



HUMAN
RIGHTS
CAMPAIGN®

March 14, 2014

Dear Representative:

On behalf of the Human Rights Campaign, the nation's largest lesbian, gay, bisexual and transgender (LGBT) civil rights organization, and its more than 1.5 million members and supporters nationwide, I urge you to co-sponsor the Student Non-Discrimination Act (SNDA), H.R. 1652, and to support its inclusion in the reauthorization of the Elementary and Secondary Education Act (ESEA).

Students who are LGBT or perceived to be LGBT are subject to well-documented, pervasive discrimination, including harassment, bullying, intimidation and violence. These students are deprived of equal educational opportunities in schools across our nation. According to a recent survey, 51 percent of LGBT students reported being verbally harassed at school, 48 percent say they are often excluded by their peers and 17 percent report being physically attacked because they are different. Issues of discrimination, harassment and bullying are devastating for students and our nation. Numerous social science studies demonstrate that discrimination at school has contributed to high rates of absenteeism, dropout, adverse health consequences and academic under-achievement among LGBT youth. When left unchecked, such discrimination can lead to – and has led to – dangerous situations for youth.

Federal statutory protections address discrimination on the basis of race, color, national origin, sex and disability. Unfortunately, federal civil rights laws do not expressly protect students from discrimination on the basis of actual or perceived sexual orientation or gender identity. Decades of civil rights history show that civil rights laws are effective in decreasing discrimination against specific vulnerable groups. It is time that we extend these laws to protect our LGBT youth.

The SNDA prohibits public schools from discriminating against any student on the basis of actual or perceived sexual orientation or gender identity. It allows an aggrieved individual to assert a violation of these prohibitions in a judicial proceeding. In addition, it allows federal authorities to address discrimination made unlawful by the bill. The SNDA is modeled after Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681-1688), which prohibits discrimination on the basis of sex and provides legal recourse to redress such discrimination.

No administrator, teacher or school staff would be able to turn a blind eye when a student is being bullied or harassed because of his or her actual or perceived sexual orientation or gender identity. The SNDA makes school districts responsible for preparing staff to deal with bullying and harassment of LGBT youth or those perceived to be LGBT.

We urge you to support and co-sponsor the SNDA. For more information, please contact me at (202) 216-1515 or Allison.Herwitt@hrc.org, David Stacy, Government Affairs Director, at (202) 572-8959 or David.Stacy@hrc.org or Jennifer Pike, Public Policy Advocate, at (202) 772-3882 or Jennifer.Pike@hrc.org.

Sincerely,

A handwritten signature in black ink that reads "Allison Herwitt". The signature is written in a cursive, flowing style.

Allison Herwitt
Vice President for Government Affairs



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March 14, 2014

Dear Senator:

On behalf of the Human Rights Campaign, the nation's largest lesbian, gay, bisexual and transgender (LGBT) civil rights organization, and its more than 1.5 million members and supporters nationwide, I urge you to co-sponsor the Student Non-Discrimination Act (SNDA), S.1088, and to support its inclusion in the reauthorization of the Elementary and Secondary Education Act (ESEA).

Students who are LGBT or perceived to be LGBT are subject to well-documented, pervasive discrimination, including harassment, bullying, intimidation and violence. These students are deprived of equal educational opportunities in schools across our nation. According to a recent survey, 51 percent of LGBT students reported being verbally harassed at school, 48 percent say they are often excluded by their peers and 17 percent report being physically attacked because they are different. Issues of discrimination, harassment and bullying are devastating for students and our nation. Numerous social science studies demonstrate that discrimination at school has contributed to high rates of absenteeism, dropout, adverse health consequences and academic under-achievement among LGBT youth. When left unchecked, such discrimination can lead to – and has led to – dangerous situations for youth.

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Dear Representative:

On behalf of the Human Rights Campaign, the nation's largest lesbian, gay, bisexual and transgender (LGBT) civil rights organization, and its more than 1.5 million members and supporters nationwide, I urge you to co-sponsor the Safe Schools Improvement Act (SSIA), H.R. 1199, and to support its inclusion in the reauthorization of the Elementary and Secondary Education (ESEA).

