IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Nos. 20-35813 and 20-35815

LINDSAY HECOX; JANE DOE,
with her next friends Jean Doe and John Doe,
Plaintiffs-Appellees

v.

BRADLEY LITTLE,
in his official capacity as Governor of the State of Idaho; et al.,
Defendants-Appellants

and

MADISON KENYON; MARY MARSHALL,
Intervenors-Appellants

On Appeal from the United States District Court
for the District of Idaho, David C. Nye

BRIEF *AMICUS CURIAE* OF THREE FORMER IDAHO ATTORNEYS GENERAL FILED IN SUPPORT OF PLAINTIFFS-APPELLEES

Adam R. Tarosky
Seth D. Levy
Sarah Erickson André
NIXON PEABODY LLP
300 South Grand Avenue, Suite 4100
Los Angeles, California, 90071-3151
Telephone (213) 629-6000
Facsimile (213) 629-6001

Attorneys for *Amici Curiae* former Idaho Attorneys General Jim Jones, Wayne Leroy Kidwell, and W. Anthony (Tony) Park

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I. Statement of Identity of Amici Curiae and Interest in the Case[1]

Amici Curiae—Jim Jones, Wayne Leroy Kidwell, and W. Anthony (Tony) Park—are former Attorneys General of the State of Idaho.[2] Collectively, they served as the State's chief legal representative for sixteen years. They represent decades of public service to Idaho and the United States in all three branches of government and on both sides of the political aisle. Native sons and senior statesmen of Idaho, they remain actively engaged on myriad issues affecting Idahoans today.[3] But they have never taken the extraordinary step of submitting an *amicus curiae* brief on any issue—until now. They urge this Court to affirm the decision of the district court enjoining enforcement of the "Fairness in Women's Sports Act," Idaho Code Ann. §§ 33-6203-6206 (the "Act"), as likely unconstitutional.

Justice Jim Jones was elected as a Republican in 1982 and served as Idaho's Attorney General from 1983 to 1991. He was elected to the Idaho Supreme Court

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[1] This brief is authorized to be filed under Federal Rule of Appellate Procedure 29(a)(2), because the Plaintiffs-Appellees, Defendants-Appellants, and Intervenors-Appellants consented to the filing.

[2] No counsel for any party wrote this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than *Amici Curiae* or their counsel made a monetary contribution intended to fund the preparation or submission of this brief.

[3] Former Attorney General Jim Jones, for example, regularly publishes commentary on current issues impacting Idahoans on his blog, where he describes

in 2004 and served as the Chief Justice from 2015 to 2017. He retired from the bench in January 2017. In addition to his government service, Justice Jones was an artillery officer in the United States Army and served with distinction in Vietnam, receiving the Army Commendation Medal for his civic action work with an orphanage operated by the Cao Dai Church, among other commendations. Like his fellow *Amici*, Justice Jones was born and raised in Idaho.

Justice Wayne Kidwell was elected as a Republican in 1974 and served as Idaho's Attorney General from 1975 to 1979. He was elected to the Idaho Supreme Court in 1999 and served until 2005, when he was succeeded by Justice Jones. He retired from the bench in May 2010. Justice Kidwell also served in the Idaho Senate where, from 1970 to 1972, he was the Republican Majority Leader. After his tenure as Idaho Attorney General, President Ronald Reagan appointed Justice Kidwell to the position of United States Associate Deputy Attorney General. Justice Kidwell represented the Republic of the Marshall Islands as its appointed Attorney General, and he was an officer in the United States Army. He was born in Council, Idaho, and raised in Boise.

Tony Park was elected as a Democrat in 1970 and served as Idaho's Attorney General from 1971 to 1975. He was succeeded by Justice Kidwell. Mr.

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himself as a "common guy from the potato state . . . a CommonTater." *See* https://jjcommontater.com.

Park then actively practiced law in Boise for almost four decades. He has actively engaged in civic and political activities over the many years. He served on the Board of Directors of Radio Free Europe, Radio Liberty from 1977 to 1982. Like his follow *Amici*, Mr. Park served in the United States Army. He was born in Blackfoot, Idaho, and raised in Boise. From his earliest years, he has been a dedicated sports enthusiast, first as a participant and then as a booster of youth sports. He also served as President of the Idaho Affiliate of the ACLU.

Amici Curiae have no interest in this case or the parties except in their capacities as former Attorneys General and concerned Idaho citizens. This brief represents their individual views, not necessarily the views of any institution with which they are or have been affiliated. *Amici Curiae* are filing this brief in support of Appellees Lindsay Hecox, and Jean and John Doe (on behalf of their minor daughter, Jane Doe), to call this Court's attention to: (1) the careful, and correct, legal analysis of the Office of the Idaho Attorney General, which foreshadowed the preliminary invalidation of the Act under the Equal Protection Clause; (2) the scarce public resources that the Idaho legislature continues to squander by hastily passing constitutionally dubious legislation; and (3) *Amici Curiae's* abiding belief that transgender and intersex Idahoans are as entitled to the equal protection and application of the laws as any other citizen of the Gem State.

II. Argument

As *Amici Curiae* know firsthand, on a limited budget and with finite resources, the Attorney General's Office performs many critical functions for the people of Idaho. The Attorney General is the State's chief law enforcement officer, represents Idaho in most legal proceedings, and is often called upon to advise on the constitutionality of proposed legislation before taxpayer money is spent on the enactment and, at times, defense of certain laws. *See* Idaho Constitution, Art. IV §§ 1, 17, 18; Idaho Code Ann. §§ 67-1401-1409.

"As a constitutional officer, and the people's elected lawyer," Idaho's current Attorney General, Lawrence Wasden, argued to the Idaho Supreme Court, the Attorney General "plays a unique role in State affairs." *Wasden v. State Bd. of Land Comm'rs*, 153 Idaho 190, 195, 280 P.3d 693, 698 (2012). The Attorney General has "a number of statutorily imposed duties that are exclusive to his office" and "a broad mandate '[t]o exercise all the common law power and authority usually appertaining to [his] office and to discharge the other duties prescribed by law.'" *Id*. (internal citations to Idaho Code omitted). And, as particularly relevant here:

> As legal counsel for Idaho's Legislature, the Attorney General is charged with defending the validity of legislative enactments. As the State's legal counsel, the Attorney General is responsible for supporting and upholding Idaho's Constitution. Indeed, like other State elected officers, the Attorney General is required by the Legislature to swear a loyalty oath to support the Idaho Constitution and faithfully discharge his duties. *Therefore, it is incumbent upon the Attorney General to safeguard the Constitution against legislative enactments that encroach upon or conflict with its provisions. Where . . . a legislative enactment appears to clash with the constitutional duties of a State board, it seems axiomatic that the Attorney General must step forward to uphold the Constitution*.

Wasden, 153 Idaho at 195 (emphasis added). Attorney General Wasden, Idaho's longest serving Attorney General, has faithfully performed those functions since 2002.

Most recently, the Attorney General's Office expressed reservations about two bills impacting transgender citizens of Idaho, one of which, House Bill 500, became the Act after minor amendments. (The other, House Bill 509, became the "Idaho Vital Statistics Act," and is discussed in Part II.C.) At the request of the Idaho House of Representatives, the Attorney General prepared a thorough and thoughtful opinion on the constitutionality of House Bill 500 before it was voted upon.[4] In the February 25, 2020, opinion letter, the Attorney General's Office

[4] Available at: https://www.idahostatesman.com/latest-news/article240619742.ece/BINARY/HB%20500%20Idaho%20AG%20response.pdf. Attorney General Wasden's February 25, 2020, opinion letter (the "AG Opinion (HB 500)") is referenced in Plaintiffs' complaint, Excerpts of Record ("ER") 785, and the district court's decision, ER 9-10. It is included in the attached Addendum as Exhibit A).

detailed "concerns about the defensibility of the proposed legislation." AG Opinion (HB 500) at 1. Unfortunately, those concerns were largely overlooked by the legislature, which passed House Bill 500 on March 16, 2020.

On March 17, 2020, *Amici Curiae* wrote to Idaho's Governor, Brad Little, and urged him to veto the bill.[5] They echoed their successor's concerns about the bill's "apparent conflict with the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution," and they reminded the Governor that Attorney General Wasden "has frequently cautioned against passage of legally suspect legislation" in the past, "and has a good record of being correct." Former AGs Letter at 1-2. The former Attorneys General also noted that disregarding Attorney General Wasden's sound advice on prior occasions "has been costly for our State," which "could well be" the case "with regard to House Bill 500." *Id.*

Despite the warnings of the State's longest serving Attorney General and several of his distinguished predecessors, the Governor signed House Bill 500 into law on March 30, 2020. As *Amici Curiae* predicted, the Act has drawn the Attorney General's Office into costly, time-consuming litigation, which, had the Attorney General's advice been heeded in the first instance, could have been

[5] Available at: https://www.idahostatesman.com/opinion/readers-opinion/article241267071.html (the "Former AGs letter"). The Former AGs letter is reference in Plaintiffs' complaint, ER 788, and the district court's decision, ER 11. It is included in the attached Addendum as Exhibit B.

avoided. Less than a month after its enactment, the Act was challenged by Appellees and, on August 17, 2020, its enforcement was preliminarily enjoined under the Equal Protection Clause by the United States District Court for the District of Idaho. ER 1-87.

A. As Attorney General Wasden Explained, the Act Violates the Equal Protection Clause

The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution requires Idaho to treat similarly situated individuals the same unless certain conditions are met. *See City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439-40 (1985). Laws that, on their face or in their application, treat men and women differently must satisfy "heightened" or "intermediate scrutiny." *Craig v. Boren*, 429 U.S. 190, 197 (1976). That is, they must address an "important governmental interest," must "significantly further that interest," and must be "necessary to further that interest." *Karnoski v. Trump*, 929 F.3d 1180, 1200 (9th Cir. 2019).

In his analysis of House Bill 500, Attorney General Wasden acknowledged that "the draft legislation is likely constitutional with regard to excluding men from women's sports." AG Opinion (HB 500) at 4. When applied in that manner, he opined, it likely satisfies intermediate scrutiny for the reasons explained by this Court in *Clark v. Arizona Interscholastic Association*, 695 F.2d 1126, 1127 (9th Cir. 1981). AG Opinion (HB 500) at 3-4.

The Attorney General recognized, however, that *Clark* does not end the inquiry because, in addition to excluding men from women's sports, the proposed legislation (and now the Act) excludes transgender women from women's sports. *Id*. The district court agreed, observing that "Idaho is the first and only state to categorically bar the participation of transgender women in women's student athletics." ER 78. When applied in that manner, the Attorney General warned, the legislation's constitutionality is far more tenuous. AG Opinion (HB 500) at 4. His explanation is as applicable to the Act as it was to House Bill 500.

The Attorney General's analysis begins by advising the legislature that laws that treat transgender and non-transgender individuals differently are a form of sex-based discrimination. AG Opinion (HB 500) at 2 (citing *Glenn v. Brumby*, 663 F.3d 1312, 1216-17 (11th Cir. 2011); *Evancho v. Pine-Richland Sch. Dist.*, 237 F. Supp. 3d 285-86 (W.D. Pa. 2017)). Although the Attorney General did not know it at the time, the United States Supreme Court would soon confirm as much: "it is impossible to discriminate against a person for being . . . transgender without discriminating against that individual based on sex." *Bostock v. Clayton County*, 140 S. Ct. 1731, 1741 (2020). Such laws, the Attorney General reminded the legislature, must satisfy intermediate scrutiny. AG Opinion (HB 500) at 2 (citing *Karnoski*, 926 F.3d at 1199-1202; *F.V. v. Barron*, 286 F. Supp. 3d 1131, 1144-45 (D. Idaho 2018)).

The narrower and more difficult question left unanswered by *Clark*—but addressed by the Attorney General's Office before the Act's passage—is whether the categorical exclusion of transgender women from women's sports teams advances the legislature's purported interest in promoting equality of opportunity to participate in sports. The Attorney General offered "three noteworthy concerns regarding whether this legislation achieves that interest." AG Opinion (HB 500) at 4.

First, the Attorney General thoughtfully questioned whether, once categorically excluded from female sports teams, transgender females will have a meaningful opportunity to participate on any sports teams. *Id*. Some, including those who undergo treatment to reduce testosterone and experience a resulting change in athletic ability, may effectively be excluded from male sports teams, too. And coed sports teams may be insufficiently prevalent to provide a meaningful alternative. Absent evidence that transgender females will continue to have a meaningful opportunity to participate in sports, the Act is suspect.

Second, citing *Clark*, the Attorney General asked whether there are sufficient transgender females desirous of playing women's sports to displace non-transgender females "to a substantial extent?" AG Opinion (HB 500) at 4. Without "convincing evidence" of such substantial displacement, the Attorney General argued, citing *Clark*, the legislation may fail intermediate scrutiny. *Id.*

And third, the Attorney General questioned whether the chosen method of promoting fairness in women's sports—strict separation based on "biological sex"—was necessary, reminding the legislature that "'overbroad and unsupported generalizations regarding the relative athletic abilities of males and females will be rejected.'" AG Opinion (HB 500) at 4-5 (quoting *Haffer v. Temple Univ. of Com. Sys. Of Higher Educ.*, 678 F. Supp. 517, 524 (E.D. Pa. 1987), on reconsideration *sub nom*., *Haffer v. Temple Univ. of Com. Sys. Of Higher Educ.*, No. CIV A 80-1362, 1988 WL 3845 (E.D. Pa. Jan. 19, 1988)); *see also United States v. Virginia*, 518 U.S. 515, 533 (1992) (holding that the government's justification for a law that discriminates based on sex "must not rely on overbroad generalizations about the different talents, capacities, or preferences of males and females").

As a less categorical alternative, the Attorney General's Office suggested, "athletes could be required to compete with those with similar physical characteristics." *Id.* That is largely the solution that other organizations, including the International Olympic Committee, National Collegiate Athletic Association ("NCAA"), and Idaho High School Activities Association, have adopted. Essentially, those organizations reserve women's sports teams for athletes who have taken at least some steps to lower their natural testosterone levels and, consequently, reduce the physiological advantage upon which the legislature relied to justify the Act.

Because of the Act's disparate but avoidable categorical impact on transgender female athletes, the legislature was required to do more to justify it. Having failed to do so, this Court cannot decide that the Act is a necessary measure that substantially furthers an important State interest as opposed to an unconstitutional effort to pander to invidious political whims.

B. As Attorney General Wasden Explained, the Act Runs Afoul of Other Constitutional Protections

The District Court's decision relied exclusively on the Equal Protection Clause. But the Attorney General's opinion included additional bases to question the Act's constitutionality. AG Opinion (HB 500) at 5-8.[6] It suggested that the legislation that became the Act may also be unconstitutional under the Fourth Amendment, as an unjustified invasion of women's (but not men's) privacy, and under the Commerce Clause, as a State law infringing nationally-applicable standards of interstate athletic competition administered by organizations like the NCAA. AG Opinion (HB 500) at 7-8.

The Fourth Amendment protects Idaho citizens from unreasonable searches and seizures, which may include unwanted medical examinations. *Yin v.*

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[6] *Amici Curiae* detail these additional Constitutional questions as this Court may affirm the district court's judgment on any ground supported by the record. *See United States v. Washington*, 969 F.2d 752, 754 (9th Cir. 1992) ("We may affirm 'on any basis supported by the record even if the district court did not rely on that basis.'") (citation omitted).

California, 95 F.3d 864, 869-71 (9th Cir. 1996). When a law requires a medical examination in a non-criminal setting, the State's interest in the examination must be weighed against the individual's interest in privacy. *Id*. "It is unclear whether it would be an unconstitutional invasion of privacy to require a student to establish his or her sex through a medical examination when sex is disputed," the Attorney General concluded, "in order to protect an interest in providing non-transgender women the opportunity to compete." AG Opinion (HB 500) at 8. Despite the Attorney General's warning, and the legislature's subsequent minor revision of House Bill 500, the Act retains the medical examination provision. *See* Idaho Code Ann. § 33-6203(3) ("The health care provider may verify the student's biological sex as part of a routine sports physical examination relying only on one (1) or more of the following: the student's reproductive anatomy, genetic makeup, or normal endogenously produced testosterone levels.").[7] And that provision further calls the Act's constitutionality into question.

Separately, the Commerce Clause subjects certain State laws that have the effect of regulating activities in other states to constitutional invalidation. *See* AG Opinion (HG 500) at 8. The NCAA and similar national athletics associations regulate athletic competition nationwide. In order to "fairly regulate sports across

[7] Appellants and Intervenors dispute that the examination is required, but it is unclear how a health care provider "shall verify" a student's biological sex without conducting at least some type of examination.

the country," the Attorney General noted, they would likely "need to apply Idaho's rules of eligibility to all women's sports teams." *Id*. To redress the specific "injury" about which Intervenors complain, for example, the Act would have to be applied outside of Idaho, to a transgender female athlete in Montana. Intervenors' Opening Br. at 5-6 (complaining that because of 2011 changes to NCAA rules, Intervenors "would be competing against a biologically male athlete on the University of Montana's cross-country team who identifies as female"). The potential for such extraterritorial application of the Act further undermines its soundness. *See National Collegiate Athletic Ass'n v. Miller*, 10 F.3d 633, 639 (9th Cir. 1993).

C. The Legislature's Knowing Enactment of Unconstitutional Laws Harms All Idahoans

Amici Curiae note that, aside from the Act's constitutional infirmities, it does not address any concrete problem in Idaho, much less a significant one. The legislature cited no evidence that participation by transgender females on women's sports teams is, in fact, threatening "Fairness in Women's Sports" in the State. Yet the Act categorically excludes them nonetheless.

The real purpose of the Act, in the informed estimation of *Amici Curiae*, is to further marginalize an already marginalized group of people. In addition to creating more divisiveness in the State at a time when political polarization is at a historic high, such legislation imposes real costs on Idaho taxpayers.

As an example, *Amici Curiae* refer this Court to the other bill impacting transgender citizens that was signed into law on the same day as the Act. House Bill 509, which became the Idaho Vital Statistics Act, Idaho Code Ann. §§ 39-240, 245A and 279, prohibits transgender citizens from changing the sex on their birth certificates. That law ignores entirely the District Court's decision in *Barron,* which recognized that a similarly discriminatory law violated the Equal Protection Clause. In that case, while granting an injunction that prohibited the Idaho Department of Health and Welfare from categorically denying application from transgender people to change the sex listed on their birth certificates, the district court warned the Idaho legislature against passing similar laws in the future. *Barron*, 286 F. Supp. 3d at 1141-42. The plaintiffs were subsequently awarded $75,000.00 in attorneys' fees, which was paid using public funds.[8]

On February 28, 2020, the Attorney General's Office, which did not appeal the 2018 ruling, advised that it could cost the State $1 million or more if the Attorney General had to defend a birth certificate law, again, and was unsuccessful.[9] But the legislature disregarded the warnings, and the Governor

[8] Available at: https://www.sco.idaho.gov/BOE%20Publications/AG%20Request%20for%20Attorney%20Fees.pdf, included in the attached Addendum as Exhibit C.

[9] Available at: https://bloximages.chicago2.vip.townnews.com/idahostatejournal.com/content/tncms/assets/v3/editorial/4/41/441ec91b-65a3-5121-b019-

signed House Bill 509 into law on March 30, 2020. On April 16, 2020, the *Barron* plaintiffs filed a motion to confirm the district court's 2018 ruling, and on August 7, 2020, the district court held that the Idaho Vital Statistics Act violated its prior ruling. *See F.V. v. Jeppesen*, No. 1:17-CV-00170-CWD, 2020 WL 4726274, at *1-*4 (D. Idaho Aug. 7, 2020). The district court recently extended the plaintiffs' deadline to move, again, for attorneys' fees.

Unfortunately, the legislature's resistance to the Attorney General's sound advice—and even to controlling decisions of the United States Supreme Court—extends far beyond House Bills 500 and 509. In 1995, Idaho created a special fund—the "Constitutional Defense Fund"—comprised of "appropriations, gifts, grants" and other public money. Idaho Code Ann. § 67-6301. The Fund was intended "to help Idaho navigate state sovereignty conflicts with the federal government" but has more often been used "for cases where lawmakers were warned that new laws would likely not meet Constitutional standards."[10] Between 1995 and 2015, the Constitutional Defense Fund has "paid out more than $2.1 million" on "losing legal battles." In fact, the Fund has not "paid for a winning

2b101a4b9303/5e5d4fbbbabe9.pdf.pdf, included in the attached Addendum as Exhibit D.

[10] Rebecca Boone, Associated Press, *Idaho's Constitutional Defense Fund goes toward losing cases* (Nov. 16, 2015), available at: https://media.spokesman.com/documents/2015/11/ap-confund-11-16-15.pdf.

case since 1996, when Idaho reached a settlement with the federal government over nuclear waste storage and cleanup."

In addition to wasting taxpayer dollars, the enactment of suspect laws like the Act, despite clear warning and contrary precedent, needlessly distracts Attorney General's Office attorneys and resources from the many critical tasks with which the Office is entrusted. *See, e.g.*, Idaho Code Ann. § 67-1401(16)-(18) (providing that the duties of the Attorney General include the investigation and prosecution of "internet crimes against children," the investigation of State law violations "by elected county officials," and the establishment of a "sobriety and drug monitoring program to reduce the number of people on Idaho's highways who drive under the influence of alcohol or drugs").[11]

[11] It may seem incongruous for *Amici Curiae* to praise and rely upon legal advice Attorney General Wasden provided to the legislature prior to passage of the Act, which he now finds himself duty-bound to defend before this Court. The Attorney General is both the chief legal officer of the state, obligated to provide sound legal advice to entities of state government, but also charged with the responsibility to defend the duly-enacted laws of the state. The Attorney General has faithfully executed those dual constitutional and statutory roles here and must be commended for honoring his oath of office to do so.

It should be mentioned that the provision of sound legal advice to the legislature, particularly in these highly polarized times, is much the more difficult responsibility. The Idaho Attorney General is elected on a partisan ticket and subject to political pressure by those in his party who control the executive and legislature. *Amici Curiae* appreciate that is a difficult path to tread. Standing up for the rule of law does not gain political points.

III. Conclusion

Attorney General Wasden wisely "framed his leadership of the office around two fundamental principles: The Rule of Law and calling legal 'balls and strikes' fairly and squarely."[12] House Bill 500, the Attorney General's Office correctly discerned, is well outside the strike zone established by the Equal Protection Clause and other constitutional provisions. Nevertheless, the Attorney General must now defend the Act and, in the process, needlessly waste public resources that could be employed to support, rather than discriminate against, Idahoans.

Most upsetting, however, is the message that the Act has sent to Idaho's transgender citizens and their families, friends, and allies. In purporting to level the playing field, the Act has excluded an entire group of women from meaningful participation in sports. *Amici Curiae* wish to assure those individuals that the Act represents neither the values of Idaho, as *Amici Curiae* have come to understand them throughout decades of public service, nor the views of all Idahoans.

This group of young Idaho women, along with the broader community of LGBTQ individuals, has suffered stigma, discrimination, and harassment over the years. According to a 2017 GLSEN National School Climate Survey, 71% of LGBTQ+ students in Idaho report having been harassed or assaulted in the past

[12] Available at: https://www.ag.idaho.gov/about.

year based on sexual orientation, and 60% for gender expression.[13] They experience higher rates of mental and emotional problems than their peers, including more than double the suicide ideation.[14] Affirmance of the District Court's decision will help to alleviate these undue burdens by assuring equal treatment of this segment of the population.

Date: December 21, 2020

Respectfully submitted,

NIXON PEABODY LLP

s/Sarah Erickson André

Adam R. Tarosky
Seth D. Levy
Sarah Erickson André
NIXON PEABODY LLP
300 South Grand Avenue, Suite 4100
Los Angeles, California, 90071-3151
Telephone (213) 629-6000
Facsimile (213) 629-6001

[13] The report is available of the https://www.glsen.org/sites/default/files/2019-10/GLSEN-2017-National-School-Climate-Survey-NSCS-Full-Report.pdf, included in the attached Addendum as Exhibit E. *See also* https://www.kivitv.com/news/findinghope-suicide-risk-high-among-lgbtq-youth-in-idaho.

[14] *See, e.g.,* https://www.thetrevorproject.org/survey-2019/.

CERTIFICATE OF COMPLIANCE

Pursuant to Ninth Circuit Rule 32-1, the foregoing brief amicus curiae complies with the word limit of Federal Rule of Appellate Procedure 29(a)(5). The brief is proportionately spaced in Times New Roman 14-point type. According to the word processing system used to prepare the brief, the word count of the brief is 4,066, not including the Table of Contents, the Table of Authorities, the Certificate of Service, and the Certificate of Compliance.

Dated: December 21, 2020

s/Sarah Erickson André
Sarah Erickson André

CERTIFICATE OF SERVICE

I, hereby certify that on December 21, 2020, I electronically filed the foregoing BRIEF *AMICUS CURIAE* OF THREE FORMER IDAHO ATTORNEYS GENERAL FILED IN SUPPORT OF PLAINTIFFS-APPELLEES with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system

s/Sarah Erickson André
Sarah Erickson André

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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Adam R. Tarosky
Seth D. Levy
Sarah Erickson André
NIXON PEABODY LLP
300 South Grand Avenue, Suite 4100
Los Angeles, California, 90071-3151
Telephone (213) 629-6000
Facsimile (213) 629-6001

Attorneys for *Amici Curiae* former Idaho Attorneys General Jim Jones, Wayne Leroy Kidwell, and W. Anthony (Tony) Park

ADDENDUM

Tab

EXHIBIT A

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 25, 2020

TRANSMITTED VIA EMAIL

The Honorable Ilana Rubel
Idaho House of Representatives
Idaho State Capitol
700 W. Jefferson Street, Room E329
Boise, ID 83702
irubel@house.idaho.gov

Re: Request for legislation review of H.B. 500 – Our File No. 20-68641

Dear Representative Rubel:

You requested an analysis of H.B. 500 that would amend Title 33, Idaho Code, with the addition of a new Chapter 62 to be known as the "Save Women's Sports Act." I have concerns about the defensibility of the proposed legislation, as detailed below.

I. OVERVIEW OF DRAFT LEGISLATION

The draft legislation would require all athletic teams or sports associated with Idaho public schools, including higher education institutions that are members of the NCAA, NAIA, or NJCCA, to be designated as male, female, or coed "based on biological sex," and prohibit "students of the male sex" from participating in any team or sport designated for females. The draft legislation does not define the term "biological sex," but states that sex may be "established" through a doctor's opinion that indicates the person's sex based on three factors: the student's "internal and external reproductive anatomy," the student's "normal endogenously produced levels of testosterone," and "an analysis of the student's genetic makeup."

The legislation would further prohibit any government entity, licensing or accrediting organization or athletic association from taking adverse action against a school for maintaining separate teams or sports for students of the female sex. It would also create a private cause of action for students and schools that that suffer "direct or indirect harm" from males and non-transgender females

P.O. Box 83720, Boise, Idaho 83720-0010
Telephone: (208) 334-2400, FAX: (208) 854-8071
Located at 700 W. Jefferson Street, Suite 210

participating in women's sports, or any adverse actions from schools or athletic associations stemming from complying with or reporting a violation of the law. In essence, it would create a "whistleblower" provision.

The draft legislation includes a detailed statement of legislative findings and purpose, complete with citations to evidence supporting the athletic advantage males and transgender females have over non-transgender females.

Throughout this letter, the following terms will be used: "transgender" refers to someone who presents as a gender different than the sex assigned at birth, whether through medical interventions (such as operations or hormone therapy) or not; "transgender male" refers to a person assigned the female sex at birth who presents as male; and "transgender female" refers to a person assigned the male sex at birth who presents as female. "Gender identity" refers to an individual's concept of himself or herself as male or female. "Intersex" refers to someone born with a reproductive or sexual anatomy that does not fit the typical definitions of female or male.

II. ANALYSIS

A. Equal Protection Clause

The Equal Protection Clause of the Fourteenth Amendment requires that the government treat similarly situated individuals alike unless the government can show that a particular exception to this rule meets the relevant legal standard.[1] The applicable legal standard depends on the class of individuals that would be treated differently.[2]

Courts have found that governmental actions distinguishing between transgender and non-transgender individuals is a type of sex-based discrimination.[3] As such, the Ninth Circuit Court of Appeals has applied "heightened scrutiny" in equal protection cases when an individual is treated differently because of his or her status as transgender.[4]

In order to treat transgender individuals differently than non-transgender individuals without running afoul of the U.S. Constitution, "the government must advance an important governmental interest, the [law] must significantly further that interest, and the [law] must be necessary to further that interest" (i.e., a less restrictive law could not achieve the government's interest).[5]

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[1] City of Cleburne, Tex. v. Cleburne Living Ctr., 473 U.S. 432, 439–40 (1985).
[2] *See id.* at 439–41.
[3] *E.g.*, Glenn v. Brumby, 663 F.3d 1312, 1316–17 (11th Cir. 2011); Evancho v. Pine-Richland Sch. Dist., 237 F. Supp. 3d 267, 285–86 (W.D. Pa. 2017).
[4] *See* Karnoski v. Trump, 926 F.3d 1180, 1199–1202 (9th Cir. 2019); F.V. v. Barron, 286 F. Supp. 3d 1131, 1144–45 (D. Idaho 2018).
[5] Karnoski, 926 F.3d at 1200.

The draft legislation treats at least two groups differently than non-transgender female students: neither males nor transgender females may participate in women's sports.[6] This difference in treatment creates two separate potential equal protection concerns.

1. Men can be excluded from women's sports in certain circumstances.

Courts have already found that men may be excluded from women's sports where the evidence demonstrates a difference in athletic ability between men and women and that allowing men to participate in women's sports would significantly limit women's opportunities to compete.

The Ninth Circuit Court of Appeals discussed at length the interest of an Arizona sports authority in not allowing a boy to participate on a girls' volleyball team in the 1982 case Clark ex rel. Clark v. Arizona Interscholastic Association.[7] The court recognized the appropriateness of "taking into account actual differences between the sexes, including physical ones" so long as the policy does not rely on "archaic and overbroad generalizations" or "old notions."[8] The court further explained that the government has a legitimate and important interest in "redressing past discrimination against women in athletics and promoting equality of athletic opportunity between the sexes."[9]

The court went on to decide whether excluding boys from girls' volleyball teams was substantially related to those important interests. The court considered the evidence presented to it and was persuaded "that due to average physiological differences, males would displace females to a substantial extent if they were allowed to compete for positions on the volleyball team. Thus, athletic opportunities for women would be diminished."[10] The Court therefore found that the policy of excluding boys from competing on girls' volleyball teams was substantially related to "the goal of redressing past discrimination and providing equal opportunities for women."[11]

The court explained that "the exclusion of boys is not *necessary* to achieve the desired goal," and that there were other ways to more fully equalize athletic opportunities: "For example, participation could be limited on the basis of specific physical characteristics other than sex, a separate boys' team could be provided, a junior varsity squad might be added, or boys' participation could be allowed but only in limited numbers."[12] Nevertheless, given the evidence provided to the court regarding the impact integrating boys into the girls' team would have on the equality of athletic opportunity, the policy at issue was found to be constitutional.

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[6] Depending on how the requirements for establishing a student's sex are interpreted, transgender males may also be treated differently from non-transgender females. As discussed below, the lack of clarity in this legislation leaves it open to challenge.
[7] 695 F.2d 1126, 1127 (9th Cir. 1982).
[8] *Id.* at 1129.
[9] *Id.* at 1131.
[10] *Id.*
[11] *Id.*
[12] *Id.*

Based on Clark and the draft legislation's legislative findings and purpose, the draft legislation is likely constitutional with regard to excluding men from women's sports.

2. It is unclear whether transgender females may be excluded from women's sports.

The issue of a transgender female wishing to participate on a team with other women requires considerations beyond those considered in Clark and presents issues that courts have not yet resolved.

First, as observed in Clark, the government interest undergirding the separation of male and female sports is promoting equality of opportunity to participate in sports.[13] I have three noteworthy concerns regarding whether this legislation achieves that interest.

First, would transgender females have a meaningful opportunity to participate on men's or coed teams? The draft legislation does not specifically speak to how transgender females would be allowed participate in sports in Idaho, but it is assumed that they would be allowed to participate in men's or coed sports. In order to defend this legislation, we would need evidence showing that transgender women—who may undergo treatment to reduce testosterone and may consequently experience a change in athletic ability—would have a meaningful opportunity to participate on men's or coed teams. If they could not meaningfully play on men's teams, there would need to be meaningful coed teams, which are not common at the school level.

Second, are there sufficient transgender females desirous of playing women's sports to displace females to a "substantial extent?" The court in Clark was provided evidence of the physiological differences in average males and females that showed how males would displace females "to a substantial extent" if allowed to compete on female's teams. Although the ratio of males to females is roughly 1:1, transgender students are a very small minority of the population. In order to defend the draft legislation from an Equal Protection challenge, the State would need to provide convincing evidence that transgender female athletes displace non-transgender female athletes "to a substantial extent." That evidence would need to overcome courts' disapproval of "archaic and overbroad generalizations"[14] about the abilities of transgender and non-transgender females. While the draft legislation's findings include citations to evidence showing that transgender females tend to have an athletic advantage over non-transgender females from a theoretical standpoint, it would be helpful to supplement these with evidence showing that non-transgender female athletes are actually displaced by transgender female athletes to a substantial extent.

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[13] *Id.* at 1132.

[14] *Id.* at 1129. *See also* Haffer v. Temple Univ. of the Com. Sys. of Higher Educ., 678 F. Supp. 517, 524 (E.D. Pa. 1987), on reconsideration *sub nom.* Haffer v. Temple Univ. of Com. Sys. of Higher Educ., No. CIV.A. 80-1362, 1988 WL 3845 (E.D. Pa. Jan. 19, 1988) ("Although differential treatment, with respect to a particular sport, is permitted when the record reveals relevant physical differences . . . overbroad and unsupported generalizations regarding the relative athletic abilities of males and females will be rejected.").

Third, is separation by sex absolutely necessary to ensure competition? As the court in Clark observed, athletes could instead be required to compete with those with similar physical characteristics. Because of such alternatives, it would be helpful to have evidence that there is an "exceedingly persuasive justification" for a strict sex-based separation, such as evidence that other schools in other states who would compete with Idaho schools separate their teams by sex, and that athletic associations do not allow a men's team to compete against a team with women, for example.

Ultimately, there is uncertainty in the law as to whether such provisions would be upheld by a reviewing court. As discussed further below, the U.S. Supreme Court will soon be deciding a case regarding whether Title VII's prohibition on discrimination on the basis of sex, which may provide some degree of guidance on this issue. In any case, any lawsuit would be highly fact-intensive.

B. The provision in the draft legislation regarding how a student's sex may be established is likely vulnerable to court challenge.

The draft legislation divides high school and collegiate sports teams by sex (in addition to coed), and provides that males are excluded from women's sports "based on biological sex." The draft legislation does not define the term "biological sex." This term likely has an ordinary meaning with relation to reproductive organs and genetic makeup. However, the lack of a definition combined with a provision setting specific criteria for "establishing" one's sex seems to suggest that sex is not defined under the act, but rather is established in the way the legislation provides. This suggests that the team an athlete belongs to is determined by how that athlete establishes his or her sex. There are concerns with the process that would be created by this proposed legislation.

1. The "dispute" process is unclear.

The legislation provides that if a student's sex is "disputed," the student "may establish his or her sex" through a physician's statement based on specific criteria. The draft legislation does not provide who may dispute a student's sex, what it means for a student's sex to be "disputed," or to whose satisfaction the student's sex must be "established." Given the risk that the "dispute" process could subject student athletes to invasive examination and require them to provide highly intimate information on demand, I recommend that the legislation define the term "biological sex" and clarify the "dispute" process.

These concerns are compounded by the provision in the draft legislation granting a student a private right of action against a retaliating school or organization that takes adverse action against the student for reporting a violation of the act. For example, the legislation theoretically allows a student to claim in bad faith that a female athlete is actually a male participating in women's sports, thereby "disputing" the athlete's sex and requiring that athlete to undergo invasive testing to establish her sex. A school official could know that the student is making the claim for no other reason than to harass the athlete, but the school would be prohibited from taking action to punish

or discourage such behavior because the student could be interpreted as reporting a violation of the rule that males are not allowed to participate in women's sports.

2. Requiring gender identification for some, but not all, is constitutionally problematic.

The draft legislation requires some, but not all, student athletes to "establish" their sex. As this is not a universal requirement for all student athletes, it appears that this requirement to "establish" one's sex is targeted toward transgender and intersex athletes. It is much more likely that a transgender or intersex athlete's sex will be "disputed" than a non-transgender athlete. Therefore, it is much more likely that a transgender or intersex athlete could be subject to harassment and invasive procedures to establish their sex than others.

This disparate treatment, which has a likely disparate impact, raises equal protection concerns that would require an exceedingly persuasive justification to overcome. The government's interest in ensuring competition and opportunities for women to compete in sports would almost certainly fail to justify this disparate treatment and impact because requiring every athlete to "establish" his or her sex would substantially advance the same interest without impacting transgender individuals more than others. One alternative could be to require physicals of all athletes that include a designation of sex by the reviewing medical practitioner. In this way, no athlete would be singled out for specific scrutiny.

3. The factors that are mandated to establish a student's sex raise concerns.

The draft legislation requires a physician to determine sex based on factors that are not supported in the legislative findings as linked to unfair advantage in competition. The legislative findings include evidence that testosterone levels are linked to athletic ability, and, therefore, affect equality of athletic opportunity. However, these findings do not support the idea that reproductive anatomy or an athlete's genetic makeup give athlete athletic advantage. It would be helpful to include findings that support all of the criteria mandated for determining sex.

C. Title IX case law in this area is unsettled, but clarification may be forthcoming.

This draft legislation raises Title IX concerns. Title IX provides: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance"[15] Many federal courts have held that discrimination against transgender individuals

[15] 20 U.S.C. § 1681(a).

constitutes discrimination on the basis of sex, reasoning based on Title VII cases that it is a kind of "gender stereotyping" that Title IX prevents.[16]

The U. S. Supreme Court is currently deciding whether discriminatory conduct against individuals based on their transgender status is discrimination based on sex and thus prohibited by Title VII. Oral argument before the Court was held on October 8, 2019.[17] The Idaho Attorney General submitted an amicus brief, with 14 other states, arguing that the language of Title VII prohibiting discrimination on the basis of sex does not extend protection to transgender individuals, and that to interpret Title VII to extend that protection usurps the role of Congress. Because courts interpret the word "sex" in Title IX by looking to how it is interpreted under Title VII, the Supreme Court's upcoming ruling in the Title VII cases could determine whether Title IX prohibits discrimination on the basis of transgender status.

At this time there is no controlling law to determine definitively whether the draft legislation would implicate Title IX. The U.S. Supreme Court's decision in the referenced Title VII cases will hopefully better allow this office to analyze the defensibility of the proposed legislation against a Title IX challenge. For this reason, it may be advisable to hold this proposed legislation until the next legislative session.

D. It is unclear whether the State's interests in ensuring fair competition justify the intrusion of privacy.

In some contexts, courts have found that a person has a legitimate expectation of privacy in being free from an unwanted medical examination at the insistence of the government, and this interest is protected by the Fourth Amendment.[18] Medical examinations that are not conducted as part of a criminal investigation are subject to a balancing test, in which the court weighs the individual's privacy interests against the government's interest in requiring the examination.[19]

Applying the balancing test requires a factual, context-specific inquiry.[20] Consequently, it is difficult to predict the outcome in a novel situation such as a required examination under H.B. 500. A court would likely look to factors that would show the nature and the strength of the State's interest in requiring a student to prove their sex through medical opinion. This would be balanced against the specific circumstances of the particular student, taking into account factors that would show the degree of the student's expectation of privacy in personal medical details, such as the

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[16] *E.g.*, Whitaker By Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ., 858 F.3d 1034, 1046–50 (7th Cir. 2017); Grimm v. Gloucester Cty. Sch. Bd., No. 4:15CV54, 2019 WL 3774118, at *4 n.4 (E.D. Va. Aug. 9, 2019); Prescott v. Rady Children's Hosp.-San Diego, 265 F. Supp. 3d 1090, 1099–100 (S.D. Cal. 2017).

[17] The three cases on the issue are called Bostock v. Clayton County, Georgia, Altitude Express Inc. v. Zarda, and R.G. & G.R. Harris Funeral Homes Inc. v. Equal Employment Opportunity Commission.

[18] Yin v. State of Cal., 95 F.3d 864, 869–71 (9th Cir. 1996).

[19] Id. at 869–70.

[20] Eastop v. Bennion, No. 1:18-CV-00342-BLW, 2019 WL 5764672, at *11 (D. Idaho Nov. 4, 2019).

precise nature of the student's internal and external sexual anatomy, hormone levels, and DNA. It is unclear whether it would be an unconstitutional invasion of privacy to require a student to establish his or her sex through a medical examination when sex is disputed, as a requirement for participating in school sports, in order to protect an interest in providing non-transgender women the opportunity to compete.

E. Regulating NCAA and other national sports associations' activities raises a potential Constitutional concern under the Commerce Clause.

By requiring the NCAA and other national sports associations to allow Idaho to determine who is eligible for participation on a women's sports team, H.B. 500 would regulate the way the associations conduct investigations, as we well as how they regulate fair competition. This regulation of nationwide organizations could have an impact on their operations outside Idaho, and therefore could raise concerns under the Commerce Clause.

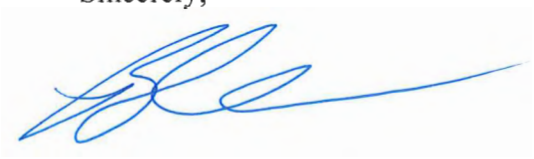
In NCAA v. Miller, the NCAA successfully argued that a Nevada statute requiring certain additional due process protections when investigating Nevada athletes and institutions violated the Commerce Clause. The Ninth Circuit Court of Appeals explained that because the NCAA's purpose was to apply rules evenly to ensure fair competition among numerous institutions in over 40 states, in order to comply with Nevada's law it would have to extend the same additional due process procedures in all cases, including those with no connection to the State of Nevada. Because the statute would have a regulatory effect over conduct that affected interstate commerce and occurred wholly outside the State of Nevada, this statute exceeded the limits of Nevada's authority and ran afoul of the Commerce Clause.[21]

The NCAA, or other athletic associations, could argue that H.B. 500 is unconstitutional because in order to fairly regulate sports across the country, it would need to apply Idaho's rules of eligibility to all women's teams across the country. It could argue that it would need to apply Idaho's regulations to conduct outside of the State of Idaho—like the unconstitutional statute in Miller. This raises the potential that if an institution attempted to bring an action to protect itself from an investigation by an athletic association, the athletic association could attempt to have the statute declared unconstitutional under the Commerce Clause.

[21] Nat'l Collegiate Athletic Ass'n v. Miller, 10 F.3d 633, 639 (9th Cir. 1993).

I hope you find this analysis helpful. Please contact me if you have any additional questions.

Sincerely,



BRIAN KANE
Assistant Chief Deputy

BK:kw

EXHIBIT B

GUEST OPINIONS

5 former Idaho attorneys general urge transgender bill veto

BY TONY PARK, WAYNE KIDWELL, DAVID LEROY, JIM JONES AND AL LANCE

MARCH 17, 2020 10:53 AM

Nike-sponsored athlete Chris Mosier argues Idaho's HB500 is wrong, and all people should be allowed to play sports.
BY **KATHERINE JONES**

Listen to this article now
01:58 Powered by **Trinity Audio**

Dear Governor Little:

We write to urge that you give great weight to the advice of our successor, incumbent Idaho Attorney General Lawrence Wasden, regarding House Bill 500. The Attorney General has opined that the legislation contains a number of legal infirmities, making it subject to invalidation in federal court proceedings. The more

legal advice to officers and entities of state government. It is not always a comfortable position to occupy, particularly where politically-charged issues are involved. Transgender issues certainly fit into that category. Regardless of how an Attorney General may personally feel about an issue, it is his or her responsibility to observe our sacrosanct regard for the rule of law and give sound legal advice based on the law, as interpreted by the courts.

The Attorney General has raised serious concerns about the legal viability and timing of this legislation, which will have a difficult time withstanding a court challenge. Our State has been in this position a number of times during our respective tenures as Attorney General and rather more so during the incumbent's tenure. He has frequently cautioned against passage of legally suspect legislation and has a good record of being correct. He has urged awaiting the outcome of

those who take it to court. The Attorney General has provided sound advice and fair warning. Please heed it.

Tony Park was Idaho Attorney General 1971-1975; Wayne Kidwell 1975-1979; David Leroy 1979-1983; Jim Jones 1983-1991; and Al Lance 1995-2003.

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Republicans push their 'equality' bills. Businesses, Democrats see them as divisive

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MARCH 05, 2020 2:50 PM

Former Idaho Attorneys General Jim Jones, left, and David Leroy.

COMMENTS

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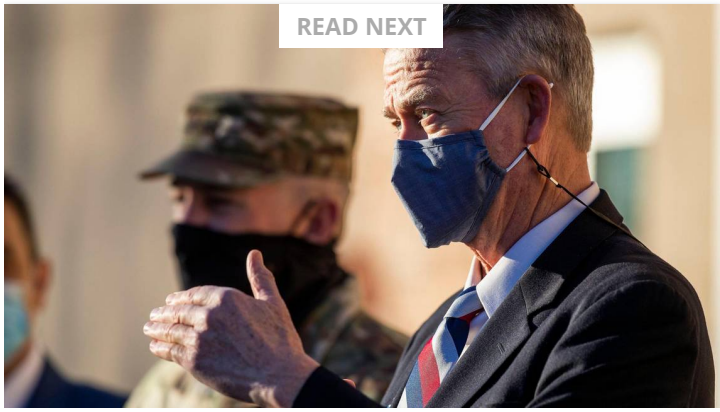

GUEST OPINIONS

Idaho Gov. Brad Little: The enemy is the coronavirus, not each other

BY GOV. BRAD LITTLE
DECEMBER 11, 2020 02:57 PM

There is an ugliness out there that we can overcome only by uniting around the true enemy – the virus,

not each other, Little writes.

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DECEMBER 06, 2020 4:00 AM

EXHIBIT C

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 1, 2018

Brian B. Benjamin
STATE CONTROLLER'S OFFICE
700 W. State Street, 5th Floor
P. O. Box 83720
Boise ID 83720-0011

Re: May 8, 2018 Board of Examiners Subcommittee Meeting and May 15, 2018 Board of Examiners Meeting: Agenda Item Related to Settlement of Attorneys' Fees Claim in *F.V., et al. v. Barron, et al.*

Dear Brian:

On behalf of the defendants in the above referenced case, Russell Barron, in his official capacity as Director of the Idaho Department of Health and Welfare, Elke Shaw-Tulloch, in her official capacity as Administrator of the Division of Public Health the Idaho Department of Health and Welfare, and James Aydelotte, in his official capacity as State Registrar and Chief of the Bureau of Vital Records and Health Statistics, I request that the following item be placed on the agenda of the Board of Examiners Subcommittee meeting scheduled for Tuesday, May 8, 2018, and the Board of Examiners meeting scheduled for Tuesday, May 15, 2018: Request approval for the settlement of attorneys' fees claim in *F.V., et al. v. Barron, et al.,* Case No. 1:17-cv-000170-CWD (D. Idaho), in the amount of $75,000.00. It is further requested that this obligation be submitted to the Constitutional Defense Council for payment from the fund created under Idaho Code § 67-6301.

The *F.V.* case arose from the plaintiffs' challenge to the constitutionality of Idaho's laws which did not permit a transgender person to amend his or her birth certificate to accurately reflect his or her gender identity. On March 5, 2018, the United States District Court granted the plaintiffs' motion for summary judgment with respect to their claim under the Equal Protection Clause, permanently enjoined the defendants from automatically rejecting applications from transgender people to change the sex listed on their birth certificates, and ordered that the defendants begin accepting such applications on or before April 6, 2018, using a constitutionally-sound approval process. A copy of the court's order is enclosed.

Civil Litigation Division
P.O. Box 83720, Boise, Idaho 83720-0010
Telephone: (208) 334-2400, FAX: (208) 854-8073
Located at 954 W. Jefferson 2nd Floor

The Department of Health and Welfare has taken appropriate steps to comply with the court's order. On March 20, 2018, the Board of Health and Welfare convened a special session where it considered and approved revisions to IDAPA 16.02.08.201 through a temporary and proposed rule. The rule requires the Registrar to issue an amended birth certificate upon submission of prescribed documentation establishing that "the registrant's indicator of sex on the Idaho certificate of live birth does not match the registrant's gender identity." The Rule went into effect on April 6, 2018.

On April 20, 2018, the court entered judgment in the plaintiffs' favor. The judgment also confirmed that the new process implemented by the Department of Health and Welfare complies with the court's earlier order. A copy of the judgment is enclosed.

The judgment entitles the plaintiffs to seek an award of attorneys' fees and costs under 42 U.S.C. § 1988. In an effort to conserve State funds, my office has negotiated an agreement with the plaintiffs' attorneys, subject to approval by the Board of Examiners, on the following terms: the State will pay the plaintiffs' attorneys $75,000.00 in full satisfaction of the plaintiffs' claim for attorneys' fees and expenses.

On April 26, 2018, the court entered an order confirming the terms of the settlement. The order provides that:

> Plaintiffs be awarded $75,000 in full settlement of the attorneys' fees and costs due to Plaintiffs pursuant to 42 U.S.C. § 1988, subject to approval by the Idaho State Board of Examiners at its May 15, 2018 meeting. If the Board of Examiners approves this settlement payment, the State of Idaho will pay Plaintiffs $75,000 in full satisfaction of Defendants' obligation to pay Plaintiffs' attorneys' fees and costs in this action. From that sum, $6,000 will be paid to Cockerille Law Office, P.L.L.C., and $69,000 will be paid to Lambda Legal Defense and Education Fund, Inc. If the Board of Examiners fails to approve the settlement payment, Plaintiffs will be entitled to file a motion with the Court to seek an award of attorneys' fees and costs due them pursuant to 42 U.S.C. § 1988. If forced to file a motion, Plaintiffs will not be limited to the settlement amount set forth above, but will be free to seek the full amount to which they may be entitled under the law, including fees and costs incurred in bringing their motion.

A copy of the court's order is enclosed.

In my office's view, the terms of the settlement are fair, and represent a significant savings to the State. There is no question that the plaintiffs are entitled to an award of fees and expenses under controlling law. I have reviewed the plaintiffs' attorneys' time and expense records, which would support a claim of more than $99,000. While there might be some basis to challenge a limited number of the requested charges, there is no guarantee that the court, in its discretion, would award less than the amount the plaintiffs could request. And it is very unlikely

that the court would award less than $75,000 for the work already performed, given the quality of the plaintiffs' attorneys' work and the success they achieved in the case.

It is important that the Board decide this matter at its May meeting. If the Board does not approve the settlement, the court's schedule will require the parties to complete briefing on a formal motion for attorneys' fees. If the plaintiffs' attorneys are required to incur additional fees working on the case, they will be unwilling to accept the reduced payment of $75,000 for current work and will be entitled to additional fees they incur bringing a formal motion. Additional work on a fee motion would increase the plaintiffs' claim to well over $100,000. Accordingly, the State's liability will significantly increase if the Board fails to approve the settlement at its May meeting.

The defendants request the Board to approve the settlement and authorize payment of the $75,000.00 settlement and that it be submitted to the Constitutional Defense Council for payment from the fund created under Idaho Code § 67-6301. The defendants incurred liability for this claim in their respective official capacities as part of defending the challenged Idaho laws against constitutional challenges.

Sincerely,

W. SCOTT ZANZIG
Deputy Attorney General

Enclosures

cc: Brian Kane
Steven L. Olsen

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

F.V. and DANI MARTIN,

Plaintiffs,

v.

RUSSELL BARRON,[1] in his official capacity as Director of the Idaho Department of Health and Welfare; ELKE SHAW-TULLOCH, in her official capacity as Administrator of the Division of Public Health for the Idaho Department of Health and Welfare; and JAMES AYDELOTTE, in his official capacity as State Registrar and Chief of the Bureau of Vital Records and Health Statistics,

Defendants.

Case No. 1:17-CV-00170-CWD

MEMORANDUM DECISION AND ORDER (DKT. 28)

INTRODUCTION

Transgender individuals born in Idaho cannot obtain a birth certificate with the listed sex matching their gender identity. The Idaho Department of Health and Welfare (IDHW) interprets state law to bar changes to the listed sex unless an applicant can show

[1] Russell Barron is now the Director of the Idaho Department of Health and Welfare. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Russell Barron is substituted for Richard Armstrong as a defendant in this suit.

there was an error of identification at birth. Therefore, as a policy, IDHW categorically and automatically denies applications to change the listed sex for any other reason. The questions presented to the Court are whether IDHW's interpretation, as applied, violates the Equal Protection and Due Process clauses of the Fourteenth Amendment to the Constitution of the United States, and whether it impermissibly compels speech in violation of the First Amendment.

As a preliminary matter, the Court notes the rare posture of the case. Plaintiffs, two transgender women born in Idaho, bring this action under 42 U.S.C. § 1983, asking the Court for a declaration that IDHW's policy violates their constitutional rights and the rights of others similarly situated. Plaintiffs request that the Court apply heightened scrutiny review, and declare that IDHW's policy violates the Equal Protection Clause. They also seek a ruling that the policy infringes upon due process rights to informational privacy, individual liberty, autonomy, and dignity. Plaintiffs request further that the Court find that IDHW's policy impermissibly compels speech in violation of the First Amendment to the Constitution. Plaintiffs ask the Court to enjoin Defendants, and others subject to the injunction, from enforcing the policy.

In turn, Defendants do not defend the constitutionality of the policy. Instead, *they admit* it is unconstitutional. Specifically, that it violates the Equal Protection Clause, failing minimum scrutiny review because "a prohibition against changing the sex designation on the birth certificate of a transgender individual who has undergone clinically appropriate treatment to permanently change his or her sex" bears no rational relationship to a conceivable government interest. (Ans. to First Am. Compl., Dkt. 19 at

2-3 ¶ 5.) Defendants assert that, once they have an order from the Court in hand, they will create a new rule permitting transgender individuals to change the sex listed on their birth certificates. (Oral Argument at 9:50, *F.V. v. Armstrong et al.*, No. 1:17-CV-00170-CWD (February 1, 2018).) Defendants indicate also that the new rule will include a provision that any revision history related to changes to the listed sex or name changes will not be marked on the reissued birth certificates of transgender individuals. Defendants further indicate they cannot proceed to create a rule until they receive a court order (Oral Argument at 9:51, *F.V. v. Armstrong et al.*, No. 1:17-CV-00170-CWD (February 1, 2018).)

Defendants assert that, because they have made these concessions, the Court should exercise judicial restraint and decide the Plaintiffs' motion on the narrowest ground—that the current policy, as applied, is not rationally related to a legitimate government interest, violates the Plaintiffs' equal protection rights, and is thus unconstitutional under minimum scrutiny review.

Plaintiffs counter that, in the face of pervasive government discrimination against transgender individuals, the Court has a constitutional duty and inherent authority to define the level of scrutiny that should be applied to their equal protection claim, and should determine favorable judgment is warranted on the basis of the other constitutional claims—in addition to fashioning a remedy mandating equal treatment.

The Court will not reach Plaintiffs' Due Process or First Amendment claims for the following reasons. First, the Court finds resolution of the Equal Protection Clause claim captures "the essence of the right in a more accurate and comprehensive way" than

the Due Process Clause, "even as the two Clauses may converge in the identification and definition of the right." *Obergefell v. Hodges*, 135 S. Ct. 2584, 2603 (2015). The substance of Plaintiffs' First Amendment claim is that if a birth certificate is reissued to a transgender individual, and the reissued birth certificate includes the revision history, it will impermissibly compel speech—i.e. it will force an individual to disclose their transgender status when they would not ordinarily do so. Given Defendants' concession and agreement, the compelled speech concern falls away, and the merits of this claim need not be addressed by the Court.

After careful consideration, the Court finds IDHW's policy of categorically and automatically denying applications submitted by transgender individuals to change the sex listed on their birth certificates is unconstitutional under the Equal Protection Clause of the Fourteenth Amendment. The Court finds further that any constitutionally sound rule must not include the revision history as to sex or name to avoid impermissibly compelling speech and furthering the harms at issue. The Court notes also that the new rule should withstand heightened scrutiny review to fall within the contours of equal protection law. To reasonably assure the rule and remedy comply with such existing law, the Court will discuss the same after presenting the background, introducing the parties, and outlining the standard of review.

BACKGROUND

1. Idaho Vital Statistics Laws

States are responsible for the development and implementation of laws related to vital events such as recording births and deaths. However, most states, including Idaho,

use the Model State Vital Statistics Act published by the Centers for Disease Control and Prevention as a basis for state law.[2] The Idaho Vital Statistics Act (Act), Title 39, Chapter 2 of the Idaho Code, authorizes the Idaho Board of Health and Welfare (Board) to propose rules to carry out its provisions related to vital statistics—the Vital Statistics Rules (Rules). IDAPA 16.02.08.000. IDHW is the state agency responsible for enforcement of the Act and the Rules, (together, vital statistics laws) for providing the official interpretation of such laws, and for developing temporary and final proposed rules. State legislative approval is necessary to enact final proposed rules into law.

Idaho's vital statistics laws require that all amended birth certificates be marked as "amended," including a record of the nature of the change, unless the change is made under one of the following circumstances: (1) minor corrections made within one year after the date of the event necessitating the correction; (2) voluntary acknowledgements of paternity and non-paternity; and (3) for changes to name and paternal and maternal information in instances of adoption. Idaho Code §§ 39-250, 39-258-59; IDAPA 16.02.08.201. In these circumstances, the vital statistics laws require the amendments not be marked or noted on the birth certificate.[3] A catch-all provision applies to any

[2] *See Model State Vital Statistics Act and Model State Vital Statistics Regulations*, 2011 Revision, Centers for Disease Control and Prevention. Idaho's Vital Statistic Act is based in large part on the 1992 Revision of the model rules.

[3] For example: Idaho Code § 7-1106 allows a biological father to establish paternity via an affidavit of paternity. The affidavit must be signed by both the father and the birth mother. IDAPA 16.02.08.201.05.a. If the child's birth certificate lists a different person as the father, a court order is required to change the father's name. IDAPA 16.02.08.201.05.b. The reissued, amended birth certificate must not be marked amended or include any record of the paternity change. I.C. § 39-250(2), (3); IDAPA 16.02.08.201.05.c.

amendment not specifically provided for in the vital statistics laws. IDAPA 16.02.08.201.08. Notably, amendments made under the catch-all provision must be described on the birth certificate.

All applications to amend birth certificates are reviewed by the state registrar. The registrar's determination must serve the objectives of the vital statistics laws and the best interests of the public. IDAPA 16.02.08.201(e). When applications are denied, an individual has a right to petition a court for an order requiring the registrar make the requested amendment. Idaho Code § 39-250(5).

As explained above, IDHW interprets Idaho vital statistics law to prohibit changes to the listed sex unless there was an error in recording the sex at birth. Notably, IDHW asserts that Idaho birth certificates reflect the "sex" of a person at birth and do not contain a "gender marker" designation. (Ans. to First Am. Compl., Dkt. 23 at 2 ¶¶ 3-4.) From this interpretation comes IDHW's policy of automatically and categorically denying applications made by transgender individuals for the purpose of changing the listed sex to reflect their gender identity.[4]

2. Biological Sex, Gender Identity, Transition

There is scientific consensus that biological sex is determined by numerous elements, which can include chromosomal composition, internal reproductive organs,

[4] Idaho counts as one of only four remaining states that do not permit transgender individuals to change the sex listed on their birth certificate. The other three states are Kansas, Ohio, and Tennessee. (Pl.s' Mem. of Law in Support of Mot. for Summ. Jgmt., Dkt. 28-1 at 19 n. 4.)

external genitalia, hormone prevalence, and brain structure.[5] Sex determinations made at birth are most often based on the observation of external genitalia alone. World Professional Association for Transgender Health, *Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People* at 97 (7th Version, 2011) (hereinafter "WPATH *Standards of Care*"). For most people, this determination aligns with gender identity and gender expression. *Id.* Of importance here, however, are instances where it does not.

Gender identity, also known as core gender, is the intrinsic sense of being male, female, or an alternative gender. WPATH *Standards of Care* at 96. Transgender is an adjective used to designate "a person whose identity does not confirm unambiguously to conventional notions of male or female gender."[6] Put another way, transgender is an adjective used to describe a person who has a gender identity that differs, in varying degrees, from the sex observed and assigned at birth. WPATH *Standards of Care* at 97.

Transgender individuals often suffer emotional distress in the process of recognizing and responding to the complex social and personal scenarios that result because their gender identity does not align with birth-assigned sex. (Dkt. 28-5 at 8; *See* e.g., American Medical Association Resolution 122 (A-08) at 1 (2008)). A clinical

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[5] The American Psychology Association defines sex as "one's biological status as either male or female" that "is associated primarily with physical attributes such as chromosomes, hormone prevalence, and external and internal anatomy." Transgender People, Gender Identity and Gender Expression, American Psychological Association (2018), http://www.apa.org/topics/lgbt/transgender.aspx (last visited Mar. 3, 2018).

[6] *Transgender*, OXFORD ENGLISH DICTIONARY, http://www.oed.com/view/Entry/247649?redirectedFrom=transgender#eid (last visited Feb. 7. 2018).

medical condition, known as gender dysphoria, can result from such distress.[7] *Id.* Symptoms include anxiety and depression, suicidality, and other serious mental health issues. *Id.;* WPATH *Standards of Care* at 25.

Transgender individuals, especially those suffering from gender dysphoria, often proceed through a process known as transition, defined as follows:

> Transition is a period of time when individuals change from the gender role associated with their sex assigned at birth to a different gender role. For many people, this involves learning how to live socially in another gender role; for others this means finding a gender role and expression that is most comfortable for them. Transition may or may not include feminization or masculinization of the body through hormones or other medical procedures. The nature and duration of transition is variable and individualized.

WPATH *Standards of Care* at 97.

In other words, transition is the process where a person works to bring their lived experience and outer appearance into alignment with their gender identity. Transition can include medical treatments, such as hormone therapy and surgery, but is often limited to

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[7] The American Psychiatric Association describes gender dysphoria as follows:

> People with gender dysphoria may often experience significant distress and/or problems functioning associated with this conflict between the way they feel and think of themselves (referred to as experienced or expressed gender) and their physical or assigned gender.
>
> The gender conflict affects people in different ways. It can change the way a person wants to express their gender and can influence behavior, dress and self-image. Some people may cross-dress, some may want to socially transition, others may want to medically transition with sex-change surgery and/or hormone treatment. Socially transitioning primarily involves transitioning into the affirmed gender's pronouns and bathrooms.

Gender Dysphoria, American Psychiatric Association, Physician review by Ranna Parekh, M.D., M.P.H. (February 2016), https://www.psychiatry.org/patients-families/gender-dysphoria/what-is-gender-dysphoria (last visited Mar. 5, 2018).

social transition. WPATH *Standards of Care* at 71, 97. Not all transgender people choose to undergo surgery as a part of the transition process. This is due to numerous potential factors, including whether surgery is medically necessary, and personal and financial factors such as lack of insurance coverage. (*See* First Am. Compl., Dkt. 19 at 6 ¶ 24; *see also* Ans. to First Am. Compl., Dkt. 19 at 5 ¶ 24.)

Social transition includes changes in clothing, name, pronouns, hairstyle, and identity documents to reflect one's gender identity. *Id.* at 9-10. "A complete transition is one in which a person attains a sense of lasting personal comfort with their gendered self, thus maximizing overall health, well-being, and personal safety." (Decl. of Dr. Randi Ettner, Dkt. 28-5 at 10.)

3. Discrimination Against Transgender Individuals

Mismatches between identification documents and outward gender presentation can create risks to the health and safety of transgender people. Transgender people who present mismatched identification are verbally harassed, physically assaulted, denied service or benefits, or asked to leave the premises. James et al., *The Report of the 2015 U.S. Transgender Survey,* Washington D.C., National Center for Transgender Equality at 7 (2016) (hereinafter *Transgender Survey*).[8] According to the Federal Bureau of

[8] Defendants note the survey "acknowledges that respondents in the study 'were not randomly sampled and the actual population characteristics of transgender people in the U.S. are not known. Therefore, it is not appropriate to generalize the findings in this study to all transgender people.'" (Dkt. 19-6). The Court similarly acknowledges the limitations of the survey. Yet, the survey is also "the largest survey examining the experiences of transgender people in the United States, with 27,715 respondents from all fifty states ..." (*Transgender Survey* at 4.) Thus, the Court views the statistics presented in the report as a reliable indicator of harassment and violence across the population.

Investigation, 1.7 percent of all hate crimes reported by law enforcement agencies in the United States in 2015 were motivated by gender-identity bias. *2015 Hate Crime Statistics*, FBI, Criminal Justice Information Services Division, https://ucr.fbi.gov/hate-crime/2015/topic-pages/victims_final.pdf (last visited Mar. 5, 2018).

Statistics regarding the ongoing discrimination transgender individuals face highlight why involuntary disclosure of transgender status creates these risks. For instance, nearly twenty-five percent of surveyed college students, when perceived as a transgender person, were verbally, physically, or sexually assaulted in 2015. *Transgender Survey* at 9. This figure tracks the percentage of workers reporting mistreatment in the workplace due to gender identity. *Id.* at 10. More than seventy-five percent of transgender workers take steps to avoid such mistreatment at work by hiding or delaying their gender transition, or by quitting their job. *Id.* at 11.

Across all environments, almost fifty percent of transgender people surveyed for the 2015 report responded that they had been verbally harassed due to their gender identity. *Id.* at 13. Nearly one in ten reported being physically assaulted because of their gender identity. *Id.* Notably, the reported lifetime suicide attempt rate for transgender people is nearly nine times the rate of the United States population on average. *Id.* at 8.

4. The Plaintiffs

Plaintiffs are two transgender women who were born in Idaho. Each Plaintiff has undergone the process of transition but is unable to obtain a birth certificate that reflects her gender identity.

F.V. is a 28-year-old woman born in Idaho. She is a transgender person who was assigned the sex of male at birth. Although F.V. states that she knew from approximately age 6 she was female, she began to live openly as a female when she was 15 years old. She has lived as a woman since that time, and asserts that doing so has been essential to her sense of self. F.V. relates that she "cannot imagine living life as a man" because she is not a man, and would be living a lie to try to do so. (Decl. of F.V., Dkt. 28-3 at 2.)

F.V. has taken steps, both medically and socially, to bring her body and expression of gender in line with her female gender identity.[9] Her social transition has included legally changing her name from a traditionally male name to a traditionally female one, and changing her name and gender on her driver's license, passport, and in her social security records. On March 17, 2017, F.V. contacted the Idaho Bureau of Vital Records and Health Statistics to inquire about changing the sex listed on her birth certificate. She was informed that IDHW does not consider such applications.

F.V. asserts that living with a birth certificate declaring she is male is a permanent and painful reminder that Idaho does not recognize her as she is—as a woman. Beyond this, she states that presenting an identity document that conflicts with her gender identity is both humiliating and dangerous: it puts her at risk of violence by disclosing against her will and intentions that she is a transgender individual.

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[9] Defendants "admit that they are aware of no rational basis justifying a prohibition against changing the sex designation on the birth certificate of a transgender person who has undergone clinically appropriate treatment to permanently change his or her sex." (Ans. to First Am. Compl., Dkt. 23 at 2-3.) Defendants concede also, "that no rational basis justifies treating transgender persons like Plaintiffs differently than other persons." (Dkt. 23 ¶ 5.)

Dani Martin (Dani) is a 31-year-old woman born in Idaho. Dani is a transgender person who was assigned the sex of male at birth. Like F.V., Dani states that she knew from a young age she was female. However, fear of rejection and bullying prevented her from coming out when she was younger. With the support of her spouse and her family, Dani began to transition in 2014. She has lived her life openly as a woman since that time.

Like F.V., Dani has taken steps, both medically and socially, to bring her body and expression of gender in line with her female identity. Her social transition has included legally changing her name from a traditionally male name to a traditionally female one, and changing her name and gender on her driver's license and in her social security records. Like F.V., Dani has been unable to change the gender on her birth certificate due to Idaho's prohibitory policy.

The mismatch between Dani's gender identity and the sex listed on her birth certificate has exposed her to harassment and embarrassment. She asserts the mismatch has also prevented her from making the change in other important records—perpetuating instances where she is forced to disclose her transgender status, face embarrassment, harassment, and potential physical violence.

5. The Defendants

The three Defendants are employees of IDHW. As supervisors and custodians of records, they are each variously responsible for the implementation, enforcement, development, and interpretation of Idaho's vital statistics laws.

Defendant Russell Barron is the Director of IDHW. He supervises the activities of IDHW, including the enforcement of the Vital Statistics Act, Vital Statistics Rules, and the agency's policies and interpretations of such laws.

Defendant Elke Shaw-Tullock is the Administrator of IDHW's Division of Public Health. The division includes the Bureau of Vital Records and Health Statistics. She supervises activities of the division, including enforcement of the Vital Statistics Act, Vital Statistics Rules, and the agency's policies and interpretations of such laws.

Defendant James Aydelotte is the State Registrar and Bureau Chief of the Bureau of Vital Records and Health Statistics at IDHW. He is the official custodian of vital records for the State of Idaho and also enforces the Vital Statistics Act, Vital Statistics Rules, and the agency's policies and interpretations of such laws.

STANDARD OF REVIEW

1. Standard of Review for Summary Judgment Motions

Summary judgment is appropriate where a party can show, as to any claim or defense, "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). One of the principal purposes of summary judgment "is to isolate and dispose of factually unsupported claims...." *Celotex Corp. v. Catrett*, 477 U.S. 317, 323-24 (1986). It is "not a disfavored procedural shortcut," but is instead a tool to prevent factually insufficient claims or defenses "from going to trial with the attendant unwarranted consumption of public and private resources." *Id.* at 327.

"The moving party is entitled to summary judgment if that party shows that each issue of material fact is not or cannot be disputed. To show the material facts are not in dispute, a party may cite to particular parts of materials in the record, or show that the materials cited do not establish the presence of a genuine dispute, or that the adverse party is unable to produce admissible evidence to support the fact." *Ransier v. United States*, No. 2:12-CV-00538-EJL, 2014 WL 5305852, at *2 (D. Idaho Oct. 15, 2014); Fed. R. Civ. P. 56(c)(1)(A) & (B).

Federal Rule of Civil Procedure 56(e)(3) authorizes a court to grant summary judgment for the moving party "if the motion and supporting materials—including the facts considered undisputed—show that the movant is entitled to it. The existence of a scintilla of evidence in support of the non-moving party's position is insufficient. Rather, 'there must be evidence on which the jury could reasonably find for the [non-moving party].'" *Ransier* at *2 (citing *Anderson v. Liberty Lobby, Inc.,* 477 U.S. 242, 252 (1986)).

2. Standard for Permanent Injunction

To prevail on a motion for a permanent injunction, plaintiffs must demonstrate: (1) they have suffered an irreparable injury or harm; (2) remedies available at law are inadequate to compensate for such injury or harm; (3) considering the balance of hardships between the parties, an equitable remedy is warranted; and (4) public interest is not disserved by a permanent injunction. *eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388, 391 (2006).

When a court grants injunctive relief, it must tailor the remedy to the specific harm shown by plaintiffs. *Hawaii v. Trump*, 859 F.3d 741, 785 (9th Cir.), *cert. granted sub nom. Trump v. Int'l Refugee Assistance Project*, 137 S. Ct. 2080, 198 L. Ed. 2d 643 (2017), *and cert. granted, judgment vacated*, 138 S. Ct. 377 (2017), *and vacated*, 874 F.3d 1112 (9th Cir. 2017); *Califano v. Tamasaki*, 422 U.S. 682, 702 (1979). The scope of the remedy fashioned by a court is dictated by the extent of the violation established by the plaintiffs. 859 F.3d 741, 785. Aside from these parameters, a court has significant discretion in fashioning an appropriate and proportionate remedy. *Id.*

LEGAL FRAMEWORK

1. The Equal Protection Clause

The Equal Protection Clause of the Fourteenth Amendment requires that all similarly situated people be treated alike. *City of Cleburne v. Cleburne Living Ctr., Inc.*, 473 U.S. 432, 439 (1985). Equal protection requirements restrict state legislative action that is inconsistent with bedrock constitutional guarantees, such as equality in treatment. *See Obergefell v. Hodges*, 135 S. Ct. 2584, 2603 (2015). An equal protection claim is established when plaintiffs show they were treated differently than other similarly situated people. *City of Cleburne* at 439-440. Yet, states are given significant leeway to establish laws to effectively govern citizens and remedy societal ills. *Romer v. Evans*, 517 U.S. 620, 631 (1996). Because of this, successful equal protection claims additionally require plaintiffs to show the difference in treatment was the result of intentional or purposeful discrimination. *Stone v. Trump*, No. CV MJG-17-2459, 2017 WL 5589122, at *15 (D. Md. Nov. 21, 2017).

In this matter, Plaintiffs, transgender individuals born in Idaho, have adequately alleged they were treated differently from non-transgender people born in Idaho. IDHW practices a policy of automatically and categorically denying applications made by transgender people to amend the birth-assigned sex on their birth certificates to align with their gender identity. Plaintiff F.V. contacted IDHW to inquire about amending her birth certificate to align with her gender identity. IDHW informed F.V., consistent with its policy, that it does not consider applications made on that basis. Plaintiff Dani Martin's experience was the same. The IDHW Defendants provide no justification for the policy.

Yet, in turn, IDHW permits some classes of people, adoptive parents for instance, to make amendments to birth certificates without record of the amendment on the reissued certificate. IDHW has similar laws and policies related to the change of paternal information. These laws give certain people access to birth certificates that accurately reflect who they are, while denying transgender people, as a class, access to birth certificates that accurately reflect their gender identity. Therefore, as Defendants concede, Plaintiffs' equal protection claims are valid.

The Supreme Court of the United States has set forth a framework of tiered review for equal protection claims. *Latta v. Otter*, 19 F. Supp. 3d 1054, 1073 (D. Idaho), *aff'd*, 771 F.3d 456 (9th Cir. 2014). Each tier of scrutiny requires a different level of justification for the challenged law. *Id.* The level of scrutiny applied to the law is determined by the type of classification at issue. *Id.* If a law classifies on the basis of a suspect class or a quasi-suspect class, it is subject to heightened scrutiny review—and, depending on the type of suspect classification, such laws are subject to either strict

scrutiny review or intermediate scrutiny review. If a law does not classify on the basis of a suspect or quasi-suspect class, it is subject to minimum scrutiny—commonly called rational basis review. *Heller v. Doe,* 509 U.S. 312, 319–21 (1993).

Therefore, the most stringent level of review is strict scrutiny. The Supreme Court has carefully defined the limits of this level of review. It is applied when laws impermissibly interfere with fundamental rights or to the disadvantage of a suspect class. *Latta*, 19 F. Supp.3d at 1073. Strict scrutiny applies to classifications based on race, alienage, and national origin. IDWH's policy makes a classification based on transgender status. Therefore, under clear Supreme Court precedent, it does not trigger strict scrutiny review.

In contrast, the most lenient level of scrutiny is rational basis review. This level of review is applied to laws that impose a difference in treatment between groups but do not infringe upon a fundamental right, or target a suspect or quasi-suspect class. *Heller* at 319–21. In such instances, if a court can identify any rational basis supportive of the government's need for the law, it is upheld. *Id.* In this matter, IDHW Defendants concede no rational basis exists to support the categorical denial of requests to amend sex-assigned birth on the basis of correcting it to match one's gender identity.

The Court notes the importance and potential implications of restrictions and restraints IDHW may place on the ability of transgender people to apply for and receive approval of applications to change the sex listed on their birth certificates. Because the Court does not have a proposed rule before it, it will not extrapolate on the potential legal ramifications of such restrictions—such topics are not ripe for its consideration.

However, any new rule must not subject one class of people to any more onerous burdens than the burdens placed on others without constitutionally-appropriate justification—for instance, to apply for a change in paternity information the applicant is not required to submit medical evidence, such as DNA confirmation, to prove paternity or non-paternity. Yet, all applicants for name changes are required to obtain a court order—regardless of the reason for the change. (*See supra* note 3 and accompanying text.)

The Court agrees there is no rational basis to support IDHW's policy. The following facts make this conclusion apparent: (1) IDHW already has a process in place for making amendments to birth certificates, as is evidenced by Idaho's vital statistics laws; (2) the vital statistics laws make certain that amendments or corrections are kept confidential when they pertain to sensitive personal and potentially private information, such as paternity or adoptive status; and (3) the laws make room for the amendment of any other information on the birth certificate with the proper form of application and evidence.

Thus, under an alternative, constitutionally-sound reading of Idaho's vital statistics laws, amendments to the listed sex are not only possible, but procedures are in place to facilitate such amendments—and the Act allows the Board to draft a rule that does just that.[10] As such, there is no rational basis for denying transgender individuals birth certificates that reflect their gender identity and IDHW's policy, as applied, violates the Equal Protection Clause.

[10] Idaho Code §§ 39-241(3); 39-250.

Yet, as explained above, Plaintiffs ask the Court to take a step further to find that IDHW's policy similarly fails to withstand heightened scrutiny, which includes the mid-tier of equal protection review—intermediate scrutiny. Historically, intermediate scrutiny applies to quasi-suspect classifications based on sex and illegitimacy. *Clark v. Jeter*, 486 U.S. 456, 461 (1988). For quasi-suspect classifications to be upheld, the state must show the classification is substantially related to an important governmental objective. "The purpose of this heightened level of scrutiny is to ensure quasi-suspect classifications do not perpetuate unfounded stereotypes or second-class treatment." *Latta v. Otter*, 19 F. Supp. 3d 1054, 1073 (D. Idaho), *aff'd*, 771 F.3d 456 (9th Cir. 2014) (citing *United States v. Virginia*, 518 U.S. 515, 534 (1996)).

Plaintiffs argue that IDHW's refusal to treat transgender people like others of the same sex, i.e. other males or females, requires intermediate review because such treatment discriminates on the basis of sex or otherwise employs another quasi-suspect classification—transgender status. In other words, Plaintiffs suggest two ways for the Court to conclude that heightened scrutiny applies to government classifications based on transgender status. The first—the Court could find that discrimination based on transgender status is discrimination based on sex or gender. The second— the Court could conclude that transgender status is a suspect classification in and of itself. In either case, Plaintiffs contend IDHW's policy is not substantially related to an important governmental objective and fails intermediate scrutiny review. The merits of both prongs of the Plaintiffs' argument will be discussed in turn.

A. Discrimination Based on Sex and Gender

In 1977, the United States Court of Appeals for the Ninth Circuit held rational basis review appropriately applied to classifications based on "transsexual" status, because sex-based discrimination in the context of Title VII included only discrimination based on one's anatomical gender—not a change in one's gender or gender identity. *Holloway v. Arthur Andersen & Co.*, 566 F.2d 659 (9th Cir. 1977). Although the Ninth Circuit has not revisited the question, the reasoning employed in *Holloway* relies on markedly outdated notions of sex and gender that strongly indicate, that should it be presented today, the same holding would not issue.[11]

The Supreme Court's decision in *Price Waterhouse* is particularly important to the development of a more robust understanding of sex-based gender discrimination in the law. *Price Waterhouse*, 490 U.S. 228, 240 (1989). There, the Court held that Title VII bars discrimination based on the fact that a person is a woman or a man, *and* based on the fact that a person fails to act like a woman or a man—i.e. it protects people from discrimination based on their failure to adhere to society's expectations of traditional gender roles. *Id.*

In 2000, the Ninth Circuit employed the reasoning from *Price Waterhouse* in a new statutory context. *Schwenk v. Hartford*, 204 F.3d 1187, 1202 (9th Cir. 2000). In *Schwenk*, the Ninth Circuit held that violence perpetrated against a transgender person,

[11] At that time, the court found that "transsexuals" were not an insular minority, and found also that transsexuality was not a "immutable characteristic determined solely by accident of birth." *Id.* at 663-64. The court remarked: "[T]he complexities involved merely in defining the term 'transsexual' would prohibit a determination of suspect classification for transsexuals." *Holloway* at 663 (footnote omitted).

because they presented as a certain gender, was violence motivated by gender for purposes of the Gender Motivated Violence Act. *Id.* Since *Schwenk*, at least one court in the Ninth Circuit has held *Schwenk's* reasoning supports the follow-on conclusion that discrimination against transgender people is a form of sex discrimination subject to intermediate scrutiny review. *Norsworthy v. Beard*, 87 F. Supp. 3d 1104, 1121 (N.D. Cal. 2015) (where the court found that *Schwenk* overruled the specific conclusions on which the *Holloway* decision relied); *see also Olive v. Harrington*, 2016 WL 4899177, at *5 (E.D. Cal. Sept. 14, 2016) and *Marlett v. Harrington*, No. 115CV01382MJSPC, 2015 WL 6123613, at *4 (E.D. Cal. Oct. 16, 2015) (*pro se* screening orders citing *Norsworthy*, stating discrimination on the basis of transgender status is subject to intermediate scrutiny).

Of particular importance, significant changes in the medical understanding of gender identity call for a reexamination of its place in the equal protection context in relation to sex-based discrimination. *Duronslet v. Cty. of Los Angeles*, 266 F. Supp. 3d 1213, 1223 (C.D. Cal. 2017) (discussing advances since *Holloway v. Arthur Andersen & Co.*, 566 F. 2d 659 (9th Cir. 1977). "[I]t would not be inconsistent with *Holloway* … to conclude, based on an adequately developed factual record, that our current understanding of transgenderism requires the application of heightened scrutiny." *Id.*

Indeed, our medical understanding of biological sex and gender has advanced significantly in the forty-one years since *Holloway*. For instance, it is universally acknowledged in leading medical guidance that not all individuals identify as the sex they

are assigned at birth.[12] Despite the ongoing study to more fully understand the impact of differences in chromosomes, brain structure and chemistry, there is medical consensus that gender identity plays a role in an individual's determination of their own sex. Therefore, to conclude discrimination based on gender identity or transsexual status is not discrimination based on sex is to depart from advanced medical understanding in favor of archaic reasoning.

B. Defining New Suspect Qualifications – Transgender Status

In the equal protection context, the Supreme Court "has recognized that new insights and societal understandings can reveal unjustified inequality [...] that once passed unnoticed and unchallenged."[13] *Obergefell v. Hodges*, 135 S. Ct. 2584, 2603 (2015). The Supreme Court employs a four-factor test to determine whether a class qualifies as suspect or quasi-suspect. *United States v. Windsor*, 570 U.S. 744 (2013). Heightened scrutiny is warranted where the state discriminates against a class that (1) has been "historically subjected to discrimination," (2) has a defining characteristic bearing no "relation to ability to perform or contribute to society," (3) has "obvious, immutable,

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[12] As set forth in WPATH *Standards of Care* protocols for the care of transgender and gender nonconforming people, including individuals with gender dysphoria. The WPATH protocols are endorsed by the following medical associations: The *American Medical Association*, the *Endocrine Society*, the *American Psychological Association*, the *American Psychiatric Association*, the *World Health Organization*, the *American Academy of Family Physicians*, the *National Commission of Correctional Health Care,* the *American Public Health Association*, the *National Association of Social Workers,* the *American College of Obstetrics and Gynecology*, the *American Society of Plastic Surgeons*, and *The American Society of Gender Surgeons.* (*See* Dkt. 28-5 at 8.)

[13] Responding to such insights and societal understandings, the Supreme Court has invalidated laws that imposed sex-based inequality in marriage, and inequalities in the institution of marriage arising from sex-based prohibitions. *See Obergefell v. Hodges*, 135 S. Ct. 2584, 2604 (2015).

or distinguishing characteristics," and (4) is "a minority or is politically powerless." *Windsor v. United States*, 570 U.S. 744 (2013).

Courts have applied this test and have found that government discrimination based on transgender status is discrimination against a quasi-suspect class and thus is subject to intermediate scrutiny. *Adkins v. City of New York*, 143 F. Supp. 3d 134 (S.D.N.Y. 2015).[14] For example, in *Adkins*, a transgender person who had been arrested and imprisoned sued New York City and its officials, alleging equal protection violations based on discriminatory confinement conditions. *Id.* The court employed the test and found transgender people are a quasi-suspect class:

> (1) Transgender people have suffered a history of persecution and discrimination (moreover this history of persecution and discrimination is not yet history); (2) Transgender status bears no relation to ability to contribute to society- i.e. simply by virtue of their status they are not any less productive than any member of society; (3) Transgender status is a sufficiently discernible characteristic to define a discrete minority class; (4) Transgender people are a politically powerless minority.

Id.

Similarly, in *Evancho v. Pine-Richland School Dist.*, the court concluded intermediate scrutiny applies to classifications based on transgender status. 237 F. Supp. 3d 267 (W.D. Pa. 2017). There, pursuant to a school board resolution, transgender high

[14] *See Stone v. Trump*, No. CV MJG-17-2459, 2017 WL 5589122 (D. Md. Nov. 21, 2017) (finding transgender individuals appear to satisfy the criteria of at least a quasi-suspect classification, and that the classification at issue was a form of discrimination on the basis of gender); *A.H. v. Minersville Area School District*, No. 3:17-CV-391, 2017 WL 5632662, at *7 (M.D. Pa. Nov. 22, 2017) (both the parties and the court agreed heightened scrutiny applied to a transgender girl's equal protection claims when she was excluded from using the girl's bathroom at school because the sex listed on her birth certificate was male).

school students were limited to using either single-user bathrooms or bathrooms matching their birth-assigned sex. The court acknowledged that the transgender students' gender identity was:

> … deeply ingrained and inherent in their very beings. Like "sex," […] gender identity is neither transitory nor temporary. Further, what buttresses that conclusion is the fact that the school community as a whole treats these Plaintiffs in all other regards consistently with their stated gender identities, along with the reality that these Plaintiffs live all facets of their lives in a fashion consistent with their stated and experienced gender identities.

Id. at 289.

The findings in *Adkins* and *Evancho* echo findings made regarding homosexual people as a class and recognized by this Court in *Latta*, the Ninth Circuit in *SmithKline*, and the Supreme Court in *Windsor* and *Obergefell.* Applying the four factor analysis, the cases found: (1) homosexual people have endured persecution and discrimination; (2) sexual orientation has no relation to aptitude or ability to contribute to society; (3) homosexual people are a discernable group with non-obvious distinguishing characteristics; and (4) the class is a politically weakened minority.

The pervasive and extensive similarities in the discrimination faced by transgender people and homosexual people are hard to ignore: (1) transgender people have been the subject of a long history of discrimination that continues to this day; (2) transgender status as a defining characteristic bears no "relation to ability to perform or contribute to society; (3) transgender status and gender identity have been found to be "obvious, immutable, or distinguishing characteristic[s];" and (4) transgender people are unarguably a politically vulnerable minority. *Norsworthy*, 87 F. Supp. 3d at 1119 n.8;

Adkins, 143 F. Supp. 3d at 140; *See generally, SmithKline Beecham Corp. v. Abbott Labs.*, 740 F.3d 471, 481-84 (9th Cir. 2014). This is especially true in Idaho where transgender people have no state constitutional protections from discrimination based on their transgender status in relation to employment decisions, housing, and other services. Therefore, transgender people bear all of the characteristics of a quasi-suspect class and any rule developed and implemented by IDHW should withstand heightened scrutiny review to be constitutionally sound.

CONCLUSION

Defendants, as conceded, violate the Equal Protection Clause by failing to provide an avenue for transgender people to amend the sex listed on their birth certificates. Plaintiffs have sufficiently demonstrated that they have suffered irreparable injury and harm that cannot be remedied by ordinary remedies at law—and by Defendants' acknowledgment, IDHW cannot proceed to create a new rule to remedy the harm without a court order. Furthermore, the balance of the hardships warrants an equitable remedy, because allowing such amendments would pose no new burden on Defendants: Idaho vital statistics laws allow IDHW to create and implement a constitutionally-sound rule, and IDHW already has in place processes and procedures to facilitate the amendment of birth certificates in the ordinary course of its everyday activities. Finally, the public interest is not disserved by a permanent injunction. A rule providing an avenue to obtain a birth certificate with a listed sex that aligns with an individual's gender identity promotes the health, well-being, and safety of transgender people without impacting the rights of others.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED:

1) The Court **GRANTS in part** and **DENIES in part** Plaintiff's Motion for Summary Judgment. (Dkt. 28.)

2) The Court **PERMANENTLY ENJOINS** the IDHW Defendants and their officers, employees, and agents from practicing or enforcing the policy of automatically rejecting applications from transgender people to change the sex listed on their birth certificates.

3) IDHW Defendants and their officers, employees, and agents must begin accepting applications made by transgender people to change the sex listed on their birth certificates **on or before April 6, 2018**; such applications must be reviewed and considered through a constitutionally-sound approval process; upon approval, any reissued birth certificate must not include record of amendment to the listed sex; and where a concurrent application for a name change is submitted by a transgender individual, any reissued birth certificate must not include record of the name change.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

F.V. and DANI MARTIN,

Plaintiffs,

v.

RUSSELL BARRON, in his official capacity as Director of the Idaho Department of Health and Welfare; ELKE SHAW-TULLOCH, in her official capacity as Administrator of the Division of Public Health for the Idaho Department of Health and Welfare; and JAMES AYDELOTTE, in his official capacity as State Registrar and Chief of the Bureau of Vital Records and Health Statistics,

Defendants.

Case No. 1:17-CV-00170-CWD

JUDGMENT

In accordance with the Court's Memorandum Decision and Order (Dkt. 28), and Plaintiffs' and Defendants' Notice and Stipulation Regarding Judgment and Time for Bill of Costs and Motion for Attorneys' Fees (Dkt. 42), **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that:

(1) Judgment is entered in favor of Plaintiffs;

(2) The policy of automatically rejecting applications from transgender people to

change the sex listed on their birth certificates violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution;

(3) Defendants and their officers, employees, and agents are permanently enjoined from practicing or enforcing the policy of automatically rejecting applications from transgender people to change the sex listed on their birth certificates;

(4) Such applications must be reviewed and considered through a constitutionally-sound approval process; upon approval, any reissued birth certificate must not include record of amendment to the listed sex; and where a concurrent application for a name change is submitted by a transgender individual, any reissued birth certificate must not include record of the name change;

(5) On March 20, 2018, the Board of Health and Welfare convened a special session where it considered and approved revisions to IDAPA 16.02.08.201 through a temporary and proposed rule ("Rule"), Dkt. 42-1. The Rule requires the Registrar to issue an amended birth certificate upon submission of, inter alia, "[a] declaration that the registrant's indicator of sex on the Idaho certificate of live birth does not match the registrant's gender identity." The Rule went into effect on April 6, 2018, and Defendants have implemented it through a form and instructions, Dkt. 42-2;

(6) The Rule complies with the Court's holding that "there is no rational basis for denying transgender individuals birth certificates that reflect their gender identity" and with the Court's instruction that any rule remedying the constitutional violation found must "withstand heightened scrutiny review" and must avoid imposing burdens lacking constitutionally-appropriate justification, Dkt. 39 at 18, 25; and

(7) Any bill of costs or motion for attorneys' fees shall be filed by no later than 45

days after entry of this judgment; and

(8) The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

F.V. and DANI MARTIN,

Plaintiffs,

v.

RUSSELL BARRON, in his official capacity as Director of the Idaho Department of Health and Welfare and ELKE SHAW-TULLOCH, in her official capacity as Administrator of the Division of Public Health the Idaho Department of Health and Welfare, and JAMES AYDELOTTE, in his official capacity as State Registrar and Chief of the Bureau of Vital Records and Health Statistics,,

Defendants.

