia by the neck and thrust a knife into her heart. Rushed to the hospital by a Good Samaritan, Sakia died in the emergency room in the arms of her friend Valencia.

Sakia had always been candid about her sexual orienta-

tion. She spoke openly about it, publicly showed affection for her girlfriend, and wore boyish clothing that marked her

within the black community as “AG,” for “aggressive lesbian.”⁴⁴⁷ Her murder deeply affected the LGBT youth of Newark, who turned out en masse for Sakia’s funeral on May 16, 2003. The turnout was extraordinary: predominantly black high school students, and mostly lesbians.⁴⁴⁸ Local lesbian youth also played a prominent role in planning and participating in the vigils and marches immediately following Sakia’s death, as well as initiating memorials and shrines at both the site of the murder and at West Side High School. Citing a lack of school-sponsored support, Sakia’s friends Valencia Bailey and Jamon Marsh founded the Sakia Gunn Aggressive and Fem Organization as a support group for young lesbians.⁴⁴⁹

School officials were not as supportive. They were silent at best and overtly homophobic at worst. After the murder, West Side High School principal Fernand Williams instructed his receptionist to inform the media that all inquires were to go through the school district’s spokesperson, Michelle Baldwin. Five days later, Baldwin still had not responded to at least one journalist’s calls.⁴⁵⁰ Meanwhile, Baldwin claimed that she had referred requests for interviews to Williams and other school officials, none of whom responded.⁴⁵¹ Principal Williams further angered students and journalists when he refused a request by students for a moment of silence to honor Sakia’s life. Williams also reportedly refused requests for a memorial and threatened students with suspension if they wore rainbow colors to

446. Ibid.

447. Strunsky, S. (August 9, 2003). A young lesbian’s stabbing death is far from resolved. Associated Press. Available at *Bucks County Courier Times* website: <http://www.phillyburbs.com/pb-dyn/news/104-08092003-139007.html>

448. Fouratt, J. (2003, May 23–29). Thousands mourn Sakia. *Gay City News*. Available at <http://www.gaycitynews.com/gcn221/thousandsmorn.html>

449. Strunsky, 2003.

450. Meenan, 2003a.

451. Strunsky, 2003.

452. Cogswell, K., & Simo, A. (2003, June 6). Erasing Sakia: Who’s to blame? *The Gully*. Retrieved October 14, 2003, from http://www.thegully.com/essays/gaymundo/030606_sakia_gunn_murder.html



school.⁴⁵² However, his most horrifying response came in the form of a remark he allegedly made to students and reported in a local gay newspaper: “If someone chooses to live a certain lifestyle, they must pay a certain price.”⁴⁵³

It is hard to accept Williams’ response in the wake of Sakia’s death; yet homophobia often knows no bounds. Fortunately, neither does love. As activist Keith Boykin stated: “The only antidote to fear is love. No matter how much some

people choose to hate, we can still live our lives with dignity and create a world where love is rewarded over fear. That won’t bring Sakia Gunn back to life, but it will ensure that her death was not in vain.”⁴⁵⁴ In the wake of this homophobic murder, it is the love, as well as the sorrow and anger, expressed by Sakia’s friends and thousands of LGBT youth, that must always be remembered; for it is the passions of today’s LGBT youth that will change the world tomorrow.

PARENTAL RIGHTS PROVISIONS

The NCLB Act kept a provision from its predecessor, the Elementary and Secondary Education Act of 1965, which gives parents the right to inspect “any instructional material used as part of the educational curriculum for the student,” as well as student surveys that ask questions about political affiliations, mental illness, sexual behavior, illegal or antisocial behavior, family members, religious beliefs, or family income. This provision only applies to surveys that students are “required, as part of an applicable program, to submit to.”⁴⁵⁵ An additional provision requires school districts to develop written policies and procedures, in consultation with parents, regarding any student survey. At a minimum, these policies must specify how parents will be notified about surveys and how they will be given the opportunity to excuse their children from participating. School districts are required to notify parents of these rights annually.⁴⁵⁶

As written, this provision does not dramatically inhibit researchers’ ability to collect information. Many schools regularly choose to notify parents about surveys administered to students, allowing them to request that their child not participate. In practice, however, few parents exercise their opt-out option, and it has had no substantial impact on survey results. But any policy requiring that parents actively opt in by sending prior written consent for their child’s participation makes collecting reliable data extremely difficult. The danger inherent in the parental rights provision of the No Child Left Behind Act is that conservative activists may attempt to modify it in the future, or use it to pressure their state legislatures or local school boards to adopt active permission or opt-in requirements for surveys. Once in place, such active parental consent regulations would make it virtually impossible to collect data on large representative samples of students. This has already occurred in three states—Alaska, New Jersey, and Utah—which require the prior written informed consent of a parent before any survey, even one that

453. Meenan, M. (2003b, May 23–29). Tears and then, perhaps, respect. *Gay City News*. Available at <http://www.gaycitynews.com/gcn221/tearsandthen.html>

454. Boykin, K. (2003, May 13). *She didn’t have to die*. Retrieved October 8, 2003, from <http://www.keithboykin.com/arch/000737.html>

455. 20 U.S.C. § 1232h(b) (2003).

456. The No Child Left Behind Act of 2001, 115 U.S.C. § 1061 (2002).

is mandatory, can be administered to a student.⁴⁵⁷ Alaska’s opt-in law actually prevented the state from obtaining a high enough response rate for it to participate in the national 2001 Youth Risk Behavior Survey.

Additionally, if a school uses federal Safe and Drug Free Schools money to fund education programs to prevent illegal drug use, sexual harassment, “victimization associated with prejudice and intolerance,” or programs that foster “respect for the rights of others,” the school must make “reasonable efforts” to inform parents about such programs. If parents disagree with the content in these programs, they can excuse their child from participating.⁴⁵⁸ Fortunately, very few programs designed to prevent such victimization are actually funded through the Safe and Drug-Free Schools program, but school districts should be aware of the potential repercussions of paying for them with these monies.

PREVENTING THE PROMOTION OF SEXUAL ACTIVITY, “WHETHER HOMOSEXUAL OR HETEROSEXUAL”

NCLB Act funds cannot be used “to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual.”⁴⁵⁹

This is significantly different from (and, in fact, somewhat preferable to) some existing state laws that prohibit any positive discussion of homosexuality entirely (see Chapter 3).

The NCLB Act provision prevents schools from directly promoting sexual activity of any kind—gay or straight—with NCLB money. But schools can still develop and implement curricula or programs designed to provide age-appropriate and comprehensive sex education, because such curricula and programs are not designed to encourage or promote sexual activity of any kind, and focus on enhancing the physical and emotional health of all students. They must treat homosexuality no differently than heterosexuality, and “include the health benefits of abstinence.”⁴⁶⁰ The NCLB Act also explicitly states that the federal government has no right “to mandate, direct, review, or control a State, local educational agency, or school’s instructional content, curriculum, and related activities,” nor does it have a right to “require the distribution of scientifically or medically false or inaccurate materials.”⁴⁶¹

None of the provisions in the NCLB Act restricts the ability of schools to implement programs designed to prevent anti-LGBT harassment or discrimination. Indeed, school districts have both a legal responsibility and an ethical obligation to insure that LGBT students, like all students, can receive the benefits of education without being subjected to harassment or discrimination.

None of the provisions in the NCLB Act restricts the ability of schools to implement programs designed to prevent anti-LGBT harassment or discrimination.

457. ALASKA STAT. § 14.03.110 (Michie 2002); N.J. STAT. ANN. § 18A: 36-34 (West 2001); UTAH CODE ANN. § 53A-13-302 (1999).

458. The No Child Left Behind Act of 2001, 115 U.S.C. §§ 4151–4153 (2002).

459. The No Child Left Behind Act of 2001, 115 U.S.C. § 9526 (2002).

460. The No Child Left Behind Act of 2001, 115 U.S.C. § 9526 (2002).

461. The No Child Left Behind Act of 2001, 115 U.S.C. § 9526 (2002).



THE BOY SCOUTS EQUAL ACCESS ACT AND THE VITTER AMENDMENT

Included in the Family Protections section of the NCLB Act are the Boy Scouts of America Equal Access Act (Boy Scouts Act) and the Vitter Amendment. These provisions threaten public schools with the loss of federal funding if they prevent the Boy Scouts or the U.S. military from using public school facilities for meetings or recruitment. Both additions to the NCLB Act were crafted in response to the increasing number of school districts that limited the Boy Scouts' access to school grounds, in response to a U.S. Supreme Court ruling affirming the Boy Scouts' right to discriminate against gay scouts and scoutmasters.⁴⁶² In order to legally prevent the Boy Scouts from using school facilities, school districts would have had to prohibit all outside organizations from using them, and the few that only limited the Boy Scouts' access eventually garnered the attention of Congress.

Specifically, the Boy Scouts Act states:

...[N]o public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or a limited public forum and that receives funds made available through the Department [of Education] shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in title 36 of the United States Code (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed in title 36 of the United States Code....⁴⁶³

The 74 organizations listed as “patriotic societies” in the U.S. Code include a number of national organizations that regularly provide services to youth, like Big Brothers-Big Sisters of America, Boys & Girls Clubs of America, the Girl Scouts, and Little League Baseball.⁴⁶⁴ The Boy Scouts Act redundantly affirms the legal right for any and all of the 74 private organizations to access the resources of public schools whose policies prohibit anti-LGBT discrimination while openly discriminating against LGBT youth and adults. (Except for the Boy Scouts, to our knowledge none of the 74 currently does so.) The act does not require schools to officially sponsor any of the organizations.

In *Dale v. Boy Scouts of America*, the U.S. Supreme Court upheld the Scouts' right to prohibit openly gay scoutmasters from participating in scouting. Under the First Amendment, Boy Scouts have the right to both exclude gays and still have access to public school facilities regardless of state and local nondiscrimination laws.

House sponsor Van Hilleary (R-TN) and Senate sponsor Jesse Helms (R-NC) introduced the Boy Scouts Act because “the Boy Scouts are under attack and being thrown out of public facilities that are open to other similarly situated

The Boy Scouts Act affirms the legal right of these organizations to access the resources of public schools while openly discriminating against gay youth and adults.

462. *Boy Scouts of Am. v. Dale*, 530 U.S. 640 (2000); May, M. (2001, December 23). Conservative caveats threaten schools: They lose millions if scouts are banned from using space. *The San Francisco Chronicle*, p. A3.

463. The No Child Left Behind Act of 2001, 115 U.S.C § 9525 (2002): Equal Access To Public School Facilities.

464. 36 U.S.C. § 10101 (2003).

groups...as retribution for the Supreme Courts' ruling.... This amendment is designed to stop this wasteful cycle in litigation and harassment."⁴⁶⁵ Those in favor of the amendment argued that protecting the Boy Scouts from unequal treatment was necessary to insure that America's children could continue to embrace the "timeless values" of the Boy Scouts as "a model of integrity, strong ethics, devotion to God and the public good."⁴⁶⁶

Those opposed to the Boy Scouts Act, however, rejected the notion that it was the Boy Scouts that was being treated inequitably. According to Representative Bill Delahunt (D-MA):

The reality is that this amendment is not about the Boy Scouts. It is about a conservative social agenda that holds passionate views about sexual orientation. The Boy Scouts' policy on sexual orientation is well known. That is fine. [Rep. Hilleary] is entitled to his views, and the Boy Scouts are entitled to their views. But they ought not to be entitled to use the Congress of the United States to make a political statement that promotes intolerance and discrimination.⁴⁶⁷

Holding a letter of support signed by 22 organizations, including the National Parent Teacher Association, the National School Boards Association, and the National Association of Secondary School Principals, Representative Lynn Woolsey (D-CA) summarized her arguments against the Boy Scouts Act: "...[W]e should vote against this because it is not necessary in the first place.... [A] vote against this amendment would be a vote telling our children that all children are important, not just some children."⁴⁶⁸ In a May 2001 letter to the Senate, the ACLU argued that the amendment represented an unconstitutional endorsement of a specific viewpoint. "By punishing schools for excluding the Boy Scouts and other youth groups for their discriminatory membership criteria, the [Boy Scouts Act] would provide protection for the Boy Scouts' discriminatory viewpoint that no other viewpoint receives. Such unequal treatment of different viewpoints is unconstitutional."⁴⁶⁹ Its opponents did not prevail, and the Boy Scouts Act passed by a voice vote.

The Vitter Amendment forces public schools to allow the military to actively recruit on their campuses, regardless of school nondiscrimination policies, by threatening to cut off federal funds if they refuse. Supporters of the amendment in Congress actually claimed the military was the victim of discrimination, not the nearly 9,000 gay men and lesbians who have been investigated and discharged since 1994 because of its "Don't Ask, Don't Tell" policy.⁴⁷⁰ According to Representative David Vitter (R-LA), "This amendment will prevent discrimination against armed services recruiters and will simply offer them fair access to secondary schools that accept Federal funding."⁴⁷¹

"The Boy Scouts are entitled to their views. But they ought not to be entitled to use the Congress of the United States to make a political statement that promotes intolerance and discrimination."
—Rep. Bill Delahunt (D-MA)

465. 147 CONG. REC. H 2611.

466. Ibid.

467. Ibid.

468. Ibid.

469. Murphy, L., & Anders, C. (2001, May 21). *Letter to the senate on First Amendment issues in Sen. Helms' "Boy Scouts of America Equal Access Act" amendment to ESEA*. Retrieved July 29, 2003, from the American Civil Liberties Union website: <http://www.aclu.org/news/NewsPrint.cfm?ID=284&c=106>

470. Cleghorn, J. M., Greer, S. E., Osburn, C. D., Ralls, S. E., & Westcott, K. S. (2003). *Conduct unbecoming: The ninth annual report on "Don't ask, don't tell, don't pursue, don't harass"* [Electronic version]. Retrieved October 19, 2003, from the Servicemembers Legal Defense Network website: http://www.sldn.org/binary-data/SLDN_ARTICLES/pdf_file/837.pdf

471. 147 CONG. REC. H 2396.