Bullying and harassment of LGBT students, as well as students perceived to be LGBT, is widespread. When left unchecked, such bullying and harassment can and has led to dangerous situations for youth. While current federal law provides important support to promote school safety, it does not comprehensively and expressly focus on bullying or harassment and in no way addresses the unique challenges faced by LGBT youth.

The SSIA would amend the Elementary and Secondary Education Act (ESEA) to require school districts in states that receive ESEA funds to adopt codes of conduct specifically prohibiting bullying and harassment, including on the basis of race, color, national origin, sex, disability, sexual orientation, gender identity and religion. The bill would also require schools to collect data on incidences and responses, and require the Department of Education to report these findings to Congress every two years, ensuring that schools are held accountable for their actions.

The best way to improve schools and educational outcomes for all students is to create safe learning environments. While non-LGBT youth identified classes/exams/grades (25 percent), college/career (14 percent) and financial pressures (11 percent) as the top three problems they face, LGBT youth identified family rejection (26 percent), school bullying problems (21 percent) and fear of being out or open (18 percent) as top issues. It is our responsibility to ensure that all of our children, including LGBT students, experience safe and intellectually stimulating environments fostered by school districts across the country. We urge you to support and co-sponsor the SSIA.

For more information, please contact me at (202) 216-1515 or Allison.Herwitt@hrc.org, David Stacy, Government Affairs Director, at (202) 572-8959 or David.Stacy@hrc.org or Jennifer Pike, Public Policy Advocate, at (202) 772-3882 or Jennifer.Pike@hrc.org.

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On behalf of the Human Rights Campaign, the nation's largest lesbian, gay, bisexual and transgender (LGBT) civil rights organization, and its more than 1.5 million members and supporters nationwide, I urge you to co-sponsor the Safe Schools Improvement Act (SSIA), S.403, and to support its inclusion in the reauthorization of the Elementary and Secondary Education (ESEA).

Bullying and harassment of LGBT students, as well as students perceived to be LGBT, is widespread. When left unchecked, such bullying and harassment can and has led to dangerous situations for youth. While current federal law provides important support to promote school safety, it does not comprehensively and expressly focus on bullying or harassment and in no way addresses the unique challenges faced by LGBT youth.

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Sincerely,

Allison Herwitt

Vice President for Government Affairs



March 18, 2014

Dear Representative:

RE: ACLU Urges Support and Co-Sponsorship of the Student Non-Discrimination Act (H.R. 1652)

On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with more than a half million members, countless additional activists and supporters, and fifty-three affiliates nationwide, we write to urge you to support and cosponsor the Student Non-Discrimination Act (H.R. 1652). This legislation, which was introduced by Representative Jared Polis (D-CO), would provide lesbian, gay, bisexual, and transgender (“LGBT”) students with long overdue and much needed explicit federal protections by establishing a comprehensive prohibition against discrimination and harassment in all public elementary and secondary schools across the country based on a student’s actual or perceived sexual orientation or gender identity.

There is a clear and compelling need for this legislation. Discrimination, harassment, and even physical abuse, are often part of LGBT students’ daily lives at school. A nationwide 2011 survey of more than 8,500 students between the ages of 13-20 found that eight out of ten LGBT students reported experiencing harassment at their school within the past year based on their sexual orientation.¹ Six in ten LGBT students reported feeling unsafe at school because of their sexual orientation.² Transgender students experienced more hostile climates than their non-transgender peers, with eight in ten reporting feeling unsafe at school because of their gender expression.³ The effect of a hostile school climate on LGBT students has a direct and negative impact on the student’s education. Nearly a third of LGBT students reported skipping at least once, and three in ten reported missing at least one entire day of school in the past month because of safety concerns.⁴

These sobering statistics are representative of intakes the ACLU’s LGBT Project receives, including the following:

- California

¹ Joseph G. Kosciw *et al.*, GLSEN, The 2011 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, and Transgender Youth in Our Nation’s Schools (2012), available at <http://glsen.org/nscls>.