Case No. 1:17-CV-000170-CWD

ORDER APPROVING STIPULATION REGARDING AWARD OF ATTORNEYS' FEES AND COSTS (DKT 44)

Currently before the Court is the parties' Stipulation Regarding Award of Attorneys' Fees and Costs. (Dkt. 44.) Having reviewed the stipulation and good cause appearing therefor,

IT IS HEREBY ORDERED that Plaintiffs be awarded $75,000 in full settlement of the attorneys' fees and costs due to Plaintiffs pursuant to 42 U.S.C. § 1988, subject to approval by the Idaho State Board of Examiners at its May 15, 2018 meeting. If the Board of Examiners

approves this settlement payment, the State of Idaho will pay Plaintiffs $75,000 in full satisfaction of Defendants' obligation to pay Plaintiffs' attorneys' fees and costs in this action. From that sum, $6,000 will be paid to Cockerille Law Office, P.L.L.C., and $69,000 will be paid to Lambda Legal Defense and Education Fund, Inc. If the Board of Examiners fails to approve the settlement payment, Plaintiffs will be entitled to file a motion with the Court to seek an award of attorneys' fees and costs due them pursuant to 42 U.S.C. § 1988. If forced to file a motion, Plaintiffs will not be limited to the settlement amount set forth above, but will be free to seek the full amount to which they may be entitled under the law, including fees and costs incurred in bringing their motion.

EXHIBIT D

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 28, 2020

TRANSMITTED VIA HAND DELIVERY AND EMAIL

The Honorable John Gannon
Idaho House of Representatives
Idaho State Capitol
700 West Jefferson Street, Room EG63
Boise, Idaho 83702
jgannon@house.idaho.gov

Re: Legal analysis of House Bill 509 concerning corrections and amendments to Idaho birth certificates

Dear Representative Gannon:

I am writing in response to your February 26, 2020 request for a legal review of House Bill 509 (also referred to as "H. 509") concerning corrections and amendments to Idaho birth certificates. Your legislation defines the term "sex," requires that certain facts of a child's birth, including sex, be recorded on a birth certificate, and establishes the process of recording a sex if the individual's sex is not recognizable at birth. House Bill 509 prohibits the amendment of a child's sex and other facts of birth after one year from the date of birth.

1. **House Bill 509's prohibition on changing the sex marker on a birth certificate after one year from a child's date of birth is inconsistent with the Federal District Court's Order in F.V. v. Barron.**

Section 4 of House Bill 509 prohibits amendment of the sex marker on a child's birth certificate more than one year after a child's date of birth. This prohibition is inconsistent with the order in F.V. v. Barron, 286 F. Supp. 3d 1131 (D. Idaho 2018), which directed the Department of Health & Welfare (DHW):

P.O. Box 83720, Boise, Idaho 83720-0010
Telephone: (208) 334-2400, FAX: (208) 854-8071
Located at 700 W. Jefferson Street, Suite 210

> IDHW Defendants and their officers, employees, and agents must begin accepting applications made by transgender people to change the sex listed on their birth certificates on or before April 6, 2018; such applications must be reviewed and considered through a constitutionally-sound approval process; upon approval, any reissued birth certificate must not include record of amendment to the listed sex and where a concurrent application for a name change is submitted by a transgender individual, any reissued birth certificate must not include record of the name change.

Id. at 1146. DHW was also enjoined from enforcing their policy of automatically rejecting applications from transgender people to change the sex listed on their birth certificates. *Id.* Currently, DHW is operating under a rule that complies with the order in F.V. v. Barron. *See* IDAPA 16.02.08.201.06. H. 509 would displace this rule with a new statute outlining the content of birth certificates with specificity. *See* Proposed Idaho Code § 39-245A(2). Recognizing that this statute will displace this rule, it is highly likely that this statute will be the subject of a legal challenge.[1]

Based Upon F.V. v. Barron and Karnoski v. Trump, House Bill 509 Will Be Subject To Heightened Scrutiny

The Equal Protection Clause of the Fourteenth Amendment requires that the government treat similarly situated individuals alike unless the government can show that a particular exception to this rule meets the relevant legal standard.[2] The applicable legal standard depends on the class of individuals that would be treated differently.[3] Courts have found that governmental actions distinguishing between transgender and non-transgender individuals is a type of sex-based discrimination.[4] As such, the Ninth Circuit Court of Appeals has applied "heightened scrutiny" in equal protection cases when an individual is treated differently because of his or her status as transgender.[5] In order to treat transgender individuals differently than non-transgender individuals

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[1] It is worth noting that in F.V. v. Barron, the Court did not have a rule before it which could be reviewed, and could therefore not extrapolate on the legal ramifications of such restrictions. The Court further noted that any new rule would need "constitutionally-appropriate justification" for more onerous burdens placed on transgender persons than on others. H. 509 appears to be an attempt at such justification and distinction.

[2] City of Cleburne, Tex. v. Cleburne Living Ctr., 473 U.S. 432, 439--40 (1985).

[3] *See Id.* at 439-41.

[4] *E.g.*, Glenn v. Brumby, 663 F.3d 1312, 1316-17 (11th Cir. 2011); Evancho v. Pine-Richland Sch. Dist., 237 F. Supp. 3d 267, 285-86 (W.D. Pa. 2017).

[5] *See* Karnoski v. Trump, 926 F.3d 1180, 1199-1202 (9th Cir. 2019); F.V. v. Barron, 286 F. Supp. 3d 1131, 1144-45 (D. Idaho 2018). The U. S. Supreme Court has not specifically addressed the appropriate level of scrutiny in such a case, but it will be deciding this term whether discriminatory conduct against individuals based on their transgender status is discrimination based on sex and thus prohibited by Title VII. Three cases on this issue are pending before the Court: Bostock v. Clayton County, Georgia, Altitude Express Inc. v. Zarda, and R.G. & G.R. Harris Funeral Homes Inc. v. EEOC. The decisions in these cases will not specifically address Equal Protection challenges, but will shed light on whether the Court would apply heightened scrutiny in transgender Equal Protection challenges.

without running afoul of the U.S. Constitution, "the government must advance an important governmental interest, the [law] must significantly further that interest, and the [law] must be necessary to further that interest" (i.e., a less restrictive law could not achieve the government's interest).[6]

In both F.V. v. Barron and Karnoski v. Trump, the District of Idaho and the Ninth Circuit have held that a law that discriminates against transgender people must satisfy heightened scrutiny, not just rational basis review. Recent opinions from other courts agree. The State of Idaho will have to prove that the sex change prohibition furthers an important government interest by means substantially related to that interest.

H. 509 attempts to provide an important governmental interest through its proposed amendments to Idaho Code § 39-240 in which it outlines a number of legislative findings with regard to the need for certain specific types of vital statistics.[7] These findings are continued within proposed Idaho Code § 39-245A, which purports to institute a biologically based birth certificate regime. This appears to be in furtherance of a biologically based birth certificate regime. As recently as January 17, 2020, the 7th Circuit acknowledged: The Fourteenth Amendment does not forbid a state from establishing a birth-certificate regimen that uses biology rather than marital status to identify parentage.[8]

This provides the State with two legal alternatives. First, a State may adopt a biologically based birth certificate regime that only allows for biologically based amendments, if any, to the birth certificate. Likely, requiring a doctor to sign off on the amendment to a birth certificate for biological reasons would suffice. Second, if the State allows changes to the birth certificate by some but not transgender persons, then the State's restrictions must satisfy heightened scrutiny. The difficulty for the State thus becomes that it allows changes to birth certificates for some, while denying it to others.[9] H. 509 appears to try to thread the rapidly shrinking constitutional eye of a needle. This office cannot determine at this point whether that eye can be threaded with H. 509, but notes that based on the existent case law it will likely require the State to litigate this matter to the United States Supreme Court.

Defense of House Bill 509 will likely rely on the dissent in Pavan v. Smith, 137 S.Ct. 2075, 2079-2080 (2017). Within the *dissent*, Justice Gorsuch (joined by Justices Thomas and Alito) observed:

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[6] Karnoski, 926 F.3d at 1200.

[7] In furtherance of this governmental interest and the findings, the State would likely be required to identify medical professionals or other expert evidence that can support these findings.

[8] Henderson v. Box, 947 F. 3d 482, 487 (7th Cir. 2020).

[9] The State's position is complicated by two factors: (1) the State maintains an original of all birth certificates, even after amendment; and (2) the department allows certain changes, but H. 509 would prohibit other changes.

> And it is very hard to see what is wrong with this conclusion for, just as the state court recognized, nothing in *Obergefell* indicates that a birth registration regime based on biology, one no doubt with many analogues across the country and throughout history, offends the Constitution.[10]

Continuing on, the *dissent* recognized that Arkansas had established:

> [...]a set of rules designed to ensure that the biological parents of a child are listed on the child's birth certificate. Before the state supreme court, the State argued that rational reasons exist for a biology based birth registration regime, reasons that in no way offend *Obergefell*—like ensuring government officials can identify public health trends and helping individuals determine their biological lineage, citizenship, or susceptibility to genetic disorders.[11]

It is important to caution that although the State may maintain the arguments advanced in Pavan, they are unlikely to prevail for two reasons: (1) those arguments originate from a dissent, which means the arguments were not successful with the remainder of the Supreme Court; and (2) Pavan is a case that was summarily reversed—meaning it was not fully briefed and argued. This makes a successful defense of this statute particularly difficult.

Defense of House Bill 509 Will Likely Result in Substantial Costs to the State

As demonstrated by the above analysis, defense of H. 509 will likely require litigation to the U.S. Supreme Court in the hope that it will grant *certiorari* and then reverse or narrow existing precedent such as Pavan. Litigation of this nature is likely to be extremely expensive for the State because an award of attorney fees against the State is likely. Using the F.V. v. Barron case as an example, the State stipulated to most of the issues within that case and was still presented with an attorney fee request of approximately $100,000, which the State negotiated down to $75,000. Applying this example to a fully litigated case with appeals, the fee awards could exceed one million dollars.

2. House Bill 509 may conflict with current Vital Statistics Act statutes.

House Bill 509 codifies the current practice of the Bureau, at least with respect to the date and time of birth, place of birth, sex of the child, birth weight, and birth length. Any additional data fields on a birth certificate would be evaluated for compliance with the statutes and rules discussed below.

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[10] Pavan at 2080 (Gorsuch *dissenting*).
[11] *Id.*

Currently, Idaho Code § 39-245 provides that:

> The form of certificates used under the provisions of this chapter shall be prescribed by the director and shall include as a minimum the items required by the respective standard certificates as recommended by the national agency in charge of vital statistics; provided, however, that the provisions of section 39-1005, Idaho Code, shall be given effect on a certificate to which that section is applicable.

Idaho Code § 39-255 (Registration of Births), IDAPA 16.02.08.300 (Registration of Births), and Idaho Code § 39-278 (Delayed Birth Certificates) also address what information is required on a birth certificate.

3. Subsection 3's definition of sex is vague.

The phrases "immutable biological and physiological characteristics" and "generally recognized at birth" are vague and likely subject to challenge depending upon interpretation. If the intended purpose is to tie the designation of sex to a physical anatomical characteristic or chromosomal designation, a specific reference to those standards would provide clarity.

The legislation should define the generally recognizable immutable and biological characteristics which identify a person as a male or female. For example, if your intent is that only a woman has ovaries, a vagina, a uterus, and breasts, and only a man has testes, a penis, and facial hair, then the legislation should state that. Likewise, the legislation should identify which chromosomal patterns define a male and a female.

It would also be helpful to set out what sex marker should be identified on a birth certificate when a child is born who does not meet the definitions set out in law. For example, children are sometimes born with chromosomal varieties other than just XX or XY. Likewise, children are sometimes born with gonadal ambiguity, or external or internal sex organ ambiguity.

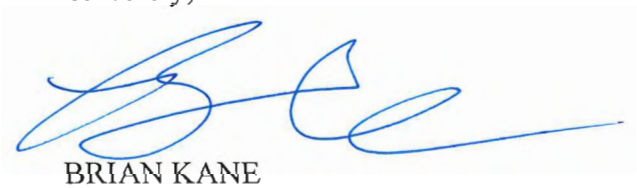
4. Subsection 5 conflicts with Subsection 3 and it is ambiguous.

Subsection 5 of House Bill 509 addresses situations in which an individual's biological sex cannot be recognized at birth based upon "externally observable genital anatomy." This section appears to conflict with Subsection 3, which defines sex as "genetically determined at conception." For example, if the sex of a person is determined by their genes at the time of conception then those genes should be the same at birth, regardless of their externally observable genital anatomy, and the sex should not change. The legislation appears to be internally inconsistent as to the definition of sex – is it determined by genetics, chromosomes, genital anatomy, or generally recognizable immutable and biological characteristics?

In addition, Subsection 5 is also ambiguous as to who makes the determination that an individual's biological sex cannot be recognized at birth as male or female based upon "externally observable genital anatomy." The person who makes the determination should be identified in the legislation. The legislation also fails to set out a process for later designating a person born as sexually indeterminate as "male or female based on the appropriate combination of genetic analysis and evaluation of the individual's naturally occurring internal and external reproductive anatomy." The legislation fails to identify who or how that determination is made and what the process is for changing the birth certificate's sex designation.

I hope this analysis is helpful. Please feel free to contact our office if you have any questions.

Sincerely,



BRIAN KANE
Assistant Chief Deputy

BK:kw

EXHIBIT E

GLSEN®

The 2017 National School Climate Survey

The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools

A Report from GLSEN

www.glsen.org

GLSEN®

The 2017 National School Climate Survey

The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools

by Joseph G. Kosciw, Ph.D.
Emily A. Greytak, Ph.D.
Adrian D. Zongrone, M.P.H.
Caitlin M. Clark, Ph.D.
Nhan L. Truong, Ph.D.

National Headquarters
110 William Street, 30th Floor
New York, NY 10038
Ph: 212-727-0135 Fax: 212-727-0254

DC Policy Office
Make Office K Street
6th Floor, Attn: GLSEN
1015 15th Street, NW
Washington, DC, 20005
Ph: 202-347-7780 Fax: 202-347-7781

glsen@glsen.org

www.glsen.org

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GLSEN is the leading national education organization focused on ensuring safe schools for all students. Established in 1990, GLSEN envisions a world in which every child learns to respect and accept all people, regardless of sexual orientation or gender identity/expression. GLSEN seeks to develop school climates where difference is valued for the positive contribution it makes to creating a more vibrant and diverse community. For more information on our educator resources, research, public policy agenda, student leadership programs, or development initiatives, visit www.glsen.org.

Graphic design: Adam Fredericks

Quotes throughout are from students' responses to open-ended questions in the survey.

Electronic versions of this report and all other GLSEN research reports are available at www.glsen.org/research.

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PREFACE

For nearly 20 years, GLSEN's National School Climate Survey has provided a window into LGBTQ youth experience in our schools. In recent years, we have drawn strength from consistent evidence of progress. This latest report, the first based on data collected during the Trump presidency, is reason to pause, take a breath, and assess the challenges ahead.

The progress of the last decade – the result of robust partnerships and concerted action in support of youth health and safety – has slowed. The momentum built over years of effort by GLSEN and our partners in government, education, LGBTQ rights, and youth development now faces an entirely new level of pushback. Our work to secure respect for all in our schools now contends with the radical rejection of standards and values in public life we used to take for granted, and the continuing erosion of our public commitment to education for all. And that all shows up in the lives of LGBTQ students.

Amidst the warning signs, however, is a clear indication of the continuing power at the core of our movement for safe, affirming schools for all students. First, it remains clear that students in those schools with critical LGBTQ-affirming resources and supports in place do better – these supports are working, even in the harsh anti-LGBTQ climate of our times. We must continue to push for LGBTQ-affirming and inclusive curriculum and policies, and for educators willing and prepared to support and affirm LGBTQ students. We will double-down on our efforts to ensure that they are there for these students in every one of our schools across the country.

Second, GSA student clubs continue to serve as a potent force for positive change, and the LGBTQ students that lead them are changing their schools and their world for the better. Progress in the growth of GSAs continues, bucking the concerning trends, and more than 50% of LGBTQ students are in schools that now have one. LGBTQ GSA leaders are engaging with their communities and our current social challenges at higher rates than their peers. There is continuing evidence that LGBTQ youth in schools with GSAs fare far better than their peers in terms of their mental health, and students involved with them are highly engaged in changing the world for the better.

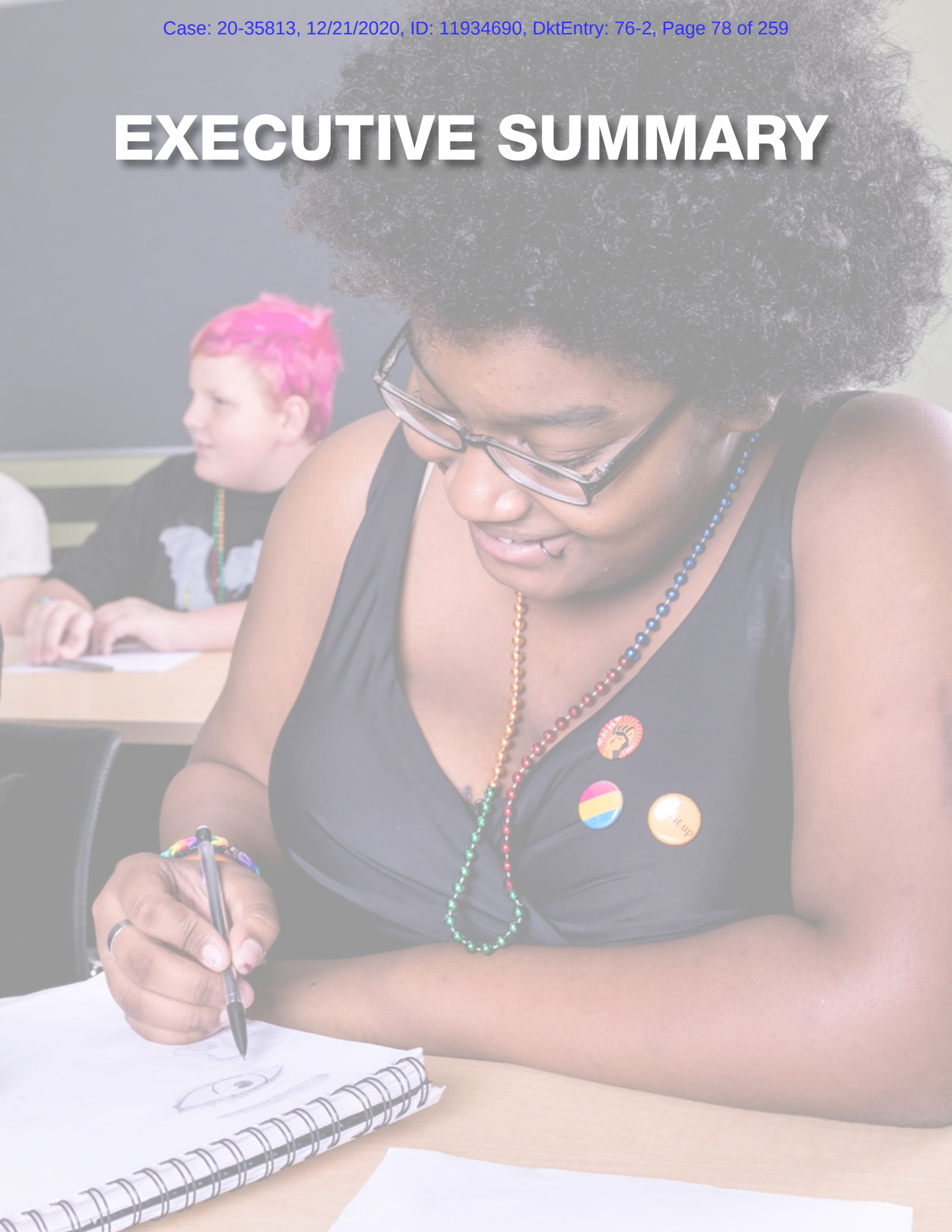
There is both power and hope here. There is also a challenge to us all – we each have a role to play in supporting and partnering with student leaders, and in doing the hard, local work it takes to bring essential change to every school in this country. Thank you for the work that is getting that done.

Eliza Byard, Ph.D.
Executive Director
GLSEN

Acknowledgements

The authors first wish to thank the students who participated in our survey for continuing to enlighten us about their experiences in school. We also wish to acknowledge the organizations that helped disseminate information about the survey, including the LGBTQ youth services and programs that invited their constituents to participate in the survey as well as GLSEN's Chapter network. We are indebted to former GLSEN Research staff members Noreen Giga, David Danischewski, and Christian Villenas for their work on survey development and data collection. We are grateful for the wisdom of our Research Advisory Committee members Edward Brockenbrough, Jenifer McGuire, Elizabeth Meyer, V. Paul Poteat, Russell Toomey, and Jessica Toste, and particularly appreciate their assistance with identification and measurement of new areas of inquiry. Many thanks to Sharita Gruberg, Associate Director of the LGBT Research and Communications Project at the Center for America Progress, for her expert feedback. We are also thankful for our GLSEN colleagues who provided thoughtful feedback and continual support throughout the survey development and data collection process. The authors would also like to thank the Wells-Fargo Foundation for their generous support of this research. Finally, much gratitude goes to Eliza Byard, GLSEN's Executive Director, for her insights and her deep commitment to GLSEN Research.

EXECUTIVE SUMMARY



ABOUT THE SURVEY

In 1999, GLSEN identified that little was known about the school experiences of lesbian, gay, bisexual, transgender, and queer (LGBTQ) youth and that LGBTQ youth were nearly absent from national studies of adolescents. We responded to this national need for data by launching the first National School Climate Survey, and we continue to meet this need for current data by conducting the study every two years. Since then, the biennial National School Climate Survey has documented the unique challenges LGBTQ students face and identified interventions that can improve school climate. The survey documents the prevalence of anti-LGBTQ language and victimization, such as experiences of harassment and assault, in school. In addition, the survey examines school policies and practices that may contribute to negative experiences for LGBTQ students and make them feel as if they are not valued by their school communities. The survey also explores the effects that a hostile school climate may have on LGBTQ students' educational outcomes and well-being. Finally, the survey reports on the availability and the utility of LGBTQ-related school resources and supports that may offset the negative effects of a hostile school climate and promote a positive learning experience. In addition to collecting this critical data every two years, we also add and adapt survey questions to respond to the changing world for LGBTQ youth. For example, in the 2017 survey we included questions about negative remarks about immigration status, changing schools because of feeling unsafe or uncomfortable, LGBTQ inclusion in sex education, and students' experiences of activism. The National School Climate Survey remains one of the few studies to examine the school experiences of LGBTQ students nationally, and its results have been vital to GLSEN's understanding of the issues that LGBTQ students face, thereby informing our ongoing work to ensure safe and affirming schools for all.

In our 2017 survey, we examine the experiences of LGBTQ students with regard to indicators of negative school climate:

- Hearing biased remarks, including homophobic remarks, in school;
- Feeling unsafe in school because of personal characteristics, such as sexual orientation, gender expression, or race/ethnicity;
- Missing school because of safety reasons;
- Experiencing harassment and assault in school; and
- Experiencing discriminatory policies and practices at school.

In addition, we examine whether students report these experiences to school officials or their families, and how these adults addressed the problem. Further, we examine the impact of a hostile school climate on LGBTQ students' academic achievement, educational aspirations, and psychological well-being.

We also demonstrate the degree to which LGBTQ students have access to supportive resources in school, and we explore the possible benefits of these resources:

- GSAs (Gay-Straight Alliances or Gender and Sexuality Alliances) or similar clubs;
- Supportive and inclusive school policies, such as anti-bullying/harassment policies and transgender/gender nonconforming student policies;
- Supportive school staff; and
- Curricular resources that are inclusive of LGBTQ-related topics.

Further, we examine how the school experiences differ by personal and community characteristics. Given that GLSEN has been conducting the survey for close to two decades, we also examine changes over time on indicators of negative school climate and levels of access to LGBTQ-related resources in schools.

METHODS

The 2017 National School Climate Survey was conducted online from April through August 2017. To obtain a representative national sample of youth, we conducted outreach through national, regional, and local organizations that provide services to or advocate on behalf of LGBTQ youth, and advertised and promoted on social networking sites, such as Facebook, Instagram, and Tumblr. To ensure representation of transgender youth, youth of color, and youth in rural communities, we made special efforts to notify groups and organizations that work predominantly with these populations.

The final sample consisted of a total of 23,001 students between the ages of 13 and 21. Students were from all 50 states, the District of Columbia, and 5 U.S. territories. About two-thirds of the sample (67.5%) was White, a third (34.1%) was cisgender female, and 4 in 10 identified as gay or lesbian (41.6%). The average age of students in the sample was 15.6 years and they were in grades 6 to 12, with the largest numbers in grades 9, 10, and 11.

SUMMARY OF FINDINGS

Hostile School Climate

Schools nationwide are hostile environments for a distressing number of LGBTQ students, the overwhelming majority of whom routinely hear anti-LGBTQ language and experience victimization and discrimination at school. As a result, many LGBTQ students avoid school activities or miss school entirely.

School Safety

- 59.5% of LGBTQ students felt unsafe at school because of their sexual orientation, 44.6% because of their gender expression, and 35.0% because of their gender.
- 34.8% of LGBTQ students missed at least one entire day of school in the past month because they felt unsafe or uncomfortable, 10.5% missed four or more days in the past month.
- Over 4 in 10 students avoided gender-segregated spaces in school because they felt unsafe or uncomfortable (bathrooms: 42.7%; locker rooms: 40.6%).
- Most reported avoiding school functions (75.4%) and extracurricular activities (70.5%) because they felt unsafe or uncomfortable.
- Nearly a fifth (18.0%) of LGBTQ students reported having ever changed schools due to feeling unsafe or uncomfortable at school.

Anti-LGBTQ Remarks at School

Almost all of LGBTQ students (98.5%) heard “gay” used in a negative way (e.g., “that’s so gay”) at school; 70.0% heard these remarks often or frequently, and 91.8% reported that they felt distressed because of this language.

- 95.3% of LGBTQ students heard other types of homophobic remarks (e.g., “dyke” or “faggot”); 60.3% heard this type of language frequently or often.
- 94.0% of LGBTQ students heard negative remarks about gender expression (not acting “masculine enough” or “feminine enough”); 62.2% heard these remarks often or frequently.
- 87.4% of LGBTQ students heard negative remarks specifically about transgender people (e.g., “tranny” or “he/she”); 45.6% heard them often or frequently.

- 56.6% of students reported hearing homophobic remarks from their teachers or other school staff, and 71.0% of students reported hearing negative remarks about gender expression from teachers or other school staff.

Harassment and Assault at School

The vast majority of LGBTQ students (87.3%) experienced harassment or assault based on personal characteristics, including sexual orientation, gender expression, gender, religion, actual or perceived race and ethnicity, and actual or perceived disability.

- 70.1% of LGBTQ students experienced verbal harassment (e.g., called names or threatened) at school based on sexual orientation, 59.1% based on gender expression, and 53.2% based on gender.
- 28.9% of LGBTQ students were physically harassed (e.g., pushed or shoved) in the past year based on sexual orientation, 24.4% based on gender expression, and 22.8% because based on gender.
- 12.4% of LGBTQ students were physically assaulted (e.g., punched, kicked, injured with a weapon) in the past year based on sexual orientation, 11.2% based on gender expression, and 10.0% based on gender.
- A sizable number of LGBTQ students were also bullied or harassed at school based on other characteristics — 26.9% based on religion, 25.6% based on actual or perceived race or ethnicity, and 25.5% based on actual or perceived disability.
- 48.7% of LGBTQ students experienced electronic harassment in the past year (via text messages or postings on social media), often known as cyberbullying.
- 57.3% of LGBTQ students were sexually harassed (e.g., unwanted touching or sexual remarks) in the past year at school.

Student Reporting of Harassment and Assault Incidents

- 55.3% of LGBTQ students who were harassed or assaulted in school did not report the incident to school staff, most commonly because they doubted that effective intervention would occur or feared the situation could become worse if reported.
- 60.4% of the students who did report an incident said that school staff did nothing in response or told the student to ignore it.

Discriminatory School Policies and Practices

- Most LGBTQ students (62.2%) reported experiencing LGBTQ-related discriminatory policies or practices at school.
    - Disciplined for public displays of affection that were not disciplined among non-LGBTQ students: 31.3%.
    - Prevented from wearing clothes considered “inappropriate” based on their legal sex: 22.6%.
    - Prohibited from discussing or writing about LGBTQ topics in school assignments: 18.2%.
    - Prohibited from including LGBTQ topics in school extracurricular activities: 17.6%.
    - Prevented from attending a dance or function with someone of the same gender: 11.7%.
    - Restricted from forming or promoting a GSA: 14.8%.

- Prevented from wearing clothing or items supporting LGBTQ issues: 13.0%.
- Prevented or discouraged from participating in school sports because they were LGBTQ: 11.3%.
- Disciplined for simply identifying as LGBTQ: 3.5%.

- Some policies particularly targeted transgender and gender nonconforming students:
  - 42.1% of transgender and gender nonconforming students had been prevented from using their preferred name or pronoun.
  - 46.5% of transgender and gender nonconforming students had been required to use a bathroom of their legal sex.
  - 43.6% of transgender and gender nonconforming students had been required to use a locker room of their legal sex.

Effects of a Hostile School Climate

A hostile school climate affects students' academic success and mental health. LGBTQ students who experience victimization and discrimination at school have worse educational outcomes and poorer psychological well-being.

Effects of Victimization

- LGBTQ students who experienced higher levels of victimization because of their sexual orientation:
  - Were nearly three times as likely to have missed school in the past month than those who experienced lower levels (63.3% vs. 23.1%);
  - Had lower grade point averages (GPAs) than students who were less often harassed (3.0 vs. 3.3);
  - Were nearly twice as likely to report that they did not plan to pursue any post-secondary education (e.g., college or trade school) than those who experienced lower levels (9.5% vs. 5.0%);
  - Were more likely to have been disciplined at school (54.1% vs. 30.3%); and
  - Had lower self-esteem and school belonging and higher levels of depression.
- LGBTQ students who experienced higher levels of victimization because of their gender expression:
  - Were almost three times as likely to have missed school in the past month than those who experienced lower levels (61.6% vs. 23.2%);
  - Had lower GPAs (2.9 vs. 3.3);
  - Were twice as likely to report that they did not plan to pursue any post-secondary education (9.6% vs. 4.9%);
  - Were more likely to have been disciplined at school (52.1% vs. 30.8%); and
  - Had lower self-esteem and school belonging and higher levels of depression.
- Of the LGBTQ students who indicated that they were considering dropping out of school, a sizable portion (42.2%) indicated that they were doing so because of the harassment they faced at school.

Effects of Discrimination

- LGBTQ students who experienced LGBTQ-related discrimination at school were:
  - More than three times as likely to have missed school in the past month as those who had not (44.6% vs. 15.7%);
  - Had lower GPAs than their peers (3.1 vs. 3.4);
  - Were more likely to have been disciplined at school (44.0% vs. 26.5%); and
  - Had lower self-esteem and school belonging and higher levels of depression.
- Of the LGBTQ students who indicated that they were considering dropping out of school, a sizable portion (33.9%) indicated that they were doing so because of the hostile climate created by gendered school policies and practices.

LGBTQ-Related School Resources and Supports

Students who feel safe and supported at school have better educational outcomes. LGBTQ students who have LGBTQ-related school resources report better school experiences and academic success. Unfortunately, all too many schools fail to provide these critical resources.

GSAs (Gay-Straight Alliances/Gender and Sexuality Alliances)

Availability and Participation

- More than half (53.3%) of students said that their school had a GSA or similar student club.
- Most LGBTQ students reported participating in their GSA at some level, but more than a third (36.3%) had not.

Utility

- Compared to LGBTQ students who did not have a GSA in their school, students who had a GSA in their school:
  - Were less likely to hear "gay" used in a negative way often or frequently (62.7% compared to 78.5% of other students);
  - Were less likely to hear homophobic remarks such as "fag" or "dyke" often or frequently (53.4% vs. 68.1%);
  - Were less likely to hear negative remarks often or frequently about gender expression (57.7% vs. 67.5%);
  - Were less likely to hear negative remarks often or frequently about transgender people (40.7% vs. 51.3%);
  - Were more likely to report that school personnel intervened when hearing homophobic remarks compared to students without a GSA — 18.2% vs. 11.3% said that staff intervene most of the time or always;
  - Were less likely to feel unsafe because of their sexual orientation than those without a GSA (51.7% vs. 67.3%);
  - Were less likely to miss school because of safety concerns (28.7% vs. 41.8%);

- Experienced lower levels of victimization related to their sexual orientation and gender expression;
- Reported a greater number of supportive school staff and more accepting peers; and
- Felt greater belonging to their school community.

Inclusive Curricular Resources

Availability

- Only 19.8% of LGBTQ students were taught positive representations about LGBTQ people, history, or events in their schools; 18.4% had been taught negative content about LGBTQ topics.
- Only 6.7% of students reported receiving LGBTQ-inclusive sex education.
- Less than half (41.0%) of students reported that they could find information about LGBTQ-related issues in their school library.
- About half of students (49.2%) with internet access at school reported being able to access LGBTQ-related information online via school computers.

Utility

- Compared to students in school without an LGBTQ-inclusive curriculum, LGBTQ students in schools with an LGBTQ- inclusive curriculum:
  - Were less likely to hear "gay" used in a negative way often or frequently (51.5% compared to 74.7%);
  - Were less likely to hear homophobic remarks such as "fag" or "dyke" often or frequently (42.9% vs. 64.6%);
  - Were less likely to hear negative remarks about gender expression often or frequently (51.1% vs. 65.1%);
  - Were less likely to hear negative remarks about transgender people often or frequently (29.9% vs. 46.3%);
  - Were less likely to feel unsafe because of their sexual orientation (41.8% vs. 63.3%) and gender expression (34.6% vs. 47.0%);
  - Experienced lower levels of victimization related to their sexual orientation and gender expression;
  - Were less likely to miss school in the past month because they felt unsafe (23.6% vs. 37.7%);
  - Performed better academically in school (3.3 vs. 3.2 GPAs) and were more likely to plan on pursuing post-secondary education;
  - Were more likely to report that their classmates were somewhat or very accepting of LGBTQ people (67.6% vs. 36.0%); and
  - Felt greater belonging to their school community.

Supportive Educators

Availability

- Almost all LGBTQ students (96.7%) could identify at least one staff member supportive of LGBTQ students at their school.
- Less than two thirds of students (61.0%) could identify at least six supportive school staff.
- Only 38.8% of students could identify 11 or more supportive staff.
- Over a third (39.8%) of students reported that their school administration was somewhat or very supportive of LGBTQ students.
- A little over half (51.9%) of students had seen at least one Safe Space sticker or poster at their school (these stickers or posters often serve to identify supportive educators).

Utility

- Compared to LGBTQ students with no supportive school staff, students with many (11 or more) supportive staff at their school:
    - Were less likely to feel unsafe because of their sexual orientation (43.4% vs. 79.2%) and less likely to feel unsafe because of their gender expression (34.8% vs. 51.0%);
    - Were less likely to miss school because they felt unsafe (20.1% vs. 48.8%);
    - Had higher GPAs (3.3 vs. 3.0);
    - Were less likely to say they might not graduate high school and more likely to plan on pursuing post-secondary education; and
    - Felt greater belonging to their school community.
- Students who had seen a Safe Space sticker or poster in their school were more likely to identify school staff who were supportive of LGBTQ students and more likely to feel comfortable talking with school staff about LGBTQ issues.

Inclusive and Supportive School Policies

Availability

- Although a majority (79.3%) of students had an anti-bullying/harassment policy policy at their school, only 12.6% of students reported that their school had a comprehensive policy (i.e., one that specifically enumerates both sexual orientation and gender identity/expression).
- Only 10.6% of LGBTQ students reported that their school or district had official policies or guidelines to support transgender or gender nonconforming students.

Utility

- LGBTQ students in schools with a comprehensive anti-bullying/harassment policy:
    - Were less likely to hear “gay” used in a negative way often or frequently (55.6% compared to 72.5% of students with a generic policy and 74.5% of students with no policy);

  - Were less likely to hear other homophobic remarks such as "fag" or "dyke" often or frequently (46.6% compared to 62.5% of students with a generic policy and 64.7% of students with no policy);
  - Were less likely to hear negative remarks about gender expression often or frequently (51.0% compared to 63.7% of students with a generic policy and 66.3% of students with no policy);
  - Were more likely to report that staff intervene when hearing anti-LGBTQ remarks;
  - Experienced less anti-LGBTQ victimization; and
  - Were more likely to report victimization incidents to school staff and were more likely to rate school staff's response to such incidents as effective.

- Among transgender or gender nonconforming (trans/GNC) students, those in schools with a trans/GNC student policy or guidelines:
  - Were less likely to experience anti-LGBTQ discrimination in their school than their trans/GNC peers. Specifically, they were:
    - Less likely to be prevented from using their name or pronoun of choice in school (22.5% vs. 47.5%);
    - Less likely to be required to use bathrooms of their legal sex (23.5% vs. 51.9%);
    - Less likely to be required to use locker rooms of their legal sex (26.1% vs. 48.1%); and
    - Less likely to be prevented from wearing clothes thought to be "inappropriate" for their gender (9.0% vs. 28.3%);
  - Were less likely to miss school because they felt unsafe (54.7% vs. 67.0%); and
  - Felt greater belonging to their school community.

Changes in School Climate for LGBTQ Students Over Time

Considering the data from 2001 and 2017, it is evident that school climate remains quite hostile for many LGBTQ students. However, in 2017, we have seen fewer positive changes – decreased victimization and discrimination and increased school supports -- than we had seen in the 2015 installment of the survey.

Changes in Indicators of Hostile School Climate

Anti-LGBTQ Remarks

- LGBTQ students in 2017 did not differ from those in 2015 in the frequency of hearing homophobic remarks like "fag" or "dyke," but both years were lower than all previous years – the percentage hearing these remarks frequently or often has dropped from over 80% in 2001 to less than 60% in 2015 and 2017.
- The expression "that's so gay" remains the most common form of anti-LGBTQ language heard by LGBTQ students, and its prevalence has increased slightly from 2015 to 2017, although both years were lower than all previous years.
- Negative remarks about gender expression decreased slightly from 2015 to 2017, although the frequency of these remarks was significantly higher in both 2015 and 2017 than in 2013.
- There has been a steady increase of negative remarks about transgender people between 2013 and 2017.

- There had been a steady decline in the frequency of school staff making homophobic remarks from 2007 to 2013, but there has been no change from 2013 to 2017.
- There has been an upward trend from 2013 to 2017 in the frequency of staff making negative remarks about gender expression.

Harassment and Assault

- With regard to harassment and assault based on sexual orientation, the frequency of verbal harassment did not change from 2015 to 2017, but was lower in both years than all previous years; however, physical harassment and assault based on sexual orientation did continue to decline in 2017.
- With regard to harassment and assault based on gender expression, the frequency of verbal harassment increased from 2015 to 2017, after years of decline, and there were no changes in physical harassment and assault from 2015 to 2017.
- The frequency of LGBTQ students reporting victimization to school staff has increased slightly in 2017; however, the frequency of students rating staff intervention as effective did not change between 2015 and 2017.

Changes in Experiences of Discrimination

- Overall, approximately 60% of LGBTQ students experienced some type of LGBTQ-related discrimination at school at all three time points we have assessed discrimination (2013, 2015, and 2017)—although the percentage was highest in 2013, and not different between 2015 and 2017.
- With regard to the specific types of discrimination, most had a higher incidence in 2013 than in 2015 and 2017.
- However, the forms of discrimination most specifically related to gender have not evidenced the same improvements. The percentage of students being required to use facilities of their legal sex and for being prevented from using their preferred name/pronoun were both higher in 2017 than in 2015 and 2013; and the percentage of students being prohibited from wearing clothes of "another" gender has not changed significantly over the three time points.

Changes in Availability of LGBTQ-Related School Resources and Supports

Supportive Student Clubs (GSAs)

- The percentage of LGBTQ students reporting that they have a GSA in their school was higher in 2017 than in all prior survey years.

Curricular Resources

- Overall, there has been little change in LGBTQ-related curricular resources over time.
- The only increase in 2017 was regarding having access to LGBTQ-related internet resources through their school computers, with which we have seen continual increases since 2007.
- The percentage for being taught positive LGBTQ-related content in class was not different in 2017 than in 2015, although both years were higher than all previous years.
- The percentage being taught negative LGBTQ-related content in class increased between 2013 and 2015, and did not differ between 2015 and 2017.
- There were no significant differences between 2017 and 2015 regarding the availability of LGBTQ-related content in textbooks and LGBTQ-related materials in school libraries.

Supportive Educators

- The percentage of students who had at least one supportive educator did not change between 2015 and 2017, but both years were higher than all previous years.
- The percentage of students who had 6 or more supportive educators did not change between 2015 and 2017, but both years were higher than all previous years.

Anti-Bullying/Harassment Policies

- Overall, there was a sharp increase in the number of students reporting any type of anti-bullying/harassment policy after 2009, and the rate has remained more or less consistent since 2011. There were small increases in reports of having any such policy from 2011 to 2015 and a small decline in 2017.
- With regard to enumerated policies, there was a small but significant increase in the percentage of students reporting comprehensive school policies (i.e., policies that enumerate protections for both sexual orientation and gender identity/expression) and a small but significant decrease in the percentage reporting a partially enumerated policies from 2015 to 2017.

Differences in LGBTQ Students' School Experiences by Personal Demographics

LGBTQ students are a diverse population, and although they share many similar experiences, their experiences in school often vary based on their personal demographics.

Sexual Orientation

- Overall, pansexual students experienced more hostile climates than gay and lesbian, bisexual, queer, and questioning students, including facing the highest rates of victimization, school discipline, and missing school because of safety reasons.
- Compared to students of other sexual orientations, gay and lesbian students were more likely to be "out" about their sexual orientation at school – both to other students and to school staff.

Gender

- Transgender students reported more hostile school experiences than LGBQ cisgender students, genderqueer students, and students with other nonbinary identities.
- Genderqueer students and students with other nonbinary identities reported more hostile school experiences than LGBQ cisgender students.
- Cisgender male students experienced a more hostile school climate based on their gender expression and on sexual orientation than cisgender female students, whereas cisgender female students experienced a more hostile school climate based on their gender than cisgender male students.
- Cisgender students whose gender expression did not align to traditional gender norms had worse school experiences than LGBQ cisgender students with more "traditional" gender expression.

Race or Ethnicity

- Native American/American Indian/Alaska Native LGBTQ students were generally more likely than other racial/ethnic groups to experience anti-LGBTQ victimization and discrimination.
- White students were less likely than all other racial/ethnic groups to feel unsafe or experience victimization because of their racial/ethnic identity.

- Black/African American LGBTQ students were more likely than Hispanic/Latinx, White, and Asian/South Asian/Pacific Islander LGBTQ students to experience out-of-school suspension or expulsion.

Differences in LGBTQ Students' School Experiences by School Characteristics

LGBTQ students are a diverse population, and although they share many similar experiences, their experiences in school often vary based on the kind of school they attend and where they live.

School Level

- LGBTQ students in middle school had more hostile school experiences than LGBTQ students in high school, including experiencing higher rates of biased language, victimization, and anti-LGBTQ discriminatory school policies and practices.
- LGBTQ middle school students were less likely than high school students to have access to LGBTQ-related school resources, including GSAs, supportive educators, LGBTQ-inclusive curricular resources, and inclusive policies.

School Type

- LGBTQ public school students were more likely to hear most biased remarks and to experience anti-LGBTQ victimization, as compared to students in religious schools and students in private non-religious schools. Although, public school students were less likely than religious school students to hear negative remarks about gender expression.
- Students in religious schools reported the most anti-LGBTQ related discrimination at school compared to students in other schools, whereas students in private non-religious schools reported the least anti-LGBTQ related discrimination.
- Overall, students in private non-religious schools had greater access to LGBTQ-related resources and supports in school than students in other schools, whereas students in religious schools had less access to most LGBTQ-related resources.

School Locale

- LGBTQ students in rural/small town schools faced more hostile school climates than students in urban and suburban schools, including experiencing higher rates of biased language, victimization, and anti-LGBTQ discriminatory school policies and practices.
- LGBTQ students in rural/small town schools were least likely to have LGBTQ-related school resources or supports, as compared to students in urban and suburban schools.

Region

- LGBTQ students in the South and Midwest had more negative school experiences overall than students in the Northeast and West, including higher rates of biased language, victimization, and anti-LGBTQ discriminatory school policies and practices.
- Overall, LGBTQ students in the South were least likely to have access to LGBTQ-related resources at school, whereas students in the Northeast were most likely to have LGBTQ-related school resources.

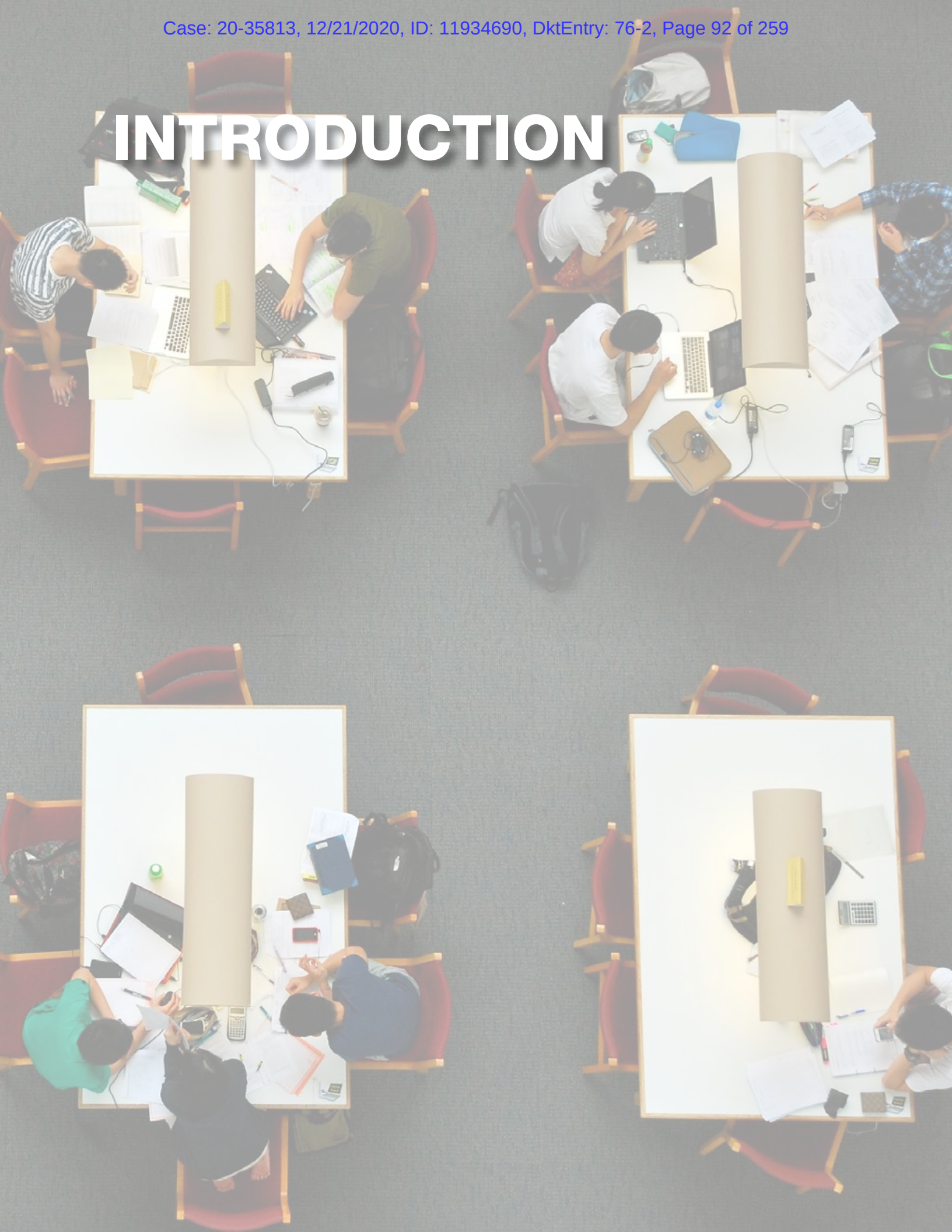
CONCLUSIONS AND RECOMMENDATIONS

It is clear that there is an urgent need for action to create safe and affirming learning environments for LGBTQ students. Results from the 2017 National School Climate Survey demonstrate the ways in which school-based supports – such as supportive staff, inclusive and supportive school policies, curricular resources inclusive of LGBTQ people, and GSAs – can positively affect LGBTQ students' school experiences. Yet findings on school climate over time suggest that more efforts are needed to reduce harassment and discrimination and increase affirmative supports. Based on these findings, we recommend:

- Increasing student access to appropriate and accurate information regarding LGBTQ people, history, and events through inclusive curricula, and library and internet resources;
- Supporting student clubs, such as GSAs, that provide support for LGBTQ students and address LGBTQ issues in education;
- Providing professional development for school staff to improve rates of intervention and increase the number of supportive teachers and other staff available to students;
- Ensuring that school policies and practices, such as those related to dress codes and school dances, do not discriminate against LGBTQ students;
- Enacting school policies that provide transgender and gender nonconforming students equal access to school facilities and activities and specify appropriate educational practices to support these students; and
- Adopting and implementing comprehensive anti-bullying/harassment policies that specifically enumerate sexual orientation, gender identity, and gender expression in individual schools and districts, with clear and effective systems for reporting and addressing incidents that students experience.

Taken together, such measures can move us toward a future in which all students have the opportunity to learn and succeed in school, regardless of sexual orientation, gender identity, or gender expression.

INTRODUCTION



For over 25 years, GLSEN has worked to ensure that schools are safe and affirming spaces for all students, regardless of their sexual orientation, gender identity, or gender expression. As part of its mission, GLSEN has documented the experiences of lesbian, gay, bisexual, transgender, and queer (LGBTQ) students in schools to raise awareness of these experiences among policymakers, educators, advocates, and the general public. Now in its tenth installment, the GLSEN National School Climate Survey (NSCS), a national biennial survey of U.S. LGBTQ middle and high school students, reports on the prevalence of anti-LGBTQ language, discrimination, and victimization, and the impact that these experiences have on LGBTQ students' educational outcomes and well-being. The NSCS also examines the availability of resources and supports and their utility for creating safer and more affirming learning environments for LGBTQ students, including GSAs (Gay-Straight Alliances or Gender and Sexuality Alliances) and similar supportive student clubs, LGBTQ-inclusive curricular resources, supportive educators, and inclusive and supportive school district policies.

Since the release of our 2015 NSCS report, we had seen progress in the federal government's response to the hostile environments many LGBTQ youth face in school. For example, in May 2016, the U.S. Departments of Justice and Education released joint guidance declaring that Title IX, the federal civil rights law prohibiting discrimination based on sex in schools that receive federal funding, protects transgender students' right to access school facilities, such as bathrooms and locker rooms, in accordance with their gender identity.[1] Schools that did not comply with the order could be at increased risk of losing federal funding, and though some states challenged this guidance,[2] it ensured that transgender students were accorded equal access to education and provided a clear sign of support for these youth from the federal government. However, we have more recently seen certain backsliding at the federal level in addressing LGBTQ youth's hostile school climates, as evidenced by the 2017 rescission of this federal guidance by the Departments of Justice and Education under the Trump administration.[3] After the order was rescinded, the Supreme Court declined to rule on a case regarding the right of a transgender student to use the bathroom that matches their gender in their schools (Grimm v Gloucester County School Board), instead sending it back to the lower courts,[4] and it is unclear at this time whether there will be further movement on the case. Other acts by the new federal administration have indicated hostility to the LGBTQ community, including the President's declared ban on transgender people serving in the military,[5] and the Justice Department's argument that the Civil Rights Act of 1964 does not prohibit employees from being fired for being LGBTQ.[6] Not only do these actions send a message to LGBTQ youth that they are not valued, they send a message to the general public that intolerance and discrimination are acceptable.

However, certain federal agencies have continued their work to further LGBTQ-inclusion and protect LGBTQ youth. For example, the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMSHA) has continued its long-standing workgroup focused on improving services for LGBTQ youth in child welfare and behavioral health.[7] In regard to federal data collection, efforts continue at the Centers for Disease Control and Prevention (CDC) Division of Adolescent and School Health (DASH). Specifically, after adding sexual orientation questions to the federal and standard versions of their Youth Risk Behavior Survey (YRBS) in 2015, a transgender-identity item was piloted in 19 locations in the 2017 YRBS. These efforts will allow for continued advancement in population-based data on LGBTQ youth. However, as the YRBS is focused specifically on health behaviors, there are limited items specifically related to the school environment, and GLSEN's National School Climate survey continues to be vitally important to the understanding of the school experiences of LGBTQ students nationally.

At the state level, we have seen some progress in addressing hostile climates for LGBTQ youth. Since the last iteration of our NSCS, between 2015 and 2017, six states passed laws banning the use of conversion therapy on the basis of sexual orientation and gender identity for minors.[8] Additionally, several states proposed laws requiring positive inclusion of sexual orientation in sex education in schools, and such laws were passed in California and Massachusetts.[9] The state of Utah also took a positive step when it repealed its "No Promo Homo" law, i.e., a law prohibiting the "promotion of homosexuality" in health/sexual education,[10] in March 2017.[11] However, several state legislatures proposed bills barring trans/GNC students from using the bathrooms and locker

rooms that match their gender, including Texas and North Carolina.[12] Although all of these efforts ultimately failed,[13] the contentious hearings and arguments surrounding the bills may have resulted not only in negative attention toward trans/GNC students in their schools in those states, but also negatively affected trans/GNC students nationally, as these bills sparked national conversation about the rights of trans/GNC youth.

Despite this increase in visibility of trans/GNC student issues, there still remains a dearth of national-level data on the school experiences of these youth. Although there has been a fair amount of research published about transgender youth in the academic literature, much of this research has focused on mental and physical health.[14] Less research has examined educational environments or school experiences of these youth. Furthermore, virtually none of the U.S. research is national in scope. One exception is data from the National Center for Transgender Equality (NCTE)'s 2015 U.S. Transgender Survey, which includes critical national data about the past school experiences of transgender people, including high rates of violence at school and the corresponding detrimental effects on socioeconomic outcomes and psychological well-being.[15] However, because the NCTE survey is predominantly of adults, these questions were retrospective and therefore cannot speak to the current experiences of trans/GNC youth and their school climates.

GLSEN's NSCS continues to expand and adapt to reflect the schooling experiences of LGBTQ students today. Given the increase in attention to trans/GNC youth's rights in schools, we expanded our questions on supportive trans/GNC student school policies to learn about the specific protections that may be included in such policies, i.e., access to sex-segregated bathrooms, use of correct names and pronouns. To better understand the wide range of bias LGBTQ students may be encountering at school, we added questions about students' experiences with religious-based bullying, feelings of school safety related to English language proficiency and citizenship status, and biased language related to immigrant populations. In the 2017 survey, we also added questions about parents' actions to make schools safer for their LGBTQ child and about students' own engagement in sociopolitical activism, beyond GSA participation.

The 2017 NSCS offers a broad understanding of the policies, practices, and conditions that make LGBTQ students more vulnerable to discrimination and victimization at school and how these experiences impact their educational success and trajectories. This report also demonstrates LGBTQ youth's resilience, even in the face of hostile environments, and highlights the ways LGBTQ students are engaging in school, and taking steps to improve their schools and communities. Given that we have been conducting the NSCS for nearly two decades, we continue to examine changes over time on measures of school climate and levels of access to LGBTQ-related resources in schools. The 2017 NSCS report offers advocates, educators, and policymakers up-to-date and valuable information that will strengthen their work in creating safe and affirming schools for all students.

METHODS AND SAMPLE

Participants completed an online survey about their experiences in school during the 2016–2017 school year, including hearing biased remarks, feeling safe, being harassed, feeling comfortable at school, and experiencing discriminatory actions; they were also asked about their academic experiences, attitudes about school, involvement in school, and availability of supportive school resources. Youth were eligible to participate in the survey if they were at least 13 years of age, attended a K–12 school in the United States during the 2016–17 school year, and identified as lesbian, gay, bisexual, queer, or a sexual orientation other than heterosexual (e.g., pansexual, questioning) or described themselves as transgender or as having another gender identity that is not cisgender ("cisgender" describes a person whose gender identity is aligned with the sex/gender they were assigned at birth). Data collection occurred between April and August, 2017.

The survey was available online through GLSEN's website. The survey and all survey outreach materials were available in English and Spanish. Notices and announcements were sent through GLSEN's email and chapter networks as well as through national, regional, and local organizations that provide services to or advocate on behalf of LGBTQ youth. The national and regional organizations posted notices about the survey on listservs, websites, and social network accounts. Local organizations serving LGBTQ youth notified their participants about the online survey via email, social networking, paper flyers, and promotional stickers. To ensure representation of transgender and gender nonconforming youth, youth of color, and youth in rural communities, additional outreach efforts were made to notify groups and organizations that work predominantly with these populations about the survey.

Contacting participants only through LGBTQ youth-serving groups and organizations would have limited our ability to reach LGBTQ students who were not connected to or engaged in LGBT communities in some way. Thus, in order to broaden our reach to LGBTQ students who may not have had such connections, we conducted targeted outreach and advertising through social media sites. Specifically, we advertised the survey on Facebook and Instagram to U.S. users between 13 and 18 years of age who indicated on their profile that they were: male and interested in men, male and interested in men and women, female and interested in women, and female and interested in women and men. We also promoted the survey to students who were connected to Facebook pages relevant to LGBTQ students (e.g., Day of Silence page), or friends of other students connected to relevant Facebook pages. We also advertised to those 13–18 year old Facebook/Instagram users who listed relevant interests or "likes" such as "LGBTQ," "queer," "transgender," or other LGBTQ-related terms or interests. We also advertised the survey on YouTube accounts that we identified as having an LGBTQ youth following (determined via internal review of accounts and recommendations from GLSEN's National Student Council).

The final sample consisted of a total of 23,001 students between the ages of 13 and 21. Students came from all 50 states, the District of Columbia, and all 5 major U.S. territories. Table M.1 presents participants' demographic characteristics, Table M.2 presents their educational characteristics, and Table M.3 shows the characteristics of the schools attended by participants. About two thirds of the sample (66.6%) was White, slightly more than a third (34.9%) was cisgender female, and about half identified as gay or lesbian (49.2%). Students were in grades 6 to 12, with the largest numbers in 10th, 11th, and 12th grades.

Table M.1 Demographic Characteristics of Survey Participants

Sexual Orientation[16] (n = 20944)	
Gay or Lesbian	41.8%
Bisexual	27.5%
Pansexual[18]	20.5%
Queer	4.1%
Asexual[19]	2.4%
Another Sexual Orientation (e.g., fluid, heterosexual)	1.4%
Questioning or Unsure	2.5%

Race and Ethnicity[20] (n = 20603)	
White	66.6%
Hispanic or Latinx,[21] any race	16.0%
African American or Black	3.3%
Asian, South Asian, or Pacific Islander	3.2%
Middle Eastern or Arab American, any race	1.2%
Native American, American Indian, or Alaska Native	0.7%
Multiracial	9.0%

Religious Affiliation (n = 20524)	
Christian (non-denominational	16.1%
Catholic	7.4%
Protestant	2.9%
Jewish	2.7%
Buddhist	2.1%
Muslim	0.4%
Another Religion (e.g., Unitarian, Wiccan, Hindu)	10.0%
No Religion or Atheist (and not affiliated with a religion listed above)	58.8%

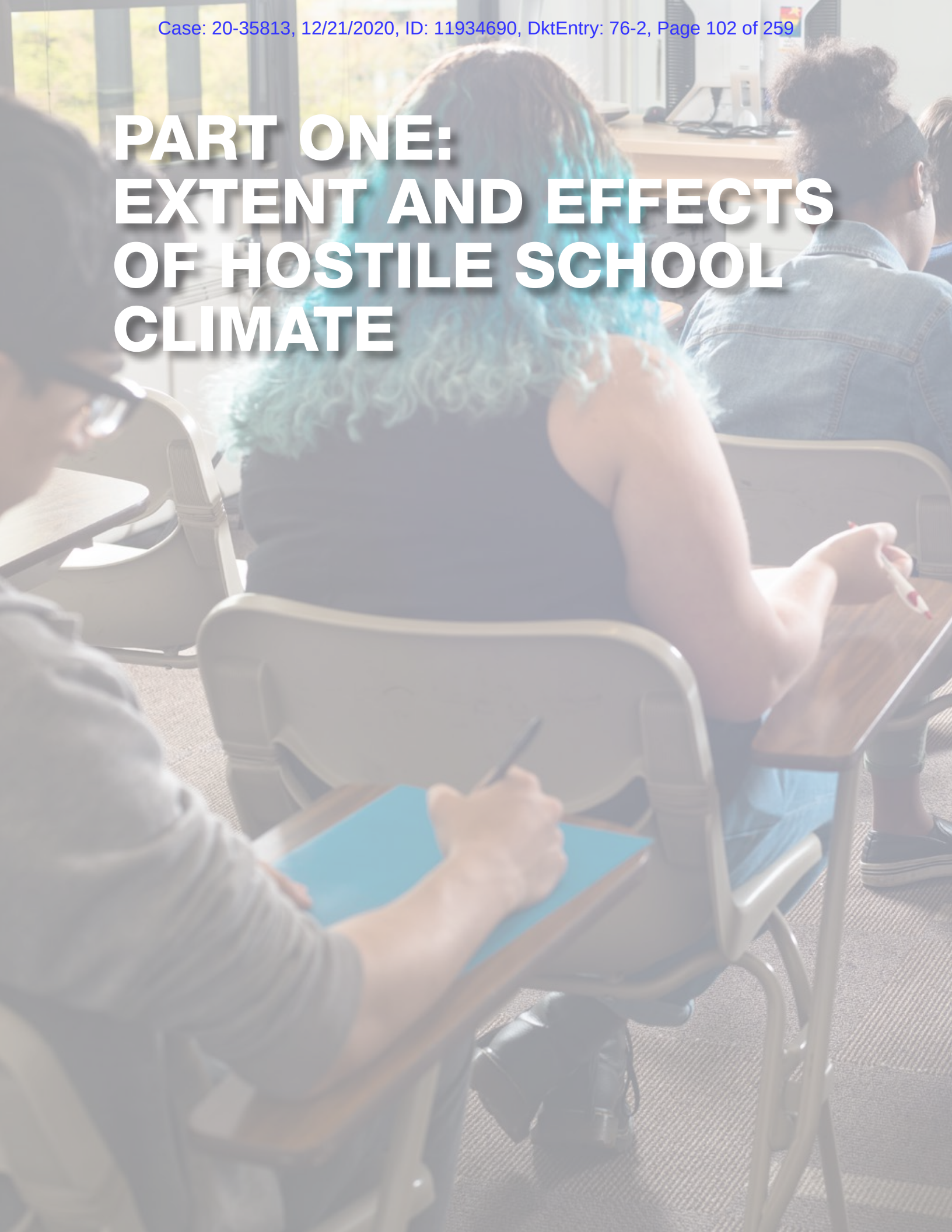
Gender[17] (n = 20236)	
Cisgender	53.7%
Female	*34.1%*
Male	*16.7%*
Unspecified	*2.8%*
Transgender	25.2%
Female	*1.5%*
Male	*17.0%*
Nonbinary (i.e., not identifying as exclusively male or female)	*4.9%*
Unspecified	*1.8%*
Genderqueer	11.0%
Another Nonbinary Identity (e.g., agender, genderfluid)	7.9%
Questioning or Unsure	2.2%

Sex at Birth (n = 20898)	
Assigned Male	22.6%
Assigned Female	77.4%
Intersex (regardless of assigned sex)	0.01%

Average Age (n = 23001) = 15.6 years

Table M.2 Educational Characteristics of Survey Participants			
Grade in School (n = 20361)		**Receive Free or Reduced-Price Lunch** (n = 19272)	35.4%
6th	1.0%		
7th	6.4%		
8th	13.7%	**Receive Educational Accommodations**[22] (n = 19272)	22.5%
9th	20.9%		
10th	23.1%		
11th	20.1%		
12th	13.7%		

Table M.3 Characteristics of Survey Participants' Schools			
Grade Levels (n = 22896)		**School Type** (n = 22550)	
K through 12 School	7.9%	Public School	89.7%
Lower School (elementary and middle grades)	1.5%	*Charter*	*4.5%*
Middle School	15.0%	*Magnet*	*8.1%*
Upper School (middle and high grades)	7.9%	Religious-Affiliated Private School	4.1%
High School	67.6%	Other Independent or Private School	6.2%
School Locale (n = 22616)		**Region**[23] (n = 22951)	
Urban	25.2%	Northeast	18.1%
Suburban	42.3%	South	33.9%
Rural or Small Town	32.5%	Midwest	23.1%
		West	24.9%
		U.S. Territories	0.9%



PART ONE: EXTENT AND EFFECTS OF HOSTILE SCHOOL CLIMATE

School Safety

Key Findings

- 6 in 10 LGBTQ students reported feeling unsafe at school because of their sexual orientation; 4 in 10 reported feeling unsafe at school because of how they expressed their gender.
- Just over one-third of LGBTQ students missed at least one day of school in the past month because they felt unsafe at or on their way to or from school.
- Nearly one-fifth of LGBTQ students reported having changed schools due to feeling unsafe or uncomfortable at school.
- LGBTQ students reported most commonly avoiding school bathrooms and locker rooms because they felt unsafe or uncomfortable in those spaces.
- Most LGBTQ students reported avoiding school functions and extracurricular activities to some extent, and over a quarter avoided them often or frequently.

Overall Safety at School

For LGBTQ youth, school can be an unsafe place for a variety of reasons. Students in our survey were asked whether they ever felt unsafe at school because of a personal characteristic, including: sexual orientation, gender, gender expression (i.e., how traditionally "masculine" or "feminine" they were in appearance or behavior), body size or weight, family's income or economic status, academic ability, English-speaking ability, citizenship status, and actual or perceived race or ethnicity, disability, or religion. Almost 8 in 10 LGBTQ students (78.9%) reported feeling unsafe at school because of at least one of these personal characteristics. As shown in Figure 1.1, LGBTQ students most commonly felt unsafe at school because of their sexual orientation and gender expression, with 69.3% reporting feeling unsafe for one, or both, of these reasons.

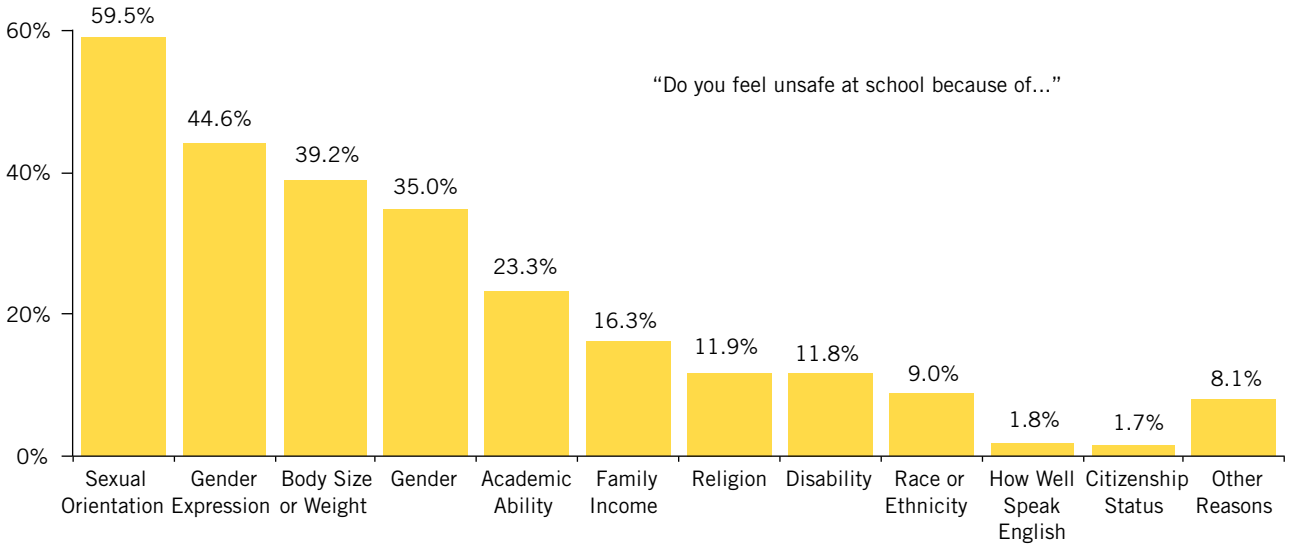
- More than half of LGBTQ students (59.5%) reported feeling unsafe at school because of their sexual orientation.
- 4 in 10 students (44.6%) felt unsafe because of how they expressed their gender.
- Sizable percentages of LGBTQ students also reported feeling unsafe because of their body size or weight (39.2%), gender (35.0%), and because of their academic ability or how well they do in school (23.3%).

We also asked students to tell us if they felt unsafe at school for another reason not included in the listed characteristics and, if so, why. As shown in Figure 1.1, 8.1% of survey participants reported feeling unsafe at school for other reasons, most commonly due to mental health issues such as anxiety or depression, appearance or self-expression, personal interests or beliefs, and sexually biased incidents, such as sexual violence, sexual harassment, or sexist language.

School Engagement and Safety Concerns

When students feel unsafe or uncomfortable in school they may choose to avoid the particular areas or activities where they feel most unwelcome or may feel that they need to avoid attending school altogether. Thus, a hostile school climate can impact an LGBTQ student's ability to fully engage and participate with the school community. To examine this possible restriction of LGBTQ students' school engagement, we asked LGBTQ students if there were particular spaces at school that they avoided specifically because they felt unsafe or uncomfortable. As shown in Figure 1.2, school bathrooms, locker rooms, and Physical Education or gym classes were most commonly avoided, with approximately 4 in 10 students avoiding each of these spaces because they felt unsafe or uncomfortable (42.7%, 40.6%, and 39.3% respectively). One-quarter of LGBTQ students avoided the school cafeteria or lunchroom (24.8%) or school athletic fields or facilities (24.7%) because they felt unsafe or uncomfortable.

Figure 1.1 LGBTQ Students who Felt Unsafe at School Because of Actual or Perceived Personal Characteristics



In addition to avoiding certain spaces in school because of safety reasons, LGBTQ students may also avoid other more social aspects of student life, for similar fears for personal safety. For any student, involvement in school community activities like clubs or special events can have a positive impact on students' sense of belonging at school, self-esteem, and academic achievement.[24] However, LGBTQ students who do not feel safe or comfortable in these environments may not have full access to the benefits of engaging in these school activities. Thus, we asked students about two types of school activities they may avoid because of feeling unsafe or uncomfortable: school functions, such as school dances or assemblies, and extracurricular clubs or programs. Most LGBTQ students reported avoiding school functions and extracurricular activities to some extent (75.4% and 70.5%, respectively), and over a quarter avoided them often or frequently (31.7% and 26.5%, respectively; see Figure 1.3). These high rates of avoiding school activities indicate that LGBTQ students may be discouraged from participating in these important aspects of school communities.

Feeling unsafe or uncomfortable at school can negatively affect the ability of students to thrive and succeed academically, particularly if it results in avoiding school altogether. When asked about absenteeism, over one third (34.9%) of LGBTQ students reported missing at least one entire day

"I was barred from using the boys' bathroom and when forced to use the girls' I experienced frequent harassment and physical assault. I frequently went a whole day without using the bathrooms, and this has led to severe health complications."

of school in the past month because they felt unsafe or uncomfortable, and over a tenth (10.5%) missed four or more days in the past month (see Figure 1.4). Additionally, in some cases, the school environment may be so hostile that students may feel they need to leave their current school altogether. In the 2017 survey, we asked students whether they had ever changed schools due to feeling unsafe or uncomfortable; slightly less than a fifth (18.0%) of LGBTQ students reported having done so (see Figure 1.5).

Figure 1.2 Percentage of LGBTQ Students who Avoid Spaces at School Because They Feel Unsafe or Uncomfortable

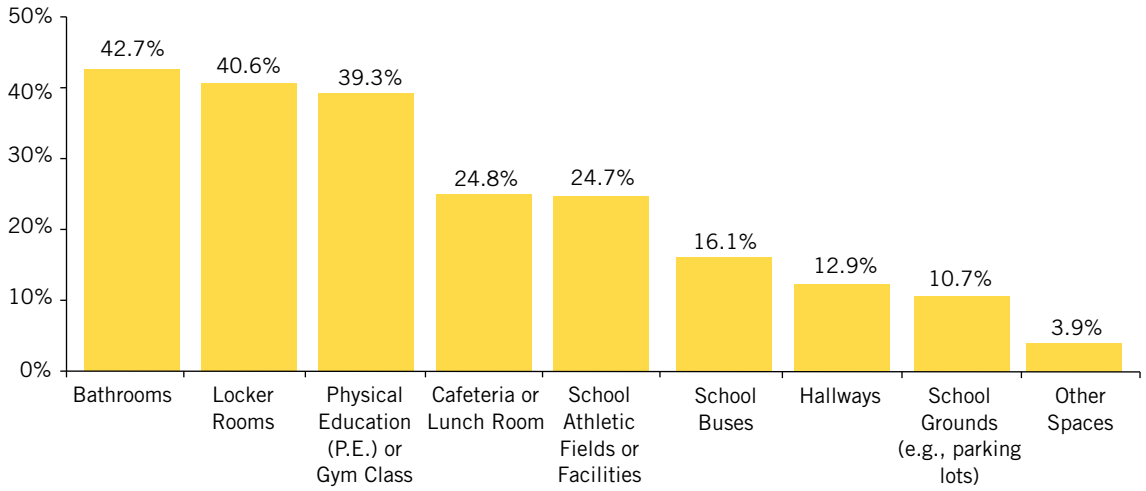


Figure 1.3 LGBTQ Students who Avoided School Activities Because They Felt Unsafe or Uncomfortable

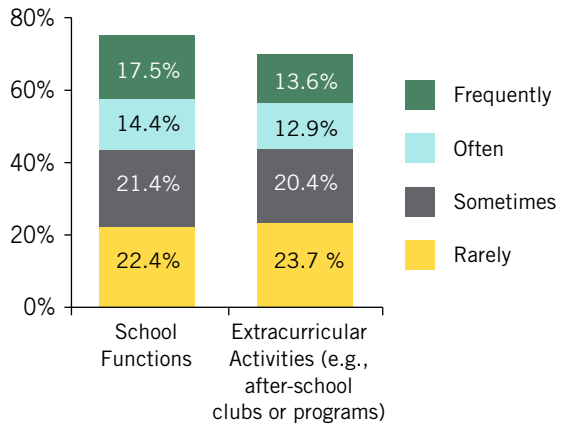


Figure 1.4 Frequency of Missing Days of School in the Past Month Because of Feeling Unsafe

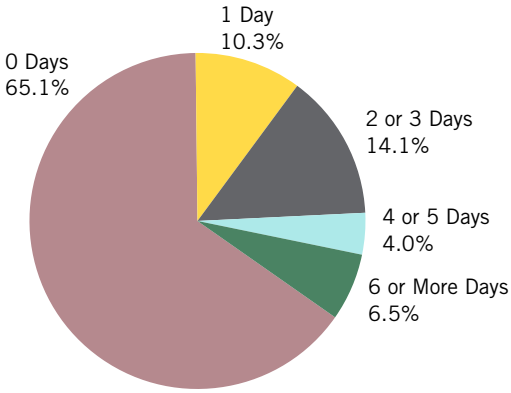


Figure 1.5 LGBTQ Students who Have Had to Change Schools Because They Felt Unsafe or Uncomfortable at School

Exposure to Biased Language

Key Findings

- More than two-thirds of LGBTQ students heard the word "gay" used in a negative way often or frequently at school.
- More than half of LGBTQ students heard homophobic remarks such as "fag" or "dyke" often or frequently at school.
- Just under two-thirds of LGBTQ students heard negative remarks about gender expression often or frequently at school. Remarks about students not acting "masculine enough" were more common than remarks about students not acting "feminine enough."
- Almost half of LGBTQ students heard negative remarks specifically about transgender people, such as "tranny" or "he/she," often or frequently.
- More than half of LGBTQ students heard homophobic remarks from school staff, and over two-thirds heard negative remarks from staff about students' gender expression.
- Less than one-fifth of LGBTQ students reported that school staff intervened most of the time or always when overhearing homophobic remarks at school, and nearly one-tenth of LGBTQ students reported that school staff intervened most of the time or always when overhearing remarks about gender expression.
- More than 4 in 5 LGBTQ students heard sexist remarks often or frequently at school, and nearly three-quarters of students heard negative remarks about ability (e.g., "retard" or "spaz") often or frequently.
- Over half of LGBTQ students heard their peers make racist remarks often or frequently at school, and one-quarter of students heard negative remarks about students' immigration status often or frequently.

GLSEN strives to make schools safe and affirming for all students, regardless of their sexual orientation, gender identity or expression, or any other characteristic that may be the basis for harassment. Keeping classrooms and hallways free of homophobic, sexist, racist, and other types of biased language is one aspect of creating a more positive school climate for all students. In order to assess this feature of school climate, we asked LGBTQ students about their experiences with hearing anti-LGBTQ remarks and other types of biased remarks while at school. Because homophobic remarks and negative remarks about gender expression are specifically relevant to LGBTQ students, we asked students in our survey additional questions about school staff's usage of and responses to hearing these types of anti-LGBTQ language.

Hearing Anti-LGBTQ Remarks at School

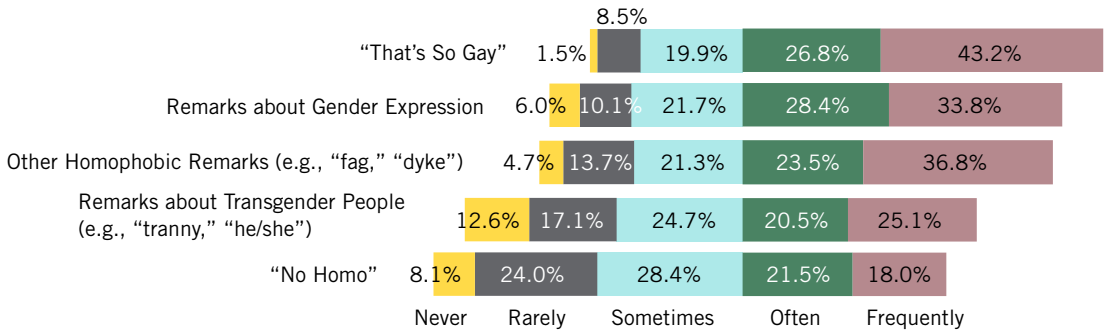
We asked students in our survey about the frequency with which they heard homophobic remarks (such as "faggot" and "dyke," the word "gay" being used in a negative way, or the phrase "no homo"). We also asked about the frequency of hearing negative remarks about the way students expressed their gender at school (such as comments related to a female student not acting "feminine enough") and negative remarks about transgender people (such as "tranny" or "he/she"). Further, we also asked students about the frequency of hearing these types of remarks from school staff, as well as whether anyone intervened when hearing this type of language at school.

Homophobic Remarks. The most common form of homophobic language that was heard by LGBTQ students in our survey was "gay" being used in a negative way at school, such as comments like "that's so gay" or "you're so gay."[25] As shown in Figure 1.6, more than two-thirds of LGBTQ students (70.0%) reported hearing these types of comments often or frequently in their schools. These expressions are often used to mean that something or someone is stupid or worthless and, thus, may be dismissed as innocuous by school authorities and students in comparison to overtly derogatory remarks such as "faggot" or "dyke." However, many LGBTQ students did not view these expressions as innocuous. In fact, 91.8% of LGBTQ students reported that hearing "gay" used in a negative manner caused them to feel bothered or distressed to some degree (see Figure 1.7).

Other types of homophobic remarks (such as "fag" or "dyke") were also heard regularly by students in our 2017 survey. The majority of LGBTQ students (60.3%) reported hearing these remarks often or frequently in their schools (see Figure 1.6). By comparison, the phrase "no homo" was the least-commonly reported homophobic remark heard by LGBTQ students at school; however, this expression was still heard often or frequently by more than a third of students (39.5%) in our survey (see also Figure 1.6). "No homo" is a phrase employed at the end of a statement in order to rid it of a potential homosexual connotation. For instance, some might use the phrase after giving a compliment to someone of the same gender, as in, "I like your jeans—no homo." This phrase is homophobic in that it promotes the notion that it is unacceptable to have a same-gender attraction.

We also asked LGBTQ students who heard homophobic remarks in school how pervasive this behavior was among the student population. As shown in Figure 1.8, over a quarter of students (26.9%) reported that these types of remarks were made by most of their peers. Additionally, and disturbingly, more than half of students (56.6%) reported ever hearing homophobic remarks from their teachers or other school staff (see Figure 1.9).

Figure 1.6 Frequency of Hearing Anti-LGBTQ Remarks at School



Students who reported hearing homophobic remarks at school were asked how often homophobic remarks were made in the presence of teachers or other school staff, and whether staff intervened when present. Almost a third of students (31.9%) in our survey reported that school staff members were present all or most of the time when homophobic remarks were made. When school staff were present, the use of biased and derogatory language by students remained largely unchallenged. For example, 14.9% reported that school personnel intervened most of the time or always when homophobic remarks were made in their presence, and almost half (47.2%) reported that staff never intervened when hearing homophobic remarks (see Figure 1.10). One would expect teachers and school staff to bear the responsibility for addressing problems of biased language in school. Although, given that school personnel are often not present during these incidents, students may also intervene when hearing biased language. Thus, other students' willingness to intervene when hearing this kind of language may be another important indicator of school climate. However, less than a tenth of students (8.7%) reported that their peers intervened always or most of the time when hearing homophobic remarks, and more than half (53.1%) said their peers never intervened (see also Figure 1.10).

Figure 1.7 Degree that LGBTQ Students Were Bothered or Distressed as a Result of Hearing "Gay" Used in a Derogatory Way

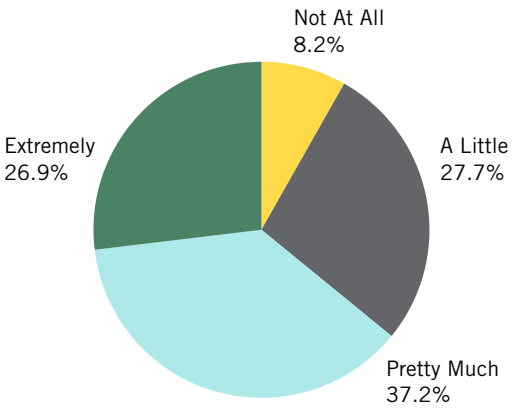


Figure 1.8 LGBTQ Students' Reports of How Many Students Make Homophobic Remarks

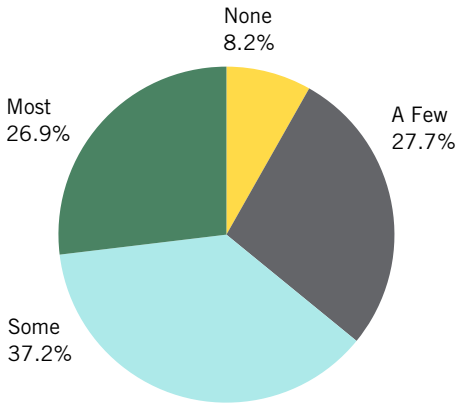


Figure 1.9 Frequency of LGBTQ Students Hearing Negative Remarks from Teachers or Other School Staff

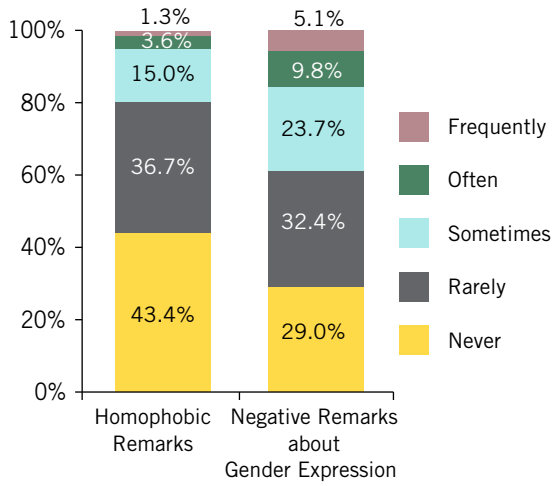
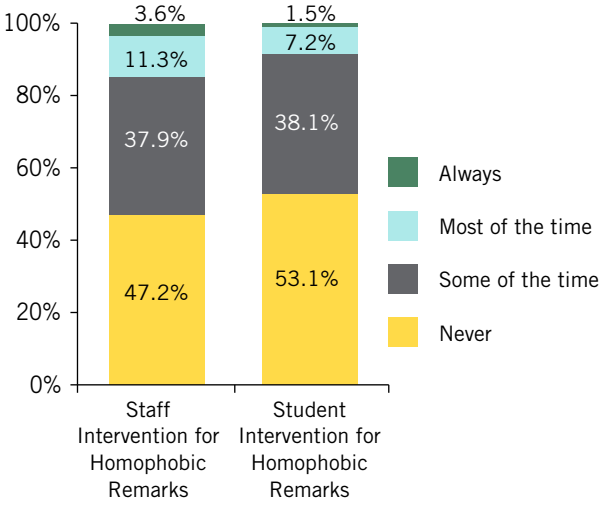


Figure 1.10 LGBTQ Students' Reports of Staff and Student Intervention in Homophobic Remarks



These findings indicate that the majority of LGBTQ students report rampant usage of homophobic remarks in their schools, which contributes to a hostile learning environment for this population. Infrequent intervention by school authorities when hearing such language in school may send a message to students that homophobic language is tolerated. Furthermore, school staff may be modeling poor behavior and legitimizing the use of homophobic language, in that most students in our 2017 survey heard school staff make homophobic remarks themselves.

Negative Remarks about Gender Expression. Society often imposes norms for what is considered appropriate expression of one's gender. Those who express themselves in a manner considered to be atypical may experience criticism, harassment, and sometimes violence. Thus, we asked students in our survey two separate questions about hearing comments related to a student's gender expression: one question asked how often they heard remarks about someone not acting "masculine enough," and another question asked how often they heard comments about someone not acting "feminine enough." Findings from this survey demonstrate that negative remarks about someone's gender expression were pervasive in schools. Overall, as shown previously in Figure 1.6, 62.2% of students reported hearing either type of remark about someone's gender expression often or frequently at school. In addition, Figure 1.11 shows the frequency of hearing remarks about other students not acting "masculine enough" and not acting "feminine enough" separately — remarks related to students not acting "masculine enough" were found to be more common than remarks related to students not acting "feminine enough."[26] More than half of students (55.9%) heard negative comments related to students' masculinity regularly (i.e., often or frequently), compared to about two-fifths of students (40.1%) that regularly heard comments related to students' femininity. When asked how much of the student population made these types of remarks, about a quarter of students (24.1%) reported that most of their peers made negative remarks about someone's gender expression (see Figure 1.12). Further, over two-thirds of students (71.0%) had heard teachers or other school staff make negative comments about a student's gender expression (see Figure 1.9). Whereas LGBTQ students reported hearing other students make homophobic remarks more often than negative remarks about gender expression, the reverse was true in regard to remarks made by school staff. LGBTQ students reported hearing school staff make negative remarks about gender expression more frequently than they reported hearing staff make homophobic remarks.[27]

Almost a third of students (30.4%) in our survey who heard negative remarks about gender expression reported that school staff members were present all or most of the time when these remarks were made. In addition, intervention by educators for gender expression remarks was even less common than intervention for homophobic remarks.[28] For example, approximately one-tenth of LGBTQ students (9.2%) reported that school staff intervened most of the time or always when remarks about gender expression

Figure 1.11 Frequency of LGBTQ Students Hearing Different Types of Remarks about Students' Gender Expression

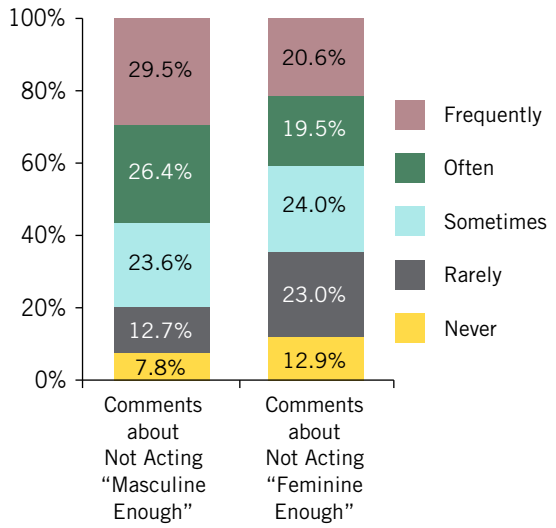
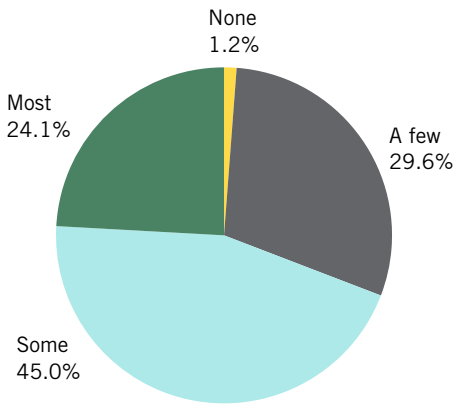


Figure 1.12 LGBTQ Students' Reports of How Many Students Make Negative Remarks about Gender Expression



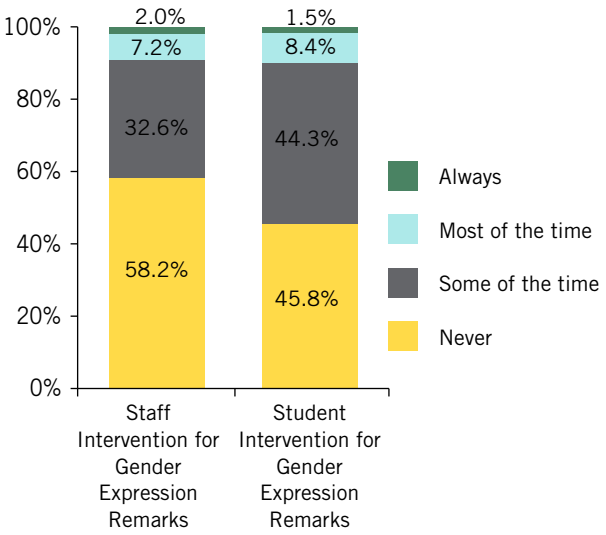
"A student called me a faggot at school right in front of a teacher and the teacher did nothing."

were made in their presence (see Figure 1.13), compared to 14.9% of school staff who reported that they intervened most of the time or always for homophobic remarks, respectively (see Figure 1.10). The high frequency of hearing these remarks, coupled with the fact that these comments are so rarely challenged by adults at school, suggests that acceptance of a range of gender expressions may be relatively uncommon in schools.

Negative Remarks about Transgender People. Similar to negative comments about gender expression, people may make negative comments about transgender people because they can pose a challenge to "traditional" ideas about gender. Therefore, we asked students about how often they heard negative remarks specifically about transgender people, like "tranny" or "he/she." Almost half of LGBTQ students (45.6%) in our survey reported hearing these comments often or frequently (see Figure 1.6).

