

Lesbian, Gay, Bisexual, and Transgender (LGBT) Students in Schools

Livinora Pizzino and Lori Borg

Purple Peacocks

EDP 7400

Winter 2008

## *Introduction to LGBT Rights-Related Federal and State Legislation*

Recently in the United States, the issue of same-sex marriage has been thrust into the national spotlight by advocacy groups, politicians, and the media. It is an issue that divides people in this country, with strong opinions and heated debates on both sides. At its core, this is an issue of human rights. Many nations around the world have passed laws that affirm the rights of lesbian, gay, bi-sexual, and transgender (LGBT) people and set forth legislation that prohibits discrimination on the basis on sexual orientation and gender identity. In 1996, post-apartheid South Africa became the first country to provide protections against discrimination based on sexual orientation in its constitution, which led to sweeping legal decisions affirming gay and lesbian equality and the advancement of same-sex partners' rights (Human Rights Watch, 2007). For almost ten years, the United Nations has held that sexual orientation is a status protected from discrimination, and Europe's regional human rights court overturned sodomy laws more than twenty years before the United States did so; the regional human rights court in Europe has also recognized gay and lesbian partnerships (Human Rights Watch, 2007).

Here in the United States, laws criminalizing consensual homosexual conduct ("sodomy laws") were upheld by the Supreme Court in 1986 in the case of *Bowers v Hardwick* (Human Rights Watch, 2007). Ten years later, in 1996, the U.S. Supreme Court ruled that a Colorado law prohibiting action to protect gays and lesbians from discrimination violated the Equal Protection Clause of the United States Constitution in the case of *Romer v Evans*; this decision moved towards overturning *Bowers v Hardwick*, but it wasn't until 2003, in the case of *Lawrence and Garner v Texas*, that the Supreme Court found that laws criminalizing consensual homosexual conduct violated privacy protections and the U.S. Constitution (Human Rights Watch, 2007). Also in 2003, in the state of Massachusetts, the highest court there found that

denying marriage licenses to same-sex couples violated equality protections in the state constitution in the case of *Goodridge et. al. v Department of Public Health*, making it the only U.S. state where gays and lesbians have the right to marry (Human Rights Watch, 2007).

Other U.S. states recognize same-sex relationships in the form of civil unions, domestic partnerships, and as reciprocal beneficiaries; those states include California, Connecticut, Hawaii, Maine, New Hampshire, New Jersey, Vermont, Washington, and Washington, D.C. (Lambda Legal, 2008). Michigan and many other states do not have statewide laws prohibiting discrimination based on sexual orientation or gender identity, although Michigan does have statutes that prohibit discrimination based on sexual orientation for employment in healthcare facilities and for state government employees (Lambda Legal, 2008).

#### *Legal Protections Against Discrimination in the Schools*

According to the State of the States Report by the Gay, Lesbian, and Straight Education Network (GLSEN, 2004), there are approximately 47.7 million elementary and secondary school students in the United States. According to this report, only 12.1 million of those students have statewide legal protections from harassment and/or discrimination in school based on their sexual orientation and only 8.4 million of those students students have statewide legal protections based on their gender identity/expression. Thus, 75% of students in the United States have no state laws to protect them from harassment and discrimination based on their sexual orientation and 82% of students have no state laws to protect them from harassment and discrimination based on their gender identity/expression. GLSEN believes that these statistics “illustrate the lack of a national commitment to creating a safe learning environment for all students and reveal that transgender students, who are often the most likely targets of harassment, are ironically the least likely to be protected” (GLSEN, 2004).

As of 2004, only eight U.S. states and Washington D.C. had statewide legal protections against discrimination for students; California, Minnesota and New Jersey have protections for sexual orientation *and* gender identity, while Connecticut, Massachusetts, Vermont, Washington, and Wisconsin have protections for sexual orientation only (GLSEN, 2004). In contrast, at least seven states have prohibitions on the positive portrayal of homosexuality in schools; for example, Oklahoma law requires that AIDS prevention education must specifically teach students that, among other things, engaging in homosexual activity is primarily responsible for contact with the AIDS virus (GLSEN, 2004). At least eight states require the promotion of monogamous heterosexual marriage, often exclusive of any other relationship; these laws and policies are stigmatizing and create a hostile and dangerous climate for all students, but particularly for gay, lesbian, bi-sexual, and transgender students (GLSEN, 2004).