² *Id.*

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ROBERT REMAR
TREASURER

A gay junior high student in Grass Valley was attacked at lunch by another boy because rumors were circulating that the gay student had a crush on the attacker. The other boy knocked the gay student down and shoved his face hard against the cement floor. The student reported that school administrators seemed more concerned about the rumors than about the physical assault.

- Indiana

A 16-year-old gay student in Jasper reported that one of his teachers muttered “faggot” under his breath every time the boy passed him in the hallway between classes. The student was too afraid of the teacher to report it to administrators.

A gay, Latino 10th grader in South Bend who had been harassed repeatedly and mercilessly by classmates reported that a school custodian, who was standing next to a security officer at the time, told the student that he had no reason to complain because, “Back home, you’d be killed for that.” In another incident, the boy was called to the assistant principal’s office because of a minor disagreement with another student, and the assistant principal instead focused on trying to get the student to tell him inappropriately intimate details about his personal life, saying, “We all have a dark side.”

- Texas

A gay high school junior in Magnolia was physically attacked by a girl at lunch who repeatedly and loudly called him a “faggot” throughout the assault. The boy did not want to hit her back, so he kept backing away, but she pursued him all the way out of the cafeteria, into the hallway, and some distance down the hallway, shouting and slapping him repeatedly the whole way. Finally, a teacher pulled the girl off him. When he complained to administrators, they told him there was “no way of proving” what he said had happened, and that they could not act on one student’s word against another’s in spite of the fact that the assault went on for several minutes in front of dozens of witnesses and multiple security cameras.

When students began spreading a rumor that a 14-year-old girl in Queen City was a lesbian, two teachers confronted the girl, asking her if the rumors were true and warned her that “the Bible forbids it.”

Issak Wolfe – One Transgender Student’s Experience with Discrimination

On April 26, 2013, the ACLU and the ACLU of Pennsylvania sent a letter to the Red Lion Area School District on behalf of a male transgender student, Issak Wolfe, who was denied the opportunity to run for prom king by his school’s principal.⁵ Issak’s classmates and most of his teachers supported and respected his male gender identity, and he had received repeated assurances that his name would appear on the prom king side of the ballot. However, when the ballot was released, Issak was dismayed and embarrassed to discover that he was listed as a candidate for prom queen and referred to by the female name he was assigned at birth instead of

⁵ Letter from Molly Tack-Hooper, ACLU of Pennsylvania to Dr. Scott A. Deisley, Superintendent, Red Lion Area Sch. Dist. (April 26, 2013) *available at* http://www.aclupa.org/download_file/view_inline/1024/701/.

by his male name. He later learned from administrators that the decision was made by his principal because he “didn’t feel comfortable” with Issak running for prom king. This refusal to respect Issak’s gender identity caused him needless pain and embarrassment in front of his classmates.

While Issak was allowed to wear a black cap and gown at his graduation, instead of the yellow cap and gown mandated for girls, the school continued to disrespect his gender identity by refusing to allow him to use his male name in the ceremony. The school district also refused to adopt a non-discrimination policy to protect transgender students like Issak from future pain and humiliation.

Filling a Gap in Our Civil Rights Laws

While federal laws currently protect students on the basis of race, color, sex, disability, and national origin, no federal statute explicitly protects students on the basis of sexual orientation or gender identity. The Student Non-Discrimination Act would do just that, and fill an unacceptable gap in our civil rights laws that leave LGBT students vulnerable to discrimination and harassment.

Fifty years of civil rights history demonstrate that laws similar to the Student Non-Discrimination Act are effective in preventing discrimination and harassment from occurring in the first place by prompting schools to take proactive steps to ensure a safe and supportive learning environment for all students who are in their care.

Protecting Students While Upholding Freedom of Speech

The ACLU is a unique organization in that it is committed to defending and preserving the sometimes conflicting individual rights and liberties that the Constitution and laws of the United States guarantee to everyone in this country. We vigorously support an expansive view of First Amendment rights under the U.S. Constitution to freedom of speech, association and assembly; freedom of the press; and freedom of religion. But we also work to extend rights to segments of the population that have traditionally been denied their rights, including people of color; women; immigrants; lesbians, gay men, bisexuals, and transgender people; prisoners; and people with disabilities.