In 2002, the U.S. Defense Department reported that 2,000 of more than 21,000 high schools did not allow the military to actively recruit on campus.⁴⁷² According to Representative Vitter, this was “because of school administrators’ own personal anti-military bias.... [W]hat is clearly going on is pure, old-fashioned bad political correctness and antimilitary ideology being shoved down the throats of our young people.”⁴⁷³ As is often the case with legislation associated with supporting the U.S. military, there was no real opposition to the Vitter Amendment in Congress, and it passed by a voice vote.

The Orwellian inversion of reality that allowed supporters of these provisions to argue it was the Boy Scouts and the U.S. military that were victims of discrimination and harassment was disturbingly effective. Opponents of education policies protecting LGBT youth often claim that they impart “special rights” to a group of people. Despite this argument, these same opponents granted “special rights” to a few select organizations, reaffirming their right to discriminate against LGBT youth using facilities at schools funded in part by LGBT taxpayers, and educating LGBT youth and the children of LGBT parents.

Ironically, the office within the U.S. Department of Education responsible for enforcing the Boy Scouts Act is the Office for Civil Rights. On March 25, 2002, that office sent a letter to every school district in the United States, explaining the Boy Scouts Act and warning, “If a public school or agency does not comply with the requirement of the Boy Scout Act, it would be subject to enforcement action by the Department [of Education].” The letter also encouraged school districts to file complaints against other districts that were not in compliance with the policy. Signed by the Assistant Secretary for Civil Rights, the letter ends, “I look forward to working with you to insure equal access to education and to promote educational excellence throughout the nation.”⁴⁷⁴

The Orwellian inversion of reality that allowed supporters of these provisions to argue it was the Boy Scouts and the U.S. military that were victims of discrimination and harassment was disturbingly effective.

472. Gailey, P. (2002, December 1). Schools shouldn't be wary of military recruiters. *The St. Petersburg (Fla.) Times*, p. 3D.

473. 147 CONG. REC. H 2396.

474. Jones, C. T. (March 25, 2002). *Dear colleague letter*. Retrieved August 11, 2003, from Department of Education website: http://www.ed.gov/offices/OCR/boyscouts_letter.html

5. Abstinence-Only-Until-Marriage Sex Education

On February 7, 2002, 77 organizations, including the American Psychiatric Association, the American Society of Reproductive Medicine, and the National Gay and Lesbian Task Force, sent a letter to President George W. Bush urging him to support comprehensive, age-appropriate, medically accurate sex education in public schools. The letter cited research indicating that these programs delay the onset and reduce the frequency of sexual activity, and increase condom and contraceptive use. The letter also quoted Health and Human Services Secretary Tommy Thompson, who expressed concern about the “paucity of evidence” on the effectiveness of abstinence-only-until-marriage sex education.⁴⁷⁵ Comprehensive sex education is widely supported: 76% of parents believe that teens should get more information about both abstinence and birth control, rather than just one or the other.⁴⁷⁶ Nonetheless, federal law allows the use of certain federal funds for sexuality education programs only if they teach that abstaining from sex until marriage is the only way to avoid pregnancy and sexually transmitted diseases. This policy is particularly problematic for lesbian, gay, bisexual, and transgender (LGBT) students because it does not specifically address their health needs or acknowledge that only heterosexuals can legally marry in the United States.

Abstinence-only-until-marriage programs assume that LGBT people do not exist, or that they will remain celibate their whole lives, or that it simply does not matter if they contract sexually transmitted diseases. They are having a devastating effect on LGBT youth.

Comprehensive sex education is widely supported: 76% of parents believe that teens should get more information about both abstinence and birth control, rather than just one or the other.

475. Advocates for Youth. (2002, February 7). *[Official communication]*. Retrieved July 11, 2003, from <http://www.advocatesforyouth.org/news/feature/president.htm>

476. National Campaign to Prevent Teen Pregnancy. (2002). *With one voice 2002: America's adults and teens sound off about teen pregnancy* [Electronic version]. Washington: Author. Available at http://www.teenpregnancy.org/resources/data/pdf/WOV2002_fulltext.pdf



HISTORY

The Welfare Reform Act of 1996 promotes the policy of teaching that sex outside the context of marriage is intrinsically dangerous, both physically and psychologically. This policy is premised on the unproven claim that the high rate of family poverty in the United States is directly related to the high rate of out-of-wedlock births. Each year since 1996, nearly \$100 million in government funds has been spent on abstinence-only sex education aimed at preventing teen pregnancy and out-of-wedlock births. The George W. Bush Administration achieved a \$20 million increase in annual abstinence-only funds for fiscal year 2003, and is seeking an additional \$15 million for for the 2004 fiscal year.

ABSTINENCE EDUCATION DEFINED

Section 912 of the Welfare Reform Act of 1996 defines “abstinence education” as:

An educational or motivational program which—

- (A) Has as its exclusive purpose, teaching the social, psychological, and health gains to be realized by abstaining from sexual activity;
- (B) Teaches abstinence from sexual activity outside marriage as the expected standard for all school age children;
- (C) Teaches that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems;
- (D) Teaches that a mutually faithful monogamous relationship in context of marriage is the expected standard of human sexual activity;
- (E) Teaches that sexual activity outside of the context of marriage is likely to have harmful psychological and physical effects;
- (F) Teaches that bearing children out-of-wedlock is likely to have harmful consequences for the child, the child's parents, and society;
- (G) Teaches young people how to reject sexual advances and how alcohol and drug use increases vulnerability to sexual advances; and
- (H) Teaches the importance of attaining self-sufficiency before engaging in sexual activity.⁴⁷⁷

As of 1999, nearly one-third of the nation's high schools were teaching abstinence-only-until-marriage sex education, which, by definition, excludes information about contraception and safer sex.⁴⁷⁸ A study of all 50 states, Puerto Rico, and the District of Columbia found that more than 10% of the abstinence-only funds had been granted to “faith-based entities” in 22 states.⁴⁷⁹ Another 40% of the funds were spent through other private, nonreligious, entities. Twenty-eight of the 52 jurisdic-

477. Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Section 912 §§ 502(c)(1)(B)(ii)(b)(2). Available at http://usinfo.state.gov/usa/infousa/laws/majorlaw/h3734_en.htm

478. Lerner, S. (2001, August 1–7). An orgy of abstinence: Federal funding pushes no-sex education into the mainstream. *Village Voice*. Available at <http://www.villagevoice.com/issues/0131/lerner.php>

479. Sonfield, A., & Gold, R. B. (2001, July/August). States' implementation of the section 510 abstinence education program, FY 1999. *Family Planning Perspectives*, 33(4), 166–172. Available at <http://www.agi-usa.org/pubs/journals/3316601.html>

tions sampled prohibited organizations from providing information on contraception and sexually transmitted diseases (STDs) even if asked directly by a student or client.⁴⁸⁰

Research indicates that sex education that promotes delaying the first sexual experience while simultaneously teaching about contraception and safer sex practices is more effective than abstinence-only education. A World Health Organization review of 35 sex education programs around the world documented the relative ineffectiveness of abstinence-only education in stemming the spread of STDs. Youth in the United States have higher rates of unwanted pregnancy and STDs than their counterparts in Europe, where comprehensive sex education is the norm.⁴⁸¹ A report released by U.S. Surgeon General David Satcher in 2001 noted that there has been little research demonstrating the effectiveness of abstinence-only education.⁴⁸²

A World Health Organization study documented the relative ineffectiveness of abstinence-only education in stemming the spread of STDs.

FEAR, SHAME, AND MISINFORMATION

The abstinence-only approach to sex education is counterproductive, potentially dangerous, and harmful to youth. Relying on shame and fear, its message spreads inaccurate information about STDs and contraceptives; presents rarely occurring, worst-case scenarios as routine; stigmatizes and evokes hostility toward people with AIDS; and largely ignores homosexuality except as a context for HIV transmission. Premarital sex is presented as intrinsically damaging. At least two curricula are explicitly hostile toward lesbians and gay men.⁴⁸³

This approach to sex education does not enjoy very much support at all. Seventy-six percent of parents believe that teenagers should get more information about both abstinence and birth control, rather than just one or the other. In fact, there is a strong disparity between what is taught in sex education programs and what parents actually want: According to a poll conducted by the Kaiser Family Foundation in 2000, 76% of parents of youth in grades seven through twelve felt that sex education should include discussion of homosexuality, while only 41% of students reported the topic was actually covered.⁴⁸⁴ Yet the majority of schools in this country continue to teach abstinence-only-until-marriage sex education, and the number of those schools continues to grow. A more recent Kaiser poll found that 19 in 20 Americans agree that “how HIV and other sexually transmitted diseases are transmitted and how to protect against them” should be discussed in high school sex education classes.⁴⁸⁵

Youth in the United States have higher rates of unwanted pregnancy and STDs than their counterparts in Europe, where comprehensive sex education is the norm.

480. Ibid.

481. Baldo, M., Aggleton, P., & Slutkin, G. (1993). *Does sex education lead to earlier or increased sexual activity in youth?* Paper presented at the 9th Annual International Conference on AIDS, Berlin.

482. Satcher, D. (2001). *The surgeon general's call to action to promote sexual health and responsible behavior* [Electronic version]. Washington: Office of the United States Surgeon General. Available at <http://www.surgeongeneral.gov/library/sexualhealth/>

483. Ibid.

484. Hoff, T., Greene, L., McIntosh, M., Rawlings, N., & D'Amico, J. (2000). *Sex education in America: A series of national surveys of students, parents, teachers, and principals*. Menlo Park, CA: Henry J. Kaiser Family Foundation. Available at <http://www.kff.org/content/2000/3048/SexED.pdf>

485. The Henry J. Kaiser Family Foundation. (2001). *Inside-OUT: A report on the experience of lesbians, gays, and bisexuals in America and the public's views on issues and policies related to sexual orientation*. Cambridge: Author. Available at <http://www.kff.org/content/2001/3193/LGBSurveyReport.pdf>



“[T]here is no such thing as ‘safe’ or ‘safer’ premarital sex,” warns *FACTS*, a set of curricula designed by a federally funded nonprofit “dedicated to providing excellent educational materials...that enhance and protect the dignity of the human person and enhance successful family life.”⁴⁸⁶ The curriculum continues, “There are always risks associated with it, even dangerous, life-threatening ones.”⁴⁸⁷ Echoing the religious right’s sentiment that AIDS represents divine or natural retribution on gay men,⁴⁸⁸ *Sex Respect*, another abstinence-until-marriage curriculum, wonders whether AIDS and other STDs are “nature’s punishment for sex outside of marriage”:

No, not at all. These are natural consequences. For example, if you eat spoiled food, you will get sick. If you jump from a tall building, you will be hurt or killed.... If you have sex outside of marriage, there are consequences for you, your partner, and society.⁴⁸⁹

The Sexuality Information and Education Council of the United States (SIECUS) documents numerous ways in which the incidence and effects of several STDs are misrepresented in abstinence-only curricula. And SIECUS warns that these scare tactics can discourage students from seeking treatment for STDs like chlamydia that are easily cured if treated early. Condoms are presented as a dangerous and ineffective form of birth control: “Relying on condoms is like playing Russian roulette,” declares *Me, My World, My Future*. Condom failure rates are overstated; and their improper use is inaccurately translated into an intrinsic product defect. *FACTS* warns that even if condoms are properly used, they may still allow “the transmission of HIV/AIDS.”⁴⁹⁰ This is in direct opposition to research conducted by the Centers for Disease Control (CDC), which concluded that condoms are highly effective in stopping the spread of STDs when used properly.⁴⁹¹

Skewed information about HIV and AIDS is common in abstinence-only curricula. Kissing is not a risk factor for HIV transmission, yet *Sex Respect* devotes three paragraphs to the possibility of contracting HIV that way. People with AIDS are also stigmatized as dangerous bearers of death. *Sex Respect* warns, “How can you tell if someone has AIDS? There is no way for you to predict. Anyone can be carrying your death warrant.”⁴⁹²

There is a disparity between what is taught and what parents want: According to a 2000 study, 76% of parents felt that sex education should cover homosexuality, while 41% of students reported the topic was covered.

IMPACT ON HIV PREVENTION

Several states and municipalities have turned down or stopped applying for federal disease prevention funds out of a mistaken belief that accepting abstinence-only funds precluded them from accessing federal funds for disease prevention. Nebraska decided not to reapply for HIV prevention grants from the CDC because its HIV prevention

486. Northwest Family Services. *FACTS*. Available at <http://www.facts.cc/curriculum.htm>

487. Satcher, 2001.

488. For example, on June 23, 1983, Patrick Buchanan wrote about AIDS in his syndicated column, “The poor homosexuals—they have declared war upon nature, and now nature is extracting an awful retribution.”

489. Kempner, M. (2001a). Controversy over CDC’s research to classroom project. *SIECUS Report*, 29(6), 7.

490. Ibid.

491. Centers for Disease Control. (1997). *Questions and answers on condom effectiveness*, CDC update. Atlanta: Author; Kestelman, P. & Trussell, J. (1991). Efficacy of the simultaneous use of condoms and spermicide. *Family Planning Perspectives*, 23(5), 227.