The pervasiveness of anti-LGBTQ remarks is a concerning contribution to hostile school climates for all LGBTQ students. Any negative remark about sexual orientation, gender identity, or gender expression may signal to LGBTQ students that they are unwelcome in their school communities,

Figure 1.13 LGBTQ Students' Reports of Staff and Student Intervention in Negative Remarks about Gender Expression

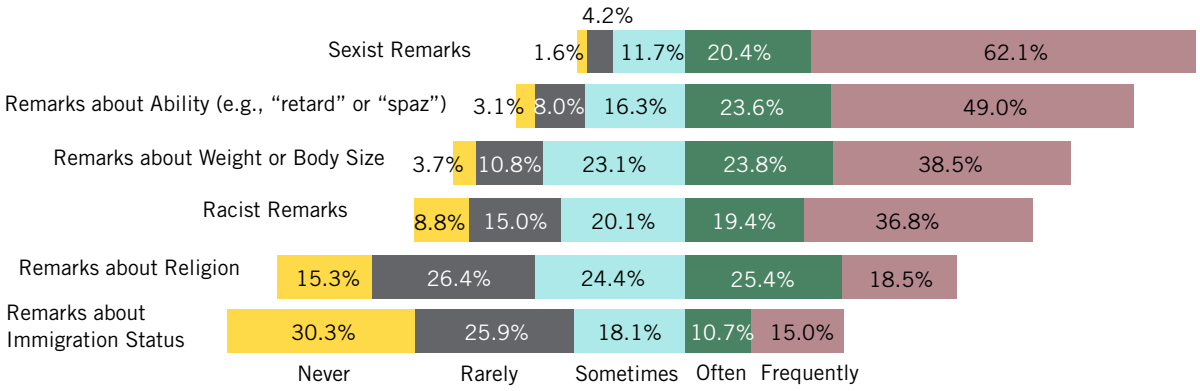


even if a specific negative comment is not directly applicable to the individual student who hears it. For example, negative comments about gender expression may disparage transgender or LGB people, even if transgender-specific or homophobic slurs are not used.

Hearing Other Types of Biased Remarks at School

In addition to hearing anti-LGBTQ remarks at school, hearing other types of biased language is also an important indicator of school climate for LGBTQ students. We asked students about their experiences hearing racist remarks (such as "nigger" or "spic"), sexist remarks (such as someone being called "bitch" in a negative way, or girls being talked about as inferior to boys), negative remarks about other students' ability (such as "retard" or "spaz"), negative remarks about other students' religion, negative remarks about other students' body size or weight, and negative remarks about students' immigration status (such as "illegal," "alien," or "anchor baby") at school. For most of these types of remarks, LGBTQ students in our survey reported that they were commonplace at their schools, although some comments were more prevalent than others (see Figure 1.14).[29] Sexist remarks were the most commonly heard remark — even more so than homophobic remarks. The vast majority of LGBTQ students (82.5%) heard sexist remarks regularly (i.e., frequently or often) at their school and almost three quarters (72.6%) heard negative remarks about students' ability/disability regularly. Negative remarks about students' weight or body size and racist remarks were also very commonly heard, with over half having heard these types of remarks regularly from other students (62.3% and 56.2%, respectively). Comments about religion were somewhat less common, with less than half (43.9%) reporting hearing negative remarks about other students' religion from other students regularly. Least commonly heard were negative remarks about students' immigration status, with approximately a quarter (25.7%) reporting that they heard them regularly at school.

Figure 1.14 Frequency of LGBTQ Students Hearing Other Biased Remarks in School



Experiences of Harassment and Assault at School

Key Findings

- More than 8 in 10 LGBTQ students experienced harassment or assault at school.
- Sexual orientation and gender expression were the most common reasons LGBTQ students were harassed or assaulted at school.
- Nearly three quarters of students reported being verbally harassed at school because of their sexual orientation; more than half were verbally harassed because of their gender expression.
- Over a quarter of students reported being physically harassed at school because of their sexual orientation; nearly a quarter were physically harassed because of their gender expression.
- Approximately 1 in 6 students reported being physically assaulted at school in the past year because of their sexual orientation or gender expression.
- Over one-quarter of LGBTQ students reported being bullied or harassed because of their religion, actual or perceived race or ethnicity, and actual or perceived disability.
- Relational aggression, i.e. spreading rumors or deliberate exclusion, was reported by the vast majority of LGBTQ students.
- Nearly half of LGBTQ students reported experiencing some form of electronic harassment ("cyberbullying") in the past year.
- Over half of LGBTQ students were sexually harassed at school in the past year.

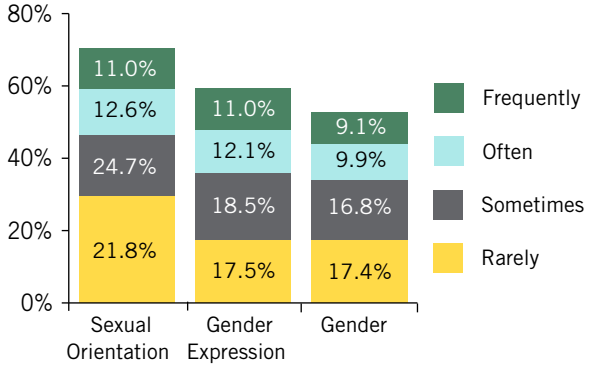
Hearing anti-LGBTQ remarks in school can contribute to feeling unsafe and create a negative learning environment. However, direct experiences with harassment and assault may have even more serious consequences on the lives of students. The vast majority of LGBTQ students (87.3%) experienced harassment or assault based on personal characteristics, including sexual orientation, gender expression, gender, and actual or perceived race and ethnicity, religion, and disability.

Harassment and Assault Based on Sexual Orientation, Gender Expression, and Gender

We asked survey participants how often ("never," "rarely," "sometimes," "often," or "frequently") they had been verbally harassed, physically harassed, or physically assaulted at school during the past year specifically based on sexual orientation, gender, and gender expression (e.g., not acting "masculine" or "feminine enough").

Verbal Harassment. Students in our survey were asked how often in the past year they had been verbally harassed (e.g., been called names or threatened) at school specifically based on sexual orientation, gender expression, and gender. An overwhelming majority (82.0%) reported being verbally harassed at some point in the past year and 37.4% experienced high frequencies (often or frequently) of verbal harassment based on any of these characteristics. LGBTQ students most commonly reported experiencing verbal harassment at school based on their sexual orientation, followed by gender expression and gender (see Figure 1.15):[30]

Figure 1.15 Frequency of Verbal Harassment Based on Sexual Orientation, Gender Expression, and Gender Experienced by LGBTQ Students in the Past School Year

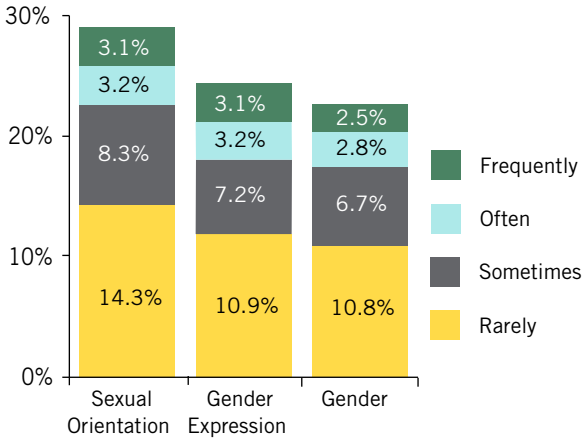


"I have encountered verbal harassment in the bathroom, and people peeping into the stalls saying 'look it's a girl!' and other similar incidents that made me feel unsafe."

- More than two-thirds of LGBTQ students (70.1%) were verbally harassed based on their sexual orientation; almost a quarter (23.6%) experienced this harassment often or frequently;
- A majority of LGBTQ students (59.1%) were verbally harassed at school based on their gender expression; over a fifth (23.1%) experienced this harassment often or frequently; and
- Over half (53.2%) of LGBTQ students were verbally harassed in the past year for their gender; almost a fifth (19.0%) experienced this harassment often or frequently.

Physical Harassment. With regard to physical harassment, over a third (36.7%) of LGBTQ students had been physically harassed (e.g., shoved or pushed) at some point at school during

Figure 1.16 Frequency of Physical Harassment Based on Sexual Orientation, Gender Expression, and Gender Experienced by LGBTQ Students in the Past School Year



the past year based on their sexual orientation, gender expression, or gender. Their experiences of physical harassment followed a pattern similar to verbal harassment — students more commonly reported being physically harassed at school based on their sexual orientation, followed by gender expression, and least commonly based on gender (see Figure 1.16):[31]

- Over a quarter of LGBTQ students (28.9%) were physically harassed at school based on their sexual orientation; 6.3% experienced this harassment often or frequently;
- Nearly a quarter of LGBTQ students (24.4%) were physically harassed at school based on their gender expression; 6.3% experienced this harassment often or frequently; and
- Over a fifth of LGBTQ students (22.8%) were physically harassed based on their gender; 5.3% experienced this harassment often or frequently.

Physical Assault. LGBTQ students were less likely to report experiencing physical assault (e.g., being punched, kicked, or injured with a weapon) at school than verbal or physical harassment, which is not surprising given the more severe nature of assault.[32] Nonetheless, 16.4% of students in our survey were assaulted at school during the past year based on their sexual orientation, gender, or gender expression. As we found with verbal and physical harassment, LGBTQ students most commonly experienced physical assault based on their sexual orientation, and assault based on gender expression was more common than assault based on gender (see Figure 1.17):[33]

- 12.4% of LGBTQ students were physically assaulted at school based on their sexual orientation;
- 11.2% of LGBTQ students were physically assaulted at school based on how they expressed their gender; and
- 10.0% of LGBTQ students were physically assaulted at school based on their gender.

Harassment and Assault Based on Other Characteristics

Although harassment based on gender and sexuality may be the most salient types of victimization for LGBTQ students, students also may be victimized for other reasons, given that LGBTQ students, like all people, have multiple identities. Therefore, we also asked LGBTQ students about how often they had experienced bullying or harassment based on other identity characteristics, including actual or perceived race or ethnicity, actual or perceived disability, and actual or perceived religion. As shown in Figure 1.18, over a quarter of LGBTQ students reported being victimized at school based on their actual or perceived race or ethnicity (25.6%), disability (25.5%), and religion (26.9%). Specifically, an examination of religious-based harassment based on students' religious affiliation found that Muslim

Figure 1.17 Frequency of Physical Assault Based on Sexual Orientation, Gender Expression, and Gender Experienced by LGBTQ Students in the Past School Year

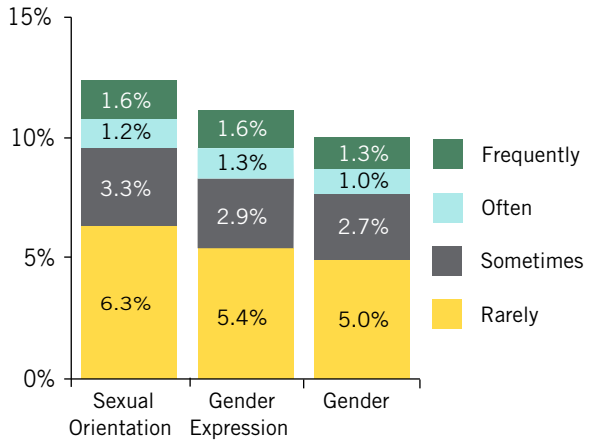
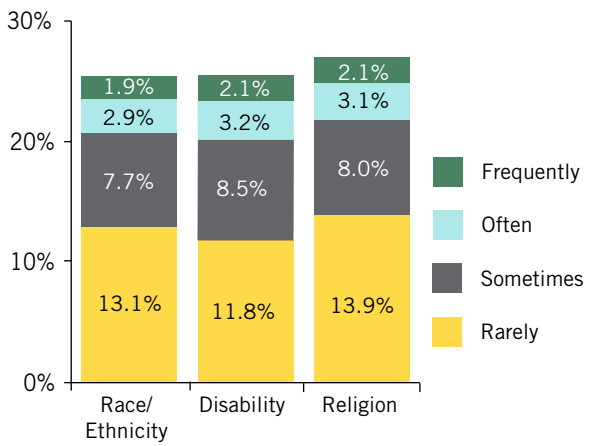


Figure 1.18 Frequency of Other Identity-Based Bullying or Harassment Experienced by LGBTQ Students in the Past School Year



and Jewish students experienced the highest rates of such harassment.[34]

Other Types of Harassment and Negative Events

LGBTQ students may be harassed or experience other negative events at school for reasons that are not clearly related to specific identity characteristics. In our survey, we also asked students how often they experienced these other types of events in the past year, such as sexual harassment and deliberate property damage.

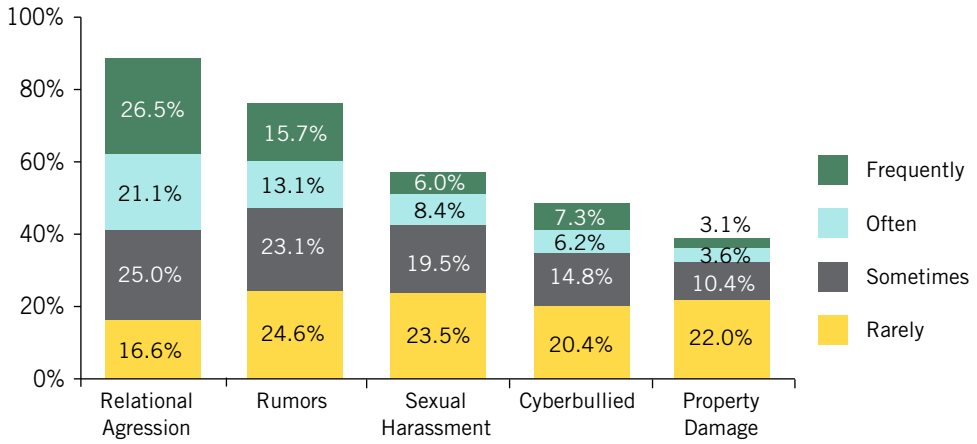
Sexual Harassment. Harassment experienced by LGBTQ students in school can often be sexual in nature, particularly for lesbian and bisexual young women and transgender youth.[35] Survey participants were asked how often they had experienced sexual harassment at school in the past year, such as unwanted touching or sexual remarks directed at them. As shown in Figure 1.19, a majority of LGBTQ students (57.3%) had been sexually harassed at school, and 14.4% reported that such events occurred often or frequently.

Relational Aggression. Research on school-based bullying and harassment more often focuses on physical or overt acts of aggressive behavior; however, it is also important to examine relational forms of aggression that can damage peer relationships, such as spreading rumors or excluding students from peer activities.[36] We asked participants how often they experience two common forms of relational aggression: being purposefully excluded by peers and being the target of mean rumors or lies. As illustrated in Figure 1.19, the vast majority of LGBTQ students (89.2%) in our survey reported that they had felt deliberately excluded or "left out" by other students, and nearly half (47.6%) experienced this often or frequently. Most LGBTQ students (76.5%) had mean rumors or lies told about them at school, and over a quarter (28.8%) experienced this often or frequently.

Electronic Harassment or "Cyberbullying." Electronic harassment (often called "cyberbullying") is using an electronic medium, such as a mobile phone or internet communications, to threaten or harm others. As access to the internet, mobile phones, and other electronic forms of communication has increased for many youth over the past decade, there has been growing attention paid to this type of harassment.[37] We asked students in our survey how often they were harassed or threatened by students at their school via electronic mediums (for example, text messages, emails, Instagram, Twitter, Tumblr, Facebook, Snapchat), and almost half (48.7%) of LGBTQ students reported experiencing this type of harassment in the past year, with 13.5% reporting they experienced it often or frequently (see also Figure 1.19).

Property Theft or Damage at School. Having one's personal property damaged or stolen is yet another dimension of a hostile school climate for students. Over a third (39.1%) of LGBTQ students reported that their property had been stolen or purposefully damaged by other students at school in the past year, and 6.7% said that such events had occurred often or frequently (see Figure 1.19).

Figure 1.19 Frequency of Other Types of Harassment Experienced by LGBTQ Students in the Past School Year



Reporting of School-Based Harassment and Assault

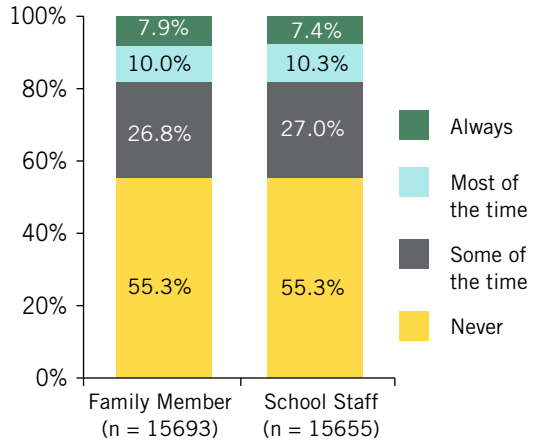
Key Findings

- The majority of LGBTQ students who were harassed or assaulted at school did not report these incidents to school staff.
- The most common reasons that LGBTQ students did not report incidents of victimization to school staff were doubts that effective intervention would occur, and fears that reporting would make the situation worse.
- Just over a quarter of LGBTQ students who had reported incidents of victimization to school staff said that staff had effectively addressed the problem.
- When asked to describe how staff responded to reports of victimization, LGBTQ students most commonly said that staff did nothing or told the student to ignore it; 2 in 10 students were told to change their behavior (e.g., to not act “so gay” or dress in a certain way).

GLSEN advocates that anti-bullying/harassment measures in school must include clear processes for reporting by both students and staff, and that staff are adequately trained to effectively address instances of bullying and harassment when informed about them. In our survey, we asked those students who had experienced harassment or assault in the past school year how often they had reported the incidents to school staff. As shown in Figure 1.20, over half of these students (55.3%) never reported incidents of victimization to school staff, and less than a fifth of students (17.7%) indicated that they reported these incidents to staff regularly (i.e., reporting "most of the time" or "always").

Given that family members may be able to advocate on behalf of the student with school personnel, we also asked students in our survey if they reported harassment or assault to a family member (i.e., to their parent or guardian, or to another family member). About two-fifths of students (44.7%) said that they had ever told a family member about the victimization they faced at school, while the majority (55.3%) indicated that they never reported harassment to their families (see also Figure 1.20). Not surprisingly, students that were out as LGBTQ to at least one parent or guardian were more likely to tell their families about the victimization they were experiencing in school.[38] Furthermore, students who had reported incidents to a family member were also asked how often their family member had talked to school staff about the incident. A little more than half of these students (54.1%) said that a family member had ever addressed the issue with school staff (see Figure 1.21).

Figure 1.20. Frequency of LGBTQ Students Reporting Incidents of Harassment and Assault



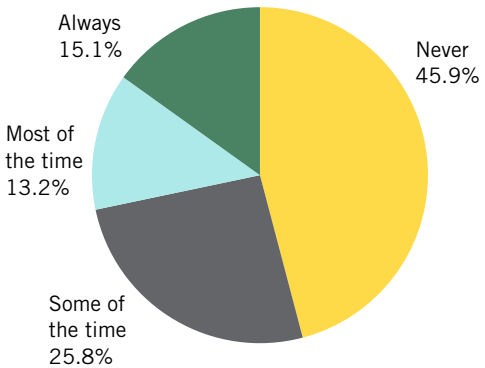
Reasons for Not Reporting Harassment or Assault

Reporting incidents of harassment and assault to school staff may be an intimidating task for students, especially when there is no guarantee that reporting these incidents will result in effective intervention. Students who indicated that they had not told school personnel about their experiences with harassment or assault were asked why they did not do so (see Table 1.1).

Doubted that Effective Intervention Would Occur. As shown in Table 1.1, the most common reasons that LGBTQ students cited for not always reporting incidents of victimization to school staff were doubts about the effectiveness of doing so. About two-thirds of victimized students (68.0%) in our survey expressed the belief that school staff would not do anything about the harassment even if they reported it. Just under two-thirds of students (61.4%) believed that even if staff did do something, their actions would not effectively address the victimization that they were experiencing.

Feared Making the Situation Worse. Many students indicated that they did not report instances of victimization because they were afraid of exacerbating an already hostile situation. For example, more than half of these students (56.1%) indicated they wanted to avoid being labeled a "snitch" or "tattle-tale." Further, many students did not report their harassment or assault to school staff due to concerns about their confidentiality. Specifically, approximately two-fifths of LGBTQ students (43.3%) in our survey were worried about being "outed" to school staff or to their family members simply by reporting the bias-based bullying that they were experiencing. These fears

Figure 1.21 Frequency of Intervention by LGBTQ Students' Family Members (n=7004)



are somewhat warranted, given that 10.8% of students in our survey reported that they had been outed to their families by school staff without their permission.[39] Lastly, nearly two-fifths of students (38.0%) expressed explicit safety concerns, such as fear of retaliation from the perpetrator if they reported the harassment to school staff.

Not Comfortable Approaching School Staff. Often, students were simply uncomfortable approaching school staff for a variety of reasons. More than two-fifths of students (43.0%) said they felt too embarrassed or ashamed to report the incident to school staff members. Even more troubling, 41.9% of students felt they might be blamed and/or disciplined by school staff simply for reporting the incident. Further, more than a quarter of students (29.9%) were deterred from reporting harassment or assault because they felt that staff members at their school were homophobic or transphobic themselves. Staff who do hold such beliefs may not fully grasp the victimization LGBTQ students experience, or may simply choose not to help. Perhaps the most troubling, however, is that nearly one-tenth of victimized students (8.9%) in our survey said that school staff members were actually part of the harassment or assault they were experiencing, thus leaving students to feel that there is no recourse for addressing incidents of victimization at their school.

The idea of staff acting as the perpetrators of victimization is particularly disturbing and underscores the negative school climate that many LGBTQ students often experience. Harassment by educators, while troubling enough on its own, can cause additional harm when witnessed by other students by sending a message that harassment is

Table 1.1 Reasons LGBTQ Students Did Not Always Report Incidents of Harassment or Assault to School Staff (n = 14544)

	Students Reporting* %	Specific Response Number
Doubted that Effective Intervention Would Occur		
Did Not Think School Staff Would Do Anything About It	68.0%	9886
Did Not Think School Staff's Handling of the Situation Would Be Effective	61.4%	8928
Feared Making the Situation Worse		
Did Not Want to be Perceived as a "Snitch" or a "Tattle Tale"	56.1%	8166
Did Not Want to be "Outed" as Being LGBTQ to Staff or Family Members	43.3%	6292
Was Concerned for Their Safety (e.g., retaliation, violence from perpetrator)	38.0%	5524
Not Comfortable Approaching School Staff		
Was Too Embarrassed or Ashamed to Report It	43.0%	6251
Fear of Being Blamed or Getting In Trouble for the Harassment	41.9%	6094
Homophobic/Transphobic School Staff	29.9%	4348
School Staff Were Part of the Harassment	8.9%	1295
Did Not Think the Harassment was Serious Enough	**40.8%**	**5934**
Student Handled it Themselves	**27.3%**	**3965**
Other Reason (e.g., reported incident to friends or family instead, did not want perpetrator punished, etc.)	3.3%	480

*Because respondents could select multiple responses, categories are not mutually exclusive. Percentages may not add up to 100%.

acceptable in the classroom or within the school community. Harassment of students by school personnel also serves as a reminder that safer school efforts must address all members of the school community, and not just the student body.

Did Not Think Harassment Was Serious Enough. About two-fifths of students (40.8%) expressed that they did not report incidents of victimization to school personnel because they did not consider the harassment to be serious enough to report. Because we lack specific details about these particular incidents of victimization, we cannot examine whether only those events that were truly minor were perceived as "not serious enough" to report. We did, however, find that students who said they did not report victimization because it was "not that serious" had lower levels of victimization compared to those that did not cite this reason for not reporting harassment or assault.[40] It is also possible that some students may convince themselves that their harassment is insignificant, and therefore not worth reporting, due to the many other inhibiting factors discussed throughout this section.

Students Handled it Themselves. Over a quarter of students (27.3%) in our survey said they did not report harassment or assault to school staff because they handled the situation themselves. Without further information we cannot know what specific actions these students took to address these incidents. It may be that they confronted the perpetrator directly, either instructing them to stop, or by retaliating in some way. It is possible that retaliation against those responsible for the harassment may result in disciplinary consequences for the student originally victimized. As indicated in the next section on how staff respond to incidents, we find that some LGBTQ students reported that they themselves were disciplined when they reported being harassed. Handling the situation on their own could also mean that they ignored the situation. Although it is possible that ignoring or acting undisturbed by the harassment could be an effective strategy in some situations, it is also possible that appearing unaffected may prevent some students from accessing important resources and supports in cases of harassment. Further research is needed to explore the nature and possible consequences of the various ways students handle incidents of harassment "on their own."

Taken together, these responses demonstrate a pervasive problem that seems to be plaguing our nation's schools. Whether due to doubts about school staff taking effective action, fear of retaliation from perpetrators, concerns about being "outed" as LGBTQ, or by simply being too embarrassed to come forward and report the victimization they are experiencing, it is clear that LGBTQ youth are struggling to find their voice when it comes to reporting harassment and/or assault in their schools.

In order to create a safe learning environment for all students, schools should work toward appropriately and effectively responding to incidents of victimization. Many of the reasons students gave for not reporting victimization could be addressed through more intentional policies and practices. School staff should respond to each incident brought to their attention, as well as inform victims of the action that was taken. Training all members of the school community to be sensitive to LGBTQ student issues and effectively respond to bullying and harassment, in addition to doing away with zero-tolerance policies that lead to automatic discipline of targets of harassment and assault, could increase the likelihood of reporting by students who are victimized at school. Such efforts could, in turn, improve school climate for all students.

"A few guys have pushed me against the walls and groped me. I've only gone to school staff once after this incident and I was questioned if I had done something to provoke this sort of response from my peers. I haven't told anyone else, in fear that I would be blamed."

Students' Reports on the Nature of School Staff's Responses to Harassment and Assault

We asked LGBTQ students in our survey who had reported incidents to school staff about the actions taken by staff in response to the most recent incident of harassment or assault that these students had reported (see Table 1.2). The most common responses were that the staff member:

- Did nothing and/or told the reporting student to ignore the victimization (60.4%);
- Talked to the perpetrator/told them to stop the harassment (38.0%); and
- Told the reporting student to change their behavior (e.g., not to act "so gay" or not to dress a certain way — 21.4%).

Formal disciplinary action to address reported incidents of victimization occurred less frequently, and was sometimes directed at the target of the harassment themselves. Less than one-fifth of students (15.7%) reporting harassment indicated

Table 1.2 LGBTQ Students' Reports of School Staff's Responses to Reports of Harassment and Assault (n = 7015)

	Students Reporting* %	Specific Response Number
Staff Did Nothing/Took No Action and/or Told the Student to Ignore It	**60.4%**	**4238**
Staff Told the Student to Ignore It	45.0%	3158
Staff Did Nothing/Took No Action	41.0%	2876
Staff Talked to Perpetrator/Told Perpetrator to Stop	**38.0%**	**2667**
Told Reporting Student to Change Their Behavior (e.g., to not act "so gay" or dress in a certain way)	**21.4%**	**1504**
Parents were Contacted	**18.3%**	**1284**
Staff Contacted the Reporting Student's Parents	12.6%	887
Staff Contacted the Perpetrator's Parents	10.4%	728
Perpetrator was Disciplined (e.g., with detention, suspension)	**15.7%**	**1099**
Reporting Student and Perpetrator were Separated from Each Other	**15.4%**	**1083**
Incident was Referred to Another Staff Person	**14.7%**	**1031**
Filed a Report of the Incident	**13.1%**	**919**
Staff Attempted to Educate Students about Bullying	**12.1%**	**849**
Staff Educated the Perpetrator about Bullying	7.6%	531
Staff Educated the Whole Class or School about Bullying	7.2%	503
Used Peer Mediation or Conflict Resolution Approach	**8.2%**	**577**
Reporting Student was Disciplined (e.g., with detention, suspension)	**7.9%**	**555**
Other Responses (e.g., staff counseled student, victim was blamed, threats of discipline, etc.)	**6.6%**	**465**

*Because respondents could select multiple responses, categories are not mutually exclusive. Percentages may not add up to 100%.

that the perpetrator was disciplined by school staff, and unfortunately, nearly one-in-ten students (7.9%) reported that they themselves were disciplined when they reported being victimized (see also Table 1.2).

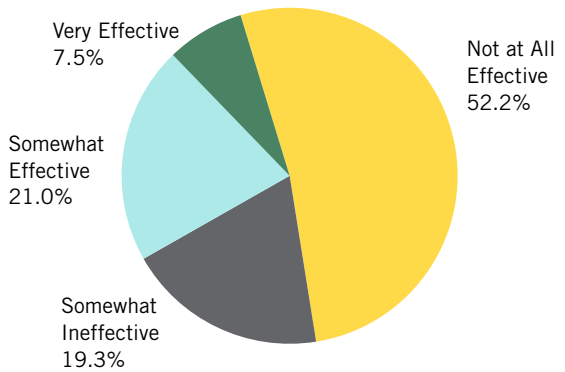
Failing to intervene when harassment is reported, punishing students for their own victimization, and other inappropriate responses to reports of harassment and assault are unacceptable, and potentially harmful to students who experience them. Staff members that do not address reports of student victimization may not only fail to help the victimized student, but may also discourage other students from reporting when they are harassed or assaulted at school.

Effectiveness of Staff Responses to Harassment and Assault

In our survey, students who said that they reported incidents of harassment and assault to school staff were also asked how effective staff members were in addressing the problem. As shown in Figure 1.22, just over a quarter of students (28.5%) believed that staff responded effectively to their reports of victimization. Students reported that staff members' responses were more likely to be effective when:[41]

- Staff took disciplinary action against the perpetrator;
- Staff educated the perpetrator about bullying;
- Staff contacted the perpetrator's parents;
- Staff filed a report; and
- Staff educated the class or student body about bullying.

Figure 1.22 LGBTQ Students' Perceptions of Effectiveness of Reporting Incidences of Harassment and Assault to School Staff (n=6943)



Students reported that staff members' responses were more likely to be ineffective when:[42]

- Staff told the reporting student to change their behavior;
- Staff disciplined the student who reported the incident;
- Staff did nothing to address the incident and/or told the reporting student to ignore the harassment;
- Staff contacted the reporting student's parents;
- Staff referred the incident to another staff member;
- Staff used a peer mediation/conflict resolution approach; and
- Staff separated the perpetrator and reporting student.

"While my school does have policies against hate speech and harassment, the administration usually takes no action against students reported for such things."

Although these findings about ineffective responses may suggest a lack of care on the part of staff, they may also be indicative of school staff who are well-meaning but are also misinformed about effective intervention strategies for cases of bullying and harassment. For example, peer mediation and conflict resolution strategies, in which students speak to each other about an incident, are only effective in situations where conflict is among students with equal social power. Peer mediation that emphasizes that all involved parties contribute

to conflict can be ineffective, and, at worst, may re-victimize the targeted student when there is an imbalance of power between the perpetrator and the victim. When harassment is bias-based, as is the case with anti-LGBTQ harassment, there is almost always, by definition, an imbalance of power.[43]

School personnel are charged with providing a safe learning environment for all students. In this survey, the most common reason students gave for not reporting harassment or assault was the belief that nothing would be done by school staff. And as discussed above, even when students *did* report incidents of victimization, the most common staff responses were to do nothing or merely to tell the student to ignore it. By not effectively addressing harassment and assault, students who are victimized are denied an adequate opportunity to learn. It is particularly troubling that more than one-fifth of victimized students (21.4%) were told by school staff to change their behavior for reasons such as their sexual orientation or gender expression (see Table 1.4), which implies that they somehow brought the problem upon themselves for simply being who they are. This type of response may exacerbate an already hostile school climate for LGBTQ students, and may deter students from reporting other incidents of harassment or assault in the future.

When students reported incidents of harassment or assault to staff members, the interventions had varying degrees of effectiveness. Given that we do not know the circumstances for each instance of harassment or assault, or the reasons why students would characterize a response as effective or not, we are not able to know details about what made certain staff responses (e.g., talking to the perpetrator) more effective than others (i.e., whether it resulted in an end to the harassment and/or made the student feel more supported in school). Our prior research has indicated that general training about bullying and harassment may not be enough to equip educators with the ability to effectively address anti-LGBTQ victimization.[44] School or district-wide educator professional development trainings on issues specifically related to LGBTQ students and bias-based bullying and harassment may better equip educators with tools for effectively intervening in cases of bullying of LGBTQ students. In addition, such trainings may help educators become more aware of the experiences of LGBTQ students, including incidents of harassment and bullying, which could play a vital role in improving LGBTQ students' school experiences overall.

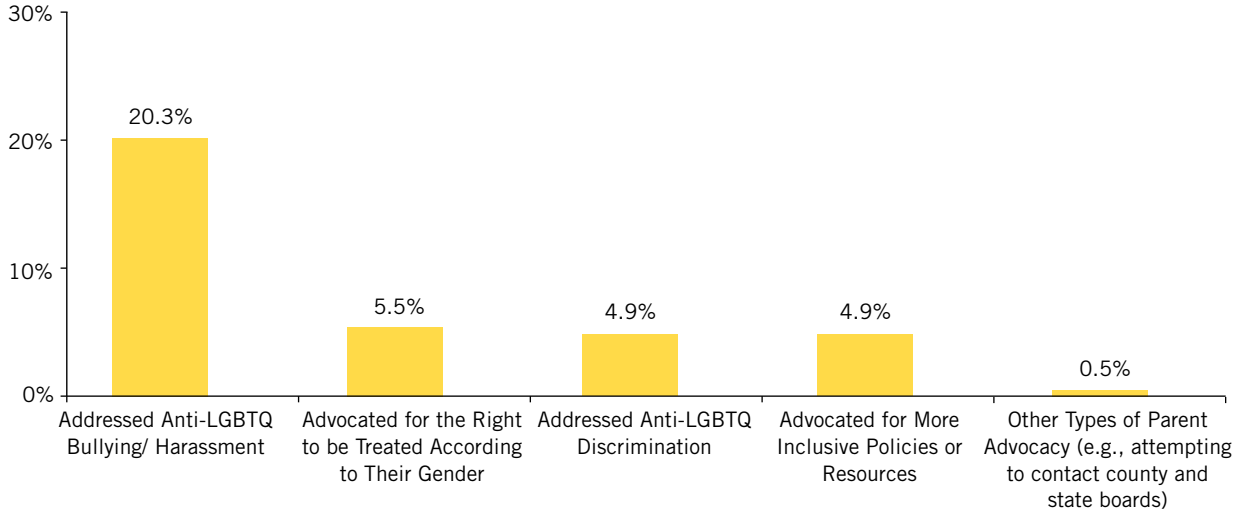
Insight on Parent Advocacy on Behalf of LGBTQ Students

There has been increasing attention paid to family support of LGBTQ youth over the past decade, including the critical role it may play in the health and well-being of these youth.[45] Some research has demonstrated that parental support and acceptance of LGBTQ youth is associated with better mental health, including greater self-esteem, lower depression, higher sense of school belonging, and lower suicidality.[46] Parent advocacy is one form of support that has been shown to be beneficial for addressing school-related concerns for other marginalized groups, such as students with disabilities, and ethnic minority students.[47] By and large, parent advocacy as a type of parental support for LGBTQ youth has not been explored in the research literature. Therefore, we examined how parent advocacy for LGBTQ students was related to the school experiences of LGBTQ students and their psychological well-being.

In our survey, a quarter of students (25.2%) reported that their parent or guardian engaged in some type of action to make their school a safer and more inclusive environment for their LGBTQ child. As shown in the Figure below, the most commonly reported type of parental action was addressing anti-LGBTQ bullying or harassment at school (20.3%). Fewer students reported that their parents took other specific types of action: advocated for the right to be treated according to their gender at school, such as use of bathrooms, locker rooms, name, or pronoun (5.5%); addressed anti-LGBTQ discrimination at school (4.9%); and advocated for more inclusive policies or resources at school (4.9%). Furthermore, students who were out about being LGBTQ to at least one of their parents or guardians were more likely to report that their parent or guardian advocated on their behalf.[48]

Given that transgender and gender nonconforming (trans/GNC) students commonly face problems with access to gender-specific school facilities, and with the ability to be treated according to their gender, it is perhaps not surprising that trans/GNC students were more likely to report their parents engaging in this type of advocacy than their cisgender LGBQ peers.[49] One-tenth of trans/GNC students (10.5%) reported that their parent or guardian advocated for their right to be treated according to their gender at school compared to 1.4% of cisgender LGBQ students.

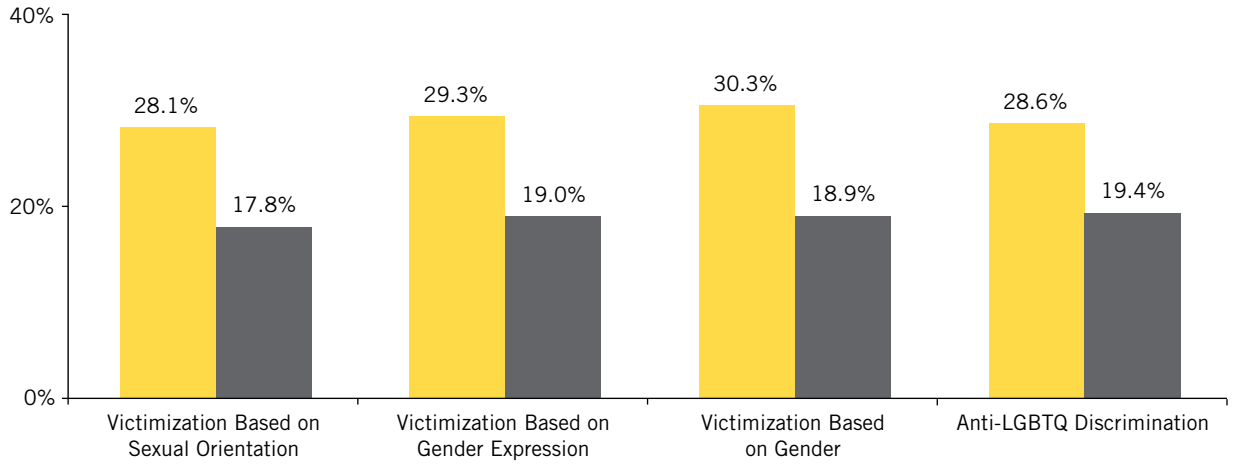
Percentage of LGBTQ Students whose Parents/Guardians Took the Following Actions with Their School



Parent Advocacy and School Climate. Parents may be prompted to advocate on behalf of their LGBTQ students at school when their child is encountering especially hostile school experiences. Thus, we examined whether parent advocacy was related to LGBTQ students' negative experiences at school, specifically victimization based on sexual orientation, gender expression, and gender, as well as anti-LGBTQ discriminatory policies and practices. We found students who experienced higher levels of anti-LGBTQ victimization, and experienced anti-LGBTQ discrimination were more likely to report any type of advocacy by parents or guardians on their behalf (see Figure).[50,51]

The presence of positive LGBTQ-related resources and supports at school (GSAs, inclusive curriculum, supportive educators, inclusive policies) may signal to parents or guardians that the school may be more open to addressing LGBTQ issues and more likely to make changes in the school environment. Thus, we examined the relationships between parent advocacy and availability of LGBTQ-related school resources and found that, after accounting for levels of victimization and discrimination, students were indeed more likely to report that their parents/guardians advocated on their behalf when these resources and supports were present, with the exception of GSAs.[52] Although these findings support our hypothesis that LGBTQ-related supports may signal to parents that the school would be receptive of their advocacy, it is also possible that parent advocacy may result in schools implementing more LGBTQ-related supports. Because our data are correlational, we cannot know the causal direction of the relationship. Further research is warranted with regard to whether the availability of more school resources and supports truly lead to increased parent advocacy.

Parent Advocacy by Experiences of Anti-LGBTQ Victimization and Discrimination
(Percentage of LGBTQ Students Reporting that Their Parents/Guardians Took Any Action on Behalf of LGBTQ Students)



Parent Advocacy and Student Well-Being. Acknowledging that LGBTQ students' experiences of anti-LGBTQ victimization and discrimination adversely affects their psychological well-being (see section on *School Climate and Psychological Well-Being*), and given that parental support from LGBTQ youth has been found to be related to better well-being,[53] we examined whether parent advocacy was related to LGBTQ students' self-esteem and depression. After accounting for LGBTQ students' experiences of victimization and discrimination, and whether they are out to their parents (as outness to parents is related to higher well-being[54]), we found that LGBTQ students whose parents engaged in advocacy with their school, overall, had better well-being, including higher levels of self-esteem and lower levels of depression.[55]

Conclusions. Our findings indicate that, even when facing adversity at school, only a minority of LGBTQ students report that their parents or guardians advocate on their behalf. Certain conditions at school make it more likely for parent advocacy, such as when there is more hostile school climate and when there are more LGBTQ-related school resources and supports. However, more research is needed to better understand the factors related to when and why parents engage in advocacy on behalf of their LGBTQ child. Furthermore, we only know about what actions parents or guardians take, and we do not know how effective their actions are. Thus, it is critical for research to assess the effectiveness of parent advocacy efforts in improving school climate.

Our findings on parent advocacy and LGBTQ students' psychological well-being demonstrate that parent advocacy can be a valuable form of family support for LGBTQ youth, which is consistent with research on the general population of students.[56] Thus, it is important for educators to actively engage parents of LGBTQ students, and for advocates working to improve the school environment for LGBTQ students to provide support, resources, and guidelines for parents on how they can effectively advocate for LGBTQ students in their schools.

Experiences of Discrimination at School

Key Findings

- Over 6 in 10 LGBTQ students indicated that they had experienced LGBTQ-related discriminatory policies and practices at their school.
- Students were commonly restricted from expressing themselves as LGBTQ at school, including being: disciplined for public displays of affection that are not disciplined among non-LGBTQ students, prevented from discussing or writing about LGBTQ topics in assignments, restricted from wearing clothing or items supporting LGBTQ issues, prohibited from bringing a date of the same gender to a school dance, or being disciplined unfairly simply because they were LGBTQ.
- Schools often limited the inclusion of LGBTQ topics or ideas in extracurricular activities, including preventing students from discussing or writing about LGBTQ issues in extracurricular activities, inhibiting GSAs' activities, and preventing or discouraging students from participating in school sports because they were LGBTQ.
- Nearly half of transgender and gender nonconforming (trans/GNC) students were prevented from using their chosen name or pronoun and were required to use a bathroom or locker room of their legal sex. One-quarter of trans/GNC students were also prevented from wearing clothes that were considered "inappropriate" based on their legal sex.

Hearing homophobic and negative remarks about gender expression in the hallways and directly experiencing victimization from other students clearly contribute to a hostile climate for LGBTQ students. Certain school policies and practices may also contribute to negative experiences for LGBTQ students and make them feel as if they are not valued by their school communities. In our survey, we asked students about a number of specific LGBTQ-related discriminatory policies and practices at their school that they may have personally experienced. Over 6 in 10 students (62.2%) indicated that they had experienced these LGBTQ-related discriminatory policies and practices (see Figure 1.23).

Restricting LGBTQ Expression in School

Several of the questions about policies and practices were related to efforts to restrict students from identifying as LGBTQ, from being themselves in the school environment, and from expressing support for or interest in LGBTQ issues. Not only do these policies stifle students' expression, but they also serve to maintain a silence around LGBTQ people and issues that could have the effect of further stigmatizing LGBTQ people.

As shown in Figure 1.23, nearly a third of LGBTQ students (31.3%) said that they had been disciplined for public affection, such as kissing or holding hands, that is not similarly disciplined among non-LGBTQ students. Additionally, 17.6% of LGBTQ students said that they had been prevented from discussing or writing about LGBTQ topics in class assignments and projects, and 13.0% of students indicated that their schools had prevented them from wearing clothing or items supporting LGBTQ issues (e.g., a t-shirt with a rainbow flag). More than one-tenth of LGBTQ students (11.7%) had been prevented from attending dances with someone of the same gender. Finally, just under 1-in-20 LGBTQ students (3.5%) reported that they had been disciplined, or disciplined more harshly than their peers, simply for being LGBTQ.

Limiting LGBTQ Inclusion in Extracurricular Activities

Students in our survey indicated that some schools also maintained policies and practices that limited LGBTQ content in extracurricular activities and/or restricted LGBTQ students' participation in these activities. Nearly one-fifth of LGBTQ students (18.2%) said that their school prevented them from discussing or writing about LGBTQ issues in extracurricular activities, such as the yearbook or school newspaper. Additionally, 14.8% reported that they had been hindered in forming or promoting a GSA or official school club supportive of LGBTQ issues (see Figure 1.23).

"When I tried to make one of my open ended projects LGBTQ related, the teacher told me that it was inappropriate, and forced me to restart the project."

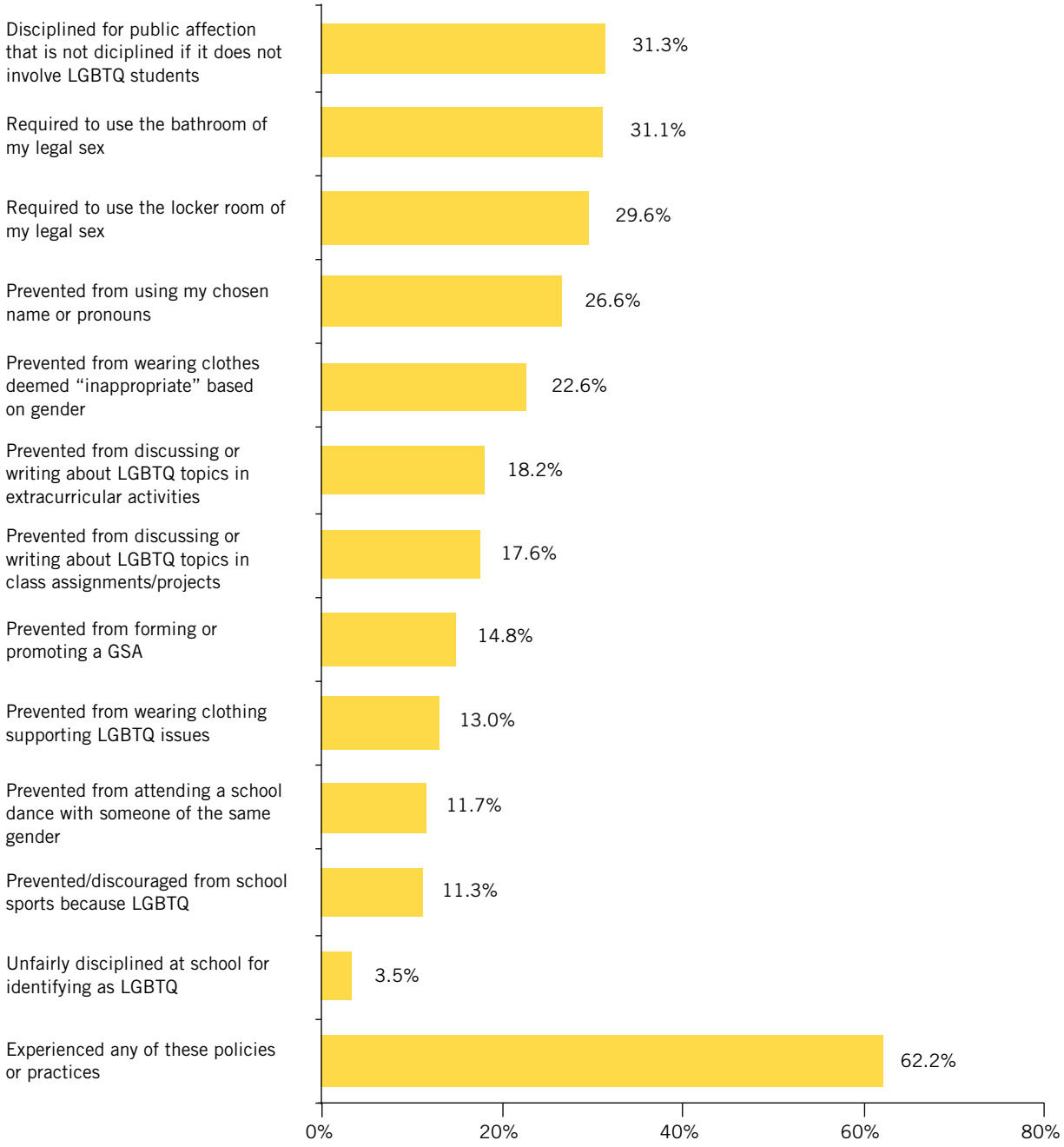
LGBTQ students in our survey also reported discriminatory experiences with regard to school athletics. Over one-tenth of students (11.3%) indicated that school staff or coaches had prevented or discouraged them from playing sports because they were LGBTQ. Additionally, 29.6% of students were required to use the locker room of their legal sex, regardless of their gender identity or gender expression. These findings corroborate research from the *School Safety* section of this report citing that the school spaces associated with sports, such as locker rooms, PE/Gym class, and athletic fields/facilities, were some of the spaces most commonly avoided by LGBTQ students. This survey's findings on the barriers LGBTQ students face participating in school athletics also align with our previous research on the general secondary student population in which we found that LGBTQ students were half as likely as their non-LGBTQ peers to participate in interscholastic or intramural sports.[57]

Clearly, some schools are sending the message that LGBTQ topics, and in some cases, even LGBTQ people, are not appropriate for extracurricular activities. By marking official school activities distinctly as non-LGBTQ, these types of discrimination prevent LGBTQ students from participating in the school community as fully and completely as other students.

Enforcing Adherence to Traditional Gender Norms

Other discriminatory policies appeared to target students' gender in ways that prescribed certain rules or practices based on students' sex assigned at birth, regardless of their gender identity or gender expression (see Figure 1.23). Nearly one-third of LGBTQ students (31.1%) said that they had been required to use the bathroom of their legal sex, regardless of their actual gender. Additionally, nearly a quarter of students (22.6%) reported that their school prevented them from wearing clothing deemed "inappropriate" based on their gender (e.g., a boy wearing a dress), and more than a quarter (26.6%) said that they had been prevented from using their chosen name or pronouns. These discriminatory policies and

Figure 1.23 Percentage of LGBTQ Students who Have Experienced Discriminatory Policies and Practices at School



Insight on Gender Separation in Schools

School practices that separate students by gender — specifically dividing boys and girls — can reinforce damaging gender stereotypes and may pose distinct challenges for transgender and other gender nonconforming (trans/GNC) youth. These practices reinforce the gender binary (i.e., the notion that there are only two distinct and opposite genders) and, thus, may be difficult to navigate for trans/GNC students, particularly if they have not yet disclosed their gender identity to students or staff. Furthermore, gendered spaces, activities, and rules provide no options for nonbinary students (i.e., those who do not identify as exclusively male or female), which may lead these students to feel as if they have no place in school at all. Therefore, we asked students in our survey about specific practices that separate students by gender. We also asked students if they attended a co-educational (co-ed) school or a single-sex school.

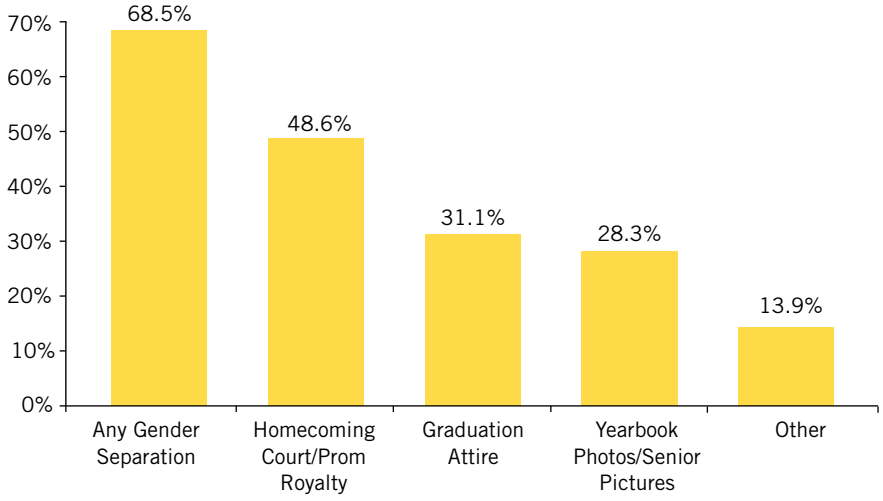
Gendered School Practices. As shown in the Figure, about two-thirds of LGBTQ students in co-ed schools (68.5%) reported that their schools engaged in practices that separated students by gender or had different standards for students based on gender. Nearly half of LGBTQ students (48.6%) reported that their school had gender-specified homecoming courts, prom kings/queens, or other types of honors at dances. These practices not only reinforce the gender binary, but, by selecting a "king" and a "queen," also enforce the idea that heterosexuality is the norm and the only acceptable way of being. In addition, nearly one-third of students (31.1%) reported that their school required gendered attire for graduation, such as different-colored robes for boys and girls, and over one-fourth (28.3%) reported gendered attire for official school photographs, such as having boys wear tuxedos and girls wear dresses for senior portraits.

We also provided an opportunity for students to indicate additional ways their school separated student activities by gender, and 13.9% reported other types of gender separation. Students most commonly reported practices related to school athletics (e.g., different uniforms, different sports for boys and girls) and music activities, such as chorus, band, or orchestra (e.g., different dress requirements for performances, separation of boys and girls in these activities).

Given the fact that gendered school practices reinforce the gender binary and may further gender stereotyping in school, we also examined whether such school practices or policies were related to school belonging. We found that LGBTQ students in co-ed schools who reported gender separation practices at their school experienced slightly lower levels of school belonging than students who did not report such practices.[58]

Single-Sex Schooling. Single-sex schools are unique sites of gender separation because they enroll only boys or only girls. A small portion of students in our survey (1.3%) reported attending a single-sex school. Some proponents of these schools argue that they improve students' educational, behavioral, and

LGBTQ Students' Reports of Ways Schools Separate Activities by Gender or Have Different Requirements Based on Gender
(Percentage of LGBTQ Students in Co-ed Schools, n = 21803)



emotional outcomes by reducing gender stereotyping and providing more specialized instruction.[59] Yet, recent research has called into question whether single-sex schools provide any benefits for students over co-ed schools.[60] Thus, we explored whether school climate for LGBTQ students differed between single-sex and co-ed schools.

Most of the LGBTQ students who attended a single-sex schools were in religious schools (59.6%), followed by non-religious private schools (25.8%), and then public single-sex schools (14.6%). Because public, religious, and other private schools differ in many meaningful ways (see *School Climate and School Characteristics* section), we accounted for school type differences when comparing single-sex and co-ed schools. We found that LGBTQ students in single-sex schools, as compared to those in co-ed schools, experienced similar levels of victimization and feeling unsafe due to sexual orientation and gender expression. Students in single-sex schools also heard similar levels of transphobic language and negative remarks about gender expression from peers, although they were somewhat less likely to hear homophobic remarks than students in co-ed schools.[61] However, students in single sex schools were more likely to hear school staff make both homophobic remarks and negative remarks about gender expression.[62] They were also more likely to experience anti-LGBTQ discriminatory policies and practices than students in co-ed schools.[63]

"I'm very out at school [regarding] my sexual orientation, but gender is something that the school is new to learning about because it's a single-sex school, so most of the time, I feel like I can't talk to anyone about it despite being a leader of a GSA."

Aside from homophobic remarks, the anti-LGBTQ bias experienced by students in single-sex schools appears to be similar to or greater than in co-ed schools. However, some all-girls schools have taken steps to become more welcoming to trans/GNC students in recent years, through actions such as amending admissions guidelines and developing resources for trans/GNC students.[64] More research is needed to better understand the experiences of trans/GNC students in single-sex schools.

Conclusions. We found that many of the effects related to gender separation in school were similar for both trans/GNC students and their cisgender LGBQ peers.[65] Thus, it is important for all LGBTQ students that schools eliminate policies and practices that enforce traditional gender norms, needlessly separate students by gender, or maintain different rules or standards for students based on their gender. Ending these practices can help to provide LGBTQ youth with a more inclusive school experience. Additionally, single-sex schools should enact policies and provide training for staff to reduce bias against LGBTQ students at school. However, more examination is warranted to better understand the particular experiences of LGBTQ students in single-sex schools, as well as best practices for creating and maintaining a single-sex school environment that is inclusive of LGBTQ students.

practices, as well as the discriminatory locker room policies mentioned previously, were all disproportionately reported by transgender and gender nonconforming students (trans/GNC), including genderqueer, other nonbinary-identified students, and those questioning their gender identity.[66]

- 46.5% of trans/GNC students had been required to use the bathroom of their legal sex.
- 43.6% of trans/GNC students had been required to use the locker room of their legal sex.
- 42.1% of trans/GNC students had been prevented from using their chosen name or pronoun.
- 25.6% of trans/GNC students had been prevented from wearing clothing deemed "inappropriate" based on their legal sex.

Gender-based discrimination may have particularly damaging consequences for students who are not cisgender. In fact, we found that transgender and gender nonconforming students were more likely than cisgender students to avoid bathrooms due to safety issues when forced to use the bathroom of their legal sex.[67] Additionally, trans/GNC students were more likely to avoid locker rooms and less likely to participate in sports when forced to use the locker rooms of their legal sex.[68]

Hostile School Climate, Educational Outcomes, and Psychological Well-Being

Key Findings

- LGBTQ students who experienced high levels of in-school victimization:
  - Had lower GPAs than other students;
  - Were less likely to plan to pursue any post-secondary education;
  - Were three times as likely to have missed school in the past month because they felt unsafe;
  - Were less likely to feel a sense of belonging to their school community; and
  - Had lower levels of self-esteem and higher levels of depression.
- LGBTQ students who experienced discrimination at school:
  - Had lower GPAs than other students;
  - Were more than three times as likely to have missed school in the past month because they felt unsafe;
  - Were less likely to feel a sense of belonging to their school community; and
  - Had lower levels of self-esteem and higher levels of depression.
- LGBTQ students who did not plan to graduate high school (e.g., who planned to drop out or were not sure if they would finish high school) most commonly reported mental health concerns and hostile school climate as reasons for leaving school.

Educational Aspirations

In order to examine the relationship between school climate and educational outcomes, we asked students about their aspirations with regard to further education, including their plans to complete high school and their highest level of expected educational attainment.

High School Completion. As shown in Table 1.3, almost all LGBTQ students (96.2%) in our survey planned to graduate high school. However, 3.8% of LGBTQ students did not plan to complete high school or were not sure if they would. We then asked these specific students whether they planned to obtain a General Education Diploma (GED) or similar equivalent and most indicated that they did (see Table 1.3). Some research on high school equivalency certification in the general student population suggests that GED equivalencies are not associated with the same educational attainment and earning potential as high school diplomas.[69] Nevertheless, some students who planned to get a GED did indicate that they intended to continue on to some type of post-secondary education. More research is needed to better understand how LGBTQ students' educational and career plans may be impeded if they do not graduate from high school.

Reasons LGBTQ Students May Drop Out of High School. To better understand why LGBTQ students might not finish high school, we asked those students who indicated they were not planning on completing high school or were not sure if they would graduate about their reasons for leaving school (see Table 1.4). Most of these students cited multiple reasons for potentially not graduating; the most common being mental health concerns, such as depression, anxiety, or stress, as given by 92.6% of those who provided reasons for leaving high school.[70] The next most common reason for potentially not graduating was academic concerns (70.1%), including poor grades, high number of absences, or not having enough credits to graduate. In addition, over half of LGBTQ students (59.8%) explicitly reported a hostile school climate as being factor in their decision or doubts about finishing high school. In particular, students noted issues with harassment, unsupportive peers or educators, and gendered school policies/practices, such as restrictions on which bathroom they are allowed to use. Less common reasons reported were that students' future occupational plans did not require a high school diploma (25.7%) and family responsibilities (12.1%) which imposed barriers to high school completion, such as having to earn money to help support their family. A number of students (7.2%) noted other reasons they might not graduate high school including a lack of motivation and an unsupportive family.

LGBTQ students may consider dropping out of school for many reasons, some of which may have little to do with their sexual orientation, gender identity, or peer victimization — as noted above. However, the majority of these students (59.8%) reported having a hostile school climate as a reason they might not graduate. Furthermore, it is possible that some of the mental health and academic concerns cited stem from experiences of a hostile school environment, as noted elsewhere in this section. For example, school-based victimization may impact students' mental health.[71] This lower mental well-being can also place students at-risk

Table 1.3 LGBTQ Students' High School Completion Plans

High School Graduation Plans	% LGBTQ students
Plan to Graduate HS	**96.2%**
Do Not Plan to Graduate HS or Not Sure if Will Graduate HS	**3.8%**
Do not plan to graduate	0.8%
Unsure if will graduate	3.0%
Plan to Receive GED or Equivalent	
Do not plan to obtain a GED or equivalent	1.3%
Plan to obtain a GED or equivalent	2.5%

for lower academic achievement.[72] Furthermore, a lack of safety may lead to students missing school, which can result in a student being pushed out of school by school disciplinary or criminal sanctions for truancy,[73] dropping out of school as a result of poor academic achievement, or disengaging with school due to the days missed. In fact, we found that among students in our survey, missing school due to feeling unsafe or uncomfortable was related to increased likelihood of not planning to complete high school.[74] Future research should examine the potentially interconnected mechanisms that lead LGBTQ students to drop out of high school.

Post-Secondary Aspirations. When asked about their aspirations with regard to post-secondary education (see Figure 1.24), only 6.3% of LGBTQ students indicated that they did *not* plan to pursue any type of post-secondary education (i.e., that they only planned to obtain a high school diploma, did not plan to/were not sure if they planned to finish high school). Approximately two-fifths

"I'm moving out of state so that I can begin transitioning from female to male. If I can get accepted to a college I would like to become a teacher but I've had no guidance and I'm not sure what I need or how to achieve anything."

Table 1.4 Reasons LGBTQ Students Do Not Plan to Graduate High School or Are Unsure If They Will Graduate (n = 901)

	Students Reporting* (% of students who indicated that they did not plan to graduate or were unsure)	**Specific Response Number**
Mental Health Concerns (i.e., depression, anxiety, or stress)	**92.6%**	**834**
Academic Concerns (Any)	**70.1%**	**632**
Poor Grades	60.7%	547
Absences	40.0%	360
Not Enough Credits	34.0%	306
Hostile School Climate (Any)	**59.8%**	**539**
Unsupportive Peers	47.9%	432
Harassment	42.2%	380
Gendered School Policies/Practices	33.9%	305
Unsupportive Teachers/Staff	33.3%	300
Future Plans Do Not Require High School Diploma	**25.7%**	**232**
Family Responsibilities (e.g., child care, wage earner)	**12.1%**	**109**
Other (e.g., lack of motivation, unsupportive family)	**7.2%**	**65**

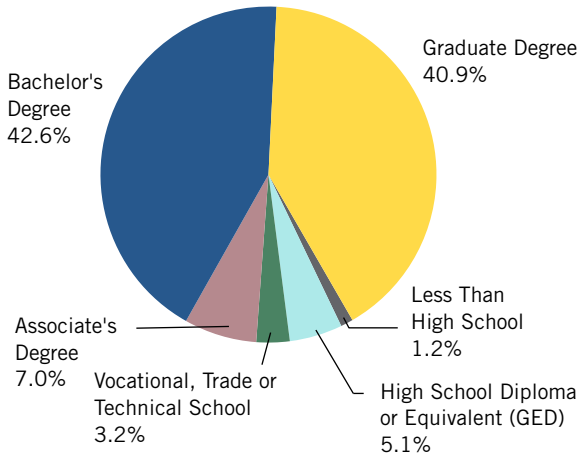
*Because respondents could select multiple responses, categories are not mutually exclusive. Percentages may not add up to 100%.

of students (42.6%) said that they planned to complete their education with a college degree (e.g., Bachelor's degree) and another two-fifths of students (40.9%) reported that they planned to continue on to obtain a graduate degree (e.g., Master's degree, PhD, or MD). It is important to note that the 2017 NSCS only included students who were in school at some point during the 2016–2017 school year. Thus, the percentage of LGBTQ students not planning to pursue post-secondary education would be higher with the inclusion of students who had already dropped out of school.

School Climate and Educational Aspirations

Students who experience victimization in school may respond by avoiding the harassment, perhaps by dropping out of school or avoiding any further type of formal educational environments, such as college. We assessed the relationship between school safety and educational aspirations for students in our survey and found that LGBTQ students who reported higher levels of victimization based on their sexual orientation or gender expression reported lower educational aspirations than LGBTQ students who reported lower levels of victimization.[75,76] For example, as shown in Figure 1.25, students who experienced a higher severity of victimization based on gender expression were less likely to plan to go on to college or to vocational or trade school, compared with those who had experienced less severe victimization (9.6% vs. 4.9%). Anti-LGBTQ discriminatory policies and practices were also related to lower educational aspirations for LGBTQ students in our survey. Students who experienced this type of discrimination at school reported lower educational aspirations than those who did not experience discrimination, although after accounting for students' level of victimization, the differences were relatively small.[77]

Figure 1.24 Educational Aspirations of LGBTQ Students



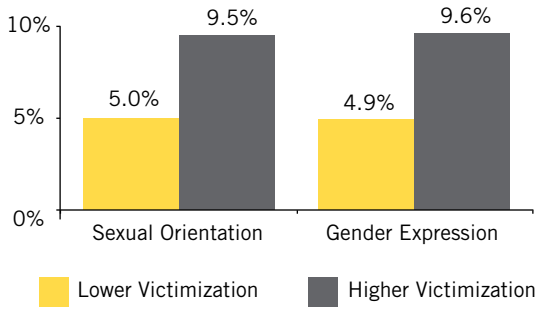
School Climate and Academic Achievement

As detailed in the previous section, a hostile school climate can lead LGBTQ students to not want to continue on with their education. However, it can also result in these students struggling academically. We found that more severe victimization was related to lower academic achievement among LGBTQ students. As shown in Table 1.5, the reported grade point average (GPA) for students who had higher levels of victimization based on their sexual orientation or gender expression was significantly lower than for students who experienced less harassment and assault. For example, LGBTQ students who experienced higher levels of victimization based on gender expression reported an average GPA of 2.9 as compared to those who experienced lower levels of this type of victimization who reported an average GPA of 3.3 (see Table 1.5).[78] As also illustrated in Table 1.7, experiences of institutional discrimination were also related to lower educational achievement and this relationship persisted even after accounting for students' direct experiences of victimization.[79]

School Climate and Absenteeism

School-based victimization may impinge on a student's right to an education. Students who are regularly harassed or assaulted in school may attempt to avoid these hurtful experiences by not attending school and, accordingly, may

Figure 1.25 Educational Aspirations and Severity of Victimization
(Percentage of LGBTQ Students Not Planning to Pursue Post-Secondary Education)

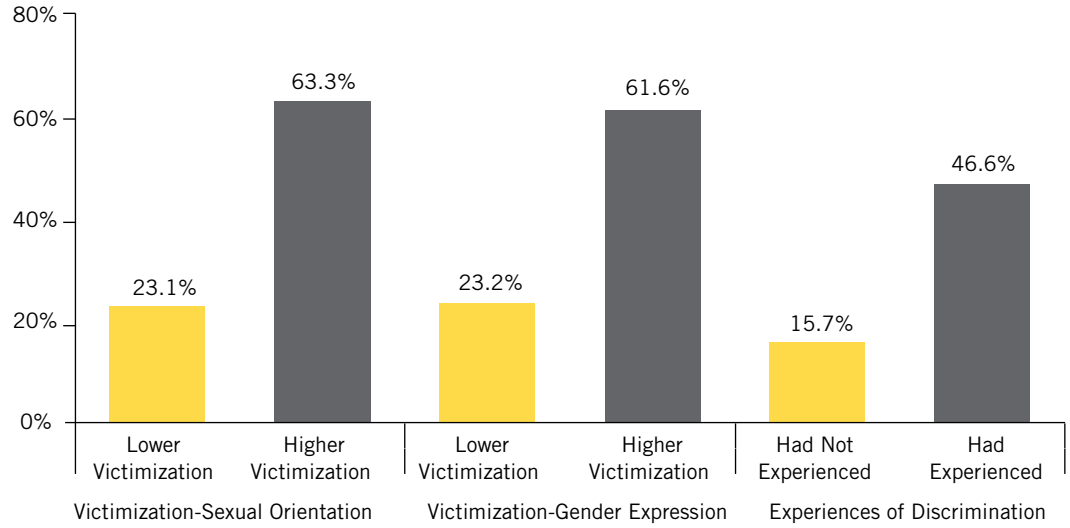


be more likely to miss school than students who do not experience such victimization. We found that experiences of harassment and assault were, in fact, related to missing days of school.[80] As shown in Figure 1.26 students were at least three times as likely to have missed school in the past month if they had experienced higher levels of victimization related to their sexual orientation (63.3% versus 23.1%) or gender expression (61.6% vs. 23.2%). In addition to victimization, we found that experiences of discrimination were related to missing days of school.[81] As shown in Figure 1.26, LGBTQ students were more than three times as likely to have missed school in the past month because they felt unsafe or uncomfortable if they had experienced LGBTQ-related discrimination in their school (46.6% vs. 15.7%). Thus, discriminatory policies and practices may contribute to a school setting that feels unwelcoming for many LGBTQ students.

Table 1.5 Academic Achievement of LGBTQ Students by Experiences of Victimization and Discrimination

	Mean Reported Grade Point Average
Peer Victimization	
Sexual Orientation	
Lower Victimization	3.3
Higher Victimization	3.0
Gender Expression	
Lower Victimization	3.3
Higher Victimization	2.9
Experiences of Discrimination	
Had Not Experienced Discriminatory Policies or Practices at School	3.4
Had Experienced Discriminatory Policies or Practices at School	3.1

Figure 1.26 Absenteeism by Experiences of Victimization and Discrimination
(Percentage of LGBTQ Students who Missed at Least a Day of School in Past Month Due to Safety Concerns)



School Climate and School Discipline

The use of harsh and exclusionary discipline, such as zero tolerance policies, has proliferated over the previous several decades for both serious infractions as well as minor violations of school policies.[82] Initially framed as vital to protecting teachers and students,[83] these disciplinary policies are regarded by many as being over-employed in removing students from the traditional school environment.[84] The use of harsh discipline has contributed to higher dropout rates as well as reliance on alternative educational settings, including alternative schools or juvenile justice facilities, where educational supports and opportunities may be less available.[85] Growing awareness of the soaring use of exclusionary school discipline approaches in the U.S. has included some attention to their effect on LGBTQ youth,[86] and school discipline may be an important aspect of school climate for this population. Specifically, it is possible that both the high rates of peer victimization and the school policies that, intentionally or unintentionally, target LGBTQ students may put these students at risk of greater contact with school authorities and increase their likelihood of facing disciplinary sanctions.

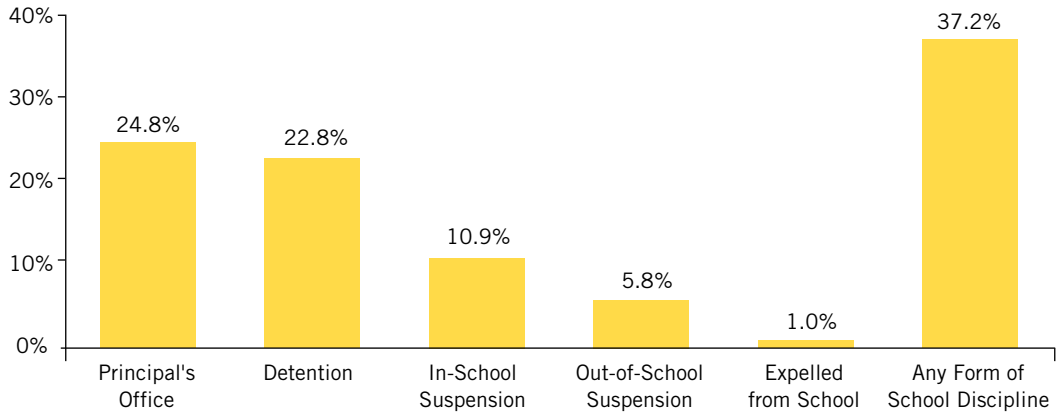
Rates of School Discipline. We asked LGBTQ students if they had experienced certain types of experiences at school as a result of disciplinary action. Over a third (37.2%) of students in this survey reported having ever been disciplined at school, with most of these students reporting discipline that occurred in-school, such as being sent to principal's office, receiving detention, or receiving in-school suspension (see Figure 1.27). A smaller portion of LGBTQ students reported experiencing disciplinary consequences that prohibited them from attending school, such as out-of-school suspension and expulsion (see also Figure 1.27).

Several factors may contribute to LGBTQ students' school disciplinary experiences, including those stemming from unsafe or unfair school environments. LGBTQ youths' high rates of victimization, and policies that intentionally or unintentionally target them, may put them in greater contact with school authorities and increase their risk of discipline.

Discipline Due to Punitive Response to Harassment and Assault. We examined whether students who experienced higher rates of victimization also experienced higher rates of school discipline, perhaps because they were perceived to be the perpetrator in these incidents (see the *Reporting of School-Based Harassment and Assault* section). LGBTQ youth who reported higher than average levels of victimization based on their sexual orientation or gender expression did experience substantially greater rates of discipline examined in this survey.[87,88] For example, as shown in Figure 1.28, 54.1% of students with higher levels of victimization based on sexual orientation experienced school discipline compared to 30.1% of students with lower levels of this type of victimization.

Absenteeism. LGBTQ students who are victimized at school may also miss school because they feel unsafe and thus face potential disciplinary consequences for truancy. We found that students

Figure 1.27 Percentage of LGBTQ Students who Have Experienced School Discipline



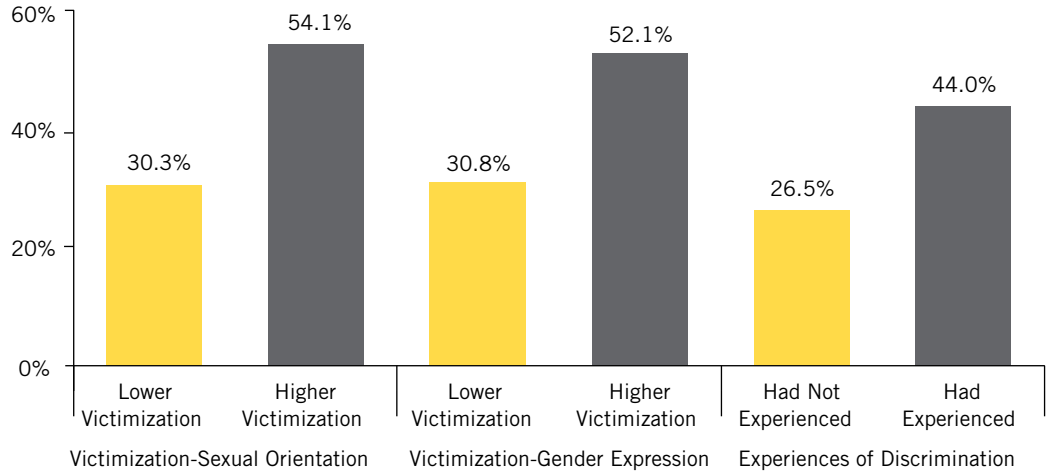
who reported missing school due to safety concerns were more likely to have experienced school discipline.[89] For example, 49.1% of students who had missed at least a day of school in the past month because they felt unsafe or uncomfortable had faced some sort of disciplinary action, compared to 30.9% of students who had not missed school for these reasons.

Discipline Due to Discriminatory Policies and Practices. As discussed in the *Experiences of Discrimination at School* section of this report, schools may have official policies or unofficial practices that unfairly target LGBTQ youth, which may result in a system in which LGBTQ youth are at greater risk for school discipline if students violate these policies (e.g. violating gendered dress codes). As indicated in that earlier section, a number of students in our survey noted that LGBTQ youth may be subject to disproportionate punishment for violations, as compared to non-LGBTQ youth (e.g., same-sex couples experiencing harsher discipline for public displays affections in schools than heterosexual couples). Furthermore, we found that LGBTQ students in our survey who had experienced discriminatory policies and practices at school reported higher rates of school discipline — 44.0% of LGBTQ youth experiencing discrimination at school had experienced some form of disciplinary action, compared to 26.5% of youth who had not been discriminated against (see Figure 1.28).[90]

School Climate and School Belonging

The degree to which students feel accepted by and a part of their school community is another important indicator of school climate and is related to a number of educational outcomes. For example, having a greater sense of belonging to one's school is related to greater academic motivation and effort as well as higher academic achievement.[91] Students who experience victimization or discrimination at school may feel excluded and disconnected from their school community. In order to assess LGBTQ students' sense of belonging to their school community, survey participants were given a series of statements about feeling like a part of their school and were asked to indicate how much they agreed or disagreed with the statements.[92] As illustrated in Figure 1.29, students who experienced a higher severity of victimization based on sexual orientation or gender expression reported lower levels of school belonging than students who experienced less severe victimization in school.[93] Specifically, more than half (58.4%) of students who experienced lower levels of victimization based on their sexual orientation reported a positive sense of connection to their school, compared to nearly a third (32.5%) of students who experienced more severe victimization. Experiencing anti-LGBTQ discriminatory policies and practices at school was also related to decreased feelings of connectedness to the school community. As also illustrated in Figure 1.29, LGBTQ students who did not experience school-based discrimination were more likely to report positive feelings of school belonging

Figure 1.28 School Discipline by Experiences of Victimization and Discrimination
(Percentage of LGBTQ Students who Experienced School Discipline)



compared to students who had experienced school-based discrimination (66.9% vs. 27.8%).[94]

School Climate and Psychological Well-Being

Previous research has shown that being harassed or assaulted at school may have a negative impact on students' mental health and self-esteem.[95] Given that LGBTQ students face an increased likelihood for experiencing harassment and assault in school,[96] it is especially important to examine how these experiences relate to their well-being. As illustrated in Figures 1.30 and 1.31, LGBTQ students who reported more severe victimization regarding their sexual orientation or gender expression had lower levels of self-esteem[97,98] and higher levels of depression than those who reported less severe victimization.[99,100] For example, 63.2% of students who experienced higher levels of victimization based on sexual orientation demonstrated higher levels of depression compared to 39.1% of students who experienced lower levels of victimization (see Figure 1.31).

Discrimination and stigma have been found to adversely affect the well-being of LGBTQ people.[101] We found that LGBTQ students in our survey who reported experiencing discriminatory policies or practices in school had lower levels of self-esteem[102] and higher levels of depression[103] than students who did not report experiencing this discrimination (see Figures 1.30 and 1.31). For

Figure 1.29 School Belonging by Experiences of Victimization and Discrimination
(Percentage of LGBTQ Students Demonstrating Positive School Belonging)

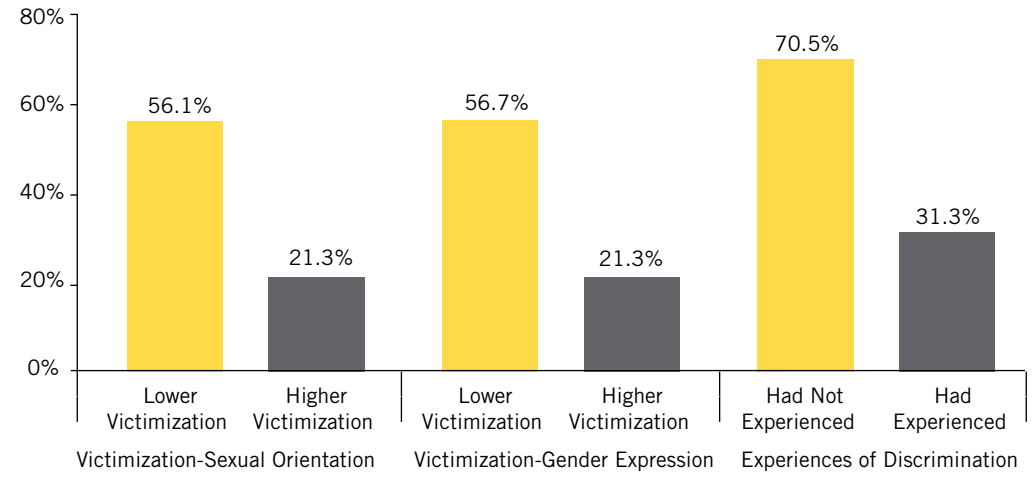
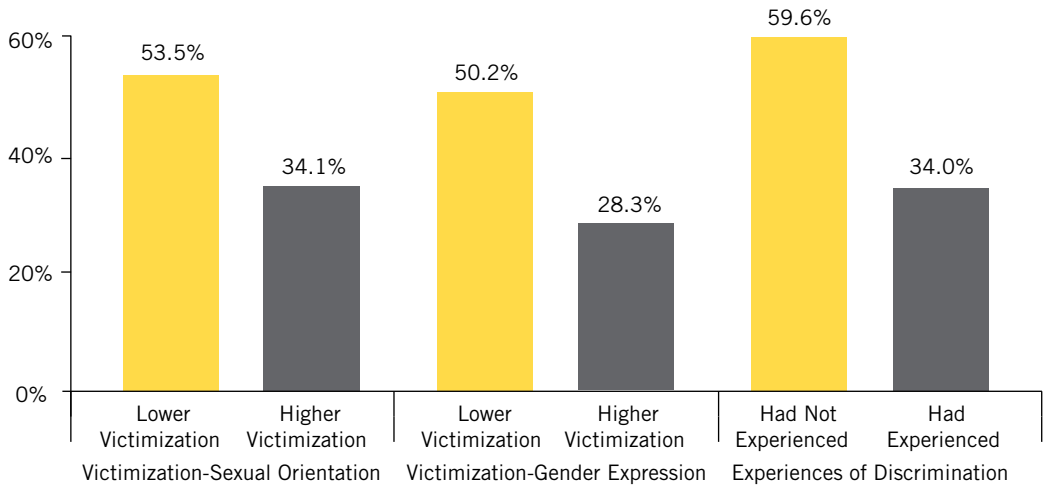


Figure 1.30 Self-Esteem by Experiences of Victimization and Discrimination
(Percentage of LGBTQ Students Demonstrating Higher Levels of Self-Esteem)



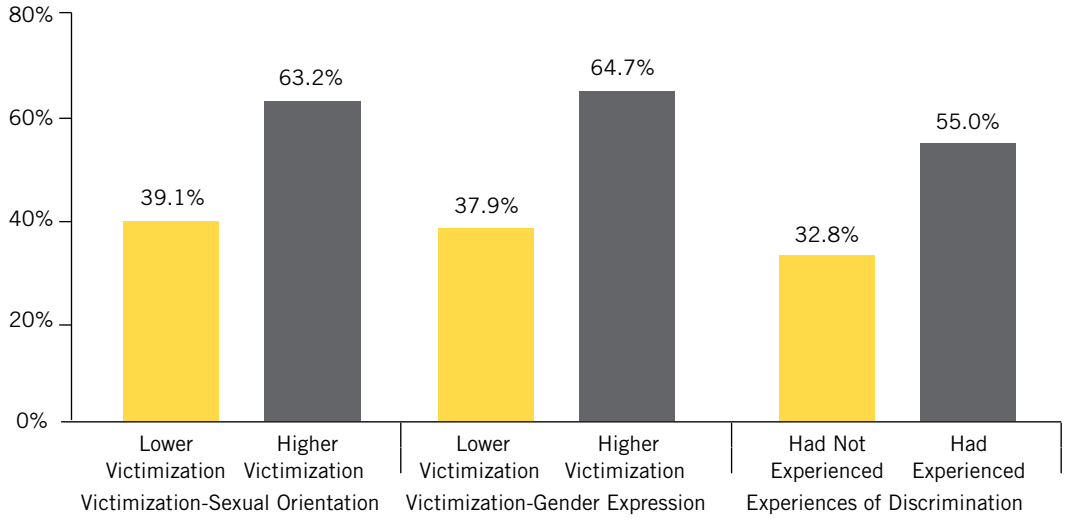
example, only 34.0% of students who experienced discrimination demonstrated higher levels of self-esteem compared to 59.6% of students who experienced lower levels of victimization.

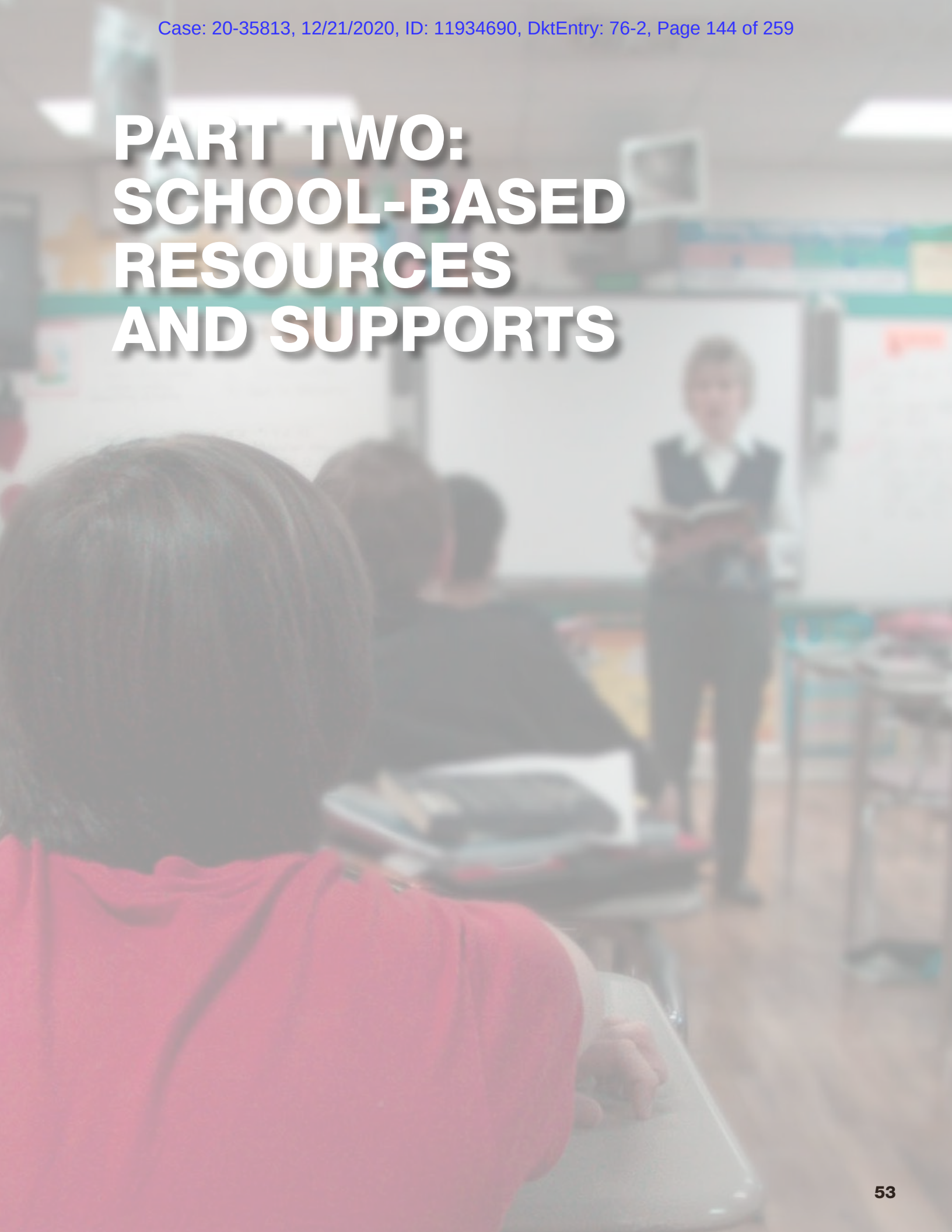
Of note, even though discrimination and victimization often co-occur, we found discrimination to be related to these psychological outcomes even when accounting for students' level of victimization, indicating that discrimination may have a negative effect on students' well-being independent of victimization.[104]

The findings in this section provide insight into how peer victimization and institutional discrimination may lead to less welcoming schools and more negative educational outcomes for LGBTQ students. LGBTQ students who experience victimization and discrimination are more likely to have lower educational aspirations, lower grades, and higher absenteeism. They are also more likely to experience school discipline, which can result in pushing students out of school, and at times, into the criminal justice system.[105] These findings also demonstrate that hostile school climates can negatively impact LGBTQ students' sense of school belonging and psychological well-being. In order to ensure that LGBTQ students are afforded supportive learning environments and equal educational opportunities, community and school advocates should work to prevent and respond to in-school victimization and to eliminate school policies and practices that discriminate against LGBTQ youth.

"I have been physically and verbally harassed and assaulted by students. I was outed by other students and was not safe at my school. I was forced to leave school in the middle of the year for the fear of my own life. I cannot describe the emotional toll this put on me."

Figure 1.31 Depression by Experiences of Victimization and Discrimination
(Percentage of LGBTQ Students Demonstrating Higher Levels of Depression)





PART TWO: SCHOOL-BASED RESOURCES AND SUPPORTS

Availability of School-Based Resources and Supports

Key Findings

- Just over half of LGBTQ students attended a school that had a Gay-Straight Alliance or Gender and Sexuality Alliance (GSA) or similar student club that addressed LGBTQ issues in education.
- Approximately 1 in 5 LGBTQ students were taught positive representations of LGBTQ people, history, or events in their classes. Nearly the same amount had been taught negative content about LGBTQ topics.
- Few LGBTQ students (6.7%) reported having ever received LGBTQ-inclusive sex education at school.
- Most students did not have access to information about LGBTQ-related topics in their school library, through the internet on school computers, or in their textbooks or other assigned readings.
- Almost all students could identify at least one school staff member whom they believed was supportive of LGBTQ students. Just over a third (38.8%) could identify many (11 or more) supportive school staff.
- Over one-third of LGBTQ students reported that their school administration was supportive of LGBTQ students.
- Few students reported that their school had a comprehensive anti-bullying/harassment policy that specifically included protections based on sexual orientation and gender identity/expression.
- Approximately one-tenth of LGBTQ students reported that their school had official policies or guidelines to support transgender and gender nonconforming students.

The availability of resources and supports in school for LGBTQ students is another important dimension of school climate. There are several key resources that may help to promote a safer climate and more positive school experiences for students: student clubs that address issues for LGBTQ students, school personnel who are supportive of LGBTQ students, LGBTQ-inclusive curricular materials, and inclusive, supportive school policies, such as inclusive anti-bullying policies and policies supporting transgender and gender nonconforming students.[106] Thus, we examined the availability of these resources and supports among LGBTQ students in the survey.

Supportive Student Clubs

For all students, including LGBTQ students, participation in extracurricular activities is related to a number of positive outcomes, such as academic achievement and greater school engagement.[107] Supportive student clubs for LGBTQ students, often known as Gay-Straight Alliances or Gender and Sexuality Alliances (GSAs), can provide LGBTQ students in particular with a safe and affirming space within a school environment that they may otherwise experience as hostile.[108] GSAs may also provide leadership opportunities for students and potential avenues for creating positive school change.[109] In our survey, more than half of LGBTQ students (53.3%) reported that their school had a GSA or similar student club. Among students with a GSA in their school, over half (51.1%) said that they attended club meetings at least sometimes, and more than one-fifth (22.3%) had participated as a leader or an officer in their club (see Table 2.1). Although most LGBTQ students in schools with a GSA reported participating in the GSA at some level, a little more than a third (36.3%) had not.

There is a small body of research examining why LGBTQ students may or may not participate in their school's GSA. Some research suggests that experiences of harassment and discrimination may motivate students to attend.[110] Findings on LGBTQ students of color, however, suggest that some groups may be discouraged from attending because they do not perceive their school's GSAs to be inclusive or useful.[111] More research, however, is needed in this area. Nevertheless, GSA leaders and advisors should assess potential barriers to GSA attendance at their school and take steps to ensure that GSA meetings are accessible to a diverse range of LGBTQ students.