Some opponents of anti-harassment legislation contend that protections for students in public schools against discrimination are likely to run afoul of First Amendment free speech rights. Others who might support such legislation assert that speech can be restricted in order to provide adequate protection to all students. When carefully crafted, non-discrimination and anti-harassment policies can both protect students from abuse while also preserving core free speech rights.

The harassment definition in the Student Non-Discrimination Act is consistent with protections for the speech of public school students under the First Amendment. A school may restrict student speech only where the school has a specific fear of substantial disruption of the educational environment or intrusion upon the rights of others. Harassing conduct that does not

take the form of speech, and harassment carried out by teachers or staff – all of which is encompassed by the legislative definition within the Student Non-Discrimination Act – does not come within the First Amendment protections for student speech.

But in those instances when harassment takes the form of purely expressive conduct, the legislation proscribes only such conduct that is “sufficiently severe, persistent, or pervasive to limit a student’s ability to participate in or benefit from” the educational program. We understand this to mean that student speech may be actionable only where it is so severe, persistent, or pervasive as to cause a material interference with the student’s equal participation in or benefit from the educational program. By its definition, the legislation would not – as it cannot consistent with the Constitution – encompass speech that is merely offensive or that causes nothing more than hurt feelings. The legislation thus properly balances the competing speech and equal protection rights at issue. This standard is particularly appropriate because the government has a compelling interest in ensuring that students will not have their educational opportunities limited because of sexual orientation or gender identity.

In applying the harassment definition in this legislation, U.S. courts will apply the same objective standard that courts have applied in harassment cases brought under Title IX and other civil rights statutes. We anticipate that courts will limit liability to those instances in which the conduct would be considered harassment from the perspective of a reasonable person with the victim’s known, objective characteristics, including their sexual orientation or gender identity.

Conclusion

The Student Non-Discrimination Act would have a profound impact in improving the lives of LGBT students in the U.S. by ensuring that discrimination and harassment of students on the basis of their sexual orientation or gender identity has no place in our country’s public elementary and secondary schools. It would do so in a way that preserves the right of all students to speak freely and the right of all students to benefit equally from the educational programs offered. We urge you to support and cosponsor the Student Non-Discrimination Act (H.R. 1652).

Sincerely,



Laura W. Murphy
Director, Washington Legislative Office



Ian S. Thompson
Legislative Representative



March 18, 2014

Dear Senator:

RE: ACLU Urges Support and Co-Sponsorship of the Student Non-Discrimination Act (S. 1088)

On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with more than a half million members, countless additional activists and supporters, and fifty-three affiliates nationwide, we write to urge you to support and cosponsor the Student Non-Discrimination Act (S. 1088). This legislation, which was introduced by Senator Al Franken (D-MN), would provide lesbian, gay, bisexual, and transgender (“LGBT”) students with long overdue and much needed explicit federal protections by establishing a comprehensive prohibition against discrimination and harassment in all public elementary and secondary schools across the country based on a student’s actual or perceived sexual orientation or gender identity.

There is a clear and compelling need for this legislation. Discrimination, harassment, and even physical abuse, are often part of LGBT students’ daily lives at school. A nationwide 2011 survey of more than 8,500 students between the ages of 13-20 found that eight out of ten LGBT students reported experiencing harassment at their school within the past year based on their sexual orientation.¹ Six in ten LGBT students reported feeling unsafe at school because of their sexual orientation.² Transgender students experienced more hostile climates than their non-transgender peers, with eight in ten reporting feeling unsafe at school because of their gender expression.³ The effect of a hostile school climate on LGBT students has a direct and negative impact on the student’s education. Nearly a third of LGBT students reported skipping at least once, and three in ten reported missing at least one entire day of school in the past month because of safety concerns.⁴

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Conclusion

The Student Non-Discrimination Act would have a profound impact in improving the lives of LGBT students in the U.S. by ensuring that discrimination and harassment of students on the basis of their sexual orientation or gender identity has no place in our country’s public elementary and secondary schools. It would do so in a way that preserves the right of all students to speak freely and the right of all students to benefit equally from the educational programs offered. We urge you to support and cosponsor the Student Non-Discrimination Act (S. 1088).