492. Kempner, 2001a.

program has traditionally combined abstinence promotion with safer sex education. Since 1997, Nebraska has limited all state-sponsored sex education to an abstinence-until-marriage message. The National Abstinence Clearinghouse actively lobbied Nebraska's education commissioner not to reapply for any CDC funds, putting the health of all of the states' students in jeopardy.⁴⁹³

In 1998, Ohio state legislators prevented the state's department of education from spending federal funds unless it promoted an abstinence-until-marriage approach to HIV prevention. During a two-year battle, a compromise that would have required programs to emphasize abstinence but not limited them exclusively to that message was rejected by hardliners. As a result, the state lost \$1 million in funding, even though only 10% of those CDC funds were earmarked for HIV prevention: the rest were for other important health initiatives, including the prevention of tobacco use, diabetes, and cancer.⁴⁹⁴

In 2001, the Northern Kentucky Independent District Health Department voted to limit sex education efforts paid for with state dollars to the abstinence-only-until-marriage approach. That same year, the New Jersey legislature passed a bill that forces schools to stress or emphasize abstinence over safer-sex curricula. The state legislature in Maine considered a bill that would have mandated abstinence-only sex education. And in Arkansas, which has long limited its state-funded sex education to an abstinence-only model, legislators introduced a bill that would have further restricted sex education.⁴⁹⁵ Florida Governor Jeb Bush announced in March 2001 that he wanted to take \$1 million in state funds for family planning services at health clinics and redirect them to abstinence-only-until-marriage programs—even though Florida already has 35 abstinence-only education programs funded by federal welfare funds and run by private organizations.⁴⁹⁶

Misinformation about HIV and AIDS is common in abstinence-only curricula. Kissing is not a risk factor for HIV transmission, yet *Sex Respect* devotes three paragraphs to the possibility of contracting HIV that way.

INHERENT SEXISM AND ANTIGAY BIAS

Gender stereotypes are widespread in abstinence-only curricula. Boys are presented as sex-crazed; girls as less interested in sex than in finding love. And girls are given the primary responsibility of managing the sexual predations of boys. *Sex Respect* admonishes girls: "Watch what you wear. If you don't aim to please, don't aim to tease." Feminism is blamed for everything from promiscuity to emasculation: "The liberation movement has produced some aggressive girls today, and one of the tough challenges for guys who say no will be the questioning of their manliness."⁴⁹⁷

The curriculum Clue 2000 engages in the standard right-wing tactic of conflating homosexuality with pedophilia and incest when it dissembles, "Among Kinsey's most outrageous and damaging claims are the beliefs that pedophilia, homosexuality, incest, and adult-child sex are normal."⁴⁹⁸ *Facing Reality* assures teachers and parents that pre-

493. Ibid.

494. Ibid.

495. Ibid.

496. Kempner, M. (2001b). State-level debates over abstinence-only-until-marriage. *SIECUS Report*, 29(6), 7.

497. Ibid.

498. Ibid.



senting homosexuality as intrinsically dangerous is actually in the best interests of students, and is not homophobic. It also furthers the lie that AIDS is an exclusively gay disease that was always completely avoidable:

Many homosexual activists are frustrated and desperate over their own situation and those of loved ones. Many are dying, in part, due to ignorance. Educators who struggle to overcome ignorance and instill self-mastery in their students will inevitably lead them to recognize that some people with AIDS are now suffering because of the choices they made.... Teachers, in order to preserve an atmosphere of intellectual freedom, should feel confident that when examining health issues and moral implications of homosexual behaviors, they are not engaging in an assault on a particular person or group.⁴⁹⁹

The irony of that last sentence is particularly rich: abstinence-only education is by definition a suppression of alternative points of view, and supplants a methodology scientifically proven effective in decreasing the spread of STDs with another, unproven method. Yet this approach is constructed as furthering intellectual freedom.

Studies have shown that LGBT youth who receive LGBT-sensitive HIV instruction in school tend to engage in risky sexual behavior less frequently than similar youth who do not receive such instruction. In a random sample of high school students and HIV education instructors in Massachusetts, among sexually active heterosexual and lesbian, gay, and bisexual (LGB) adolescents, LGB adolescents had more sexual partners, used drugs and alcohols before sex more frequently, and had higher rates of pregnancy than their straight counterparts. However, the LGB youth who received gay-sensitive HIV instruction reported fewer sexual partners and less frequent substance use before sex than the LGB youth who did not receive such instruction.⁵⁰⁰

Programs that rely on an abstinence-only model are detrimental to lesbian, gay, bisexual, and transgender youth, those youth questioning their sexual orientation, the children of LGBT parents, and LGBT teachers and administrators. Homosexuality is largely ignored except as a context for HIV transmission. But homosexuality is implicitly, and sometimes explicitly, stigmatized. *Sex Respect* teaches students that “[R]esearch and common sense tell us the best ways to avoid AIDS are: Remain a virgin until marriage...[and a]void homosexual behavior.”⁵⁰¹ When homosexual sexual practices are discussed in this context, they are always portrayed as unnatural.

The explicitly anti-LGBT and stigmatizing language of abstinence-only-until-marriage curricula is intended to have a chilling effect on any discussion of homosexuality in the schools, including attempts to deal with the harassment of LGBT students. The link between the promotion of abstinence-only programs and homophobia was made explicit in comments by Boston University president John Silber, who disbanded a two-year-old gay-straight alliance at a university-run high school, claiming it encouraged teen sex. “We’re not running a program in sex education,” Silber told the *Boston Globe*. “If they want that kind of program, they can go...to public school and learn how to put a con-

Gender stereotypes are widespread in abstinence-only curricula. Boys are presented as sex-crazed; girls are given the responsibility of managing boys’ sexual predations. Feminism is blamed for everything from promiscuity to emasculation.

499. Ibid.

500. Blake, S. M., Ledsy, R., Lehman, T., Goodenow, C., Sawyer, R., & Hack, T. (2001). Preventing sexual risk behaviors among gay, lesbian, and bisexual adolescents: The benefits of gay-sensitive HIV instruction in schools. *American Journal of Public Health*, 91(6), 940–946.

501. Kempner, 2001b.

dom over a banana.” Silber threatened to cut funding to the school if the gay-straight alliance (GSA) wasn’t shut down, forcing the school’s headmaster to comply.⁵⁰²

SEX EDUCATION AND HIV PREVENTION

When he was governor of Texas, George W. Bush argued, as most abstinence-only education supporters have, that teaching safer sex and abstinence together “sends a contradictory message that tends to undermine the message of abstinence.”⁵⁰³ He went as far as to tell young people that they should avoid sex until they are in “a biblical marriage relationship.”⁵⁰⁴ As president, Bush has vociferously advocated for grants to churches and faith-based groups that promote abstinence-only sex education.⁵⁰⁵ Consequently, federal incentives favoring abstinence-only-until-marriage policies are becoming more entrenched during his presidency.

Although HIV and AIDS has disproportionately affected gay and bisexual men in the U.S., transmission rates are increasing for heterosexual women, African Americans, and Latinos. Within the gay and bisexual male community, men of color—and particularly younger men of color—are at greater risk for HIV and AIDS. In New York City, one recent study of 15 to 22 year-olds found that 4% of white men who have sex with men are HIV-positive, while 10% of their Latino and 22% of their African American peers are infected.⁵⁰⁶ From 1999 to 2000, 69% of new HIV infections were among blacks and Latinos, most of them men who have sex with men.⁵⁰⁷

Efforts to stigmatize homosexuality continue to have a disastrous effect on LGBT youth. A three-city study of Latino gay and bisexual men funded by the National Institutes of Health found a correlation between experiences of homophobia and increased likelihood to engage in behaviors associated with HIV transmission.⁵⁰⁸ Homophobia and ignorance about AIDS and other STDs hurts all students, but especially those who are LGBT or are from LGBT families. Youth continue to get infected with HIV unnecessarily because some public health professionals and many elected officials have abdicated their responsibility to deal with HIV and AIDS as public health issues. Instead, too many impose their religiously inspired morality on the rest of the population and promote policies that have failed to prevent the continued spread of this disease. By denying youth access to potentially life-saving information, abstinence-only-until-marriage sex education may, in the end, contribute to the transmission of HIV and other STDs.

By denying youth access to potentially life-saving information, abstinence-only-until-marriage sex education may contribute to the transmission of HIV and other STDs.

502. Associated Press. (2002, September 8). BU Academy gay alliance shut down. *The Standard-Times*. D7. Available at <http://www.s-t.com/daily/09-02/09-08-02/d07sr133.htm>

503. AIDS Action Council. (1999, August). *Election 2000 presidential candidate report*. Retrieved September 2, 2003 from <http://www.thebody.com/aac/candidates.html>; Dailard, C. (2000, April). Fueled by campaign promises, drive intensifies to boost abstinence-only education funds [Electronic version]. *The Guttmacher Report on Public Policy*, 3(2). Available at <http://www.agi-usa.org/pubs/journals/gr030201.html>

504. Broder, D. S. (1999, June 22). Bush defends gun record, pushes teen abstinence in S.C. foray. *Washington Post*, p. A4.

505. Associated Press. (1999, June 22). Bush promotes abstinence for teenagers.

506. Elovich, R. (1999, June). Beyond condoms...how to create a gay men’s culture of sexual health. *POZ*. Available at http://www.poz.com/index.cfm?p=article&art_id=1568

507. National Gay and Lesbian Task Force. (2001, July 12). *With CDC HIV infection rates on the rise, new NGLTF report examines direct impact of discrimination on Latino gay men*. Retrieved October 19, 2003, from <http://www.nglftf.org/news/release.cfm?releaseID=404>

508. Diaz & Ayala, 2001.



6. Filling in the Gaps: A Research Agenda

INTRODUCTION

The collection and analysis of data on the lives and experiences of lesbian, gay, bisexual and transgender youth have enabled researchers and policymakers to begin addressing the needs of this diverse population. Questions about sexual identity, behavior, and attraction have been added to population-based surveys like the Youth Risk Behavior Survey (YRBS) and the National Longitudinal Study of Adolescent Health. This has enabled researchers to collect information from large samples of lesbian, gay, and bisexual (LGB) youth, and to analyze the correlations between sexual orientation, sexual identity, and the health and educational experiences of these youth.⁵⁰⁹ As a result, we know that LGB youth not only have an increased risk for suicide and substance abuse, but also exhibit remarkable strength and resiliency despite facing prolonged periods of adversity at school and at home. This information has provided the foundation upon which advocates and policymakers have developed interventions like gay-straight alliances and anti-harassment policies at the local and state levels, which support lesbian, gay, bisexual, and transgender (LGBT) youth and the children of LGBT parents. These studies, and the new public policies they support, further the cause of equal protection for LGBT youth; the demographic information they provide is one of their most important contributions.

The authors of this publication have endeavored to create a comprehensive summary of the research and literature available on LGBT youth, their experiences in public schools, and the public policies that have been developed and implemented to intervene on their behalf. This summary has more clearly identified gaps in research and knowledge about this population. For example, the overwhelming majority of academ-

509. Lesbian, Gay, and Bisexual (LGB) Youth Sexual Orientation Measurement Work Group. (2003). *Measuring Sexual Orientation of Young People in Health Research*. San Francisco: Gay and Lesbian Medical Association. Retrieved September 16, 2003, from http://www.stophiv.com/lgbtc/measure_young2003.pdf

ic, social science-based research cited does not specifically include or identify transgender youth as a cohort within the population from which data were collected. Chapter 1 briefly discusses some of the contributing methodological barriers to research on LGBT youth. This final chapter is a more pointed narrative designed to inspire graduate students, professors, government-based researchers, and community activists to overcome those obstacles, and help fill the research gaps they create.

The majority of the subheadings in this chapter were inspired by research questions developed during a meeting held in Minneapolis in October 2002, sponsored by the Kevin J. Mossier Foundation and attended by more than a dozen researchers and policymakers with expertise on LGBT issues in primary and secondary education. Also participating were four LGBT youth advocacy groups, the National School Boards Association, the American Federation of Teachers, and the American Psychological Association. Where possible, these questions are wreathed in additional information and citations that may aid in the development of future research. Some questions, however, stand on their own, highlighting the areas of greatest need within the growing body of research and knowledge about the educational experiences of LGBT youth.

POLITICS AND RESEARCH ON LGBT YOUTH

The intersection of politics and social science forces researchers to break through multiple barriers that threaten the quality and scientific integrity of their work. The fact that much of this research is supported by federal funding through agencies like the National Institutes of Health (NIH) requires researchers to be accountable to elected officials and bureaucrats often biased by their political or religious ideologies. This became readily apparent in the spring of 2003, when the journal *Science* reported that program staff at the NIH had warned researchers not to include terms such as “condom effectiveness,” “transgender,” and “men who have sex with men” in federal grant proposals in order to avoid extra scrutiny.⁵¹⁰ This was followed by a close vote in the U.S. House of Representatives narrowly defeating an amendment to a bill funding NIH research grants in the 2004 fiscal year. The amendment would have forbidden the NIH from funding four proposals that focused on sexuality and the prevention of sexually transmitted diseases, including:

- \$237,000 for a study on mood arousal and sexual risk-taking by the Kinsey Institute
- \$500,000 for a study of LGBT and two-spirit Native Americans and Alaskan Natives by researchers at the University of Washington in Seattle
- \$69,000 for a study on the sexual habits of older men who have sex with men, conducted by the New England Research Institutes, Inc.
- \$641,000 for a study conducted by the University of California-San Francisco’s Department of Medicine on drug use and HIV-related behaviors in Asian prostitutes in San Francisco⁵¹¹

Program staff at the NIH warned researchers not to include terms such as “transgender” and “men who have sex with men” in federal grant proposals in order to avoid extra scrutiny.

510. Kaiser, J. (2003). Politics and biomedicine: Studies of gay men, prostitutes come under scrutiny. *Science*, 300, 403.

511. Fram, A. (2003, July 10). House rejects conservative bid to block four federal grants for sex research. Associated Press.



Representative Pat Toomey (R-PA), the congressman who sponsored the amendment, questioned the scientific value of this research: “I ask my colleagues, who thinks this stuff up[?]... These are not worthy of taxpayer funds.”⁵¹² According to Rep. Toomey, “There are far more important, very real diseases that are affecting real people” that NIH funding should be used for.⁵¹³

It is tragic that Representative Toomey believes that LGBT Native Americans, old gay men, and Asian American sex workers are not real people experiencing real health risks. In fact, Native American LGBT youth are among the most understudied and underserved populations in the U.S. Groundbreaking research by Dr. David Barney at the University of Oklahoma on health risk factors for gay American Indian and Alaskan Native adolescent males revealed that prior to his analysis of data from the Indian Adolescent Health Survey, only two studies had been published that provided any information about this population.⁵¹⁴ Dr. Barney’s analysis found statistically significant difference between gay male Native American and Alaska Native adolescents and their heterosexual peers: they were nearly twice as likely to be physically abused and were almost six times as likely to be sexually abused by a family member. They were also twice as likely to have thought of or attempted suicide.⁵¹⁵ Perhaps if Congressman Toomey had read Dr. Barney’s study, he would have realized that although LGBT Native American and Alaska Native youth are a small population often hidden from view on reservations or in urban indigenous communities, they are still real people in need of real programs and targeted social service interventions to protect and support them.