In the State of the States Report by GLSEN, criteria was established in order to “grade” each state as to their educational policies related to the rights and protections of LGBT students and/or staff. They awarded or subtracted points according to the state’s commitment to provide adequate resources to its schools, the existence of safe schools laws inclusive of sexual orientation and/or gender identity, a state non-discrimination law inclusive of sexual orientation and/or gender identity, the status of sexuality education, the existence of local safe schools policies, and the existence of statewide laws that stigmatize LGBT people. Out of our 50 states, 42 of them received a grade of ‘F’, including Michigan.

#### *School Climate for Lesbian, Gay, Bi-sexual, and Transsexual (LGBT) Students*

Findings from the 2005 National School Climate Survey of LGBT secondary students, conducted by GLSEN, indicate that Michigan schools are not safe for many LGBT students (Kosciw and Diaz, 2006). The study consisted of a school climate survey submitted by a total of

1,732 lesbian, gay, bi-sexual, and transgender students between the ages of 13 and 20 from all fifty states and the District of Columbia. This research has uncovered some important findings. For the purposes of this report, the major findings in Michigan schools are discussed as reported in the GLSEN's Research Brief (GLSEN, 2006). First, the survey revealed that the use of biased and derogatory language was a considerable problem. Ninety-nine percent of students surveyed reported hearing high frequencies of homophobic remarks at school. Furthermore, a significant percentage of Michigan students heard biased remarks from school staff; 35% of students heard teachers make sexist remarks, and 22% heard teachers make homophobic remarks.

Second, most LGBT students did not feel safe in Michigan schools. In fact, 72% of students reported that they felt unsafe in school. Many students reported experiencing verbal and physical harassment in school. Two out of three LGBT students had been verbally harassed at least sometimes in school because they were gay, lesbian, or bisexual, and 48% of students had been verbally harassed because of how they expressed their gender. Similar results were found for physical harassment, with 35% of LGBT students reporting that they had been physically harassed because of their sexual orientation and 16% had been assaulted for this reason. More than half (56%) of all student who experienced harassment or assault at school never reported the incident to school staff, a parent or guardian (55%), or another family member (63%). Among those who did report incidents to school authorities, only 40% stated that reporting the harassment or assault resulted in effective intervention by school staff.

The third major finding is particularly important: negative school climate for LGBT students in Michigan was related to poorer academic outcomes. More than a third of LGBT students had skipped at least one class or at least one entire day of school because they felt unsafe; these figures are significantly higher than the general population of Michigan students.

Less than one-tenth of the general population reported missing a class or an entire day of school because they felt unsafe (GLSEN, 2005). Michigan students were three times more likely to skip school if they reported high levels of verbal harassment, and those who experienced high levels of verbal harassment in school because of their sexual orientation reported lower grade point averages than other students (2.98 vs. 3.51).

Fourth, the majority of LGBT students in Michigan lacked access to LGBT-related resources and support in their schools, which may mitigate the negative effect of harassment on achievement (GLSEN, 2006). Students who had a comprehensive safe schools policy were more likely to feel like a part of their school. Students who expressed a high degree of school belonging had higher grade point averages than their peers (3.34 vs. 2.97). Thus, the presence of comprehensive safe schools policies may have a positive impact on LGBT students' sense of belonging, which in turn may affect their ability to succeed in school. Less than 40% of students reported that their school had a Gay-Straight Alliance (GSA) or other type of student club that addressed the issues of LGBT students. Students at schools with a GSA were more likely to report incidents of victimization to school staff than students without a GSA, and these students were more than twice as likely to report that school staff effectively solved the problem. Ninety-two percent of LGBT students reported that they knew of at least one teacher or other staff person who was supportive of LGBT students at their school; it was found that having a supportive adult at school can offset the negative implications of hostile school climate for LGBT students in Michigan. A student who is frequently harassed but reported at least one supportive adult reported higher grades than students with no supportive teachers or staff. Finally, only 12% of students surveyed were taught about LGBT people, history, or events in any

of their classes. Among those who were taught about LGBT-related issues, only 43% reported that the representations were very positive.

In Michigan and many other states, LGBT students experience bullying and harassment, lack access to important school resources, such as Gay-Straight Alliances, and are not protected by comprehensive safe schools policies. Biased and derogatory language is common from other students and from teacher and staff as well. Two-thirds of LGBT students feel unsafe at school, a figure that is a sad indicator of the overall climate in our schools. Incidents of assault and harassment often went unreported or ignored altogether. The negative school climate characterized by all of these elements appears to hinder the academic performance of the affected LGBT students, among a variety of other negative outcomes.