Inclusive Curricular Resources

LGBTQ student experiences may also be shaped by inclusion of LGBTQ-related information in the curriculum. Learning about LGBTQ historical events and positive role models may enhance LGBTQ students' engagement in their schools and provide valuable information about the LGBTQ community. Students in our survey were asked whether they had been exposed to representations of LGBTQ people, history, or events in lessons at school, and the majority of respondents (64.8%) reported that their classes did *not* include these topics (see Figure 2.1). Of the students who indicated that LGBTQ topics had been discussed in one or more of their classes, the majority said that they were covered in a positive way (19.9% of the full sample), and slightly fewer said that they were covered in a negative manner (18.6% of the full sample).[112] Among the students who had been taught positive things about LGBTQ-related topics in class, History/Social Studies and English were the classes most often mentioned as being inclusive of these topics (see Table 2.2). We also asked students about potential curricular inclusion outside of direct classroom instruction, such as in class readings. Just under a fifth (19.5%) of LGBTQ students reported that LGBTQ-related topics were included in textbooks or other assigned readings (0.5% of students reported these topics were included in "many" of their textbooks or assigned readings, 19.0% of students reported these topics were included in "a few,"

Table 2.1 Availability of and Participation in GSAs

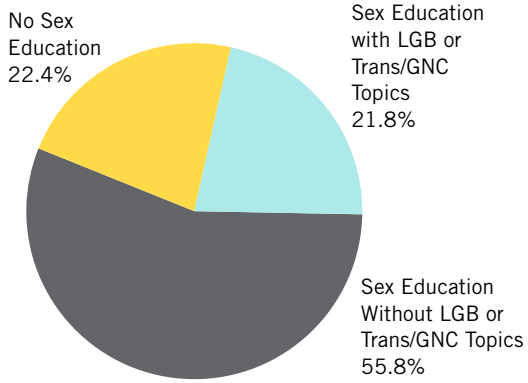
Have a GSA at School	
Yes	53.3%
No	46.7%
Frequency of GSA Meeting Attendance (n = 12148)	
Never	36.3%
Rarely	12.6%
Sometimes	12.1%
Often	7.9%
Frequently	31.1%
Acted as a Leader or Officer (n = 12141)	
Yes	22.3%
No	77.7%

Insight on LGBTQ-Inclusive Sex Education

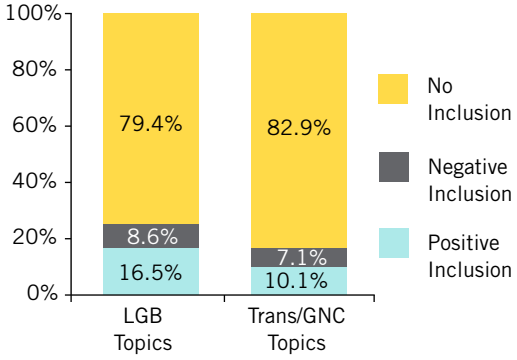
Sexuality education can be an important source of information for youth about a variety of critical topics — including contraception and pregnancy, HIV/AIDS and other sexually transmitted infections (STIs), dating and marriage, sexual violence, and puberty. Yet, not all states mandate that sex education be taught in schools.[113] In addition, only 4 states require sex education to be inclusive of LGBTQ identities.[114] Elsewhere, however, state legislation actually prohibits teachers from discussing homosexuality in a positive way in health or sex education classes.[115] Given this legislative climate, it may not be surprising that prior research demonstrates LGBTQ students generally find sex education less useful than their non-LGBTQ peers,[116] and report higher rates of adverse sexual health outcomes, such as STIs and intimate partner violence.[117] Not only is relevant sex education critical to ensuring LGBTQ youth's sexual health, but we have also found that prohibiting LGBTQ-inclusive sex education may contribute to poorer school climate for LGBTQ students more generally.[118] Therefore, in addition to questions about LGBTQ curricular inclusion broadly, we also included questions in the 2017 National School Climate Survey about LGBTQ inclusion in school-based sex education. Specifically, we asked students if they had ever received sex education in school, whether the sex education included any information about sexual orientation topics (i.e., lesbian, gay, and bisexual students) or gender identity-related topics (i.e., transgender and gender nonconforming students), and how positive or negative this inclusion was.

As shown in the Figure below, more than one-fifth of LGBTQ students (22.4%) reported that they had never received sex education in school. However, even though the majority of students (77.6%) had received some form of sex education in school, the sex education they received did not typically include LGBTQ topics (see Figure below). Students were somewhat more likely to report inclusion of lesbian, gay, and bisexual (LGB) topics than transgender/gender nonconforming (trans/GNC) topics, as illustrated in the second Figure below.[119] Among the students whose sex education had included LGBTQ topics (21.8%), more students reported positive inclusion than negative inclusion for both LGB and trans/GNC topics (see Figure below). In addition, LGB topics were somewhat more likely to be addressed in a positive way than trans/GNC topics.[120]

Percentage of LGBTQ Students who Have Received Sex Education



Inclusion of LGBTQ Topics in Sex Education
(Among LGBTQ Students who Received Sex Education)



Of all students in the sample, only 6.7% received LGBTQ-inclusive sex education, which included positive representations of both LGB and trans/GNC topics. Further, 8.8% of LGBTQ students were taught sex education that included negative representations of LGB or trans/GNC topics. Furthermore, LGBTQ students in rural, Southern, and religious schools were even less likely to receive LGBTQ-inclusive sex education (see *School Climate and School Characteristics* section).[121,122,123]

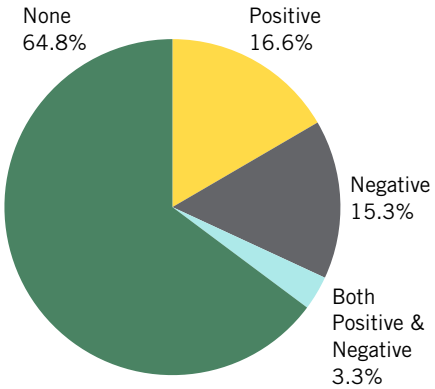
These findings indicate that the vast majority of LGBTQ students are left without critical health information. Even more troubling, a significant portion of LGBTQ students were actually taught negative information about LGBTQ topics in sex education class. This negative curricular inclusion may further stigmatize LGBTQ students and exacerbate sexual health risks. Advocates at the national, state, and local level should work to ensure that all students are provided with accurate and relevant sex education. Furthermore, health educators should be provided with the necessary training and resources to effectively implement LGBTQ-inclusive sex education curricula.

"I wish that there was more LGBTQ content taught in classes, and that adults who were not LGBTQ themselves felt comfortable bringing it up. We only talked about it in health class because the teacher was queer and knew about LGBTQ stuff from personal experience."

71.1% indicated that they were not included in any, and 9.4% reported that they did not know). In addition to these questions about LGBTQ inclusion in students' classes in the past year, we also asked students about LGBTQ inclusion in any sex education information they had ever received in school. A small amount of students (6.7%) reported receiving sex education that included positive representations of LGBTQ topics (see *Insight on LGBTQ-Inclusive Sex Education* for more detailed information).

We also asked students about their ability to access information about LGBTQ issues that may not be directly covered in class or assigned readings, such as information available in school libraries or via school computers. Most LGBTQ students in our survey did not have access to these types of LGBTQ-related curricular resources. As Figure 2.2 illustrates, less than half (41.0%) reported that they could find books or information on LGBTQ-related topics, such as LGBTQ history, in their school library (34.9% of students reported they could find "a few," 6.1% reported they could find "many," 27.9% indicated that they could not find any, and 31.1% reported that they didn't know). In addition, approximately half (49.2%) of students with internet access at school reported being able to access LGBTQ-related information via school computers.

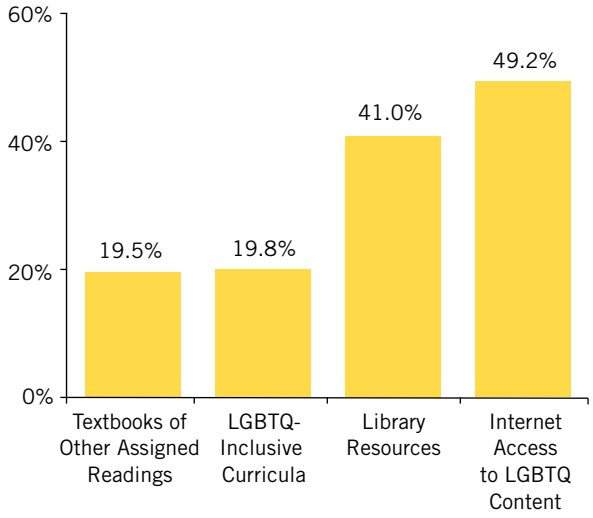
Figure 2.1 Representations of LGBTQ-Related Topics Taught in Any Classroom Curriculum
(Percentage of LGBTQ Students Reporting LGBTQ Topics in Curriculum in Past School Year)



Supportive School Personnel

Supportive teachers, principals, and other school staff serve as another important resource for LGBTQ students. Being able to speak with a caring adult in school may have a significant positive impact on the school experiences for students, particularly those who feel marginalized or experience harassment. In our survey, almost all students (96.6%) could identify at least one school staff member whom they believed was supportive of LGBTQ students at their school, and 61.0% could identify six or more supportive school staff (see Figure 2.3).

Figure 2.2 Availability of LGBTQ-Related Curricular Resources
(Percentage of LGBTQ Students Reporting Resource in Their School)



As the leaders of the school, school administrators may play a particularly important role in the school experiences of LGBTQ youth. They may serve not only as caring adults to whom the youth can turn, but they also set the tone of the school and determine specific policies and programs that may affect the school's climate. As shown in Figure 2.4, over one-third of LGBTQ students (39.8%) reported that their school administration (e.g., principal, vice principal) was very or somewhat supportive of LGBTQ students, yet over a quarter of students (25.9%) said their administration was very or somewhat unsupportive.

To understand whether certain types of educators were more likely to be seen as supportive, we asked LGBTQ students how comfortable they would feel talking one-on-one with various school personnel about LGBTQ-related issues. As shown in Figure 2.5, students reported that they would feel most comfortable talking with school-based mental health professionals (e.g., school counselors, social workers, or psychologists) and teachers: 52.8% said they would be somewhat or very comfortable talking about LGBTQ issues with a mental health staff member and 42.3% would be somewhat or very comfortable talking with a teacher (see Figure 2.5). Fewer students — approximately three-in-

Table 2.2 Positive Representations of LGBTQ-Related Topics Taught in Class

Classes	**% of LGBTQ Students Taught Positive Rep of LGBTQ-Related Topics** (n = 4419)	**% of all LGBTQ Students in Survey** (n = 22760)
History or Social Studies	58.5%	11.4%
English	39.5%	7.7%
Health	25.0%	4.9%
Art	15.8%	3.1%
Music	12.9%	2.5%
Science	12.2%	2.4%
Foreign Language	11.2%	2.2%
Psychology	10.7%	2.1%
Sociology	6.6%	1.3%
Gym or Physical Education	5.9%	1.2%
Math	4.8%	0.9%
Other Class (e.g., Drama, Advisory)	8.7%	1.7%

Figure 2.3 LGBTQ Students' Reports on the Number of Teachers and Other School Staff who are Supportive of LGBTQ Students

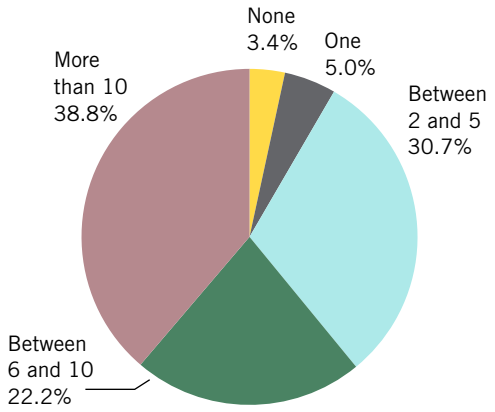
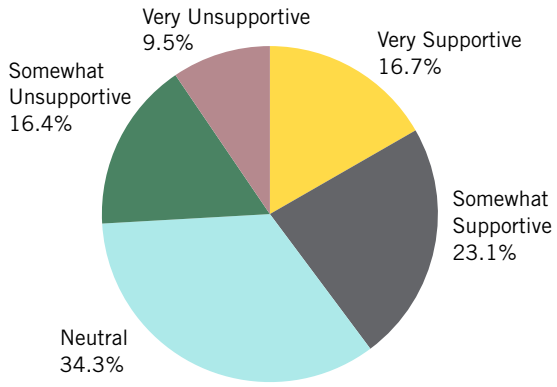


Figure 2.4 LGBTQ Students' Reports on How Supportive Their School Administration is of LGBTQ Students

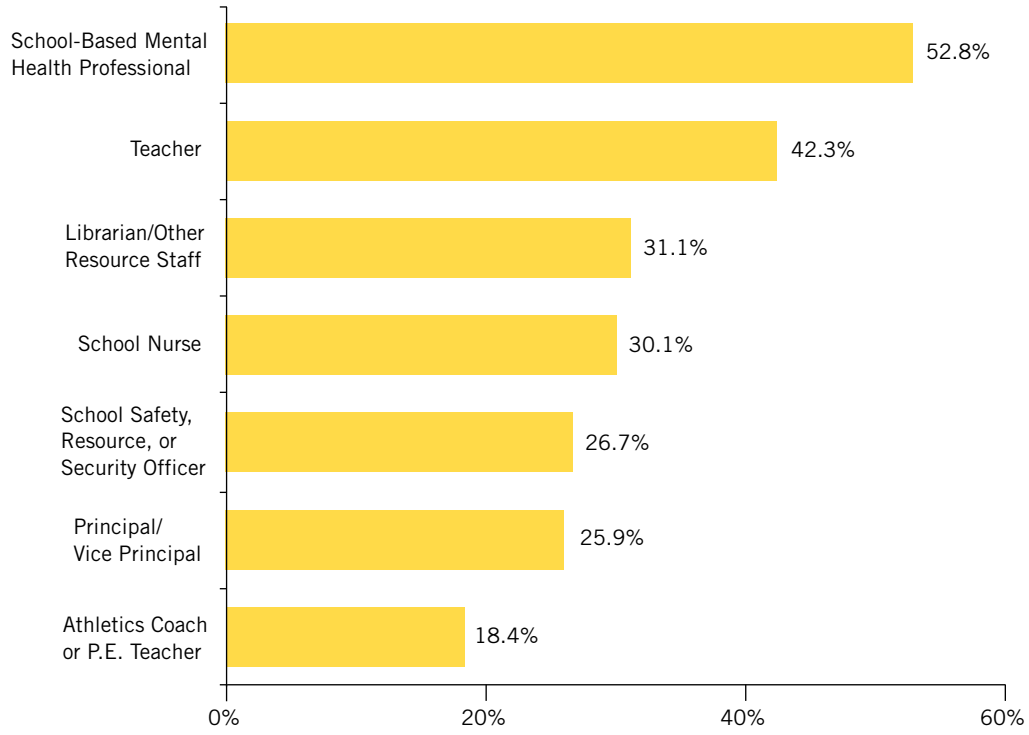


ten — indicated that they would feel comfortable talking one-on-one with a school librarian or school nurse about these issues: and just over a quarter indicated they would be comfortable talking with a school safety/resource officer or principal/vice principal. LGBTQ students were least likely to feel comfortable talking with an athletic coach/Physical Education (P.E.) teacher about LGBTQ issues (see also Figure 2.5).[124]

Supportive teachers and other school staff members serve an important function in the lives of LGBTQ youth, helping them feel safer in school as well as promoting their sense of school belonging and psychological well-being. One way educators can demonstrate their support for LGBTQ youth is through visible displays of such support, such as Safe Space stickers and posters. (These stickers and posters are part of GLSEN's Safe Space Kit,[125] an educator resource aimed at making learning environments more positive for LGBTQ students.) These materials are intended to provide visible evidence of staff members who are allies to LGBTQ students and who can be turned to for support or needed intervention. In order to assess the visibility of Safe Space stickers and posters at school, we asked students if they had

"I feel like my school isn't trying very hard to be inclusive or make productive change, but the students and specific faculty members are. We have a GSA and a district organization which are both really helpful, but are mostly student led. I wish the adults would TRY HARDER!"

Figure 2.5 Comfort Talking with School Personnel about LGBTQ Issues
(Percentage of LGBTQ Students Reporting that They Would Be Somewhat or Very Comfortable)



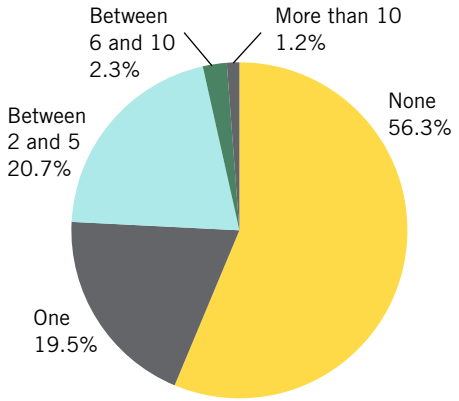
seen them displayed in their school. Just over half of LGBTQ students (51.9%) in the survey reported seeing at least one Safe Space sticker or poster at their school, whereas nearly one-half of students (48.1%) had not seen any Safe Space stickers or posters displayed in school.

The presence of LGBTQ school personnel who are out or open at school about their sexual orientation and/or gender identity may provide another source of support for LGBTQ students. In addition, the number of out LGBTQ personnel may provide a sign of a more supportive and accepting school climate. Over a third of students (43.7%) in our survey said they could identify at least one out LGBTQ staff person at their school (see Figure 2.6).

Inclusive and Supportive School Policies

GLSEN believes that all students should have access to a safe and supportive learning environment, regardless of a student's sexual orientation, gender identity, or gender expression.

Figure 2.6 LGBTQ Students' Reports on the Number of Openly LGBTQ Teachers or Other School Staff



Official school policies and guidelines can contribute toward this goal by setting the standards for which students should be treated, noting what types of behavior are unacceptable, and making students aware of the protections and rights afforded to them.

School Policies for Addressing Bullying, Harassment, and Assault. School policies that address in-school bullying, harassment, and assault are powerful tools for creating school environments where students feel safe. These types of policies can explicitly state protections based on personal characteristics, such as sexual orientation and gender identity/expression, among others. In this report, we refer to a "comprehensive" policy as one that explicitly enumerates protections based on personal characteristics and includes both sexual orientation and gender identity/expression. When a school has and enforces a comprehensive policy, especially one which also includes procedures for reporting incidents to school authorities, it can send a message that bullying, harassment, and assault are unacceptable and will not be tolerated. Comprehensive school policies may also provide students with greater protection against victimization because they make clear the various forms of bullying, harassment, and assault that will not be tolerated. It may also demonstrate that student safety, including the safety of LGBTQ students, is taken seriously by school administrators. "Partially enumerated" policies explicitly mention sexual orientation or gender identity/expression, but not both, and may not provide the same level of protection for LGBTQ students. "Generic" anti-bullying or anti-harassment school policies do not enumerate sexual orientation or gender identity/expression as protected categories.

Table 2.3 LGBTQ Students' Reports of School Bullying, Harassment, and Assault Policies

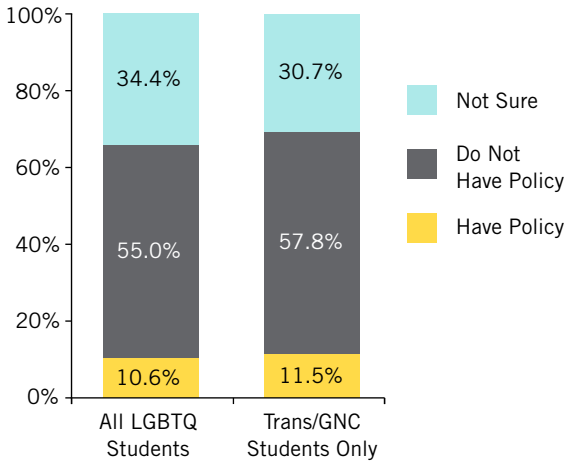
No Policy/Don't Know	20.8%
Any Policy	79.3%
Generic (enumerates neither sexual orientation nor gender identity/expression or unsure if policy includes enumeration)	57.3%
Partially Enumerated	9.4%
Sexual orientation only	*8.5%*
Gender identity/expression only	*0.9%*
Comprehensive (enumerates both sexual orientation and gender identity/expression)	12.6%

Students were asked whether their school had a policy about in-school bullying, harassment, or assault, and if that policy explicitly included sexual orientation and gender identity or expression. Although a majority of students (79.3%) reported that their school had some type of policy (see Table 2.3), only 12.6% of students in our survey reported that their school had a comprehensive policy that specifically mentioned both sexual orientation and gender identity/expression (see also Table 2.3).

Policies and Guidelines on Transgender and Gender Nonconforming (Trans/GNC) Students. Anti-bullying and harassment policies are critical for ensuring safe school environments for all students. However, these policies do not explicitly address potential discrimination faced by LGBTQ students. Our research has indicated that transgender and gender nonconforming youth are at heightened risk for in-school discrimination that can greatly hinder their right to an education (see also the *Experiences of Discrimination at School* section).[126] Some state and local education agencies have developed explicit policies and implemented practices designed to ensure transgender and gender nonconforming students are provided with equal access to education.[127] However, little is known about the prevalence or the content of these types of policies.

In our survey, we asked LGBTQ students whether their school or district had official policies or guidelines to support transgender or gender nonconforming students. One in ten LGBTQ students (10.6%) indicated that their school or district had such a policy (see Figure 2.7). Transgender and gender nonconforming students were slightly more aware of their school's policies in this area (see also Figure 2.7),[128] which is not surprising given they are more likely to need the protections and supports these policies provide.

Figure 2.7 Percentage of LGBTQ Students Reporting their School has Policy/Guidelines Regarding Transgender/Gender Nonconforming (Trans/GNC) Students



Students who reported that their school had such a policy were provided with a list of nine different areas that the policy might address and were also provided the opportunity to indicate other areas that were not listed. Responses from transgender and gender nonconforming students are provided in Table 2.4. Although we highlight responses from trans/GNC students, cisgender students in our survey reported inclusion to nearly the same degree as trans/GNC students.[129] Students most commonly reported that transgender/gender nonconforming student policies addressed the use of students' names/pronouns (82.7% of trans/GNC students with a policy, 9.4% of all trans/GNC students in the survey), and school bathrooms (72.8% of trans/GNC students with policy reported use of boys/girls bathroom, 8.3% of those in full survey sample; 62.2% reported gender neutral bathroom access, 7.1% of those in full survey sample).[130] The least commonly addressed area was housing in dorms or during field trips. Given that less than one percent of US schools are boarding schools,[131] it would be expected that fewer students would report policies that addressed issues of dormitories. Few students indicated that their policy included other topics, such as confidentiality policies and educating the school community about transgender student issues (see also Table 2.4).

Table 2.4 Transgender and Gender Nonconforming (Trans/GNC) Students'* Reports of Areas Addressed in Trans/GNC Student School Policies and Official Guidelines

	% of Trans/ GNC Students with Policy	% of All Trans/ GNC Students in Survey
Use pronoun/name of choice	82.7%	9.4%
Use bathrooms that match gender identity (boys or girls)	72.8%	8.3%
Access gender neutral bathroom	62.2%	7.1%
Change official school records after name or gender change	55.1%	6.3%
Participate in extracurricular activities that match gender identity (non-sports)	51.9%	5.9%
Dress codes/school uniforms match gender identity	48.4%	5.5%
Locker rooms that match gender identity	45.9%	5.2%
Participate in school sports that match gender identity	42.4%	4.8%
Stay in housing during field trips or in dorms that match gender identity	25.5%	2.9%
Another topic not listed (e.g., confidentiality policies, education for school community)	1.6%	0.2%

*Trans/GNC students refers to all non-cisgender students in the survey sample, including transgender students, genderqueer students, other nonbinary students, students questioning their gender, and other students who do not identity as cisgender (e.g., demigender).

Utility of School-Based Resources and Supports

Key Findings

- LGBTQ students experienced a safer, more positive school environment when:
  - Their school had a Gay-Straight Alliance or Gender and Sexuality Alliance (GSA) or similar student club;
  - They were taught positive representations of LGBTQ people, history, and events through their school curriculum;
  - They had supportive school staff who frequently intervened in biased remarks and effectively responded to reports of harassment and assault; and
  - Their school had an anti-bullying/harassment policy that specifically included protections based on sexual orientation and gender identity/expression.
- Transgender/gender nonconforming (trans/GNC) students in schools with official policies or guidelines to support trans/GNC students had more positive school experience, including less discrimination and more positive school belonging.

School-based resources, such as supportive student clubs, LGBTQ-inclusive curricula, supportive school personnel, and inclusive, supportive policies, may help create a more positive school environment for LGBTQ students.[132] These institutional supports may provide formal processes and structures for addressing LGBTQ-related issues in schools, which then may foster better school outcomes and well-being for students.[133] In this section, we examine the relationship between school-based institutional supports and school climate, as well as educational indicators, such as absenteeism, academic achievement, educational aspirations, and school belonging, and indicators of student well-being such as self-esteem and depression.

Supportive Student Clubs

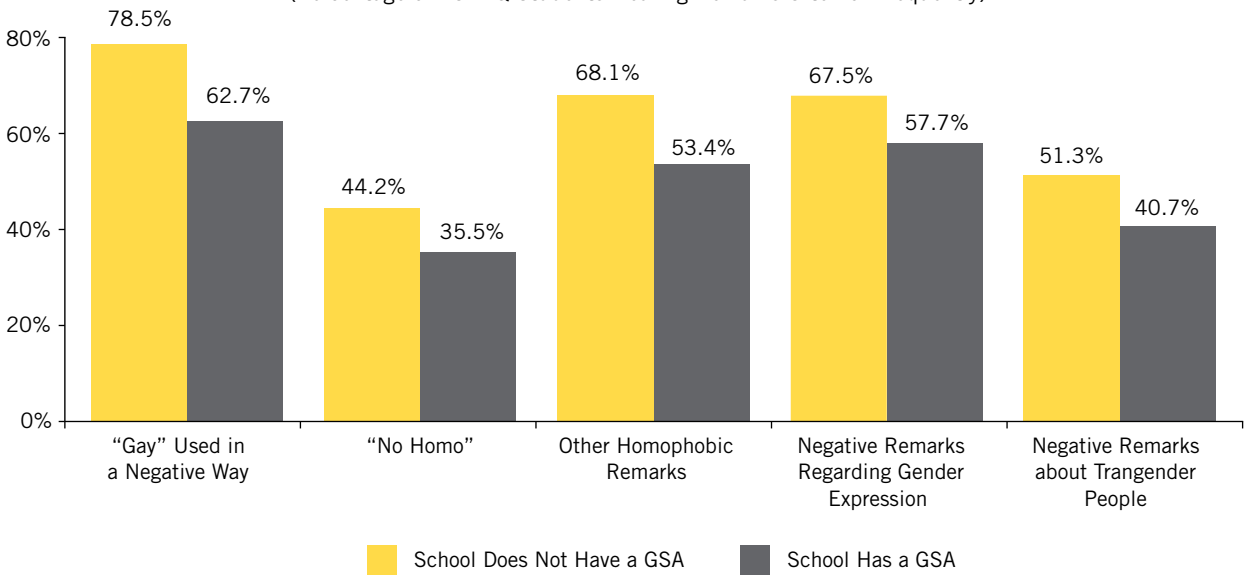
Student clubs that address issues of sexual orientation and gender identity/expression (such as Gay-Straight Alliances or Gender and Sexuality Alliances, often known as GSAs) can provide a safe space for LGBTQ students and their allies to meet, socialize, and advocate for changes in their schools and communities.[134] The presence of a GSA may also contribute to a more respectful student body by raising awareness of LGBTQ issues, as well as demonstrate to LGBTQ students that they have allies in their schools.[135] As such, GSAs can contribute to safer and more inclusive schools for LGBTQ students.[136]

Biased Language, School Safety, and Absenteeism. We found that LGBTQ students in our survey who attended schools with a GSA:

- Heard anti-LGBTQ remarks less frequently than LGBTQ students in schools without a GSA (see Figure 2.8).[137] For instance, 53.4% of students in schools with a GSA reported hearing homophobic remarks such as "fag" or "dyke" often or frequently, compared to 68.1% of students in schools without a GSA;
- Were less likely to feel unsafe because of their sexual orientation (51.7% vs. 67.3% of students without a GSA) or gender expression (41.3% vs. 48.2%; see Figure 2.9);[138] and
- Experienced less severe victimization related to their sexual orientation or gender expression (see Figure 2.10).[139] For example, approximately one-fifth of students (21.5%) in schools with a GSA experienced higher levels of victimization based on sexual orientation, compared to nearly two-fifths of students (38.1%) in schools without GSAs.

Perhaps in part because of the positive effect of GSAs on school climate, LGBTQ students in schools with a GSA were less likely to have missed school in the past month because of feeling unsafe or uncomfortable (28.7% vs. 41.8% without a GSA; see Figure 2.9).[140]

Figure 2.8 Presence of GSAs and Frequency of Hearing Biased Remarks
(Percentage of LGBTQ Students Hearing Remarks Often or Frequently)



Students' Connections to School Staff. Given that GSAs typically include at least one faculty advisor, the presence of a GSA may make it easier for LGBTQ students to identify a supportive school staff person. Indeed, students in schools with a GSA could identify more supportive staff members than students in schools without a GSA.[141] For example, as shown in Figure 2.11, over half of LGBTQ students (55.3%) with a GSA reported having many supportive staff, compared to just one-fifth (19.7%) of those without a GSA in their school.

By increasing awareness of anti-LGBTQ bias in the school environment or promoting training for educators on LGBTQ issues, GSAs may help increase rates of staff intervention in anti-LGBTQ biased remarks. We found that staff in schools with GSAs intervened in homophobic remarks and negative remarks about gender expression more frequently than educators in schools without a GSA.[142] For example, 18.2% of staff in schools with GSAs intervened in homophobic remarks most of the time or always, compared to 11.3% of staff in schools without GSAs (see Figure 2.12).

Peer Acceptance and Intervention. GSAs provide an opportunity for LGBTQ students and their allies to meet together in the school environment, and they may also provide an opportunity for LGBTQ students and issues to be visible to other students in school. In addition, GSAs may engage in activities designed to combat anti-LGBTQ prejudice and raise awareness about LGBTQ issues. In fact, LGBTQ students in our survey with a GSA in their school were much more likely than students without a GSA to participate in a GLSEN Day of Action,[143] such as the Day of Silence (43.5% of those with a GSA vs. 18.7% of those without).[144] As such, GSAs may foster greater acceptance of LGBTQ people among the student body, which then may result in a more positive school climate for LGBTQ students.

Figure 2.9 Presence of GSAs and LGBTQ Students' Feelings of Safety and Missing School

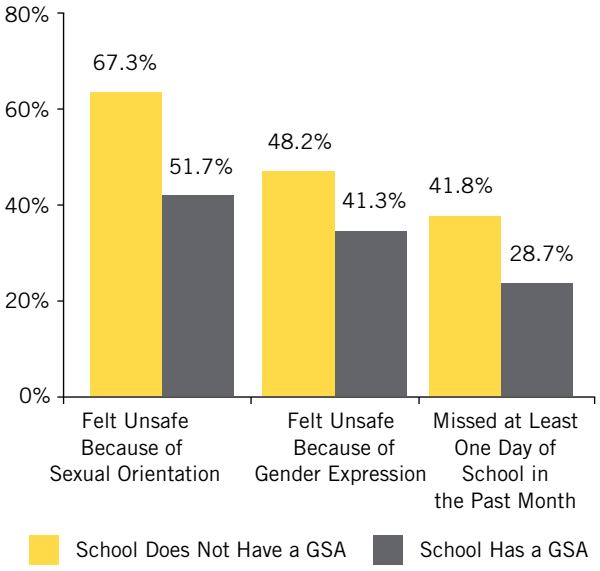


Figure 2.10 Presence of GSAs and Victimization
(Percentage of LGBTQ Students Experiencing Higher Levels of Victimization)

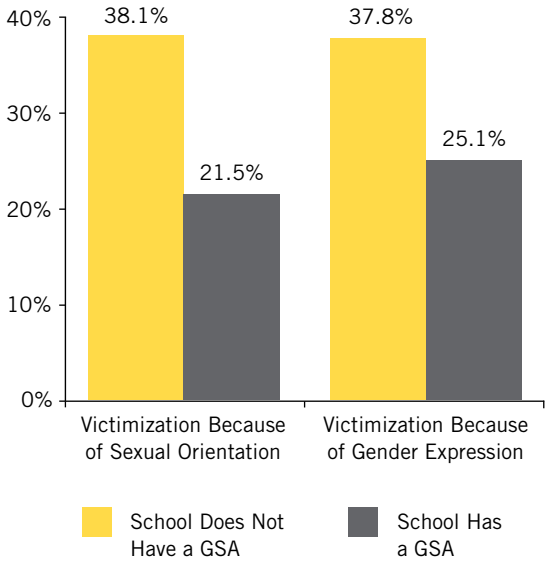
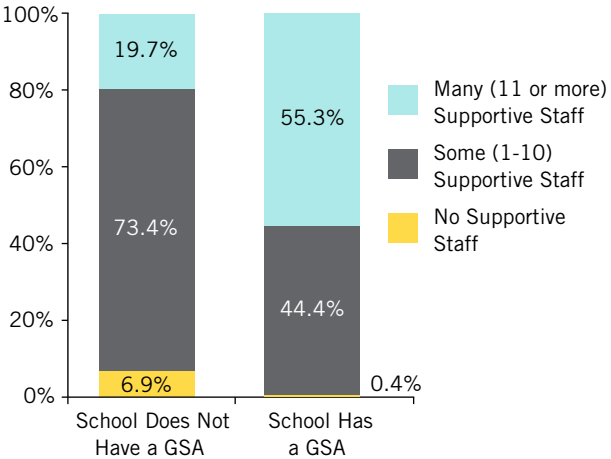


Figure 2.11 Presence of GSAs and Number of School Staff Supportive of LGBTQ Students



"The teacher who ran the GSA was so kind, fun, and accepting to everyone in the group and was excited about the ways we might express it to the whole school. That club made me feel a lot better about myself and made me more comfortable about sharing myself with others."

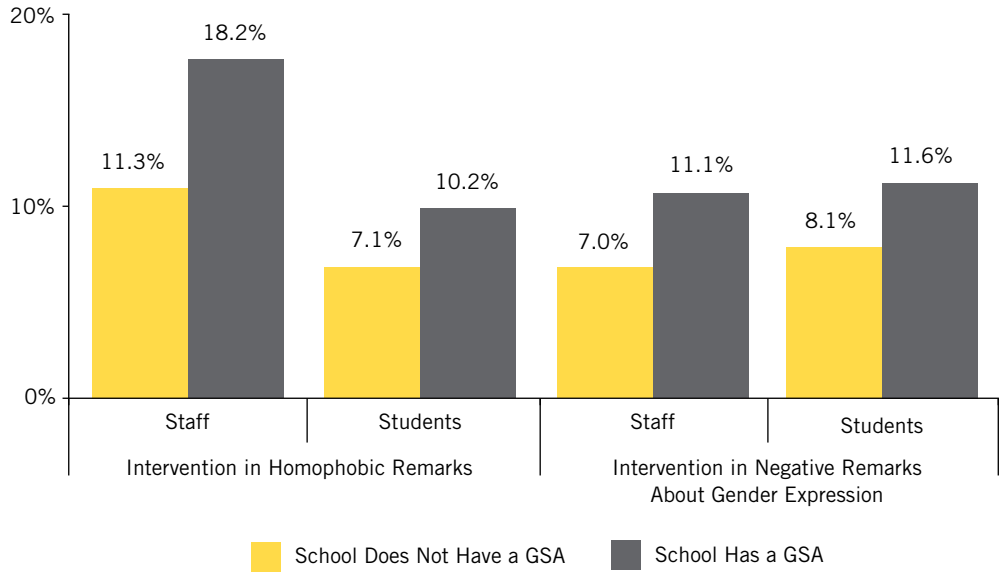
Among all students in our survey, 42.4% reported that their peers were somewhat or very accepting of LGBTQ people.[145] Students who attended schools with a GSA were much more likely than those without a GSA to report that their classmates were accepting of LGBTQ people. As shown in Figure 2.13, students in schools with GSAs were almost twice as likely to describe their peers as accepting compared to students in schools without a GSA (54.7% vs. 28.3%).[146] GSAs were also related to increased student intervention in biased remarks. Students in schools with GSAs reported that other students intervened more often when hearing homophobic remarks and negative remarks about gender expression than those in schools without GSAs (see also Figure 2.12).[147]

School Belonging and Student Well-Being. Given that GSAs are related to more supportive educators and more accepting peers, it is not surprising that LGBTQ students with a GSA also reported higher levels of school belonging.[148] Increased feelings of belonging and a greater sense of safety may have a positive effect on LGBTQ student well-being. In fact, we found that LGBTQ students in schools with GSAs reported lower levels of depression and higher levels of self-esteem than students in schools without GSAs.[149]

Inclusive Curricular Resources

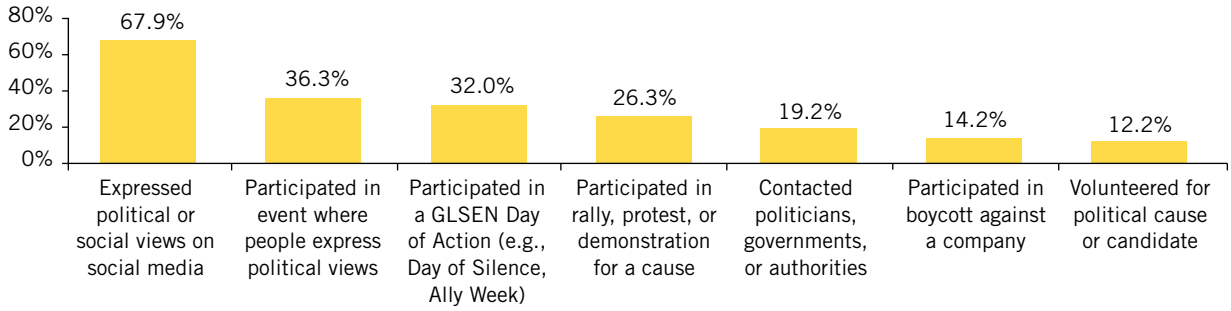
Many experts in multicultural education believe that a curriculum that is inclusive of diverse groups — including culture, race, ethnicity, gender, and sexual orientation — instills a belief in the intrinsic worth of all individuals and in the value of a diverse society.[150] Including LGBTQ-related issues in the curriculum in a positive manner may make LGBTQ students feel like more valued members

Figure 2.12 Presence of GSAs and Intervention in Anti-LGBTQ Remarks
(Percentage of LGBTQ Students Reporting that Staff and Students Intervene Most of the Time or Always)



A key aspect of GLSEN's work is supporting students as they take action to improve their schools and communities. In addition to participating in clubs such as GSAs, students may address social and political issues — both in and out of school — by expressing their views and advocating for change. We asked the LGBTQ students in our survey whether they had participated in activities designed to make social or political change. The vast majority (80.2%) indicated that they had engaged in at least one of these types of activism over the past year. The most commonly reported form of activism was using social media, with over two-thirds of LGBTQ students (67.9%) reporting that they had shared their views about social or political issues on platforms such as Facebook or Twitter. Other forms of activism were somewhat less common — as shown in the Figure below, approximately one-third of students reported having participated in an event where people express their political views or participated in a GLSEN Day of Action, such as the Day of Silence.[151] Over a quarter of students had participated in a rally, protest, or demonstration and almost a fifth of students had contacted politicians or government officials to address an issue. Over ten percent had participated in a boycott against a company or volunteered for a political campaign or cause.

Percentage of LGBTQ Students Participating in Social Activism in the Past Year



Some research suggests that extracurricular school clubs that focus on socio-political issues support positive youth development and lead to greater civic involvement.[152] Although we acknowledge that GSAs may range in activities from social to advocacy, we would maintain that by definition, all GSAs address sociopolitical issues to some extent in that they are centered on the school experiences of LGBTQ youth. We found that students were more likely to engage in activism if they participated in a GSA or other extracurricular activities at school related to social or political issues — more than 9 in 10 students who participated in a GSA (91.0%) or other social justice club (94.5%) engaged in at least one of these forms of activism, compared to just over three-fourths of LGBTQ students who did not participate in a GSA (74.7%) or social justice club (78.9%).[153] These clubs might provide students with opportunities to engage in social action. For example, a GSA might organize a Day of Silence event, or a social justice club might coordinate a Black Lives Matter rally. Furthermore, these types of clubs might help to develop students' critical consciousness around political and social issues through discussions and activities.[154] Of course, it may also be that students who are already politically or socially aware may both engage in social activism and belong to one of these extracurricular clubs. Further research should examine the role of student clubs in developing students' sociopolitical consciousness as well as their motivation, skill, and opportunity to become further engaged in social and political issues.

Social activism is one aspect of civic engagement, and has been connected with greater well-being and educational outcomes.[155] Youth activism can help to develop students' confidence, skills, and engagement in civic life. These opportunities may be particularly beneficial for youth who are part of marginalized groups, such as LGBTQ populations, and may serve to ameliorate the negative effects of stigma and victimization.[156]

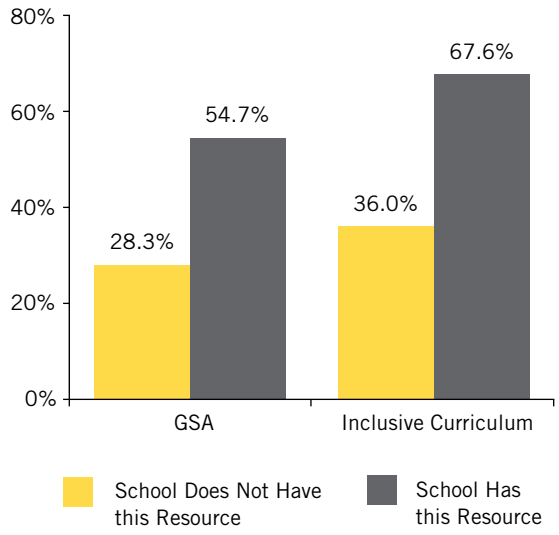
Providing opportunities for LGBTQ youth to increase their awareness and develop their sense of agency may provide key benefits to these students while in school and beyond.[157] Thus, schools should support student activism through providing opportunities via extracurricular activities such as GSAs and other clubs related to social justice. Schools can also develop students' critical thinking and engagement around social issues through classroom curricula that address these issues, encourage critical thought, and provide opportunities for youth to advocate for their views.

of the school community, and it may also promote more positive feelings about LGBTQ issues and persons among their peers, thereby resulting in a more positive school climate.[158]

Biased Language. Among the LGBTQ students in our survey, attending a school that included positive representations of LGBTQ topics in the curriculum was related to less anti-LGBTQ language.[159] Specifically, LGBTQ students in schools with an LGBTQ-inclusive curriculum:

- Heard homophobic remarks less frequently (see Figure 2.14). For instance, half of students (51.5%) in schools with an inclusive curriculum reported hearing "gay" used in a negative way often or frequently, compared to three-fourths of students (74.7%) in schools without an inclusive curriculum;
- Heard negative remarks about gender expression less frequently than students in schools without an inclusive curriculum (see also Figure 2.14); and
- Heard negative remarks about transgender people less frequently than students in schools without an inclusive curriculum (see also Figure 2.14).

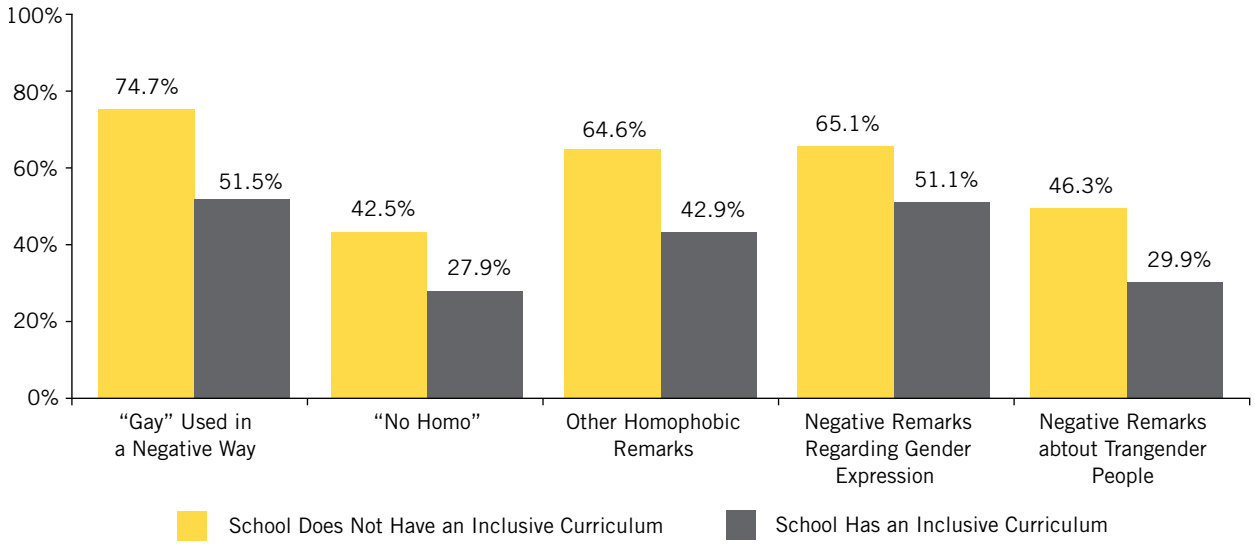
Figure 2.13 School Supports and Peer Acceptance of LGBTQ People
(Percentage of LGBTQ Students Reporting that Their Peers Were Somewhat or Very Accepting)



Victimization and School Safety. Attending a school with an LGBTQ-inclusive curriculum was also related to greater school safety and fewer safety-related absences. Specifically, LGBTQ students in schools with an LGBTQ-inclusive curriculum:

- Reported less severe victimization. As shown in Figure 2.15, students in schools with an inclusive curriculum were less likely to have experienced higher levels of LGBTQ-related school victimization compared to students in schools without an inclusive curriculum;[160]

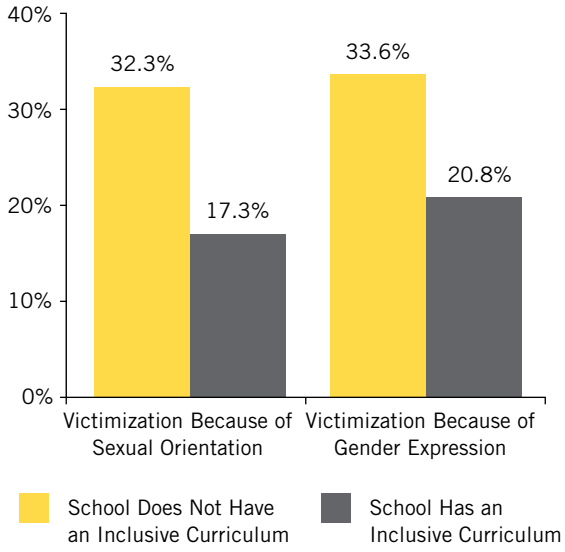
Figure 2.14 LGBTQ-Inclusive Curriculum and Frequency of Hearing Anti-LGBTQ Remarks
(Percentage of LGBTQ Students Hearing Remarks Often or Frequently)



- Felt safer in school (see Figure 2.16). Four-in-ten students (41.8%) in schools with an inclusive curriculum felt unsafe at school due to their sexual orientation, compared to more than six-in-ten (63.3%) of those in schools without an inclusive curriculum;[161] and

- Were less likely to report having missed school due to feeling unsafe or uncomfortable (23.6% vs. 37.7%, see Figure 2.16).[162]

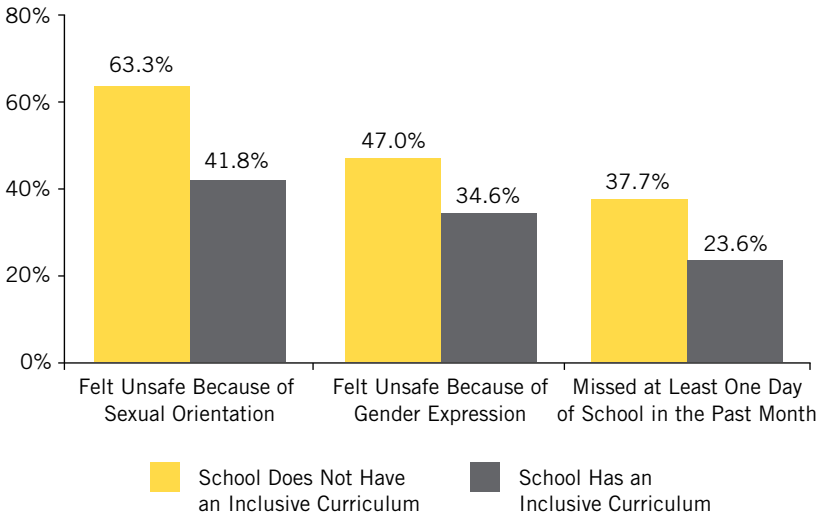
Figure 2.15. LGBTQ-Inclusive Curriculum and Victimization
(Percentage of LGBTQ Students Experiencing Higher Severities of Victimization)



Students' Connections to School Staff. When educators include LGBTQ-related content in their curriculum, they may also be sending a message that they are open to discussing LGBTQ-related issues with their students. LGBTQ students in schools with an inclusive curriculum were more likely to say they felt comfortable discussing these issues with their teachers than students in schools without an inclusive curriculum — almost two-thirds of students (65.4%) with an inclusive curriculum indicated they felt "somewhat" or "very" comfortable talking with their teachers about these issues, compared to just over one-third of students (36.4%) without an inclusive curriculum.[163]

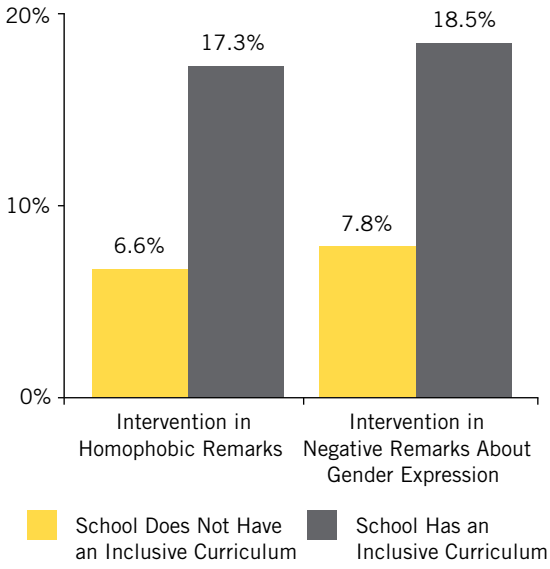
Achievement and Aspirations. Inclusive curricula can serve a vital role in creating an affirming learning environment where LGBTQ students see themselves reflected in their classroom. This may result in increased student engagement and may encourage students to strive academically which, in turn, may yield better educational outcomes. In fact, we found that LGBTQ students who were exposed to an LGBTQ-inclusive curriculum performed better in school. LGBTQ students in schools with an inclusive curriculum reported higher grade point averages (GPA) (3.3 vs. 3.2).[164] We also found that students with an LGBTQ-inclusive curriculum evidenced higher academic aspirations.[165] For example, students in schools with an inclusive curriculum were less likely to say they did not plan to pursue some type of post-secondary education compared to LGBTQ students in schools without an inclusive curriculum (5.4% vs. 6.5%).

Figure 2.16 LGBTQ-Inclusive Curriculum and LGBTQ Students' Feelings of Safety and Missing School



Peer Acceptance and Peer Intervention. The inclusion of positive portrayals of LGBTQ topics in the classroom may not only have a direct effect on LGBTQ students' experience, but may also help educate the general student body about LGBTQ issues and promote respect and understanding of LGBTQ people in general. LGBTQ students who attended schools with an LGBTQ-inclusive curriculum were much more likely to report that their classmates were somewhat or very accepting of LGBTQ people (67.6% vs. 36.0%).[166] An LGBTQ-inclusive curriculum may raise awareness of LGBTQ issues and the negative effects of anti-LGBTQ bias, which could encourage students to speak up when they encounter anti-LGBTQ behaviors. Although overall rates of students' intervention in these types of remarks were low, students in schools with an inclusive curriculum reported that other students were more than twice as likely to intervene most or all of the time when hearing homophobic remarks and negative remarks about gender expression as students in schools without an inclusive curriculum (see Figure 2.17).[167]

Figure 2.17 LGBTQ-Inclusive Curriculum and Student Intervention in Anti-LGBTQ Remarks
(Percentage of LGBTQ Students who Report that Students Intervened Most or All of the Time)



School Belonging and Well-Being. Given that an inclusive curriculum is related to more supportive educators and more accepting peers, it is not surprising that LGBTQ students in schools where positive representations of LGBTQ people and topics are taught reported higher levels of school belonging.[168] LGBTQ students in schools with an inclusive curriculum also reported higher levels of self-esteem and lower levels of depression than LGBTQ students in schools without an inclusive curriculum.[169]

Supportive School Personnel

Having supportive teachers and school staff can have a positive effect on the educational experiences of any student, increasing student motivation to learn and positive engagement in school.[170] Given that LGBTQ students often feel unsafe and unwelcome in school, having access to school personnel who provide support may be critical for creating better learning environments for LGBTQ students.[171] Therefore, we examined the relationships between the presence of supportive staff and several indicators of school climate.

School Safety and Absenteeism. Having staff supportive of LGBTQ students was related to feeling safer in school and missing fewer days of school. As shown in Figure 2.18, students with more supportive staff at their schools were less likely to feel unsafe due to their sexual orientation or gender expression, as well as less likely to miss school because of feeling unsafe or uncomfortable.[172] For example, 43.4% of students with 11 or more supportive staff reported feeling unsafe because of their sexual orientation, compared to 79.2% of students with no supportive staff.

Table 2.5 Supportive Staff and LGBTQ Students' Academic Achievement

	Mean Reported Grade Point Average (GPA)
No Supportive Staff	3.0
Some (1–10) Supportive Staff	3.1
Many (11 or More) Supportive Staff	3.3

"As a genderfluid person, I've made my identity clear to my theater directors. Due to their acceptance of my identity and their knowledge of my respect and dedication to theater, they allowed me the lead male role in the junior varsity theater show (I am biologically female). That was the most amazing experience I've had."

Achievement and Aspirations. Supportive staff members serve a vital role in creating an affirming learning environment that engages students and encourages them to strive academically. Therefore, it stands to reason that supportive staff would be related to LGBTQ students' educational outcomes. We found that students with more supportive staff:

- Were more likely to say they planned to attend college or pursue other post-secondary education after graduation: 14.2% of students with no supportive staff said they did not plan to pursue post-secondary education, compared to only 3.7% of students with 11 or more supportive educators (see Figure 2.19);[173]
- Were more likely to say they planned to complete high school: 4.9% of students with no supportive educators said they did not plan to complete, or were not sure if they would complete high school, compared to only 0.5% of students with 11 or more supportive educators (see Figure 2.19);[174] and
- Reported higher GPAs: students with no supportive staff reported an average GPA of 3.0, compared to a GPA of 3.3 for students with 11 or more supportive staff (see Table 2.5).[175]

Figure 2.18 Supportive School Staff and Feelings of Safety and Missing School

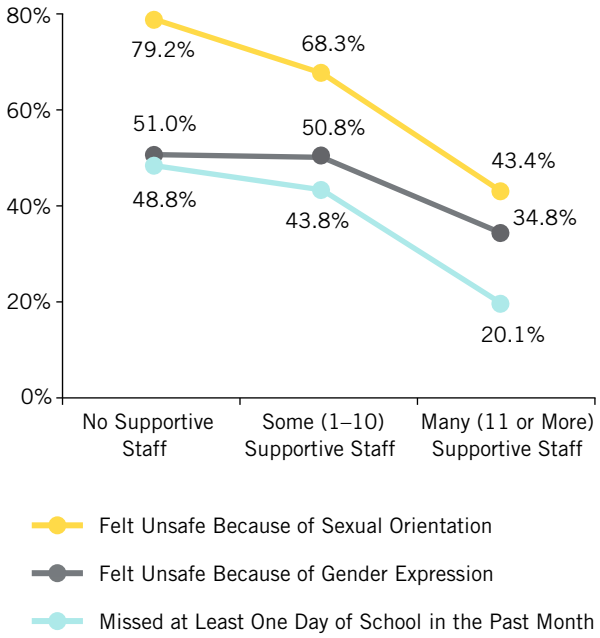
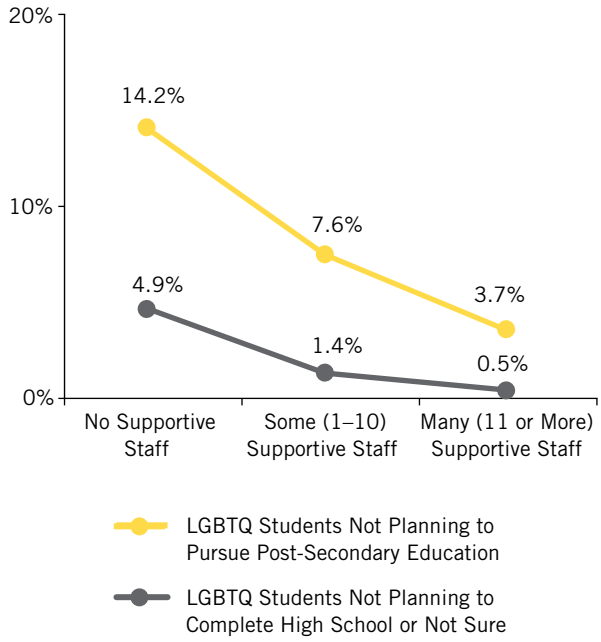


Figure 2.19 Supportive School Staff and Educational Aspirations



School Belonging and Well-Being. As we saw with having a GSA and an LGBTQ-inclusive curriculum, having supportive school personnel may also enhance a student's connection to school. Students with more supportive staff members expressed higher levels of school belonging.[176] Increased feelings of connection may also have a positive effect on student well-being. We found that LGBTQ students in schools with more supportive staff reported higher levels of self-esteem and lower levels of depression.[177]

Staff Responses to Anti-LGBTQ Remarks and Victimization. School staff members serve a vital role in ensuring a safe learning environment for all students, and, as such, should respond to biased language and all types of victimization. We found that students with educators who intervened more often in anti-LGBTQ remarks felt safer in their schools than those with educators who intervened less frequently.[178] For example, as shown in Figure 2.20, 66.5% of students in schools where staff never intervened or only intervened some of the time in homophobic remarks said they had felt unsafe because of their sexual orientation or gender expression, compared to 43.2% of students in schools where staff intervened most or all of the time. Staff intervention was also related to fewer days of missing school (see Figure 2.21).[179] For example, two-fifths of students (40.4%) in schools where school staff only sometimes or never intervened in negative remarks about gender expression had missed school due to feeling unsafe or uncomfortable, compared to just over a fourth of students (28.0%) in schools where staff members intervened most or all of the time.

The overarching goals of staff intervention are to protect students, prevent future victimization, and demonstrate to the student body that such actions will not be tolerated. Clear and appropriate actions on the part of school staff regarding harassment and assault can improve the school environment for LGBTQ youth and may also serve to deter future acts of victimization. In fact, as shown in Figure 2.22, when students believed that staff effectively addressed harassment and assault, they were less likely to feel unsafe at school because of their sexual orientation or gender expression (32.9% vs. 49.9%)[180] and less likely to miss school because they felt unsafe or uncomfortable (36.0% vs. 59.0%).[181] In addition, as shown in Figure 2.23, students in schools where staff responded effectively experienced lower levels of victimization based on their sexual orientation or gender expression. For example, about one-third of students (32.5%) who reported that staff intervened effectively experienced higher levels of victimization based on gender expression compared to over half of students (54.4%) who reported that staff responded ineffectively.[182]

Figure 2.20 Staff Intervention in Biased Remarks and Feelings of Safety in School
(Percentage of LGBTQ Students who Felt Unsafe Because of Sexual Orientation or Gender Expression)

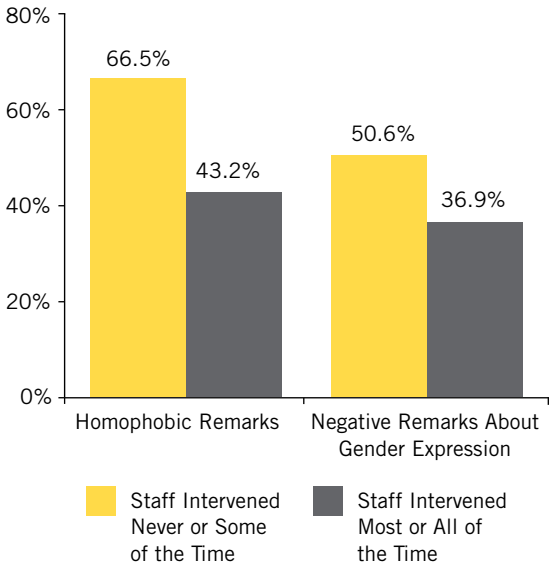
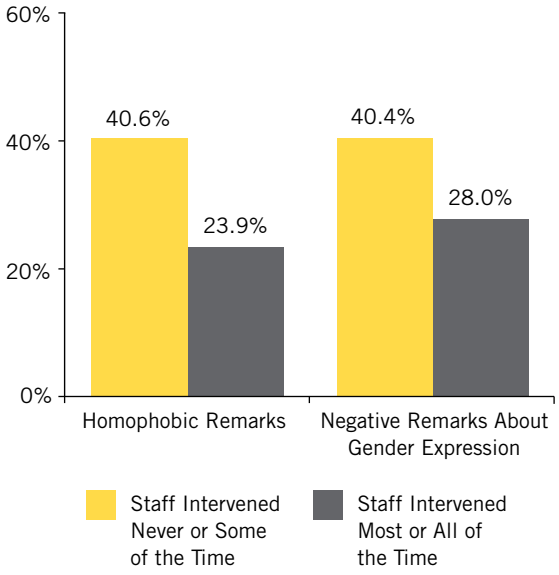


Figure 2.21 Staff Intervention in Biased Remarks and Missing School Due to Feeling Unsafe
(Percentage of LGBTQ Students who Had Missed at Least One Day of School in the Past Month)



Visible Displays of Support. One of the many ways that educators can demonstrate to LGBTQ students that they are supportive allies is through visible displays of support, such as GLSEN's Safe Space stickers and posters. Safe Space stickers and posters were strongly associated with LGBTQ students being able to identify supportive teachers and other staff at their schools.[183] For instance, as shown in Figure 2.24, just over one-half of students (56.8%) who had seen a Safe Space sticker or poster were able to identify 11 or more supportive staff in their schools, compared to less than a fifth of students (19.1%) who had not seen a Safe Space sticker or poster at school.

Figure 2.22 Effectiveness of Staff Response to Harassment/Assault and LGBTQ Students' Feelings of Safety and Missing School

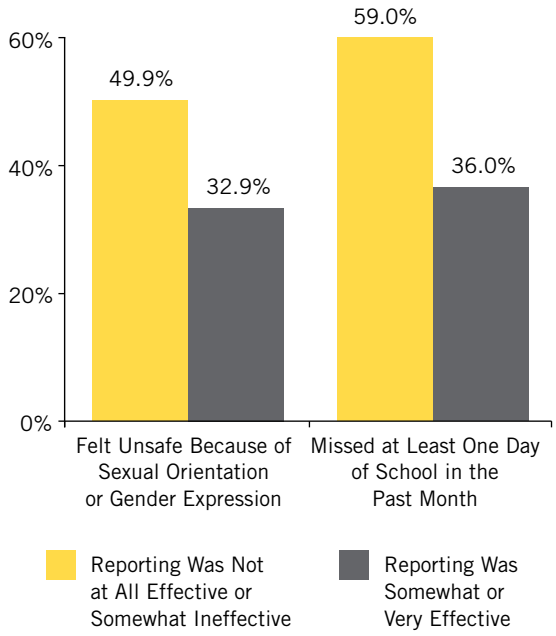


Figure 2.24 Safe Space Stickers/Posters and Number of Supportive School Staff

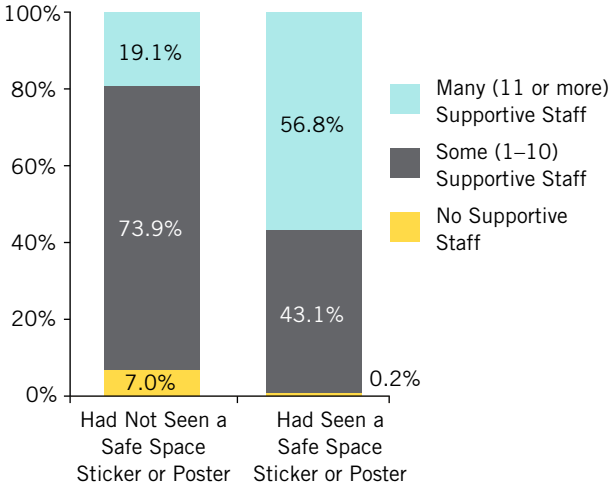


Figure 2.23 Effectiveness of Staff Response to Harassment/Assault and Experiences of Victimization
(Percentage of LGBTQ Students Experiencing Higher Severities of Victimization)

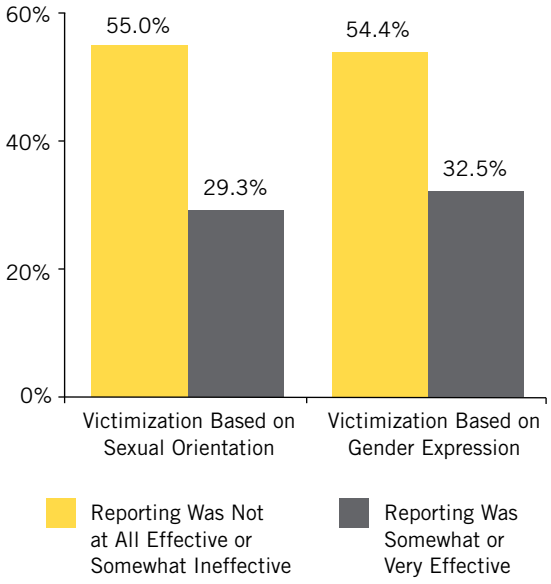
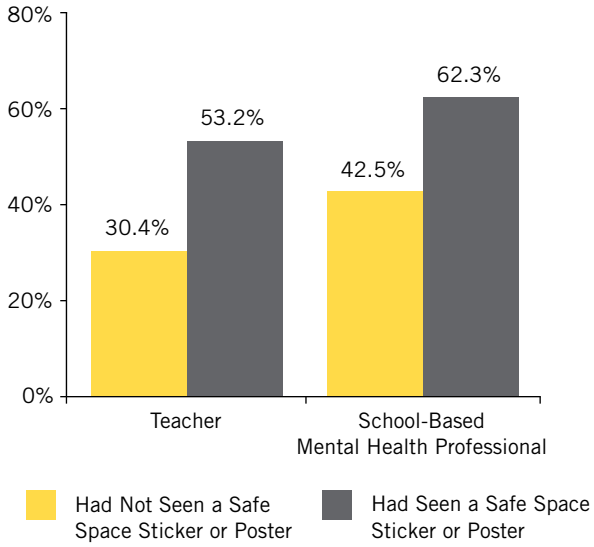


Figure 2.25 Seeing a Safe Space Sticker or Poster and Comfort Talking with School Staff About LGBTQ Issues
(Percentage of LGBTQ Students Reporting Feeling Somewhat or Very Comfortable Talking with School Staff)



By signaling their support for LGBTQ students through these visible displays, educators may help LGBTQ students feel more at ease addressing LGBTQ issues with them, including any potential challenges they might be facing as an LGBTQ student. We did find that displays of Safe Space stickers and posters were associated with more positive attitudes towards school staff. As shown in Figure 2.25, LGBTQ students who had seen a Safe Space sticker or poster in their school were more likely to feel comfortable talking about LGBTQ issues with teachers and school-based mental health professionals (e.g., school counselors).[184]

Inclusive and Supportive School Policies

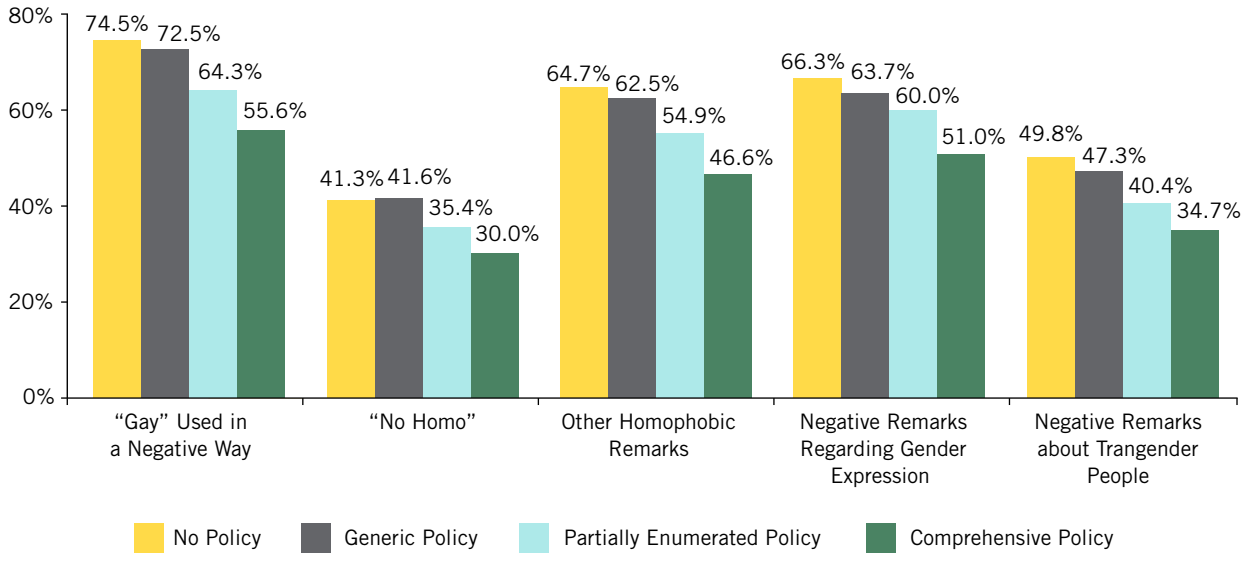
Inclusive and supportive school policies can help to ensure that students are safe, respected, and feel valued in their school. Not only do policies specify prohibited and allowable behaviors, but they also serve to set a tone for the entire school community. When these policies are supportive of LGBTQ students, they can contribute to more positive school climate for these students.

Policies for Addressing Bullying, Harassment, and Assault. Comprehensive anti-bullying/harassment policies can help ensure schools are safe for LGBTQ students in that they explicitly state protections from victimization based on sexual orientation and gender identity/expression. Furthermore, comprehensive anti-bullying/harassment policies may also provide school staff with the guidance needed to appropriately intervene when students use anti-LGBTQ language and when LGBTQ students report incidents of harassment and assault.

Anti-LGBTQ Language and School Safety. Although LGBTQ students who attended schools with any type of anti-bullying policy did report less anti-LGBTQ language than those without a policy, students in schools with comprehensive policies were the least likely to hear such language, followed by those in schools with partially enumerated policies, schools with generic policies, and schools with no policies (see Figure 2.26).[185] For example, 51.0% of students in schools with a comprehensive policy heard negative remarks about gender expression, compared to 60.0% of students in schools with partially enumerated policies, 63.7% in schools with generic policies, and 66.3% in schools with no policy.

Overall, LGBTQ students in schools with any type of anti-bullying policy reported lower levels of victimization related to their sexual orientation and gender expression compared to those in schools without a policy.[186] However, there were differences in victimization between students in schools with policies that enumerated and students in schools that did not. Specifically, students in schools with policies that enumerated both sexual orientation and/or gender identity/expression ("comprehensive policies") experienced the lowest levels of victimization (see Figure 2.27). Furthermore,

Figure 2.26 School Harassment/Assault Policies and Frequency of Hearing Anti-LGBTQ Remarks
(Percentage of LGBTQ Students Hearing Remarks Often or Frequently)



students in schools with partially enumerated policies experienced less victimization than those with generic policies that did not enumerate sexual orientation or gender identity/expression at all. For example, as shown in Figure 2.27, 22.6% of students in schools with a comprehensive policy reported experiencing higher levels of victimization based on their gender expression, compared to 27.5% of students in schools with a partially enumerated policy, 31.6% of students in schools with a generic policy and 36.0% of students in schools with no policy.

Responses to Anti-LGBTQ Remarks. School anti-bullying/harassment policies often provide guidance to educators in addressing incidents of harassment and biased remarks. Even though students reported, in general, that staff intervention is a rare occurrence, it was more common in schools with anti-bullying policies, with students in schools with comprehensive policies reporting the highest frequencies of staff intervention of anti-LGBTQ remarks, followed by partially enumerated policies, and generic policies.[187] For example, as shown in Figure 2.28,

Figure 2.27 School Harassment/Assault Policies and Experiences of Victimization
(Percentage of LGBTQ Students Experiencing Higher Levels of Victimization)

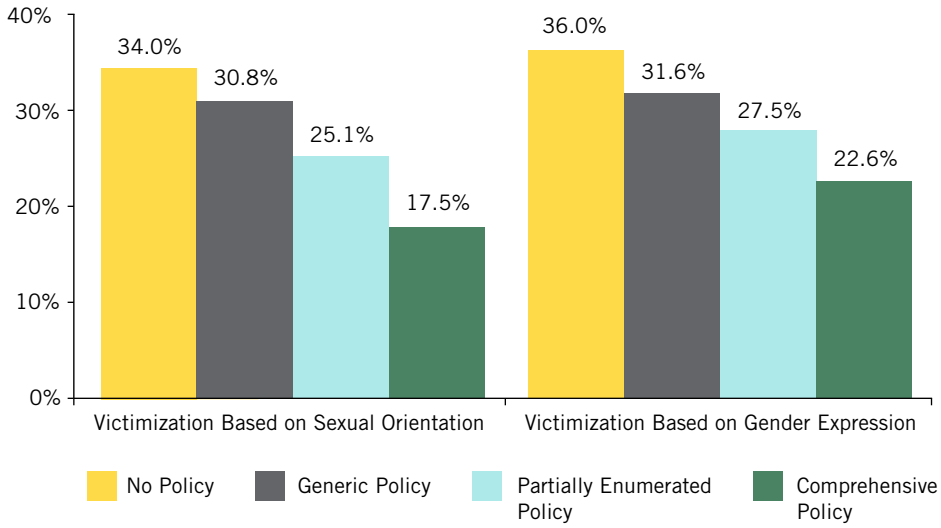
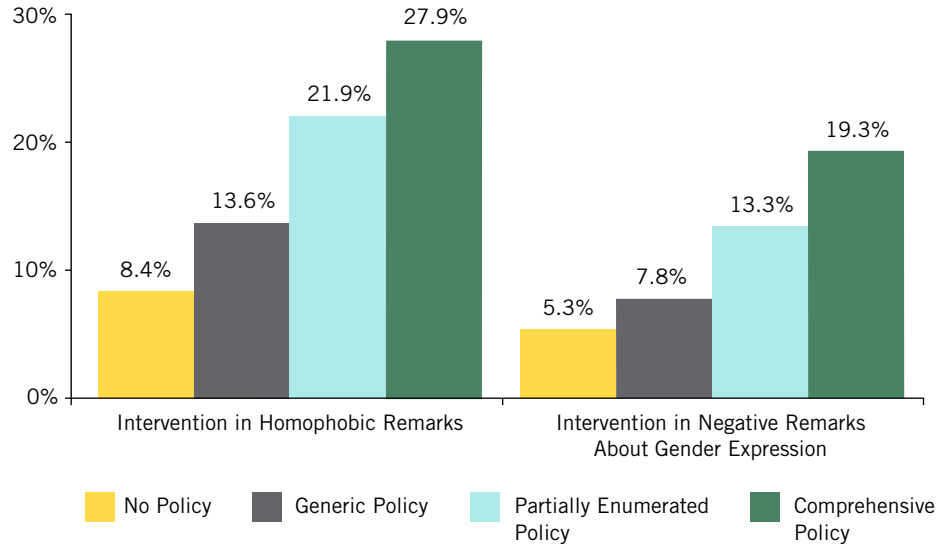


Figure 2.28 School Harassment/Assault Policies and Staff Intervention in Anti-LGBTQ Remarks
(Percentage of LGBTQ Students Reporting that Staff Intervened Most of the Time or Always)



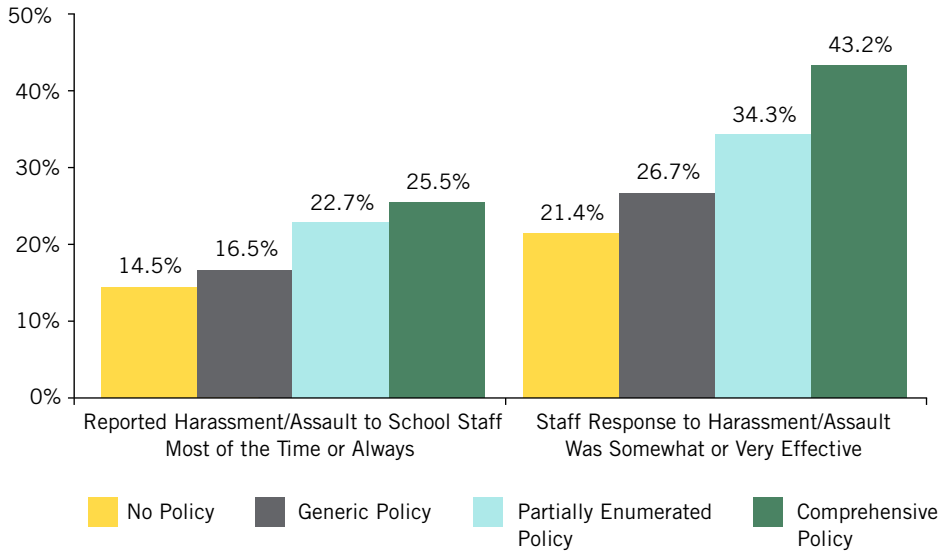
over a quarter of LGBTQ students (27.9%) in schools with comprehensive polices said school staff intervened most of the time when homophobic remarks were made, compared to just over a fifth of those (21.9%) in schools with partially enumerated policies, 13.6% in schools with a generic policy, and 8.4% of schools with no policy.

Students' Reporting of Victimization to School Staff and Effectiveness of Staff Response. Policies may provide guidance to students on reporting bullying and harassment, but perhaps more importantly, policies may also signal that students' experiences of victimization will be addressed. We did find that the presence of any anti-bullying policy was related to reporting of victimization as students in schools with no policy were less likely to report victimization to staff compared to students in schools with comprehensive policies, partially enumerated policies, and generic policies.[188] Furthermore, we found that the stronger the policy in terms of enumeration, the more likely that LGBTQ students were to report incidents of victimization to school staff. For example, LGBTQ students in schools with a comprehensive policy were more likely to report incidents of victimization most of the time or always to school staff compared to all other students in the survey, while students in schools with partially enumerated policies were more likely to report incidents of victimization than students in schools with generic policies or those with no policy (see Figure 2.29).

LGBTQ students in schools with comprehensive policies were also more likely to report staff response to students' reports of victimization as effective.[189] LGBTQ students in schools with a comprehensive policy were most likely to report staff response as effective, followed by those in schools with partially enumerated policies, those with generic policies, and those without a policy (see Figure 2.29).

Collectively, these findings suggest that comprehensive policies are more effective than other types of policies in promoting a safe school environment for LGBTQ students. For example, they may send the message to teachers and other school staff that responding to LGBTQ-based harassment is expected and critical. According to the students in our survey, school personnel intervened more often and more effectively when the school had a comprehensive policy. When school staff members respond effectively, it may also encourage students to report incidents of harassment: students who said that staff intervention was effective were, in fact, more likely to regularly report incidents of harassment to school staff.[190] In addition, comprehensive policies may be effective in curtailing anti-LGBTQ language and behaviors among students — students in schools with comprehensive policies reported the lowest incidence of homophobic remarks, negative remarks about gender expression, negative remarks about transgender people, and reported the lowest levels of anti-LGBTQ victimization.

Figure 2.29 School Harassment/Assault Policies, Reporting Harassment/Assault, and Effectiveness of Staff Response



Thus, comprehensive policies may signal to all members of the school community that anti-LGBTQ victimization and biased remarks are not tolerated.

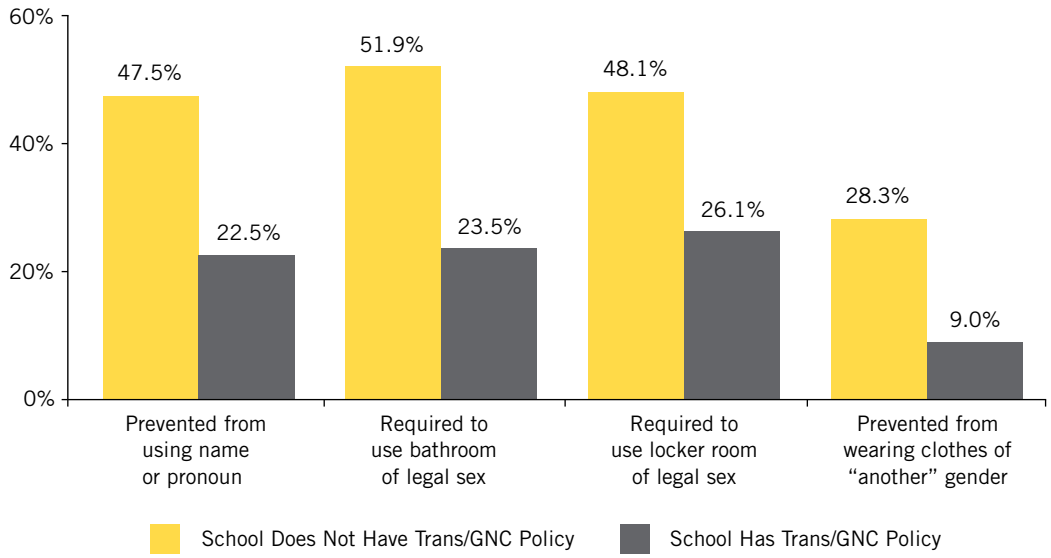
Policies and Official Guidelines on Transgender/Gender Nonconforming Students. School or district policies detailing the rights and protections afforded to transgender and gender nonconforming students help to ensure these students have access to an education. These policies can also serve to send the message that these students are a valuable and important part of the school community.

Experiences of Discrimination. We examined whether the presence of a policy or official guidelines supporting transgender and gender nonconforming students (hereafter referred to as a "trans/GNC policy") was related to experiences of gender-related discrimination at school for these students. We found that having a supportive trans/GNC policy was related to a lower likelihood of gender-related discrimination — specifically, being prevented from using bathrooms of their gender identity, prevented from using locker rooms of their gender identity, wearing clothes not deemed appropriate for their legal sex, and using their chosen name and pronoun.[191] For example, as shown in Figure 2.30, trans/GNC students in schools with a trans/GNC student policy were half as likely as those in schools without a policy to experience discrimination related to their name or pronouns in school (22.5% vs. 47.5%).

In our examination of anti-bullying/harassment policies, we found that specific inclusion of protections regarding sexual orientation- and gender identity/expression-based bullying resulted in greater school safety. In similar fashion, we wanted to examine whether the inclusion of specific protections in trans/GNC policies resulted in fewer discrimination experiences for these students. Specifically, we examined whether inclusion of protections regarding boys/girls bathrooms, gender-neutral bathrooms, locker rooms, clothing/dress codes, and name/pronoun usages were related to the discrimination experiences associated with those protections (bathroom, locker rooms, clothing/dress code, and name/pronoun usage). For example, does having a trans/GNC policy about using students' correct names and pronouns relate to less discrimination regarding name or pronoun use?

Regarding locker rooms, we found that trans/GNC students with policies specifying locker room access were less likely to have been prevented from using the locker room of their gender.[192] Regarding bathroom access, we found that trans/GNC students in schools with policies explicitly allowing them access to boys' or girls' bathrooms consistent with their gender identity were less likely to be prevented from using bathrooms that were consistent with their gender. However, having policy protections that provided access to gender-neutral bathrooms did not have a similar significant effect on bathroom-related discrimination.[193]

Figure 2.30 Transgender/Gender Nonconforming (Trans/GNC) Policy and Gender-Related Discrimination
(Percentage of Trans/GNC Students Experiencing Type of Discrimination in School)



Some existing literature suggests that gender-neutral restrooms are particularly important for nonbinary students, i.e. those who identify outside the gender binary (e.g., bigender, genderfluid) and perhaps not as needed for students who identify within the binary, such as transgender male or female students.[194] In further analysis, we found that for nonbinary students specifically, policy protections that explicitly provided access to gender-neutral bathrooms were, in fact, related to less discrimination in regard to bathrooms, and policy protections regarding access to gendered bathrooms and locker rooms were not related to less discrimination in these facilities.[195] For binary students, policy protections that provided access to gendered bathrooms and locker rooms were related to less discrimination in these facilities, whereas policy protections providing access to gender-neutral bathrooms were not.[196]

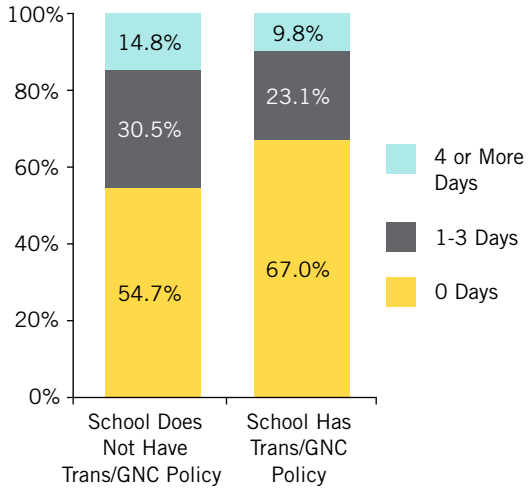
These findings indicate that allowing students to access gendered facilities that correspond to their gender, though critical for transgender male and female students, may not necessarily prevent discrimination and stigmatization of students who identify outside the gender binary. Furthermore, they highlight the importance of both providing access to gendered facilities and having gender-neutral options, and of codifying access to these options for trans/GNC students in official policies.[197]

With regard to experiences of discrimination related to names/pronouns for trans/GNC students (females, males, and those outside the gender binary), we did not find that having the specific inclusion of name/pronoun protections mattered above and beyond having any trans/GNC policy in general.[198] Similarly, with regard to the experiences of clothing-related discrimination, inclusion of protections related to gendered dress codes was not related to clothing discrimination, above and beyond having any policy in general.[199] It may be that certain types of discrimination, such as misgendering via names/pronouns and dress code enforcement, are more dependent on individual school staff and thus vary more widely. In contrast, the inclusion of specific protections within a policy may matter primarily with regard to access to school facilities and other environmental contexts. These findings highlight the need for effective implementation of policies — including notification, enforcement, and related training.

School Engagement. Having policies that provide access and support to trans/GNC students may help students feel comfortable and welcome in their school, ultimately resulting in greater school engagement. In fact, we found that trans/GNC students in schools with these policies or guidelines were more engaged with their school community. Specifically, students with these policies were less likely to miss school due to feeling unsafe or uncomfortable.[200] For example, as shown in Figure 2.31, over two-thirds of trans/GNC students (67.0%) had not missed school for those reasons compared to 54.7% of students without these policies. Trans/GNC students with these policies also felt more connected to their school community as they reported higher levels of school belonging than those without policies.[201]

In addition to the presence of any type of trans/GNC policy, those that are more comprehensive and cover more areas of protection may be more effective in promoting school engagement for these youth. Indeed, we found that among trans/GNC students whose school had a trans/GNC policy, the greater number of protections the policy addressed, the less likely students were to miss school because of feeling unsafe or uncomfortable. Furthermore, a greater number of protections was also related to higher school belonging for trans/GNC students.[202] Thus, the more comprehensive a school's policy is, the more effective it will be in ensuring trans/GNC students attend and feel connected to their school.

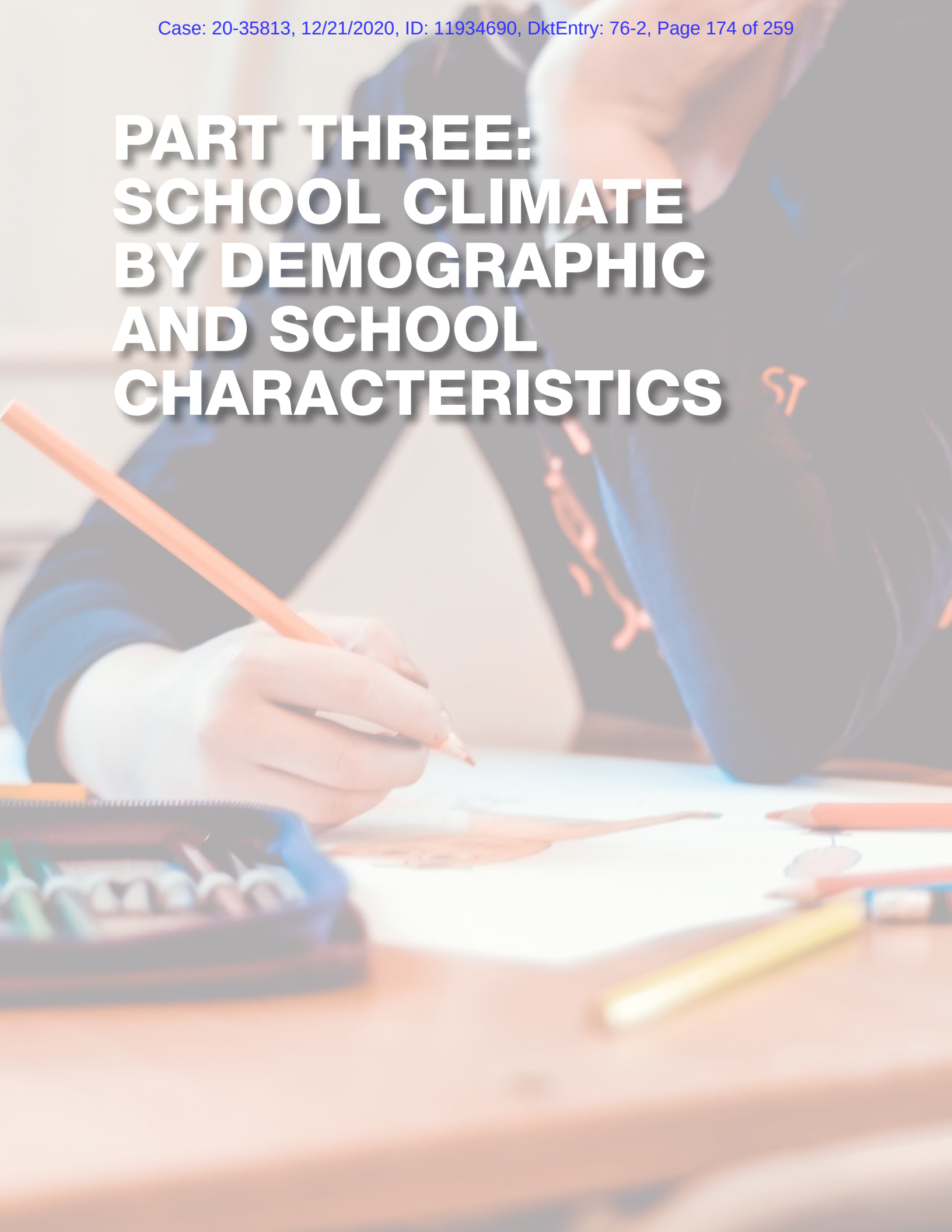
Figure 2.31 Transgender/Gender Nonconforming (Trans/GNC) Policy and Days of Missed School
(Percentage of Trans/GNC Students who Missed School in the Past Month Due to Feeling Unsafe or Uncomfortable)



These findings indicate that having specific policies or official guidelines that explicitly document the rights of trans/GNC students can greatly improve the school experience for these students. Given trans/GNC students are at higher risk of in-school victimization, absenteeism, school discipline, and ultimately dropping out of school altogether,[203] it is critical that schools institute policies to help safeguard these students' rights and ensure they have equal access to an education. However, although having official protections for trans/GNC students and their rights is crucial, the power of the policy is in the degree to which it is implemented. Professional development is critical to ensure that school staff are aware of policy mandates and are able to enact them. Furthermore, schools and districts should develop monitoring and accountability measures to ensure that these policies are being effectively implemented and that trans/GNC students are not being deprived of their rights.

Conclusions. Supportive and inclusive school policies play an essential role in creating safe and inclusive school communities. However, it is important to note that a significant portion of students in schools with these policies still faced hostile school climates — including victimization and discrimination — even when they reported having an anti-bullying/harassment policy or a trans/GNC student policy. Clearly, it is not enough for policies to merely exist in schools, they must also be enforced and effectively implemented. For both types of policies explored in the section, a substantial portion of students indicated that they did not know whether their school had such policies (see Table 2.3 and Figure 2.7 in *Availability of School-Based Resources and Supports* section). If a student is not aware of their school's policies, then they would not be aware of valuable rights and protections these policies provide. Therefore, it is critical not only that schools enact these policies but also that all members of the school community are made aware of the policies and what they include. Furthermore, policies are vitally important, yet are only one of the key elements necessary to ensure safe and welcoming schools for LGBTQ students.