“The day we politicize
NIH research is the day
we will ruin science
research in this country”
—Rep. David Obey (D-WI)

Representative David Obey (D-WI) spoke out against Representative Toomey’s amendment and the politicization of scientific, peer-reviewed research in the U.S:

...[T]he day we politicize NIH research, the day we decide which grants are going to be approved on the basis of a 10-minute horseback debate in the House of Representatives with 434 of the 435 Members in this place who do not even know what the grant is, that is the day we will ruin science research in this country.... We have the NIH for a reason...I would rather trust 10 doctors sitting around a table than I would 10 politicians sitting around a table when we decide how to allocate taxpayer money for those grants.⁵¹⁶

Most recently, the Traditional Values Coalition (TVC) prompted the U.S. Department of Health and Human Services (HHS) to develop a list of some 250 research projects funded by the NIH. HHS staffers have called many of the 150 senior researchers involved, asking questions prompted by TVC’s opposition to sexuality-related research. Representative Henry Waxman (D-CA) denounced this as “scientific McCarthyism” and an effort to “undermine peer-reviewed research at NIH.”⁵¹⁷ *New York Times* columnist Bob Herbert called the Traditional Values Coalition and their Bush

512. Ibid.

513. 149 CONG. REC. H 6565.

514. Remafedi, G., Resnick, M., Blum, R., & Harris, L. (1992). Demography of sexual orientation in adolescents. *Pediatrics*, 89(4), 714–721; Rowell, R. (1996). *HIV prevention for gay/bisexual/two-spirit Native American men*. Oakland, CA: National Native American AIDS Prevention Center.

515. Barney, D. D. (in press). Health risk-factors for gay American Indian and Alaska Native adolescent males. *Journal of Homosexuality*.

516. 149 CONG. REC. H 6565.

517. Radow, J. (2003, October 28). Researcher “hit list” undermines NIH peer-review process, charges Rep. Waxman. *Washington Fax*.

518. Herbert, B. (2003, November 3). The big chill at the lab. *The New York Times*, p. A19.

Administration allies “know-nothings...traipsing through the laboratories, infecting the research with their religious beliefs and political ideologies.”⁵¹⁸

The current troubled political landscape profoundly impacts the work of researchers for one simple reason: without funding, there is no research. The research questions that follow would help to provide critical data on the experiences of LGBT youth. But it is equally as important to lay a foundation for successful research in the future. Creating partnerships with political and bureaucratic allies who are capable of supporting the changes necessary for collecting population-based data is essential to identifying the most effective policy interventions. The Policy Institute of the National Gay and Lesbian Task Force is dedicated to bridging the gaps between research and policy. Collaboration between researchers and LGBT rights advocates may even succeed in convincing the Centers for Disease Control to include mandatory questions about sexual orientation and gender identity on the Youth Risk Behavior Survey (YRBS) and similar, national, population-based studies. At present, questions about sexual orientation and behavior are optional.

THE NEED FOR STANDARDIZED DEFINITIONS

There are many ways of asking about or conceptualizing sexuality. Researchers have variously measured sexual orientation or attraction, behavior, and self-identity. Among other factors, the political barriers to research on LGBT youth and the lack of coordination of federally funded research on LGBT people in general have prevented the creation of standardized definitions and measures of sexual orientation, such as those created for determining race and ethnicity for the 2000 Census.⁵¹⁹ Even less work has been done to develop a measure for gender identity or expression. This is particularly problematic for youth, as the formation of sexual orientation and gender identity is central to adolescence. Consequently, the need for the development, testing, and selection of standard definitions and measures of sexual orientation and gender identity based on sound methodological research is paramount.⁵²⁰

The need for the development, testing, and selection of standard definitions and measures of sexual orientation and gender identity based on sound methodological research is paramount.

Imprecision in the measurement of sexual orientation has resulted in inadequately specified population parameters and differing criteria for research and analysis. And survey instruments that use differing criteria for measuring sexual orientation prevent the comparison of data, because portions of population parameters may either overlap or be mutually exclusive.⁵²¹ The following table compiled by Sell and Becker lists the Department of Health and Human Services–sponsored surveys and data sets that assess sexual orientation in adolescents.

519. Krieger, N. (2000). Counting accountability: Implications of the new approaches to classifying race/ethnicity in the 2000 Census. *American Journal of Public Health*, 90, 1687–1689.

520. Sell, R. L., & Becker, J. B. (2001). [Data on sexual orientation for inclusion in Department of Health and Human Services databases]. Unpublished data.

521. Ibid.



POPULATION-BASED SURVEYS THAT HAVE ASSESSED SEXUAL ORIENTATION IN ADOLESCENT POPULATIONS⁵²²

NATIONAL SURVEY OF FAMILY GROWTH (NSFG), CDC

Periodic survey of women ages 15–44 in the civilian non-institutionalized population, providing current information on childbearing, contraception, and closely related aspects of maternal and child health Cycle 5 of NSFG, conducted in 1995, also included a broad range of information related to HIV and STD risk. Because of national need for data on HIV risk behavior, family formation, and fatherhood, NSFG Cycle 6 included interviews with men ages 15–49. Cycle 6 was pretested in early 2001, and the main study was conducted in 2002.

Locality	Years	Sexual Orientation Questions
U.S.	1995	<p>“These next questions are about the sexual partners you have had in the past 12 months. JE-3: Have ANY of your partners in the past 12 months had sex with men since 1980? 1) Yes 2) No”</p>
	A Pretest of these questions was conducted in 2001. Questions may have been modified as a result of the pre-test.	<p>KJ-1. “Thinking about your entire life, how many female sex partners have you had? Please count every partner, even those you had sex with only once.” KJ-2. “Thinking about the last 12 months, that is, since (MONTH, 2000), how many female sex partners have you had? Please count every partner, even those you had sex with only once.”</p> <p>KM-1. “Thinking about your entire life, how many male sex partners have you had?” KM-2. “During the last 12 months, that is, since (MONTH, 2000), how many male sexual partners have you had?”</p> <p>KN-1. “People are different in their sexual attraction to other people. Which best describes your feelings? Are you...Only attracted to females, Mostly attracted to females, Equally attracted to females and males, Mostly attracted to males, Only attracted to males, Not sure.” KN-2. “Do you think of yourself as... Heterosexual, Homosexual, Bisexual, Or something else? SPECIFY: __”</p>

(NATIONAL) YOUTH RISK BEHAVIOR SURVEILLANCE SYSTEM (YRBSS), CDC

The Youth Risk Behavior Surveillance System (YRBSS) was developed to monitor priority health-risk behaviors that contribute to the leading causes of mortality, morbidity, and social problems among youth and adults in the United States. The YRBSS monitors six categories of behaviors: (1) behaviors that contribute to unintentional and intentional injuries; (2) tobacco use; (3) alcohol and other drug use; (4) sexual behaviors that contribute to unintended pregnancy and sexually transmitted disease, including human immunodeficiency virus (HIV) infection; (5) dietary behaviors; and (6) physical activity.

Locality	Years	Sexual Orientation Questions
U.S.	1999, 2000	<p>“With whom have you had sexual intercourse? a) I have not had sexual intercourse with anyone b) Females c) Males d) Females and males”</p> <p><i>This question has NEVER appeared on the core set of questions in the national YRBSS model. However, the CDC puts out the “Optional questions for consideration by state and local education and health agencies,” which presents a list of suggested questions that states can add at their leisure. The wording of these questions is often based on previous wordings that states have used on their past surveys. In 1999 and 2000, The above question appeared on this optional list.</i></p>
Boston	1993	Q64: “The person(s) with whom you have had sexual contact is (are): (a) female(s), (b) male(s) (c) female(s) and male(s) and (d) I have not had sexual contact with anyone”
	1995	Q67: Same as Q64, 1993, but response options are in different order: “a) I have not had sexual contact with anyone; b) Female(s); c) Male(s); d) Female(s) and male(s)” Q68: “Which of the following best describes you? a) Heterosexual (straight); b) Bisexual; c) Gay or lesbian; d) Not sure; e) None of the above”
	1997	Q7: Same as Q68, 1995, but response options “b” and “c” are reversed, and “e) None of the above” response is eliminated Q69: Same as Q67, 1995
	1999	Q9: Same as Q7, 1997 Q72: “During your life, the person(s) with whom you have had sexual contact is (are): a) I have not had sexual contact with anyone; b) Female(s); c) Male(s); d) Female(s) and male(s)”

522. Sell & Becker, 2001.

YRBSS CONTINUED

Locality	Years	Sexual Orientation Questions
Maine	1995, 1997, 1999	Q94: "The person(s) with whom you have had sexual contact during your life is (are): (1) Never had sexual contact; (2) Female; (3) Male; (4) Males and Females"
Massachusetts	1993	Q64: "The person(s) with whom you have had sexual contact is (are): (a) Female(s), (b) Male(s) (c) Female(s) and male(s) and (d) I have not had sexual contact with anyone"
	1995	Q67: Same as Q64, 1993, but response options are in different order: "a) I have not had sexual contact with anyone; b) Female(s); c) Male(s); d) Female(s) and male(s)" Q68: "Which of the following best describes you? a) Heterosexual (straight); b) Bisexual; c) Gay or lesbian; d) Not sure; e) None of the above"
	1997	Q7: Same as Q68, 1995, but response options "b" and "c" are reversed, and "e) None of the above" response is eliminated Q69: Same as Q67, 1995
	1999	Q9: Same as Q7, 1997 Q72: "During your life, the person(s) with whom you have had sexual contact is (are): a) I have not had sexual contact with anyone; b) Female(s); c) Male(s); d) Female(s) and male(s)"
Oregon	1997	Q24: "In the past 30 days, what were you harassed about? (If more than one reason, what was the most upsetting or offensive to you?): I was not harassed; Race or national origin; Unwanted sexual attention or comments; Perceived sexual orientation (gay/lesbian/bisexual); Physical disability; Other not listed; Don't know why I was harassed."
	1999	Q12: "During the past 12 months, have you ever been harassed at school (or on the way to or from school) because someone thought you were gay, lesbian or bisexual?"
Philadelphia	1999	Q63: "With whom have you had sexual intercourse? a) I have not had sexual intercourse with anyone b) Females c) Males d) Females and males"
San Diego	1999	"With whom have you had sexual intercourse? a) I have not had sexual intercourse with anyone b) Females c) Males d) Females and males"
San Francisco	1997	Q62: "Have you ever had sexual intercourse with a male? a)Yes b) No" Q63: "Have you ever had sexual intercourse with a female? a) Yes b) No"
	1999	Q67: "With whom have you had sexual intercourse? a) I have not had sexual intercourse with anyone b) Females c) Males d) Females and males"
Seattle	1995	Q23: "Has anyone ever made offensive comments or attacked you because of your sexual orientation/preference – at school or on the way to or from school? Yes; No" Q58: "How would you describe your sexual orientation/preference?" Heterosexual – attracted to the opposite sex; Bisexual – attracted to both sexes; Homosexual (gay or lesbian) – attracted to the same sex; Not sure"
	1999	Q25: "Has anyone ever made offensive comments or attacked you because they thought you were gay or lesbian - at school or on your way to or from school? Yes; No" Q46: "How would you describe your sexual orientation? Heterosexual – attracted to the opposite sex; Bisexual – attracted to both sexes; Homosexual (gay or lesbian) – attracted to the same sex; Not sure"
Vermont	1995	Q55: "During your life, with how many males have had sexual intercourse?" Q56: "During your life, with how many females have had sexual intercourse?" Q57: "During the past three months, with how many males have had sexual intercourse?" Q58: "During the past three months, with how many females have had sexual intercourse?"
	1997	Q78: "The persons you have had sexual activity with are: (1) I have not had sexual activity with anyone; (2) Females; (3) Males; (4) Females and males"
	1999	Q69: "The persons you have had sexual intercourse with are: (1) I have never had sexual intercourse; (2) Females; (3) Males; (4) Females and males"
	2001	Q67: "With whom have you had sexual intercourse?" (Response options same as 1999)
	1997	Q21: "Have you ever been threatened or hurt because someone thought you were gay, lesbian or bisexual? (a) Yes (b) No (c) I'm not sure"
Wisconsin	1999	Q23: Same as Q21, 1997



STATE SURVEYS BASED ON OR SIMILAR TO THE YRBSS:

ADOLESCENT HEALTH SURVEY (AHS)

Locality	Years	Sexual Orientation Questions
Minnesota	1987	<p>1) "Which of the following best describes your feelings? (a) 100% heterosexual (attracted to persons of the opposite sex) (b) Mostly heterosexual (c) Bisexual (equally attracted to men and women) (d) Mostly homosexual (e) 100% gay/lesbian; attracted to persons of the same sex) (f) Not sure"</p> <p>2) "Have you ever had any kind of sexual experience with a male? (a) yes (b) no. Have you ever had any kind of sexual experience with a female? (a) yes (b) no"</p> <p>3) "Which of the following best describes your feelings? (a) I am only attracted to people of the same sex as mine, and I will only be sexual with persons of the same sex (b) I am strongly attracted to people of the same sex as mine, and most of my sexual experiences will be with persons of the same sex as mine (c) I am equally attracted to men and women and would like to be sexual with both (d) I am strongly attracted to people of the opposite sex, and most of my sexual experiences will be with persons of the opposite sex (e) I am only attracted to people of the opposite sex, and I will only be sexual with persons of the opposite sex."</p> <p>4) "When you think or daydream about sex, do you think about: (a) males (b) females (c) both?"</p>

NATIONAL AMERICAN INDIAN ADOLESCENT HEALTH SURVEY (NAIAHS)

55 Tribes in 12 Indian Health Service Areas	1991	Same wording as Minnesota, above
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VOICES OF CONNECTICUT YOUTH (VCY)

Connecticut	1996, 1999	Q22k: "Have you done the following things in the past YEAR (12 months) ... Been made fun of because of your sexual orientation? (a) No (b) Yes, Once (c) More than Once"
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Studies that use measures of attraction as the basis for research do not measure the same thing as studies that ask about sexual behavior. For example, the National Longitudinal Study of Adolescent Health found that 6% of participants between the ages of 13 and 18 reported same-sex attraction, with 1% reporting that they were only attracted to members of their own sex and 5% reporting attraction to both sexes.⁵²³ A 1999 Safe Schools Coalition of Washington report found that among eight population-based studies administered over 10 years to 83,042 youth, 4 to 5% of teens in secondary schools either identified themselves as gay, lesbian, or bisexual, had engaged in same-sex sexual activity, or had experienced same-sex attractions.⁵²⁴ Which percentage should be used to most accurately identify lesbian, gay, and bisexual youth?