#### *LGBT Youth & School Adjustment, Mental Health, and Risk/Protective Factors*

Murdock and Bolch (2005) studied how school climate and social support from family and friends related to school adjustment of LGB high school students. They evaluated school adjustment according to perceived belongingness, rates of disruptive behavior, and academic achievement, while school climate was considered to be the extent with which LGB youth felt included or excluded from mainstream academic activities, peer victimization, and social support from teachers. Descriptive analyses of data indicated that 14 of the 101 youth sampled (14%) reported well above average levels of victimization in combination with very low levels of social support from parents, peers, and teachers. These students were labeled as “Highly Vulnerable.” Low grade point average, high rates of externalizing behaviors, and a lack of belongingness were variables common among these youth. However, the majority of LGB youth in the study were characterized by researchers as being “OK,” that is their school environment in combination with

levels of reported social support were not indicative of poor academic adjustment (Murdock & Bolch, 2005).

Results of this study validated the predictive utility of school climate on school adjustment of LGB youth. However, consistent with the majority of literature, outcome could not be attributed to one single factor in particular (i.e. victimization or social support), rather it was necessary to observe the cumulative and combined effects of multiple variables on academic adjustment (Mudock & Bolch, 2005). Researchers found that those students with the lowest academic achievement were more likely to come from an unsupportive school environment where they also experienced high rates of victimization. Adequate social support from friends and family did not serve to buffer the negative effects on academic adjustment when school atmosphere was less than optimal. However, a positive correlation was demonstrated between teacher support and youth's overall sense of belongingness, regardless of school climate (not including victimization). Thus, results of this study are encouraging and suggest teachers may be able to counter the effects of poor school atmospheres and promote a feeling of belongingness among LGB students (Murdock & Bolch, 2005).

A sense of belongingness has been described as an innate psychological need to "fit in" and feel included (D'Augelli et al., 2005). As one progresses through childhood and into adolescence, the pressure to take on and embrace gender typical roles increases considerably. According to D'Augelli and colleagues (2005), society is far less accepting of males exhibiting feminine behaviors than of females exhibiting masculine behaviors, thus possibly making the transition into adolescence for gay or bi-sexual males particularly difficult. Parents themselves have also been shown to respond differently to their child depending on the degree of gender inconsistent behavior exhibited. D'Augelli and others (2005) demonstrated that those who were

more “open” about their sexuality with family members also demonstrated more “gender atypical” behaviors and were more likely to attempt suicide. It is not uncommon for youth to fear harsh judgment or rejection by their family members and as a result, they are far more likely to report elevated symptoms of psychological distress (D’Augelli, 2002).

### *Psychological Distress among LGBT Youth*

D’Augelli (2002) studied correlates of psychological distress among LGBT youth and found, in general, higher rates of distress in comparison to heterosexual youth, as demonstrated by the following scale elevations on the Brief Symptom Inventory (BSI): Somatization, Obsessive-Compulsiveness, Interpersonal Sensitivity, Depression, and Psychoticism. Common among LGBT youth is a fear that sexual orientation disclosure will result in a loss of friends. In fact, more than one third of participants sampled reported experiencing abandonment by their friends due to sexual identity disclosures. These same individuals were also more likely to have elevated BSI scores and to report prior suicide attempts. While disclosing one’s sexual identity to friends can result in the loss of friendships, the experience can also impact one’s overall reputation and open the door to peer stigmatization and victimization through the spread of rumors. A reciprocal effect, or a “double risk,” occurs when disclosure to friend’s results in decreased social support accompanied by increased victimization (D’Augelli, 2002).

While in general, LGB youth are more likely to be victims of physical or verbal assaults on the basis of their sexuality (Bontempo & D’Augelli, 2002), the relationship between peer victimization and psychological distress among LGBT youth is somewhat unclear and may be better understood in the context of other variables. Hershberger & D’Augelli (1995) assessed for potential mediating and moderating variables and found when family support and self acceptance were controlled for, victimization had less effect on mental health and suicide. While neither

variable itself directly related to suicide, a positive correlation was demonstrated between peer victimization and family support, such that as reports of peer victimization increased so did family support. To explain this relationship, researchers hypothesized that victimization toward youth may elicit support from family members, and thereby strengthen the bond between parent and child, serving to “buffer” the negative effects of victimization on the youths mental health.

### *Making Schools a Safer Place for LGB Students*

In 1992, Massachusetts Governor, William F. Weld, addressed system-wide change promoting healthy development of LGB youth by putting into order the Governor’s Commission on Gay and Lesbian Youth (Massachusetts Department of Education, 1995). In 1993 he issued a report to enhance and protect the safety of LGB students by making the following recommendations:

1.) School-wide policies should be implemented to protect LGB youth from the harmful effects of victimization and exclusion. In doing so policies should use explicit language addressing discrimination prohibitions and equal educational rights of LGB youth.