PART THREE: SCHOOL CLIMATE BY DEMOGRAPHIC AND SCHOOL CHARACTERISTICS



School Climate by Personal Demographics and School Characteristics

Key Findings

- Pansexual students experienced a more hostile school climate than students of other sexual orientations.
- Transgender students experienced a more hostile school climate than all other students. Genderqueer students and those with other nonbinary gender identities experienced a more hostile school climate than cisgender LGBQ students.
- Cisgender students whose gender expression did not align to traditional gender norms had worse school experiences than LGBQ cisgender students with more "traditional" gender expression.
- Native American/American Indian/Alaska Native students were more likely than other racial/ethnic groups to experience anti-LGBTQ victimization and discrimination.
- White students were less likely than all other racial/ethnic groups to feel unsafe or experience victimization because of their racial/ethnic identity.
- LGBTQ students in middle school had more hostile school experiences and less access to LGBTQ-related school supports than LGBTQ students in high school.
- LGBTQ students in private non-religious schools experienced less anti-LGBTQ discriminatory policies and practices than those in public or religious schools and had greater access to LGBTQ-related school supports.
- LGBTQ students in schools in the South and Midwest, as well as those in small towns or rural areas, were most likely to hear anti-LGBTQ remarks. They were also most likely to experience anti-LGBTQ victimization and discriminatory school policies and practices.
- LGBTQ students in school in the South and Midwest, as well as those in small towns or rural areas, were least likely to have access to LGBTQ-related school supports.

LGBTQ students are a diverse population, and although they may share some similar experiences related to school climate, such as safety concerns related to their sexual orientation and gender expression, these experiences may also vary by students' personal characteristics. For this reason, we examined whether LGBTQ students' experiences differed by sexual orientation, gender, and race or ethnicity. Although we would expect that students' own experiences of safety, harassment, and discrimination might vary by these demographic characteristics, we would not expect the availability of school-based LGBTQ-related resources (e.g., presence of GSAs or inclusive policies) to differ by students' personal characteristics, above and beyond the difference in the types of schools they attend. Thus, we did not examine relationships between student demographics and the availability of school-based resources.

School Climate and Sexual Orientation

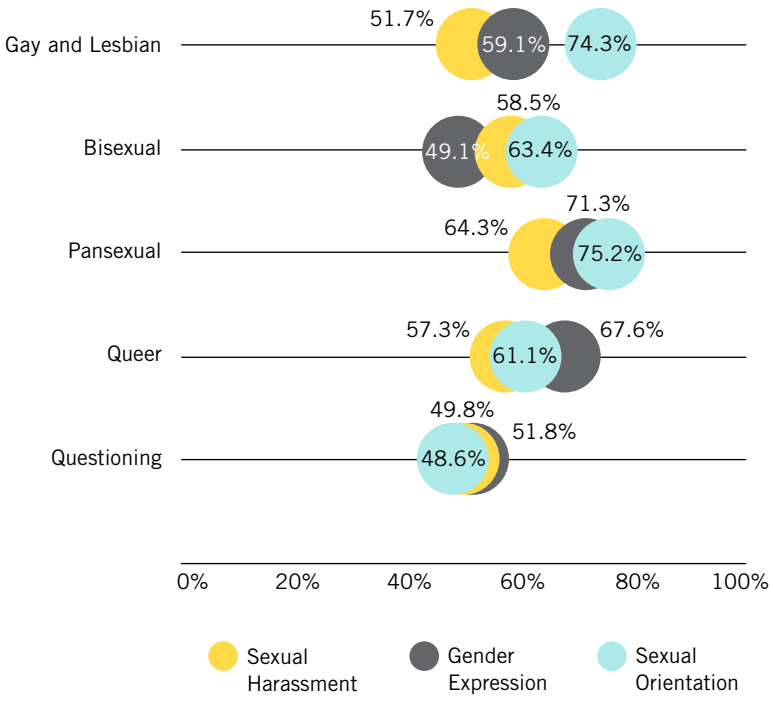
We examined differences in school climate and students' school experiences across sexual orientation groups — gay and lesbian ("gay/lesbian") students, bisexual students, pansexual students, queer students, and students questioning their sexual orientation ("questioning").[204,205]

"Kids are sexist, racist, homophobic, transphobic, and they bully others. I'm a pansexual, nonbinary student and I cannot be me."

We specifically examined victimization related to sexual orientation and gender expression, anti-LGBTQ discrimination, and school engagement, as we identified these as being particularly salient. In addition, we examined differences in sexual harassment as previous research has found differences based on sexual orientation.[206]

Victimization. Students' experiences of in-school victimization based on sexual orientation and gender expression differed based on their sexual orientation (see Figure 3.1).[207]

Figure 3.1 Victimization by Sexual Orientation
(Percentage of LGBTQ Students Who Experienced Type of Victimization)



Asexual Students. There is a lack of data on the experiences of asexual people, i.e., those who do not experience sexual attraction, and the little research that exists does not focus specifically on youth or school experiences.[208] Because of this dearth of knowledge, we examined the school experiences of students in our survey who identified as somewhere on the asexual spectrum (asexual, greysexual, demisexual, etc).

In addition to the gay, lesbian, bisexual, pansexual, queer, and questioning category options, students in our survey could also indicate if they identified as asexual by checking an asexual option or by writing in an asexual identity; 12.4% of LGBTQ students in our survey indicated that they identified on the asexual spectrum in some way.[209] It is important to note that because our survey is explicitly for students who identify within the LGBTQ spectrum (i.e., students who have identities that indicate same-sex romantic or sexual attraction, and/or those who are not cisgender), all these asexual students also identified as one of the other non-heterosexual identities, transgender, and/or another gender nonconforming identity (e.g., genderqueer). In fact, the vast majority of the asexual students (71.9%) in our sample identified as transgender or gender nonconforming. Furthermore, most of the asexual students in our survey also identified with another sexual orientation. For example, a student may have identified as "asexual biromantic," identifying both their sexual and romantic attractions. Specifically, of the asexual identified students in our sample: 29.0% also identified as gay/lesbian or homoromantic, 23.8% as pansexual or panromantic, 15.0% as bisexual or biromantic, 9.8% as queer, and 4.2% as questioning.

Given the lack of data on asexual youth in general, we examined whether students who identify within the LGBTQ umbrella and also identify as asexual had different experiences than LGBTQ students who did not identify as asexual. We found that, by and large, asexual LGBTQ students in our sample had similar school experiences to LGBTQ students who were not asexual. However, our results suggest that they experienced slightly less victimization based on sexual orientation.[210] Given that outness among LGBTQ students is related to greater victimization,[211] and that existing qualitative research suggests that some asexual people choose to not come out in order to avoid negative responses, this difference in victimization may be related to the levels of outness among asexual students.[212,213]

We also found that asexual LGBTQ students had lower levels of school belonging than LGBTQ students who were not asexual.[214] There exists a general lack of visibility and knowledge of asexual identities among the general population,[215] and some asexual people report skepticism and lack of acceptance in response to their coming out as asexual.[216] Thus, the lower levels of school belonging among asexual students in our sample may be due, in part, to feelings of invisibility and lack of acceptance.

Given that the asexual students in our survey also identify with another LGBTQ identity, it is difficult to assess their experiences specifically related to their asexual identity. Further research is needed, including research on asexual youth who do not also identify somewhere within the LGBTQ spectrum, in order to more fully understand the experiences of this population.

- Gay/lesbian and pansexual students reported higher levels of victimization based on sexual orientation than did questioning, queer, and bisexual students. For example, approximately 3 in 4 gay/lesbian and pansexual students reported having been victimized based on sexual orientation in contrast to approximately 6 in 10 queer and bisexual students.

- Pansexual students experienced higher levels of victimization based on gender expression than students of all other sexual orientations. Specifically, 71.3% of pansexual students experienced this type of victimization compared to 59.1% of gay/lesbian, 49.1% of bisexual, 67.6% of queer, and 51.8% of questioning students.

- Bisexual students experienced lower levels of victimization based on gender expression than did gay/lesbian, pansexual, and queer students.

Regarding sexual harassment, we found that pansexual students reported a higher incidence than students of all other sexual orientations, and that bisexual students reported a higher incidence than gay/lesbian and questioning students.[217] For

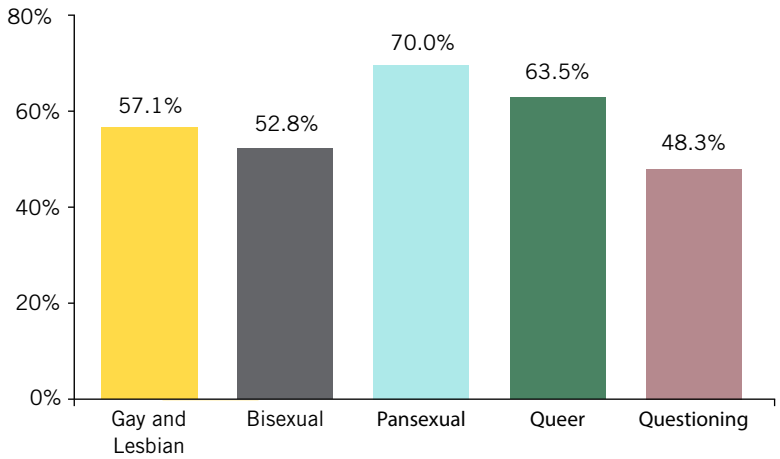
example, as shown in Figure 3.1, almost two-thirds of pansexual students (64.3%) reported having been sexually harassed at school in the past year, compared to more than half of gay/lesbian, bisexual, and queer students, and nearly half of questioning students.

Discrimination and School Discipline. Experiences of anti-LGBTQ discrimination through school policies and practices also varied based on students' sexual orientation.[218] Pansexual students were more likely to report experiencing this kind of discrimination than gay/lesbian students, whereas bisexual and questioning students were less likely to have experienced discrimination than other students (see Figure 3.2). For example, over two-thirds of pansexual students (70.0%) experienced discrimination, compared to approximately half of bisexual and questioning students (52.8%, 48.3%, respectively).

A growing field of research on school discipline has suggested that LGBTQ students may be at a higher risk of experiencing school discipline than their non-LGBTQ peers,[219] but most of these studies have not examined sexual orientation differences within the LGBTQ population, perhaps because of small sample sizes of LGBTQ students. There has been some qualitative research that suggests sexual orientation may be a factor related to differences in experiences with school discipline within the LGBTQ student population.[220] Therefore, we examined whether in-school and out-of-school rates of school discipline varied based on students' sexual orientation among the students in our survey.[221] Specifically, we examined differences in in-school discipline (being referred to the principal, getting detention, or receiving an in-school suspension), and out-of-school discipline (receiving out-of-school suspension or being expelled). As shown in Figure 3.3, pansexual students reported the highest rates of in-school discipline, with 4 in 10 pansexual students having been disciplined in school. Gay/lesbian and bisexual students were slightly more likely than queer and questioning students to have experienced in-school discipline (see also Figure 3.3). Students' experiences of out-of-school discipline did not significantly differ by sexual orientation.[222]

School Attendance. Experiencing victimization, discrimination, and disproportionate rates of discipline all serve to make schools less safe and welcoming for students, which could influence students' desire to attend school. Given that pansexual students experienced higher rates of victimization, it is not surprising that pansexual students were more likely to report having missed school because they felt unsafe than all other students (see Figure 3.4).[223] For example, 42.5% of pansexual students reported missing school in the past month due to safety concerns, compared to slightly more than a third of queer students (34.0%) and nearly a third of gay/lesbian students (31.3%). As shown in Figure 3.4, pansexual students were also more likely than gay/lesbian and bisexual students to indicate that they had changed schools because of feeling unsafe or uncomfortable at a particular school.[224]

Figure 3.2 Experiences of Discrimination by Sexual Orientation
(Percentage of LGBTQ Students who Experienced Anti-LGBTQ Discriminatory Policies and Practices)



Conclusions. Overall, our results indicate that pansexual students reported the most negative school experiences in comparison to students of other sexual orientations. Furthermore, gay/lesbian students experienced more victimization based on sexual orientation than did bisexual, queer, and questioning students. It is possible that these differences are due to differences in levels of outness, as previous research has shown that being out about one's LGBTQ identity at school relates to greater peer victimization.[225] In fact, there were sexual orientation differences in students' degree of outness to both peers and school staff: gay/lesbian students were more out in school than were students of any other sexual orientation, followed by pansexual students (see Figure 3.5)[226]. However, even after accounting for these different levels of outness, the sexual orientation differences in students' school experiences remained.[227]

In this section, we specifically looked at differences related to sexual orientation. However, it is important to reiterate that sexual orientation identity and gender identity are not wholly independent amongst LGBTQ youth. In our survey, pansexual students were least likely to be cisgender — they were more likely to identify as transgender, genderqueer, or another nonbinary

Figure 3.3 School Discipline by Sexual Orientation
(Percentage of LGBTQ Students who Experienced In-School and Out-of-School Discipline)

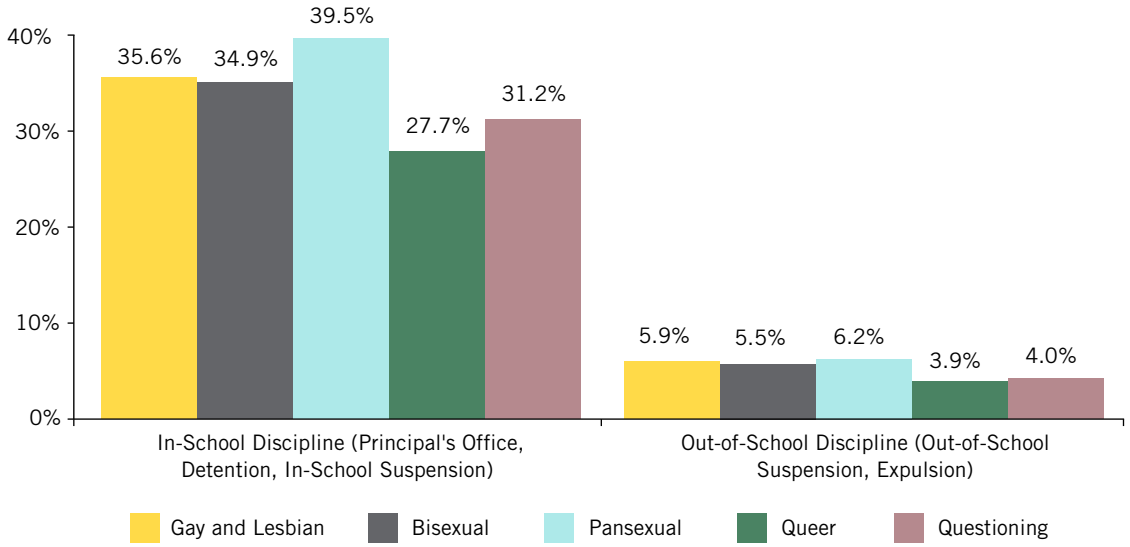
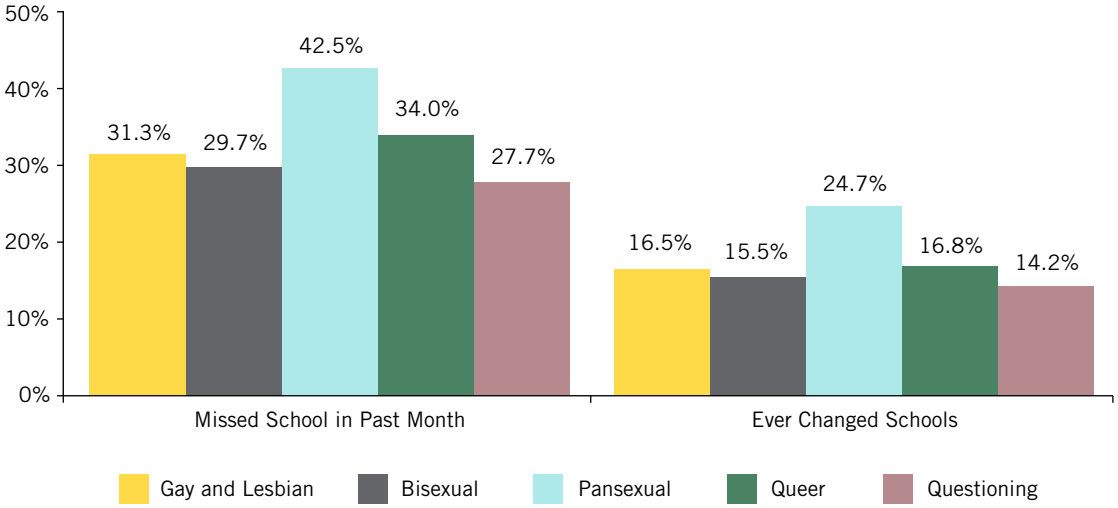


Figure 3.4 Percentage of LGBTQ Students who Missed or Changed Schools Due to Safety Concerns



Insight on Experiences of LGBTQ Students with Disabilities

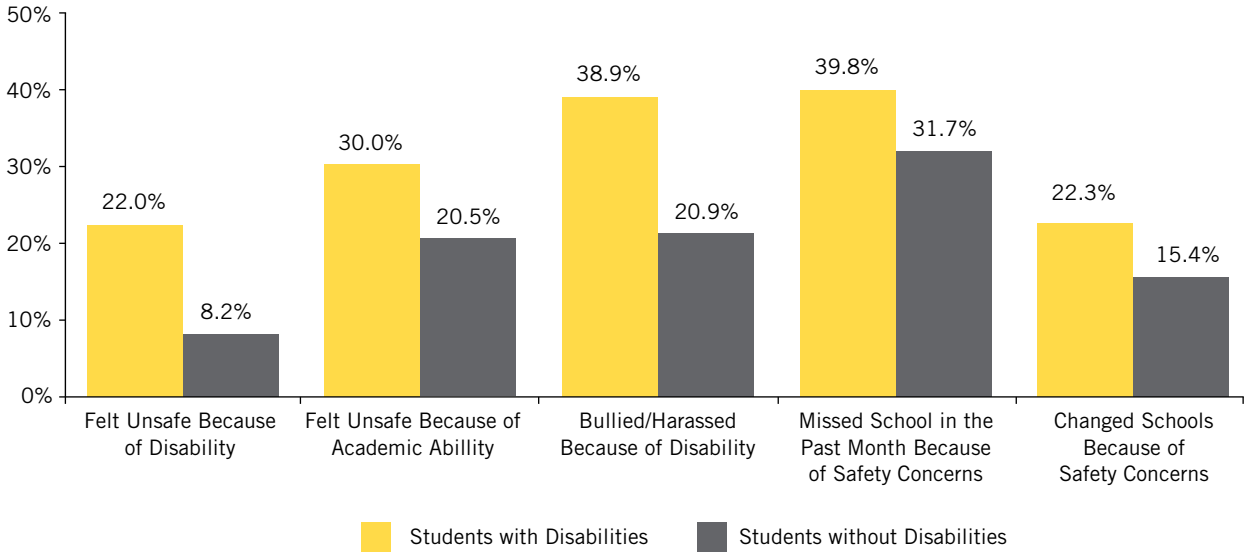
The Individuals with Disabilities Education Act (IDEA) ensures that children with disabilities are provided the same educational opportunities as students who do not have disabilities.[228] Because of IDEA, students with disabilities are provided supports and accommodations in their schools. To better understand the experiences of LGBTQ students who receive such supports, we asked the students in our survey if they received any of these services at school, including special education classes, extra time on tests, and resource classes. Over a fifth of students (22.5%) said that they receive these services for students with disabilities.

There has been some previous research examining the experiences of LGBTQ youth with disabilities, but none of the studies have been national in scope, many have been about students outside of the U.S., and many do not include transgender youth. Nevertheless, this research has provided insight into the difficulties faced by these youth who are members of multiple stigmatized and marginalized identity groups.[229] These findings indicate that LGBTQ youth with disabilities experience prejudice and discrimination at school, both based on their LGBTQ identity and on their disability, and that many special education classes and programs lack LGBTQ inclusive curriculum and LGBTQ adult role models.[230]

In our report *Educational Exclusion,* using a national sample of U.S. LGBTQ students, we found that LGBTQ students with disabilities were more likely to be disciplined in school and to drop out of school than LGBTQ students without disabilities.[231] In this insight, we further explore the school experiences of LGBTQ students with disabilities, specifically examining their experiences with bullying and harassment, feelings of safety and school engagement, and their experiences with school discipline.

We found that LGBTQ students with disabilities were more likely to feel unsafe at school because of an actual or perceived disability (22.0% vs. 8.2%) and because of their academic ability (30.0% vs.20.5%) than were students without disabilities (see Figure below).[232] They were also more likely to have been bullied or harassed because they had a disability or because people thought they had a disability (38.9% vs. 20.9%)..[233] Even though biased remarks about ability were common overall in schools, students with disabilities did not report hearing them more frequently than did students without disabilities.[234] It may be that when remarks about disability are made, they are not made in the presence of students with disabilities. It may also be that some students with disabilities are in special education classes or programs where all their classmates also have disabilities, and these students may be less likely to use biased language about disability.

LGBTQ Students' Feelings of Safety and School Engagement by Disability



LGBTQ students with disabilities who feel unsafe in school may avoid these school environments in order to prevent harassment and stigmatization. In fact, we found that these students were more likely than other LGBTQ students to have missed school in the past month, and to have changed schools because of safety concerns (see Figure).[235] Additionally, students with disabilities had lower school belonging than did students without disabilities.[236]

Among the general population of youth, students with disabilities experience some of the highest rates of school discipline,[237] and our previous research has found that LGBTQ students who reported having an educational, emotional, or physical disability were more likely to have experienced discipline at school than LGBTQ students who did not have such a disability.[238] Thus, we examined whether there were disparities in school discipline for the LGBTQ students with disabilities in our 2017 survey. We found that LGBTQ students with disabilities were somewhat more likely than LGBTQ students without disabilities to have experienced both in-school (i.e., being referred to the principal, getting detention, or receiving an in-school suspension) and out-of-school (receiving out of-school suspension or being expelled) discipline.[239] It is possible that students with disabilities are being disciplined for behaviors related to their disabilities that teachers inaccurately perceive as deliberate acts of defiance and misbehavior. Teachers may also remove a student with disabilities from the classroom because of disruptive behavior related to their disability, and the student's disability is not considered when action is taken by the administration.

"I'm typically ostracized by (non disabled) cis heterosexual peers, probably due to having a learning disability and being a visible lesbian."

Our findings indicate that LGBTQ students with disabilities may experience a more hostile school climate than their LGBTQ peers without disabilities.[240] In addition to experiencing victimization based on their LGBTQ status, these students experience higher levels of bullying and harassment because of their actual or perceived disability, and elevated rates of school discipline. This hostile climate can then result in higher levels of disengagement with school — as they are more likely to miss school and change schools, and have lower school belonging.

Schools can take steps to become safer and more inclusive for LGBTQ students with disabilities. Through classroom curricula, school anti-bullying programs, and extracurricular activities such as GSAs, students should be taught how to identify and challenge ableist language and ability-based prejudice. Schools should also ensure that people with disabilities are represented in lessons and class materials. Resources specifically addressing LGBTQ student issues, such as GSAs and LGBTQ-inclusive curricula, should be inclusive of students with disabilities — both in terms of accessibility to activities and materials and in terms of visibility regarding representation of LGBTQ people with disabilities. Additionally, all teachers and administrators, especially those without formal training in special education, should be provided with professional development about supporting students with disabilities. Finally, as schools develop policies to ensure LGBTQ students are safe and stay in school, they must also pay attention to assessing and addressing the specific experiences and disparities faced by students with disabilities.

gender identity than were students of other sexual orientations.[241] In fact, over two thirds (68.9%) of pansexual students did not identify as cisgender. Given that prior research has shown that transgender and other gender nonconforming students are more likely to have negative school experiences than cisgender students,[242] we examined whether the more negative school climate reported by pansexual students was, in part, due to their gender identity and not their sexual orientation. However, even when accounting for these differences in gender identity across sexual orientations, the sexual orientation differences in school climate still remained.[243] Further research is clearly warranted to understand why pansexual students appear to face more hostile school climates than other students. This research should examine factors related to students' decision to adopt particular sexual identity labels — i.e., why a student who is attracted to people of multiple genders may identify as pansexual as opposed to queer or bisexual — to better understand these different sexual orientation groups.

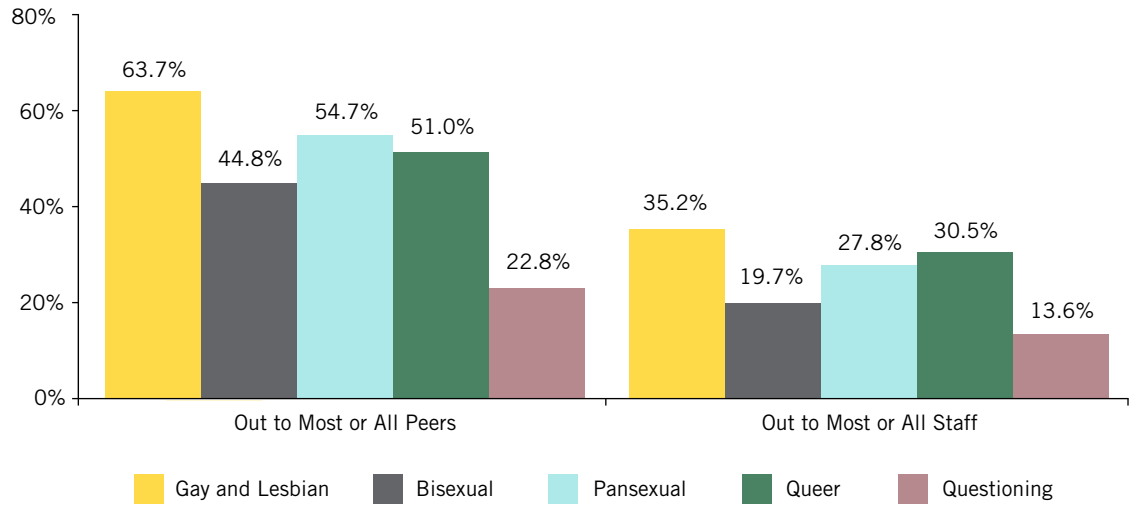
Overall, questioning students experienced fewer incidents of victimization and discrimination than their gay/lesbian, bisexual, pansexual, and queer peers. Given the imprecise nature of the term "questioning," we cannot be completely sure what this identity means to students. Whereas some students may be questioning whether they are heterosexual or not, others might be questioning regarding two non-heterosexual identities (for example, whether they are bisexual or gay/lesbian). Thus, there might be great variability in school experiences among the group of students who identified as questioning. More research is needed to better understand the population of questioning youth.

These findings reveal a complex picture regarding differences among LGBTQ youth by sexual orientation. In our survey, bisexual students experience less victimization and discrimination than their gay/lesbian, pansexual, and queer peers, specifically with regard to victimization, yet research on adolescent health outcomes has demonstrated that bisexual youth are typically at higher risk than both heterosexual and lesbian/gay peers on suicidality, substance use, and intimate partner violence.[244] (To date, there is no empirical data on disparities for pansexual- or queer-identified youth). Furthermore, with regard to queer students in our survey, they experienced a more hostile school climate than bisexual students, but they were less likely to experience school discipline compared to their gay/lesbian, bisexual, and pansexual peers. More research is needed to better understand the complex role sexual identity plays in the experiences of adolescents' lives both in and out of school.

School Climate and Gender

We also examined potential differences in LGBTQ students' experiences of safety, victimization, and discrimination by gender identity.[245] Furthermore, we examined school engagement, specifically

Figure 3.5 Outness in School by Sexual Orientation
(Percentages of LGBTQ Students Out to Peers and School Staff)



"My teachers still won't respect my pronouns or see me as anything but female. It's really frustrating and has brought me to tears more times than I can count."

absenteeism for safety reasons, changing schools for safety reasons, and dropping out. Given the growing attention to inequities in administration of school discipline and some previous research indicating that transgender and gender nonconforming students are more likely to face disciplinary consequences at school,[246] we also examined gender differences in rates of school discipline — both in-school discipline and out-of-school discipline.

Across all gender groups (cisgender male and female; transgender male, female, and nonbinary; genderqueer, and other nonbinary students), students commonly reported feeling unsafe, experiencing high frequencies of harassment or assault, and facing discrimination at school related to their gender, gender expression, and sexual orientation. Furthermore, a sizable number of students across gender groups reported missing school and, to a lesser extent, changing schools because of safety concerns. In addition, many LGBTQ students reported having been disciplined at school. However, there were some significant differences among gender groups in all of these areas.

Experiences of Transgender Students. Overall, transgender students were more likely than all other students to have negative experiences at school.

Safety and Victimization. Specifically, compared to cisgender and genderqueer and other nonbinary students, transgender students:

- Were more likely to have felt unsafe based on their gender expression (see Figure 3.6);[247]
- Experienced higher levels of victimization based on their gender expression (see Figure 3.7);[248]
- Were more likely to have felt unsafe at school based on their gender (see Figure 3.6);[249] and
- Experienced higher levels of victimization based on their gender (see Figure 3.7).[250]

Transgender students were also more likely to have felt unsafe[251] and experienced higher levels of victimization[252] because of their sexual orientation compared to cisgender LGBQ students, but were less likely than genderqueer and other nonbinary students to feel unsafe based on sexual orientation (see Figures 3.6 and 3.7).

Avoiding School Spaces. As shown in the *School Safety* section, sizable percentages of LGBTQ students avoided places at school because they felt unsafe or uncomfortable, most notably spaces that are traditionally segregated by sex in schools, such as bathrooms and locker rooms. For transgender and other gender nonconforming youth (i.e., genderqueer and other nonbinary-identified youth), sex-segregated spaces at school may be particularly challenging.[253] As show in Figure 3.8, we found that, compared to cisgender students and genderqueer/other gender nonbinary students, transgender students were:[254]

- More likely to avoid school bathrooms at school because they felt unsafe or uncomfortable;
- More likely to avoid school locker rooms because they felt unsafe or uncomfortable; and
- More likely to avoid Gym/Physical Education class because they felt unsafe or uncomfortable.

Educational Attachment. A hostile school climate can also result in students avoiding school altogether and can hinder their educational aspirations. We found that transgender students were:

- More likely than other students to report missing school because they felt unsafe or uncomfortable (see Figure 3.9);[255]

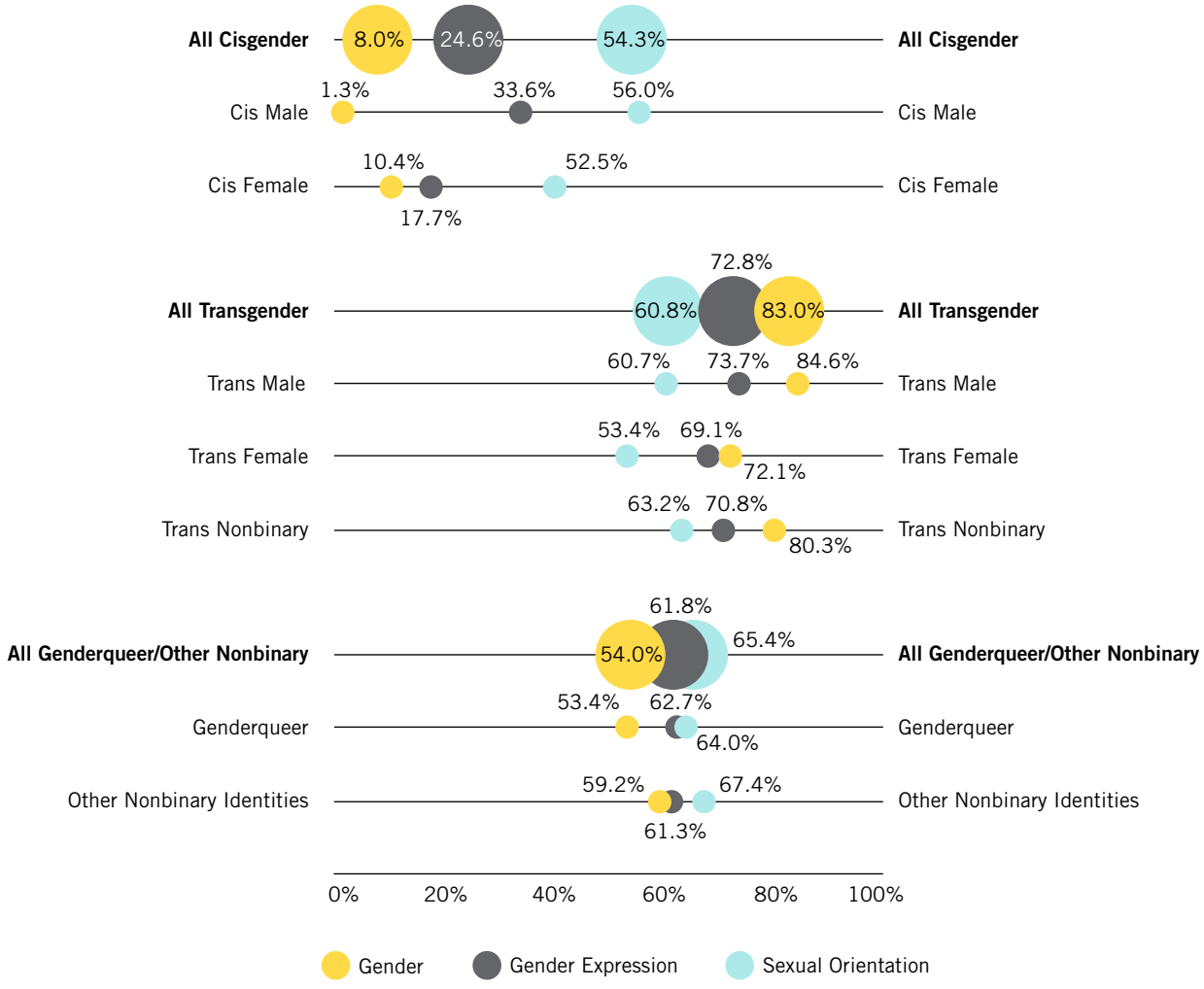
- More likely than other students to report having changed schools because they felt unsafe or uncomfortable(see also Figure 3.9);[256] and
- Four times more likely than cisgender LGBQ students to report that they were not planning to complete high school or were not sure if they would complete high school (2.0% vs. 0.5%), and were not different from genderqueer/other nonbinary students in this regard.[257]

Discriminatory Policies and Practices. As shown in Figure 3.10, transgender students were more likely overall to report incidences with discriminatory policies and practices[258] — 77.9% of transgender students having been discriminated against compared to 47.1% of cisgender students and 70.6% of genderqueer/other nonbinary students.

Certain forms of discrimination are more specific to the experiences of transgender and gender nonconforming students, such as being prevented from using the bathroom consistent with one's gender identity.[259] Thus, it is not surprising that transgender students reported more of these incidents than both cisgender and genderqueer/nonbinary students.[260] Specifically, transgender students were (see Table 3.1):

- More likely to be required to use the bathroom of their legal sex;
- More likely to be required to use locker room of their legal sex;
- More likely to be prevented from using their chosen name and pronouns; and

Figure 3.6 Feelings of Safety at School by Gender Identity
(Percentage of LGBTQ Students who Felt Unsafe Based on . . .)



- More likely to be prevented from wearing clothing deemed "inappropriate" for their gender.

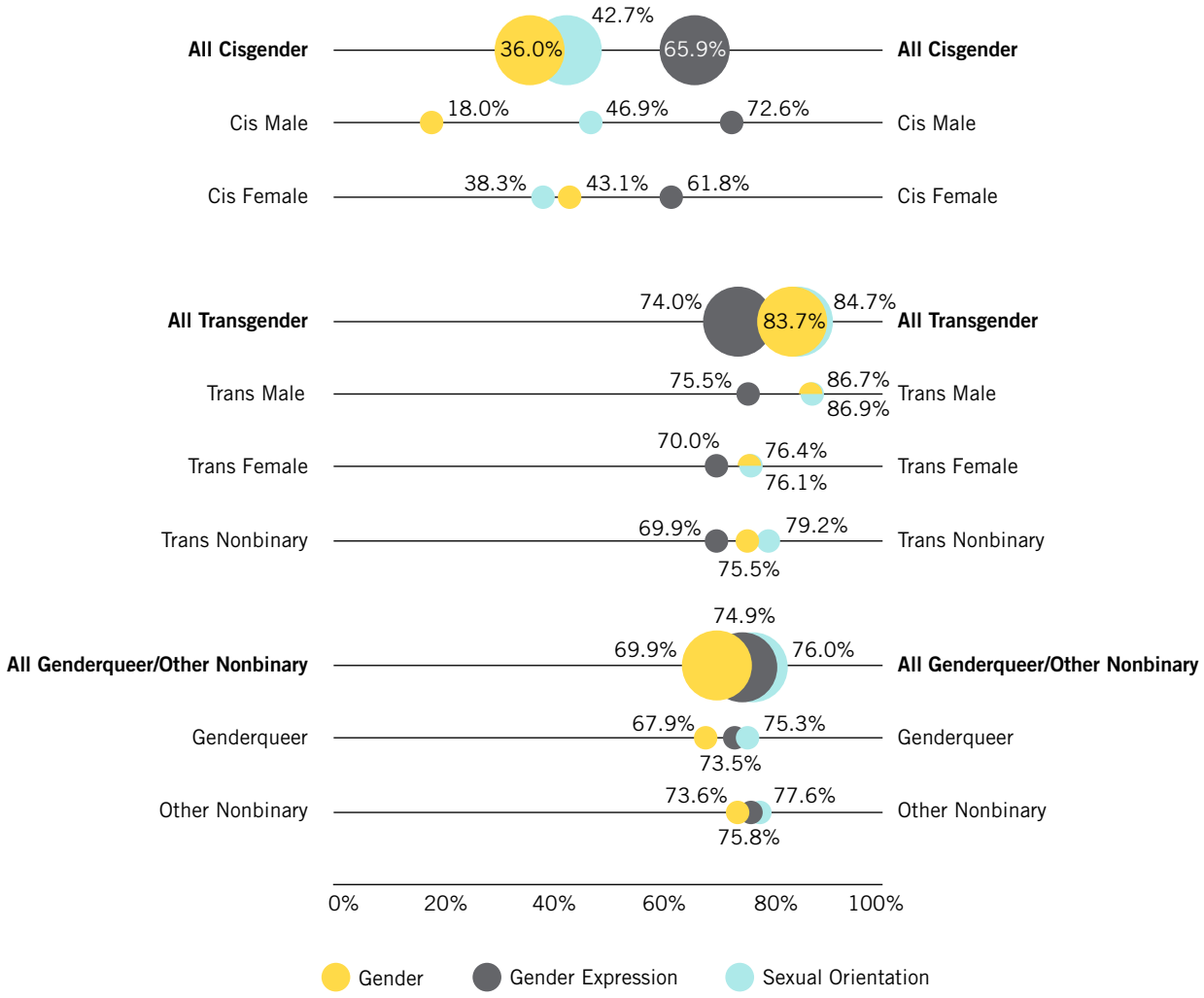
In addition to the specific types of gender-related discrimination noted above, transgender students were also more likely than cisgender LGBQ students to experience all forms of anti-LGBTQ discrimination, including broader forms of LGBTQ discrimination, such as being prevented from addressing LGBTQ topics in class assignments and being unfairly disciplined for being LGBTQ.[261] Perhaps transgender students and, other gender nonconforming students to a lesser extent, are targeted more in general, because they are more visible and/or more stigmatized than other LGBQ students. Further research is needed to explore these disparities and the factors that determine which students are most often targeted by discriminatory policies and practices.

School Discipline. Compared to both cisgender LGBQ students and genderqueer/other nonbinary students, transgender students reported (see Figure 3.11):

- Higher rates of in-school discipline (e.g. principal's office, detention);[262] and
- Higher rates of out-of-school discipline (e.g., out of school suspension, expulsion).[263]

Differences among Transgender Students. Although transgender students experienced the most hostile

Figure 3.7 School Victimization by Gender Identity
(Percentages of LGBTQ Students who Experienced Harassment and Assault Based on . . .)

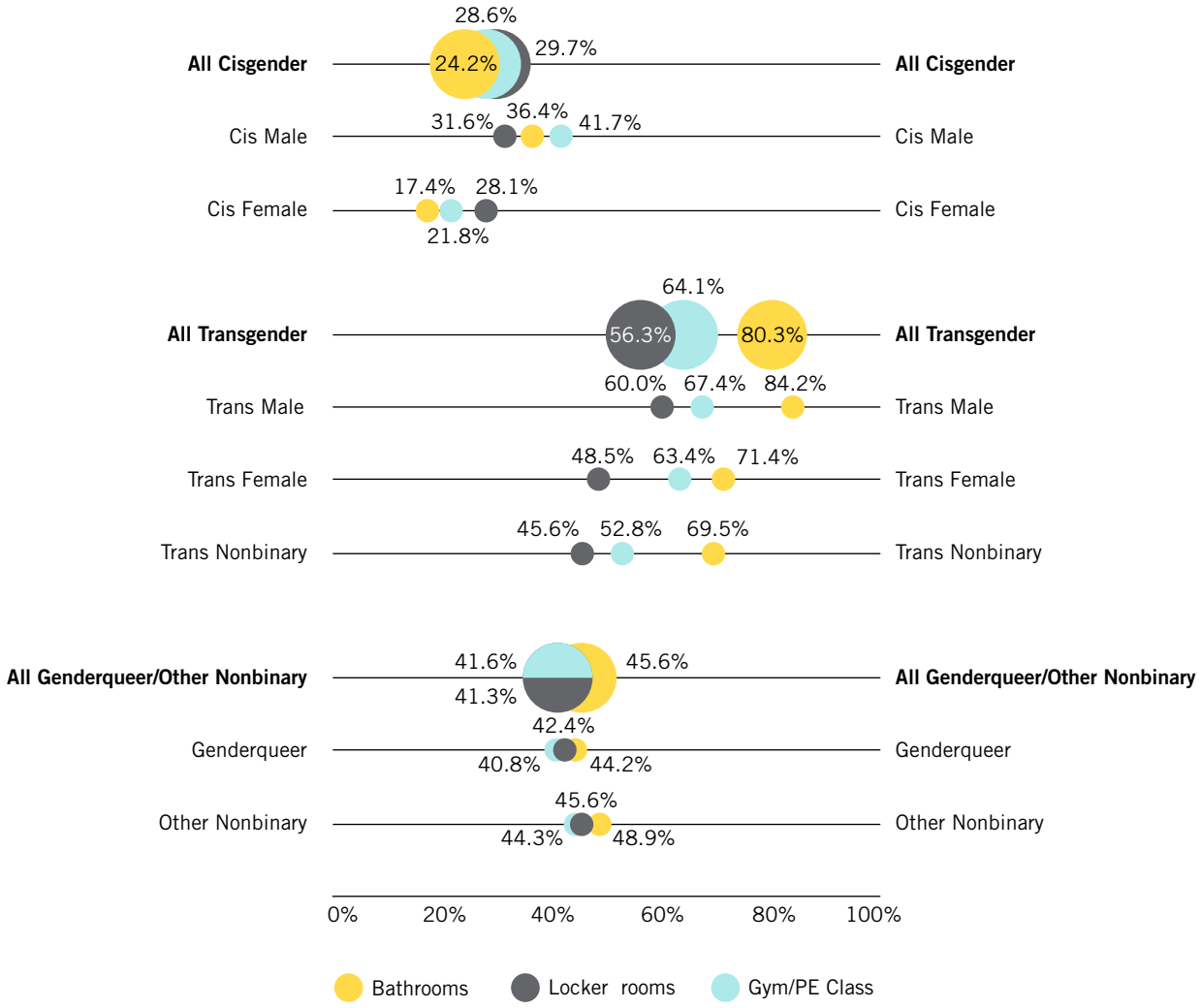


school climates overall, there were also differences between transgender students. Overall, transgender male students reported more hostile school climates than transgender female and transgender nonbinary students. Compared to other transgender students, transgender males were:

- More likely to feel unsafe at school based on their gender (see Figure 3.6);[264]
- More likely to be harassed or assaulted at school based on their gender (see Figure 3.7);[265]
- More likely to report missing school because of feeling unsafe (see Figure 3.9);[266]
- More likely to avoid bathrooms and Gym/Physical Education class (see Figure 3.8);[267] and
- More likely to experience gender-related discrimination concerning bathroom and locker room access (see Table 3.1).[268]

Transgender males were also more likely to be harassed or assaulted at school based on their gender expression and sexual orientation (see Figure 3.7) and to avoid locker rooms due to feeling unsafe or uncomfortable[269] (see Figure 3.8) as compared to transgender nonbinary students; however, they were not different from transgender females in these areas. Transgender males were more likely to experience discrimination related to correct name/pronoun use than transgender females, but were not different from transgender nonbinary students.

Figure 3.8 Avoiding Spaces at School by Gender Identity
(Percentage of LGBTQ Student who Avoided Spaces)



There were relatively few differences between transgender females and transgender nonbinary students. However, transgender nonbinary students were more likely than transgender female students to experience name/pronoun discrimination (see Table 3.1), and less likely than both transgender female and transgender male students to avoid locker rooms due to feeling unsafe or uncomfortable (see Figure 3.8)[270] and to experience in-school discipline (see Figure 3.11).[271] There were no significant differences among transgender students in regard to changing schools for safety reasons or in planning to complete high school.[272]

Figure 3.9 Percentage of LGBTQ Students who Missed School or Changed Schools Because of Safety Concerns by Gender Identity

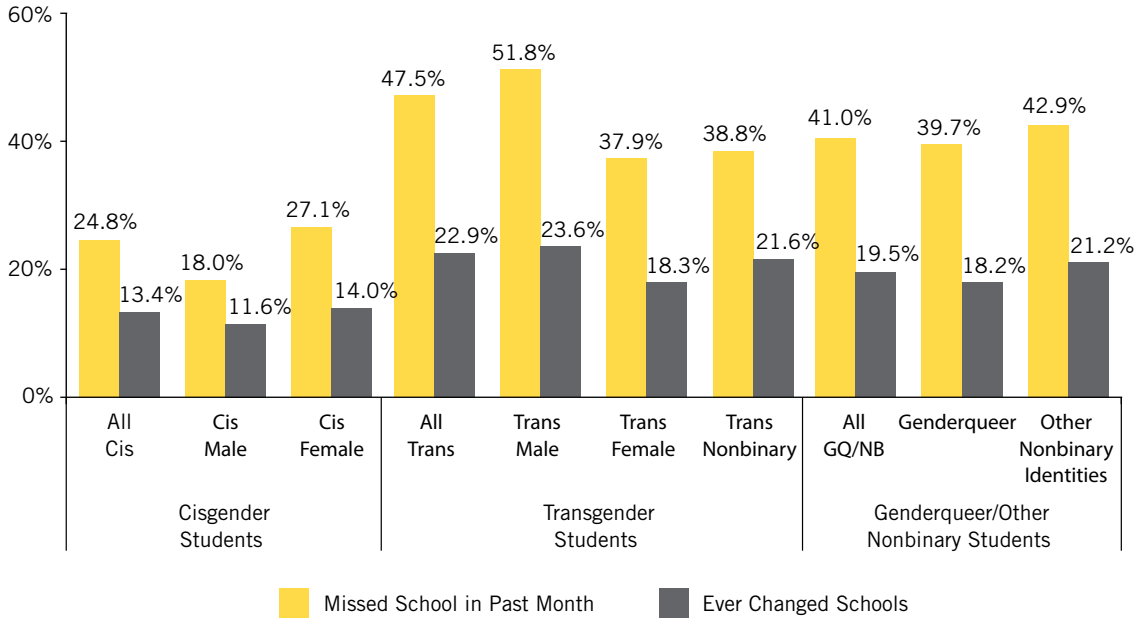
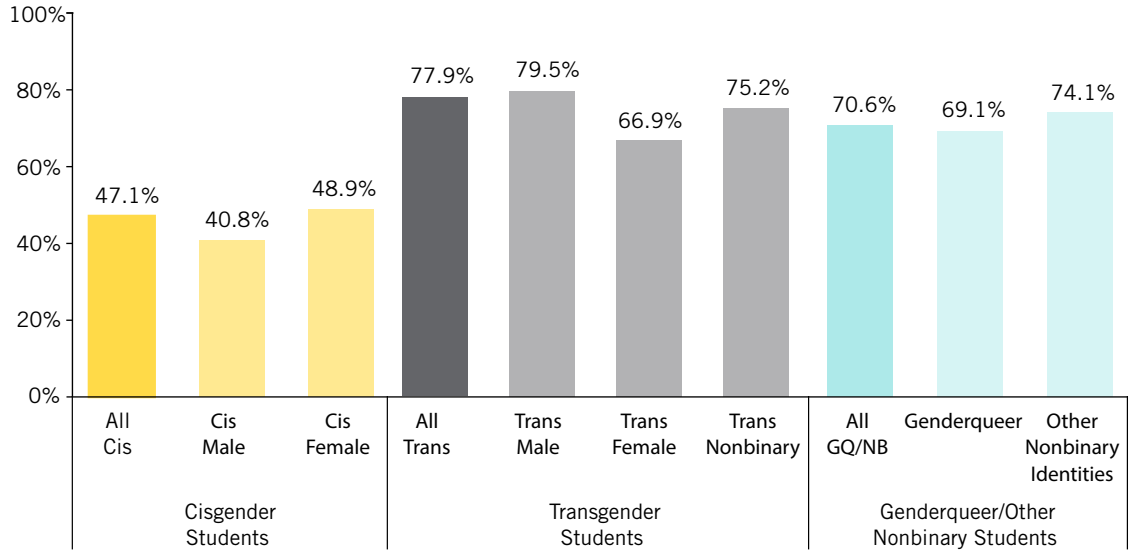


Figure 3.10 Percentage of LGBTQ Students Who Experienced Anti-LGBTQ Discrimination at School by Gender Identity



Overall, these findings suggest that transgender male students may face somewhat more unsafe school climates than other transgender students. It is worth noting that transgender males were more likely to be out about being transgender at school,[273] and that being out was related to higher levels of victimization.[274] Thus, we examined whether the differences we found among transgender students remained once we accounted for differences in outness. Differences in victimization were no longer observed once we accounted for levels of outness, but differences in feelings of safety, avoiding spaces, missing school, and discrimination persisted.[275] Overall, our findings suggest that transgender females in our survey experienced slightly less hostile climates with the exception that they faced higher rates of disciplinary action at school than other transgender students.

Although some previous research has also found, as we have, that transgender males have poorer outcomes than transgender females,[276] other research has indicated transgender males have better outcomes,[277] and still other research shows that transgender males and transgender females do not differ with regard to some mental health outcomes.[278] In addition to this lack of consensus on differences between transgender males and females, there is very little research on transgender nonbinary people.[279] Further, little of this research is on transgender youth populations, and thus, differences in our findings and other research could be due to developmental or generational differences. Clearly, further research is needed to explore differences among transgender students and potential factors accounting for those differences.

Experiences of Genderqueer and Other Nonbinary Students. In addition to transgender students who identified as nonbinary (see above), there were other students in our survey who endorsed a nonbinary identity but did not choose to identify as "transgender." These included students who identified as "genderqueer," those who selected "nonbinary" for their gender, and those who wrote in identities outside the gender binary, such as "bigender" or "gender fluid." As reported above, these students had slightly better school experiences than transgender-identified students. Compared to transgender students, genderqueer and other nonbinary students were:

- Less likely to feel unsafe or be victimized based on their gender and their gender expression (see Figure 3.7);[280]
- Less likely to avoid gender segregated spaces in schools, such as bathrooms, locker rooms, and Gym/PE class (see Figure 3.8);[281]
- Less likely to have missed school or changed schools because of safety concerns (see Figure 3.9);[282] and
- Less likely to experience school discipline (see Figure 3.11).[283]

Table 3.1 Gender-Related Discrimination by Gender Identity

	Bathrooms	Locker Rooms	Names/ Pronouns	Gendered Clothing
All Cisgender Students	12.9%	12.7%	9.1%	17.4%
Cisgender Male Students	10.2%	10.3%	5.4%	16.3%
Cisgender Female Students	13.5%	13.2%	9.7%	17.2%
All Transgender Students	59.2%	56.2%	51.2%	25.4%
Transgender Male Students	62.4%	60.8%	52.7%	25.8%
Transgender Female Students	53.1%	48.5%	38.3%	30.7%
Transgender Nonbinary Students	53.2%	45.9%	51.2%	22.4%
All Genderqueer and Other Nonbinary Students	38.2%	34.7%	40.3%	27.0%
Genderqueer	36.1%	32.7%	38.7%	25.4%
Other Nonbinary Students	42.7%	38.9%	45.6%	28.1%

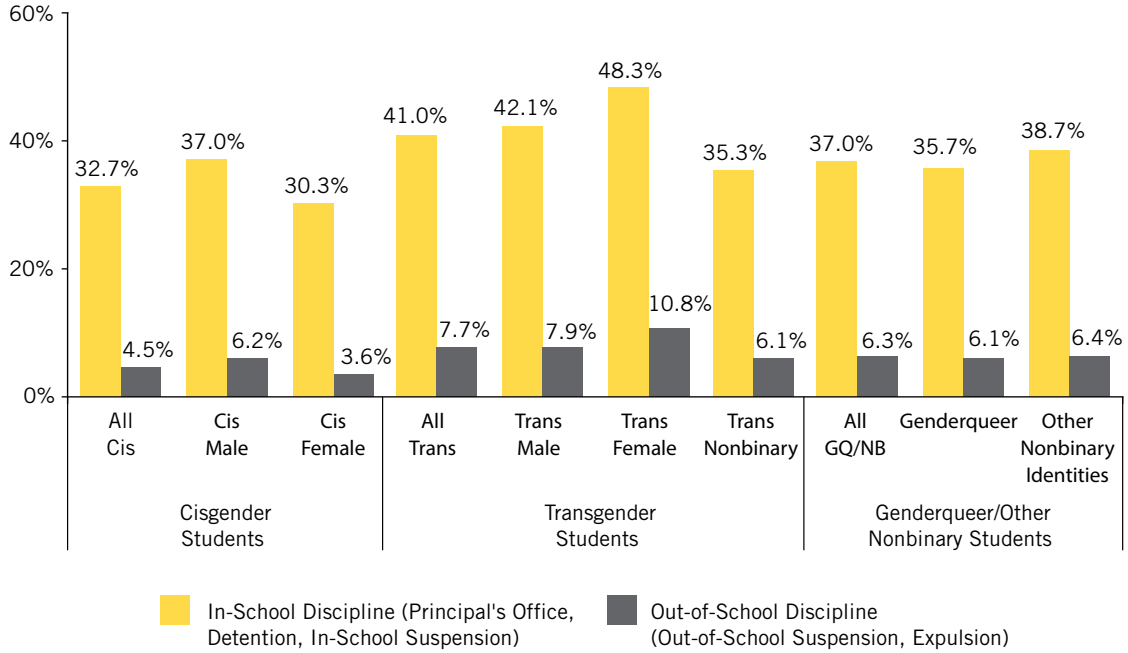
Despite the differences noted above, genderqueer/nonbinary students were more likely than transgender students to feel unsafe based on sexual orientation.[284] It may be that the higher rates of feeling unsafe because of sexual orientation for genderqueer/nonbinary students are related to their greater likelihood of identifying as pansexual. As discussed in the previous *School Climate and Sexual Orientation* section, transgender students were less likely than genderqueer/nonbinary students to identify as pansexual, and pansexual students experienced the highest rates of all types of victimization. However, there were no differences between transgender and genderqueer/nonbinary students in victimization based on sexual orientation,[285] and thus, further examination is warranted.

Similar to their transgender peers, genderqueer/nonbinary students experienced a more hostile school climate than cisgender LGBQ students. Specifically, compared to cisgender LGBQ students, genderqueer/nonbinary students were:

- More likely to feel unsafe at school and to experience higher levels of victimization at school based on gender expression and gender (see Figures 3.6 and 3.7);[286]
- More likely to feel unsafe and experience victimization based on their sexual orientation (see Figures 3.6 and 3.7);[287]
- More likely to avoid bathrooms, locker rooms, and Gym/Physical Education class because they felt unsafe or uncomfortable (see Figure 3.8);[288]
- More likely to report both missing school and changing school for safety reasons (see Figure 3.9);[289]
- More likely to experience discrimination at school, particularly for gender-related discrimination such as names/pronouns or locker room access (see Figure 3.10 and Table 3.1);[290]
- More likely to experience school discipline (see Figure 3.11);[291] and
- More likely to report that they did not plan to complete high school or were not sure if they would complete high school (1.8% vs. 0.5%).[292]

There were few differences between genderqueer and other nonbinary-identified students.[293] However, compared to other nonbinary students, genderqueer students were:

Figure 3.11 Comparison by Gender Identity: Percentage of LGBTQ Students who Experienced School Discipline



- Somewhat less likely to feel unsafe and experience victimization due to their gender (see Figures 3.6 and 3.7);[294,295] and
- Somewhat less likely to experience gender-related discrimination, such as bathroom and locker room access (see Table 3.1).[296]

Experiences of Cisgender LGBQ Students. Overall, most LGBQ cisgender students faced hostile school climates, but experienced fewer negative experiences in school than transgender students and genderqueer and other nonbinary students overall. Compared to transgender and genderqueer/nonbinary students, cisgender students:

- Were less likely to feel unsafe based on sexual orientation, gender expression and gender (see Figure 3.6);[297]
- Experienced lower levels of victimization based on sexual orientation, gender expression, and gender (see Figures 3.7);[298]
- Were less likely to avoid gender-segregated spaces due to safety concerns (see Figure 3.8);[299]
- Were less likely to report missing school or changing schools due to safety concerns (see Figure 3.9);[300]
- Were less likely to experience anti-LGBTQ discrimination in school (see Figure 3.10 and Table 3.1);[301]
- Experienced lower rates of school discipline (see Figure 3.11);[302] and
- Were less likely to report that they did not plan to complete high school or were not sure if they would complete high school (0.5% vs. 2.0% and 1.8%, respectively).[303]

Differences among Cisgender LGBQ Students. There were a few notable differences between cisgender male and female LGBQ students. Compared to cisgender females, cisgender males:

- Were more likely to feel unsafe because of their gender expression and experienced higher levels of victimization based on gender expression (see Figures 3.6 and 3.7);[304,305]
- Were more likely to feel unsafe because of their sexual orientation and experienced higher levels of victimization based on sexual orientation (see Figures 3.6 and 3.7);[306,307]
- Were more likely to avoid gender segregated spaces, i.e. bathrooms, locker rooms, and Gym/PE class (see Figure 3.8);[308] and
- Reported higher rates of school discipline (see Figure 3.11).[309]

In contrast, compared to cisgender males, cisgender females:

- Were more likely to feel unsafe because of their gender and experienced higher levels of victimization based on gender (see Figures 3.6 and 3.7);[310,311]
- Were somewhat more likely to report missing school and changing schools because of safety concerns (see Figure 3.9);[312] and
- Were more likely to experience gender-related discrimination at school, such as bathroom and locker room access, and use of correct name/pronoun (see Table 3.1).[313]

It is important to note that both LGBQ cisgender male and female students reported frequent victimization and high rates of discrimination. Nevertheless, the above findings indicate that they also face some differing challenges. Cisgender males experienced lower feelings of safety and greater victimization regarding gender expression than cisgender females. It is possible that our society allows for more fluidity of gender expression for females, particularly compared to males. For example, it is often considered more acceptable for a girl to dress or behave in ways deemed "masculine" than for a boy to dress or behave in a "feminine" manner.[314] Conversely, cisgender female students experienced lower feelings of safety and greater victimization than cisgender males with regard to their gender, illustrating the additional ways that female students may experience sexism at school.

Differences Based on Gender Expression. Although we found that cisgender youth faced lower levels of victimization and higher levels of safety at school in comparison to their transgender and gender nonconforming peers, traditional expectations

regarding gender expression may nevertheless negatively affect cisgender LGBQ students' school experiences. In fact, a growing body of research indicates that LGBQ youth whose gender expression does not conform to traditional expectations for their gender may also be at an elevated risk for victimization.[315] Therefore, within the sample of cisgender LGBQ students, we examined whether the school experiences of those students whose gender expression differed from traditional expectations (e.g., a male student who reported a gender expression on the feminine scale or reported their gender expression as equally masculine and feminine) differed from cisgender students who reported gender expression that conformed to traditional expectations (e.g., a male student who reported a masculine gender expression).[316,317]

We found that cisgender LGBQ students who were atypical in their gender expression were more likely to report negative experiences in school compared to other cisgender LGBQ students. With regard to issues of safety, LGBQ cisgender students who were atypical in their gender expression were:

- More likely to report feeling unsafe at school because of their sexual orientation (59.6% vs. 49.2%);[318]
- More likely to report feeling unsafe at school because of their gender expression (38.3% vs. 11.4%);[319]
- More likely to report missing school (78.4% vs. 72.7%) and changing schools because of safety concerns (14.3% vs. 12.2%);[320] and
- More likely to avoid traditionally gendered spaces because they felt unsafe or uncomfortable, such as bathrooms (34.0% vs. 15.8%), locker rooms (36.4% vs. 22.3%), and PE/Gym class (33.3% vs. 26.3%).[321]

With regard to issues of victimization, LGBQ cisgender students who were atypical in their gender expression:

- Experienced higher levels of victimization because of their sexual orientation (73.9% vs. 59.0%);[322] and
- Experienced higher levels of victimization because of gender expression (56.0% vs. 29.7%).[323]

Students who were atypical in their gender expression were also more likely to face restrictive policies and sanctions from school authorities. Specifically, LGBQ cisgender students who were atypical in their gender expression were:

- More likely to experience gender-related discrimination at school, including discrimination related to bathroom access (14.2% vs. 11.2%), locker room access (14.2% vs. 10.7%), correct names/pronoun use (9.7% vs. 7.3%), and wearing of clothing "inappropriate" for gender (20.2% vs. 14.3%);[324] and
- Reported higher rates of both in-school and out-of-school discipline (37.4% vs. 28.8%, 6.0% vs. 3.3%, respectively).[325]

The preponderance of these findings indicates that gender atypical students have more negative experiences in school. Thus, it is somewhat surprising that gender atypical cisgender students were *less* likely to feel unsafe because of gender than their peers with more traditional gender expression.[326] However, once we accounted for gender (male and female) in our analyses, the difference in feeling unsafe based on gender was no longer observed, indicating that the differences was related to students' gender and not their gender expression.

Overall, differences between students with atypical gender expression and more traditional gender expression were consistent for both cisgender males and cisgender females. However, in some cases, the effect was slightly stronger for cisgender males.[327]

These findings highlight ways in which sexual orientation and gender expression intersect for LGBTQ students. Gender atypical students had more negative experiences related to safety and victimization based not only on gender expression, but also based on sexual orientation. Atypical gender expression may make one a more visible target for various types of anti-LGBTQ harassment. Yet many cisgender LGBQ students whose gender expression *did* conform to traditional norms also commonly experienced victimization based on gender expression. Perpetrators of anti-LGBTQ behaviors in school may direct harassment related to gender expression toward any student they believe to be LGBTQ, regardless of their actual gender expression.

"I'm mixed between Caucasian and Mexican. I've been asked if I was a legal citizen and been told racist jokes about illegally entering the United States. It gets very annoying and somewhat offensive. I'd sometimes be scared to go to a certain class because of racist remarks."

Conclusions. Overall, we found that among the LGBTQ students in our survey, students whose identities do not align with their sex assigned at birth (i.e., transgender, genderqueer students, and other nonbinary-identified students) faced a more hostile climate than their cisgender LGBQ peers. Specifically, transgender students appear to face the most hostile school climate. Our findings also highlight that transgender and gender nonconforming students have less access to education than their peers — not only because they feel more unsafe and experience more victimization, but also because they often have restricted access within the school environment itself, specifically a lack of access to gender segregated spaces. School staff need to be aware of the various ways that gender-segregated spaces may be particularly difficult for transgender and gender nonconforming youth to navigate, and should work to ensure that all students have equal access to school facilities.

It is also important to acknowledge that among cisgender LGBQ students, those with atypical gender expression experienced more negative experiences in school. Thus, students who do not conform to traditional gender norms related to their assigned sex at birth — be it based on gender identity or gender expression — face higher levels of victimization and discrimination at school. It is therefore critical that schools and advocates for safe schools explicitly address issues related to gender identity and gender expression, in addition to issues related to sexual orientation.

Among LGBQ cisgender students, we found that cisgender males experienced less school safety regarding gender expression, whereas cisgender female students experienced less school safety with regard to their gender. Both bias based on gender expression for cisgender males (i.e., stigmatizing males who are perceived to be "feminine") and biased based on gender for cisgender females can be considered manifestations of misogyny, in that they demonstrate hostility to females and femininity. Thus, it is critical that efforts to combat victimization and marginalization of LGBTQ students at school also incorporate efforts to combat sexism.

School Climate and Racial/Ethnic Identity

We examined school climate for different racial/ethnic groups of LGBTQ students in our survey: Arab and Middle Eastern; Asian, South Asian, Pacific Islander, and Native Hawaiian ("API"); Black and African American; Hispanic and Latinx;[328] Native American, American Indian, and Alaska Native ("Native American"); Multiracial; and White students.[329] Specifically, we examined safety and victimization related to sexual orientation, gender expression, and race/ethnicity, as well as anti-LGBTQ discriminatory school policies and practices. Given previous research that indicates some youth of color experience disproportionate levels of school discipline compared to their White peers,[330] we also examined two types of school disciplinary action: in-school discipline (including referral to the principal, detention, and in-school suspension) and out-of-school discipline (including out-of-school suspension and expulsion).

Experiences of Arab and Middle Eastern LGBTQ Students. Over a quarter of Arab/Middle Eastern LGBTQ students (29.5%) felt unsafe at school due to their actual or perceived race/ethnicity (see Figure 3.12). In fact, Arab/Middle Eastern students were more likely than Hispanic/Latinx (22.3%), Multiracial (20.3%), Native American (18.9%), and White students (1.6%) to feel unsafe due to their racial/ethnic identity, but were not different from API or Black/African American LGBTQ students in this regard.[331] Additionally, the majority of Arab/Middle Eastern students (53.8%) were

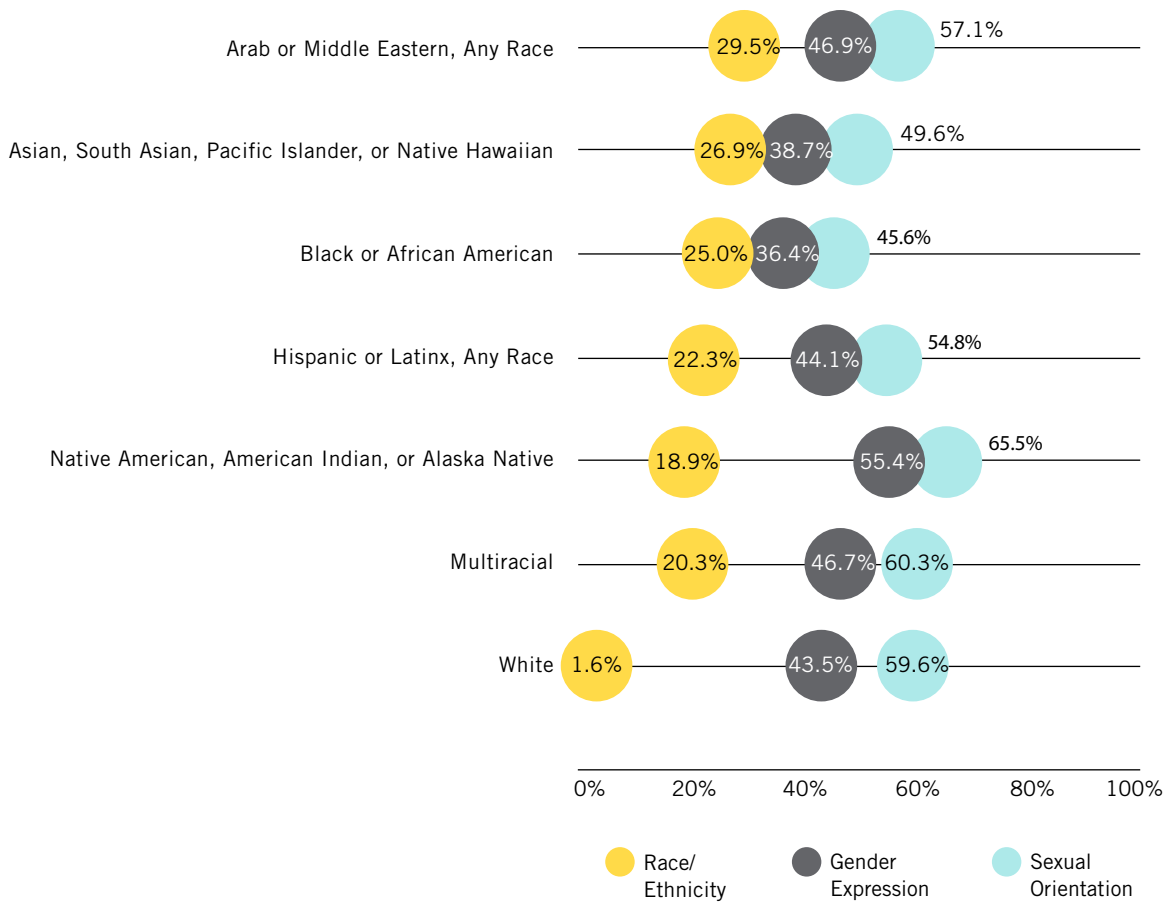
bullied or harassed due to their actual or perceived racial/ethnic identity (see Figure 3.13).

The majority of Arab/Middle Eastern LGBTQ students also reported negative school experiences related to their LGBTQ identity. Most (57.1%) felt unsafe because of their sexual orientation, and almost half (46.9%) felt unsafe because of the way they expressed their gender (see Figure 3.12). Nearly three-fourths (71.3%) experienced harassment or assault due to their sexual orientation, and about three-fifths (59.8%) experienced this kind of victimization due to their gender expression (see Figure 3.13). The majority of Arab/Middle Eastern students (55.2%) also faced anti-LGBTQ discriminatory school policies or practices (see Figure 14). With regard to school discipline, over a third of Arab/Middle Eastern LGBTQ students (37.8%) experienced some sort of in-school discipline, and 6.0% experienced out-of-school discipline (see Figure 3.15).

Experiences of Asian, South Asian, Pacific Islander, and Native Hawaiian (API) LGBTQ Students. Just over a quarter of API LGBTQ students (26.9%) felt unsafe at school due to their actual or perceived race/ethnicity (see Figure 3.12), and just over half (54.5%) were assaulted or bullied due to their actual or perceived race/ethnicity (see Figure 3.13).

The majority of API students also reported negative school experiences due to their LGBTQ identity. For example, half of API students (49.6%) felt unsafe due to their sexual orientation, and over a third (38.7%) felt unsafe due to the way they expressed their gender (see Figure 3.12). As shown in Figure 3.13, the majority experienced harassment or assault due to their sexual orientation (54.6%) and due to their gender expression (51.8%). However, API students experienced lower levels of victimization due to their sexual orientation than all other racial/ethnic groups except Black/African American LGBTQ students, and lower levels

Figure 3.12 Sense of Safety at School by Race/Ethnicity
(Percentage of LGBTQ Students who Felt Unsafe at School Based on . . .)

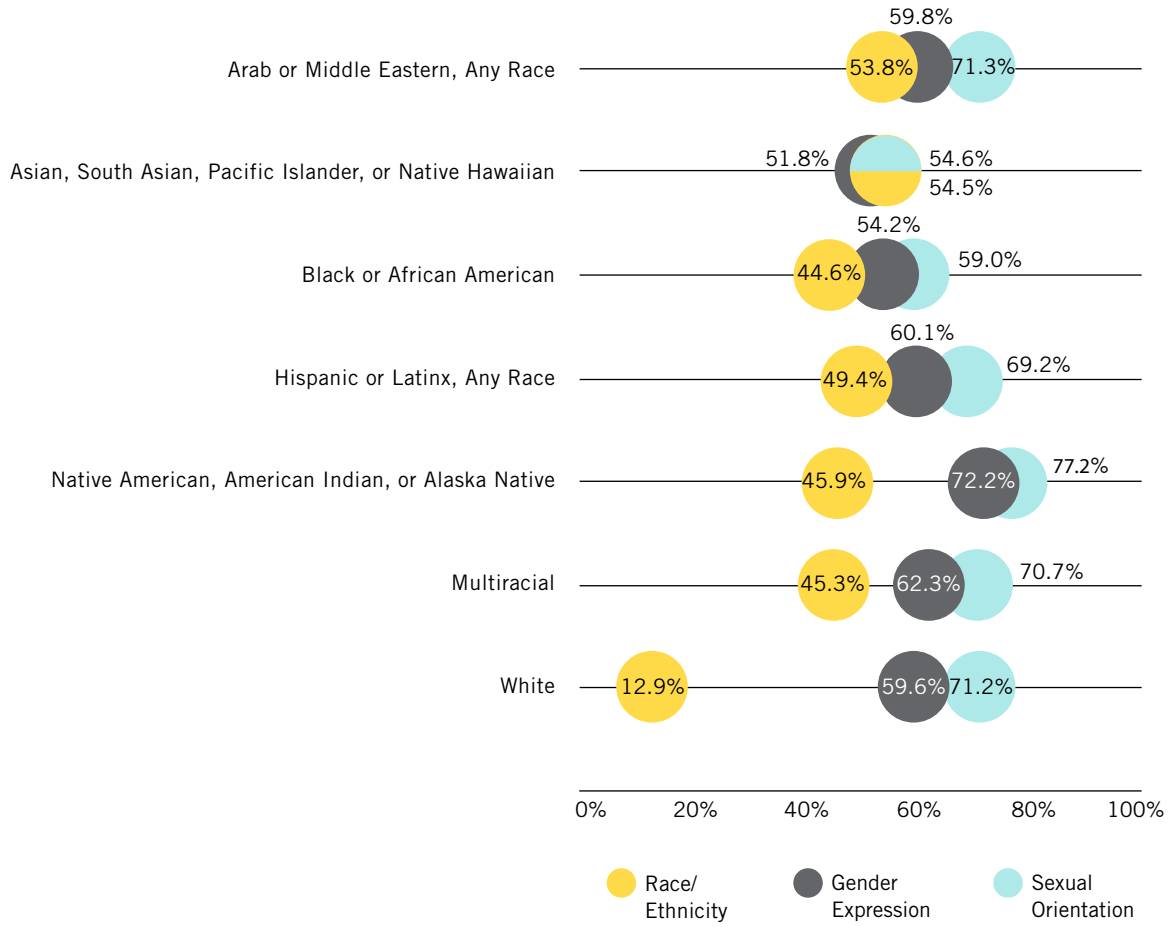


of victimization due to gender expression than Native American, Multiracial, and Hispanic/Latinx students.[332] API students were also less likely to experience anti-LGBTQ discrimination (42.7%) than all other racial/ethnic groups except for Black/African American and Arab/Middle Eastern LGBTQ students (see Figure 3.14).[333] With regard to school discipline, they were the least likely to experience in-school discipline, and they were less likely than Black/African American and Multiracial students to experience out-of-school discipline (see Figure 3.15).[334]

Experiences of Black and African American LGBTQ Students. A quarter of Black/African American LGBTQ students (25.0%) felt unsafe at school due to their actual or perceived race/ethnicity (see Figure 3.12), and 44.6% experienced harassment or bullying due to their actual or perceived race/ethnicity (see Figure 3.13).

Black/African American LGBTQ students also reported negative school experiences due to their LGBTQ identity. Nearly half of these students (45.6%) felt unsafe due to their sexual orientation, and over a third (36.4%) felt unsafe because of their gender expression (see Figure 3.12). The majority also experienced victimization due to their sexual orientation (59.0%) and due to their gender expression (54.2%) (see Figure 3.13). However, Black/African American LGBTQ students experienced lower levels of victimization due to their sexual orientation than all other racial/ethnic groups except API students, and lower levels of gender expression-based victimization than Native American, Multiracial, and Hispanic/Latinx students.[335] Nearly half of Black/African American LGBTQ students (47.7%) experienced anti-LGBTQ discrimination in school, less than all other groups except for Arab/Middle Eastern and API students, where there were no statistically

Figurte 3.13 Experiences of In-School Victimization Based on Personal Characteristics by Race/Ethnicity
(Percentage of LGBTQ Students who Experienced any Bullying, Harassment, or Assault Based on . . .)



significant differences (see Figure 3.14).[336] In terms of school disciplinary action, however, Black/African American students were more likely to experience in-school discipline (37.8%) than API students (23.0%).[337] They were also more likely to experience out-of-school discipline (9.9%) than Hispanic/Latinx (6.2%), White (5.2%), and API (3.1%) LGBTQ students (see Figure 3.15).[338]

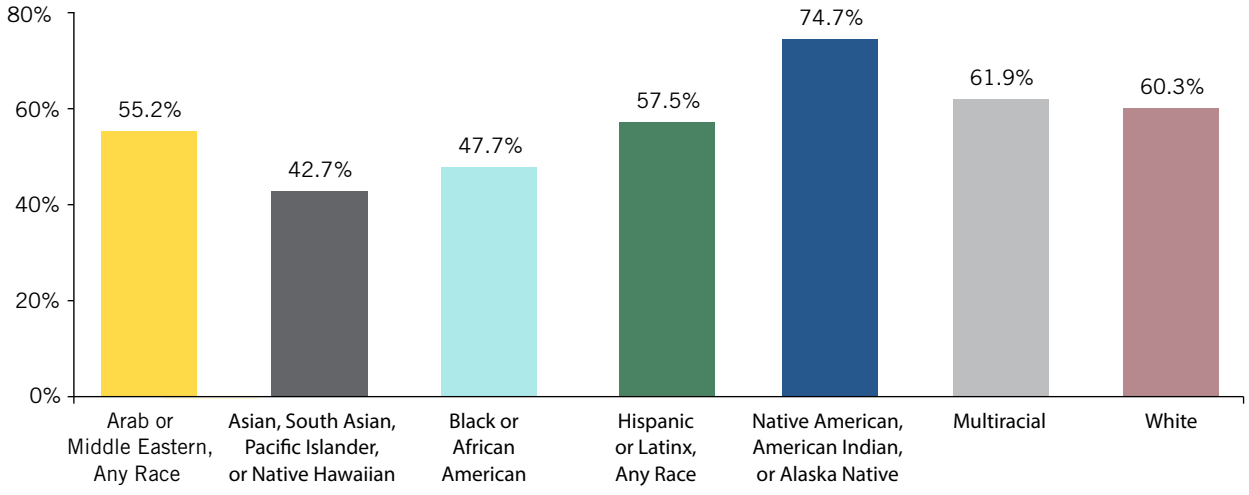
Experiences of Hispanic and Latinx Students. More than a fifth of Hispanic/Latinx LGBTQ students (22.3%) felt unsafe at school due to their actual or perceived race/ethnicity (see Figure 3.12), and half (49.4%) experienced bullying or harassment related to their race or ethnicity (see Figure 3.13).

Hispanic/Latinx students also reported negative school experiences related to their LGBTQ identity. Over half (54.8%) felt unsafe at school because of their sexual orientation, and 44.1% felt unsafe because of their gender expression (see Figure 3.12). Over two-thirds (69.2%) experienced victimization from other students because of their sexual orientation, whereas three-fifths (60.1%) experienced victimization because of how they express their gender (see Figure 3.13). The majority of Hispanic/Latinx LGBTQ students (57.5%) also experienced anti-LGBTQ discriminatory school policies and practices (see Figure 3.14). With regard to school discipline, nearly two-fifths of Hispanic/Latinx LGBTQ students (38.3%) experienced in-school discipline — more than White (34.5%) and API students (23.0%) (see Figure 3.15).[339] Additionally, 6.2% experienced some form of out-of-school discipline.

Experiences of Native American, American Indian, and Alaska Native (Native American) LGBTQ Students. Nearly one-fifth of Native American LGBTQ students (18.9%) felt unsafe at school due to their actual or perceived race/ethnicity (see Figure 3.12), and nearly half (45.9%) were bullied or harassed due to their actual or perceived race/ethnicity (see Figure 3.13).

Generally, Native American LGBTQ students were more likely to report hostile school experiences related to their LGBTQ identity than other racial/ethnic groups. Nearly two-thirds (65.5%) felt unsafe due to their sexual orientation, and over half (55.4%) felt unsafe due to the way they express their gender (see Figure 3.12). As shown in Figure 3.13, approximately three-fourths experienced harassment and assault due to their sexual orientation (77.2%) and their gender expression (72.2%). In fact, Native American students experienced more severe victimization due to sexual orientation than all other racial/ethnic groups,[340] and more severe victimization due to gender expression than all racial/ethnic groups except Arab/Middle Eastern LGBTQ students.[341]

Figure 3.14 Experiences of Anti-LGBTQ Discrimination by Race/Ethnicity
(Percentage of LGBTQ Students Experiencing Anti-LGBTQ Discriminatory School Policies and Practices)

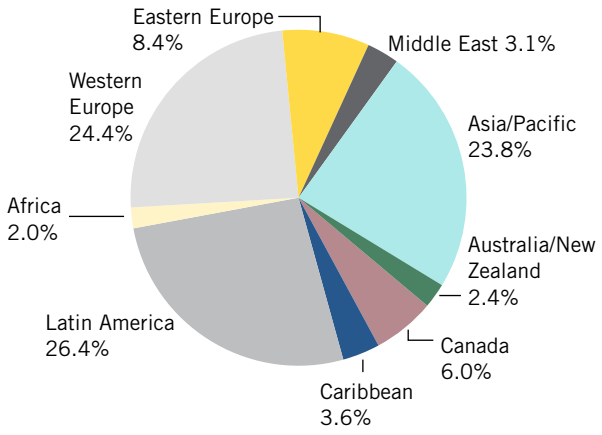


Insight on Experiences of LGBTQ Immigrant Students

Increasing anti-immigrant rhetoric and governmental actions illustrate the complex environment negotiated by LGBTQ immigrants in the United States. For LGBTQ youth, who already routinely experience negative classroom environments, these characteristics may contribute further to marginalization. For LGBTQ students, being an immigrant may further highlight "difference" in ways that U.S.-born LGBTQ students may not experience, perhaps making them at greater risk for negative school experiences related to their LGBTQ status as well. Although commonalities exist across the LGBTQ student population with regard to their school experiences, such as having safety concerns related to their sexual orientation and/or how they express their gender, it is important to understand that experiences are shaped and may vary by students' personal citizenship and nativity characteristics.

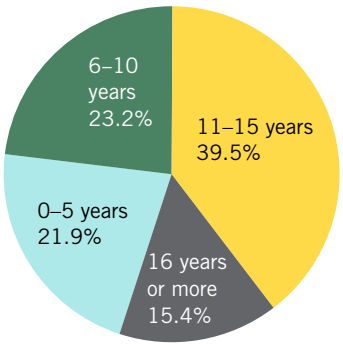
Only 3.1% (N = 718) of the LGBTQ students in the survey were not born in the United States or its territories,[342] which is slightly smaller than a national estimate from 2014 showing 3.8% of students in K–12 schools were born outside of the U.S.[343,344] As shown in the first Figure, these students were more commonly from Latin America, Western Europe, and Asia/Pacific. The vast majority of these students have lived in the U.S. for the majority of their lives (see second Figure), although a fifth of these students had moved to the U.S. in the past 5 years. The LGBTQ students in our survey who were not born in the U.S. were from schools in all regions and locales of the country. However, they were less likely to be in rural schools and more likely to be in suburban and urban schools than the U.S.-born students in the survey.[345] Foreign-born students were also less likely to be from schools in the Midwest than other regions of the country.[346]

Foreign-Born LGBTQ Students and World Region
(Country of Origin, n = 717)



The majority of foreign-born students were U.S. citizens (62.9%). Just over a quarter (27.7%) of the foreign-born students were authorized non-citizens, and less than a tenth (9.4%) reported that they were unauthorized U.S. residents. Foreign-born students from Europe and the Asia and Pacific regions were more likely to be U.S. citizens, and students from the Latin America and the Middle East regions were more likely to be unauthorized immigrants than foreign-born students from other regions.[347] It is important to note that these differences by world region may be related to systemic discriminatory factors in U.S. government immigration practice. For example, a recent study found that immigrants from Latin America, Middle East, and Africa were less likely to receive labor certifications, which could contribute to people from those countries being more likely to reside in the U.S. without authorization.[348]

Length of Time in the U.S. of Foreign-Born LGBTQ Students
(n = 708)



Safety at School. Overall, 16.0% of all LGBTQ foreign-born students in the survey felt unsafe because of their citizenship status. Those who were unauthorized immigrants were more likely to feel unsafe because of citizenship than those who were lawfully present non-citizens or citizens — 47.0% vs. 28.2% and 6.3%, respectively.[349] Although it is not surprising that students who were unauthorized immigrants felt most unsafe at school because of citizenship, it is important to note that more than a quarter of students who were authorized residents also felt unsafe for this reason. It may be that students who are lawfully present non-citizens feel that their legal status is at risk or that they may be treated negatively as immigrants because they are perceived to be unauthorized or because of current public opinion or rhetoric about immigrants in the U.S.

For more than a third of the foreign-born LGBTQ students in the survey (35.1%), English was not one of their native languages, and 12.2% of all foreign-born students felt unsafe because of their level of English language proficiency. Not surprisingly, foreign-born students for whom English was not a native language were more likely to feel unsafe for this reason than foreign-born students whose native languages included English (29.4% vs. 3.2%).[350] However, it is important to note that there was the small percentage of native English speakers not born in the U.S. who felt targeted because of their English proficiency even though they are native speakers. This may be because of their accent or manner of their speech, if they have a primarily non-English speaking household, or that some immigrant students are bullied or harassed about their speech or language skills simply because they are "foreign."

Experience of Victimization and Discrimination. Overall, foreign-born LGBTQ students did not differ from U.S.-born students on experiences of victimization based on sexual orientation or gender expression.[351] However, foreign-born LGBTQ students were more likely to experience bullying or harassment based on their actual or perceived race or ethnicity than their peers - 8.5% of foreign-born students experienced this type of victimization often or frequently compared to 4.7% of U.S.-born students. Even though foreign-born students were more likely to identify as people of color than other students, these differences in victimization based on race/ethnicity remained significant even after accounting for the racial/ethnic composition of the sample.[352] Thus, it may be that having been born outside the U.S. and its territories results in students being targeted for their race or ethnicity, regardless of whether they are White or a person of color. In addition, there were no significant differences in race/ethnicity-based victimization among foreign-born students with regard to their citizenship status. With regard to anti-LGBTQ discrimination at school, foreign-born LGBTQ students were less likely to have experienced this type of discrimination than their U.S.-born peers.[353]

Relationship to the School Community. In that foreign-born LGBTQ students experienced greater victimization because of race and were more likely to feel unsafe because of nativity status or English language proficiency, we examined whether these youth differed from their LGBTQ peers in their relationship to school. Our findings suggest that, on most indicators, foreign-born LGBTQ students may have a qualitatively better relationship with their school and their education than U.S.-born LGBTQ students:

- Foreign-born LGBTQ students had higher levels of school belonging than other students.[354] However, when we considered personal demographics and school location, these students were no longer different from U.S.-born LGBTQ students in school belonging.[355]

- Foreign-born LGBTQ students reported having a greater number of school personnel in their school: 47.5% reported having more than 10 supportive school personnel at school vs. 38.5% of U.S.-born LGBTQ students.[356]

- Foreign-born LGBTQ students were less likely to miss school because of feeling unsafe than U.S.-born LGBTQ students: 28.0% vs. 35.1%.[357]

- Foreign-born LGBTQ students were no more or less likely to be out about being LGBTQ to peers or staff at their schools than U.S.-born LGBTQ students. Within the group of foreign-born LGBTQ students, U.S. citizens were somewhat more likely to be out at school than lawfully present non-citizens, but were not different from unauthorized immigrants.[358]

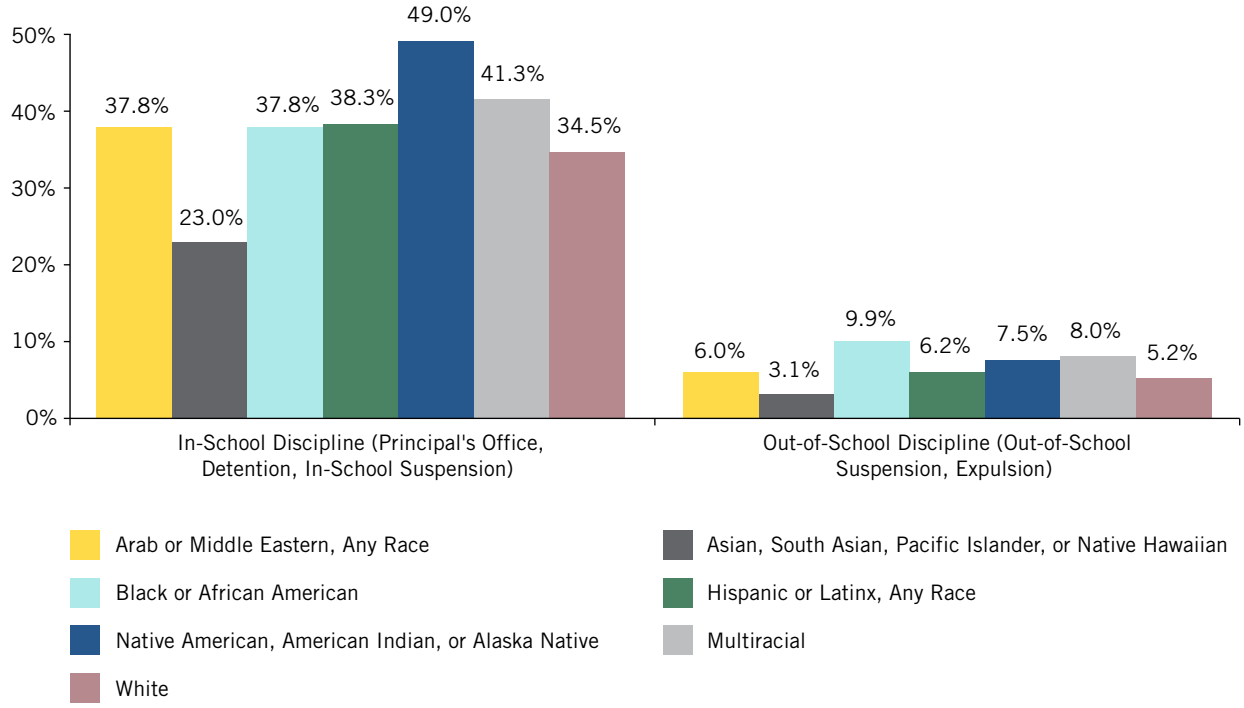
Our findings show, overall, that immigrant LGBTQ students have similar experiences to their non-immigrant LGBTQ peers at school with regard to their LGBTQ status, but they then have added safety concerns related to their immigrant status, their citizenship status, and English language proficiency. Yet LGBTQ immigrant students appeared to have more positive connections to their education than their peers. Thus, more research is needed to further understand the experiences of this population. Nevertheless, our findings highlight the need for programs and resources for and about LGBTQ students to be cognizant of the needs and experiences of immigrant students and their families.

Additionally, three-fourths of Native American students (74.7%) experienced anti-LGBTQ discriminatory school policies or practices — more than any other racial/ethnic group except for Multiracial LGBTQ students (see Figure 3.14).[359] Many Native American LGBTQ students also reported experiences of school discipline. About half (49.0%) experienced in-school discipline, which was significantly greater than both White (34.5%) and API LGBTQ students (23.0%).[360] In addition, 7.5% experienced some form of out-of-school discipline, which was not significantly different from students of other racial/ethnic groups (see Figure 3.15).