There is little consensus on how sexual orientation and gender identity should be measured in social science research. Sell and Becker recommend that the U.S. Department of Health and Human Services (HHS) take a leadership role in both the development of standardized measures of sexual orientation and the collection of these data by:

- Creating working groups within the Data Council and National Committee on Vital Health Statistics to examine the collection of sexual orientation data and reporting

523. Russell, Seif, & Truong, 2001.

524. Reis & Saewyc, 1999.

- Creating a set of guiding principles to govern the process of selecting standard definitions and measures of sexual orientations
- Recognizing that race, ethnicity, immigration status, age, and socioeconomic and geographic differences must be taken into account when selecting standard measures and assessing the validity and reliability of these measures
- Selecting a minimum set of standard sexual orientation measures for use in HHS databases and information systems
- Developing a long-range strategic plan for the collection of sexual orientation data⁵²⁵

The Sell Assessment of Sexual Orientation⁵²⁶ in Appendix A, and the Friedman Measure of Adolescent Sexual Orientation⁵²⁷ in Appendix B of this publication are examples of proposed data collection instruments that could be used to standardize the assessment of sexual orientation in population-based surveys like the YRBS. The development of standard measurements and definitions of sexual orientation and gender identity is perhaps most hampered by the political context of publicly funded research. While many researchers may not include political lobbying in their curricula vitae, increased collaboration between academics and LGBT advocacy organizations may hasten the bureaucratic decisions necessary to meet this objective.

METHODOLOGICAL ISSUES

The gaps in research on lesbian, gay, bisexual, and transgender people widen to chasms for LGBT youth.⁵²⁸ Many are due to the methodological difficulties associated with research on small, often hidden, populations. Of course, methodological problems afflict and impede social science research regardless of the population being studied, but they do not negate the need for it. An awareness of the problems common in research on LGBT youth is a critical step toward the development of strategies to overcome these limitations.

QUANTITATIVE VERSUS QUALITATIVE RESEARCH METHODOLOGIES

Solid, conclusive evidence, facts, or data on LGBT youth and their lives are often difficult to gather or simply not available.⁵²⁹ The belief that research is worthwhile only when it involves the analysis of quantitative data is common among researchers, regardless of the population being studied. While there is an important role for empirical, quantitative research that permits the study of correlations or causal relationships, there is also an important role for data collection and analysis that employs qualitative

525. Sell & Becker, 2001.

526. Sell, R. L. (1997). The Sell assessment of sexual orientation: Background and scoring. *Archives of Sexual Behavior*, 26(6), 643–658.

527. Friedman, M. S., Silvestre, A. J., Gold, M. A., Markovic, N., Savin-Williams, R. C., Huggins, J., & Sell, R. C. (in press). Adolescents define sexual orientation and suggest ways to measure it. *Journal of Adolescence*.

528. Ryan, C. (2002). *A review of the professional literature & research needs of LGBT youth of color*. Washington: National Youth Advocacy Coalition.

529. Ibid.



methods.⁵³⁰ These methods allow for an in-depth understanding of beliefs, behaviors, and experiences, particularly when studying LGBT youth. Qualitative methods can facilitate the collection of valuable information, especially on hard-to-reach segments of LGBT youth, such as youth of color. Qualitative approaches can be valuable for preliminary research about a specific population, which can be a guiding force in the development of future, more representative research projects. However, the value of qualitative research can also stand on its own. Qualitative techniques can provide contextual information that cannot be captured via statistical analysis. A number of studies on LGBT and questioning youth have employed interviews, ethnographies, surveys, and case studies.⁵³¹ However, few studies have employed mixed-method approaches, and none has employed participatory action research.

PARTICIPATORY ACTION RESEARCH

An innovative approach to gathering information about LGBT youth is Participatory Action Research (PAR), a method in which the people being studied are given control over the purpose and procedures of the research.⁵³² There are five major guidelines for conducting PAR:

1. The community's interests are identified and defined as a starting point
2. The process of doing research is connected to the potential for community action
3. The researcher stands with the community, not outside of it as an objective observer
4. Flexibility is maintained in research methods and focus, changing them as necessary; the outcome is intended to benefit the community, with risks acknowledged and shared between researchers and the community
5. Differences between participants from the community and the researcher are acknowledged, negotiated at the outset, or resolved through a fair and open process⁵³³

PAR is typically used with historically disadvantaged populations. Because it allows them to define their own problems, the remedies they desire, and the direction of the research that will help them realize their goals, it is seen as more socially conscientious and less exploitative than other kinds of social science research.⁵³⁴ PAR could be particularly relevant to the study of LGBT youth, giving them a voice while allowing researchers to learn in-depth information about their lives and unique experiences.

530. Diaz, R. (1998). *Latino gay men and HIV: Culture, sexuality, and risk behavior*. New York: Routledge. Diaz's research provides an important framework for conceptualizing and conducting in-depth qualitative research.

531. Ryan, 2002.

532. Babbie, E. (2002). *The basics of social research*. Belmont, CA: Wadsworth.

533. Deshler, D. & Ewert, M. (1995). *Participatory action research: Traditions and major assumptions*. Retrieved August 19, 2003, from http://www.parnet.org/tools/tools_1.cfm

534. Babbie, 2002.

SAMPLING AND BIAS

Sampling methods, such as probability sampling, can be powerful tools for understanding large or hidden populations. Probability sampling offers an opportunity to make generalizations about individuals who were not studied directly. In order to gather these data, appropriate questions can be added to existing population-based surveys. Although researchers are beginning to identify lesbian, gay, and bisexual youth by including questions about sexual orientation and/or same-sex behavior or attraction on these surveys, most research still relies on convenience sampling.

While convenience sampling is often the only viable solution for research limited by population, financial, or time constraints, it hinders researchers from making generalizations about the larger population. Unfortunately, until sexuality and gender identity are no longer stigmatized, and LGBT and questioning youth no longer face harassment and violence, only some will be willing to discuss their sexual orientation or gender identity, forcing researchers to employ convenience sampling methodologies. Selective disclosure of sexual orientation and gender identity can have an adverse effect on samples as well as on the results of a study. Any sample that only includes youth who are openly gay is not necessarily generalizable to the greater LGBT youth population.

LONGITUDINAL RESEARCH

One of the continuing challenges to understanding the lives of LGBT youth is the lack of longitudinal data. Longitudinal research would enhance our understanding of the evolution of sexual orientation, behavior, and identity from adolescence to adulthood. While some representative surveys, such as the YRBS and the National Adolescent Health Survey, are collecting time-series data, none is collecting enough data to analyze all segments of the LGBT youth population—whether by race, ethnicity, specific age cohorts, or geography—to make statistically significant comparisons. Nor do these surveys collect any data on gender identity.

More important than collecting data over time is the need to collect longitudinal data on the same population of youth about their identity, attraction, and sexual behavior. The longitudinal data currently collected on LGBT youth are trend data. Trend studies collect similar data over time, but use different samples. Unlike trend studies, panel studies collect information over time from the same sample. Panel data would improve our understanding of how sexuality and gender identity develops. To date, there have been no panel studies of LGBT youth.

This lack of longitudinal studies is not surprising. The inherently small size of the LGBT youth population makes it difficult to study the same adolescents over time. Most samples of LGBT youth number between 100 and 500, which falls short of the magnitude required for panel studies. Representative studies from Vermont, Massachusetts and Washington indicate that about 1 to 4% of youth identify as lesbian, gay, or bisexual.⁵³⁵ The number of youth identifying as transgender is typically 1% of the identified LGB population: a small percentage of an already small minori-

535. Russell, Seif, & Truong, 2001.



ty.⁵³⁶ Given that longitudinal studies typically suffer from attrition, such a study could only be conducted with appropriate oversampling of LGBT youth. Even then, there is a chance that the people who drop out of the study may differ from people who remain, and such differences may distort the ultimate results.

ETHICAL ISSUES INVOLVED IN RESEARCH ON LGBT YOUTH

While any research involving human subjects involves weighty ethical considerations, they become even more acute when the subjects are children and adolescents. Federal law requires the informed consent of parents or legal guardians when minors are involved in research.⁵³⁷ However, parental consent may be waived if securing parental consent would jeopardize the participant's welfare or violate a teenager's privacy.⁵³⁸ Because of the physical and psychological risks teens often face if their parents find out they are LGBT, institutional review boards should consider granting such a waiver when considering proposed research on LGBT youth.⁵³⁹ Researchers should always obtain written assent from participants under the age of consent.⁵⁴⁰

THE NEED FOR RESEARCH ON UNDERSTUDIED LGBT POPULATIONS

There is a dearth of research on the school experiences of a number of understudied populations, including lesbian and transgender youth of color, immigrant LGBT youth, LGBT youth who live in rural school districts, and transgender and gender-nonconforming youth.

- What are the differences among the experiences of LGBT youth of color from different racial and ethnic groups?
- How do we currently talk about LGBT issues? Is it through predominantly white models? Are these models effective? How can they become more inclusive of the experiences of LGBT youth and families of color?
- How do LGBT youth of color integrate their racial and ethnic identities with their sexual or gender identities? What interventions can be used or altered to better facilitate this process?

536. Kosciw & Cullen, 2001.

537. Putnam, F. W., Liss, M. B., & Landsverk, J. (1996). Ethical issues in maltreatment research. In K. Hoagwood, P. S. Jensen, & C. B. Fisher (Eds.), *Ethical issues in mental health research with children and adolescents*. Mahwah, NJ: Lawrence Erlbaum Associates. Cited in Elze, D. E. (2003). 8,000 miles and still counting... Reaching gay, lesbian and bisexual adolescents for research. In W. Meezan & J. I. Martin (Eds.), *Research methods with gay, lesbian, bisexual and transgender populations*. Binghamton, NY: The Haworth Press.

538. Fisher, C. B. (1993). Integrating science and ethics in research with high-risk children and youth. *Social policy report: Society for Research in Child Development*, 7(4), 1–27. Cited in Elze, D. E. (2003). 8,000 miles and still counting... Reaching gay, lesbian and bisexual adolescents for research. In W. Meezan & J. I. Martin (Eds.), *Research methods with gay, lesbian, bisexual and transgender populations*. Binghamton, NY: The Haworth Press; Rosario, M., Hunter, J. & Gwadz, M. (1997). Exploration of substance use among lesbian, gay, and bisexual youths: prevalence and correlates. *Journal of Adolescent Research*, 12, 454–476. Cited in Martin, J. I., & Meezan, W. (2003). Applying ethical standards to research and evaluations involving lesbian, gay, bisexual, and transgender populations. In W. Meezan & J. I. Martin (Eds.), *Research methods with gay, lesbian, bisexual and transgender populations*. Binghamton, NY: The Haworth Press.

539. Elze, 2003.

540. Martin & Meezan, 2003.

- How can we address the heightened HIV risk among some LGBT youth of color without further stigmatizing and pathologizing them?

Ryan's review of the academic literature on LGBT youth found that of 166 publications addressing health, mental health, and identity development among lesbian, gay and/or bisexual youth from 1972–1999, only nine of these publications focused on the particular issues affecting LGB youth of color. None focused on the particular issues affecting lesbian or transgender youth of color.⁵⁴¹ Ryan then identified the 14 primary and secondary journals most widely read among key school practitioners, such as teachers, guidance counselors, and social workers. Only 25 of approximately 2,500 articles published in these journals during a 27-year period (1%) addressed the health concerns of LGB youth. Of those 25 articles, only one (4%) focused on LGB youth of color, and none addressed transgender youth of color.⁵⁴²

Of 166 publications addressing lesbian, gay and/or bisexual youth from 1972–1999, only nine focused on the particular issues affecting LGB youth of color.

In her more recent review of the literature on LGBT youth, published in 2002 by the National Youth Advocacy Coalition, Ryan identifies the need for in-depth qualitative studies of how sexuality and gender identity are experienced in ethnic minority communities, both by LGBT youth of color and by the predominantly heterosexual majority within each ethnic community.⁵⁴³ She also calls for research on “the life trajectories and health outcomes of LGB youth of color in the context of coming out.”⁵⁴⁴ Citing Diaz's work, Ryan notes the impact of gendered notions of homosexuality in some communities of color, as well as the impact of various forms of cultural oppression (racism, homophobia, poverty, xenophobia) on HIV-related risk behavior and other health risks.⁵⁴⁵

- Are immigrants, particularly undocumented immigrants, less likely to report anti-LGBT harassment and violence due to a desire to minimize their interactions with governmental authorities?
- Does the reliance of immigrant LGBT youth and the children of immigrant LGBT parents on their ethnic communities make them or their parents less likely to self-identify as LGBT or to be out?
- How does culture influence identity and disclosure of sexual orientation and gender identity?