Existing “anti-harassment” policies should be modified to overtly prohibit “violence, harassment, and verbal abuse directed against gay and lesbian students and those perceived to be gay or lesbian.” If schools took the initiative to implement such policies addressing the inequalities towards LGB youth, it is likely that the school climate could be enhanced and LGB youth could feel safer.

2.) School staff members should be offered opportunities to gain insight about appropriate ways for dealing with instances of policy violations and unjust behavior directed towards LGB youth. Ideally, staff should understand and appreciate the rationale for such policies

and they should be motivated to implement them to protect and promote a healthy and safe environment for LGB youth.

3.) Schools should encourage students to form support groups addressing issues and concerns faced by lesbian, gay, bisexual, and heterosexual students. To promote a safe school environment for all, group membership should be open to all students and faculty, regardless of their sexuality.

4.) Support services should be made available for LGB students and their families, such as counseling services, support groups, and community agencies.

#### *Implications for Mental Health Professionals*

When working with LGBT youth, mental health professionals should assess and evaluate for the presence of both risk and protective factors. They should be sensitive to the fears and potential consequences associated with the disclosure of youth's sexual identity to both family members and peers, as it is not uncommon for LGBT youth to avoid being open about their sexual orientation. In fact, during adolescent and teen years, youth themselves may experience uncertainty regarding their sexual preference and researchers suggest that at times, LGBT youth may alternate between bi-sexual and gay or bi-sexual and lesbian tendencies (D'Augelli, 2002). It is important to note that increased school absences, declining academic performance, and social withdraw are commonly associated with psychological distress among LGBT youth and should be taken seriously. As research has demonstrated, the ways in which family members respond to their child's sexual orientation may greatly impact youth's mental health functioning. Thus, whenever possible, mental health professionals should seek to incorporate the youth's family into treatment by providing parents with educational, counseling, and support services (D'Augelli, 2002). Ideally, to promote healthy psychological development of LGBT

adolescents, one should consider a multi-systemic approach targeting the peer, family, school, and community.

## References

- Bontempo, D. E., & D'Augelli, A. R. (2002). Effects of at-school victimization and sexual orientation on lesbian, gay, or bisexual youths' health risk behavior. *Journal of Adolescent Health, 30*, 364-374.
- D'Augelli, A. R. (2002). Mental health problems among lesbian, gay, and bisexual youths ages 14 to 21. *Clinical Child Psychology and Psychiatry, 7*, 433-456.
- D'Augelli, A. R., Grossman, A. H., Salter, N. P, Vasey, J. J., Starks, M. T., & Sinclair, K. O. (2005). Predicting the suicide attempts of lesbian, gay, and bisexual youth. *Suicide and Life-Threatening Behavior, 35*, 646-660.
- Gay, Lesbian, and Straight Education Network (GLSEN) (2005). *From teasing to torment: A report on school climate in Michigan*. New York: GLSEN.
- Gay, Lesbian, and Straight Education Network (GLSEN) (2006). *Research brief – Inside Michigan schools: The experiences of LGBT students*. New York: GLSEN.
- Gay, Lesbian, and Straight Education Network (GLSEN) (2004). *State of the States 2004: A policy analysis of gay, lesbian, bisexual, and transgender (LGBT) safer schools issues*. New York: GLSEN.
- Hershberger, S. L., & D'Augelli, R. A. (1995). The impact of victimization on the mental health and suicidality of lesbian, gay, and bisexual youths. *Developmental Psychology, 31*, 65-74.
- Human Rights Watch (2007a). *LGBT Rights and the Law*. Retrieved March 3, 2008 from <http://hrw.org/english/docs/2007/07/11/global16374.htm>
- Human Rights Watch (2007b). *Pictures of Pride: LGBT Celebrations Around the World*. Retrieved March 3, 2008 from <http://hrw.org/photos/2007/lgbt0707/index.html>
- Kosciw, J.G., & Diaz, E.M. (2006). *The 2005 national school climate survey: The experiences of lesbian, gay, bisexual, and transgender youth in our nation's schools*. New York: GLSEN.
- Lambda Legal (2008). *In Your State*. Retrieved March 4<sup>th</sup>, 2008 from <http://www.lambdalegal.org/our-work/states/>
- 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 Schools, 42*, 159 – 172.

Massachusetts Department of Education. (1995). *Gay/Straight Alliances: A Student Guide. Recommendations on the Support and Safety of Gay and Lesbian Students*. Retrieved February 25<sup>th</sup>, 2008 from <http://www.doe.mass.edu/cnp/GSA/safegl.html>.