Experiences of Multiracial LGBTQ Students. About a fifth of Multiracial LGBTQ students (20.3%) felt unsafe in school due to their actual or perceived race/ethnicity (see Figure 3.12), and nearly half (45.3%) faced harassment due to their racial/ethnic identity (see Figure 3.13). Additionally, three-fifths of Multiracial students (60.3%) felt unsafe at school due to their sexual orientation, and nearly half (46.7%) felt unsafe due to the way they express their gender (see Figure 3.12). Over two-thirds (70.7%) faced harassment and assault due to their sexual orientation, and nearly two-thirds (62.3%) experienced this victimization due to their gender expression (see Figure 3.13). Additionally, 61.9% of Multiracial LGBTQ students experienced anti-LGBTQ discriminatory school policies and practices (see Figure 3.14). With regard to school discipline, 41.3% of Multiracial students experienced some form of in-school discipline, and 8.0% experienced out-of-school discipline (see Figure 3.15).

Experiences of White LGBTQ Students. Not surprisingly, as shown in Figures 3.12 and 3.13, White LGBTQ students were less likely than all other racial/ethnic groups to feel unsafe or experience harassment due to their actual or perceived race/ethnicity (1.6% and 12.9%, respectively).[361] However, the vast majority of White LGBTQ students reported negative school experiences with regard to LGBTQ identity. Over half (59.6%) felt unsafe due to their sexual orientation, and 43.5% felt unsafe due to their gender expression (see Figure 3.12). Nearly three-fourths (71.2%) experienced victimization due to their sexual orientation, and three-fifths (59.6%) experienced victimization due to gender expression (see Figure 3.13). Additionally, three-fifths (60.3%) experienced some form of anti-LGBTQ discrimination at school (see Figure 3.14). Just over a third of White LGBTQ students (34.5%) experienced some form of in-school discipline, and 5.2% experienced out-of-school discipline (see Figure 3.15).

Figure 3.15 Experiences of School Discipline by Race/Ethnicity
(Percentage of LGBTQ Students who Experienced School Discipline)



Conclusion. The majority of LGBTQ students of all races and ethnicities reported hostile school experiences due to their marginalized identities. Nevertheless, this section highlights some notable relationships between racial/ethnic identity and feelings of safety as well as experiences of victimization, discrimination, and disciplinary action in school. The differences that we found across racial/ethnic groups may be related to a number of factors, including a school's policies, its demographic composition, and its social dynamics. Some of these differences could be related to disparities in educational access which have been documented across different racial/ethnic groups of students in the general population.[362] In this survey, we found that LGBTQ Native American students, who experienced the greatest levels of anti-LGBTQ bias, were also more likely than all other racial/ethnic groups to attend rural schools,[363] where LGBTQ students generally experience more hostile school climates.[364] In fact, when accounting for urban, suburban, and rural school area, some of the differences in anti-LGBTQ discrimination experienced by Native American students were no longer observed, although the differences in victimization still remained.[365]

We also found that API LGBTQ students, who experienced lower levels of anti-LGBTQ victimization and discrimination, were some of the least "out" about their LGBTQ identity to other students and staff,[366] which may be protective against anti-LGBTQ bias.[367] When we accounted for outness to peers and staff, the differences we observed in API students' comparative experiences of victimization and discrimination remained, but were somewhat diminished.[368]

For LGBTQ students of color, school experiences are likely impacted by a complex interplay of multiple marginalized identities,[369] as well as other contextual factors, such as the racial/ethnic composition of schools students attend. Further research is needed which critically examines how these issues affect the way school climate manifests for LGBTQ students of different racial and ethnic backgrounds.

School Climate and School Characteristics

We examined potential differences in LGBTQ students' reports of hearing biased language, experiences of victimization and discrimination, and the availability of LGBTQ-related resources and supports by school level, school type, locale, and geographic region (see Appendices 1–4).

School Level. We examined differences in the experiences of LGBTQ students in middle schools and high schools (see Table A.1 in the Appendix).[370] We found that LGBTQ middle school students reported a more hostile school climate than LGBTQ high school students.

Biased Language. LGBTQ students in middle school heard anti-LGBTQ remarks more frequently, with the exception of negative remarks about transgender people (see Appendix 1).[371] Furthermore, middle school students also heard other types of biased remarks, such as racist remarks, more frequently, with the exception of negative remarks about immigrant status.[372]

Peer Victimization. Middle school students also experienced higher levels of all types of bias-related victimization, including victimization based on sexual orientation and on gender expression (see Appendix 1).[373]

Anti-LGBTQ Discrimination. Middle school students experienced more anti-LGBTQ discrimination in school than high school students (see Appendix 1).[374]

LGBTQ-Related Resources and Supports. LGBTQ students in middle school were also less likely to have access to LGBTQ-related resources and supports in school, as compared to those in high school (see Appendix 1).[375] Specifically, LGBTQ students in middle schools reported having fewer supportive educators and less supportive school administration. They were also less likely to have seen visible signs of LGBTQ support in school, specifically Safe Space stickers/posters. In addition, LGBTQ students in middle school were less likely to report having LGBTQ-inclusive curriculum and LGBTQ-inclusive sex education, and were less likely to have access to other LGBTQ-inclusive curricular resources, such as access to information via school internet, library resources, and textbooks/other assigned readings.

Regarding school policies, middle school students were less likely to report having both comprehensive anti-bullying/harassment policies and supportive transgender/gender nonconforming student policies. Middle school students were also less likely to report that their school had a

"Going to a Christian private school, it is often very difficult for me to feel as though it is okay to be the way I am. I am indeed religious, and I am happy the way I am, but I sometimes find myself being ridiculed by my peers."

supportive student club, such as a GSA. However, among LGBTQ students with a GSA in their school, middle school students had higher rates of participation—they reported attending meetings more often and were more likely to serve as a leader/officer of their school's GSA.[376] It may be that because GSAs are less common in middle schools, there is a stronger commitment and greater effort involving more students to start or sustain a GSA.

Overall, these findings are consistent with research on the general population of students indicating that students in middle schools face more hostile climates than students in high schools.[377] School districts should devote greater attention to implementing these supportive resources in middle schools and to addressing anti-LGBTQ bias in the younger grades before it becomes engrained in middle school students' behaviors and attitudes.

School Type. We examined differences in experiences of LGBTQ students in public schools, religious schools, and private non-religious schools (see Appendix 2). Overall, we found that LGBTQ students in private non-religious schools experienced the least hostile school climate.

Biased Language. Overall, we found that LGBTQ students from public schools were most likely to hear biased language at school, whereas LGBTQ students in private non-religious schools were least likely to hear this type of language (see Appendix 2).[378,379] Specifically, LGBTQ students in public schools heard more homophobic remarks than LGBTQ students in religious schools, with the exception of the phrase "no homo." Furthermore, students in public schools also heard other types of biased remarks, such as sexist remarks, more frequently than students in religious schools. However, public school students were less likely than religious school students to hear negative remarks about gender expression. Private non-religious school students heard anti-LGBTQ remarks and a number of other biased remarks less frequently than both public school students and religious school students. However, private non-religious school students and religious school students did not differ in frequency of hearing racist remarks, negative remarks about religion, and negative remarks about body size/weight.

Peer Victimization. There were differences by school type in anti-LGBTQ victimization, but not in other types of bias-based victimization (see Appendix 2).[380] LGBTQ public school students experienced higher levels of victimization based on sexual orientation, victimization based on gender expression, and victimization based on gender than LGBTQ private non-religious school students. LGBTQ public school students also experienced higher levels of victimization based on gender expression and victimization based on gender than LGBTQ religious school students, but did not differ on victimization based on sexual orientation. Private non-religious school students and religious school students did not differ on any of the types of anti-LGBTQ victimization.

Anti-LGBTQ Discrimination. Students in religious schools were the most likely to report experiencing anti-LGBTQ discriminatory school policies and practices, and students in private non-religious schools were the least likely to experience anti-LGBTQ discrimination (see Appendix 2).[381]

LGBTQ-Related Resources and Supports. We examined differences by school type on LGBTQ-related supports: GSAs, supportive educators, LGBTQ-inclusive curriculum, other curricular resources, and inclusive and supportive school policies. Overall, students in religious schools were the least likely to have LGBTQ-related resources and supports, whereas students in private non-religious schools were most likely to have these resources (see Appendix 2).[382]

Students in private non-religious schools were more likely to have all types of supportive school

LGBTQ Students in Charter Schools

The number of charter schools in the U.S. has increased over the last several years with more than 6,800 charter public schools enrolling an estimated 2.9 million students throughout the country.[383] Funded by public money, but run independently, charter schools are exempt from many state laws and district policies that regulate how and what they teach, how they can use their resources, and decisions related to staffing and personnel. In exchange, charter schools must meet certain academic and financial performance criteria. Given that charter schools are increasingly becoming a significant sector of public education, it is important to examine LGBTQ students' experiences in these schools. Of the public school students in our survey, 4.4% attended charter schools. We compared LGBTQ students attending charter schools and LGBTQ students attending regular public schools on a variety of school climate measures. Overall, we found few differences between students in regular public and charter schools.

Hostile School Climate. LGBTQ students in charter schools did not differ from regular public schools on hearing most anti-LGBTQ remarks, with the exception of hearing "other" homophobic remarks less frequently than students in regular public schools (see Appendix 2).[384] LGBTQ students in charter schools also did not differ from regular public schools on hearing most other types of biased remarks, with the exception of hearing sexist remarks less frequently than students in regular public schools.

Furthermore, LGBTQ students in charter schools and regular public schools also did not differ on experiences of bias-related victimization[385] or anti-LGBTQ discriminatory school policies and practices[386] (see Appendix 2).

LGBTQ-Related Resources and Supports. Compared to LGBTQ students in regular public schools, LGBTQ students in charter schools were less likely to have access to some key LGBTQ-related school resources and supports; specifically, GSAs, supportive educators, visible Safe Space stickers/posters, and LGBTQ-related library resources (see Appendix 2).[387] However, there were no differences in other LGBTQ-related resources, such as inclusive curriculum or policies.

Conclusions. Our findings indicate that by and large charter schools and regular public schools do not differ with regard to hostile school environments for LGBTQ students. However, charter schools were less likely to have some key LGBTQ-related school resources and supports than regular public schools. More research is needed to understand why resources are less common in charter schools. As charter schools may vary widely in their missions, ideals, and practices, further exploration into how the various types of charter schools address LGBTQ student issues would be particularly valuable.

resources than those in religious schools, with the exception of LGBTQ-inclusion in textbooks/assigned readings where there were no differences. Private non-religious school students also were more likely than students in public schools to have most of the supportive resources, with the exception of having less LGBTQ-related library resources, and no differences with GSAs and visible Safe Space stickers/posters.

Students in religious schools were least likely to report having GSAs, indicators of supportive school personnel (i.e., supportive educators, supportive school administration, Safe Space stickers/posters), comprehensive anti-bullying/harassment policies, and supportive transgender/gender nonconforming student policies.

In regard to LGBTQ-inclusive curricular resources, the differences were somewhat more nuanced. Religious school students were less likely to report having LGBTQ-inclusive sex education and access to LGBTQ-inclusive website and library resources than both private non-religious school students and public school students. However, though religious school students were less likely to have LGBTQ-inclusive curriculum than private non-religious school students, they did not differ from public school students on LGBTQ-inclusive curriculum. Further, religious school students were more likely to report *negative* representations of LGBTQ people and topics in their curriculum than students in other schools.[388] Interestingly, religious school students were more likely to report having LGBTQ-related textbooks/other assigned readings than

public school students, and did not differ from private non-religious school students in this regard.

It is perhaps surprising that LGBTQ students in our sample from religious schools reported more LGBTQ content in their textbooks and assigned readings than public school students. However, students in the survey were asked about any LGBTQ inclusion in textbooks and readings (regardless of its nature). We found that religious school students reported being taught more negative LGBTQ content than other students. Therefore, it is possible that the higher rates of LGBTQ inclusion among religious school students' textbook/readings are due to LGBTQ topics being presented in a neutral or negative manner.

In general, we found that private non-religious schools were more positive environments for LGBTQ youth than public or religious schools as students in these schools were least likely to experience incidents of anti-LGBTQ victimization or discrimination and were most likely to have LGBTQ-related school resources and supports. With regard to the experience of LGBTQ students in religious schools, the pattern is more complex. These students were less likely than public school students to hear biased remarks and experience victimization, but more likely to experience LGBTQ-related discrimination at school and less likely to have LGBTQ resources and supports. It may be that students in religious schools face stricter codes of conduct, resulting in decreased rates of all types of biased or aggressive behaviors. Further, religious schools, along with other private schools, can select who attends their school and can more easily expel disruptive students compared to public schools. Yet the policies and practices of some religious schools may reflect a more negative, anti-LGBTQ attitude of their specific religious doctrine or beliefs, which in turn, may result in greater LGBTQ-related discrimination and fewer supports.

Although private non-religious schools had the most positive school environments for LGBTQ students compared to public and religious schools, many LGBTQ students in private non-religious schools also experienced victimization and discrimination. For all types of schools, more effort needs to be made to provide LGBTQ youth with positive school environments. With regard to religious schools in particular, greater efforts toward providing more inclusive curricular resources and policies for LGBTQ students are specifically warranted. In addition, given that little is known about the expulsion of LGBTQ students in private schools, further research is needed to better understand how these and other school disciplinary actions might affect school climate for LGBTQ students. Finally, there is a need for action to work with all types of schools to combat policies and practices that create a hostile climate for LGBTQ students.

Locale. We examined differences in the experiences of LGBTQ students in urban, suburban, and rural/small town ("rural") schools (see Appendix 3). Overall, we found that LGBTQ students in rural schools experienced the most hostile school climates.

Biased Language. Students in rural schools reported hearing all types of biased language more often than students in other locales (see Appendix 3).[389,390] In addition, students in suburban schools heard negative remarks about transgender people, as well negative remarks about ability/disability and religion, more frequently than students in urban schools.

Peer Victimization. Overall, LGBTQ students in suburban schools experienced the least bias-related victimization, followed by those in urban schools (see Appendix 3).[391] Although LGBTQ students in rural schools experienced the highest levels of most types of victimization, they experienced lower levels of victimization based on race/ethnicity than those in urban schools. However, there was a higher percentage of LGBTQ White students and a lower percentage of LGBTQ racial/ethnic minority students in rural schools than in urban schools,[392] and the differences in racial composition within locale may, in part, explain differences found in racial victimization between urban and rural schools.[393]

Anti-LGBTQ Discrimination. LGBTQ students in suburban schools were also the least likely to experience anti-LGBTQ discriminatory school policies and practices, whereas students in rural schools were the most likely to experience anti-LGBTQ discrimination (see Appendix 3).[394]

LGBTQ-Related Resources and Supports. LGBTQ students in rural schools were least likely to report having LGBTQ-related resources and supports in their schools (see Appendix 3).[395] Specifically, students from rural schools had less access to

all LGBTQ-related resources and supports than students in suburban schools, and less access to most resources and supports, than students in urban schools, with the exception of LGBTQ library resources.

The pattern of differences between students in urban and suburban schools in regard to school resources were somewhat mixed. Students in urban schools were less likely to have GSAs, supportive educators, Safe Space stickers/posters, and LGBTQ-related library resources as compared to students in suburban schools. However, students in urban schools were more likely to have LGBTQ-inclusive curriculum, LGBTQ-inclusive sex education, and supportive transgender/gender nonconforming student policies than students in suburban schools. Certain resources, such as an educator who shows support of LGBTQ students, an educator who displays a Safe Space sticker/poster, or a librarian who selects LGBTQ-related content to be included in the school library, are individual-level actions by school personnel, and may be stipulated, or even encouraged, by school principals. Thus, differences in these actions between urban and suburban schools may be caused by inequities in funding and resources. Urban schools tend to be less well-resourced than suburban schools,[396] and thus, educators may be have less access to training and supports that facilitate LGBTQ-inclusion. In fact, prior research indicates that educators in less-resourced schools are less likely to receive professional development on LGBTQ student issues.[397] In contrast to these actions committed by individual school personnel, decisions regarding specific curricula and policies may be more likely to occur at the district-level, stipulated by school board or district leadership. Thus, differences between urban and suburban schools in curriculum and policy may be caused by differences in social and political attitudes of the local communities. There tends to be greater community acceptance of LGBTQ people in urban areas than in suburban areas,[398] and as such, there may be a greater willingness or less resistance on the part of official bodies (district, school board) in urban areas to provide institutional LGBTQ-related resources and supports in the schools. However, more research is warranted to understand why LGBTQ students in suburban school have greater access to the other types of resources and supports.

Overall, our findings indicate that schools in suburban areas were the most safe for LGBTQ students, and schools in rural areas were the most unsafe and were least likely to have LGBTQ-related school resources and supports. However, students in suburban schools heard negative remarks about transgender people and other types of biased remarks more frequently than students in urban schools. Further research is warranted to understand why students in suburban schools hear more negative remarks, but experience less victimization than urban students. Given the positive impact of LGBTQ-supportive school resources, specific efforts should be made to increase these resources in all schools, and particularly in rural schools where there might be the greatest need.

“Honestly, it’s a nightmare being part of the LGBTQ+ community in school, especially in a mostly conservative, rural area.”

Region. We examined differences in experiences of LGBTQ students in the South, Midwest, West, and Northeast (see Appendix 4).[399] Overall, LGBTQ students from the South and Midwest reported a more hostile school climate and had less access to supportive school resources than students from the West and Northeast.

Biased Language. LGBTQ students from the South and Midwest were more likely to hear biased language than students in the Northeast and West (see Appendix 4).[400,401] Specifically, students from the South heard all types of biased remarks more frequently, as compared to students from the other geographic regions. Students from the Midwest heard all types of biased remarks more frequently than students from the Northeast, and nearly all biased remarks more frequently than those from the West, with the exception of “no homo” where there were no differences. Although students from the Northeast and West were mostly similar in their reports on biased language, students in the West did hear some types of biased remarks less frequently than students from the Northeast — specifically other homophobic remarks, negative remarks about ability/disability, and negative

remarks about body size/weight — and they did hear "no homo" more frequently than students from the Northeast.

Peer Victimization. LGBTQ students from the Northeast and West also reported less victimization experiences, as compared to students from the South and Midwest (see Appendix 4).[402] Students from the Northeast reported lower levels of victimization than students from all other regions, except for victimization based on disability where there were no differences. In general, students from the South also experienced higher levels of victimization than students from all other regions. However, students from the South were not different from students in the Midwest regarding victimization based on gender, were not different from students in the West regarding victimization based on race/ethnicity, and there were no regional differences regarding victimization based on disability. Students from the Midwest experienced more victimization based on sexual orientation, but less victimization based on race/ethnicity, as compared to students from the West. However, there was a higher percentage of LGBTQ White students and a lower percentage of LGBTQ ethnic minority students in schools from the Midwest than in schools from the West,[403] and these differences in racial composition within region may, in part, explain this finding.[404]

Anti-LGBTQ Discrimination. Students from the South and Midwest were also more likely to experience anti-LGBTQ discriminatory school policies and practices, as compared to students in the West and Northeast (see Appendix 4).[405] Students from the West and Northeast did not differ on anti-LGBTQ discrimination.

LGBTQ-Related Resources and Supports. LGBTQ students from the South were also least likely to have LGBTQ-related school resources and supports, whereas students from the Northeast were most likely to report having access to these school resources and supports (see Appendix 4).[406] Students from the Midwest had fewer supportive resources than students from the West and Northeast, with the exception of LGBTQ website access, LGBTQ library resources, and LGBTQ-related textbooks/other assigned reading. Students from the Midwest were more likely to have access to LGBTQ website access and LGBTQ school library resources than students from the West. In addition, students from the Midwest did not differ from students in the West and Northeast on LGBTQ-related textbooks. With regard to differences between students in the Northeast and the West, students in the Northeast were more likely to have access to supportive resources, with the exception of LGBTQ-related textbooks, LGBTQ-inclusive curriculum, and LGBTQ-inclusive sex education for which there were no differences between the two regions.

Overall, LGBTQ students in the South and Midwest faced more negative school climates and less access to LGBTQ-related resources and supports, compared to the Northeast and West. These regional findings highlight that much more needs to be done to ensure that LGBTQ students are safe no matter where they attend school, and education leaders and safe school advocates must pay particular attention to schools in regions where climate is more hostile.

Given that attitudes about LGBTQ people are less positive in the South and Midwest,[407] further research should examine which factors result in fewer resources in these regions, such as personal beliefs of educators, or push-back from communities. Also, more research is warranted to understand why students from the Midwest have less access to most LGBTQ school resources than students from the West, but more access to LGBTQ websites and LGBTQ library resources. Furthermore, national efforts regarding bullying prevention and positive school climate must not only take into account the overall experiences of LGBTQ students but must also be aware of how the incidence of victimization and of available student supports differs geographically among LGBTQ students.

PART FOUR: INDICATORS OF SCHOOL CLIMATE OVER TIME

Indicators of School Climate Over Time

Key Findings

- From 2001 to 2015, there had been a steady decrease in students' frequency of hearing homophobic remarks at school. However, in 2017, LGBTQ students did not differ from those in 2015 in hearing homophobic remarks like "fag" or "dyke" and increased slightly in hearing the expression "that's so gay."
- Although there had been a slight decrease in hearing negative remarks about someone's gender expression from 2015 to 2017, there was an increase in the frequency of these remarks in both 2015 and 2017 since 2013. Furthermore, there has been a steady increase of negative remarks about transgender people between 2013 and 2017.
- With regard to remarks from school staff, after seeing a steady decline in students' frequency of hearing homophobic remarks from school staff from 2007 to 2013, we saw no change from 2013 to 2017. Furthermore, we saw an increase in frequency from 2013 to 2017 in hearing school staff making negative remarks about gender expression.
- Students' frequency of experiencing verbal harassment based on sexual orientation did not change from 2015 to 2017, but frequency of gender expression-based victimization slightly increased from 2015 to 2017.
- Frequency of experiencing physical harassment and assault based on sexual orientation was lower in 2017 than in previous years, whereas there was no change for gender expression-based harassment/assault from 2015 to 2017.
- LGBTQ students in 2017 were more likely to report incidents or harassment to school staff than in 2015, but there was no change from 2015 in students' reports on the effectiveness of staff's responses to these incidents.
- Overall, LGBTQ students' experiences of discrimination did not differ between 2015 and 2017, but were lower than 2013. However, the forms of discrimination related to gender have not improved. Students being required to use facilities of their legal sex and prevented from using their preferred name/pronoun were higher in 2017 than other years, and there was no change in students being prevented from wearing clothing deemed "inappropriate" for their gender.
- Overall, there were few changes in presence of several LGBTQ-related resources and supports in school. However, the presence of GSAs in schools continued to increase, access to LGBTQ-related internet resources through school computers increased, and among enumerated anti-bullying/harassment policies, the portion of fully enumerated ("comprehensive") policies increased as the portion of partially enumerated policies decreased.
- LGBTQ students in 2017 reported that their peers were less accepting of LGBTQ people than in 2015, but were more accepting than all other previous years.

GLSEN strives to make schools safe for all students, regardless of their sexual orientation, gender identity or expression, race or ethnicity, or any other characteristic that may be the basis for harassment. Given that the National School Climate Survey (NSCS) is the only study that has continually assessed the school experiences of LGBTQ students, it is vital that we use our data to examine changes over time in the education landscape for this population. In this section, we examine whether there have been changes from 2001 to the present 2017 survey[408] with regard to indicators of a hostile school climate, such as hearing homophobic remarks, experiences of harassment and assault, and experiences of discriminatory school policies and practices. We also examine the availability of positive resources for LGBTQ students in their schools such as supportive educators, student-led clubs such as GSAs (Gay-Straight Alliances or Gender and Sexuality Alliances), inclusive curricular resources, and comprehensive anti-bullying/harassment policies. In addition, we examine whether there have been changes over time in students' acceptance of LGBTQ people.

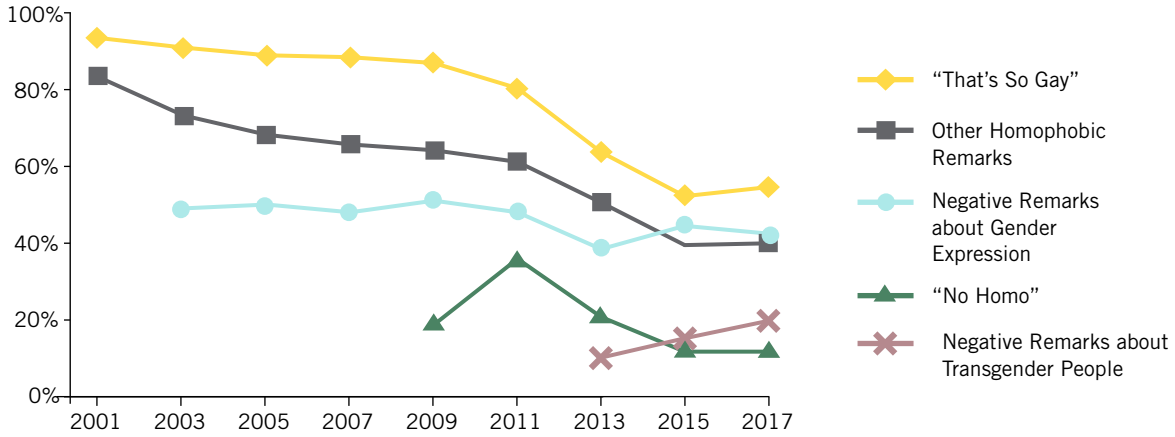
Anti-LGBTQ Remarks Over Time

Language perpetually evolves, and so is the case with anti-LGBTQ remarks since we began conducting the NSCS. To keep current with changes in usage, we have modified how we ask LGBTQ students about anti-LGBTQ remarks. In 2001, we assessed only the frequency of hearing homophobic remarks, either remarks like "fag" or "dyke," but also expressions using "gay" to mean something bad or valueless. In 2003, we began asking questions about hearing negative remarks about gender expression, such as someone acting not "feminine enough" or "masculine enough." In 2009, we began assessing the expression "no homo" and in 2013 we asked about negative expressions about transgender people, such as "tranny" or "he/she."

Our results indicate that although there had been a general trend that homophobic remarks were on the decline from 2001 to 2015, the frequency of these remarks remained consistent from 2015 to 2017.[409,410] For example, the percentage of students hearing remarks like "fag" or "dyke" often or frequently has dropped from over 80% in 2001 to less than 60% in 2015, remaining at the same level in 2017. Use of expressions such as "that's so gay" has remained the most common form of biased language heard by LGBTQ students in school, and had been in consistent decline until 2015, but increased slightly from 2015 to 2017, as also shown in Figure 4.1.[411] Hearing the expression "no homo" has consistently been less common than all other types of LGBTQ-related biased remarks, and we saw no significant change from 2015 to 2017.[412]

With regard to hearing negative remarks about gender expression, we had historically seen few changes across years. However, we saw an increase in frequency from 2013 to 2015, and a small decrease from 2015 to 2017 (see Figure 4.1).[413] In contrast, there has been a steady incline in the

Figure 4.1 Anti-LGBTQ Language by Students Over Time
(Percentage of LGBTQ Students Hearing Language Often or Frequently, Based on Estimated Marginal Means)



rate of negative remarks about transgender people in schools from 2013, when we first asked this question, to 2017.[414]

Figure 4.2 illustrates the preponderance of students who reportedly use anti-LGBTQ language in school. The number of students who reported that homophobic remarks were used pervasively by the student body had been on a decline since the 2001 survey, but remained static between 2015 and 2017.[415] As also shown in Figure 4.2, the preponderance of students reportedly making negative remarks about gender expression at school has remained low, relative to homophobic remarks. However, the preponderance of students has largely not changed over time, although it was slightly lower in 2017 than in all years prior.[416]

As shown in Figure 4.3, since we began conducting the NSCS, the majority of students have reported that they have heard anti-LGBTQ remarks from teachers or other staff in their school. We had seen a steady decline in the frequency of staff making homophobic remarks from 2007 to 2013, but no change from 2013 to 2017.[417] With regard to hearing negative remarks about gender expression from school staff, there had been a small, downward trend in frequency between 2003 and 2013, yet an upward trend from 2013 to 2015, and the frequency was higher in 2017 than all previous years (see also Figure 4.3).

In our 2001 survey, we began asking students how frequently people in their school intervened when hearing anti-LGBTQ remarks. As shown in Figure

Figure 4.2 Portion of Students Using Anti-LGBTQ Language Over Time
(Percentage of LGBTQ Students Reporting that Most of Students Make Remarks, Based on Estimated Marginal Means)

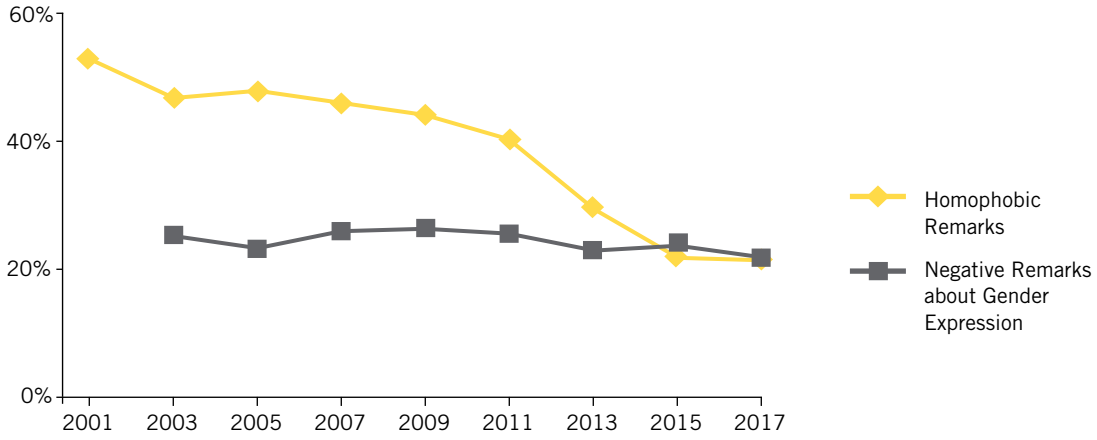
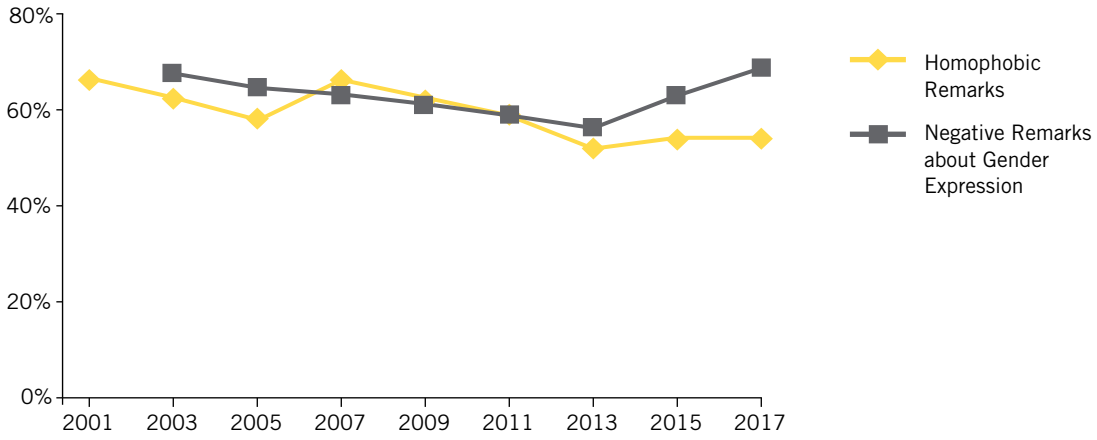


Figure 4.3 Anti-LGBTQ Language by School Staff Over Time
(Percentage of LGBTQ Students Reporting Ever Hearing Remarks, Based on Estimated Marginal Means)



4.4, the levels of intervention with homophobic remarks by staff were relatively stable across years. In 2015, however, students reported a somewhat lower frequency of staff intervention that prior years and it remained at that level in 2017. With regard to intervention by other students, there was an increase from 2013 to 2015, but a decline from 2015 to 2017. However, the rate of student intervention in 2017 was still higher than the rates in years prior to 2015.[418] Regarding negative remarks about gender expression, there was not much change between 2013 and 2015 in the levels of staff intervention, but there was a small increase from 2015 to 2017. With regard to intervention by other students, we have seen a promising recent upward trend in intervention by students starting in 2013 (see Figure 4.5).[419]

Taking into account all the results related to anti-LGBTQ remarks in schools, we see little change in 2017 after years of positive change. The frequency of homophobic remarks, as well as the preponderance of students making these remarks, did not change from 2015 to 2017. And we now see a disturbing trend with increases in anti-transgender remarks from students, and an increase in negative gender remarks from school staff. The one promising area of findings is related to negative remarks about gender expression: we saw a decrease in their frequency, the preponderance of students making them, and an increase in intervention with regard to these remarks from both staff and students.

Figure 4.4 Intervention Regarding Homophobic Remarks Over Time
(Percentage of LGBTQ Students Reporting Any Intervention, Based on Estimated Marginal Means)

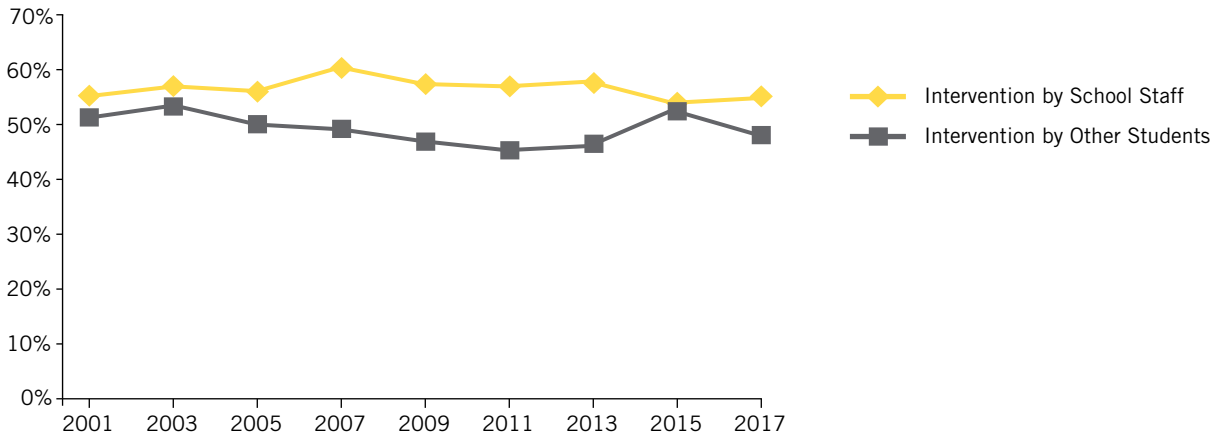
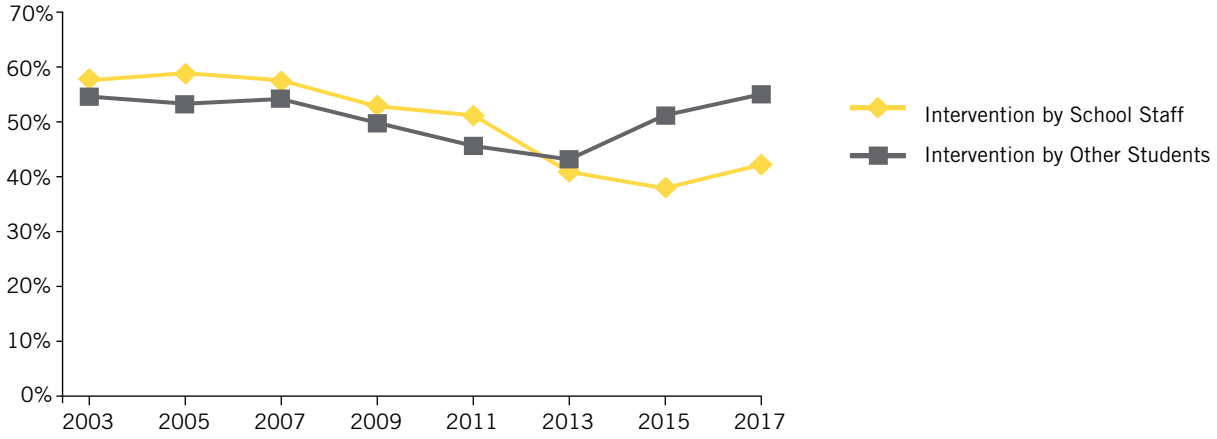


Figure 4.5 Intervention Regarding Negative Remarks about Gender Expression Over Time
(Percentage of LGBTQ Students Reporting Any Intervention, Based on Estimated Marginal Means)



Experiences of Harassment and Assault Over Time

To gain further understanding of changes in school climate for LGBTQ students in secondary schools, we examined the incidence of reported anti-LGBTQ harassment and assault since 2001. As shown in Figure 4.6, we saw few changes between 2001 and 2007 and a significant decline in verbal harassment based on sexual orientation from 2007 to 2015, yet no change between 2015 and 2017. With regard to physical harassment and assault, however, we saw the positive trend continue in 2017 — the incidence of verbal and physical harassment and physical assault regarding sexual orientation was lower than all prior years.[420] As shown in Figure 4.7, the pattern of differences regarding harassment and assault based on gender expression was not as positive—there was a small but significant increase in verbal harassment from 2015 to 2017 after years of decreases, and there were no changes in physical harassment and assault from 2015 to 2017.[421]

We also examined whether there were differences across years with regard to the frequency of students reporting experiences of victimization to school staff and the perceived effectiveness of reporting to staff. As shown in Figure 4.8, across all years, the percentage of students who reported incidents to school staff was quite low and varied very little—only a fifth or fewer reported victimization most of the time or always. However, we saw a small but significant increase between 2015 and 2017, and both years were somewhat statistically higher than all prior years except for 2013.[422]

Figure 4.6 Frequency of Victimization Based on Sexual Orientation Over Time
(Percentage of LGBTQ Students Reporting Event Frequently or Often, Based on Estimated Marginal Means)

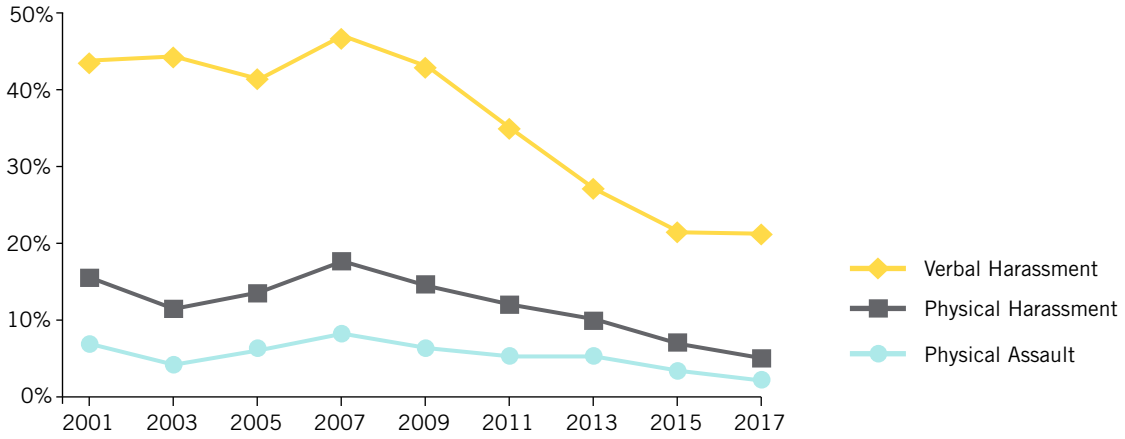
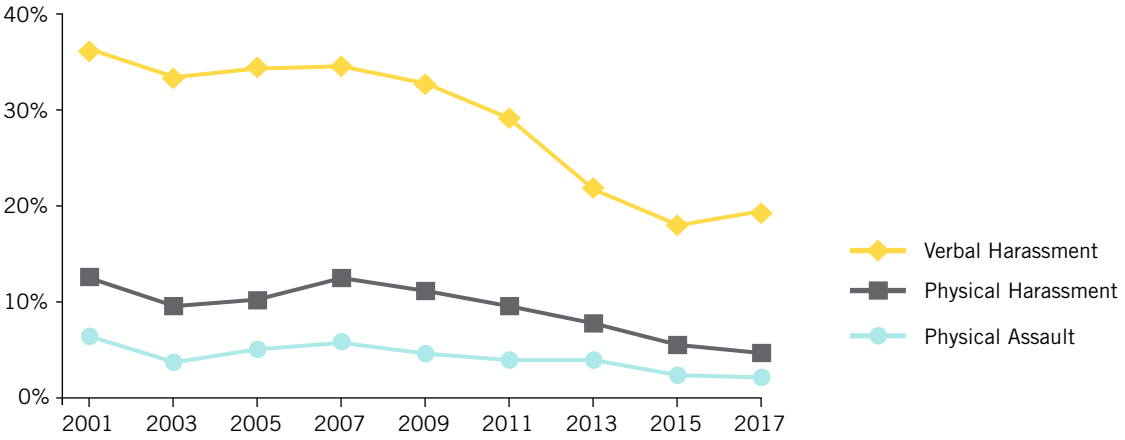


Figure 4.7 Frequency of Victimization Based on Gender Expression Over Time
(Percentage of LGBTQ Students Reporting Event Frequently or Often, Based on Estimated Marginal Means)



In 2005, we began asking students how effective their teachers or other school staff were in addressing incidents of harassment and assault when students reported them. Across all years, a minority of students reported that any intervention on the part of school staff was effective—between 30% and 40% reported that staff intervention was somewhat or very effective across years (see Figure 4.8). The perceived effectiveness of reporting in 2017 did not differ from 2015, but was somewhat lower than prior years, specifically 2011, 2009, and 2005.[423]

Taken together, these findings on victimization indicate that the gains in reducing anti-LGBTQ behaviors seen in previous years may have stalled somewhat in 2017. With regard to reporting harassment and assault, it is hopeful that more LGBTQ students are reporting these incidents to school staff, but concerning that the effectiveness of reporting has somewhat declined. It may be that LGBTQ students may feel more empowered to report problems, perhaps related to the presence of school policies on bullying and harassment, but school staff may still be lacking in the professional development to adequately address these issues at school.

Experiences of Anti-LGBTQ Discrimination Over Time

In addition to hearing anti-LGBTQ remarks in the hallways and directly experiencing victimization from other students, LGBTQ-related discriminatory policies and practices also contribute to a hostile school experience for LGBTQ students. As mentioned previously in the section *Experiences of Discrimination at School*, we began asking students about a number of specific LGBTQ-related discriminatory policies and practices at their school in 2013, and thus, we examine how these experiences may have changed between 2013 and 2017.

Figure 4.9 shows the incidence of having had any experience with anti-LGBGTQ discrimination at school over the three time points, along with the incidences for the specific types of discriminatory policies or practices asked across the three surveys. Overall, nearly 60% of LGBTQ students experienced some type of LGBTQ-related discrimination at school at all three time points—although the percentage was highest in 2013, and not different between 2015 and 2017.[424] With regard to the specific forms of discrimination, the percentages for most were highest in 2013, with a few notable exceptions.[425] There were no differences across years in the percentage of students who were prohibited from wearing clothes of another gender, and the percentages of students being required to use facilities of their legal sex and prevented from using their preferred name were highest in 2017. Thus, all three of the forms of discrimination that did not improve in 2017 were specific to gender, whereas the other forms of discrimination that had decreased from 2013 were more generally LGB-related.

Figure 4.8 Frequency of Reporting Victimization to School Staff and Effectiveness of Staff Response Over Time
(Percentage of LGBTQ Students, Based on Estimated Marginal Means)

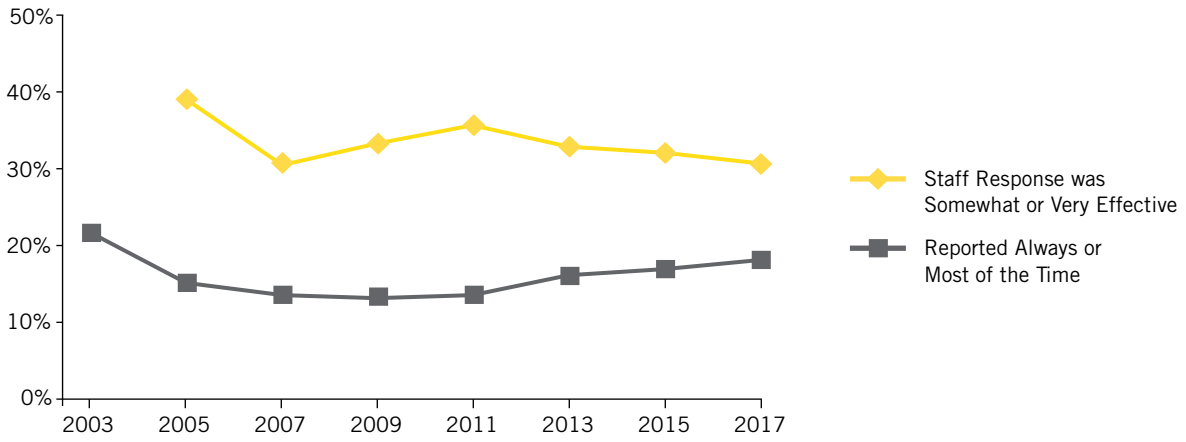
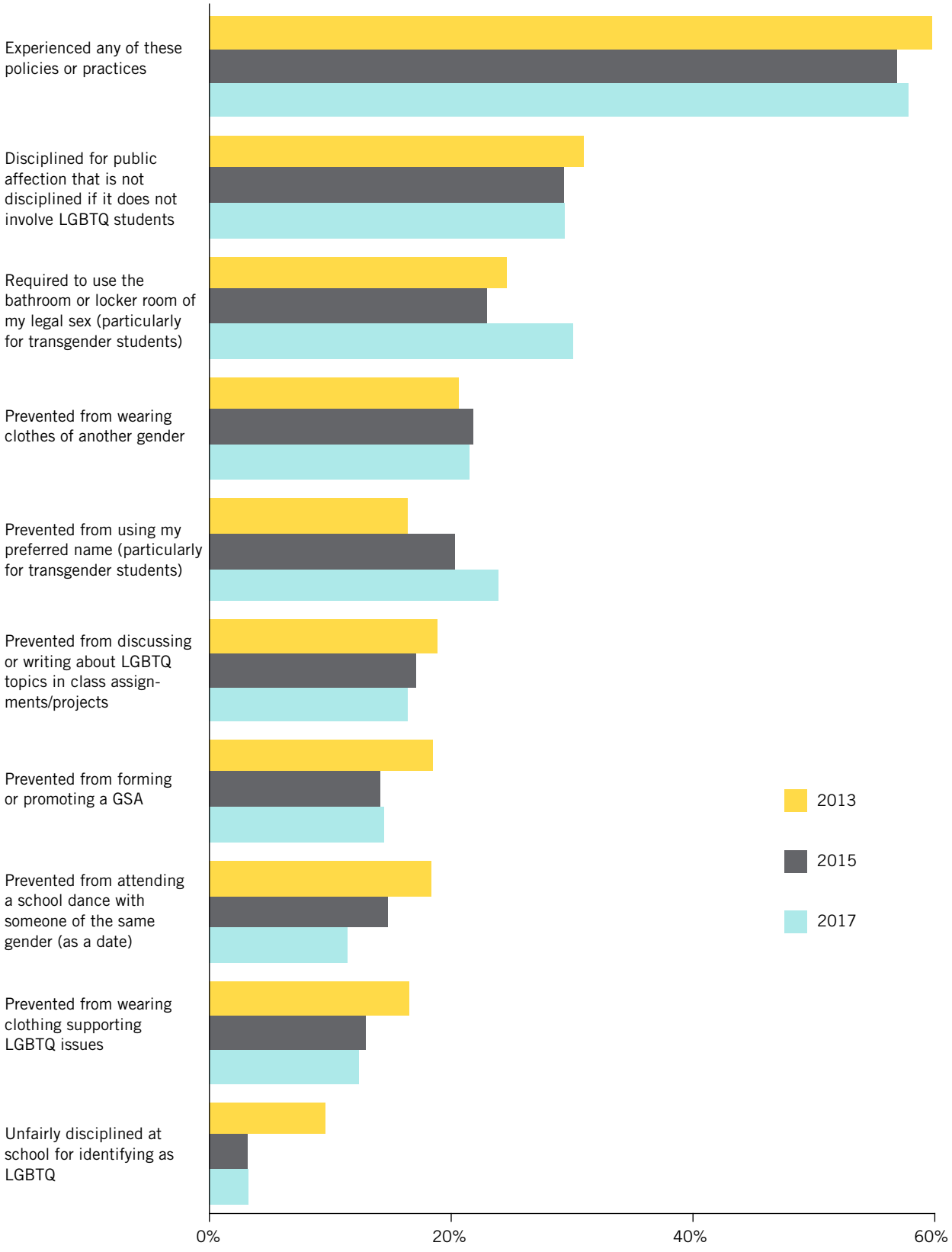


Figure 4.9 Experiences with Discriminatory Policies and Practices Over Time
(Percentage of LGBTQ Students, Based on Estimated Marginal Means)



LGBTQ-Related School Resources Over Time

In 2001, we began asking LGBTQ students in the NSCS about the availability of LGBTQ-related resources in school, such as GSAs (Gay-Straight Alliances or Gender and Sexuality Alliances) and curricular resources. In this section, we examine the levels of availability of these supportive school resources over time.

Supportive Student Clubs. As shown in Figure 4.10, we continue to see a steady, significant increase from previous years in the percentage of LGBTQ students having a GSA at school.[426] The percentage of students reporting that they had a GSA at school has increased from about 40% in 2007 to nearly 60% in 2017.

Inclusive Curricular Resources. Overall, there has been little change in LGBTQ-related curricular resources over time (see Figure 4.11). The only increase in resources in 2017 was with having access to LGBTQ-related internet resources through their school computers, with which we saw continued increases since 2007. Regarding being taught positive LGBTQ-related content in class, the percentage was not different in 2017 than in 2015, although both years were higher than all previous years. There were no significant differences between 2017 and 2015 with the availability of LGBTQ-related content in textbooks and LGBTQ-related library materials in school.[427] It is interesting to note that there has not been much change over the years with regard to LGBTQ students being taught negative LGBTQ-related content in class. Since we first asked this question

Figure 4.10 Availability of GSAs Over Time
(Percentage of LGBTQ Students Reporting Having GSA in School, Accounting for Covariates)

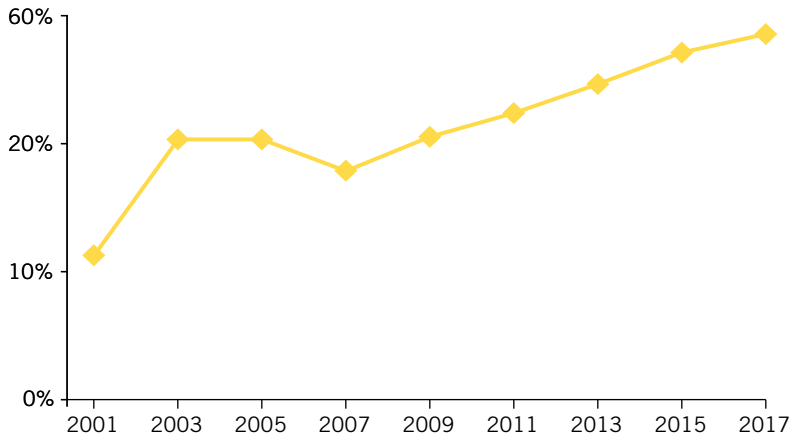
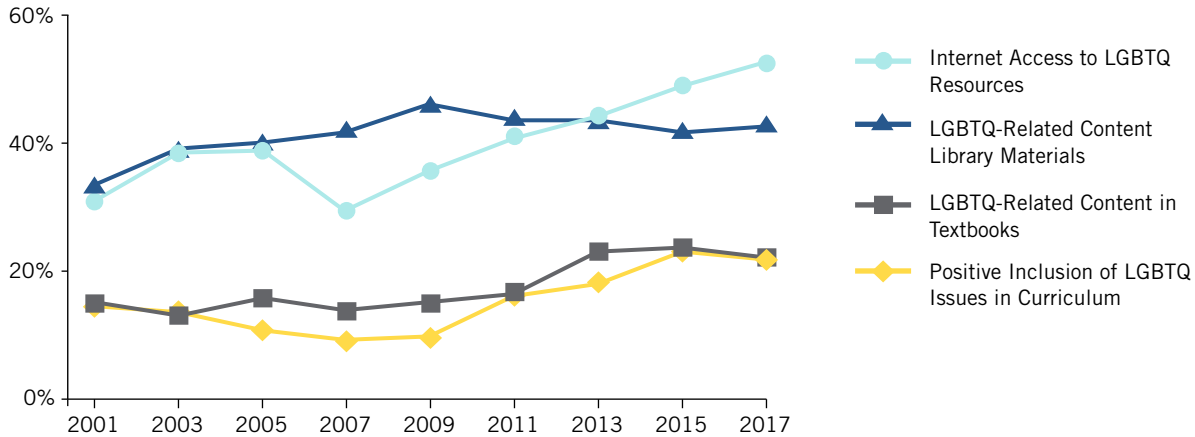


Figure 4.11 Availability of Curricular Resources Over Time
(Percentage of LGBTQ Students Reporting Resource in School, Accounting for Covariates)



in 2013, the percentage increased slightly in 2015, and was not different between 2015 and 2017.[428]

Supportive School Personnel. Figure 4.12 shows the percentage of students reporting any supportive educators (from 2001 to 2017) and the percentage of students reporting a high number of supportive educators (from 2003 to 2015).[429] The percentage of students who had any supportive educators at school was had not changed from 2015 to 2017, but both years were higher than all other years. Similarly, we found that the percentage of students who had a high number of supportive educators has leveled off between 2015 and 2017, and both years were higher than all previous years.

Bullying, Harassment, and Assault Policies. In all years, as shown in Figure 4.13, the majority of LGBTQ students reported that their schools had some type of anti-bullying/harassment policy; however, the minority of students reported that the policy enumerated sexual orientation and/or gender identity/expression. Overall, there was a sharp increase in the number of students reporting any type of policy after 2009, and the rate has remained more or less consistent since 2011. From 2011 to 2015, there had been consistent, yet small, increases with regard to any type of anti-bullying/harassment policy, followed by a small, decline from 2015 to 2017. With regard to enumerated policies, from 2015 to 2017 there was a small but significant increase in the number

Figure 4.12 Availability of Supportive School Staff Over Time
(Percentage of LGBTQ Students Reporting Having Supportive Staff in School, Accounting for Covariates)

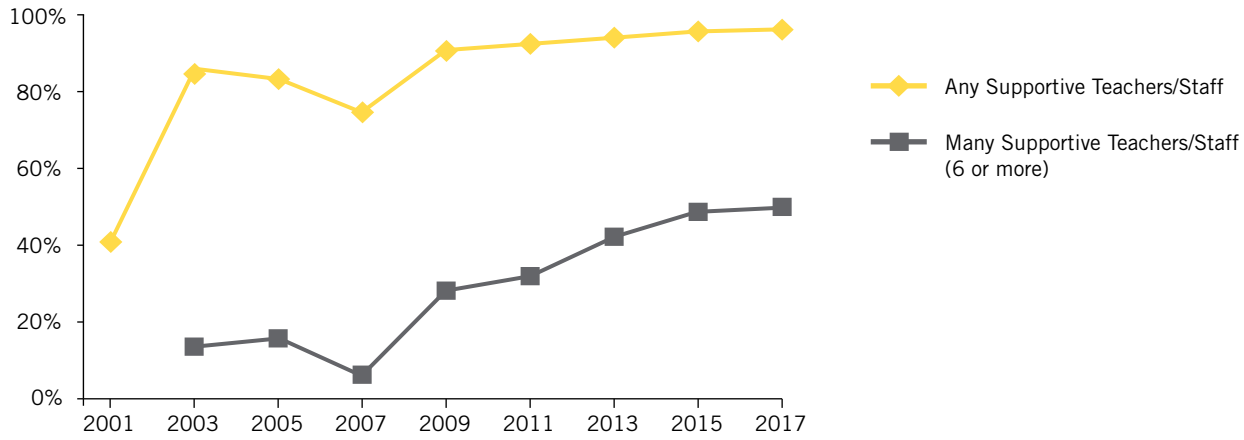
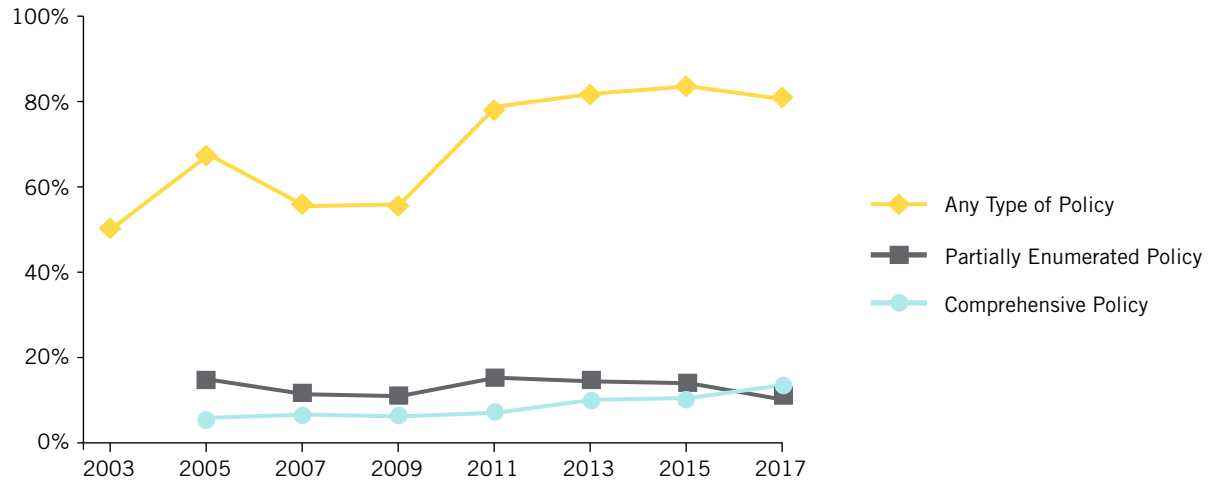


Figure 4.13 Prevalence of School or District Anti-Bullying/Harassment Policies Over Time
(Percentage of LGBTQ Students Reporting Policy, Accounting for Covariates)



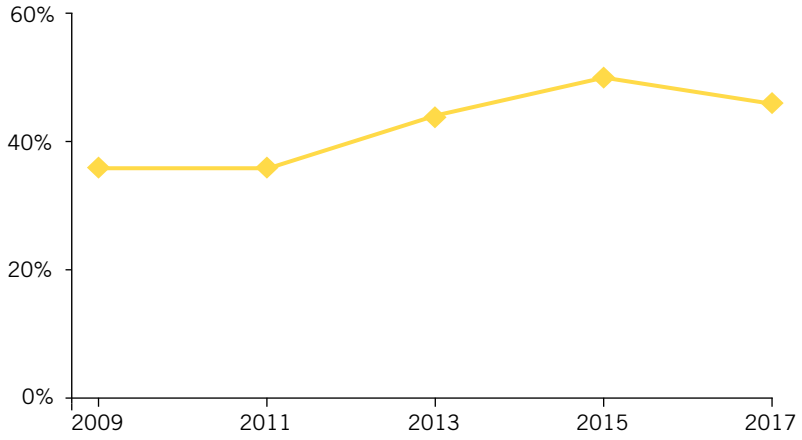
of students reporting comprehensive policies in their schools (i.e., those enumerating both sexual orientation and gender identity/expression) and a small but significant decrease in the number reporting a partially enumerated policies.[430]

Whereas in our 2015 NSCS, we had largely seen continued increases in LGBTQ-related supports in schools over time, the availability of resources has largely leveled off in 2017, with few notable exceptions. There was a continued and sizeable increase in the number of GSAs reported in schools, with nearly 60% of LGBTQ students reporting having these clubs available. The only increase among curricular resources in 2017 was having school internet access to LGBTQ resources. And although the minority of anti-bullying and harassment policies include any type of enumeration of protections, more students reported having a policy that was comprehensive (i.e., fully enumerated) and fewer reported having one that was only partially enumerated. Given that we had heretofore seen improvements in LGBTQ-related school supports, continued tracking of the availability supports in subsequent biennial surveys to better understand these findings and the direction that U.S. schools are headed with regard to supports for LGBTQ students is critical. Specifically, future surveys can provide insight on whether the 2017 findings reflect a leveling off, the start of a decline, or a momentary set-back in an overall positive trajectory of school supports for LGBTQ students.

Student Acceptance of LGBTQ People Over Time

Previously in this section on changes over time, we noted that the frequency of student intervention with regard to negative remarks about gender expression increased from 2015 to 2017, but the frequency of student intervention with regard to homophobic remarks decreased somewhat during the same period. These findings raise the question as to whether student attitudes about LGBTQ people have changed, and if so, in what ways. Further, we also found few positive changes in the availability of LGBTQ supports in schools, which we found to be directly related to a more accepting student body (see the *Utility of School-Based Resources and Supports* section of this report). For these reasons, we examined whether student attitudes toward LGBTQ people have changed over time, and found that student acceptance in 2017 was lower than 2015 but higher than all previous years (see Figure 4.14).[431]

Figure 4.14 Perceptions of Peer Acceptance of LGBTQ People Over Time
(Percentage of LGBTQ Students Reporing Somewhat or Very Accepting Peers, Accounting for Covariates)



Conclusions

Considering all of the differences across time — remarks, victimization, LGBTQ-related supports, and peer acceptance — we see fewer positive changes in 2017 than we had seen in our 2015 survey. Most types of homophobic remarks have remained similar in 2017, the preponderance of students making homophobic remarks has remained similar, and educator intervention regarding these types of remarks has also remained similar and student intervention in homophobic remarks declined. With harassment and assault regarding sexual orientation, verbal harassment was not different in 2017 from 2015, although physical harassment and assault continued to decrease in 2017. We did not see similar declines in harassment and assault based on gender expression. LGBTQ students were more likely to report harassment and assault in 2017, but the effectiveness of the intervention did not change.

Further, there were few changes in the number of LGBTQ-related positive supports in schools, which may, in part, explain the decrease in student acceptance of LGBTQ people. Although the majority of resources and supports did not increase in 2017, availability of GSAs did continue to increase, reaching the highest levels since we have been tracking LGBTQ students' school experiences.

A concerning pattern also emerged from these findings with regard to gender-specific problems in schools. Negative transgender remarks increased in 2017, as did verbal harassment regarding gender expression. And the only forms of LGBTQ-related discrimination that did not improve in 2017 were the ones specific to the experiences of transgender or gender nonconforming students, such as being required to use a bathroom or locker room of one's legal sex and being able to use one's preferred name and pronoun. It may be that the advent of greater public discourse on transgender students, such as policy battles about bathroom access, has brought transgender student issues to the forefront in U.S. schools, and without an increase in general LGBTQ- or trans-specific resources, there may be less knowledge and skill among students and school staff to act or react on these issues in positive and supportive ways. Overall, these findings indicate that more work is needed to make schools safer and more affirming for LGBTQ students, particularly in establishing positive supports in school.

DISCUSSION

Limitations

The methods used for our survey resulted in a nationally representative sample of LGBTQ students. However, it is important to note that our sample is representative only of youth who identify as lesbian, gay, bisexual, transgender, or queer (or another non-heterosexual sexual orientation and/or non-cisgender gender identity) and who were able to find out about the survey in some way, either through a connection to LGBTQ or youth-serving organizations that publicized the survey, or through social media. As discussed in the *Methods and Sample* section, we conducted targeted advertising on the social networking sites Facebook, Instagram and YouTube in order to broaden our reach and obtain a more representative sample. Advertising on these sites allowed LGBTQ students who did not necessarily have any formal connection to the LGBTQ community to participate in the survey. However, the social networking advertisements for the survey were sent only to youth who gave some indication that they were LGBTQ on their profiles[432] or visited pages that include LGBTQ content. LGBTQ youth who were not comfortable identifying as LGBTQ in this manner or viewing pages with LGBTQ content would not have received the advertisement about the survey. Thus, LGBTQ youth who are perhaps the most isolated — those without a formal connection to the LGBTQ community or without access to online resources and supports, and those who are not comfortable indicating that they are LGBTQ in their social media profiles — may be underrepresented in the survey sample.

We also cannot make determinations from our data about the experiences of youth who might be engaging in same-sex sexual activity or experiencing same-sex attractions, but who do not identify themselves as LGBQ.[433] These youth may be more isolated, unaware of supports available to them, or, even if aware, uncomfortable using such supports. As the survey was primarily advertised as being for LGBTQ students, non-heterosexual students and non-cisgender students who did not identify as LGBTQ may be less likely to participate in the survey, even though they were included in the survey sample.

Another possible limitation to the survey is related to the sample's racial/ethnic composition — the percentage of LGBQ African American/Black students was lower, and LGBQ Hispanic/Latinx students was somewhat higher than compared to LGBQ secondary school students from other population-based data.[434] This discrepancy may be related to different methods for measuring race/ethnicity. In our survey, students may select multiple options for their race/ethnicity, and students who selected two or more racial categories are coded as being multiracial.[435] In contrast, most national youth surveys restrict students to selecting only one racial category and do not provide a multiracial response option.[436] When forced to select one response, students with both White and another racial background may be more likely to select a non-White identity, particularly when "multiracial" is not an option.[437] This may result in a higher percentage of students of color from specific racial groups being identified in other surveys and a higher percentage of students being identified as multiracial in our survey (e.g., a student who is African American/Black and White might select African American/Black in a survey where they only can select one option, whereas in our survey that student might select both racial identities and then be coded as multiracial). This difference in method may account for some of the discrepancy regarding percentages of specific racial groups (e.g., African American/Black) between our LGBQ sample and the LGBQ secondary school students from other population-based data. Nevertheless, it is possible that LGBQ African American/Black students were underrepresented, and LGBQ Hispanic/Latinx students were somewhat overrepresented in our sample. In addition, because there are no national statistics on the demographic breakdown of transgender-identified youth, we cannot know how our transgender sample compares to other population-based studies.

Given that our survey is available only in English and Spanish, LGBTQ students who are not proficient in either of those languages might be limited in their ability to participate. Thus, these students might be underrepresented in our survey sample.

It is also important to note that our survey only reflects the experiences of LGBTQ students who were in school during the 2016–2017 school year. Although our sample does allow for students who had left school at some point during the 2016-2017 school year to participate, it still does not reflect the experiences of LGBTQ youth who may have already dropped out in prior school years. The experiences of these youth may likely differ from

those students who remained in school, particularly with regard to hostile school climate, access to supportive resources, severity of school discipline, and educational aspirations.

Lastly, the data from our survey are cross-sectional (i.e., the data were collected at one point in time), which means that we cannot determine causality. For example, although we can say that there was a relationship between the number of supportive staff and students' academic achievement, we cannot say that one predicts the other.

While considering these limitations, our attempts at diverse recruitment of a hard-to-reach population have yielded a sample of LGBTQ students that we believe most likely closely reflects the population of LGBTQ middle and high school students in the U.S.

Conclusion and Recommendations

The 2017 National School Climate Survey, as in our previous surveys, shows that schools are often unsafe learning environments for LGBTQ students. Hearing biased or derogatory language at school, especially sexist remarks, homophobic remarks, and negative remarks about gender expression, was a common occurrence. However, teachers and other school authorities did not often intervene when anti-LGBTQ remarks were made in their presence, and students' use of such language remained largely unchallenged. Almost 8 in 10 students in our survey reported feeling unsafe at school because of at least one personal characteristic, with sexual orientation and gender expression being the most commonly reported characteristics. Students also frequently reported avoiding spaces in their schools that they perceived as being unsafe, especially bathrooms, locker rooms, and P.E. classes. More than two-thirds of LGBTQ students reported that they had been verbally harassed at school based on their sexual orientation, and nearly 6-in-10 students had been harassed based on their gender expression. In addition, many students reported experiencing incidents of physical harassment and assault related to their sexual orientation or gender expression, as well as incidents of sexual harassment, deliberate property damage, cyberbullying, and relational aggression at school. Transgender and gender nonconforming students were particularly likely to have felt unsafe at school and face anti-LGBTQ victimization at school.

In addition to anti-LGBTQ behavior by peers, be it biased language in the hallways or direct personal victimization, the majority of LGBTQ students also faced discriminatory school practices and policies. Schools prohibited LGBTQ students from expressing themselves through their clothing or their relationships, limited LGBTQ inclusion in curricular and extracurricular activities, required different standards based on students' gender, and promoted other policies that negatively affected transgender and gender nonconforming students in particular, such as preventing use of a chosen name or pronoun.

Results from our survey also demonstrate the serious consequences that anti-LGBTQ victimization and discrimination can have on LGBTQ students' academic success and their general well-being. LGBTQ students who experienced frequent harassment and assault based on their sexual orientation or gender expression reported missing more days of school, having lower GPAs, lower educational aspirations, and higher rates of school discipline than students who were harassed less often. In addition, students who experienced higher levels of victimization had lower levels of school belonging and poorer psychological well-being. LGBTQ students who reported experiencing anti-LGBTQ discrimination at school, such as differential treatment for same-sex couples versus heterosexual couples, also had worse educational outcomes, were more likely to be disciplined at school, and had poorer well-being than other students.

Although our results suggest that school climate remains dire for many LGBTQ students, they also highlight the important role that institutional supports can play in making schools safer for these students. Steps that schools take to improve school climate are also an investment in better educational outcomes and healthy youth development. For instance, supportive educators positively influenced students' academic performance, educational aspirations, and feelings of safety. Students attending schools that had a Gay-Straight Alliance or Gender and Sexuality Alliance (GSA) or a similar student club reported hearing fewer homophobic remarks and negative remarks about gender expression, were less likely to feel unsafe and miss school for safety reasons, and reported a greater sense of belonging to their school community. Students who reported that their classroom curriculum included positive

representations of LGBTQ issues had higher GPAs, higher educational aspirations, and were more likely to have classmates who were accepting of LGBTQ people. Unfortunately, these resources and supports were often not available to LGBTQ students. Although the vast majority of students did report having at least one supportive teacher or other staff person in school, only slightly more than half had a GSA in their school, less than half had LGBTQ-related materials in the school library, and approximately half could access LGBTQ-related resources via school computers. Other resources, such as inclusive curricula and LGBTQ-inclusive textbooks and readings, were even less common. Furthermore, students from certain types of schools, such as middle schools or religious-affiliated private schools; from certain locales, such as small towns or rural areas; and from certain regions, such as the South and the Midwest, were less likely than other students to report having supportive resources in their schools. These findings clearly indicate the importance of advocating for the inclusion of these resources in schools to ensure positive learning environments for LGBTQ students in all schools—environments in which students can receive a high quality education, graduate, and continue on to further education.

Findings from the 2017 survey indicate that inclusive and supportive school policies can result in concrete improvements in school climate for LGBTQ students. Students in schools with comprehensive anti-bullying/harassment policies that included protections for sexual orientation and gender identity/expression reported a lower incidence of both homophobic remarks and negative remarks about gender expression, as well as a greater frequency of school staff intervention when these remarks were made. Furthermore, students with a comprehensive policy were less likely to report experiences of anti-LGBTQ victimization, more likely to report incidents of harassment and assault to school personnel, and more likely to rate school staff's response to such incidents as effective. Among transgender or gender nonconforming (trans/GNC) students, those in schools with official policies or guidelines to support trans/GNC students reported a lower incidence of anti-LGBTQ discrimination and missing school because of feeling unsafe, and felt a greater sense of belonging to their school. Unfortunately, students attending schools with comprehensive policies or trans/GNC policies remained in the minority. Although a majority of students said that their school had some type of harassment/assault policy, few said that it was a comprehensive policy that explicitly stated protections based on sexual orientation and gender identity/expression. Only a tenth of students reported that their school or district had official policies or guidelines to support trans/GNC students.

In considering changes over time in negative indicators of school climate, it is concerning that we have not seen the same gains toward safe and inclusive schools for LGBTQ secondary school students as we had seen in our last report. Most types of homophobic remarks have remained similar in 2017, but remarks like "that's so gay," which had been on steep decline since 2009, increased slightly from 2015 to 2017. Although negative remarks about gender expression decreased somewhat in 2017, negative remarks about transgender people have steadily increased since 2013. With regard to harassment and assault related to sexual orientation, verbal harassment was not different in 2017 from 2015, although physical harassment and assault continued to decrease in 2017. However, with regard to harassment and assault related to gender expression, we saw a small increase in verbal harassment from 2015 to 2017 and no change in physical harassment and assault. Although LGBTQ students were more likely to report harassment and assault in 2017 than in prior surveys, their reports on the effectiveness of staff response to these incidents did not change. Further, there were few changes in the availability of LGBTQ-related positive supports in schools — the portion of LGBTQ students with supportive educators has not changed since 2015 and the availability of most curricular resources had not changed in 2017. Although there was a decrease in the availability of any type of anti-bullying/harassment policy, it is somewhat heartening that for LGBTQ student whose school has a policy, the likelihood of them being fully enumerated was slightly higher in 2017.

Of even greater concern is the pattern that emerged from these over time analyses with regard to gender-specific problems in schools. As mentioned, negative transgender remarks increased in 2017, as did verbal harassment regarding gender expression, and the only forms of LGBTQ-related discrimination that did not improve in 2017 were

those specific to the experiences of transgender or gender nonconforming students. It may be that greater public discourse on transgender students, such as policy battles about bathroom access, has brought transgender student issues to the fore in U.S. schools, and the advent of the Women's March and the #MeToo movement may have had a similar effect regarding other types of gender issues, such as sexism and sexual harassment. These findings, in particular, call out the need for more trans-specific and gender-related resources in schools.

At this time when we have not seen the same gains in school climate for LGBTQ students, we have also seen a decrease in student acceptance of LGBTQ people in general, after years of increase. Although this change in acceptance may be a reflection of current public attitudes toward LGBTQ people generally, it highlights the importance of the role that schools can play in creating a society that is more accepting and affirming of diversity.

It is clear that there is an urgent need for action to create safer and more inclusive schools for LGBTQ students. There are steps that concerned stakeholders can take to remedy the situation. Results from the 2017 National School Climate Survey demonstrate the ways in which the presence of supportive student clubs, supportive educators, inclusive and supportive policies, and other school-based resources and supports can positively affect LGBTQ students' school experiences. Therefore, we recommend the following measures:

- Support student clubs, such as Gay-Straight Alliances or Gender and Sexuality Alliances (GSAs), that provide support for LGBTQ students and address LGBTQ issues in education;
- Provide training for school staff to improve rates of intervention and increase the number of supportive teachers and other staff available to students;
- Increase student access to appropriate and accurate information regarding LGBTQ people, history, and events through inclusive curricula and library and internet resources;
- Ensure that school policies and practices, such as those related to dress codes and school dances, do not discriminate against LGBTQ students;
- Enact and implement policies and practices to ensure trans/GNC students have equal access to education; and
- Adopt and implement comprehensive school and district anti-bullying/harassment policies that specifically enumerate sexual orientation, gender identity, and gender expression as protected categories alongside others such as race, religion, and disability, with clear and effective systems for reporting and addressing incidents that students experience.

Taken together, such measures can move us towards a future in which all students have the opportunity to learn and succeed in school, regardless of sexual orientation, gender identity, or gender expression.

Endnotes

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4 Marimow, A. E. (2017 August 2). Case of Virginia transgender teen Gavin Grimm put off by appeals court. *The Washington Post.* Retrieved from https://www.washingtonpost.com/local/public-safety/case-of-virginia-transgender-teen-gavin-grimm-put-off-by-appeals-court/2017/08/02/4d49a254-77ad-11e7-8839-ec48ec4cae25_story.html?utm_term=.7e1fe1fe9e0b

5 Hirschfield Davis, J., & Cooper, H. (2017, July 26). Trump says transgender people will not be allowed in the military. *The New York Times.* Retrieved from https://www.nytimes.com/2017/07/26/us/politics/trump-transgender-military.html

6 Brief for the United States as Amici Curiae, Zarda v. Altitude Express, Inc., 883 F.3d 100 (2d Cir. 2018)(No. 15-3775)

7 SAMSHA *Workgroup to Address the Needs of Children and Youth Who Are LGBTQI2-S,* see https://www.lgbtqi2s.com/.

8 HB0217. 99th General Assembly. 2015 Reg. Sess. (IL 2015).

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SB 201. 79th Session. Reg. Sess. 2017. (NV 2017).

9 Sexuality Information and Education Council of the United States. (2015). *2015 sex ed state legislative year-end report: Top topics and takeways.* Washington, D.C.: SIECUS. Retrieved from https://siecus.org/wp-content/uploads/2018/07/2015-Sex-Ed-State-Leg-Report-Final.pdf

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10 GLSEN (2017). *Laws that prohibit the "promotion of homosexuality": Impacts and implications.* New York, N.Y.: GLSEN. Retrieved from https://www.glsen.org/sites/default/files/GLSEN%20Research%20Brief%20-%20No%20Promo%20Homo%20Laws_1.pdf

11 Thoreson, R. (2017 March 21). Utah repeals "No Promo Homo" law. *Human Rights Watch.* Retrieved from https://www.hrw.org/news/2017/03/21/utah-repeals-no-promo-homo-law

12 Krulik, J. (2016, July). *School bathroom access for transgender students.* Retrieved from http://www.ncsl.org/LinkClick.aspx?fileticket=ZWZM8nCQnh0%3d&tabid=30519&portalid=1

13 North Carolina did pass such a law – although one that was broader in scope and applied beyond schools to all public accommodations – but it was repealed a year later after much public criticism and protest, including withdrawal of business from artists, musicians, and the NCAA. However, the state enacted a new law that restricts North Carolina cities from enacting their own LGBTQ anti-discrimination legislation.

14 Birnkrant, J. M. & Przeworski, A. (2017). Communication, advocacy, and acceptance among support-seeking parents of transgender youth. *Journal of Gay & Lesbian Mental Health, 21*(2), 132–153.

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Olson, K. R., Durwood, L., DeMeules, M., & McLaughlin, K. A. (2016). Mental health of transgender children who are supported in their identities. *Pediatrics, 137*(3).

15 James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2015). *The report of the 2015 U.S. transgender survey.* Washington, D.C.: National Center for Transgender Equality. Retrieved from http://www.ustranssurvey.org/

16 Sexual orientation was assessed with a multi-check question item (i.e., gay, lesbian, straight/heterosexual, bisexual, pansexual, questioning, queer, and asexual) with an optional write-in item for sexual orientations not listed. Students in the categories Queer, Another Sexual Orientation, and Questioning/Unsure did not also indicate that they were gay/lesbian, bisexual, or pansexual.

17 Gender was assessed via three items: an item assessing sex assigned at birth (i.e., male or female), an item assessing gender identity (i.e., male, female, nonbinary, and an additional write-in option), and a multiple response item assessing sex/gender status (i.e., cisgender, transgender, genderqueer, intersex, and an additional write-in option). Based on responses to these three items, students' gender was categorized as: Cisgender Male, Cisgender Female, Cisgender Unspecified (those who did not provide any sex at birth or gender identity information), Transgender Male, Transgender Female, Transgender Nonbinary, Transgender Unspecified (those who did not provide any gender identity information), Genderqueer, Another Nonbinary Identity (i.e., those who indicated a nonbinary identity but did not indicate that they were transgender or genderqueer, including those who wrote in identities such as "genderfluid" or "demigender"), or Questioning/Unsure.

18 Pansexual identity is commonly defined as experiencing attraction to some people, regardless of their gender identity. This identity may be distinct from a bisexual identity, which is commonly described as either experiencing attraction to some male-identified people and some female-identified people or as experiencing attraction to some people of the same gender and some people of different genders.

19 Students who indicated that they were asexual and another sexual orientation were categorized as another sexual orientation. Additionally, students who indicated that their only sexual orientation was asexual and also indicated that they were cisgender were not included in the final study sample. Therefore, all students included in the Asexual category also are not cisgender (i.e., are transgender, genderqueer, another nonbinary identity, or questioning their gender). For further examination of school climate for asexual-identifying students in our sample, see the *School Climate and Sexual Orientation* section.

20 Race/ethnicity was assessed with a single multi-check question item (i.e., African American or Black; Asian or South Asian; Native Hawaiian or other Pacific Islander; Native American, American Indian, or Alaska Native; White or Caucasian; Hispanic or Latino/a; and Middle Eastern or Arab American) with an optional write-in item for race/ethnicities not listed. Participants who selected more than one race category were coded as "Multiracial," with the exception of participants who selected either "Hispanic or Latino/a" or "Middle Eastern or Arab American" as their ethnicity. Participants who selected both "Hispanic or Latino/a" and "Middle Eastern or Arab American" were also coded as "Multiracial."

21 Latinx is a variant of the masculine "Latino" and feminine "Latina" that leaves gender unspecified and, therefore, aims to be more inclusive of diverse gender identities, including nonbinary individuals. To learn more: https://www.meriam-webster.com/words-at- play/word-history-latinx

22 Receiving educational accommodations was assessed with a question that asked students if they received any educational support services at school, including special education classes, extra time on tests, resource classes, or other accommodations.

23 Students were placed into region based on the state they were from – Northeast: Connecticut, Delaware, Maine, Maryland,

Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Washington, DC; South: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia; Midwest: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin; West: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming; U.S. Territories: American Samoa, Guam, Northern Mariana Islands, Puerto Rico, U.S. Virgin Islands.

24 Darling, N., Caldwell, L. L., & Smith, R. (2005). Participation in school-based extracurricular activities and adolescent adjustment. *Journal of Leisure Research, 37*(1), 51–76.

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25 Because of the large sample size and the multiple analyses conducted for this report, we use the more restrictive $p<.01$ in determinations of statistical significance for our analyses, unless otherwise indicated. Mean differences in the frequencies across types of biased remarks were examined using a repeated measures multivariate analysis of variance (MANOVA), and percentages are shown for illustrative purposes. The multivariate effect was significant. Pillai's Trace = .72, $F(10, 22825) = 5821.53$, $p<.001$, and differences were significant with the exceptions of: remarks about gender expression and other types of homophobic remarks.

26 Mean differences in the frequencies between types of negative remarks about gender expression (i.e., between remarks about masculinity and remarks about femininity) were examined using a paired samples t-test. The difference was significant, $t(22944) = 59.23$, $p<.001$.

27 Mean differences in the frequencies between homophobic remarks and gender expression remarks made by school staff were examined using a paired samples t-test and percentages are shown for illustrative purposes. The difference was significant, $t(21530) = 66.35$, $p<.001$.

28 Mean differences in the frequencies of intervention in homophobic remarks and gender expression remarks by school staff and by students were examined using paired samples t-tests and percentages are shown for illustrative purposes. The differences were significant at $p<.001$ – staff intervention: $t(14848) = 28.93$; student intervention: $t(21460) = 19.49$.

29 Mean differences in the frequencies across types of biased remarks were examined using a repeated measures multivariate analysis of variance (MANOVA): Pillai's Trace = .72, $F(10, 22825) = 5821.53$, $p<.001$, and differences were significant with the exception of differences between gender expression remarks and other types of homophobic remarks.

30 Mean differences in the frequencies of verbal harassment based on sexual orientation, gender, and gender expression were examined using repeated measures multiple analysis of variance (MANOVA): Pillai's Trace = .065, $F(2, 22679) = 793.12$, $p<.001$, $\eta_p^2 = .065$. Univariate effects were considered at $p<.01$.

31 Mean differences in the frequencies of physical harassment based on sexual orientation, gender, and gender expression were examined using repeated measures multiple analysis of variance (MANOVA): Pillai's Trace = .016, $F(2, 22467) = 177.30$, $p<.001$, $\eta_p^2 = .016$. Univariate effects were considered at $p<.01$.

32 Mean differences in the frequencies of verbal harassment, physical harassment, and physical assault based on sexual orientation, gender, and gender expression were examined using repeated measures multiple analysis of variance (MANOVA): Pillai's Trace = .653, $F(2, 22053) = 20767.35$, $p<.001$, $\eta_p^2 = .653$.

33 Mean differences in the frequencies of physical assault based on sexual orientation, gender, and gender expression were examined using repeated measures multiple analysis of variance (MANOVA): Pillai's Trace = .009, $F(2, 22328) = 102.85$, $p<.001$, $\eta_p^2 = .009$. Univariate effects were considered at $p<.01$.

34 To test differences in experiences of religious-based harassment by religious affiliation, an analysis of variance (ANOVA) was conducted with religious harassment as the dependent variable, and religious affiliation as the independent variable. The effect was significant: $F(9, 20398) = 77.76$, $p<.001$, $\eta_p^2 = .04$. Religious-based harassment was assessed via a question about frequency of experiencing bullying or harassment at school in the past year based on actual or perceived religion with response options ranging from 1 (never) to 5 (frequently). Mean scores and standard deviations for each religious affiliation group: Muslim (M = 2.35, SD = 1.27), Jewish (M = 1.98, SD = 1.18), Hindu (M = 1.65, SD = .92), Buddhist (M = 1.6, SD = .91), Protestant (M = 1.44, SD = .86), Greek/Eastern Orthodox (M = 1.42, SD = .96), Christian (non-denominational) (M = 1.38, SD = .79), Catholic (M = 1.26, SD = .66), another religion (M = 1.88, SD = 1.19), and no religion (M = 1.40, SD = .86). Pairwise comparisons were considered at $p<.01$. Muslim students differed from all other groups of students except for Jewish students. Jewish students differed from Buddhist, Catholic, Christian (non-denominational), Greek/Eastern Orthodox, Muslim, and Protestant students, and students of no religion. Hindu students only differed from Muslim students. Buddhist students differed from Catholic, Christian (non-denominational), Jewish, and Muslim students, as well as students of another religion, and those with no religion. Protestant students differed from Catholic, Jewish, and Muslim students, and students of another religion. Greek/Eastern Orthodox students differed from Jewish students, Muslim students, and students of another religion. Christian (non-denominational) students differed from Buddhist, Catholic, Jewish, and Muslim students, and students of another religion. Catholic students differed from Buddhist, Christian (non-denominational), Jewish, Muslim, and Protestant students, as well as students of another religion, and those with no religion. Students with another religion differed from Buddhist, Catholic, Christian (non-denominational), Greek/Eastern Orthodox, Muslim, and Protestant students, and students with no religion. Students with no religion differed from Buddhist, Catholic, Jewish, and Muslim students, and students of another religion. There were no other group differences.

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38 To test differences in frequency of reporting victimization to family members by outness to family members, we conducted an independent samples t-test among LGBTQ students who had experienced victimization, where frequency of reporting to family was the dependent variable and being out or not was the independent variable. Results were significant, $t(13935) = -23.81$, $p<.001$.

39 An additional 16.3% indicated that this question was "not applicable," perhaps because they had been out to their parents prior to staff knowledge of their LGBTQ identity.

40 To test differences across groups, a multivariate analysis of variance (MANOVA) was conducted with three weighted victimization variables (based on sexual orientation, gender, and gender expression) as dependent variables. For purposes of analysis, we measured victimization by creating composite weighted variables for each type of victimization (e.g., those based on sexual orientation, gender expression, etc.) based on the severity of harassment with more weight given to more severe forms of harassment. Physical assault received the most weight, followed by physical harassment, and verbal harassment. The independent variable was dichotomous, where 1 = "not that serious" and "0" indicated that students had not cited this reason for not reporting victimization to school staff. Multivariate results were significant: Pillai's Trace = .83, $F(3, 13857) = 23055.48$, $p<.001$.

41 Chi-square tests were performed examining type of school staff response by whether it was perceived to be effective or ineffective (dichotomous variable was created for effectiveness: effective = "very effective" or "somewhat effective"; ineffective = "not at all effective" or "somewhat ineffective"). Responses that were more likely to be effective: Disciplined perpetrator: $\chi^2 = 1198.99$, $df = 1$, $p<.001$, $\phi = -.42$; Educated perpetrator about bullying: $\chi^2 = 343.77$, $df = 1$, $p<.001$, $\phi = -.22$; Contacted perpetrator's parents: $\chi^2 = 432.09$, $df = 1$, $p<.001$, $\phi = -.25$; Filed a report: $\chi^2 = 298.29$, $df = 1$, $p<.001$, $\phi = -.21$; and Educated class/school about bullying: $\chi^2 = 122.68$, $df = 1$, $p<.001$, $\phi = -.13$.

42 Chi-square tests were performed examining type of school staff response by whether it was perceived to be effective or ineffective (dichotomous variable was created for effectiveness: effective = "very effective" or "somewhat effective"; ineffective = "not at all effective" or "somewhat ineffective"). Responses that were more likely to be ineffective: Told reporting student to change their behavior: $\chi^2 = 413.00$, $df = 1$, $p<.001$, $\phi = .24$; Disciplined the reporting student: $\chi^2 = 125.20$, $df = 1$, $p<.001$, $\phi = .13$; Did nothing/Told student to ignore: $\chi^2 = 1722.74$, $df = 1$, $p<.001$, $\phi = .50$; Contacted the reporting student's parents: $\chi^2 = 35.87$, $df = 1$, $p<.001$, $\phi = -.07$; Referred the incident to another staff member: $\chi^2 = 44.39$, $df = 1$, $p<.001$, $\phi = -.08$; Used peer mediation/conflict resolution approach: $\chi^2 = 49.02$, $df = 1$, $p<.001$, $\phi = -.08$; and Separated students: $\chi^2 = 191.16$, $df = 1$, $p<.001$, $\phi = -.17$.

43 Stopbullying.gov. (n.d.). Misdirections in bullying prevention and intervention. Washington, D.C.

44 Greytak, E. A., Kosciw, J. G., Villenas, C., & Giga, N. M. (2016). *From teasing to torment: School climate revisited, a survey of U.S. secondary school students and teachers*. New York: GLSEN.

45 Substance Abuse and Mental Health Services Administration. (2014). *A practitioner's resource guide: Helping families to support their LGBT children*. HHS Publication No. PEP14-LGBTKIDS. Rockville, MD: Substance Abuse and Mental Health Services Administration.

46 Poteat, V. P. Mereish, E. H., DiGiovanni, C. D., & Koenig, B. W. (2011). The effects of general and homophobic victimization on adolescents' psychosocial and educational concerns: The importance of intersecting identities and parent support. *Journal of Counseling Psychology, 58*(4), 597–609.

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47 Bacon, J. K., & Causton-Theoharis, J. (2012). 'It should be teamwork': A critical investigation of school practices and parent advocacy in special education. *International Journal of Inclusive Education, 17*(7), 682–699.

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Levine, E. B., & Trickett, E. J. (2000). Toward a model of Latino parent advocacy for educational change. *Journal of Prevention & Intervention in the Community, 20*(1–2), 121–137.

48 A chi-square test as conducted to examine differences in parent advocacy (engaging in any advocacy action) by outness to parents (being out to at least one parent/guardian): $\chi^2 = 326.89$, $df = 1$, $p<.001$, $\phi = .13$.

49 To compare gender-related advocacy by gender, a chi-square test was conducted: $\chi^2 = 757.57$, $df = 1$, $p<.001$, $\phi = -.20$.

50 To test differences in anti-LGBTQ victimization by any parent advocacy, three partial correlations were conducted, with the three weighted anti-LGBTQ victimization variables (victimization based on sexual orientation, victimization based on gender expression, and victimization based on gender) as the independent variables, any parent advocacy (took any action vs did not take any action) as the dependent variable, and reporting victimization to family as the covariate. Reporting victimization to family was included in the analysis as a covariate because students' reporting of victimization experiences to their family was associated with greater likelihood of parents/guardians advocating on their behalf. All three relationships were significant: Victimization based on sexual orientation: $r(15207) = .07$, $p<.001$; Victimization based on gender expression: $r(14856) = .07$, $p<.001$; Victimization based on gender: $r(15013) = .06$, $p<.001$. Percentages on the three any anti-LGBTQ victimization variables (victimization based on sexual orientation, victimization based on gender expression, and victimization based on gender) are shown for illustrative purposes. For each of the three anti-LGBTQ victimization variables, a dichotomous Yes/No variable was created by combining the three forms of victimization variables—verbal harassment, physical harassment, and physical assault. For each of the three anti-LGBTQ victimization variables, those who experienced either verbal harassment, physical harassment, or physical assault were considered having any victimization.