Particularly complex forces shape identity, attraction, and behavior among immigrant youth:

Many youth are reared in immigrant families and are themselves immigrants who are adjusting to a new mainstream culture with different social and gender roles, and media representations of sexuality. Values and beliefs from their countries of origin also inform behavior, collectively through the influence of their family and ethnic community, and individually, through internalized representations that shape attraction and desire.⁵⁴⁶

541. Ryan, C. (2000). *Analysis of the content and gaps in the scientific and professional literature on the health and mental health concerns of lesbian, gay and bisexual youth*. Unpublished manuscript, American Psychological Association's Healthy Lesbian, Gay and Bisexual Students Project.

542. Ryan, 2002.

543. Ibid.

544. Ibid.

545. Diaz, 1998; Diaz & Ayala, 2001.

546. Ryan, 2002.



The experiences of immigrant LGBT youth, especially the children of undocumented immigrant parents, in negotiating a homophobic school environment also warrant inquiry. While immigrant youth of color share experiences different from white immigrant youth, it is important to understand the cultural specificities of each group's experiences. Southeast Asian immigrants' experiences differ greatly from those of East Asian or South Asian immigrants. Similarly, Eastern European immigrants' experiences differ from those of immigrants from Latin America or West Africa.

There is no literature on the issues specific to LGBT youth growing up in rural areas. The 2001 Gay, Lesbian and Straight Education Network (GLSEN) survey did differentiate among students in rural, suburban, and urban areas. The survey revealed significant variations in availability and access to educational and informational resources about LGBT issues between youth in rural communities and youth in suburban or urban communities:

- Only 5% of rural students reported that LGBT issues were taught in class compared with 24% of urban students and 29% of suburban students
- Less than 10% of rural students reported that LGBT issues were represented in textbooks, compared with over 21% of urban students and 23% of suburban students
- 49% of rural students reported that LGBT resources were available in their school's library, compared with 55% of urban students and 64% of suburban students
- 45% of rural students had access to LGBT resources via Internet connections at school, compared with 63% of urban students and 59% of suburban students⁵⁴⁷

Future research should attempt to correlate these differences among rural, suburban, and urban LGBT youth with educational achievement measures, as well as with measures of psychological and social well-being. For example, since LGBT youth in suburban areas have greater access to LGBT resources in their school libraries, are they more likely to report fewer incidents of depression or suicidal ideation? Do they have higher grade point averages than youth in rural areas?

Correlations between access to resources and education and measures of mental and physical health can be a powerful tool for influencing public policy. For example, LGBT youth in rural areas may be more dependent on the Internet to access LGBT resources than youth in metropolitan areas who can, for example, take the subway or drive downtown to visit the local community center or an LGBT youth program. Consequently, Internet filtering software may disproportionately impact LGBT youth in rural areas. The role of the Internet in LGBT identity and community development, particularly among rural and ethnic minority youth, warrants further research.

Despite the increased attention to transgender theory in popular culture, the media, the law, and politics, no books specifically address transgender youth, and there is a similar dearth of research on transgender youth in academic journals.

- What is the link between gender nonconformity and victimization?
- What interventions help transgender and gender-nonconforming youth to deal effectively with harassment and violence while remaining in school?
- What is the impact of single-sex education on transgender and gender-nonconforming youth?

547. Kosciw & Cullen, 2001.

Researchers may benefit from partnerships with the growing number of national transgender rights organizations, such as the National Transgender Advocacy Coalition, the Gender Public Advocacy Coalition (GenderPAC), and the Transgender Law and Policy Institute. These organizations may, in turn, further advance their missions by seeking funding for the sponsorship of research that could provide valid and reliable data on the diverse experiences of transgender youth.

SOME GENERAL RESEARCH QUESTIONS

HOW MANY LGBT YOUTH ARE THERE?

Data from population-based studies allow for estimates of the prevalence of homosexuality and bisexuality among adolescents. The National Longitudinal Study of Adolescent Health, a comprehensive study of over 12,000 youth in grades seven through twelve, found that 6% of participants between the ages of 13 and 18 reported same-sex attraction, with 1% reporting that they were only attracted to members of their own sex and 5% reporting attraction to both sexes. Similarly, a 1999 Safe Schools Coalition of Washington report found that among eight population-based studies administered over 10 years to 83,042 youth, 4 to 5% of teens in secondary schools either identified themselves as gay, lesbian, or bisexual, had engaged in same-sex sexual activity, or had experienced same-sex attractions.⁵⁴⁸ More recent population-based studies have similar results:

- The 2001 Massachusetts Youth Risk Behavior Survey reported that 5% of respondents either self-identified as gay or bisexual or reported same-sex sexual experiences⁵⁴⁹
- The 2001 Vermont Youth Risk Behavior Survey reported that 3% of students had engaged in same-sex sexual relations⁵⁵⁰

To estimate the number of LGBT youth in public schools in the U.S., researchers could focus on high school students (ages 15 to 18), who are likely to be aware of their sexual attractions and orientation. In 2002, the U.S. Department of Education estimated that there were 13.8 million students in this grade range. Five percent of that figure would be approximately 689,000 students who may identify as lesbian, gay, or bisexual, have same-sex attractions, or have same-sex sexual experiences.

Among eight population-based studies administered to 83,042 youth, 4 to 5% of teens in secondary schools either identified themselves as gay, lesbian, or bisexual, had engaged in same-sex sexual activity, or had experienced same-sex attractions.

LGBT PARENTING

- How many school-age youth have LGBT parents?
- What are the similarities and differences between the experiences of LGBT-identified youth and children of LGBT parents? Do they experience harassment and discrimination differently?

548. Reis & Saewyc, 1999.

549. Massachusetts Department of Education, 2002.

550. Vermont Department of Health, 2002.



- Where are the policy gaps that fail to protect or account for the children of LGBT parents?
- What are the school experiences of LGBT parents who adopt children of other races, and what are the experiences of these youth in school?
- How can we utilize the information gathered from a small sample of parents in same-sex relationships in the National Adolescent Health Study?
- Does the degree to which their LGBT parents are out affect the way children experience harassment and violence?
- What are the particular experiences of the children of transgender parents?

As noted in Chapter 1, same-sex couples reported high parenting rates on the 2000 Census—lesbian couples parent at about three-quarters the rate of straight married couples, and gay male couples parent at about half the rate of straight married couples. Some data show higher parenting rates among lesbians of color than among white lesbians. These data on the incidence of parenting among lesbians of color offer new research opportunities that could alter the stereotypical picture of gay parenthood: well-off, white, and urban, with adopted or artificially conceived children. Where are African American and Latina lesbians with children geographically located? What percentage are raising their children with a same-sex partner? Are these children adopted or were they conceived through a heterosexual relationship that occurred prior to the mother’s coming out as gay or bisexual? This question is particularly important given the legislative focus on abstinence-only-until-marriage sex education, marriage promotion, and fatherhood promotion initiatives. Do cultural, religious, and other social factors specific to lesbian and bisexual women of color make them more likely to have heterosexual relationships prior to coming out? What impact are heterosexual marriage promotion initiatives and fatherhood initiatives having on lesbian and bisexual mothers who first parent in a heterosexual context?

These data on the incidence of parenting among LGBT people of color could alter the stereotypical picture of gay parenthood: well-off, white, and urban, with adopted or artificially conceived children.

PRIMARY SCHOOL EXPERIENCES

- What are the elementary school experiences of LGBT youth, the children of LGBT parents, and youth who are perceived to be LGBT, and what successful interventions, if any, have worked at those grade levels?

The experiences of harassment and violence reported by the parents of children in elementary schools in the five-year study sponsored by the Safe Schools Coalition of Washington, described in Chapter 2, represent the largest body of research available on this age group. GLSEN’s National School Climate Surveys focuses primarily on students in high school, with over 92% of participants in grades 10, 11, and 12. In fact, only 0.3% of the participants in GLSEN’s study (n=3) were in sixth grade.⁵⁵¹ The qualitative research presented in Human Rights Watch’s *Hatred in the Hallways* report included retrospective accounts of violence and harassment in elementary school by LGBT students who were in high school, but no direct accounts by elementary school students. Given this lack of data on the prevalence of harassment and violence in elementary schools, it is not surprising that there is little information on specific interventions that would help to prevent it.

551. Kosciw & Cullen, 2001.

The data cited by the Safe Schools Coalition of Washington, Human Rights Watch, and LGBT youth who discuss their past experiences underscore the need for a coordinated effort on behalf of researchers and LGBT activists to conduct research on harassment and violence in elementary schools. Researchers will have to be innovative in their approaches to collecting this information. The Safe Schools Coalition of Washington was able to successfully involve parents in the process by creating a hotline for them to call if their children were being harassed or abused at school. Another approach might ask participants in population-based surveys like the YRBS to report their experiences of anti-LGBT harassment and violence prior to sixth grade.

LIFE OUTSIDE OF SCHOOL

- What are the experiences of LGBT youth outside of schools, and how do we conduct research that produces information representative of their whole lives?

The quality and magnitude of research on the experiences of LGBT youth in schools, the harassment and violence they face, and its impact on their educational, physical, and mental health outcomes has grown significantly during the past decade. However, researchers need to be wary of creating an incomplete picture of the lives of LGBT youth. What are their experiences outside of school? Do they face discrimination in their part-time jobs? Do the activities they participate in outside of school differ from the activities of their heterosexual peers? How do they find support networks to counterbalance harassment and bias they experience in school? There is no research available to shed light on these questions. Again, the most effective method of collecting data on these issues may be to add questions to existing population-based surveys administered in schools, like the YRBS, which can assess the broader context in which LGBT students live their lives.

TEACHERS AND SCHOOL STAFF

- What are the attitudes of school personnel (teachers, school staff, school board members, etc.) toward LGBT issues in education?
- How are teachers and other school staff trained on LGBT-related issues?
 - Are they incorporated into teacher education, staff training, and re-credentialing?
 - How can this be institutionalized as an ongoing process?
 - What types of training are effective?
- How is multicultural education conceptualized, and is it inclusive of LGBT issues?
- How can LGBT issues be integrated into school curricula?

The only academic journal article found in a literature search for the inclusion of gay or LGBT issues in multicultural education was published in *Multicultural Education* in 1997. Pohan and Bailey highlight some common goals cited in implementing a multicultural approach to education, which are also applicable to LGBT issues:

- Combating a narrow and/or monodimensional curriculum; affirming and legitimizing the presence and contributions of diverse groups



- Creating a climate that promotes an appreciation of diverse peoples, values, perspectives, and ways of life
- Reducing prejudice and working toward the elimination of discrimination in teaching and in society
- Working toward equality and justice for all
- Respecting the rights and the dignity of all individuals
- Supporting pluralism within the educational system
- Broadening and/or diversifying the values schools promote⁵⁵²

Schools are, however, reluctant to support these common goals when they are applied to the prohibition of discrimination on the basis of sexual orientation and gender identity, or the development of curriculum and a school environment that is more inclusive and representative of LGBT students. Pohan and Bailey call upon teachers and administrators who support multicultural education to confront this reluctance and incorporate LGBT issues into multicultural curricula.⁵⁵³ Future research could collect data from elementary and secondary education programs in colleges and universities to assess whether and how LGBT issues are raised within the context of multicultural education courses offered to future teachers. These data could provide the foundation for the development of a more uniform college curriculum that could be disseminated to teacher training programs around the U.S.

- What is the short- and long-term impact of LGBT teachers and school staff who are out at school?

Rofes's survey of eight of his former middle school students found that having an openly gay teacher in the 1970s had a number of positive effects. Respondents said this experience served to "normalize" lesbians and gay men for them, and made them believe they were "less xenophobic."⁵⁵⁴

None said having an openly gay teacher made them question their own sexual orientation (all eight are heterosexual adults). And they reported a number of positive impacts. One said she was "more comfortable with my entire sexuality" because of Rofes' honesty about being gay. "I also respected him. This is all-important because it all, coupled with his seeming security in his sexuality and his self-respect, was a definite influence in shaping my opinion of the entire spectrum of sexuality." Other students "felt that witnessing a teacher who was politically active as a gay liberationist affected their views about political activism and discrimination against gay people."⁵⁵⁵

Rofes' study provides a good model for research examining the impact of openly LGBT teachers, guidance counselors, and administrative staff on students. Diaz and Ayala found that having an openly gay adult role model while growing up is a resiliency fac-

Having an openly gay adult role model while growing up is a resiliency factor for gay and bisexual Latino men at risk for HIV.

552. Pohan, C. A., & Bailey, N. J. (1997). Opening the closet: Multiculturalism that is fully inclusive. *Multicultural Education*, 5(1), 12-15.

553. Ibid.

554. Rofes, E. (1999). What happens when kids grow up? The long-term impact of an openly gay teacher on eight students' lives. In Letts, W. J., & Sears, J. T. (Eds.), *Queering elementary education: Advancing the dialogue about sexualities and schooling*. Lanham, MD: Rowman & Littlefield.

555. Ibid.

tor for gay and bisexual Latino men at risk for HIV.⁵⁵⁶ Are there other ways the presence of openly gay role models among school staffers benefits LGBT youth?

The impact of the political activism of openly LGBT students on the school community would also make for an interesting inquiry. Are schools with active GSAs, or legal battles over LGBT youth, sites of greater civic engagement in general? Rofes suggests provocatively that:

...[T]he greatest influence of openly lesbian, gay and bisexual teachers may be on students' relationship to political activism and social movements. By witnessing up close the importance of political advocacy on a teacher's job security and social position, children's understanding of the importance of activism and its relevance to their lives might be enhanced.⁵⁵⁷

GLSEN's 2001 survey found more than 25% of LGBT students surveyed knew an openly LGBT teacher, and 60% knew of an LGBT-supportive teacher at their school.⁵⁵⁸ Both GLSEN and Human Rights Watch have documented the positive effect supportive teachers and staff have on a school's climate. Future studies could ask about the impact of openly LGBT teachers and staff members on school environments and the lives of LGBT youth in those schools.

- What is the role of LGBT-protective nondiscrimination language in union contracts?
- Does it protect school personnel?
- Does it encourage school personnel to be out as LGBT or as gay-supportive allies?
- Does it help to support LGBT youth and youth who are targeted by anti-LGBT harassment?