Sincerely,



Laura W. Murphy
Director, Washington Legislative Office



Ian S. Thompson
Legislative Representative



League of United Latin American Citizens

March 18, 2014

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Bob Garcia
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Arturo Martinez, Ph.D.
Wisconsin

Dear Member of Congress:

On behalf of the League of United Latin American Citizens (LULAC), the nation's oldest and largest Latino civil rights organization, I write to urge you to support both the Safe Schools Improvement Act (SSIA, H.R. 1199 & S. 403) and the Student Non-Discrimination Act (SNDA, H.R. 1652 & S. 1088). SNDA classifies harassment as a form of discrimination and bans discrimination on the basis of sexual orientation and gender identity from public schools. SSIA is a proposed amendment to the Elementary and Secondary Education Act that focuses on using local educational agencies to create policies that ensure harassment doesn't impede education.

Each time another news story comes out about the suicide of a gay teen, we must ask ourselves what we as a nation can do about it. Last year, I contacted your office about the tragedy of Carlos Vigil, a 17 year old Latino student from New Mexico, who committed suicide after posting a note on his Twitter account about the bullying he had suffered over the years. While not a solution to anti-gay prejudice, SNDA and SSIA represent a positive step forward in protecting our students from this kind of harassment. Both of these bills would help establish policies in schools across the nation that would help put an end to such egregious bullying. These bills are not only about the government offering protections, but they would also empower families to act in ensuring the safety of their children. As of now, families have limited or no recourse for putting an end to harassment against their child. These bills would give hope to parents worried about their kids and feeling powerless to help.

According to a study by the Center for Disease Control, lesbian, gay, and bisexual youth are four times more likely to attempt suicide than their straight peers. This alarming statistic is connected to their school environments: each episode of LGBT victimization, such as physical or verbal harassment or abuse, increases the likelihood of self-harming behavior by 2.5 times on average. Children who feel unsafe at schools also have a hard time focusing on their studies, and suffer academically.

I am attaching to this letter the final message that Carlos imparted to the world, the note he tweeted just before taking his own life, along with an article, so that you may read for yourself about the circumstances of this incident and understand how it connects to these two bills. Each story such as Carlos' is one too many.

I thank you for your service and look forward to working with you as Congress continues to consider these crucial bills. If you have any questions, please feel free to contact Luis Torres, Director of Policy and Legislation, at 202-833-6130, or by email at latorres@lulac.org.

Sincerely,

Margaret Moran
LULAC National President

(No Subject)

July 13, 2013, 3:06 PM

I'm sorry to those who I offended over the years. I'm blind to see that I, as a human being, suck. I'm an individual who is doing an injustice to the world and it's time for me to leave. Please don't ever feel sorry for me, or cry - because I had an opportunity at life and that opportunity is over. I'm sorry that I wasn't able to love someone or have someone love me. I guess it's best though, because now I leave no pain onto anyone. The kids in school are right, I am a loser, a freak, and a fag and in no way is that acceptable for people to deal with. I'm sorry for not being a person that would make someone proud.

**Image from Carlos' Twitter
Posted July 13, 2013**
<https://twitter.com/Chillll>

Hours later, the teen committed suicide.

As word spread Monday, local gay rights groups issued statements condemning bullying. Classmates of the teen have held fundraisers for the family.

Carlos was an active member at Warehouse 508, an Albuquerque safe haven where teens learn about art and culture. The organization is now offering grief counseling to other students, the teen's friends and his family.

Family members outside of Warehouse 508 declined an on-camera interview Monday but said they hope their son doesn't die in vain.

They are keeping his Twitter account open so his story can live on and so more people will be aware of the bullying problems in the community.