51 To compare any anti-LGBTQ discrimination by any parent advocacy, a chi-square test was conducted: $\chi^2(1)= 228.26$, $p<.001$, $\phi = -.10$. Percentages on any anti-LGBTQ victimization are shown for illustrative purposes.

52 To examine differences in school resources and supports by parent advocacy, a multivariate analysis of covariance (MANCOVA) was conducted with any parent advocacy (took any action vs did not take any action) as the independent variable, school resources and supports variables as the dependent variables, and the three weighted anti-LGBTQ victimization variables (victimization based on sexual orientation, victimization based on gender expression, and victimization based on gender), and any anti-LGBTQ discrimination as covariates. Multivariate results were significant: Pillai's Trace = .01, $F(11, 20257) = 21.33$, $p<.001$, $\eta_p^2 = .01$. The following univariate effects were significant at $p<.001$: LGBTQ website access: $F(1, 20267) = 16.48$,$\eta_p^2 = .00$; LGBTQ-related library resources: $F(1, 20267) = 45.68$, $\eta_p^2 = .00$; LGBTQ-related textbooks: $F(1, 20267) = 19.64$, $\eta_p^2 = .00$; LGBTQ-inclusive curriculum: $F(1, 20267) = 55.49$, $\eta_p^2 = .00$; LGBTQ-inclusive sex education: $F(1, 20267) = 20.98$, $\eta_p^2 = .00$; supportive teachers: $F(1, 20267) = 63.15$, $\eta_p^2 = .00$; supportive administration: $F(1, 20267) = 116.00$, $\eta_p^2 = .01$; Safe Space stickers/posters: $F(1, 20267) = 24.65$, $\eta_p^2 = .00$; Comprehensive anti-bullying/harassment policies: $F(1, 20267) = 54.73$, $\eta_p^2 = .00$; Transgender and gender nonconforming policies: $F(1, 20267) = 78.04$, $\eta_p^2 = .00$. GSAs did not differ by any parent advocacy.

53 Simons, L., Schrager, S. M., Clark, L. F., Belzer, M., & Olson, J. (2013). Parental support and mental health among transgender adolescents. *Journal of Adolescent Health, 53*(6), 791–793.

Watson, R. J., Grossman, A. H., & Russell, S. T. (2016). Sources of social support and mental health among LGB youth. *Youth & Society*. https://doi.org/10.1177/0044118X16660110.

54 To examine differences in psychological well-being by outness to parents, a multivariate analysis of covariance (MANCOVA) was conducted with outness to parents (out to at least one parent/guardian vs not out to parent/guardian) as the independent variable, the two psychological well-being variables (self-esteem, and depression) as the dependent variables, and the three weighted anti-LGBTQ victimization variables (victimization based on sexual orientation, victimization based on gender expression, and victimization based on gender) and any anti-LGBTQ discrimination as covariates. Anti-LGBTQ victimization and discrimination were included as covariates in the analysis because they are associated with poorer psychological well-being. Multivariate results were significant: Pillai's Trace = .00, $F(2, 19220) = 22.29$, $p<.001$, $\eta_p^2 = .00$. All univariate effects were significant at $p<.001$: Self-esteem: $F(1, 19221) = 43.91$, $\eta_p^2 = .00$; Depression: $F(1, 19221) = 28.12$, $\eta_p^2 = .00$. After accounting for anti-LGBTQ victimization and anti-LGBTQ discrimination, students who were out to their parents were more likely to have higher levels of self-esteem and lower levels of depression.

55 To examine differences in psychological well-being by parent advocacy, a multivariate analysis of covariance (MANCOVA)

was conducted with any parent advocacy (took any action vs did not take any action) as the independent variable, the two psychological well-being variables (self-esteem and depression) as the dependent variables, and the three weighted anti-LGBTQ victimization variables (victimization based on sexual orientation, victimization based on gender expression, and victimization based on gender), any anti-LGBTQ discrimination, and outness to parents as covariates. Multivariate results were significant: Pillai's Trace = .00, $F(2, 18742) = 38.09$, $p<.001$,$\eta_p^2 = .00$. All univariate effects were significant at $p<.001$: Self-esteem: $F(1, 18743) = 75.62$, $\eta_p^2 = .00$; Depression: $F(1, 18743) = 45.16$, $\eta_p^2 = .00$.

56 Centers for Disease Control and Prevention. (2012). *Parent Engagement: Strategies for Involving Parents in School Health*. Atlanta: U.S. Department of Health and Human Services.

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57 Greytak, E.A., Kosciw, J.G., Villenas, C., & Giga, N.M. (2016). *From teasing to torment: School climate revisited, a survey of U.S. secondary school students and teachers*. New York: GLSEN.

58 To compare school belonging by gender separation practices, we conducted a univariate analysis of variance (ANOVA) for students in co-ed schools, with school belonging as the dependent variable and experiencing gender separation at school as the independent variable. The effect was significant: $F(1, 20651) = 657.58$, $p<.001$, $\eta_p^2 = .03$.

59 Pahlke, E., Bigler, R.S. & Patterson, M.M. (2014). Reasoning about single-sex schooling for girls among students, parents, and teachers. *Sex Roles, 71*(5), 261–271.

60 Pahlke, E., Hyde, J. S. & Allison, C. M. (2014). The effects of single-sex compared with coeducational schooling on students' performance and attitudes: A meta-analysis. *Psychological Bulletin, 140*(4), 1042–1072.

61 To compare biased remarks from peers between single-sex and co-ed schools, we conducted a multivariate analysis of covariance (MANCOVA), controlling for school type (public, private non-religious, private religious), with single-sex school as the independent variable, and three dependent variables: frequency of hearing homophobic remarks from peers, frequency of hearing negative remarks about gender expression from peers, and frequency of hearing negative remarks about transgender people from peers. The multivariate effect was significant: Pillai's trace=.002, $F(3, 22458) = 18.03$, $p<.001$. The univariate effect for homophobic remarks was significant: $F(1, 22460) = 35.53$, $p<.001$, $\eta_p^2 = .002$. The univariate effects for negative remarks about gender expression and negative remarks about transgender people were not significant.

62 To compare biased remarks from school staff between single-sex and co-ed schools, we conducted a multivariate analysis of covariance (MANCOVA), controlling for school type (public, private non-religious, private religious), with single-sex school as the independent variable, and two dependent variables: frequency of hearing homophobic remarks from staff, and frequency of hearing negative remarks about gender expression from staff. The multivariate effect was significant: Pillai's trace=.001, $F(2, 21083) = 13.23$, $p<.001$. The univariate effects for biased remarks were significant: homophobic remarks, $F(1, 21084) = 19.10$, $p<.001$, $\eta_p^2 = .001$; negative remarks about gender expression, $F(1, 21084) = 22.55$, $p<.001$, $\eta_p^2 = .001$.

63 To compare discriminatory school policies and practices between single-sex and co-ed schools, we conducted a univariate analysis of covariance (ANCOVA), controlling for school type (public, private non-religious, private religious), with single-sex school as the independent variable, and experiencing any anti-LGBTQ discriminatory school policies or practices as the dependent variable. The difference between single-sex and co-ed schools was significant: $F(1, 22203) = 39.44$, $p<.001$, $\eta p2 = .002$.

64 The National Coalition of Girls' Schools has released a position statement, provided examples of steps girls' schools across the U.S. have taken to become more welcoming to trans/GNC students, and developed a network of girls' school administrators to further the support and inclusion of non-cisgender identities at girls' schools: https://www.ncgs.org/resources/transgender-gender-identity-resources.

65 We examined whether the differences reported above between those in schools with gender separation practices and those without, and between those attending single-sex and co-ed schools were the same for trans/GNC students and for cisgender LGBQ students through a series of ANCOVAs that included interaction terms. Main effects were significant, interaction effects were not significant.

66 To compare experiences of discrimination by gender identity, four chi-square tests were conducted. Required to use bathroom of legal sex: $\chi^2 = 3795.83$, $df = 10$, $p<.001$, Cramer's V = .31. Transgender students were most likely to experience this form of discrimination, followed by nonbinary students, those with other (non-cisgender) gender identities, genderqueer students, students questioning their gender identity, and lastly, cisgender students. Required to use locker room of legal sex: $\chi^2 = 3422.86$, $df = 10$, $p<.001$, Cramer's V = .29. Transgender students were most likely to experience this form of discrimination, followed by nonbinary students, those with other (non-cisgender) gender identities, genderqueer students, students questioning their gender identity, and lastly, cisgender students. Prevented from using name and pronouns: $\chi^2 = 3919.72$, $df = 10$, $p<.001$, Cramer's V = .31. Transgender students were most likely to experience this form of discrimination, followed by nonbinary students, genderqueer students and those with other (non-cisgender) gender identities, students questioning their gender identity, and lastly, cisgender students. For discriminatory dress code violations, there were no significant differences between non-cisgender identities (no differences between transgender, nonbinary, genderqueer, questioning, and students of other non-cisgender genders), however cisgender students were less likely than all groups of non-cisgender students to experience this form of discrimination: $\chi^2 = 423.90$, $df = 10$, $p<.001$, Cramer's V = .10.

67 To compare avoiding bathrooms by experiences of bathroom-based discrimination, a chi-square test was conducted among students who identified as a gender other than cisgender: $\chi^2 = 474.78$, $df = 1$, $p<.001$, Cramer's V = .26.

68 To compare avoiding locker rooms and participation in school sports by locker room-based discrimination, two chi-square tests were conducted among students who identified as a gender other than cisgender. Avoiding locker rooms: $\chi^2 = 411.85$, $df = 1$, $p<.001$, Cramer's V = .25. For participation in school sports, a dichotomous variable was used, indicating whether a student participated in either intramural or interscholastic sports in the past year: $\chi^2 = 6.72$, $df = 10$, $p<.01$, Cramer's V = .03.

69 Heckman, J. J., Humphries, J. E., & Mader, N. S. (2010). *The GED: NBER working paper no. 16064*. Cambridge, MA: National Bureau of Economic Research.

Tyler, J. & Lofstrom, M. (2008). *Is the GED an effective route to postsecondary education for school dropouts?* Bonn, Germany: Institute for the Study of Labor (IZA).

70 Mean differences in the frequencies of reasons for not planning to finish high school or being unsure about finishing high school were examined using repeated measures analysis of variance (ANOVA): Pillai's Trace = .86, $F(5, 896) = 1076.37$, $p<.001$. Univariate effects were considered at $p<.01$.

71 Espelage, D. L., Merrin, G. J., & Hatchel, T. (2016). Peer victimization and dating violence among LGBTQ youth: The impact of school violence and crime on mental health outcomes. *Youth Violence and Juvenile Justice, 16*(2), 156–173.

72 Watson, R.J. & Russell, S.T. (2014). Disengaged or bookworm: Academics, mental health, and success for sexual minority youth *Journal of Research on Adolescence, 26*(1), 159–165.

73 Palmer, N. A. & Greytak, E. A. (2017). LGBTQ student victimization and its relationship to school discipline and justice

system involvement. *Criminal Justice Review, 42*(2), 163–187.

74 To assess differences in high school graduation plans by absenteeism, a chi-square test was performed: $\chi^2 = 861.75$, $df = 4$, $p<.001$, Cramer's V = .196. Students with higher absenteeism due to feeling unsafe/uncomfortable were more likely to have no plans or not be sure of their plans to finish high school.

75 For purposes of analysis, we measured victimization by creating composite weighted variables for both types of victimization (those based on sexual orientation, gender expression based on the severity of harassment with more weight given to more severe forms of harassment. Physical assault received the most weight, followed by physical harassment, and verbal harassment.

76 The relationship between educational aspirations and severity of victimization was examined through Pearson correlations – victimization based on sexual orientation: $r(22032) = -.10$, $p<.001$; victimization based on gender expression: $r(21426) = -.12$, $p<.001$. Percentages are shown for illustrative purposes.

77 To test differences in educational aspirations by experiencing discriminatory policies and practices at school, an analysis of variance (ANOVA) was conducted, with educational aspirations as the dependent variable, and experiencing discrimination as the independent variable. The main effect for experiencing discrimination was significant: $F(1, 22048) = 201.44$, $p<.001$, effect size: .009. To examine the effect of discrimination on educational aspirations after accounting for direct experiences of victimization, we performed a similar, corresponding analysis of covariance (ANCOVA), controlling for victimization due to sexual orientation and gender expression. The ANCOVA revealed similar differences between students who had experienced discriminatory policies and practices and those who had not; thus, results of the ANOVA are reported for the sake of simplicity.

78 The relationship between GPA and severity of victimization was examined through Pearson correlations. – victimization based on sexual orientation: $r(22275) = -.19$, $p<.001$; victimization based on gender expression: $r(21660) = -.21$, $p<.001$.

79 To test differences in educational achievement by experiencing discriminatory policies and practices at school, an analysis of variance (ANOVA) was conducted, with GPA as the dependent variable, and experiencing any of the forms of LGBTQ-related discrimination assessed in the survey as the independent variable. The main effect for experiencing discrimination was significant: $F(1, 22294) = 473.59$, $p<.001$, effect size: .02. To examine the effect of discrimination on educational achievement after accounting for direct experiences of victimization, we performed a similar, corresponding analysis of covariance (ANCOVA), controlling for victimization due to sexual orientation and gender expression. The results of the ANCOVA indicated that students who had experienced discriminatory policies and practices had lower educational achievement than those who had not experienced these types of discrimination, even when accounting for experiences for victimization; thus, results of the ANOVA are reported for the sake of simplicity.

80 The relationship between missing school and severity of victimization was examined through Pearson correlations – victimization based on sexual orientation: $r(22947) = .45$, $p<.001$; victimization based on gender expression: $r(22712) = .44$, $p<.001$. Percentages are shown for illustrative purposes.

81 To test differences in missing school by experiencing discriminatory policies and practices at school, an analysis of variance (ANOVA) was conducted, with missing school as the dependent variable, and experiencing discrimination as the independent variable. The main effect for experiencing discrimination was significant: $F(4, 22564) = 639.00$, $p<.001$, effect size: .10. Percentages are shown for illustrative purposes. To account for direct experiences of victimization, we performed a similar, corresponding analysis of covariance (ANCOVA), controlling for victimization due to sexual orientation and gender expression. After controlling for victimization, there remained differences between students who had experienced discriminatory policies and practices and those who had not; thus, results of the ANOVA are reported for the sake of simplicity.

82 Kang-Brown, J., Trone, J., Fratello, J., & Daftary-Kapur, T. (2013). *Generation later: What we've learned about zero tolerance in schools.* New York, NY: Vera Institute of Justice.

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83 Kang-Brown, J., Trone, J., Fratello, J., & Daftary-Kapur, T. (2013). *Generation later: What we've learned about zero tolerance in schools.* New York, NY: Vera Institute of Justice.

84 Carr, S. (2014). How strict is too strict? The backlash against no-excuses discipline in high schools. *The Atlantic, December 2014.*

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85 Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael, D., Marchbanks, M. P., & Booth, E. A. (2011). *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement.* New York, NY: The Council of State Governments Justice Center.

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Pesta, R. (2018). Labeling and the differential impact of school discipline on negative life outcomes: Assessing ethno-racial variation in the school-to-prison pipeline. *Crime & Delinquency*, 0011128717749223.

Reynolds, C. R., Skiba, R. J., Graham, S., Sheras, P., Conoley, J. C., & Garcia-Vazquez, E. (2008). Are zero tolerance policies effective in the schools? An evidentiary review and recommendations. *The American Psychologist*, *63*(9), 852–862.

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86 Himmelstein, K. E., & Brückner, H. (2011). Criminal-justice and school sanctions against nonheterosexual youth: A national longitudinal study. *Pediatrics*, *127*(1), 49–57.

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Snapp, S. D., Hoenig, J. M., Fields, A., & Russell, S. T. (2015). Messy, butch, and queer: LGBTQ youth and the school-to-prison pipeline. *Journal of Adolescent Research, 30*, 57–82.

87 High and low levels of victimization are indicated by a cutoff at the mean score of victimization: students above the mean were characterized as "Experiencing Higher Levels of Victimization.

88 To compare disciplinary experiences by severity of victimization based on sexual orientation and gender expression, two chi-square tests were conducted using a dichotomized variable indicating that students had experienced higher than average victimization and dichotomized variable regarding having experienced any type of school discipline. Students who had experienced higher levels of victimization were more likely to have experienced school discipline than students who had experienced lower levels of victimization – sexual orientation: $\chi^2 = 1097.39$, $df = 1$, $p<.001$, $\phi = .223$; gender expression: $\chi^2 = 891.34$, $df = 1$, $p<.001$, $\phi = .204$.

89 To compare disciplinary experiences by missing school due to safety reasons, a chi-square test was conducted with the variable of number of times students had missed school due to feeling unsafe or uncomfortable: $\chi^2 = 914.43$, $df = 4$, $p < .001$, Cramer's

V = .203. Students who had had missed school were more likely to have experienced any school discipline than students who had not missed school.

90 To compare disciplinary experiences by experiences of discrimination at school, a chi-square test was conducted using a dichotomized variable indicating that students had experienced discriminatory policies or procedures: $\chi^2 = 683.87$, $df = 1$, $p<.001$, $\phi = .176$. Students who had experienced discriminatory policies or practices at school reported higher rates of school disciplinary action than students who had not experienced these policies or practices. Note: further analyses demonstrated that these relationships between discriminatory practices and school discipline held even after controlling for peer victimization.

91 Goodenow, C. & Grady, K.E. (1993). The relationship of school belonging and friends' values to academic motivation among urban adolescent students. *Journal of Experimental Education*, *62*(1), 60–71.

Murdock, T. B. & Bolch, M. B. (2005). Risk and protective factors for poor school adjustment in lesbian, gay, and bisexual (LGB) high school youth: Variable and person-centered analyses. *Psychology in the Schools*, *42*(5), 159–172.

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92 A measure for the psychological sense of school membership was developed for use with adolescents by Goodenow (1993): Goodenow, C. (1993). The Psychological sense of school membership among adolescents: Scale development and educational correlates. *Psychology in the Schools*, *30*(1), 79–90.

The measure includes 18 4-point Likert-type items, such as "Other students in my school take my opinions seriously."

93 The relationship between school belonging and severity of victimization was examined through Pearson correlations: victimization based on sexual orientation: $r(21466) = -.43$, $p<.001$; victimization based on gender expression: $r(20869) = -.41$, $p<.001$. For illustrative purposes, percentages of LGBTQ students "Demonstrating Positive School Belonging" are shown; positive and negative school belonging are indicated by a cutoff at the score indicating neither positive nor negative attitudes about one's belonging in school: students above this cutoff were characterized as "Demonstrating Positive School Belonging."

94 To test differences in school belonging by experiencing discriminatory policies and practices at school, an analysis of variance (ANOVA) was conducted, with school belonging as the dependent variable, and experiencing any form of this type of discrimination as the independent variable. The main effect for experiencing discrimination was significant: $F(1, 21480) = 4448.46$, $p<.001$, $\eta_p^2 = .17$. Percentages are shown for illustrative purposes. In order to account for experiences of victimization on the effect of discrimination on school belonging, an analysis of covariance (ANCOVA) was conducted, controlling for victimization. Even when accounting for direct experiences of victimization, the ANCOVA indicated that LGBTQ students who had not experienced discriminatory policies and practices had more positive school belonging scores than those who had; thus, results of the ANOVAs are reported for the sake of simplicity.

95 Gruber, J. E. & Fineran, S. (2008). Comparing the impact of bullying and sexual harassment victimization on the mental and physical health of adolescents. *Sex Roles, 59*(1–2), 1–13.

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97 Self-esteem was measured using the 10-item Likert-type Rosenberg Self-Esteem Scale (Rosenberg, 1989), which includes such items as "I am able to do things as well as most people":

Rosenberg, M. (1989). *Society and the adolescent self-image* (Revised ed.) Middletown, CT: Wesleyan University Press.

98 The relationship between self-esteem and severity of victimization was examined through Pearson correlations: victimization based on sexual orientation: $r(20574) = -.236$, $p<.001$; victimization based on gender expression: $r(20008) = -.256$, $p<.001$. For illustrative purposes, percentages of students "Demonstrating higher levels of self-esteem" are shown; higher levels of were determined by a cutoff at the mean score of self-esteem: students above the mean were characterized as "Demonstrating Higher Levels of Self-Esteem."

99 Depression was measured using the 20-item Likert-type CES-D depression scale (Eaton et al., 2004), which includes such items as "During the past week, I felt hopeful about the future":

Eaton, W. W., Smith, C., Ybarra, M., Muntaner, C., & Tien, A. (2004). Center for Epidemiologic Studies Depression Scale: Review and revision (CESD and CESD-R). In M. E. Maruish (Ed.), *The use of psychological testing for treatment planning and outcomes assessment: Instruments for adults* (pp. 363–377). Mahwah, NJ, US: Lawrence Erlbaum Associates Publishers.

100 The relationship between depression and severity of victimization was examined through Pearson correlations: victimization based on sexual orientation: $r(20867) = .36$, $p<.001$; victimization based on gender expression: $r(20291) = .37$, $p<.001$. For illustrative purposes percentages of LGBTQ students with "Higher Levels of Depression" are shown; higher levels were determined by a cutoff at the mean score of depression: students above the mean were characterized as "Demonstrating Higher Levels of Depression."

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102 To test differences in self-esteem by experiencing discriminatory policies and practices at school, an analysis of variance (ANOVA) was conducted, with self-esteem as the dependent variable, and experiencing discrimination as the independent variable. The main effect for experiencing discrimination was significant: $F(1, 20586) = 1546.486$, $p<.001$, $\eta_p^2 = .07$. In order to account for experiences of victimization on the effect of discrimination on self-esteem, an analysis of covariance (ANCOVA) was conducted, controlling for victimization. Even when accounting for direct experiences of victimization, the ANCOVAs revealed differences between students who had experienced discriminatory policies and practices and those who had not; thus, results of the ANOVAs are reported for the sake of simplicity.

103 To test differences in depression by experiencing discriminatory policies and practices at school, an analysis of variance (ANOVA) was conducted, with depression as the dependent variable, and experiencing discrimination as the independent variable. The main effect for experiencing discrimination was significant: $F(1, 20890) = 2643.804$, $p<.001$, $\eta_p^2 = .11$. In order to account for

experiences of victimization on the effect of discrimination on depression, an analysis of covariance (ANCOVA) was conducted, controlling for victimization. Even when accounting for direct experiences of victimization, the ANCOVAs revealed differences between students who had experienced discriminatory policies and practices and those who had not; thus, results of the ANOVAs are reported for the sake of simplicity.

104 See last two previous endnotes.

105 GLSEN (2016). *Educational exclusion: Drop out, push out, and school-to-prison pipeline among LGBTQ youth.* New York: GLSEN.

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111 Ocampo, A. C. & Soodjinda, D. (2016). Invisible Asian Americans: The intersection of sexuality, race, and education among gay Asian Americans. *Race Ethnicity and Education, 19*(3), 480–499.

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112 Mean differences in the frequencies of positive and negative LGBTQ inclusion were compared using repeated measures analysis of variance (ANOVA): Pillai's Trace = .001, $F(1, 22759) = 11.98$, $p=.001$.

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119 To test differences between inclusion of LGB topics and inclusion of trans/GNC topics, a McNemar Chi-Square test was conducted among students who had received sex education. The test included two dichotomous variables, indicating whether LGB and whether trans/GNC topics were included in their sex education. The results were significant: $\chi^2=798.69$, $p<.001$, $\phi = .61$.

120 To test differences between quality of LGB topics and quality of trans/GNC topics included in sex education, a paired samples t-test was conducted on the LGB quality and trans/GNC quality variables, each measuring the quality of content, from "Very Negative" to "Very Positive": $t(2502) = 15.80$, $p<.001$.

121 To compare LGBTQ-inclusive sex education by school type, a univariate analysis of variance (ANOVA) was conducted with school type as the independent variable and having received LGBTQ-inclusive sex education as the dependent variable. The main effect for inclusive sex education was significant: $F(2, 22411) = 72.31$, $p<.001$, $\eta_p^2 = .006$. Post hoc comparisons were considered at $p<.01$. Students in private, non-religious schools were more likely to have received LGBTQ-inclusive sex education than those in public or religious schools; those in public schools were more likely than those in religious schools. Students in religious schools were less likely than those in public and private, non-religious schools to receive LGBTQ-inclusive sex ed.

122 To compare LGBTQ-inclusive sex education by school locale, a univariate analysis of variance (ANOVA) was conducted with school locale as the independent variable and receiving LGBTQ-inclusive sex education as the dependent variable. The main effect for inclusive sex education was significant: $F(2, 22499) = 45.88$, $p<.001$, $\eta_p^2 = .004$. Post hoc comparisons were considered at $p<.01$. Students in urban schools were more likely to receive LGBTQ-inclusive sex education than those in suburban or rural schools; those in suburban schools were more likely than those in rural schools. Students in rural schools were less likely than those in urban and suburban schools.

123 To compare LGBTQ-inclusive sex education by school locale, a univariate analysis of variance (ANOVA) was conducted with school locale as the independent variable and receiving LGBTQ-inclusive sex education as the dependent variable. The main effect for inclusive sex education was significant: $F(2, 22499) = 45.88$, $p<.001$, $\eta_p^2 = .004$. Post hoc comparisons were considered at $p<.01$. Students in urban schools were more likely to receive LGBTQ-inclusive sex education than those in suburban or rural schools; those in suburban schools were more likely than those in rural schools. Students in rural schools were less likely than those in urban and suburban schools.

124 Mean differences in comfort level talking to school staff across type of school staff member were examined using repeated measures multivariate analysis of variance (MANOVA), with type of school staff as the independent variable and comfort level for each of the seven school staff categories as the dependent variables, and percentages are shown for illustrative purposes. The multivariate

effect was significant, Pillai's Trace = .48, $F(6, 21505) = 3277.20$, $p<.001$. Univariate analyses were considered significant at $p<.01$. All mean differences in comfort level were significant except those between Librarian/Other Resource Staff and School Nurse.

125 Visit glsen.org/safespace for more information or to obtain a Safe Space Kit for an educator or school.

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127 U.S. Department of Education, Office of Elementary and Secondary Education, Office of Safe and Healthy Students. (May, 2016). *Examples of policies and emerging practices for supporting transgender students.* https://www2.ed.gov/about/offices/list/oese/oshs/emergingpractices.pdf

128 To compare LGBTQ students' reports of having a transgender/GNC policy in their school by cisgender status, a chi-square test was conducted. Cisgender students were less likely to indicate that they were "not sure" if their school had such a policy: $\chi^2 = 154.65$, df = 4, $p<.001$, $\phi = .09$.

129 Student reports of areas addressed in trans/GNC student school policies and official guidelines for full LGBTQ sample (includes both cisgender and trans/GNC students):

	% of LGBTQ Students with Policy	% of All LGBTQ Students in Survey
Use pronoun/name of choice	78.2%	8.2%
Access bathroom that matches gender identity (boys or girls)	63.6%	6.7%
Access gender neutral bathroom	57.2%	6.0%
Change official school records after name or gender change	49.2%	5.2%
Participate in extracurricular activities that match their gender (non-sports)	45.5%	4.8%
Dress codes/school uniforms match gender identity	38.9%	4.1%
Locker rooms that match gender identity	48.4%	4.1%

130 Mean differences in prevalence of policy components were examined using a repeated measures multivariate analysis of variance (MANOVA). The multivariate effect was significant. Pillai's Trace = .758, $F(8, 2140) = 408.25$, $p<.001$, and pairwise comparisons were significant at $p<.001$. Significant differences were found between all components with the exception of: official records and extracurricular participation (non-sports); official records and dress codes/uniforms; school sports participation and locker rooms; and extracurricular participation (non-sports) and dress codes/uniforms.

131 Approximate 0.1% of all U.S. K12 schools are boarding schools; calculated from data from The Association of Boarding Schools (N=159 boarding schools in 2014 school year): https://www.nais.org/Media/Nais/Statistics/Documents/TABSFactsAtAGlance2013-14.pdf and the National Center for Educational Statistics of the U.S. Department of Education (N=131,890 public and private schools in 2014 school year): https://nces.ed.gov/datalab/index.aspx

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134 Porta, C. M., Singer, E., Mehus, C. J., Gower, A. L., Saewyc, E., Fredkove, W., & Eisenberg, M. E. (2017). LGBTQ youth's views on gay-straight alliances: Building community, providing gateways, and representing safety and support. *Journal of School Health*, *87*(7), 489–497.

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137 To test differences in hearing biased remarks by presence of a GSA, a multivariate analysis of variance (MANOVA) was conducted, with GSA presence as the independent variable, and frequency of hearing anti-LGBTQ remarks as the dependent variables. The multivariate effect was significant: Pillai's trace = .04, $F(5, 22719) = 206.59$, $p<.001$. The univariate effects of GSA presence on anti-LGBTQ remarks were all significant: "gay" used in a negative way: $F(1, 22723) = 912.54$, $p<.001$, $\eta_p^2 = .04$; "no homo" used in a negative way: $F(1, 22723) = 229.92$, $p<.001$, $\eta_p^2 = .01$; other homophobic remarks: $F(1, 22723) = 663.95$, $p<.001$, $\eta_p^2 = .03$; negative remarks regarding gender expression: $F(1, 22723) = 298.90$, $p<.001$, $\eta_p^2 = .01$; negative remarks about transgender people: $F(1, 22723) = 239.61$, $p<.001$, $\eta_p^2 = .01$. Percentages are shown for illustrative purposes.

138 To test differences in feeling unsafe by presence of a GSA, a multivariate analysis of variance (MANOVA) was conducted, with GSA presence as the independent variable, and feeling unsafe, missing school due to feeling unsafe, and victimization as the dependent variables. The multivariate effect was significant: Pillai's trace = .05, $F(5, 21806) = 228.67$, $p<.001$. The univariate effect of GSA presence on feeling unsafe due to sexual orientation was significant: $F(1, 21810) = 582.62$, $p<.001$, $\eta_p^2 = .03$. The univariate effect of GSA presence on feeling unsafe due to gender expression was significant: $F(1, 21810) = 112.25$, $p<.001$, $\eta_p^2 = .005$. Percentages are shown for illustrative purposes.

139 To test differences in victimization based on sexual orientation and gender expression by presence of a GSA, these variables were included in the MANOVA described in previous endnote. The univariate effect of GSA presence on victimization due to sexual orientation was significant: $F(1, 21810) = 827.51$, $p<.001$, $\eta_p^2 = .04$. The univariate effect of GSA presence on victimization due to gender expression was significant: $F(1, 21810) = 460.46$, $p<.001$, $\eta_p^2 = .02$. For illustrative purposes, figures depicting differences in victimization based on sexual orientation or gender expression rely on a cutoff at the mean score of victimization: students above the mean score were characterized as "Experiencing Higher Levels of Victimization." Percentages are shown for illustrative purposes.

140 To test differences in missing school because of feeling unsafe or uncomfortable by presence of a GSA, this variable was included in the MANOVA described in previous endnotes. The univariate effect of GSA presence on days missing school in the past month was significant: $F(1, 21810) = 439.73$, $p<.001$, $\eta_p^2 = .02$. Percentages are shown for illustrative purposes.

141 To test differences in number of supportive school staff by presence of a GSA, a t-test was conducted, with GSA presence as the independent variable, and number of supportive staff as the dependent variable. The effect of GSA presence on number of supportive staff was significant: $t(19495.43) = -63.93$, $p<.001$.

Percentages are shown for illustrative purposes. In addition, a chi-square test was conducted to compare the likelihood of having any supportive staff at all by presence of a GSA: $\chi^2 = 721.38$, df = 1, $p<.001$, Cramer's V = .18. Students who had a GSA were more likely to have at least 1 supportive educator compared to students who did not have a GSA.

142 To test differences in staff intervention in anti-LGBTQ remarks by presence of a GSA, a multivariate analysis of variance (MANOVA) was conducted, with GSA presence as the independent variable, and frequency of staff intervention as the dependent variables. The multivariate effect was significant: Pillai's trace = .01, $F(2, 14749) = 103.89$, $p<.001$. The univariate effects of GSA presence on staff intervention were both significant. Homophobic remarks: $F(1, 14750) = 193.13$, $p<.001$, $\eta_p^2 = .01$; negative remarks about gender expression: $F(1, 14750) = 121.36$, $p<.001$, $\eta_p^2 = .008$. Percentages are shown for illustrative purposes.

143 GLSEN Days of Action (including Ally Week, No Name-Calling Week, and Day of Silence) are national student-led events of school-based LGBTQ advocacy, coordinated by GLSEN. The Day of Silence occurs each year in the spring, and is designed to draw attention to anti-LGBTQ name-calling, bullying and harassment in schools. Visit www.dayofsilence.org for more information.

144 To test differences in GLSEN Days of Action participation by presence of a GSA, a chi-square test was conducted: $\chi^2 = 1525.33$, df = 1, $p<.001$, Cramer's V = .27. Of the students in our survey with a GSA in their school, 43.5% participated in a GLSEN Day of Action in the previous year. Of students without a GSA, 18.7% participated.

145 The full breakdown of student responses to the question, "In general, how accepting do you think students at your school are of LGBTQ people?" was as follows: not at all accepting: 5.7%, not very accepting: 26.8%, neutral: 25.1%, somewhat accepting: 30.5%, very accepting: 11.9%.

146 To test differences in peer acceptance and peer intervention in anti-LGBTQ remarks by presence of a GSA, a multivariate analysis of variance (MANOVA) was conducted, with GSA presence as the independent variable, and peer acceptance, peer intervention in homophobic remarks, and peer intervention in negative remarks about gender expression as the dependent variables. The multivariate effect was significant: Pillai's trace = .10, $F(3, 21096) = 754.79$, $p<.001$. The univariate effect of GSA presence on peer acceptance was significant: $F(1, 21098) = 2262.63$, $p<.001$, $\eta_p^2 = .10$. Percentages are shown for illustrative purposes.

147 To test differences in peer intervention by presence of a GSA, we conducted the MANOVA described in the previous endnote. The univariate effects of GSA presence on student intervention were significant: homophobic remarks, $F(1, 21098) = 109.18$, $p<.001$, $\eta_p^2 = .005$; negative remarks about gender expression, $F(1, 21098) = 146.96$, $p<.001$, $\eta_p^2 = .007$. Percentages are shown for illustrative purposes.

148 To test differences in school belonging and presence of a GSA, a t-test was conducted, with presence of a GSA as the independent variable and school belonging as the dependent variable. The effect was significant: $t(21096.38) = 38.66$, $p<.001$.

149 To test differences in well-being and presence of a GSA a multivariate analysis of variance (MANOVA) was conducted, with the presence of a GSA as the independent variable, and depression and self-esteem as the dependent variables. The multivariate effect was significant: Pillai's trace = .02, $F(2, 20592) = 172.56$, $p<.001$. The univariate effects of GSA presence on depression and self-esteem were both significant. Depression: $F(1, 20593) = 341.77$, $p<.001$, $\eta_p^2 = .02$; self-esteem: $F(1, 20593) = 224.99$, $p<.001$, $\eta_p^2 = .01$.

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151 GLSEN Days of Action (including Ally Week, No Name-Calling Week, and Day of Silence) are national student-led events of school-based LGBTQ advocacy, coordinated by GLSEN. The Day of Silence occurs each year in the spring, and is designed to draw attention to anti-LGBTQ name-calling, bullying and harassment in schools. Visit www.dayofsilence.org for more information.

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153 To compare student activism by student club participation, chi-square tests were conducted for engaging in any activism activities by GSA participation and by social justice club participation. GSA: $\chi^2 = 821.57$, df = 1, $p<.001$ $\varphi = 19$; Social justice club: $\chi^2 = 285.97$, df = 1, $p<.001$ $\varphi = .12$.

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159 To test differences in hearing homophobic remarks by presence of an inclusive curriculum, a multivariate analysis of variance (MANOVA) was conducted, with inclusive curriculum presence as the independent variable, and frequency of hearing anti-LGBTQ remarks as the dependent variables. The multivariate effect was

significant: Pillai's trace = .068, $F(5, 22727) = 332.20$, $p<.001$. The univariate effects for inclusive curriculum presence was significant for all types of homophobic remarks: hearing "gay" used in a negative way: $F(1, 22731) = 1290.72$, $p<.001$, $\eta_p^2 = .054$; "no homo": $F(1, 22731) = 519.27$, $p<.001$, $\eta_p^2 = .022$; other homophobic remarks: $F(1, 22731) = 1079.58$, $p<.001$, $\eta_p^2 = .045$. The univariate effect for negative remarks about gender expression was significant: $F(1, 22731) = 414.40$, $p<.001$, $\eta_p^2 = .018$. The univariate effect for negative remarks about transgender people was significant: $F(1, 22731) = 778.32.28$, $p<.001$, $\eta_p^2 = .033$. Percentages are shown for illustrative purposes.

160 To test differences in victimization by presence of an inclusive curriculum, a multivariate analysis of variance (MANOVA) was conducted, with inclusive curriculum as the independent variable, and victimization due to sexual orientation and gender expression, feeling unsafe, and missing school because of feeling unsafe or uncomfortable as the dependent variables. The multivariate effect was significant: Pillai's trace = .42, $F(5, 21819) = 189.85$, $p<.001$. The univariate effects for victimization were significant — due to sexual orientation: $F(1, 21823) = 443.93$, $p<.001$, $\eta_p^2 = .020$; due to gender expression: $F(1, 21823) = 294.40$, $p<.001$, $\eta_p^2 = .013$. Percentages are shown for illustrative purposes.

161 To test differences in safety by the presence of a school curriculum, relevant variables was included in the MANOVA described above. The univariate effects for feeling unsafe were significant — due to sexual orientation: $F(1, 21823) = 684.95$, $p<.001$, $\eta_p^2 = .031$; due to gender expression: $F(1, 21823) = 218.51$, $p<.001$, $\eta_p^2 = .010$. Percentages are shown for illustrative purposes.

162 To test differences in days missed school because of feeling unsafe or uncomfortable by the presence of an inclusive curriculum, this variable was included in the MANOVA described in prior endnote. The univariate effect for missing school was significant: $F(1, 21823) = 330.10$, $p<.001$, $\eta_p^2 = .015$. Percentages are shown for illustrative purposes.

163 To test differences in feeling comfortable talking to teachers about LGBTQ issues by presence of an inclusive curriculum, an ANOVA was conducted, with inclusive curriculum presence as the independent variable and feeling comfortable talking to teachers about LGBTQ issues as the dependent variable. The main effect was significant: $F(1, 22111) = 1548.90$, $p<.001$, $\eta_p^2 = .065$. Percentages are provided for illustrative purposes.

164 To test differences in academic achievement, a t-test was conducted with inclusive curriculum presence as the independent variable, and GPA as the dependent variable. The effect was significant: $t(27422.44) = -9.08$, $p<.001$.

165 To test differences in educational aspirations, a t-test was conducted with inclusive curriculum presence as the independent variable and educational aspirations as the dependent variable. The effect was significant: $t(22194) = -6.85$, $p<.001$. To test differences in plans to graduate high school and plans to pursue secondary education and an inclusive curriculum, two separate chi-square tests were conducted. The effect for plans to pursue secondary education was significant: $\chi^2 = 8.33$, $df = 1$, $p<.01$, Cramer's V = .019. The effect for plans to graduate high school was not significant, $p>.01$.

166 To test differences in peer acceptance and peer intervention by presence of an inclusive curriculum, a multivariate analysis of variance (MANOVA) was conducted, with inclusive curriculum as the independent variable, and peer acceptance and peer intervention in homophobic remarks and in negative remarks about gender expression as the dependent variables. The multivariate effect was significant: Pillai's trace = .098, $F(3, 21075) = 766.20$, $p<.001$. The univariate effect for peer acceptance was significant: $F(1, 21077) = 1983.64$, $p<.001$, $\eta_p^2 = .086$ (other univariate effects detailed in following endnote). Percentages are shown for illustrative purposes.

167 To test differences in student intervention in anti-LGBTQ remarks by presence of an inclusive curriculum, these variables were included in the MANOVA described in previous endnote. The univariate effects were significant: negative remarks about gender expression: $F(1, 21077) = 565.51.09$, $p<.001$, $\eta_p^2 = .026$; homophobic remarks: $F(1, 21077) = 616.34$, $p<.001$, $\eta_p^2 = .029$. Percentages are shown for illustrative purposes.

168 To test differences in school belonging and presence of an inclusive curriculum, an ANOVA was conducted with presence of an inclusive curriculum as the independent variable and school belonging as the dependent variable. The main effect was significant: $F(1, 21613) = 2554.34$, $p<.001$, $\eta_p^2 = .106$.

169 To test differences in well-being and presence of an inclusive curriculum, two one-way ANOVAs were conducted with the presence of an inclusive curriculum as the independent variable and depression and self-esteem as the dependent variables. The main effect for self-esteem was significant: $F(1, 20712) = 752.07$, $p<.001$, $\eta_p^2 = .035$. The main effect for depression was significant: $F(1, 21012) = 610.53$, $p<.001$, $\eta_p^2 = .028$.

170 Klem, A. M. & Connell, J. P. (2004). Relationships matter: Linking teacher support to student engagement and achievement. *Journal of School Health, 74*(7), 262–273.

Konishi, C., Hymel, S., Zumbo, B. D., & Li, Z. (2010). Do school bullying and student—teacher relationships matter for academic achievement? A multilevel analysis. *Canadian Journal of School Psychology, 25*(1), 19–39.

Shepard, J., Salina, C, Girtz, S, Cox, J., Davenport, N., & Hillard, T. L. (2012). Student success: Stories that inform high school change. *Reclaiming Children and Youth, 21*(2), 48–53.

Vollet, J. W., Kindermann, T. A., & Skinner, E. A. (2017) In peer matters, teachers matter: Peer group influences on students' engagement depend on teacher involvement. *Journal of Educational Psychology, 109*(5), 635–652.

171 Joyce, H. D. (2015). School connectedness and student-teacher relationships: A comparison of sexual minority youths and their peers. *Children & Schools, 35*(3), 185–192.

Kosciw, J. G., Palmer, N. A., Kull, R. M., & Greytak, E. A. (2013). The effect of negative school climate on academic outcomes for LGBT youth and the role of in-school supports. *Journal of School Violence, 12*(1), 45–63.

Marshall, A., Yarber, W. L., Sherwood-Laughlin, C. M., Gray, M. L., & Estell, D. B. (2015). Coping and survival skills: The role school personnel play regarding support for bullied sexual minority-oriented youth. *Journal of School Health, 85*(5), 334–340.

Watson, R. J., Grossman, A. H., & Russell, S. T. (2016). Sources of social support and mental health among LGB youth. *Youth and Society,* 1–19.

172 The relationships between number of supportive staff and feeling unsafe at school and missing school due to feeling unsafe were examined through Pearson correlations. Feeling unsafe because of sexual orientation: $r(22409) = -.26$, $p<.001$; Feeling unsafe because of gender expression: $r(22409) = -.15$, $p<.001$; Missing school: $r(22368) = -.26$, $p<.001$. Percentages are shown for illustrative purposes.

173 The relationship between number of supportive staff and postsecondary educational aspirations was examined through Pearson correlations: $r(22033) = .11$, $p<.001$. Percentages are shown for illustrative purposes.

174 To test differences in the number of supportive educators and planning to graduate, a t-test was conducted with planning to graduate high school as the independent variable and number of supportive staff as the dependent variable. The effect was significant: $t(22033) = 11.53$, $p<.001$. Percentages are shown for illustrative purposes.

175 The relationship between number of supportive staff and GPA was examined through Pearson correlations: $r(22256) = .11$, $p<.001$.

176 The relationship between number of supportive staff and school belonging was examined through Pearson correlations: $r(21437) = .50$, $p<.001$.

177 The relationship between number of supportive staff and student well-being was examined through Pearson correlations. Depression: $r(20846) = -.29$, $p<.001$. Self-esteem: $r(20545) = .25$, $p<.001$.

178 The relationship between feeling unsafe due to sexual orientation or gender expression and frequency of school staff intervention was examined through Pearson correlations. Intervention in homophobic language: $r(18122) = -.18$, $p<.001$. Intervention in negative remarks about gender expression: $r(16820) = -.09$, $p<.001$. Percentages are shown for illustrative purposes.

179 The relationship between missing school due to feeling unsafe and frequency of school staff intervention was examined through Pearson correlations. Intervention in homophobic language: $r(18091) = -.13$, $p<.001$. Intervention in negative remarks about

gender expression: $r(16788) = -.08$, $p<.001$. Percentages are shown for illustrative purposes.

180 The relationship between feeling unsafe due to sexual orientation or gender expression and effectiveness of staff intervention was examined through a Pearson correlation: $r(6941) = -.18$, $p<.001$. Percentages are shown for illustrative purposes.

181 The relationship between missing school due to feeling unsafe or uncomfortable and effectiveness of staff intervention was examined through a Pearson correlation: $r(6928) = -.25$, $p<.001$. Percentages are shown for illustrative purposes.

182 To test differences in victimization by effectiveness of staff intervention, two correlations were conducted, with effectiveness of staff intervention as the independent variable, and victimization due to sexual orientation and gender expression as the dependent variables. Both relationships were significant: effectiveness of intervention on victimization due to sexual orientation: $r(6864) = -.28$, $p<.001$; effectiveness of intervention on victimization due to gender expression: $r(6715) = -.25$, $p<.001$. Percentages are shown for illustrative purposes.

183 To test differences in number of supportive educators by presence of Safe Space stickers/posters, a t-test was conducted with Safe Space sticker/poster presence as the independent variable, and number of supportive staff as the dependent variable. The effect was significant: $t(19921) = 74.45$, $p<.001$. Percentages are shown for illustrative purposes.

184 Overall, students noted they were most comfortable talking to teachers and school-based mental health professionals, thus we explicitly examined whether students comfort talking with these staff about LGBTQ issues was related to whether students reported seeing Safe Space stickers or posters displayed in their school. To compare students' perceptions of school staff (teachers and school mental health professionals) based on the presence of Safe Space stickers/posters, a multivariate analysis of variance (MANOVA) was conducted, with Safe Space sticker/poster presence as the independent variable, and number of supportive staff and feeling comfortable talking to teachers and counselors about LGBTQ issues as the dependent variables. The main effect for a Safe Space sticker/poster presence on the number of supportive staff was significant: $F(3, 21836) = 1961.42$, $p<.001$. Percentages are shown for illustrative purposes. We also performed a similar, corresponding analysis - a multivariate analysis of covariance (MANCOVA) - controlling for the presence of a Gay-Straight Alliance (GSA) or other LGBTQ-supportive club at school. Even when accounting for the presence of a GSA, the analysis revealed differences between students who had seen a Safe Space sticker/poster at school and those who had not; thus, results of the initial MANOVA are reported for the sake of simplicity.

185 To test differences in biased language by type of anti-bullying/harassment school policy, a multivariate analysis of variance (MANOVA) was conducted, with frequency of hearing biased language as the dependent variable and policy type as the independent variable. The multivariate effect was significant: Pillai's trace=.03, $F(15, 68319)=45.16$, $p<.001$. All univariate effects were significant at $p<.001$. Post-hoc tests indicated that all types of remarks were least frequently heard in schools with comprehensive policies, followed by those with partially enumerated polices, those with generic policies, and lastly, those with no policy ($p<.01$). With regard to "no homo" and using "gay" in a negative way - the differences between schools with no policy and schools with a generic policy were not statistically significant at $p<.01$. Percentages of students hearing remarks "frequently" or "often" are shown for illustrative purposes.

186 To test differences in victimization by type of school policy, a multivariate analysis of variance (MANOVA) was conducted, with weighted victimization variables (sexual orientation and gender expression) as the dependent variables and policy type as the independent variable. The multivariate effect was significant: Pillai's trace=.01, $F(6, 43808)=50.07$, $p<.001$.The univariate effect of policy type was significant for both types of victimization - sexual orientation: $F(3, 21904)=93.24$ $p<.001$, effect size .01; gender expression: $F(3, 21904)=65.03$, $p<.001$, effect size .01. Post-hoc tests indicated that for both types of victimization students in schools with comprehensive policies experienced the least victimization, followed by students with partially enumerated policies, followed by those with generic policies, and lastly followed by schools with no policies (victimization based on sexual orientation: $p<.001$; victimization based on gender expression: $p<.01$). Percentages of students experiencing "higher levels" (i.e., higher than the average of the survey sample) of victimization are shown for illustrative purposes.

187 To test differences in rates of staff intervention in biased language by type of school policy, a multivariate analysis of variance (MANOVA) was conducted, with frequencies of intervention as the dependent variables and policy type as the independent variable. The multivariate effect was significant: Pillai's trace=.04, $F(6, 29556)=91.02$, $p<.001$.The univariate effects of policy type on rates of intervention in homophobic language and on rates of intervention in negative remarks about gender expression were significant at $p<.001$. Post-hoc tests indicated that teachers intervened most frequently in schools with comprehensive policies, followed by schools with partially enumerated policies, followed by schools with a generic policy, followed by schools with no policy ($p<.01$).

188 To test differences in rates of student reporting of incidents by type of school policy, an analysis of variance (ANOVA) was conducted, with frequency of student reporting as the dependent variable and policy type as the independent variable. The main effect of policy type on rates of reporting was significant: $F(3, 22819)=81.38$, $p<.001$, effect size: .01. Post-hoc tests indicated that students reported most frequently in schools with comprehensive policies, followed by schools with partly enumerated policies, followed by schools with a generic policy, and followed by schools with no policy ($p<.001$).

189 To test differences in effectiveness of staff intervention by type of school policy, an analysis of variance (ANOVA) was conducted, with effectiveness staff of intervention as the dependent variable and policy type as the independent variable. The main effect of policy type on effectiveness of intervention was significant: $F(3, 6900)=59.32$, $p<.001$, effect size: .05. Post-hoc tests indicated that staff intervention was most effective in schools with comprehensive policies, followed by schools with enumerated policies, followed by schools with a generic policy, and followed by schools with no policy ($p<.001$).

190 The relationship between effectiveness of staff intervention and reporting of victimization to staff was examined through Pearson correlations: $r(3083) = -.15$, $p<.01$.

191 To test difference between trans/GNC students in schools with trans/GNC student policies/guidelines and without, a multivariate analysis of variance (MANOVA) was conducted with the four variables related to gender-related discrimination as the dependent variables (required to use bathrooms of legal sex, required to use locker rooms of legal sex, prevented from using chosen name/pronoun, prevented from wearing clothes thought "inappropriate" for legal sex). Multivariate results were significant: Pillai's Trace = .05, $F(3, 1353) = 21.32$, $p<.001$. Univariate effects were significant at $p<.001$.

192 The relationships between specific policy protections and corresponding experiences of discrimination among trans/GNC students, after accounting for having any trans/GNC student policy, were examined through four hierarchical regression models – one for each type of gender-related discrimination experience (prevented from using bathrooms consistent with gender, prevented from using locker rooms consistent with gender, prevented from using chosen name/pronoun, and prevented from wearing clothing considered to be "inappropriate" for legal sex). Experiences of discrimination were first regressed onto having any trans/GNC policy, in order to assess the potential effect of specific policy protections, above and beyond just having a policy. Then, nine specific policy protections were included in the second step of the regression models (see section on trans/GNC student policies and official guidelines in the *Availability of Related Resources and Supports* for information about the nine protections). The model for locker room discrimination accounted for a significant portion of the variance (Adj. $\Delta R^2 = .025$, $p<.001$); the locker room policy protection was significant predictor of discrimination re locker rooms ($\beta = -.064$, $p<.001$). None of the other protections were statistically significant predictors of locker room discrimination. (See following endnotes for results of regressions for bathrooms, names/pronouns, and clothing discrimination).

193 The relationship between bathroom protections and bathroom room discrimination among trans/GNC students, after accounting for having any trans/GNC student policy, was examined through hierarchical regression model as detailed in previous endnote. The model for bathroom discrimination accounted for a significant

portion of the variance (Adj. ΔR^2 = .039, p<.001); the policy protection related to access to boys/girls bathroom was significant predictor of discrimination re bathrooms (β = -.120, p<.01). None of the other protections were statistically significant predictors.

194 Herman, J. L. (2013). Gendered restrooms and minority stress: The public regulation of gender and its impact on transgender people's lives. *Journal of Public Management & Social Policy*, *19*(1), 65–80.

Ingrey, J. C. (2012). The public school washroom as analytic space for troubling gender: Investigating the spatiality of gender through students' self-knowledge. *Gender and Education*, *24*(7), 799–817.

Porta, C. M., Gower, A. L., Mehus, C. J., Yu, X., Saewyc, E. M., & Eisenberg, M. E. (2017). "Kicked out": LGBTQ youths' bathroom experiences and preferences. *Journal of Adolescence*, *56*, 107–112.

Wernick, L. J., Kulick, A., & Chin, M. (2017). Gender identity disparities in bathroom safety and wellbeing among high school students. *Journal of Youth and Adolescence*, *46*(5), 917–930.

195 Relationships between protections related to school facilities and discrimination in school facilities among nonbinary students were assessed through hierarchical regressions. For bathroom discrimination, experiences of discrimination were first regressed onto having any trans/GNC policy in the first step, next, eight specific policy protections were included in the second step (including access to gender-specific bathrooms), and lastly, the gender-neutral bathroom protection was added in the final step. The model for bathroom discrimination among nonbinary students accounted for a significant portion of the variance (Adj. ΔR^2 = .022, p<.01); the first step of the regression was significant, indicating having a policy was related to discrimination, the second step of the regression with all the individual protections (with the exception of gender-neutral bathroom protection) was not significant and the gender-specific bathroom protection was not a significant predictor, the third step of the regression was significant and the gender-neutral bathroom protection was significant predictor of bathroom-related discrimination (β = -.080, p<.01). A similar regression was conducted among binary-identified trans students (i.e., trans males and trans females). The model for bathroom discrimination among binary students accounted for a significant portion of the variance (Adj. ΔR^2 = .054, p<.001); the first step of the regression was significant, the second step of the regression with all the individual protections (with the exception of gender-neutral bathroom protection) was significant and the gender-specific protection was a significant predictor (β = -.148, p<.001), none of the other protections in the second step were statistically significant predictors. The third step was not significant and the gender-neutral bathroom protection was not a significant predictor of bathroom-related discrimination for trans binary-identified students.

196 For relationships between gender-specific bathroom protections and bathroom discrimination findings, see previous endnote. For locker room discrimination among nonbinary students, we conducted a similar hierarchical regression as we did for bathroom discrimination (see previous endnote), except for we only included two steps – having any trans/GNC policy was included in the first step and individual protections were added in the second step. There was no third step because we did not need to examine different potential impacts of gender-specific and gender-neutral policy protections for locker room protections as we did with bathroom protections, given there was only one item related to locker room protections. The model for locker room discrimination among nonbinary students accounted for a significant portion of the variance (Adj. ΔR^2 = .016, p<.001), however, only the first step (having any trans/GNC policy) was significant; none of the individual protection items were significant predictors of locker room discrimination among nonbinary students. A similar regression was conducted among trans binary-identified students (i.e., trans males and trans females). The model for locker room discrimination among binary students accounted for a significant portion of the variance (Adj. ΔR^2 = .034, p<.001); the first step of the regression of having any trans/GNC policy was significant, the second step that included all the individual policy protections was also significant. Although the second step was significant overall, locker room protection was the only individual protection that significantly predicted experiences of locker room discrimination (β = -.077, p<.01) among binary-identified trans students. None of the other protections were statistically significant predictors.

197 Wernick, L. J., Kulick, A., & Chin, M. (2017). Gender identity disparities in bathroom safety and wellbeing among high school students. *Journal of Youth and Adolescence*, *46*(5), 917–930.

198 The relationships between specific policy protections and corresponding experiences of discrimination among trans/GNC students, after accounting for having any trans/GNC student policy, was examined through four hierarchical regression models – one for each type of gender-related discrimination experience (prevented from using chosen name/pronoun, and prevented from wearing clothing considered to be "inappropriate" for legal sex; results from bathroom and locker room discrimination were presented in previous endnotes). Experiences of discrimination were first regressed onto having any trans/GNC policy, in order to assess the potential effect of specific policy protections, above and beyond just having a policy. Then, nine specific policy protections were included in the second step of the regression models (see section on transgender/GNC student policies and official guidelines in the *Availability of Resources and Supports* for information about the nine protections). Although the model for name/pronoun discrimination accounted for a significant portion of the variance (Adj. ΔR^2 = .019, p<.001); none of the individual policy protections were significant predictors of discrimination re names/pronouns (however, having any trans/GNC policy *was* a significant predictor, p<.001).

199 The relationships between specific policy protections and corresponding experiences of discrimination among trans/GNC students, after accounting for having any trans/GNC student policy, were examined through four hierarchical regression models (see previous endnote). Although the model for clothing discrimination accounted for a significant portion of the variance (Adj. ΔR^2 = .025, p<.001), none of the individual policy protections were significant predictors of discrimination re clothing (however, having any trans/GNC policy *was* a significant predictor, p<.001).

200 To compare number of days having missed school in past month due to feeling unsafe or uncomfortable by presence of trans/GNC policy, a chi square test was conducted: χ^2 65.178 df = 4, p<.001 Cramer's V = .084

201 To compare levels of school belonging by presence of trans/GNC policy, a t-test was conducted: t(9293) = 18.16, p<.001.

202 The relationship between number of protections included in trans/GNC policy and school belonging and missing school were assessed through Pearson correlations; school belonging: r(1063) = .21, p<.001; days of missing school: r(1067) =.11, p<.001.

203 GLSEN (2016). *Educational exclusion: Drop out, push out, and the school-to-prison pipeline among LGBTQ youth*. New York, NY: GLSEN.

James, S. E., & Herman, J. (2017). *The report of the 2015 US Transgender Survey*. Washington, DC. National Center for Transgender Equality.

Movement Advancement Project (MAP) and GLSEN. (2017). *Separation and stigma: Transgender youth and school facilities.* MAP.

204 Sexual orientation was assessed with a multi-check item (i.e., gay, lesbian, straight/heterosexual, bisexual, pansexual, queer, asexual, and questioning) with an optional write-in item for sexual orientations not listed. Youth were allowed to endorse multiple options. Mutually exclusive categories were created at the data cleaning stage so that analyses could compare youth across sexual orientation categories. Responses were categorized based upon the following hierarchy: gay/lesbian, bisexual, pansexual, queer, questioning, and straight/heterosexual. Thus, as an example, if an individual identified as "gay" and "queer" they were categorized as "gay/lesbian"; if an individual identified as "bisexual" and "questioning," they were categorized as "bisexual."

205 In addition to the list of sexual orientation options students could choose, students were also provided with the opportunity to write in a sexual orientation that was not included in the list of options. Most write-in responses were able to be coded into one of the listed sexual orientations. A small portion of the total sample indicated that they identified with a sexual orientation other than the ones listed (0.6%). Of these, some defined themselves as some form as "flexible," (e.g., "homo-flexible") and others refused to label themselves altogether ("I'm human," "no labels"). Another group, made up predominantly of students with nonbinary gender identities, defined their sexual identity in terms of solely the gender identity or expressions of others, without reference to their own

gender (i.e:, 'androsexual' or 'gynosexual' individuals — those who have sexual feelings towards men or women, respectively). Given that these categories do not comprise a meaningful group and that they account for such a small portion of the sample, we did not include these students in this analysis examining differences based on sexual orientation.

206 Kosciw, J. G., Greytak, E. A., Giga, N. M., Villenas, C., & Danischewski, D. J. (2016). *The 2015 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation's schools.* New York: GLSEN.

Mitchell, K. J., Ybarra, M. L., & Korchmaros, J. D. (2014). Sexual harassment among adolescents of different sexual orientations and gender identities. *Child Abuse & Neglect, 38*(2), 280–295.

207 To compare experiences of victimization by sexual orientation, a multivariate analysis of variance (MANOVA) was conducted with two victimization variables (weighted victimization based on sexual orientation and weighted victimization based on gender expression) as dependent variables, and sexual orientation as the independent variable. The multivariate effect was significant: Pillai's Trace = .03, $F(8, 38558) = 78.58$, $p<.001$, $\eta_p^2 = .02$. The univariate effects were significant at $p<.001$ – victimization based on sexual orientation: $F(4, 19279) = 61.82$, $\eta_p^2 = .01$; victimization based on gender expression: $F(4, 19279) = 86.68$, $\eta_p^2 = .02$. Pairwise comparisons were considered at $p<.01$. For victimization based on sexual orientation: pansexual differed from questioning, queer, and bisexual; gay/lesbian differed from questioning, queer, and bisexual. There were no other group differences. For victimization based on gender expression: pansexual differed from all other sexual orientations; gay/lesbian differed from bisexual; queer differed from bisexual. There were no other group differences. Percentages are shown for illustrative purposes.

208 Bauer, C., Youngblom, K., & Miller, T. (2017). *Intersex respondents to the 2014 Asexual Community Census*. Retrieved from https://asexualcensus.files.wordpress.com/2017/10/intersex_2014.pdf. The Ace Community Survey Team.

Bogart, A. F. (2004). Asexuality: Prevalence and associated factors in a national probability sample. *Journal of Sex Research, 41*(3), 279–287.

209 As noted previously, to assess students' sexual orientation, students were asked to check any and all of the sexual orientation terms that they identified with. One of the available options was "asexual." To create mutually exclusive groups for statistical analysis in this section on sexual orientation differences, all students were assigned one specific sexual orientation based on their responses. Students who selected "asexual" and another sexual orientation, such as bisexual and pansexual, were coded as having that other sexual orientation. For example, if a student selected "asexual' and "bisexual," they were coded as being bisexual. If students selected only asexual, they were not included in our sample (as it is a sample of LGBTQ students), unless they were also not cisgender. Given that asexual students who were not also another sexual orientation were only included in our sample if they were not cisgender, we could not include them as a mutually exclusive category when examining differences by sexual orientation differences in this *School Climate and Sexual Orientation* section.

210 To examine differences in school experiences between asexual and non-asexual LGBTQ students, a series of MANOVAs and ANOVAs were run with asexual (yes or no) as the dependent variable. To test differences in victimization, a MANOVA was run with sexual orientation-based and gender expression-based victimization as the dependent variables - multivariate effect: Pillai's = .002 $F(2, 19236) = 20.86$, $p<.001$; univariate effect for sexual orientation: $F(2, 19237) = 13.92$, $p<.001$, $\eta_p^2 = .001$; univariate effect for gender expression was not significant at $p<.01$.

211 Kosciw, J. G., Palmer, N. A., & Kull, R. M. (2015). Reflecting resiliency: Openness about sexual orientation and/or gender identity and its relationship to well-being and educational outcomes for LGBT students. *American Journal of Community Psychology*, *55*(1–2), 167–178.

212 Robbins, N. K., Low, K. G., & Query, A. N. (2015). A qualitative exploration of the "coming out" process for asexual individuals. *Archives of Sexual Behavior, 45*(3), 751–760.

213 Although we asked students how out they were about their LGBTQ identity, we did not ask about outness related to asexual identity. Because of this, we were unable to explore the how being out about being asexual might relate to asexual students' experiences.

214 To examine differences in school belonging between asexual and non-asexual LGBTQ students, an ANOVA was conducted with asexual (yes or no) as the dependent variable and school belonging as the dependent variable: $F(1, 21676) = 73.47$, $p<.001$, $\eta_p^2 = .003$.

215 Chasin, C. D. (2014). Making sense in and of asexual community: Navigating relationships and identities in a context of resistance. *Community and Applied Social Psychology, 25*(2), 167–180.

216 Robbins, N. K., Low, K. G., & Query, A. N. (2015). A qualitative exploration of the "coming out" process for asexual individuals. *Archives of Sexual Behavior, 45*(3), 751–760.

217 To examine differences in experiences of sexual harassment by sexual orientation, an analysis of variance (ANOVA) was conducted with sexual harassment as the dependent variable, and sexual orientation as the independent variable. The effect was significant: $F(4, 20066) = 61.12$, $p<.001$, $\eta_p^2 = .01$. Pairwise comparisons were considered at $p<.01$: pansexual differed from all sexual orientations; gay/lesbian differed from bisexual; bisexual differed from questioning. There were no other group differences. Percentages are shown for illustrative purposes.

218 To examine differences in experiencing discrimination, an analysis of variance (ANOVA) was conducted with the composite discrimination variable as the dependent variable, and sexual orientation as the independent variable. The effect was significant: $F(4, 19877) = 87.82$, $p<.001$, $\eta_p^2 = .02$. Pairwise comparisons were considered at $p<.01$: pansexual differed from gay/lesbian, bisexual, and questioning; queer differed from bisexual and questioning; gay/lesbian differed from bisexual. There were no other group differences.

219 Greytak, E. A., Kosciw, J. G., Villenas, C, & Giga, N. M. (2016). *From teasing to torment: School climate revisited, a survey of U.S. secondary school students and teachers.* New York: GLSEN.

Mittleman, J. (2018). Sexual orientation and school discipline: New evidence from a population-based sample. *Educational Researcher, 47*(3), 181–190.

Palmer, N. A. & Greytak, E. A. (2017). LGBTQ student victimization and its relationship to school discipline and justice system involvement. *Criminal Justice Review, 42*(2), 163–187.

Poteat, V. P., Scheer, J. R., & Chong, E. S. K. (2016). Sexual orientation-based disparities in school and juvenile justice discipline: A multiple group comparison of contributing factors. *Journal of Educational Psychology, 108*(2), 229–241.

220 Snapp, S. D., Hoenig, J. M., Fields, A., & Russell, S. T. (2015). Messy, butch, and queer: LGBTQ youth and the school-to-prison pipeline. *Journal of Adolescent Research, 30*, 57–82.

221 To examine differences in in-school and out-of-school discipline, a multiple analysis of variance (MANOVA) was conducted with a composite variable for in-school discipline (referred to principal, detention, in-school suspension) and a composite variable for out-of-school discipline (out-of-school suspension, expelled) as the dependent variables, and sexual orientation as the independent variable. The multivariate effect was significant: Pillai's Trace = .003, $F(4, 19790) = 7.48$, $p<.001$, $\eta_p^2 = .002$. The univariate effect was significant for in-school discipline: $F(4, 19895) = 14.14$, $p<.001$, $\eta_p^2 = .002$. Pairwise comparisons were considered at $p<.01$: pansexual differed from all other sexual orientations; gay/lesbian differed from queer; bisexual differed from queer. There were no other group differences. The univariate effect for out-of-school discipline was not significant, $p>.01$.

222 See previous endnote.

223 To examine differences in missing school, an analysis of variance (ANOVA) was conducted with days of school missed in the last month due to feeling unsafe as the dependent variable, and sexual orientation as the independent variable. The effect was significant: $F(4, 20082) = 48.57$, $p<.001$, $\eta_p^2 = .01$. Pairwise comparisons were considered at $p<.01$: pansexual differed from gay/lesbian, bisexual, queer, and questioning. There were no other group differences. Percentages of having missed one or more days of school are shown for illustrative purposes.

224 To examine differences in changing schools due to feeling unsafe, an analysis of variance (ANOVA) was conducted with changing school as the dependent variable, and sexual orientation as the independent variable. The effect was significant: $F(4, 20087) = 9.40$, $p<.001$, $\eta_p^2 = .002$. Pairwise comparisons were considered

at $p<.01$: pansexual differed from gay/lesbian and bisexual. There were no other group differences.

225 Kosciw, J. G., Palmer, N. A., & Kull, R. M. (2015). Reflecting resiliency: Openness about sexual orientation and/or gender identity and its relationships to well-being and educational outcomes for LGBT students. *American Journal of Community Psychology, 55*(1), 167–178.

Watson, R. J., Wheldon, C. W., & Russell, S. T. (2015). How does sexual identity disclosure impact school experiences? *Journal of LGBTQ Youth, 12*(4), 385–386.

226 To examine differences in outness by sexual orientation, a multivariate analysis of variance (MANOVA) was conducted with level of outness to peers and level of outness to staff at school as dependent variables, and sexual orientation as the independent variable. The multivariate effect was significant: Pillai's Trace = .05, $F(8, 39756) = 131.54$, $p<.001$, $\eta_p^2 = .03$. The univariate effects were significant at $p<.001$ – outness to peers: $F(4, 19878) = 237.25$, $\eta_p^2 = .05$; outness to school staff: $F(4, 19878) = 177.84$, $\eta_p^2 = .04$. Pairwise comparisons were considered at $p<.01$. For outness to peers: gay/lesbian differed from all other sexual orientations; pansexual differed from bisexual, queer, and questioning; queer differed from bisexual and questioning; bisexual differed from questioning students. For outness to staff: gay/lesbian differed from all other sexual orientations; pansexual differed from bisexual and questioning; queer differed from bisexual and questioning; bisexual differed from questioning. There were no other group differences. Percentages are shown for illustrative purposes.

227 To account for potential differences in effects due to outness, a series of multiple analyses of covariance (MANCOVAs) were run with outness to peers and outness to staff as covariates, with sexual orientation as the independent variable, and victimization based on sexual orientation, victimization based on gender expression, sexual harassment, discrimination, discipline, days of school missed, and changed schools as dependent variables. The sexual orientation differences described previously remained even after controlling for outness.

228 Individuals with Disabilities Education Act, 20 U.S.C. § 1400 (2004)

229 Duke, T. S. (2007). Lesbian, gay, bisexual, and transgender youth with disabilities: A meta-synthesis. *Journal of LGBT Youth, 8*(1), 1–52.

Harley, D. A., Nowak, T. M., Gassaway, L. J., & Savage, T. A. (2002). Lesbian, gay, bisexual, and transgender college students with disabilities: A look at multiple cultural minorities. *Psychology in the Schools, 39*(5), 525–538.

230 Dykes, F. (2010). Transcending rainbow flags and pride parades: Preparing special education preservice educators to work with gay and lesbian youth. *SRATE Journal, 19*(2), 36–43.

Khan, L. G. & Lindstrom, L. (2015). "I just want to be myself": Adolescents with disabilities who identify as a sexual or gender minority. *The Educational Forum, 79*(4), 362–376.

Morgan, J. J., Mancl, D. B., Kaffar, B. J., & Ferreira, D. (2011). Creating safe environments for students with disabilities who identify as lesbian, gay, bisexual, or transgender. *Intervention in School and Clinic, 47*(1), 3–13.

Löfgren-Mårtenson, L. (2009). The invisibility of young homosexual women and men with intellectual disabilities. *Sexuality and Disability, 27,* 21–26.

Thompson, S. A. (2007). De/centering straight talk: Queerly informed inclusive pedagogy of gay and bisexual students with intellectual disabilities. *Journal of LGBT Youth, 5,* 37–56.

231 GLSEN (2016). *Educational exclusion: Drop out, push out, and school-to-prison pipeline among LGBTQ youth.* New York: GLSEN.

232 To examine differences in feelings of unsafety, a multiple analysis of variance (MANOVA) was conducted with feeling unsafe because of disability and feeling unsafe because of academic ability as the dependent variables, and whether or not students received educational support services as the independent variable. The multivariate effect was significant: Pillia's Trace = .260, $F(2, 20614) = 385.39$, $p<.001$, $\eta_p^2 = .04$. The univariate effects were significant at $p<.001$ – feeling unsafe because of disability: $F(1, 20615) = 697.298$, $\eta_p^2 = .03$; feeling unsafe because of academic ability: $F(1, 20615) = 188.17$, $\eta_p^2 = .01$. Additional analysis also indicated statistically significant, but extremely small, differences in the same direction for feeling unsafe because of gender and gender expression.

233 To examine differences in experiences of disability-based victimization, an analysis of variance (ANOVA) was conducted with disability-based bullying/harassment as the dependent variable, and whether or not students received educational support services as the independent variable. The effect was significant: $F(1, 20495) = 678.38$, $p<.001$, $\eta_p^2 = .05$. Additional analysis also indicated statistically significant, but extremely small, differences in the same direction for being victimized because of sexual orientation, gender, and gender expression, and for being sexually harassed.

234 To examine differences in hearing biased remarks about disability, an analysis of variance (ANOVA) was conducted with hearing biased remarks as the dependent variable, and whether or not students received educational support services as the independent variable. The effect was not significant. Additional analysis indicated that there were no significant differences in hearing any kind of biased remarks (e.g., homophobic remarks, racist remarks) between students who received educational services and students who did not.

235 To examine differences in missing school and changing schools because of safety concerns, a multivariate analysis of variance (MANOVA) was conducted with number of days of school missed due to feeling unsafe and changing schools because of feeling unsafe or uncomfortable as the dependent variables, and whether or not students received educational supports as the independent variable. The multivariate effect was significant: Pillai's Trace = .01, $F(2, 20539) = 99.61$, $p<.001$, $\eta_p^2 = .01$. The univariate effects were significant at $p<.001$ – missing school because of feeling unsafe: $F(2, 20540) = 135.15$, $\eta_p^2 = .007$; changing schools: $F(2, 20540) = 117.87$, $\eta_p^2 = .006$.

236 To compare school belonging by whether students received educational support services, a t-test was conducted: $t(20575) = 2.8$, $p<.01$.

237 Losen, D., Hodson, C., Keith, M. A., Morrison, K., & Belway, S. (2015). *Are we closing the school discipline gap?* Los Angeles, CA: The Center for Civil Rights Remedies, The Civil Rights Project. Retrieved from https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/are-we-closing-the-school-discipline-gap/AreWeClosingTheSchoolDisciplineGap_FINAL221.pdf

238 GLSEN (2016). *Educational exclusion: Drop out, push out, and school-to-prison pipeline among LGBTQ youth.* New York: GLSEN.

239 To examine differences in school discipline, a multivariate analysis of variance (MANOVA) was conducted with experiencing in-school discipline and experiencing out-of-school discipline as the dependent variables, and whether or not students received educational supports as the independent variable. The multivariate effect was significant: Pillai's Trace = .005, $F(2, 20435) = 54.10$, $p<.001$, $\eta_p^2 = .005$. The univariate effects were significant at $p<.001$ – in-school discipline: $F(2, 20436) = 85.22$, $\eta_p^2 = .004$; out-of-school discipline: $F(2, 20436) = 50.33$, $\eta_p^2 = .002$.

240 This analysis only looks at students who report receiving educational supports, which is only one subset of youth with disabilities. Further research is needed to explore the various experiences of those LGBTQ youth who have other types of disabilities (e.g., mental health diagnoses).

241 To examine differences between cisgender students and non-cisgender students (i.e., transgender/gender nonconforming students) by sexual orientation, a chi-square test was performed: $\chi^2 = 1919.81$, $df = 4$, $p<.001$, Cramer's V = .32. Pairwise comparisons were considered at $p<.05$.

242 Kosciw, J. G., Greytak, E. A., Giga, N. M., Villenas, C. & Danischewski, D. J. (2016). *The 2015 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation's schools.* New York: GLSEN.

243 To account for potential differences in effects due to gender identity, a series of multiple analyses of covariance (MANCOVAs) were conducted with gender identity as a covariate, with sexual orientation as the independent variable, and victimization based on sexual orientation, victimization based on gender expression, sexual harassment, discrimination, discipline, days of school missed, and changed schools as dependent variables. The sexual orientation

differences described previously remained even after controlling for gender identity.

244 O'Malley Olsen, E., Vivolo-Kantor, A., & Kann, L. (2017). Physical and sexual teen dating violence victimization and sexual identity among U.S. high school students, 2015. *Journal of Interpersonal Violence*. Published online. doi: 10.1177/0886260517708757

Saewyc E., Poon C., Wang N., Homma Y., Smith, A. & the McCreary Centre Society. (2007). *Not yet equal: The health of lesbian, gay, & bisexual youth in BC*. Vancouver, BC: McCreary Centre Society.

Saewyc, E. M., Skay, C. L., Pettingell, S., Bearinger, L. H., Resnick, M. D., & Reis, E. (2007). Suicidal ideation and attempts in North American school-based surveys: Are bisexual youth at increasing risk? *Journal of LGBT Health Research, 3*(1), 25–36.

245 Gender was assessed via three items: an item assessing sex assigned at birth (i.e., male or female), an item assessing gender identity (i.e., male, female, nonbinary, and an additional write-in option), and a multiple response item assessing sex/gender status (i.e., cisgender, transgender, genderqueer, intersex, questioning, and an additional write-in option). Based on responses to these three items, students' gender was categorized for this analyses as: cisgender male, cisgender female, transgender male, transgender female, transgender nonbinary, genderqueer, or another nonbinary identity (i.e., those who indicated a nonbinary identity but did not indicate that they were transgender or genderqueer, including those who wrote in identities such as "gender fluid" or "demi gender"). Students who were categorized as "questioning" were not included in these specific analyses of gender differences, but were included in all other sections of this report. In addition, those who selected "transgender" but not indicate whether they identified as male, female, or nonbinary were not included in this specific analyses of gender differences, but were included in all other sections of this report.

246 GLSEN (2016). *Educational exclusion: Drop out, push out, and the school-to-prison pipeline among LGBTQ youth*. New York: GLSEN.

247 To compare feeling unsafe because of gender expression by gender identity, chi-square tests were conducted: $\chi^2 = 3791.31$, $df = 2$, $p<.001$, Cramer's V = .44. Pairwise comparisons were considered at $p<.05$.

248 To compare experiences of victimization (harassment and assault) by gender identity, a multivariate analysis of variance (MANOVA) was conducted with the three weighted victimization variables (victimization based on: sexual orientation, gender expression, and gender) as dependent variables. Multivariate results were significant: Pillai's Trace = .20, $F(6, 36214) = 680.70$, $p<.001$, $\eta_p^2 = .10$. The univariate effect for victimization due to gender expression was significant: $F(2, 18108) = 1186.88$ $p<.001$, $\eta_p^2 = .11$ (see subsequent endnotes for univariate effects for victimization based on gender and sexual orientation). Pairwise comparisons were considered at $p<.01$. Percentages of experiencing any victimization (harassment or assault) are shown for illustrative purposes.

249 To compare feeling unsafe because of gender by gender identity, chi-square tests were conducted: $\chi^2 = 8766.49$, $df = 2$, $p<.001$, Cramer's V = .68. Pairwise comparisons were considered at $p<.05$.

250 To compare experiences of victimization by gender identity, we conducted the MANOVA described in Endnote 248. The univariate effect for victimization due to gender was significant: $F(2, 18108) = 1532.72$ $p<.001$, $\eta_p^2 = .15$ (see Endnote 248 for gender expression victimization univariate effect and subsequent endnote for sexual orientation victimization univariate effect). Pairwise comparisons were considered at $p<.01$. Percentages are shown for illustrative purposes.

251 To compare feeling unsafe because of sexual orientation by gender identity, a chi-square test was conducted: $\chi^2 = 156.91$ $df = 2$, $p<.001$, Cramer's V = .09. Pairwise comparisons were considered at $p<.05$.

252 To compare experiences of victimization based on sexual orientation by gender identity, we conducted the MANOVA described in Endnote 248. The univariate effect for victimization due to sexual orientation was significant: $F(4, 8754) = 37.47$ $p<.001$, $\eta_p^2 = .02$ (see previous endnotes for univariate effects for victimization based on gender expression and gender). Pairwise comparisons were considered at $p<.01$. Percentages are shown for illustrative purposes.

253 Foley, J. T., Pineiro, C., Miller, D., & Foley, M. L. (2016). Including transgender students in school physical education. *Journal of Physical Education, Recreation & Dance*, *87*(3), 5–8.

Herman, J. L. (2013). Gendered restrooms and minority stress: The public regulation of gender and its impact on transgender people's lives. *Journal of Public Management & Social Policy, 19*(1), 65–80.

Johnson, J. (2014). Transgender youth in public schools: Why identity matters in the restroom. *William Mitchell Law Rev Sua Sponte*, *40*, 63–98.

Sausa, L. A. (2005). Translating research into practice: Trans youth recommendations for improving school systems. *Journal of Gay and Lesbian Issues in Education, 3*(1), 15–28.

Szczerbinski, K. (2016). Education connection: The importance of allowing students to use bathrooms and locker rooms reflecting their gender identity. *Child Legal Rights Journal*, *36*, 153.

254 To compare avoiding gender-segregated spaces at school by gender identity, chi-square tests were conducted. Differences were significant at $p<.001$ – avoiding bathrooms: $\chi^2 = 4235.47$, df = 2, Cramer's V = .47; avoiding locker rooms: $\chi^2 = 1714.66$, df = 2, Cramer's V = .30; avoiding Gym/PE class: $\chi^2 = 1005.34$, df = 2, Cramer's V = .23. Pairwise comparisons were considered at $p<.05$.

255 To compare missing school because of feeling unsafe by gender identity, a chi-square test was conducted: $\chi^2 = 993.50$, df = 8, $p<.001$, Cramer's V = .16; Pairwise comparisons were considered at $p<.05$.

256 To compare changing schools because of feelings unsafe or uncomfortable by gender identity, a chi-square test was conducted: $\chi^2 = 230.32$, df = 2, $p<.001$, Cramer's V = .11. Pairwise comparisons were considered at $p<.05$.

257 To compare planning not to complete high school or being unsure about graduating by gender identity, a chi-square test was conducted: $\chi^2 = 77.31$, df = 2, $p<.001$, Cramer's V = .06. Pairwise comparisons were considered at $p<.05$.

258 To compare having experienced any anti-LGBTQ discrimination at school by gender identity, a chi-square test was conducted: $\chi^2 = 1506.23$, df = 2, $p<.001$. Cramer's V = .28. Pairwise comparisons were considered at $p<.05$.

259 Percentages for all transgender and gender nonconforming (trans/GNC) students in aggregate (including genderqueer, other nonbinary students, and students questioning their gender) experiencing these specific types of discrimination are reported in the *Experiences of Discrimination* section of this report and are as follows: Required to use the bathroom of their legal sex: 46.5% of trans/GNC students; required to use the locker room of their legal sex: 43.6%; prevented from using their chosen name or pronoun: 42.1%; prevented from wearing clothing deemed "inappropriate" based on their gender: 25.6%.

260 To compare each type of anti-LGBTQ discrimination by gender identity, a multivariate analysis of variance (MANOVA) was conducted with each type of discrimination as the dependent variables. Multivariate results were significant: Pillai's Trace = .67, $F(24, 37334) = 240.11$, $p<.001$, $\eta_p^2 = .13$. All univariate effects were significant at $p<.001$. Pairwise comparisons were considered at $p<.01$. Transgender students were more likely than cisgender students to experience all of the individual types of discrimination; transgender students and genderqueer/other nonbinary students were not different in any of the individual types of discrimination. Percentages for gender-related discrimination are shown for illustrative purposes.

261 See previous endnote

262 To compare experiences of school discipline by gender identity, a multivariate analysis of variance (MANOVA) was conducted with experiencing any school discipline, experiencing in-school discipline, and experiencing out-of-school discipline as dependent variables. Multivariate results were significant: Pillai's Trace = .01, $F(6, 37782) = 23.03$, $p<.001$, $\eta_p^2 = .00$. All univariate effects were significant at $p<.001$. Pairwise comparisons were considered at $p<.01$.

263 See previous endnote.

264 To compare feeling unsafe among transgender students (transgender male, transgender female, and transgender nonbinary students), chi-square tests were conducted. The chi-square tests for feeling unsafe because of sexual orientation and gender expression were not statistically significant at $p<.01$. Feeling

unsafe because of gender was significant: $\chi^2 = 32.98$, df = 2, $p<.001$. Cramer's V = .08. Pairwise comparisons were considered at $p<.05$.

265 To compare experiences of victimization among transgender students (transgender male, transgender female, and transgender nonbinary students), a multivariate analysis of variance was conducted with the three weighted variables (victimization based on: sexual orientation, gender expression, and gender) as dependent variables. Multivariate results were significant: Pillai's Trace = .03, $F(6, 8900) = 175.13$, $p<.001$, $\eta_p^2 = .02$. The univariate effects were significant at $p<.001$ – victimization due to sexual orientation: $F(2, 4451) = 10.42$ $p<.001$, $\eta_p^2 = .01$; victimization due to gender expression: $F(2, 4451) = 45.12$ $p<.001$, $\eta_p^2 = .02$; victimization due to gender: $F(2, 4451) = 27.02$ $p<.001$, $\eta_p^2 = .01$. Pairwise comparisons were considered at $p<.01$. Transgender males had higher levels of all three types of victimization than transgender nonbinary students; transgender males had higher levels of gender-related victimization than transgender females, but did not significantly differ from transgender females on sexual orientation- and gender expression-related victimization. Transgender females and transgender nonbinary students did not significantly differ on any types of victimization. Percentages of experiencing any victimization are shown for illustrative purposes.

266 To compare missing school because of feeling unsafe among transgender students (transgender male, transgender female, and transgender nonbinary students), chi-square tests were conducted: $\chi^2 = 61.38$, df = 8, $p<.001$, Cramer's V = .12. Pairwise comparisons were considered at $p<.05$.

267 To compare avoiding gender-segregated spaces among transgender students (transgender male, transgender female, and transgender nonbinary students), chi-square tests were conducted. Differences were statistically significant at $p<.001$ – avoiding bathrooms: $\chi^2 = 119.34$, df = 2, Cramer's V = .16; avoiding Gym/PE class: $\chi^2 = 71.22$, df = 2, Cramer's V = .12. Pairwise comparisons were considered at $p<.05$. See Endnote 269 for the univariate effect for locker rooms.

268 To compare each type of gender-related discrimination among transgender students (transgender male, transgender female, and transgender nonbinary students), a multivariate analysis of variance (MANOVA) was conducted with all 4 types of gender-related discrimination as the dependent variables. Multivariate results were significant: Pillai's Trace = .67, $F(8, 9176) = 14.62$, $p<.001$, $\eta_p^2 = .01$. Univariate effects for bathroom, locker room, and name/pronoun discrimination were significant at $p<.001$. Pairwise comparisons were considered at $p<.01$. Transgender females were less likely than transgender males and transgender nonbinary students to experience name/pronoun discrimination (there were no differences between transgender males and transgender nonbinary students). Transgender males were more likely to experience both locker room and bathroom discrimination than transgender females and transgender nonbinary students (there were no differences between transgender females and transgender nonbinary students in these two types of discrimination). The univariate effect for discrimination related to wearing clothing "inappropriate" for their gender was not statistically significant.

269 Differences in avoiding locker rooms among transgender students (transgender male, transgender female, and transgender nonbinary students), was examined via the MANOVA described in Endnote 267. The univariate effect was significant: $F(2, 4448) = 21.29$, $p<.01$, $\eta_p^2 = .01$. Pairwise comparisons were considered at $p<.01$.

270 See previous endnote.

271 To compare experiences of in-school and out-of-school discipline among transgender students (transgender male, transgender female, and transgender nonbinary students), chi-square tests were conducted. Differences were significant for in-school discipline: $\chi^2 = 84.49$, df = 1, $p<.001$, $\varphi = .09$. Pairwise comparisons were considered at $p<.05$ – transgender nonbinary students were less likely than both transgender males and transgender females to experience in-school discipline, there were no differences between transgender males and females. Differences were not significant for out-of-school discipline, $p>.01$.

272 To compare changing schools because of feeling unsafe or uncomfortable among transgender students (transgender male, transgender female, and transgender nonbinary students), chi-square tests were conducted. The chi-square test for changing schools was not statistically significant. To compare plans to graduate high school among transgender students (transgender male, transgender female, and transgender nonbinary students), chi-square tests were conducted. The chi-square test for plans to complete high school was not statistically significant.

273 To compare how "out" transgender students were at school about being transgender, a chi-square test was conducted: $\chi^2 = 132.19$ df = 6, $p<.001$, Cramer's V = .12. Pairwise comparisons were considered at $p<.05$ – transgender females and transgender nonbinary students were less out than transgender males. For example, 56.4% of transgender females reported not being "out" to anyone at school or only "out" to a few people, compared to 48.0% of transgender males. There were no differences between transgender females and transgender nonbinary students.

274 The relationship between outness about being transgender and severity of victimization (based on sexual orientation, gender expression, and gender) was assessed through Pearson correlations. All correlations were significant – sexual orientation victimization: $r(4567) = .04$, $p<.01$; gender expression victimization: $r(4489) = .10$, $p<.001$; gender victimization $r(4533) = .17$, $p<.001$.

275 To examine differences among transgender students (transgender male, transgender female, and transgender nonbinary students) in variables examined previously, after accounting for how out students were about being transgender, we conducted a series of Multiple Analyses of Covariance (MANCOVAs) with "outness" about being transgender as a covariate. The MANCOVA for victimization based on gender found that the differences between transgender males and transgender females were no longer significant once outness was accounted for. For the MANCOVAs for feelings of safety, avoiding spaces, missing school, discrimination, and discipline, the differences between transgender males and females remained statistically significant even after controlling for outness.

276 Bauer, G. R., Scheim, A. I., Deutsch, M. B., & Massarella, C. (2014). Reported emergency department avoidance, use, and experiences of transgender persons in Ontario, Canada: results from a respondent-driven sampling survey. *Annals of Emergency Medicine*, *63*(6), 713–720.

Bradford, J., Reisner, S. L., Honnold, J. A., & Xavier, J. (2013). Experiences of transgender-related discrimination and implications for health: results from the Virginia Transgender Health Initiative Study. *American Journal of Public Health*, *103*(10), 1820–1829.

Cruz, T. M. (2014). Assessing access to care for transgender and gender nonconforming people: A consideration of diversity in combating discrimination. *Social Science & Medicine*, *110*, 65–73.

Kenagy, G. P., & Bostwick, W. B. (2005). Health and social service needs of transgender people in Chicago. *International Journal of Transgenderism*, *8*(2–3), 57–66.

Riggs, D. W., Coleman, K., & Due, C. (2014). Healthcare experiences of gender diverse Australians: A mixed-methods, self-report survey. *BMC Public Health*, *14*(1), 230.

Toomey, R. B., Syvertsen, A. K., & Shramko, M. (2018). Transgender adolescent suicide behavior. *Pediatrics*, e20174218.

Xavier, J., Honnold, J. A., & Bradford, J. B. (2007). *The health, health-related needs and life course experiences of transgender Virginians*. Virginia Department of Health.

277 Bradford, J., Reisner, S. L., Honnold, J. A., & Xavier, J. (2013). Experiences of transgender-related discrimination and implications for health: results from the Virginia Transgender Health Initiative Study. *American Journal of Public Health*, *103*(10), 1820–1829.

Factor, R. & Rothblum, E. (2008). Exploring gender identity and community among three groups of transgender individuals in the United States: MTFs, FTMs, and genderqueers. *Health Sociology Review*, *17*(3), 235–253.

Kenagy, G. P. (2005). The health and social service needs of transgender people in Philadelphia. *International Journal of Transgenderism*, *8*(2–3), 49–56.

Simon, L., Zsolt, U., Fogd, D., & Czobor, P. (2011). Dysfunctional core beliefs, perceived parenting behavior and psychopathology in gender identity disorder: A comparison of male-to-female, female-to-male transsexual and nontranssexual control subjects. *Journal of Behavior Therapy and Experimental Psychiatry*, *42*(1), 38–45.

278 Reisner, S. L., Vetters, R., Leclerc, M., Zaslow, S., Wolfrum, S., Shumer, D., & Mimiaga, M. J. (2015). Mental health of

transgender youth in care at an adolescent urban community health center: A matched retrospective cohort study. *Journal of Adolescent Health*, *56*(3), 274–279.

Veale, J. F., Watson, R. J., Peter, T., & Saewyc, E. M. (2017). Mental health disparities among Canadian transgender youth. *Journal of Adolescent Health*, *60*(1), 44–49.

279 For two examples see:

Grossman, A.H., Park, J.Y., & Russell S.T. (2016). Transgender youth and suicidal behaviors: Applying the Interpersonal Psychological Theory of Suicide. *Journal of Gay & Lesbian Mental Health, 20*(4), 329–349.

Veale, J. F., Watson, R. J., Peter, T., & Saewyc, E. M. (2017). Mental health disparities among Canadian transgender youth. *Journal of Adolescent Health*, *60*(1), 44–49.