There is no research on the prevalence or impact of nondiscrimination language that includes sexual orientation in teachers union contracts. Nor are there existing teachers union contracts that specifically enumerate gender identity and expression, which warrants further research as well. The following are a few examples of existing contracts with language that includes sexual orientation as an enumerated category:

- **The City Union of Baltimore (CUB) FY 2002–3:** All provisions of this Agreement shall be applied equally to all employees in the bargaining units for which CUB is the certified representative without discrimination as to age, sex, marital status, race, color, creed, national origin, political affiliation, disability or sexual orientation.
- **The Local 4200-AFT/CSFT, AFL-CIO in Connecticut** (Effective July 1, 1999–June 30, 2003): The parties agree that neither shall discriminate against any employee, because of the individual's race, color, religious creed, age, sex, marital status, national origin, ancestry, physical or mental disability, sexual orientation, history of mental disorder or mental retardation, except on the basis of bona fide occupational qualifications.
- **The Albuquerque, New Mexico Teachers Federation, Local 1420** of the

556. Diaz & Ayala, 2001.

557. Rofes, 1999.

558. Kosciw & Cullen, 2001.



American Federation of Teachers (August, 2002): The Board shall not discriminate against any teacher in the bargaining unit on the basis of race, color, religion, gender, age, national origin, marital status, sexual orientation, place of residence, disability, membership or non-membership in any teacher organization, except when the District determines there is a bona fide occupational qualification.⁵⁵⁹

A comprehensive data set of similar contracts would allow for the testing of a wide variety of questions about their impact on teachers and students. For example, it would be interesting to locate school districts with similar socioeconomic demographics, one with a contract inclusive of sexual orientation, and one without. The experiences of both students and teachers in those districts could then be compared, perhaps using existing data from the YRBS or GLSEN's National School Climate Survey, to assess whether there are statistically significant differences in the incidence of anti-LGBT harassment and violence, whether or not teacher interventions occur to challenge such harassment, and the number of students who know an openly gay teacher.

The expansion of enumerated categories to include "gender identity and expression" would protect the rights of transgender teachers and could benefit transgender youth in particular.

GAY-STRAIGHT ALLIANCES AND OTHER SCHOOL-BASED ORGANIZATIONS

- How many gay-straight alliances or similar school-based student organizations are there? How do they differ demographically and geographically?
- How are these organizations changing? How are GSA models being adapted for rural and urban communities? How are organizations purposefully diversifying their membership and leadership?
- What is the impact of student activists' use of GSA models to build social change organizations?
- How do GSAs function as sites of civic engagement and leadership development? What is their impact on school environment, personal development, and the community at large?
- What is the development process of the straight allies of LGBT students (other students, teachers, school personnel, etc.)? How do student clubs affect this process?
- How do community-based LGBT groups support youth and school communities? What are the connections and distinctions between school-based and community-based groups?

Griffin and Ouellett's analysis of the Massachusetts Safe Schools Program found that "clear policy statements (both statewide and local) backed up by technical, legal, and financial resources, along with improvement from key administrators (e.g., building principals, district superintendents and school committees), educators, community leaders, and student leaders are at least as important as GSAs in creating lasting school

559. Source: Connie Cordovilla, American Federation of Teachers. October, 2003.

560. Griffin & Ouellett, 2002.

safety.”⁵⁶⁰ Unfortunately, as noted in Chapter 3, former Massachusetts Governor Jane Swift vetoed an appropriation of funds for the Safe Schools Program in 2002. This followed nearly a decade of opposition by local and national antigay religious extremists. Although Governor Swift and her supporters vowed to redirect other funds to make up for defunding of the \$800,000 program, it never happened. It is unlikely Massachusetts’ model program will be as effective without the significant resources for staff training and support it had enjoyed for the previous decade. A follow-up study to Griffin and Ouellett’s analysis could document the impact of defunding the program on youth, teachers, and administrators, and make the case for restoring funding. This could be useful in other states considering public funding for safe schools programs.

EVALUATION OF SAFE SCHOOLS PROGRAMS AND INTERVENTIONS

- How are safe schools programs and other interventions being evaluated? How do they differ across social, class, and racial differences?
- How are interventions and policies implemented and enforced? How aware of them are members of the school community, and how are they perceived? How do different community members (students, teachers, members of the board of education, etc.) access and evaluate them?
- What is the impact of zero-tolerance policies? Are they effective in preventing anti-LGBT harassment and violence, or do they reinforce oppression?
- How can such interventions be woven into policies and programs addressing other issues, like racism and sexism? What different outcomes are facilitated when these links are made?

Szalacha’s survey of 1,700 students at 33 schools in Massachusetts documented a statistically significant, more positive, “sexual diversity climate” in schools with “higher levels of implementation of the Safe Schools Program.” More specifically, students in schools that had implemented staff training, nondiscrimination policies, or gay-straight alliances reported “less homophobic school climates” and “higher levels of personal safety for sexual minority students.”⁵⁶¹

Future research in this area could examine the relative impact of nondiscrimination laws, anti-harassment laws, and state education regulations on school climate. As noted in Chapter 3, 13 states and the District of Columbia have either passed a law or issued a regulation related to sexual orientation bias and/or harassment in schools. Do laws have a greater impact than regulations? Since harassment is a form of discrimination that violates the 14th Amendment’s Equal Protection Clause, are anti-harassment laws as effective as nondiscrimination laws, or is one preferable to the other?⁵⁶² Research examining the implementation of such laws and regulations, and evaluations of their effectiveness would enable policymakers to adopt the most effective interventions.

561. Szalacha, L. A. (2001). *The sexual diversity climate of Massachusetts’ secondary schools and the success of the Safe Schools Program for gay and lesbian students*. Unpublished doctoral dissertation, Harvard University.

562. Equal Employment Opportunity Commission (2003, August 7). *EEOC settles color harassment lawsuit with Applebee’s neighborhood bar and grill*. Retrieved October 23, 2003, from <http://www.eeoc.gov/press/8-07-03.html>



THE ECONOMIC COSTS OF NOT PROTECTING LGBT YOUTH

- What is the impact of the lawsuits brought against school districts and school administrators who fail to protect LGBT youth?

Chapter 3 highlights a report that summarizes 15 lawsuits against school districts that failed to protect students from pervasive anti-LGBT harassment and violence at school. Settlements in these cases ranged from \$40,000 to almost \$1 million, and the combined total of the known settlements for these lawsuits was over \$2.3 million.⁵⁶³ Future research should focus on how they affected policy change at the local or state level. What happened after these school districts lost these lawsuits or settled out of court? Did they implement policies that include sexual orientation and gender identity? If not, why not? Given the precedent-setting nature of these lawsuits, data on their impact on school districts could be a valuable lobbying tool in states and school districts that lack LGBT-inclusive anti-harassment and nondiscrimination policies.

RESILIENCY

Some researchers are attempting to balance the attention given to at-risk LGBT youth with a better understanding of those LGBT youth who are resilient in the face of adversity.⁵⁶⁴ This research on resiliency “seeks to identify protective, nurturing factors in the lives of LGBT youth” that “frame the preeminent health and human services delivery question.... [T]o what extent and under what circumstances can protective factors be transplanted into the lives of young people who have been socialized in a stressful climate of uncertainty and fear?”⁵⁶⁵ Factors that have been found to support resiliency in the general adolescent population include connectedness with parents and family members, perceived social connectedness, and associations with caring adults outside the family.⁵⁶⁶

Diaz and Ayala found family acceptance and presence of an openly gay role model while growing up to be resiliency factors for Latino gay men. Latino gay men whose immediate families contained someone they could “talk openly with about...homosexuality/bisexuality” were less likely to have low self-esteem or engage in unsafe sex. Latino gay men who had an openly gay adult role model while they were children or adolescents also had higher self-esteem and lower health risk behaviors as adults than Latino gay men who did not.⁵⁶⁷

Recent research on lesbian, gay, and bisexual youth using National Adolescent Health Survey data correlated similar factors with reduced likelihood to attempt suicide, including:

- Perceived parent and family connectedness
- Emotional well-being

563. Gay, Lesbian and Straight Education Network & National Center for Lesbian Rights, 2003.

564. Hunter, J. (1999). Beyond risk: Refocus research on coping. *Journal of the Gay and Lesbian Medical Association*, 3(3), 75–76.

565. Resnick, M. D. (2000). Protective factors, resiliency, and healthy youth development. *Adolescent Medicine: State of the Art Reviews*, 11(1), 157–164; Lesbian, Gay, and Bisexual (LGB) Youth Sexual Orientation Measurement Work Group, 2003.

566. Resnick, M. D., Bearman, P. S., Blum, P. W., Bauman, K. E., Harris, K. M., Jones, J., et al. (1997). Protection of adolescents from harm: Findings from the national longitudinal study on adolescent health. *Journal of the American Medical Association*, 278(10), 823–832.

567. Diaz & Ayala, 2001.

- High parental expectations for school achievement
- Actual school achievement
- More people living in the household
- Religiosity⁵⁶⁸

This list of variables that impact resiliency may be incomplete, with each affecting the experiences of LGBT youth differently. For example, LGBT youth are likely to experience barriers to feeling connected with their parents and families different from those experienced by heterosexual youth.⁵⁶⁹ More research is needed to further explore how these variables specifically help or hinder resiliency in LGBT youth.

Savin-Williams examines the experiences of sexual minority youth who have performed particularly well in the classroom social space and in their everyday lives. Research emphasizing self-harming practices among LGBT youth is limited, he argues. These “studies include only those willing to identify themselves as gay or at least acknowledge same-sex attraction.” These samples, Savin-Williams argues, are “significantly smaller than the total number who will eventually turn out to be gay, lesbian, bisexual, or transgender. Many teenagers in the larger group may be adjusting very well but simply prefer to keep their sexual orientations to themselves even on anonymous surveys.”⁵⁷⁰

While the implications of Savin-Williams’ comments are significant, data to support these claims are scarce. However, the *Journal of Gay and Lesbian Issues in Education* plans to publish a special issue addressing this topic entitled *Beyond Risk: Resilience in the Lives of Sexual Minority Youth*.⁵⁷¹ This special issue is being edited by Dr. Stephen T. Russell at the University of California-Davis, who is also an advocate for research on the “paradox of adolescent resilience and risk.”⁵⁷² Russell hopes to include research or reflection articles that address some important questions:

- How do LGBT youth develop and exhibit resilience in light of their origins in cultures characterized by sexual prejudice?
- How can schools and educators work to prevent risk outcomes while fostering resilience?
- With regard to educational policy, what purpose has the historic focus on risk among LGBT youth served, and at what cost?⁵⁷³

More systematic research on LGBT youth resiliency must be published before a strong argument can be made regarding the need to shift attention to the population of LGBT youth who thrive in spite of bias, harassment, and violence. This research may counterbalance the potentially pathologizing effect of a disproportionate emphasis on drug abuse, unsafe sexual behavior, and suicide. Resilience research would certainly present a more balanced picture of both the difficulties faced by LGBT youth, and their capacity to succeed despite such hardships.⁵⁷⁴

568. Borowsky, I. W., Ireland, M., & Resnick, M. D. (2001). Adolescent suicide attempts: Risks and protectors. *Pediatrics*, 107(3), 485–493.

569. Lesbian, Gay, and Bisexual (LGB) Youth Sexual Orientation Measurement Work Group, 2003.

570. Fuller, D. (2002, December 24). A new dimension in snapshot of gay teenagers. *The New York Times*, p. 7.

571. Journal of Gay and Lesbian Issues in Education. (n.d.). *Beyond risk: Resilience in the lives of sexual minority youth*. [Call for papers and forthcoming thematic special feature]. See <http://www.jtsears.com/JGLIEthemes4.htm> for more information.

572. Ibid.

573. Ibid.

574. Lesbian, Gay, and Bisexual (LGB) Youth Sexual Orientation Measurement Work Group, 2003.



Appendix A

SELL ASSESSMENT OF SEXUAL ORIENTATION⁵⁷⁵

I. SEXUAL ATTRACTIONS.

The following six questions are asked to assess how frequently and intensely you are sexually attracted to men and women. Consider times you had sexual fantasies, day-dreams, or dreams about a man or woman, or have been sexually aroused by a man or woman.

1. During the past year, how many different men were you sexually attracted to (choose one answer):
 - a. None
 - b. 1
 - c. 2
 - d. 3–5
 - e. 6–10
 - f. 11–49
 - g. 50–99
 - h. 100 or more
2. During the past year, on average, how often were you sexually attracted to a man (choose one answer):
 - a. Never
 - b. Less than 1 time per month
 - c. 1–3 times per month
 - d. 1 time per week
 - e. 2–3 times per week
 - f. 4–6 times per week
 - g. Daily

575. Sell, 1997.

3. During the past year, the most I was sexually attracted to a man was (choose one answer):

- a. Not at all sexually attracted
- b. Slightly sexually attracted
- c. Mildly sexually attracted
- d. Moderately sexually attracted
- e. Significantly sexually attracted
- f. Very sexually attracted
- g. Extremely sexually attracted

4. During the past year, how many different women were you sexually attracted to (choose one answer):

- a. None
- b. 1
- c. 2
- d. 3–5
- e. 6–10
- f. 11–49
- g. 50–99
- h. 100 or more

5. During the past year, on average, how often were you sexually attracted to a woman (choose one answer):

- a. Never
- b. Less than 1 time per month
- c. 1–3 times per month
- d. 1 time per week
- e. 2–3 times per week
- f. 4–6 times per week
- g. Daily

6. During the past year, the most I was sexually attracted to a woman was (choose one answer):

- a. Not at all sexually attracted
- b. Slightly sexually attracted
- c. Mildly sexually attracted
- d. Moderately sexually attracted
- e. Significantly sexually attracted
- f. Very sexually attracted
- g. Extremely sexually attracted

II. SEXUAL CONTACT.

The following four questions are asked to assess your sexual contacts. Consider times when you had contact between your body and another man or woman's body for the purpose of sexual arousal or gratification.