280 See Endnotes 247, 248, 249, and 250.

281 See Endnote 254.

282 See Endnotes 255 and 256.

283 See Endnote 262.

284 See Endnote 251.

285 See Endnote 252.

286 See Endnotes 247, 248, 249, and 250.

287 See Endnotes 251 and 252.

288 See Endnotes 254.

289 See Endnotes 255 and 256.

290 See Endnotes 260.

291 See Endnotes 262.

292 See Endnotes 257.

293 Experiences of avoiding spaces, missing school, changing schools, plans to complete high school, and school discipline between genderqueer and other nonbinary students through series of chi-squares. There were no significant differences, $p>.01$.

294 To compare feeling unsafe at school because of sexual orientation, gender expression, and gender between genderqueer and other nonbinary students, chi-square tests were conducted. Differences for feeling unsafe because of gender were statistically – $\chi^2 = 8.79$ df = 1, $p<.01$, $\varphi = .05$. Differences for feeling unsafe because of sexual orientation and feeling unsafe because of gender expression were not significant, $p>.01$.

295 To compare experiences of victimization between genderqueer and other nonbinary students, a multivariate analysis of variance was conducted with the three weighted variables (victimization based on: sexual orientation, gender expression, and gender) as dependent variables. Multivariate results were significant: Pillai's Trace = .01, $F(3, 2772) = 6.91$, $p<.001$, $\eta_p^2 = .01$. The univariate effect for victimization due to gender was significant: $F(1, 2774) = 19.09$ $p<.001$, $\eta_p^2 = .01$. The univariate effects for the two other types of victimization were statistically significant at $p<.01$, but effect sizes were extremely small – victimization due to sexual orientation: $F(1, 2774) = 8.58$ $\eta_p^2 = .00$; victimization based on gender expression: $F(1, 2774) = 16.19$ $\eta_p^2 = .00$. Percentages are shown for illustrative purposes.

296 To compare each type of gender-related discrimination between genderqueer and other nonbinary students, a multivariate analysis of variance (MANOVA) was conducted with all 4 types of gender-related discrimination as the dependent variables. Multivariate results were significant: Pillai's Trace = .01, $F(4, 2867) = 4.22$, $p<.01$, $\eta_p^2 = .01$. Univariate effects for bathroom and locker room access discrimination were significant at $p<.01$; the univariate effect for name/pronoun discrimination was significant at $p<.001$; the univariate effect for discrimination related to wearing clothing "appropriate" for gender was not significant, $p>05$.

297 See Endnotes 247, 249, and 250.

298 See See Endnotes 248, 250, and 252.

299 See Endnote 254.

300 See Endnotes 255 and 256.

301 See Endnotes 260.

302 See Endnotes 262.

303 See Endnotes 257.

304 To compare feeling unsafe based on gender expression between cisgender males and females, a chi-square test was conducted – $\chi^2 = 323.79$, $df = 1$, $p<.001$, $\varphi = .18$.

305 To compare experiences of victimization between cisgender males and females, a multivariate analysis of variance (MANVOA) was conducted with the three weighted variables (victimization based on: sexual orientation, gender expression, gender) as dependent variables. Multivariate results were significant: Pillai's Trace = .08, $F(3, 9705) = 276.81$, $p<.001$, $\eta_p^2 = .08$. The univariate effect for victimization due to gender expression was significant: $F(1, 9707) = 63.83$, $p<.001$, $\eta_p^2 = .01$ (see subsequent endnotes for univariate effects for victimization due to sexual orientation and due to gender). Percentages are shown for illustrative purposes.

306 To compare feeling unsafe based on sexual orientation between cisgender males and females, a chi-square test was conducted – $\chi^2 = 10.87$ $df = 1$, $p=.001$, $\varphi = .33$.

307 As described in endnote X, a MANOVA was conducted to compare experiences of victimization between cisgender males and females. Univariate effects for victimization due to sexual orientation was significant: $F(1, 9707) = 112.67$ $p<.001$, $\eta_p^2 = .01$.

308 To compare avoiding gender segregated spaces among cisgender male and female students, chi-square tests were conducted. Differences were statistically significant at $p<.001$ – avoiding bathrooms: $\chi^2 = 456.98$, df = 1, $\varphi = .21$; avoiding locker rooms: $\chi^2 = 443.30$, df = 4, $\varphi = .10$; avoiding Gym/PE class: $\chi^2 = 11.63$, df = 1, $\varphi = .04$.

309 To compare experiences of in-school and out-of-school discipline between cisgender male and female students, chi-square tests were conducted. Differences were statistically significant at $p<.001$ – in-school discipline: $\chi^2 = 45.68$, df = 1, $\varphi = .06$; out-of-school discipline: $\chi^2 = 35.58$, df = 1, $p<.01$, $\varphi = .06$.

310 To compare feeling unsafe based on gender between cisgender males and females, a chi-square test was conducted – unsafe because of gender: $\chi^2 = 272.99$, $df = 1$, $p<.001$, $\varphi = .16$.

311 As described in endnote X, a MANOVA was conducted to compare experiences of victimization between cisgender males and females. Univariate effects for victimization due to gender was significant: $F(1, 9707) = 209.76$ $p<.001$, $\eta_p^2 = .02$.

312 To compare days of missing school because feel unsafe and changing schools because feel unsafe or uncomfortable between cisgender male and female students, chi-square tests were conducted. Differences were statistically significant – missing school: $\chi^2 = 112.65$, df = 4, $p<.001$, $\varphi = .08$; changing schools: $\chi^2 = 9.78$, df = 1, $p=.001$, $\varphi = .03$.

313 To compare gender-related discrimination between cisgender male and cisgender female students, a multivariate analysis of variance (MANOVA) was conducted with all 4 types of gender-related discrimination as the dependent variables. Multivariate results were significant: Pillai's Trace = .01, $F(4, 10169) = 14.07$, $p<.001$, $\eta_p^2 = .01$. Univariate effects were significant at $p<.001$– bathroom access: $F(1, 10172) = 25.51$, $\eta_p^2 = .00$; locker room access: $F(1, 10172) = 18.67$, $\eta_p^2 = .00$; name/pronoun: $F(10172) = 53.51$, $\eta_p^2 = .01$; The univariate effect for wearing "inappropriate" clothing for gender was not significant, $p>.01$.

314 Kimmel, M. (2004). Masculinity as homophobia: Fear, shame, and silence in the construction of gender identity. In P. F. Murphy (Ed.) *Feminism and Masculinities*, 182–199. New York: Oxford University Press.

315 Gordon, A. R., Conron, K. J., Calzo, J. P., Reisner, S. L., & Austin, S. B. (2016). Nonconforming gender expression is a predictor of bullying and violence victimization among high school students in four US school districts. *Journal of Adolescent Health*, *58*(2), S1–S2.

Greytak, E. A., Kosciw, J. G., Villenas, C., & Giga, N. M. (2016). *From teasing to torment: school climate revisited. A survey of U.S. secondary school students and teachers.* GLSEN.

Grossman, A. H., D'Augelli, A. R., Salter, N., & Hubbard, S. (2005). Comparing gender expression, gender nonconformity, and parents' responses of female-to-male and male-to-female transgender youth: Implications for counseling. *Journal of LGBT Issues in Counseling, 1*(1), 41–59.

Toomey, R. B., Ryan, C., Diaz, R. M., Card, N. A., & Russell,

S. A. (2010). Gender-nonconforming lesbian, gay, bisexual and transgender youth: School victimization and youth adult psychosocial adjustment. *Developmental Psychology, 46*(6), 1580–1589.

316 In order to assess gender expression among students in our survey, we asked participants about how other people at school would describe their gender expression: very masculine, mostly masculine, somewhat masculine, equally masculine and feminine, somewhat feminine, mostly feminine, very feminine, or none of these. A small portion of students (2.1%) selected the option "none of these" and were given the opportunity to describe how they expressed their gender, and many of them indicated that it varied depending on context or their mood (e.g., "depends on how I feel," "can change a lot from day to day") or varied on a spectrum (e.g., "fluid"). The remainder of LGBTQ students in our survey selected one of the responses indicating how masculine or feminine they believed they were perceived by others at school. Responses by gender (including those who identified as "questioning" their gender) are provided in the table below. Differences in gender expression by gender identity were tested through a chi-square: χ^2= 4933.86, df = 42, Cramer's V = .211, p<.001, pairwise comparisons were considered at p<.05. Noteworthy differences include: transgender males were more likely than cisgender males to report their gender expression in the masculine spectrum; transgender females were more likely than cisgender females to report their expression as "mostly feminine" and as "very feminine;" genderqueer and students with other nonbinary identities were more likely than other students (except for questioning students) to describe their gender expression as "equally masculine and feminine."

317 A measure of atypical gender expression was constructed for cisgender males and females by comparing their gender identity (male or female) to their reported level of femininity or masculinity. Female students who reported their gender expression as anything other than "very," "mostly," or "somewhat" "feminine" were considered to have atypical gender expression, whereas male students who reported their gender expression as anything other than "very," "mostly," or "somewhat" "masculine" were considered to have atypical gender expression. Students who selected "none of these" for their gender expression were excluded in analyses regarding gender atypicality. We also did not calculate measures of gender atypicality for transgender or other gender nonconforming students as we wanted to understand the role that gender expression plays for those who might not already be targeted for a perceived misalignment between assigned sex and gender identity. Furthermore, for transgender students who identify as male or female, this measure of gender atypicality may function somewhat differently than it does for cisgender males and females. As noted in the previous endnote, transgender males and females reported more strongly endorsing masculine and feminine gender expression, respectively, than their cisgender peers. Thus, whether the gender expression of transgender males and females would be perceived as atypical would depend on whether others knew these students were transgender. This illustrates the complexity of assessing, and defining, gender atypicality as it relates to gender expression among transgender and other gender nonconforming youth.

318 To compare feeling unsafe at school because of sexual orientation between gender typical and gender atypical cisgender students, a chi-square test was conducted. Differences were statistically significant: χ^2= 107.00, df = 1, p<.001, φ = .210.

319 To compare feeling unsafe at school because of gender expression between gender typical and gender atypical cisgender students, a chi-square test was conducted. Differences were statistically significant: χ^2= 1024.43, df = 1, p<.001, φ = .32.

320 To compare days of missing school because feel unsafe and changing schools because feel unsafe or uncomfortable between gender typical and gender atypical cisgender students, chi-square tests were conducted. Differences were statistically significant – missing school: χ^2= 56.45, df = 4, p<.001, φ = .08; changing schools: χ^2= 9.78, df = 1, p<.01, φ = .03.

321 To compare avoiding gender segregated spaces between gender typical and gender atypical cisgender students, chi-square tests were conducted. Differences were statistically significant at p<.001 – avoiding bathrooms: χ^2= 455.66, df = 1, φ = .21; avoiding locker rooms: χ^2= 242.39, df = 1, φ = .15; avoiding Gym/PE class: χ^2= 159.61, df = 1, φ = .07.

322 To compare experiences of victimization between gender typical and gender atypical cisgender students, a multivariate analysis of variance was conducted with the three weighted variables (victimization based on: sexual orientation, gender expression, and gender) as dependent variables. Multivariate results were significant: Pillai's Trace = .22, F(3, 9607) = 223.19, p<.001, η_p^2 = .07. The univariate effect for victimization due to sexual orientation was significant: F(3, 9607) = 302.25, p<.001, η_p^2 = .03. The univariate effects for victimization due to gender expression and gender are discussed in subsequent endnote.

323 To compare experiences of victimization based on gender expression and gender between gender typical and gender atypical cisgender students, we conducted the MANOVA described previous endnote. The univariate effect for victimization due to gender expression was significant: F(3, 9607) = 239.69, p<.001, η_p^2 = .05. Percentages are provided in text for illustrative purposes. The univariate effect for victimization due to gender was significant, but the effect size was very small: F(3, 9607) = 16.92 p<.001, η_p^2 = .00. Furthermore, further analyses were conducted comparing "any" experiences of victimization based on each characteristics, and there was no statistically significant difference between gender typical and gender atypical students in having experienced any victimization based on gender at school.

324 To compare each type of gender-related discrimination between gender typical and gender atypical cisgender students, a multivariate analysis of variance (MANOVA) was conducted with all 4 types of gender-related discrimination as the dependent variables. Multivariate results were significant: Pillai's Trace = .01, F(4, 10068) = 17.66, p<.001, η_p^2 = .01. Univariate effects were significant at p<.001– bathroom access: F(1, 10071) = 21.44, η_p^2 = .00; locker room access: F(1, 10071) = 27.86, η_p^2 = .00; name/pronoun: F(1, 10071) = 17.88, η_p^2 = .00; wearing "inappropriate" clothing for gender: F(1, 10071) = 61.18, η_p^2 = .00.

Table to Accompany Endnote X: Gender Expression by Gender Identity (Among LGBTQ Students who Selected an Option on the Masculine-Feminine Continuum, n=17904)

	Very masculine	Mostly masculine	Somewhat masculine	Equally masculine & feminine	Somewhat feminine	Mostly feminine	Very feminine
Cisgender male	1.7%	16.6%	16.6%	25.1%	24.0%	11.0%	4.7%
Cisgender female	0.5%	3.0%	3.0%	19.9%	28.4%	32.4%	7.7%
Transgender male	9.2%	34.3%	34.3%	16.7%	9.1%	5.2%	1.8%
Transgender female	1.2%	5.5%	5.5%	9.1%	24.5%	25.3%	21.7%
Transgender nonbinary	2.1%	16.2%	16.2%	26.2%	20.7%	11.2%	2.7%
Genderqueer	1.4%	9.7%	9.7%	30.3%	22.7%	14.4%	4.0%
Other nonbinary identities	1.1%	10.6%	10.6%	30.2%	22.1%	13.2%	4.8%
Questioning	2.1%	10.1%	10.1%	25.8%	28.6%	17.4%	2.3%

325 To compare experiences of in-school and out-of-school discipline between gender typical and gender atypical cisgender students, chi-square tests were conducted. Differences were statistically significant at $p<.001$ – in-school discipline: $\chi^2= 84.49$, df = 1, $\varphi = .09$; out-of-school discipline: $\chi^2= 40.26$, df = 1, $p<.01$, $\varphi = .06$.

326 To compare feeling unsafe at school because of gender between gender typical and gender atypical cisgender students, chi-square test was conducted. Differences were statistically significant, but with students with typical gender expression being somewhat *more* likely to feel unsafe based on their gender (gender typical: 8.4%, atypical: 6.1%): $\chi^2 = 18.37$ df = 1, $p<.001$, $\varphi = -.04$.

327 In order to assess whether the effects of atypical gender expression were similar for cisgender males and cisgender females, we conducted a series of 2 X 2 MANOVAs to examine potential interaction effects of atypical gender expression X gender (male, female). Regarding the MANOVA for victimization: Pillai's Trace = .004, $F(3, 9605) = 11.26$, $p<.001$, $\eta_p^2 = .004$, a significant interaction was found for based on sexual orientation $p<.001$ and for victimization based on gender expression $p<.01$; there was no significant interaction for victimization based on gender, $p>.01$. Regarding the MANOVA for feeling unsafe at school: Pillai's Trace = .003, $F(3, 10176) = 11.93$, $p<.001$, $\eta_p^2 = .003$, there was a significant interaction effect for feeling unsafe because of sexual orientation, $p<.001$, but there were no significant interactions for feeling unsafe because of gender expression or because of gender, $p>.01$. No interaction effects ($p>.01$) were found for the MANOVAs for missing school and changing school, school discipline, or gender-related discrimination.

328 Latinx is a variant of the masculine "Latino" and feminine "Latina" that leaves gender unspecified and, therefore, aims to be more inclusive of diverse gender identities, including nonbinary individuals. To learn more: https://www.meriam-webster.com/words-at-play/word-history-latinx

329 Race/ethnicity was assessed with a single multi-check question item (i.e., African American or Black; Asian or South Asian; Native Hawaiian or other Pacific Islander; Native American, American Indian, or Alaska Native; White or Caucasian; Hispanic or Latino/a; and Middle Eastern or Arab American) with an optional write-in item for race/ethnicities not listed. Participants who selected more than one race category were coded as "Multiracial," with the exception of participants who selected either "Hispanic or Latino/a" or "Middle Eastern or Arab American" as their ethnicity. Participants who selected both "Hispanic or Latino/a" and "Middle Eastern or Arab American" were also coded as "Multiracial."

330 Anyon, Y, Jenson, J. M., Altschul, I., Farrar, J., McQueen, J., Greer, E., Downing, B., & Simmons, J. (2014). The persistent effect of race and the promise of alternatives to suspension in school discipline outcomes. *Children and Youth Services Review, 44*, 379–386.

GLSEN (2016). *Educational exclusion: Drop out, push out, and school-to-prison pipeline among LGBTQ youth.* New York: GLSEN.

Losen, D. J., Hodson, C., Keith II, M. A., Morrison, K., & Belway, S. (2015). *Are we closing the school discipline gap?* Los Angeles: The Center for Civil Rights Remedies.

U.S. Department of Education (2018). 2015–16 Civil Rights Data Collection: *School Climate and Safety, Data Highlights on School Climate and Safety in our Nation's Public Schools.* Washington, SC: U.S. Department of Education, Office of Civil Rights. Retrieved from: https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf

331 To compare feeling unsafe due to race/ethnicity by race/ethnicity, a univariate analysis of variance (ANOVA) was conducted with feeling unsafe due to actual or perceived race/ethnicity as the dependent variable and racial/ethnic identity as the independent variable. The main effect for feeling unsafe was significant: $F(6, 20594) = 503.81$, $p<.001$, $\eta_p^2 = .13$. Post hoc comparisons were considered at $p<.01$. Arab/Middle Eastern students were more likely to feel unsafe based on race/ethnicity than Hispanic/Latinx, multiracial, Native American, and White students; API students were more likely to feel unsafe than Hispanic/Latinx, multiracial, and White students; Black/African American students were more likely to feel unsafe than multiracial and White students; White students were less likely to feel unsafe based on race/ethnicity than all other racial/ethnic groups. Percentages are shown for illustrative purposes.

332 To compare victimization due to sexual orientation and gender expression by race/ethnicity, a multivariate analysis of variance (MANOVA) was conducted with racial/ethnic identity as the independent variable and two dependent variables: the weighted victimization variable measuring harassment and assault due to sexual orientation and the weighted variable for victimization due to gender expression. The multivariate effect was significant: Pillai's trace=.01, $F(12, 39472) = 10.60$, $p<.001$. The univariate effects for victimization were significant: sexual orientation, $F(6, 19736) = 16.81$, $p<.001$, $\eta_p^2 = .01$; gender expression, $F(6, 19736) = 12.31$, $p<.001$, $\eta_p^2 = .004$. Post hoc comparisons were considered at $p<.01$. Sexual orientation: Native American students experienced higher levels of victimization based on sexual orientation than all other racial/ethnic groups; Arab/Middle Eastern, multiracial, Hispanic/Latinx, and White students all experienced higher levels of victimization than Black/African American and API students. Black/African American and API students both experienced lower levels of victimization than White, Hispanic/Latinx, multiracial, Arab/Middle Eastern, and Native American students. Gender expression: Native American LGBTQ experienced higher levels of victimization due to the way they express their gender than multiracial, Hispanic/Latinx, White, API, and Black/African American students; multiracial and Hispanic/Latinx students both experienced higher levels of victimization than White, API, and Black/African American students. Black/African American, API, and White students all experienced lower levels of victimization than Native American, multiracial, and Hispanic/Latinx students. Percentages are shown for illustrative purposes.

333 To compare experiences of anti-LGBTQ discriminatory school policies and practices by race/ethnicity, a univariate analysis of variance (ANOVA) was conducted with racial/ethnic identity as the independent variable and experiencing anti-LGBTQ discrimination at school as the dependent variable. The main effect for experiencing discrimination was significant: $F(6, 20384) = 23.53$, $p<.001$, $\eta_p^2 = .01$. Post hoc comparisons were considered at $p<.01$. Native American LGBTQ students were more likely to experience anti-LGBTQ discrimination than White, Hispanic/Latinx, Arab/Middle Eastern, Black/African American, and API students; multiracial, White, and Hispanic/Latinx students were more likely to experience discrimination than Black/African American and API students. Black/African American and API students were both less likely to experience discrimination than Native American, multiracial, White, and Hispanic/Latinx students. Percentages are shown for illustrative purposes.

334 To compare experiences of school discipline by race/ethnicity, a multivariate analysis of variance (MANOVA) was conducted with racial/ethnic identity as the independent variable and two dichotomous dependent school discipline variables: experiencing in-school discipline (including referral to the principal, detention, and in-school suspension), and experiencing out-of-school discipline (including out-of-school suspension and expulsion). The multivariate effect was significant: Pillai's trace=.01, $F(12, 40820) = 11.34.48$, $p<.001$. The univariate effects for school discipline were significant: in-school, $F(6, 20410) = 17.16$, $p<.001$, $\eta_p^2 = .01$; out-of-school, $F(6, 20410) = 9.31$, $p<.001$, $\eta_p^2 = .003$. Post hoc comparisons were considered at $p<.01$. In-school discipline: Native American, multiracial, and Hispanic/Latinx LGBTQ students were all more likely to experience in-school discipline than White and API students; Black/African American and White students were both more likely to experience in-school discipline than API students. API students were less likely to experience in-school discipline than all other racial/ethnic groups. Out-of-school discipline: Black/African American LGBTQ students were more likely to experience out-of-school discipline than Hispanic/Latinx, White, and API students; multiracial students were more likely than White and API students. There were no other significant differences between racial/ethnic groups. Percentages are shown for illustrative purposes.

335 See Endnote 332.

336 See Endnote 333.

337 See Endnote 334.

338 See Endnote 334.

339 See Endnote 334.

340 See Endnote 332.

341 See Endnote 332.

342 It is important to note one important limitation to these analyses. We do not know the citizenship status of the parents of the

students in our survey. Therefore, it is possible that students in the survey who were born outside the U.S. and its territories have U.S. citizenship because one of their parents does. Thus, they would not technically be immigrants to the U.S., but are considered as immigrants in these analyses. In addition, because we do not know the immigrant status of parents, these analyses do not include LGBTQ students who were born in the U.S. but who are from immigrant families (i.e., who have parents who immigrated to the U.S.).

343 Child Trends. (2014). *Immigrant children*. Washington, DC: Child Trends. Retrieved from https://www.childtrends.org/?indicators=immigrant-children.

344 To examine whether there was a significant difference between the population estimate for K–12 students born outside the U.S. compared to our percentage of LGBTQ secondary school students born outside the U.S., we conducted a single sample t-test. Results indicated a small but significant difference: t(22989) = -5.90, $p<.001$.

345 We examined differences in locale by nativity status (non-U.S. born vs. U.S. born) using chi-square analysis. Non-U.S. born students were less likely to be in rural schools than urban or suburban schools than U.S. born students: 1.8% rural vs. 3.7% suburban and 4.0% urban. $\chi^2 = 63.22$, $df = 2$, $p<.001$; Cramer's V =.05.

346 We examined differences in region by nativity status using chi-square analysis. non-U.S. born students were less likely to be in Midwest schools than in the other three regions than U.S.-born students: 2.2% in the Midwest vs. 3.8% in the Northeast, 3.2% in the South, and 3.5% in the West. $\chi^2 = 24.49$, $df = 3$, $p<.001$, Cramer's V = .03.

347 We examined differences in region by citizenship status among non-U.S. born students using chi-square analysis. Students from Western Europe, Eastern Europe, Africa, and Asia/Pacific were more likely than students from other regions to be U.S. citizens. Students from Latin America, Middle East, and Africa were more likely than other students to be unauthorized residents. $\chi^2 = 147.84$, $df = 14$, $p<.001$, Cramer's V = .32.

348 Rissing, B. A. & Castilla, E. J. (2014). House of green cards: Statistical or preference-based inequality in the employment of foreign nationals, *American Sociological Review*, *79*(6), 1226–1255.

349 We examined differences in feeling unsafe because of citizenship status by immigration status among non-U.S. born students using chi-square analysis. $\chi^2 = 98.33$, $df = 2$, $p<.001$, Cramer's V = .37.

350 We examined differences in feeling unsafe because of English language proficiency by native English language status within the sample of non-U.S. born students using chi-square analysis. Non-native English language students were more likely to feel unsafe for this reason than native English language students overall: $\chi^2 = 102.71$, $df = 1$, $p<.001$, $\phi = -.38$.

351 To examine differences in the experiences of victimization based on sexual orientation, gender expression, and race/ethnicity between non-U.S. born and U.S. born students, a series of analyses of variance (ANOVA) were conducted with the three victimization variables as dependent variables. The only significant effect was for victimization based on race/ethnicity: $F(1, 22282) = 108.71$, $p<.001$, $\eta_p^2 = .01$.

352 Because there were significant differences by nativity status in personal demographics and school location, we conducted a series of analyses of covariance (ANCOVA) with the three victimization variables as dependent variables controlling for age, years lived in the U.S., race/ethnicity, region, and locale. The univariate effect for nativity status was significant at $p<.01$ only for victimization based on race/ethnicity: $F(1, 20195) = 24.13$, $p<.001$, $\eta_p^2 = .00$.

353 We examined differences in students' having any experience of anti-LGBTQ discrimination in school between non-U.S. born and U.S. born students using chi-square analysis. $\chi^2 = 37.53$, $df = 1$, $p<.001$, $\phi = .04$.

354 To examine differences in school belonging between non-U.S. born and U.S. born students, an analysis of variance (ANOVA) was conducted. The univariate effect was significant: $F(1, 21665) = 50.38$, $p<.001$, $\eta_p^2 = .00$.

355 As noted previously, there were significant differences by nativity status in personal demographics and school location. Therefore, in order to examine differences in school belonging after accounting for differences in demographics and school location, we conducted an analysis of covariance (ANCOVA) similar to the ANOVA described above, but also controlled for age, years lived in the U.S., race/ethnicity, region, and locale. The univariate effect was not significant at $p<.01$.

356 To examine differences in supportive school personnel between non-U.S. born and U.S. born students, an analysis of variance (ANOVA) was conducted. The univariate effect was significant: $F(1, 22400) = 16.87$, $p<.001$, $\eta_p^2 = .00$. This effect was consistent even when examining the contribution of covariates (personal demographics and school location) through an analysis of covariance (ANCOVA). Percentages are provided for illustrative purposes.

357 To examine differences in missing days of school between non-U.S. born and U.S. born students, an analysis of variance (ANOVA) was conducted. The univariate effect was significant: $F(1, 22934) = 16.18$, $p<.001$, $\eta_p^2 = .00$. This effect was consistent even when examining the contribution of covariates (personal demographics and school location) through an analysis of covariance (ANCOVA). Percentages are provided for illustrative purposes.

358 To examine differences in outness between non-U.S. born and U.S. born students, a series of analyses of variance (ANOVAs) were conducted on: 1) out to peers, and 2) out to school staff. The univariate effects were not significant. In further analyses within the group of immigrant students, we examined the differences in the two outness variables by citizenship status using ANOVA. The univariate effect for outness to peers was significant: $F(2, 696) = 6.76$, $p<.001$, $\eta_p^2 = .02$. The univariate effect for outness to staff was also significant: $F(2, 696) = 5.72$, $p<.001$, $\eta_p^2 = .02$. Post-hoc comparisons were considered at $p<.01$. For both variables, the only significant differences were that U.S. citizens were higher on outness than lawfully present non-citizen students.

359 See Endnote 333.

360 See Endnote 334.

361 See Endnote 331.

362 Darling-Hammond, L. (2004). The color line in American education: Race, resources, and student achievement. *Du Bois Review: Social Science Research on Race, 1*(2), 213–246.

Lleras, C. (2017). Race, racial concentration, and the dynamics of educational inequality across urban and suburban schools. *American Educational Research Journal, 45*(4), 886–912.

363 To compare school area by race/ethnicity, we conducted a chi-square test looking at school area (i.e., urban, suburban, rural) by race/ethnicity: $\chi^2 = 630.84$, $df = 12$, $p<.001$, Cramer's V = .13. Post hoc comparisons were considered at $p<.05$. Native American students were more likely to attend school in a small town or rural area than all other racial/ethnic groups; White students were more likely to attend rural/small town schools than multiracial, Hispanic/Latinx, Black/African American, Arab/Middle Eastern, and API students; multiracial students were more likely to attend rural/small town schools than Hispanic/Latinx, Black/African American, Arab/Middle Eastern, and API students; Hispanic/Latinx students were more likely than API students to attend rural/small town schools. There were no other significant differences in attending school in a rural area between racial/ethnic groups.

363 Eisenberg, M. E., Gower, A. L., McMorris, B. J., Rider, N., & Coleman, E. (2018). Emotional distress, bullying victimization, and protective factors among transgender and gender diverse adolescents in city, suburban, town, and rural locations. *The Journal of Rural Health*. doi:10.1111/jrh.12311

Palmer, N.A., Kosciw, J.G., & Bartkiewicz, M.J. (2012). *Strengths and silences: The experiences of lesbian, gay, bisexual and transgender students in rural and small town schools*. New York: GLSEN.

364 To account for differences in students' experiences in urban, suburban, and rural school area with regard to experiences of anti-LGBTQ discriminatory school policies and practices across racial/ethnic groups, we performed a MANCOVA similar to the MANOVA described in Endnote X, controlling for school area. Results were similar to the MANOVA, however post hoc tests indicate that, when controlling for school area, there are no longer observable differences in experiences of discrimination between Native American students and White or Arab/Middle Eastern students. All other significant differences between racial/ethnic groups, as described in Endnote X, remained.

To account for urban, suburban, and rural school area with regard to experiences of victimization across racial/ethnic groups, we performed a MANCOVA similar to the MANOVA described in Endnote X, controlling for school area. Results were similar to the MANOVA and all significant differences between racial/ethnic groups, as described in Endnote X, remained.

365 To compare outness regarding LGBTQ identity by race/ethnicity, we conducted a multivariate analysis of variance (MANOVA) with racial/ethnic identity as the independent variable, and two dependent variables for outness: level of outness to other students at school, and level of outness to school staff. The multivariate effect was significant: Pillai's trace=.003, $F(12, 41090) = 5.20$, $p<.001$. The univariate effects for outness were significant for both outness to peers and outness to school staff, post hoc comparisons were considered at $p<.01$. Outness to other students: API students were less likely to be out than Hispanic/Latinx, multiracial, and White students. Outness to school staff: API students were less likely to be out than Arab/Middle Eastern, multiracial, White, and Hispanic/Latinx students. There were no other significant differences between racial/ethnic groups.

366 Kosciw, J. G., Palmer, N. A., & Kull, R. M. (2015). Reflecting resiliency: Openness about sexual orientation and/or gender identity and its relationship to well-being and educational outcomes for LGBT students. *American Journal of Community Psychology. 55*, 167–178.

Ocampo, A. C. & Soodjinda, D. (2015). Invisible Asian Americans: The intersection of sexuality, race, and education among gay Asian Americans. *Race Ethnicity and Education, 16*(3), 480–99.

367 To account for level of outness with regard to experiences of victimization across racial/ethnic groups, we performed a MANCOVA similar to the MANOVA described in Endnote X, controlling for level of outness to other students. Results were similar to the MANOVA, but observable differences between API students and other racial/ethnic groups were reduced. Similarly, to account for level of outness with regard to experiences of anti-LGBTQ discriminatory school policies and practices across racial/ethnic groups, we performed a MANCOVA similar to the MANOVA described in Endnote X, controlling for level of outness to school staff. Results were similar to the MANOVA, but observable differences between API students and other racial/ethnic groups were reduced.

368 Brockenbrough, E. (2015). Queer of color agency in educational contexts: Analytic frameworks from a queer of color critique. *Educational Studies, 5*(1), 28–44.

Russel, 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. Kumashiro (Ed.), *Troubling intersections of race and sexuality: Queer studies of anti-oppressive education* (pp. 113–130).Lanham, MD: Rowman & Littlefield.

369 For comparisons by school level, only students who attended middle or high schools were included in this analysis. Students who attended elementary schools, K–12 schools, lower schools, upper schools, or another type of school were excluded.

370 To examine differences in biased language between middle and high school students, a multivariate analysis of variance (MANOVA) was conducted with the anti-LGBTQ remarks variables (the three homophobic remarks, negative remarks about gender expression, and negative remarks about transgender people) and the other biased remarks variables (racist, sexist, ability/disability, religion, immigration status, and body size/weight remarks) as the dependent variables. Multivariate results were significant: Pillai's Trace = .03, $F(11, 18789) = 46.88$, $p<.001$, $\eta_p^2 = .03$. Univariate effects were significant at $p<.001$ for the following anti-LGBTQ language remarks: "Gay" used in a negative way: $F(1, 18799) = 290.66$; $\eta_p^2 = .02$; "No homo": $F(1, 18799) = 46.57$, $\eta_p^2 = .00$; Other homophobic remarks: $F(1, 18799) = 90.68$, $\eta_p^2 = .01$; Negative remarks about gender expression: $F(1, 18799) = 26.66$, $\eta_p^2 = .00$. Middle school students heard anti-LGBTQ remarks significantly more frequently than high school students, with the exception of negative remarks about transgender people where the univariate effect was not statistically significant. Univariate effects for other types of biased remarks is discussed in the following endnote.

371 To examine differences in other types of biased language between middle and high school students, we conducted a MANOVA as described in the previous endnote, univariate effects were significant at $p<.001$ for the following remarks: Racist remarks: $F(1, 18799) = 86.53$, $\eta_p^2 = .00$; Sexist remarks: $F(1, 18799) = 44.41$, $\eta_p^2 = .00$; Ability/disability: $F(1, 18799) = 204.60$, $\eta_p^2 = .01$; Religion: $F(1, 18799) = 19.69$, $\eta_p^2 = .00$; Body size/weight: $F(1, 18799) = 158.03$, $\eta_p^2 = .01$. Middle school students heard these biased remarks significantly more frequently than high school students, with the exception of immigration status remarks where the univariate effect was not statistically significant.

372 To examine differences in experiences of victimization between middle and high school students, two separate multivariate analysis of variance (MANOVAs) were conducted: 1) MANOVA with LGBTQ-related victimization (i.e., the three weighted victimization variables for victimization based on sexual orientation, gender expression, and gender) as the dependent variables 2) MANOVA with the other types of bias-based victimization (i.e., victimization based on race, victimization based on disability, and victimization based on religion) as the dependent variables. For the MANOVA for anti-LGBTQ victimization, multivariate results were significant: Pillai's Trace = .03, $F(3, 17943) = 152.21$, $p<.001$, $\eta_p^2 = .03$. Univariate effects were significant at $p<.001$ for all types of victimization: Sexual orientation: $F(1, 17945) = 454.25$, $\eta_p^2 = .03$; Gender expression: $F(1, 17945) = 260.46$, $\eta_p^2 = .01$; Gender: $F(1, 17945) = 243.90$, $\eta_p^2 = .01$. For the MANOVA for other types of victimization, multivariate results were significant: Pillai's Trace = .01, $F(3, 18762) = 73.59$, $p<.001$, $\eta_p^2 = .01$. Univariate effects were significant at $p<.001$ for all types of victimization: Race/ethnicity: $F(1, 18764) = 111.49$, $\eta_p^2 = .01$; Disability: $F(1, 18764) = 73.48$, $\eta_p^2 = .00$; Religion: $F(1, 18764) = 149.01$, $\eta_p^2 = .01$.Middle school students experienced significantly higher levels of victimization on all types, as compared to high school students.

373 To compare reports of discriminatory policies and practices between middle and high school students, a chi-square test was conducted. Any discrimination, a combined variable of whether the student experienced any of the discriminatory actions assessed (see *Experiences of Discrimination at School* section), by school level was significant: $\chi^2 = 265.50$, df = 1, $p<.001$, $\varphi = -.12$. Middle school students were more likely than high school students to have experienced anti-LGBTQ discriminatory school policies and practices.

374 To compare differences in access to LGBTQ-related school resources and supports between middle and high school students, a series of independent sample t-tests (equal variances not assumed) were conducted with each resource and support variable as the dependent variable. (For the purposes of this analysis and similar analyses in this section regarding school differences in availability of comprehensive policy, we examined only whether students reported that their school had a comprehensive, i.e., fully enumerated, anti-bullying/harassment policy or not. Therefore, students without a comprehensive policy might have had a partially enumerated policy, a generic policy, or no policy at all). All analyses were significant at $p<.001$ – GSAs: $t(5662.50) = -57.37$; LGBTQ-inclusive curriculum: $t(5605.73) = -9.30$; LGBTQ-inclusive sex education: $t(5479.58) = -3.44$; LGBTQ website access: $t(5256.12) = -24.48$; LGBTQ library resources: $t(5263.66) = -13.43$; LGBTQ inclusion in textbooks/other assigned readings: $t(6715.55) = -20.03$; supportive staff: $t(4620.32) = -23.75$; supportive administration: $t(5042.63) = -12.42$ Safe Space stickers/posters: $t(5231.62) = -33.80$, comprehensive anti-bullying/harassment policy: $t(6006.27) = -9.87$; transgender/gender nonconforming student policy: $t(6467.24) = -11.63$. Middle school students had significantly less resources and supports across all types, as compared to high school students.

375 To compare differences in GSA attendance and GSA participation as a leader/officer between middle and high school students, two separate independent samples t-tests were conducted with GSA attendance and GSA participation as the dependent variables. Both analyses were significant at $p<.001$ – GSA attendance: $t(10906) = 9.44$; GSA participation: $t(783.55) = 5.17$. Middle school students attended their GSA more frequently and were more likely to be a GSA leader/officer, as compared to high school students.

376 U.S. Department of Education. (2016). *Student reports of bullying: Results from the 2015 School Crime Supplement to the National Crime Victimization Survey*. Retrieved August 23, 2018. https://nces.ed.gov/pubs2017/2017015.pdf.

377 To examine differences in biased language by school type, a multivariate analysis of variance (MANOVA) was conducted with the anti-LGBTQ remarks variables (the three homophobic remarks,

negative remarks about gender expression, and negative remarks about transgender people) and the other biased remarks variables (racist, sexist, ability/disability, religion, immigration status, and body size/weight remarks) as the dependent variables. Multivariate results were significant: Pillai's Trace = .04, $F(22, 44768) = 44.31$, $p<.001$, $\eta_p^2 = .02$. All univariate effects were significant at $p<.001$ for the anti-LGBTQ language remarks: "Gay" used in a negative way: $F(2, 22393) = 252.74$, $\eta_p^2 = .02$; "No homo": $F(2, 22393) = 43.56$, $\eta_p^2 = .00$; Other homophobic remarks: $F(2, 22393) = 248.12$, $\eta_p^2 = .02$, Negative remarks about gender expression: $F(2, 22393) = 17.01$, $\eta_p^2 = .00$; Trans remarks: $F(2, 22393) = 57.11$, $\eta_p^2 = .01$. Post hoc comparisons were considered at $p<.01$. Private non-religious school students heard all types of anti-LGBTQ remarks less frequently than public school students and religious school students. Public school students heard homophobic remarks more frequently than religious school students, with the exception of "no homo" where there were no significant differences. Public school students heard negative remarks about gender expression less frequently than religious school students and there were no significant differences between these groups in hearing negative remarks about transgender people. Univariate effects for other types of biased remarks is discussed in the following endnote.

378 To examine differences in other types of biased language by school type, a MANOVA was conducted as described in the previous endnote. All univariate effects were significant at $p<.001$: Racist remarks: $F(2, 22393) = 229.76$, $\eta_p^2 = .02$; Sexist remarks: $F(2, 22393) = 159.02$, $\eta_p^2 = .01$; Ability/disability: $F(2, 22393) = 106.47$, $\eta_p^2 = .01$; Religion: $F(2, 22393) = 47.92$, $\eta_p^2 = .00$; Immigration status: $F(2, 22393) = 64.12$, $\eta_p^2 = .01$; Body size/weight: $F(2, 22393) = 122.16$, $\eta_p^2 = .01$. Post hoc comparisons were considered at $p<.01$. Public school students heard all types of other biased remarks significantly more frequently than both private non-religious school students and religious school students. Private non-religious school students heard most of the other biased remarks significantly less frequently than religious school students, with the exception of racist remarks, religion remarks, and body size/weight remarks where there were not statistically significant differences.

379 To examine differences on experiences of victimization by school type, two separate multivariate analysis of variance (MANOVAs) were conducted: 1) MANOVA with LGBTQ-related victimization (i.e., the three weighted victimization variables for victimization based on sexual orientation, gender expression, and gender) as the dependent variables; 2) MANOVA with other types of bias-based victimization (i.e., victimization based on race, victimization based on disability, and victimization based on religion). For the MANOVA for anti-LGBTQ victimization, multivariate results were significant: Pillai's Trace = .00, $F(6, 42768) = 15.09$, $p<.001$, $\eta_p^2 = .00$. Univariate effects were significant at $p<.001$: Sexual orientation: $F(2, 21385) = 22.47$, $\eta_p^2 = .00$; Gender expression: $F(2, 21385) = 11.97$, $\eta_p^2 = .00$; Gender: $F(2, 21385) = 24.15$, $\eta_p^2 = .00$. Post hoc comparisons were considered at $p<.01$. Public school students experienced significantly higher levels on all types of anti-LGBTQ victimization than private non-religious school students. Public school students also experienced significantly higher levels of victimization based on gender expression and victimization based on gender than religious school students; there were no differences between public school and religious school students in victimization based on sexual orientation. Private non-religious school and religious school students did not differ significantly on any of the anti-LGBTQ victimization types. For the MANOVA for other types of bias victimization, multivariate results were significant: Pillai's Trace = .00, $F(6, 44714) = 3.07$, $p<.01$, $\eta_p^2 = .00$, but none of the univariate effects for victimization based on race, disability, and religion were statistically significant indicating that public school, religious school, and private non-religious school students did not differ significantly on all of the other types of bias-based victimization.

380 To compare reports of experiencing discriminatory policies and practices by school type, a chi-square test was conducted. Any discrimination, a combined variable of whether the student experienced any of the 11 discriminatory actions assessed (see Discriminatory Practices and Policies section), by school type was significant: $\chi^2 = 116.19$, df = 2, $p<.001$, Cramer's V = .08. Post hoc comparisons were considered at $p<.01$. Religious school students experienced more discrimination than public and private non-religious school students; private non-religious school students experienced less discrimination than religious and public school students.

381 To compare differences on access to LGBTQ-related school resources and supports across school type, a series of one-way analyses of variance (ANOVAs) was conducted with each resource and support variable as the dependent variable. The results of these analyses were significant at $p<.001$ – GSAs: $F(2, 22418) = 250.41$, $\eta_p^2 = .02$; website access: $F(2, 22323) = 70.24$, $\eta_p^2 = .01$; library resources: $F(2, 22448) = 60.89$, $\eta_p^2 = .01$; textbooks/other assigned readings: $F(2, 22450) = 43.51$, $\eta_p^2 = .00$; LGBTQ- inclusive curriculum: $F(2, 22429) = 112.87$, $\eta_p^2 = .01$; LGBTQ-inclusive sex education: $F(2, 22411) = 72.31$, $\eta_p^2 = .01$; supportive staff: $F(2, 22027) = 306.95$, $\eta_p^2 = .03$; supportive administration: $F(2, 22012) = 336.47$, $\eta_p^2 = .03$; Safe Space stickers/posters: $F(2, 22431) = 183.97$, $\eta_p^2 = .02$; comprehensive anti-bullying/harassment policy: $F(2, 22478) = 37.98$, $\eta_p^2 = .00$; transgender/gender nonconforming policy: $F(2, 22481) = 53.78$, $\eta_p^2 = .01$. Post hoc comparisons were considered at $p<.01$. Religious school students had significantly less resources and supports across most types than public school students, with the exception of LGBTQ-related textbooks and LGBTQ-inclusive curriculum; religious school students had more LGBTQ-related textbooks than public school students; religious school students and public school students did not statistically differ on LGBTQ-inclusive curriculum. Religious school students were less likely report access to all resources and supports than private non-religious school students, with the exception of LGBTQ-related textbooks where they were not statistically different. Compared to public school students, private school students were more likely to report access to most school resources and supports, with the exception of library resources, GSAs and visible Safe Space stickers/posters where they were not statistically different. Private school students were less likely than public school students to have library resources, and they were not different from public school students on GSAs and visible Safe Space stickers/posters.

382 National Alliance for Public Charter Schools. (2016). *A closer look at the charter school movement: Charter Schools, students and management organizations, 2015–2016*. Washington D.C.: National Alliance for Public Charter Schools.

National Alliance for Public Charter Schools (2018). *Estimated public charter school enrollment, 2017–2018*. Washington D.C.: National Alliance for Public Charter Schools.

383 To compare differences in frequency of hearing anti-LGBTQ language and other biased remarks by charter school (charter public schools compared to regular public schools), a multivariate analysis of variance (MANOVA) was conducted. Multivariate results were significant: Pillai's Trace = .00, $F(11, 20086) = 3.05$, $p<.001$, $\eta_p^2 = .00$. Univariate effects were significant for the following remarks: Other homophobic remarks (e.g. "fag," "dyke"): $F(1, 20096) = 9.84$, $p<.01$, $\eta_p^2 = .00$; Sexist remarks: $F(1, 20096) = 7.12$, $p<.01$, $\eta_p^2 = .00$. Charter school students heard other homophobic remarks and sexist remarks significantly less frequently than regular public school students. Univariate effects for the other anti-LGBTQ remarks and the other biased remarks were not significant.

384 To examine differences in experiences of victimization by charter school, two separate multivariate analysis of variance (MANOVAs) were conducted: 1) MANOVA with LGBTQ-related victimization (i.e., the three weighted victimization variables for victimization based on sexual orientation, gender expression, and gender) as the dependent variables; 2) MANOVA with other types of bias-based victimization (i.e., victimization based on race, victimization based on disability, and victimization based on religion). For the MANOVA for anti-LGBTQ victimization, multivariate results were not significant. For the MANOVA for other types of bias victimization, multivariate results were not significant.

385 To compare reports of experiencing anti-LGBTQ discriminatory policies and practices by charter school, a chi-square test was conducted. There were no statistically significant differences between charter school students and other public school students.

386 To compare differences on access to LGBTQ-related school resources and supports by charter school, a series of independent sample t-tests (equal variances not assumed for LGBTQ-inclusive curriculum, LGBTQ-inclusive sex education, library resources, and supportive administration, equal variances were assumed for other resources) were conducted with each resource/support variable as the dependent variable. The following analyses were significant at $p<.001$ – GSAs: $t(20106) = -5.76$; supportive educators:

t(19747) = -3.13; Safe Space stickers/posters: *t*(20119) = -3.91; library resources: *t*(982.41) = -6.28. For each of these resources/supports, charter school students had less access than regular public school students. Charter school students and regularly public school students were not significantly different in access to other resources/supports.

387 To compare differences on negative LGBTQ representation in the curriculum by school type, an analysis of variance (ANOVA) was conducted, with negative LGBTQ representation as the dependent variable. The results of the analysis was significant: $F(2, 22396) = 468.89$, $p<.001$, $\eta_p^2 = .04$. Post hoc comparisons were considered at $p<.01$. Religious school students had significantly more negative LGBTQ representation in their school subjects, as compared to public school and private non-religious school students. Public school and private non-religious school students did not statistically differ on negative LGBTQ representation in school subjects.

388 To examine differences in biased language by locale, a multivariate analysis of variance (MANOVA) was conducted with the anti-LGBTQ remarks variables (the three homophobic remarks, the negative remarks about gender expression, and negative remarks about transgender people) and the other biased remarks (racist, sexist, ability/disability, religion, immigration status, and body size/weight remarks) as the dependent variables. Multivariate results were significant: Pillai's Trace = .04, $F(22, 44910) = 37.29$, $p<.001$, $\eta_p^2 = .02$. All univariate effects were significant at $p<.001$. For anti-LGBTQ remarks – "Gay" used in a negative way: $F(2, 22464) = 191.64$, $\eta_p^2 = .02$; "No homo": $F(2, 22464) = 15.40$, $\eta_p^2 = .00$; Other homophobic remarks: $F(2, 22464) = 231.58$, $\eta_p^2 = .02$, Negative remarks about gender expression: $F(2, 22464) = 71.63$, $\eta_p^2 = .01$; Negative transgender remarks: $F(2, 22464) = 131.28$, $\eta_p^2 = .01$. Post hoc comparisons were considered at $p<.01$. Students in rural schools reported significantly higher frequencies for all types of anti-LGBTQ remarks than students in urban and suburban schools. Students in urban schools and suburban schools did not statistically differ in frequency of hearing any of these anti-LGBTQ remarks, except for negative remarks about transgender people; urban students heard negative remarks about transgender people significantly less frequently than suburban students. Univariate effects for other types of biased remarks is discussed in the following endnote.

389 To examine differences in other types of biased language by locale, a MANOVA was conducted as described in the previous endnote. All univariate effects were significant at $p<.001$ for all other types of biased remarks – Racist remarks: $F(2, 22464) = 169.03$, $\eta_p^2 = .02$; Sexist remarks: $F(2, 22464) = 97.60$, $\eta_p^2 = .01$; Ability/disability: $F(2, 22464) = 122.79$, $\eta_p^2 = .01$; Religion: $F(2, 22464) = 82.92$, $\eta_p^2 = .01$; Immigration status: $F(2, 22464) = 115.86$, $\eta_p^2 = .01$; Body size/weight: $F(2, 22464) = 212.98$, $\eta_p^2 = .02$. Post hoc comparisons were considered at $p<.01$. Students in rural schools reported significantly higher frequencies for all types of other biased remarks than students in urban and suburban schools. Students in urban schools and suburban schools did not significantly differ in frequency of hearing other biased remarks, with the exception of negative remarks about ability/disability and negative remarks about religion — urban students heard both types of remarks less frequently than suburban students.

390 To examine differences in experiences of victimization by locale, two separate multivariate analysis of variance (MANOVAs) were conducted: 1) MANOVA with LGBTQ-related victimization (i.e., the three weighted victimization variables for victimization based on sexual orientation, gender expression, and gender) as the dependent variables; 2) MANOVA with other types of bias-based victimization (i.e., victimization based on race, victimization based on disability, and victimization based on religion). For the MANOVA for anti-LGBTQ victimization, multivariate results were significant: Pillai's Trace = .01, $F(6, 42900) = 37.10$, $p<.001$, $\eta_p^2 = .01$. For the MANOVA for other types of bias victimization, multivariate results were significant: Pillai's Trace = .01, $F(6, 44862) = 52.26$, $p<.001$, $\eta_p^2 = .01$. All univariate effects were significant: Sexual orientation: $F(2, 21451) = 103.31$, $p<.001$, $\eta_p^2 = .01$; Gender expression: $F(2, 21451) = 64.30$, $p<.001$, $\eta_p^2 = .01$; Gender: $F(2, 21451) = 50.22$, $p<.001$, $\eta_p^2 = .01$; Race/ethnicity: $F(2, 22432) = 46.40$, $p<.001$, $\eta_p^2 = .00$; Disability: $F(2, 22432) = 14.86$, $p<.001$, $\eta_p^2 = .00$; Religion: $F(2, 22432) = 91.46$, $p<.001$, $\eta_p^2 = .01$. Post hoc comparisons were considered at $p<.01$. Students in rural schools experienced significantly more sexual orientation victimization and religious victimization than students in urban schools, but significantly less victimization based on race/ethnicity than students in urban schools. Students in rural schools and urban schools did not statistically differ in victimization based on gender expression, gender, and disability. Students in rural schools experienced significantly more victimization than students in suburban schools for all types. Students in urban schools experienced more victimization than students in suburban schools across nearly all types, with the exception of victimization based on religion where they were not statistically different.

391 To compare differences on race/ethnicity by locale, a chi-square test was conducted. For this analysis, race/ethnicity was recoded into a dichotomous variable: White vs ethnic minority. The chi-square was significant: $\chi^2 = 402.38$, df = 2, $p<.001$, Cramer's V = .14. Post hoc comparisons were considered at $p<.05$. LGBTQ students in rural schools were significantly more likely to be White than students in urban schools (73.9% vs 56.3%) and significantly less likely to be racial/ethnic minority (26.1% vs 43.7%).

392 Per analysis described in t endnote X regarding the MANOVA on other types of bias-based victimization, post-hoc comparisons regarding victimization experiences based on race/ethnicity indicated that students in urban areas experienced more victimization based on race/ethnicity, as compared to rural students ($p<.001$). However, we conducted a MANCOVA to control for race/ethnicity, and found that once accounting for race/ethnicity, urban and rural students did not differ on victimization based on race/ethnicity.

393 To compare reports of experiencing discriminatory policies and practices by locale, a chi-square test was conducted with the composite anti-LGBTQ discrimination variable by locale. The chi-square was significant: $\chi^2 = 207.14$, df = 2, $p<.001$, Cramer's V = .10. Post hoc comparisons were considered at $p<01$. Students in suburban schools were less likely to experience discrimination than students in urban and rural schools; students in rural schools were more likely to experience discrimination than students in suburban and urban schools.

394 To compare differences on access to LGBTQ-related school resources and supports across locale, a series of one-way analyses of variance (ANOVAs) was conducted with each resource and support variable as the dependent variable. The results of these analyses were significant at $p<.001$ – GSAs: $F(2, 22508) = 724.47$, $\eta_p^2 = .06$; positive LGBTQ inclusive curriculum: $F(2, 22518) = 130.53$, $\eta_p^2 = .01$; positive LGBTQ sex education: $F(2, 22499) = 45.88$, $\eta_p^2 = .00$; website access: $F(2, 22414) = 44.88$, $\eta_p^2 = .00$; library resources: $F(2, 22538) = 26.66$, $\eta_p^2 = .00$; textbooks/other assigned readings: $F(2, 22537) = 44.08$, $\eta_p^2 = .00$; supportive staff: $F(2, 22125) = 496.88$, $\eta_p^2 = .04$; supportive administration: $F(2, 22122) = 293.96$, $\eta_p^2 = .03$; Safe Space stickers/posters: $F(2, 22521) = 563.64$, $\eta_p^2 = .05$; comprehensive anti-bullying/harassment policy: $F(2, 22568) = 69.86$, $\eta_p^2 = .01$; transgender or gender nonconforming policy: $F(2, 22571) = 111.94$, $\eta_p^2 = .01$. Post hoc comparisons were considered at $p<.01$. Students in rural schools were significantly less likely to have resources and supports than students in urban schools on all types, except for LGBTQ library resources where they were not significantly different. Students in rural schools were significantly less likely to have school resources and supports than suburban students for all types of resources. Students in urban schools were significantly less likely than suburban students to have the following resources: GSAs, supportive educators, visible Safe Space stickers/posters, LGBTQ library resources. Students in urban schools were significantly more likely to have LGBTQ-inclusive curriculum and supportive transgender/gender nonconforming policies than students in suburban schools. Students in urban schools and suburban schools did not differ in regard to supportive administration, LGBTQ website access, LGBTQ-related textbooks, and comprehensive anti-bullying/harassment policies.

395 Roscigno, V. J., Tomaskovic-Devey, D., & Crowley, M. (2006). Education and the inequalities of place. *Social Forces, 84*(4), 2121–2145.

396 Greytak, E. A., Kosciw, J. G., Villenas, C. & Giga, N. M. (2016). *From teasing to torment: School climate revised, a survey of U.S. secondary school students and teachers*. New York: GLSEN.

397 Baunach, D. M. (2012). Changing same-sex marriage attitudes in America from 1988 through 2010. *Public Opinion Quarterly, 76*(2), 364–378.

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transgender issue in U.S. - Reuters/Ipsos poll. *Reuters*. Retrieved from: https://www.reuters.com/article/us-usa-lgbt-poll/exclusive-women-young-more-open-on-transgender-issue-in-u-s-reuters-ipsos-poll-idUSKCN0XI11M

398 Students were placed into region based on the state they were from — Northeast: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Washington, District of Columbia; South: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia; Midwest: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin; West: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming. Students from the five major U.S. territories (American Samoa, Guam, Northern Mariana Islands, Puerto Rico, U.S. Virgin Islands) were included in the full sample for this survey, but were not included in analyses of regional differences. This section on regional differences includes only students in the 50 states and the District of Columbia. LGBTQ students in the territories are in included in the data reported in all other sections of this report.

399 To examine differences in biased language by region, a multivariate analysis of variance (MANOVA) was conducted with the anti-LGBTQ remarks variables (the three homophobic remarks, negative remarks about gender expression, and negative remarks about transgender people) and the other biased remarks (racist, sexist, ability/disability, religion, immigration status, and body size/weight remarks) as the dependent variables. Multivariate results were significant: Pillai's Trace = .04, $F(33, 67692) = 27.87$, $p<.001$, $\eta_p^2 = .01$. All univariate effects for anti-LGBTQ remarks were significant at $p<.001$– "Gay" used in a negative way: $F(3, 22572) = 118.43$; $\eta_p^2 = .02$; "No homo": $F(3, 22572) = 88.66$, $\eta_p^2 = .01$; Other homophobic remarks: $F(3, 22572) = 93.89$, $\eta_p^2 = .01$; Negative remarks about gender expression: $F(3, 22572) = 36.31$, $\eta_p^2 = .01$; Trans remarks: $F(3, 22572) = 82.21$, $\eta_p^2 = .01$. Post hoc comparisons were considered at $p<.01$. Students from the South heard all anti-LGBTQ remarks significantly more frequently, as compared to students from the other regions. Students from the Midwest heard all anti-LGBTQ remarks significantly more frequently than students in the Northeast. Students from the Midwest heard most anti-LGBTQ remarks significantly more frequently than students in the West, with the exception of "no homo" where they were not statistically different. Students from the West heard "no homo" significantly more frequently than students in the Northeast, and other homophobic remarks significantly less frequently than students in the Northeast, but they did not statistically differ on hearing "gay" used in a negative way, negative remarks about gender expression, and negative remarks about transgender people. Univariate effects for other types of biased remarks is discussed in the following endnote.

400 To examine differences in other types of biased language by region, a MANOVA was conducted as described in the previous endnote. All univariate effects were significant at $p<.001$ for other biased remarks – Racist remarks: $F(3, 22572) = 87.84$, $\eta_p^2 = .01$; Sexist remarks: $F(3, 22572) = 84.76$, $\eta_p^2 = .01$; Ability/disability: $F(3, 22572) = 44.59$, $\eta_p^2 = .01$; Religion: $F(3, 22572) = 92.28$, $\eta_p^2 = .01$; Immigration status: $F(3, 22572) = 143.64$, $\eta_p^2 = .02$; Body size/weight: $F(3, 22572) = 126.80$, $\eta_p^2 = .02$. Post hoc comparisons were considered at $p<.01$. Students from the South heard all types of other biased remarks significantly more frequently, as compared to students from the other regions. Students from the Midwest heard all types of other biased remarks significantly more frequently than those from the West and Northeast. Students from the West heard negative remarks about ability/disability and body size/weight significantly less frequently than those from the Northeast, but they did not statistically differ on hearing racist remarks, sexist remarks, religion remarks, and immigration status remarks.

401 To examine differences in experiences of victimization by region, two separate multivariate analysis of variance (MANOVAs) were conducted: 1) MANVOA with LGBTQ-related victimization (i.e., the three weighted victimization variables for victimization based on sexual orientation, gender expression, and gender) as the dependent variables; 2) MANOVA with other types of bias-based victimization (i.e., victimization based on race, victimization based on disability, and victimization based on religion) for the second MANOVA. For the MANOVA for anti-LGBTQ victimization, multivariate results were significant: Pillai's Trace = .01, $F(9, 64653) = 25.64$, $p<.001$, $\eta_p^2 = .00$. Univariate effects were significant at $p<.001$ for each type of anti-LGBTQ victimization: Sexual orientation: $F(3, 21551) = 68.30$, $\eta_p^2 = .01$; Gender expression: $F(3, 21551) = 29.99$, $\eta_p^2 = .00$; Gender: $F(3, 21551) = 18.24$, $\eta_p^2 = .00$. For the MANOVA for other types of victimization, multivariate results were significant: Pillai's Trace = .02, $F(9, 67578) = 47.45$, $p<.001$, $\eta_p^2 = .01$. Univariate effects were significant at $p<.001$ for the following types of victimization: Race/ethnicity: $F(3, 22526) = 45.84$, $\eta_p^2 = .01$; Religion: $F(3, 22526) = 102.58$, $\eta_p^2 = .01$. There were no differences in victimization based on disability by region. Post hoc comparisons were considered at $p<.01$. Students from the South experienced significantly more victimization than students from the Midwest on all types, except for victimization based on gender and victimization based on disability where they were not statistically different. Students from the South also experienced significantly more victimization than students from the West on all types, except for race/ethnicity and disability where they were not statistically different. Students from the South and the West experienced significantly more victimization on all types than those from the Northeast. Students from the Midwest experienced significantly more victimization based on sexual orientation than those from the West, but they experienced significantly less victimization based on race/ethnicity than those from the West; the Midwest and the West did not differ in victimization based on gender expression, gender, and religion.

402 To compare differences in students' race/ethnicity by region, a chi-square test was conducted. For this analysis, race/ethnicity was recoded into a dichotomous variable: White vs ethnic minority. Race/ethnicity by region was significant: $\chi^2 = 496.74$, df = 3, $p<.001$, Cramer's V = .16. Post hoc comparisons were considered at $p<.01$. LGBTQ students in schools from the Midwest were significantly more likely to be White than students in schools from the West (76.6% vs 56.5%) and significantly less likely to be ethnic minority (23.4% vs 43.5%).

403 Per analysis described in the endnote X regarding the MANOVA on other types of bias-based victimization, post-hoc comparisons regarding victimization experiences based on race/ethnicity indicated that students in schools from the West experienced higher levels of victimization based on race/ethnicity, as compared to students in schools from the Midwest ($p<.001$). However, we conducted a MANCOVA to control for race/ethnicity, and found that once accounting for race/ethnicity, students in schools from the Midwest and West did not differ on victimization based on race/ethnicity.

404 To compare reports of experiencing discriminatory policies and practices by region, a chi-square test was conducted with the composite variable for anti-LGBTQ discrimination and region, the chi-square was significant: $\chi^2 = 480.32$, df = 3, $p<.001$, Cramer's V = .15. Post hoc comparisons were considered at $p<.01$. Students from the South were more likely to experience discrimination than students from the Midwest, West, and Northeast; students from the Midwest were more likely to experience discrimination than students from the West and Northeast. Students from the West and Northeast did not differ on discrimination.

405 To compare differences in access to LGBTQ-related school resources and supports across region, a series of one-way analyses of variance (ANOVAs) was conducted with each resource and support variable as the dependent variable. The results of these analyses were significant at $p<.001$ – GSAs: $F(3, 22554) = 534.23$, $\eta_p^2 = .07$; LGBTQ inclusive curriculum: $F(3, 22562) = 159.68$, $\eta_p^2 = .02$; LGBT-inclusive sex education: $F(3, 22543) = 204.36$, website access: $F(3, 22466) = 219.30$, $\eta_p^2 = .03$; library resources: $F(3, 22584) = 84.03$, $\eta_p^2 = .00$; textbooks/other assigned readings: $F(3, 22583) = 32.41$, $\eta_p^2 = .00$; $\eta_p^2 = .03$; supportive staff: $F(3, 22157) = 408.21$, $\eta_p^2 = .05$; supportive administration: $F(3, 22144) = 512.65$, $\eta_p^2 = .07$; Safe Space stickers/posters: $F(3, 22565) = 650.21$, $\eta_p^2 = .08$; comprehensive policy: $F(3, 22609) = 253.90$, $\eta_p^2 = .03$; transgender/gender nonconforming student policy: $F(3, 22614) = 226.52$, $\eta_p^2 = .03$. Post hoc comparisons were considered at $p<.01$. Students from the South were less likely to have access to resources and supports across all types, as compared to students from the other regions. Students from the Midwest were less likely to have access to resources and supports than those from the West, except for LGBTQ website access, LGBTQ library resources, and LGBTQ-related textbooks; students in the Midwest were more likely to have LGBTQ website access and LGBTQ library resources than those in the West; students in the Midwest and West did not statistically

differ on LGBTQ-related textbooks. Students from the Midwest were also less likely to have access to all the resources and supports than those from the Northeast, except for LGBTQ-related textbooks where they were not statistically different. Students from the West were significantly less likely to have these resources and supports than those from the Northeast, except for LGBTQ-related textbooks, LGBTQ-inclusive curriculum, and LGBTQ-inclusive sex education where they were not statistically different.

406 GLAAD. (2016). *Accelerating acceptance: A Harris Poll survey of Americans' acceptance of LGBT people*. Retrieved August 30, 2018. https://www.glaad.org/files/2016_GLAAD_Accelerating_Acceptance.pdf

407 Although we have been collecting NSCS data since 1999, the first survey differed slightly from all subsequent surveys in the comprehensiveness of the survey questions and in the methods. Thus, we did not include it in these over-time comparisons. Even though the survey is slightly modified with each installment to reflect new or emerging concerns about school climate for LGBTQ students, it has remained largely the same and has used virtually the same data collection methods since 2001.

408 To test differences across years in use of anti-LGBT language and intervention in the use of this language, a series of one-way analyses of covariance (ANCOVAs) were performed. Given certain demographic differences among the samples, we controlled for participation in a community group or program for LGBT youth ("youth group"), age, racial/ethnic group, gender, sexual orientation, and method of taking the survey (paper vs. Internet version). These individual-level covariates were chosen based on preliminary analysis that examined what school characteristics and personal demographics were most predictive of survey year membership. Because there were more cases in recent survey years that were missing on demographic information, we also included a dummy variable controlling for missing demographics. Because of the large sample size for all years combined, a more restrictive p-value was used: $p<.001$.

409 To test differences across years in the use of homophobic remarks, an ANCOVA was performed, controlling for demographic and method differences across the survey years. The main effect for Survey Year was significant, indicating mean differences across years: $F(8, 65432) = 261.29$, $p<.001$, $\eta_p^2 = .03$. Post-hoc group comparisons among years indicated 2017 was not significantly different from 2015 but was significantly lower than all years ($p<.001$).

410 To test differences across years in the use of expressions like "that's so gay," an ANCOVA was performed, controlling for demographic and method differences across the survey years. The main effect for Survey Year was significant, indicating mean differences across years: $F(8, 65461) = 143.12$ $p<.001$, $\eta_p^2 = .02$. Post-hoc group comparisons among years indicated 2017 was higher than 2015 but was significantly lower than all years ($p<.001$).

411 To test differences across years in the use of "no homo," an ANCOVA was performed, controlling for demographic and method differences across the survey years. The main effect for Survey Year was significant, indicating mean differences across years: $F(4, 55839) = 215.03$, $p<.001$, $\eta_p^2 = .02$. Post-hoc group comparisons among years indicated 2017 was not significantly different from 2015 and 2009, but lower than all years ($p<.001$).

412 To test differences across years in the use of negative remarks about gender expression, an ANCOVA was performed, controlling for demographic and method differences across the survey years. The main effect for Survey Year was significant, indicating mean differences across years: $F(7, 64604) = 62.21$, $p<.001$, $\eta_p^2 = .01$. Post-hoc group comparisons among years indicated 2017 was higher than 2013 but lower than all other years at $p=.001$.

413 To test differences across years in the use of negative transgender remarks, an ANCOVA was performed, controlling for demographic and method differences across the survey years. The main effect for Survey Year was significant, indicating mean differences across years: $F(2, 40186) = 53.91$, $p<.001$, $\eta_p^2 = .01$. Post-hoc group comparisons among years indicated these remarks significantly increased each year since 2013.

414 To test differences across years in the number of students in school who make homophobic remarks, an ANCOVA was performed, controlling for demographic and method differences across the survey years. The main effect for Survey Year was significant: $F(9, 65070) = 489.27$, $p<.001$, $\eta_p^2 = .06$. Post-hoc group comparisons indicated that the mean for 2017 was not different than for 2015, and both years were lower than for all other years.

415 To test differences across years in the number of students in school who make negative remarks about gender expression, an ANCOVA was performed, controlling for demographic and method differences across the survey years as well as the frequency of hearing these remarks. The main effect for Survey Year was significant: $F(7, 61323) = 22.47$. $p<.001$, $\eta_p^2 = .00$. Post-hoc group comparisons indicated that the mean in 2017 did not differ from 2015, was marginally lower than 2013, and significantly lower than all prior years.

416 To test differences across years in the frequency of hearing biased remarks from school staff, ANCOVAs were performed controlling for demographic and method differences with each of the two dependent variables: frequency of hearing homophobic remarks and frequency of hearing negative remarks about gender expression from school staff. Regarding homophobic remarks, the main effect for Survey Year was significant: $F(8, 65315) = 49.20$, $p<.001$, $\eta_p^2 = .01$. Post-hoc group comparisons indicated that the mean in 2017 was not significantly different from 2015, 2013, and 2005, and lower than all other years. Regarding remarks about gender expression, the main effect for Survey Year was significant: $F(7, 63041) = 69.96$, $p<.001$, $\eta_p^2 = .01$. Post-hoc group comparisons indicated that the mean in 2017 was significantly higher than all prior years.

417 Mean differences in intervention re: homophobic remarks was examined using analysis of covariance, controlling for demographic and method differences across the survey years. Regarding student intervention, the main effect for Survey Year was significant: $F(8, 65104) = 24.78$, $p<.001$, $\eta_p^2 = .00$. The mean in 2017 was significantly lower than 2015, but was greater 2013, 2011, and 2009.

For staff intervention, the main effect for Survey Year was also significant: $F(8, 53717) = 6.24$, $p<001$, $\eta_p^2 = .00$. The mean in 2015 was significantly lower than in 2013 and 2007, but not different from other years. However, the effect size for both effects was quite small.

418 Mean differences in intervention re: negative remarks about gender expression were examined using a series of analyses of covariance (ANCOVA), controlling for demographic and method differences across the survey years. Regarding student intervention, the main effect for Survey Year was significant: $F(7, 61272) = 64.41$, $p<.001$, $\eta_p^2 = .01$. The mean in 2017 was higher than 2015, 2013, 2011, and 2019, and not different from other years. For staff intervention, the main effect for Survey Year was also significant: $F(7, 47951) = 51.66$, $p<.001$, $\eta_p^2 = .01$. The mean in 2017 was significantly than 2015, not different from 2013, and lower than all other years.

419 To test differences across years in the experiences of victimization based on sexual orientation, a multivariate analysis of covariance was conducted with the three harassment/assault based on sexual orientation variables as dependent variables, controlling for demographic and method differences across years. The multivariate results were significant: Pillai's Trace = .061, $F(24, 194628) = 169.73$, $p<.001$, $\eta_p^2 = .02$. Univariate effects were considered at $p<.001$. For verbal harassment, the mean in 2017 was not different than 2015 and less than all other years. For physical harassment and assault, the means in 2017 were lower than all other years.

420 To test differences across years in the experiences of victimization based on gender expression, a multivariate analysis of covariance (MANCOVA) was conducted with the three harassment/assault based on gender expression variables as dependent variables, controlling for demographic and method differences. The multivariate results were significant: Pillai's Trace = .036, $F(24, 190014) = 95.53$, $p<.001$, $\eta_p^2 = .01$. Univariate effects were considered at $p<.001$. For verbal harassment, the mean in 2017 was greater than 2015, but lower than all other years. For physical harassment and assault, the mean in 2017 was not statistically different than 2015, but lower than all other years.

421 Mean differences in reporting victimization to school personnel was examined using an analysis of covariance (ANCOVA), controlling for demographic and method differences across the survey years. The main effect for Survey Year was significant: $F(7,46377) = 22.01$, $p<.001$, $\eta_p^2 = .00$. The mean in 2017 was not different from 2013, but greater than all other years.

422 Mean differences in the effectiveness of staff intervention re: victimization was examined using an analysis of covariance (ANCOVA), controlling for demographic and method differences across the survey years. The main effect for Survey Year was significant: $F(6, 18927) = 8.26$, $p<.001$, $\eta_p^2 = .00$. The mean in 2017 was lower than 2011, 2009, and 2005, and not statistically different from all other years.

423 Mean differences in overall experiences of discrimination were examined using an analysis of covariance (ANCOVA), controlling for demographic and method differences across the survey years. The main effect for Survey Year was significant: $F(2, 40162) = 9.39$, $p<.001$, $\eta_p^2 = .00$. The mean was higher in 2013 than in 2015 and 2017, and there were no significant differences between 2015 and 2017.

424 To test differences across years in the experiences of discrimination, a multivariate analysis of covariance (MANCOVA) was conducted with the 9 variables as dependent variables, controlling for demographic and method differences. The multivariate results were significant: Pillai's Trace = .033, $F(18, 78468) = 74.24$, $p<.001$, $\eta_p^2 = .02$. Univariate effects were considered at $p<.001$.

Public affection, LGBT topics in class assignments/projects; Forming or promoting a GSA, Identifying as LGBT: 2017, 2015 <2013, 2017<>2015;

Attending a school dance, Wearing clothing supporting LGBT issues: 2017<2015,2013; 2015<2013;

Required to use the bathroom or locker room of legal sex, Using preferred: 2017>2015,2013; 2015>2013

Prevented from wearing clothes of another gender: No differences across years.

425 To test differences across years, an analysis of covariance (ANCOVA) was conducted with the GSA variable as the dependent variable, controlling for demographic and method differences across survey years. The univariate effect for Survey Year was significant: $F(8, 65404) = 207.38$, $p<.001$, $\eta_p^2 = .03$. Post-hoc group comparisons were considered at $p<.001$. The percentage in 2017 was higher than all prior years.

20 Test differences across years in curricular resources, a multivariate analysis of covariance (MANCOVA) was conducted with four dependent variables (inclusion of LGBTQ-related topics in textbooks, internet access to LGBTQ-related information/resources through school computers, positive curricular representations of LGBTQ topics, LGBTQ-related library materials), controlling for demographic and method differences across survey years. The multivariate results were significant: Pillai's Trace = .037, $F(32, 259944) = 75.74$ $p<.001$, $\eta_p^2 = .01$. Univariate effects and subsequent post-hoc comparisons were considered at $p<.001$. Curricular representations: $F(8, 64986) = 122.02$, $p<.001$, $\eta_p^2 = .02$; 2017 not different from 2015 (marginal at $p<.01$), >all other years; Textbooks: $F(8, 64986) = 60.02$ $p<.001$, $\eta_p^2 = .01$; 2017 not different from 2015 (marginal at $p<.01$) and 2013, 2017<2013,2017>all other years; Library: $F(8, 64986) = 9.37$, $p<.001$, $\eta_p^2 = .00$; 2017<2009, 2017>2001, 2017>all other years; Internet access: $F(8, 64986) = 178.28$, $p<.001$, $\eta_p^2 = .02$; 2017>all other years.

426 To examine differences across years in being taught negative LGBTQ-related content, an ANCOVA was performed, controlling for demographic and method differences across the survey years. The main effect for Survey Year was significant, indicating mean differences across years: $F(2, 40099) = 11.49$, $p<.001$, $\eta_p^2 = .00$. Post-hoc group comparisons among years indicated 2013 was significantly lower than 2015 and 2017, and that 2015 and 2017 were not significantly different from one another ($p<.001$). Estimated marginal means were: 2013 - 15.7%; 2015 - 17.6%; 2017 - 18.2%.

427 In 2001, students were asked a question about whether there were any supportive school personnel in their school. In 2003 and beyond, we asked a Likert-type question about the number of supportive school personnel. In order to include 2001 in the analyses, we created a comparable dichotomous variable for the other survey years. To test differences across all years, an analysis of covariance (ANCOVA) was conducted with the dichotomous variable of having any supportive educators as the dependent variable, controlling for demographic and method differences across survey years. The univariate effect for Survey Year was significant: $F(8,64397) = 487.84$, $p<.001$, $\eta_p^2 = .06$. The percentage in 2017 was not different than 2015 but greater than all other years. To test differences in the number of supportive school personnel (in 2003 and beyond), we tested the mean difference on the full variable. The main effect for Survey Year was significant: $F(7,63561) = 521.72$, $p<.001$, $\eta_p^2 = .05$. The percentage in 2017 was also not higher than 2015 but greater than all prior years.

428 To test differences across years in the percentage of students reporting a school harassment/assault policy, three ANCOVAs were performed controlling for demographic and method differences with the three dependent variables: any type of policy, partially enumerated policy and comprehensive policy. Univariate effects indicated significant difference across years for each policy variable, and post-hoc comparisons by survey year were considered at $p<.001$.:

Any type of policy: $F(7\ 64573) = 529.25$, $p<.001$, $\eta_p^2 = .05$; 2017<2015, <>2013, >all other years;

Partially enumerated policy: $F(6, 63722) = 41.46$, $p<.001$, $\eta_p^2 = .01$; 2017<all but 2009, 2015<>2015,2011,2005; >2009,2007.

Comprehensive policy: $F(6, 63722) = 85.04$, $p<.001$, $\eta_p^2 = .00$; 2017>all; 2015<>2013, >all other years.

429 To test differences across years, an analysis of covariance (ANCOVA) was conducted with the student acceptance variable as the dependent variable. In order to account for differences in sampling methods across years, controlling for demographic and method differences across years. The main effect for Survey Year was significant: $F(4, 55504) = 273.88$, $p<.001$, $\eta_p^2 = .02$. Post-hoc group comparisons were considered at $p<.001$. Student acceptance was lower in 2017 than 2015, and both years were greater than all prior years.

430 A variety of strategies were used to target LGBTQ adolescents via Facebook and Instagram ads: ads were sent to 13 to 18 year-olds who indicated on their profile that they were a female seeking other females, a male seeking other males, or a male or female who was seeking both males and females; ads were also shown to 13 to 18 year-olds who used the words lesbian, gay, bisexual, transgender or queer somewhere in their profile, who indicated that they were interested in causes, events, or organizations specifically related to LGBTQ community or topics, or who were "friends" of those who followed one of the GLSEN-related Facebook/Instagram pages. Advertising was also conducted on YouTube, ads were displayed on videos of YouTube accounts with strong LGBTQ youth following (identified via internal review of accounts and recommendations from GLSEN's National Student Council). In order to be included in the final sample, respondents had to have identified as lesbian, gay, bisexual, transgender, or queer or as a sexual orientation or gender that would fall under the LGBTQ "umbrella" (e.g., pansexual, questioning, genderqueer).

431 Pooled data from the 2015 and 2017 Youth Risk Behavior Survey document ways in which high school students who identify as LGBQ differ from students who engage in same-sex behavior but do not identify as LGBQ:

Rasberry, C. N., Lowry, R., Johns, M., Robin, C., Dunville, R., Pampati, S., Dittus, P. J., & Balaji, A. (2018). Sexual risk behavior differences among sexual minority high school students – United States, 2015 and 2017. *MMWR, 67*(36), 1007–1011.

432 Internal analyses of unweighted population-based data from the CDC 2015 Youth Risk Behavior Survey (YRBS) indicated that our sample of Black/African American LGBQ students (3.7%) was lower than the YRBS sample of Black/African American LGBQ (13.4%), and our sample of Hispanic/Latinx LGBQ students (16.5%) was somewhat higher than the YRBS sample (12.5%). Although the YRBS data provides the closest estimate for NSCS data (as they are both middle/high school, national samples), there are key differences between these sample to bear in mind when considering comparisons— as noted in the text, racial/ethnic identity is captured differently by the NSCS and YRBS, and YRBS data is from 2015 whereas NSCS data is from 2017. Furthermore, the full NSCS sample includes transgender and other non-cisgender students, and there is no population-based national data of transgender/non-cisgender students with which to compare the NSCS sample.

Center for Disease Control and Prevention (CDC). *2015 Youth Risk Behavior Survey Data*. Available at: www.cdc.gov/yrbs.

433 Hispanic/Latino and Middle Eastern/Arab American categories were considered ethnicities as opposed to races, and thus students selecting either of those categories were coded as such, regardless of race (e.g., student selecting "African American" and "Latino/a" were coded as "Latino/a").

434 Musu-Gillette, L., de Brey, C., McFarland, J., Hussar, W., Sonnenberg, W., & Wilkinson-Flicker, S. (2017). *Status and Trends in the Education of Racial and Ethnic Groups 2017* (NCES 2016-051). U.S. Department of Education, National Center for Education Statistics. Washington, DC.

435 Herman, M. (2004). Forced to choose: Some determinants of racial identification in multiracial adolescents. *Child Development, 75*(3), 730–748.

Appendix 1

Anti-LGBTQ Language and Other Biased Remarks, Experiences of Victimization, Discriminatory Policies and Practices, and Availability of LGBTQ-Related School Resources and Supports by School Level		
	Middle School	**High School**
Anti-LGBTQ Language and Other Biased Remarks in School (Heard Often or Frequently)		
Anti-LGBTQ Language		
"Gay" Used in Negative Way e.g., "that's so gay"	81.0%	68.0%
"No Homo"	44.1%	38.6%
Other Homophobic Remarks	67.2%	59.3%
Negative Remarks About Gender Expression	65.2%	61.3%
Negative Remarks About Transgender People	49.2%	45.1%
Other Biased Remarks		
Racist Remarks	63.3%	55.6%
Sexist Remarks	86.6%	82.4%
Ability	81.5%	70.7%
Religion	37.2%	33.4%
Immigration Status	26.9%	25.8%
Body Size/Weight	71.3%	60.6%
Experiences of Victimization (Any Bullying/Harassment/Assault)		
Anti-LGBTQ Victimization		
Sexual Orientation	81.7%	68.7%
Gender Expression	69.9%	58.6%
Gender	63.6%	53.3%
Other Bias-Related Victimization		
Race/Ethnicity	32.7%	24.2%
Disability	30.4%	24.1%
Religion	33.9%	24.3%
Discriminatory School Policies and Practices		
Any LGBTQ-Related Discrimination	73.7%	58.6%
School Resources and Supports		
GSAs		
Presence of GSAs	20.7%	66.2%
Curricular Inclusion		
Positive LGBTQ Curricular Inclusion	14.8%	21.2%
Negative LGBTQ Curricular Inclusion	16.4%	17.8%
Positive LGBTQ Inclusion in Sex Education	5.6%	7.1%
Curricular Resources		
LGBTQ Website Access	32.4%	54.3%
LGBTQ Library Resources	32.6%	44.6%
LGBTQ Inclusion in Textbooks or Other Assigned Readings	9.8%	22.0%
Supportive Educators		
Many (11 or More Supportive Staff)	25.4%	44.0%
Supportive Administration (Somewhat or Very Supportive)	31.3%	43.2%
Safe Space Stickers/Posters	30.9%	60.8%
Inclusive and Supportive Policies		
Comprehensive Anti-Bullying/Harassment Policy	8.6%	14.0%
Transgender/Gender Nonconforming Student Policy	6.2%	11.9%

Appendix 2

Anti-LGBTQ Language and Other Biased Remarks, Experiences of Victimization, Discriminatory Policies and Practices, and Availability of LGBTQ-Related School Resources and Supports by School Type

		Public*		Private	Religious
	All Public	Regular Public	Charter		
Anti-LGBTQ Language and Other Biased Remarks in School (Heard Often or Frequently)					
Anti-LGBTQ Language					
"Gay" Used in Negative Way e.g., "that's so gay"	71.7%	71.8%	68.9%	48.3%	65.8%
"No Homo"	40.1%	39.9%	44.5%	31.6%	39.6%
Other Homophobic Remarks	62.0%	62.1%	58.1%	40.1%	51.6%
Negative Remarks About Gender Expression	62.4%	62.6%	57.6%	57.8%	67.9%
Negative Remarks About Transgender People	46.7%	46.7%	45.5%	33.6%	42.2%
Other Biased Remarks					
Racist Remarks	58.0%	58.1%	56.5%	37.5%	41.8%
Sexist Remarks	83.8%	84.0%	80.6%	67.8%	74.8%
Ability	73.9%	74.0%	71.7%	58.9%	66.7%
Religion	34.7%	34.7%	34.5%	26.7%	28.8%
Immigration Status	26.5%	26.5%	26.9%	17.6%	22.4%
Body Size/Weight	63.9%	64.0%	62.3%	47.0%	51.8%
Experiences of Victimization (Any Bullying/ Harassment/ Assault)					
Anti-LGBTQ Victimization					
Sexual Orientation	72.1%	72.0%	72.8%	60.2%	67.9%
Gender Expression	61.5%	61.4%	64.4%	57.6%	55.8%
Gender	56.2%	56.0%	59.2%	52.5%	42.5%
Other Bias-Related Victimization					
Race/Ethnicity	25.7%	25.5%	29.8%	26.3%	20.7%
Disability	25.8%	25.7%	26.2%	27.9%	23.7%
Religion	27.3%	27.1%	30.0%	26.0%	27.5%
Discriminatory School Policies and Practices					
Any LGBTQ-Related Discrimination	61.8%	61.8%	63.6%	57.4%	78.4%
School Resources and Supports					
GSAs					
Presence of GSAs	55.1%	55.5%	45.7%	51.9%	18.0%
Curricular Inclusion					
Positive LGBTQ Curricular Inclusion	19.1%	19.0%	22.1%	35.3%	15.9%
Negative LGBTQ Curricular Inclusion	17.2%	17.2%	17.6%	15.6%	56.4%
Positive LGBTQ Inclusion in Sex Education	6.4%	6.4%	7.3%	14.1%	3.0%
Curricular Resources					
LGBTQ Website Access	49.4%	49.4%	48.9%	63.8%	40.5%
LGBTQ Library Resources	42.1%	42.6%	31.9%	36.6%	24.8%
LGBTQ Inclusion in Textbooks or Other Assigned Readings	18.7%	18.7%	19.1%	27.2%	26.3%
Supportive Educators					
Many (11 or More Supportive Staff)	39.1%	39.3%	34.5%	48.1%	19.1%
Supportive Administration (Somewhat or Very Supportive)	39.7%	39.8%	38.7%	54.7%	18.5%
Safe Space Stickers/Posters	53.1%	53.4%	46.7%	56.8%	21.7%
Inclusive and Supportive Policies					
Comprehensive Anti-Bullying/Harassment Policy	12.7%	12.7%	12.1%	16.5%	4.4%
Transgender/Gender Nonconforming Student Policy	10.5%	10.5%	11.1%	16.1%	2.6%

Note: *Analyses were conducted on all public schools. Within public schools, analyses were also conducted on regular (non-charter) and charter schools.

Appendix 3

Anti-LGBTQ Language and Other Biased Remarks, Experiences of Victimization, Discriminatory Policies and Practices, and Availability of LGBTQ-Related School Resources and Supports by Locale

	Urban	Suburban	Rural/ Small Town
Anti-LGBTQ Language and Other Biased Remarks in School (Heard Often or Frequently)			
Anti-LGBTQ Language			
"Gay" Used in Negative Way e.g., "that's so gay"	65.8%	66.8%	77.5%
"No Homo"	39.9%	37.8%	41.7%
Other Homophobic Remarks	56.5%	55.8%	69.3%
Negative Remarks About Gender Expression	59.9%	60.2%	67.2%
Negative Remarks About Transgender People	41.0%	42.9%	52.9%
Other Biased Remarks			
Racist Remarks	52.6%	52.3%	64.2%
Sexist Remarks	80.6%	80.6%	86.6%
Ability	68.4%	71.0%	78.4%
Religion	31.0%	31.9%	39.0%
Immigration Status	23.6%	22.9%	31.3%
Body Size/Weight	59.3%	57.7%	71.2%
Experiences of Victimization (Any Bullying/Harassment/Assault)			
Anti-LGBTQ Victimization			
Sexual Orientation	69.9%	67.7%	76.8%
Gender Expression	61.4%	58.1%	64.5%
Gender	55.9%	52.9%	57.8%
Other Bias-Related Victimization			
Race/Ethnicity	31.0%	24.2%	23.1%
Disability	26.3%	24.3%	27.0%
Religion	25.3%	24.1%	32.3%
Discriminatory Policies and Practices			
Any LGBTQ-Related Discrimination	61.0%	57.9%	68.7%
School Resources and Supports			
GSAs			
Presence of GSAs	58.1%	63.9%	36.0%
Curricular Inclusion			
Positive LGBTQ Curricular Inclusion	25.1%	21.6%	14.2%
Negative LGBTQ Curricular Inclusion	17.7%	17.0%	21.5%
Positive LGBTQ Inclusion in Sex Education	9.0%	7.0%	4.8%
Curricular Resources			
LGBTQ Website Access	51.3%	52.6%	45.5%
LGBTQ Library Resources	40.1%	43.8%	38.5%
LGBTQ Inclusion in Textbooks or Other Assigned Readings	20.3%	21.8%	16.1%
Supportive Educators			
Many (11 or More Supportive Staff)	43.4%	46.3%	25.6%
Supportive Administration (Somewhat or Very Supportive)	44.6%	44.2%	30.3%
Safe Space Stickers/Posters	57.0%	61.1%	36.5%
Inclusive and Supportive Policies			
Comprehensive Anti-Bullying/Harassment Policy	14.6%	14.3%	8.8%
Transgender/Gender Nonconforming Student Policy	14.0%	11.7%	6.4%

Appendix 4

Anti-LGBTQ Language and Other Biased Remarks, Experiences of Victimization, Discriminatory Policies and Practices, and Availability of LGBTQ-Related School Resources and Supports by Region

	South	Midwest	West	Northeast
Anti-LGBTQ Language and Other Biased Remarks in School (Heard Often or Frequently)				
Anti-LGBTQ Language				
"Gay" Used in Negative Way e.g., "that's so gay"	76.7%	70.5%	65.1%	64.7%
"No Homo"	45.1%	37.9%	37.9%	34.3%
Other Homophobic Remarks	66.1%	60.6%	54.0%	57.4%
Negative Remarks About Gender Expression	65.7%	63.0%	59.8%	58.3%
Negative Remarks About Transgender People	51.7%	46.7%	40.4%	41.5%
Other Biased Remarks				
Racist Remarks	62.7%	56.2%	51.2%	51.3%
Sexist Remarks	86.6%	83.7%	78.0%	79.7%
Ability	76.0%	73.4%	68.8%	71.2%
Religion	40.4%	32.2%	30.8%	28.5%
Immigration Status	32.6%	24.3%	21.9%	20.7%
Body Size/Weight	68.5%	64.2%	54.7%	59.4%
Experiences of Victimization (Any Bullying/Harassment/Assault)				
Anti-LGBTQ Victimization				
Sexual Orientation	76.3%	73.1%	67.4%	64.3%
Gender Expression	64.3%	62.0%	58.4%	57.0%
Gender	57.3%	56.0%	55.1%	51.4%
Other Bias-Related Victimization				
Race/Ethnicity	28.2%	21.1%	30.1%	20.4%
Disability	26.4%	25.5%	25.8%	24.9%
Religion	33.3%	27.0%	24.3%	19.3%
Discriminatory Policies and Practices				
Any LGBTQ-Related Discrimination	71.0%	62.9%	55.9%	53.2%
School Resources and Supports				
GSAs				
Presence of GSAs	37.6%	53.3%	65.0%	69.5%
Curricular Inclusion				
Positive LGBTQ Curricular Inclusion	12.8%	18.5%	25.0%	26.9%
Negative LGBTQ Curricular Inclusion	21.9%	18.5%	17.0%	14.1%
Positive LGBTQ Inclusion in Sex Education	1.9%	5.5%	10.6%	11.9%
Curricular Resources				
LGBTQ Website Access	39.7%	55.1%	50.1%	62.6%
LGBTQ Library Resources	35.4%	44.7%	40.3%	49.5%
LGBTQ Inclusion in Textbooks or Other Assigned Readings	16.0%	20.8%	21.2%	22.3%
Supportive Educators				
Many (11 or More Supportive Staff)	26.6%	39.5%	43.9%	54.4%
Supportive Administration (Somewhat or Very Supportive	25.3%	41.1%	47.0%	56.1%
Safe Space Stickers/Posters	34.0%	54.1%	62.3%	70.5%
Inclusive and Supportive Policies				
Comprehensive Anti-Bullying/Harassment Policy	5.7%	11.1%	17.4%	21.2%
Transgender/Gender Nonconforming Student Policy	4.3%	9.5%	15.1%	17.6%

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110 William Street, 30th Floor
New York, NY 10038
www.glsen.org