7. During the past year, how many different men did you have sexual contact with (choose one answer):

- a. None
- b. 1
- c. 2
- d. 3–5
- e. 6–10
- f. 11–49
- g. 50–99
- h. 100 or more

8. During the past year, on average, how often did you have sexual contact with a man (choose one answer):

- a. Never
- b. Less than 1 time per month
- c. 1–3 times per month
- d. 1 time per week
- e. 2–3 times per week
- f. 4–6 times per week
- g. Daily



9. During the past year, how many different women did you have sexual contact with (choose one answer):

- a. None
- b. 1
- c. 2
- d. 3–5
- e. 6–10
- f. 11–49
- g. 50–99
- h. 100 or more

10. During the past year, on average, how often did you have sexual contact with a woman (choose one answer):

- a. Never
- b. Less than 1 time per month
- c. 1–3 times per month
- d. 1 time per week
- e. 2–3 times per week
- f. 4–6 times per week
- g. Daily

III. SEXUAL IDENTITY.

The following two questions are asked to assess your sexual identity.

11. I consider myself (choose one answer):

- a. Not at all homosexual
- b. Slightly homosexual
- c. Mildly homosexual
- d. Moderately homosexual
- e. Significantly homosexual
- f. Very homosexual
- g. Extremely homosexual

12. I consider myself (choose one answer):

- a. Not at all heterosexual
- b. Slightly heterosexual
- c. Mildly heterosexual
- d. Moderately heterosexual
- e. Significantly heterosexual
- f. Very heterosexual
- g. Extremely heterosexual

Appendix B

FRIEDMAN MEASURE OF ADOLESCENT SEXUAL ORIENTATION⁵⁷⁶

SEXUAL ATTRACTION: PHYSICAL

This set of questions is about your sexual attraction to males and females. Think about times when you experienced some or all of the following physical sensations when you were around another male or female: change in your voice, an erection (for males), getting wet (for females), a sense of “raging hormones”, your heart beating faster, feeling sexually excited.

There may have been periods of time over the last year when you experienced lots of these physical sensations and other periods of time when you experienced few of these. Think of a week when you experienced an average number of these physical sensations.

1. During the week you selected, how often did you experience these physical sensations (listed in the above paragraph) when you were around males and females? (check one answer for males and check one answer for females)

	Males	Females
Never	<input type="checkbox"/>	<input type="checkbox"/>
1 time	<input type="checkbox"/>	<input type="checkbox"/>
2–3 times	<input type="checkbox"/>	<input type="checkbox"/>
4–6 times	<input type="checkbox"/>	<input type="checkbox"/>
Daily	<input type="checkbox"/>	<input type="checkbox"/>
Several times daily	<input type="checkbox"/>	<input type="checkbox"/>

576. Friedman, Silvestre, Gold, et. al., (in press).



2. During the week you selected, approximately how many different males and females did you feel these physical sensations for? (check one answer for males and one answer for females):

	Males	Females
1		
2–3		
4–9		
10–19		
20–40		
Over 40		

3. During the week you selected, think of the male and female you felt the strongest physical sensations for. Which of the following best describes the physical sensations you felt? (check one answer for males and one answer for females):

	Males	Females
None		
Weak		
Slight		
Moderate		
Strong		
Very Strong		

SEXUAL ATTRACTION: THOUGHTS AND EMOTIONS

The last set of questions asked about sexual attraction in terms of what you experience inside your body. The next set of questions ask about sexual attractions also but this time in terms of your thoughts and emotions about others. Consider when you experienced thoughts and emotions similar to the following: “She/He is really cute” “Look at that (part of the body) on him/her,” “She/He has such a nice (part of body),” “Oh how I’d like to touch or have sex with him/her.”

There may have been periods of time over the last year when you experienced lots of these thoughts and emotions and other periods of time when you experienced few of these. Think of a week when you experienced an average number of these thoughts and emotions.

4. During the week you selected, how often did you experience these thoughts and emotions (listed in the above paragraph) when you were around males and females? (Check one answer for males and check one answer for females.)

	Males	Females
Never		
1 time		
2–3 times		
4–6 times		
Daily		
Several times daily		

5. During the week you selected, approximately how many different males and females did you feel these thoughts and emotions for? (Check one answer for males and check one answer for females.)

	Males	Females
None	_____	_____
1	_____	_____
2-3	_____	_____
4-9	_____	_____
10-19	_____	_____
20-40	_____	_____
Over 40	_____	_____

6. During the week you selected, think of the male and female you felt the strongest thoughts and emotions for. Which of the following best describes the thoughts and emotions you experienced? (Check one answer for males and one answer for females.)

	Males	Females
None	_____	_____
Weak	_____	_____
Slight	_____	_____
Moderate	_____	_____
Strong	_____	_____
Very Strong	_____	_____

RELATIONSHIPS

7. Take a moment to think about your ideal romantic relationship. This may include: a long-term commitment, falling deeply in love, raising children together, the person who is most primary in your life. Think about who this ideal person might be. (Check one answer.) Is this person:

- Male
- Female
- Both
- Unsure



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American Federation of Teachers

<http://www.aft.org>
555 New Jersey Avenue, NW
Washington, DC 20001
(202) 879-4400
online@aft.org

American Civil Liberties Union

Lesbian and Gay Rights Project
<http://www.aclu.org>
125 Broad Street, 18th floor
New York, NY 10004
(212) 549-2627
lgbthiv@aclu.org

**American Psychological Association
Healthy Lesbian, Gay, and Bisexual
Students Project**

<http://www.apa.org/ed/hlgb/>
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Washington, DC 20002
(800) 374-2721, (202) 336-5510
HealthyLGBStudentsProject@apa.org

Audre Lorde Project

<http://www.alp.org>
85 South Oxford Street, 3rd floor
Brooklyn, NY 11217
(718) 596-0342
alpinfo@alp.org

BiNet

<http://www.binetusa.org>
4201 Wilson Boulevard #110, Box 311
Arlington, VA 22203
(800) 585-9368
BiNetUSA@aol.com

Bisexual Resource Center

<http://www.biresource.org>
P.O. Box 1026
Boston, MA 02117
(617) 424-9595
brc@biresource.org

Center for Anti-Oppressive Education

[http://www.antioppressiveeducation.org/
index.html](http://www.antioppressiveeducation.org/index.html)
P.O. Box 627
El Cerrito, CA 94539
kumashiro@antioppressiveeducation.org

**Children of Lesbians and Gays
Everywhere**

<http://www.colage.org>
3543 18th Street, Suite 1
San Francisco, CA 94110
(415) 861-5437
collage@colage.org



Family Pride Coalition

<http://www.familypride.org>
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Washington, DC 20035
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**Federation of Statewide Lesbian,
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2 Astor Place
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<http://www.hrc.org>
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**Los Angeles Gay and Lesbian Center
Youth Services Department**

<http://www.laglc.org>
McDonald/Wright Building
1625 North Schrader Boulevard
Los Angeles, CA 90028
(323) 993-7450
youthservices@laglc.org

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<http://www.nclrights.org>
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San Francisco, CA 94102
(415) 329-6257
info@nclrights.org

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(212) 714-1184

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Washington, DC 20013
info@ntac.org

National Youth Advocacy Coalition

<http://www.nyacyouth.org>
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Washington, DC 20009
(800) 541-6922
nyac@nyacyouth.org

National School Boards Association

<http://www.nsba.org/site/index.asp>
1680 Duke Street
Alexandria, VA 22314
(703) 838-6722
info@nsba.org

Parents, Families and Friends of Lesbians and Gays

<http://www.pflag.org>
1726 M Street, NW, Suite 400
Washington, DC 20036
(202) 467-8180
info@pflag.org

Sexuality Information and Education Center of the United States

<http://www.siecus.org>
130 West 42nd Street, Suite 350
New York, NY 10036
(212) 819-9770
siecus@siecus.org

The Lesbian, Gay, Bisexual & Transgender Community Center

Youth Enrichment Services
http://www.gaycenter.org/program_folders/yes/program_view
208 West 13th Street
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bestsellers

The 2004 Democratic Presidential Candidates

ON GAY, LESBIAN, BISEXUAL,
AND TRANSGENDER ISSUES

This report details the positions of the 2004 Democratic contenders on GLBT issues. It evaluates the candidates' positions on sexual orientation and gender identity nondiscrimination laws, AIDS prevention and treatment, the military ban, domestic partnership, civil unions and marriage, adoption, education policy and Social Security survivor benefits. This is the most pro-GLBT field of candidates to seek the Democratic nomination for President. (May 2003; 56 pp.; \$10.00; www.nglftf.org/library/)

Campus Climate

FOR GAY, LESBIAN, BISEXUAL,
AND TRANSGENDER PEOPLE:
A NATIONAL PERSPECTIVE

This report, by Susan R. Rankin, details the experiences of GLBT people at 14 colleges and universities across the country. Based on a survey of nearly 1700 students, faculty, and staff, *Campus Climate* documents anti-GLBT bias and harassment, along with levels of institutional support for GLBT people. It highlights differences in experiences between various identity groups and concludes with recommendations for creating an inclusive and supportive environment for GLBT people. (May 2003; 70 pp.; \$10.00; www.nglftf.org/library/)

Family Policy

ISSUES AFFECTING GAY, LESBIAN,
BISEXUAL AND TRANSGENDER FAMILIES

By Sean Cahill, Mitra Ellen and Sarah Tobias. Groundbreaking in its breadth and depth, this report examines family policy as it relates to GLBT people and their loved ones. It provides information useful to those advancing supportive legislation and policy, particularly at the state and local levels. Covers partner recognition; antigay adoption and foster policies; youth and elder issues; health care and end-of-life concerns; and the impact of welfare reform and the faith-based initiative. (December 2002; 216 pp.; \$20.00; www.nglftf.org/library/)

The 2000 Census and Same-Sex Households

A USER'S GUIDE

By Judith Bradford, Kirsten Barrett and Julie A. Honnold. In 2000, the U.S. Census allowed same-sex couples living together to identify themselves as "unmarried partners." This national data set offers a rich trove of information on members of our community, easily accessible on-line. Maps show concentrations of same-sex households in all 50 states and a dozen major cities. (October 2002; 162 pp.; \$20.00; www.nglftf.org/library/)

Say it Loud and I'm Black and I'm Proud

BLACK PRIDE SURVEY 2000

This largest-ever study of Black GLBT people is the result of a two-year collaboration between nine Black GLBT Pride organizations, the NGLTF Policy Institute, and five African-American researchers: Juan Battle, Cathy J. Cohen, Dorian Warren, Gerard Ferguson, and Suzette Audam. The survey of nearly 2,700 respondents documents significant and often surprising demographics, experiences, and policy priorities of Black GLBT people. (March 2002; 86 pp.; \$10.00; www.nglftf.org/library/)

Transgender Equality

A HANDBOOK FOR ACTIVISTS
AND POLICYMAKERS

A handbook providing activists and policymakers with the tools they need to pass transgender-inclusive nondiscrimination and anti-violence legislation. Written by Paisley Currah and Shannon Minter, with an introduction by Jamison Green. This handbook is an invaluable resource guide providing model legislative language, talking points, responses to frequently asked questions, and a comprehensive resource listing. (June 2000; 96 pp.; \$10.00; www.nglftf.org/library/)

OTHER NGLTF PUBLICATIONS

Leaving Our Children Behind

WELFARE REFORM AND THE GAY, LESBIAN, BISEXUAL, AND TRANSGENDER COMMUNITY

This report, by Sean Cahill and Kenneth T. Jones, describes the reactionary agenda of senior policymakers in the Bush administration to change social service provision in the United States. Examines welfare reform and the impact of marriage and fatherhood initiatives, abstinence-only-until-marriage education, and the faith-based initiative on the GLBT community. (December 2001; 112 pp.; \$10.00 www.nglhf.org/library/)

Social Discrimination and Health

THE CASE OF LATINO GAY MEN AND HIV RISK

This report, by renowned AIDS researchers Rafael Diaz and George Ayala, documents the correlations among homophobia, racism, poverty, and HIV risk, and has significant implications for prevention strategies. Although Latinos were the subject of this case study, the findings are relevant to other communities of color and marginalized groups. Available in English and Spanish. (July 2001; SOLD OUT; download at www.nglhf.org/library/)

Outing Age

PUBLIC POLICY ISSUES AFFECTING GAY, LESBIAN, BISEXUAL AND TRANSGENDER ELDERS

This groundbreaking report reviews social science literature and explains what we do and do not know about the demographics of GLBT elders. *Outing Age* outlines major public policy issues facing GLBT seniors—including federal aging programs, disability, long-term care and caregiving, nursing homes, and Social Security—and presents recommendations for advocacy to move public policy toward equal treatment of this population. (Nov. 2000; SOLD OUT; download at www.nglhf.org/library/)

The 2000 National Election Study and Gay and Lesbian Rights

SUPPORT FOR EQUALITY GROWS

For the first time in 2000, a solid majority of Republican voters expressed support for sexual orientation nondiscrimination laws. Columbia University Political Scientist Alan Yang documents increased support for gay adoption and strong majority support for military service. (June 2001; 10 pp.; www.nglhf.org/library/)

Out and Voting II

THE GAY, LESBIAN AND BISEXUAL VOTE IN CONGRESSIONAL ELECTIONS, 1990-1998

An in-depth profile of the gay, lesbian, and bisexual voting bloc and the first-ever analysis of the impact of this emerging constituency in national congressional elections. By Dr. Robert Bailey of the Rutgers University School of Public Policy and Administration. Among the report's findings: out GLB voters comprise roughly 5% of the national electorate, and 8.8% of voters in cities of 500,000 or more. (January 2000; 54 pp.; \$10.00; www.nglhf.org/library/)

Domestic Partnership Organizing Manual

This manual, by Policy Institute Research Fellow Sally Kohn, provides comprehensive information on what domestic partnership benefits are, why employers should adopt these benefits, and how employees and citizens organize effectively for policy change. Sample policies and lists of who offers domestic partnership benefits are included. (May 1999; 140 pp.; \$10.00; www.nglhf.org/library/)

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