Read more: <http://www.koat.com/news/new-mexico/albuquerque/bullying-could-be-cause-behind-los-lunas-teens-suicide/-/9153728/20992392/-/ay2fv3z/-/index.html#ixzz2ZnU9IHJf>

“Bullying could be cause behind Los Lunas teen's suicide”

KOAT 7

July 15, 2013

By Tanya Mendis

LOS LUNAS, N.M. —Bullies may have led a Los Lunas teen to take his own life this weekend.

Carlos Vigil was a 17-year-old Los Lunas High School student who had just returned from a trip out of state where friends said he spoke out against bullying.

On his Twitter account this weekend, he posted a chilling message that read: "The kids at school are right. I'm a loser, a freak ...and in no way is that acceptable for people to deal with."

Carlos claimed the kids called him gay slurs and he apologized for "not being a person that would make someone proud."



March 18, 2014

Dear Member of Congress:

In honor of next month's Day of Silence highlighting anti-LGBT bullying and harassment in schools,¹ and on behalf of the hundreds of thousands of People For the American Way (PFAW) members, we write in strong support of the Safe Schools Improvement Act (SSIA, H.R. 1199 & S. 403) and the Student Non-Discrimination Act (SNDA, H.R. 1652 & S. 1088). We thank the sponsors and cosponsors therein for addressing what has become a pervasive national problem,² and we urge all members of Congress to join them.

Following the increased media attention paid to bullying-related suicides in 2010, we took a strong stand on behalf of lesbian, gay, bisexual, and transgender (LGBT) students and those who are perceived to be LGBT. According to the 2011 National School Climate Survey:³ 81.9 percent of LGBT students suffer verbal harassment, 38.3 percent physical harassment, and 18.3 percent physical assault because of their sexual orientation. 63.9 percent suffer verbal harassment, 27.1 percent physical harassment, and 12.4 percent physical assault because of their gender expression. In many cases, not surprisingly, this makes students feel unsafe; 63.5 percent reported feeling unsafe based on sexual orientation, and 43.9 percent felt so based on gender expression.

A student who feels unsafe due to bullying and harassment might choose to avoid the situation altogether, adding a loss of learning to the harms they already suffer. According to the 2011 National School Climate Survey,⁴ “Nearly one third of LGBT students (29.8%) reported skipping a class at least once and 31.8% missed at least one entire day of school in the past month because of safety concerns.” Even when they remain in class, targeted students lose nearly half a grade point (average 2.9 vs. 3.2). But as we know all too well, this isn't just a question of education. It's a matter of life and death.

Through SSIA and SNDA, and their inclusion in the Strengthening America's Schools Act (S. 1094), Congress has recognized the need to reverse this trend. SSIA supports the creation of comprehensive anti-bullying policies that enumerate specific categories of targeted students – including those targeted based on sexual orientation and gender identity – as well as data collection, public education, and grievance procedures. SNDA protects students from school-based sexual orientation and gender identity discrimination, much like Title IX does for gender

¹ <http://www.dayofsilence.org/>

² On December 8, 2010, USA Network published its 2nd annual “United or Divided” poll. 58 percent of respondents gave America a C or D grade for its efforts to stop bullying by kids. 89 percent believed it was a serious problem, and nearly as many (85 percent) supported congressional action to resolve the problem. 70 percent were concerned that it was a growing trend. See USA Network, Hart Research Associates, and Public Opinion Strategies at <http://www.prnewswire.com/news-releases/usa-networks-new-united-or-divided-poll-shows-americans-believe-racial-ethnic-political-divisions-are-worse-than-just-a-year-ago-111547664.html>.

³ 2011 National School Climate Survey, Gay, Lesbian & Straight Education Network, September 2012.

⁴ <http://glsen.org/nscs>

⁴ *Ibid.*

discrimination, and much like other areas of law do for various protected classes. SNDA recognizes bullying and harassment as discrimination, and it provides both for remedies against discrimination and incentives for schools to prevent it from happening in the first place.

We urge you to contact Representative Linda Sánchez (5-6676) and Senator Robert Casey (4-6324) to cosponsor SSIA and Representative Jared Polis (5-2161) and Senator Al Franken (4-5641) to cosponsor SNDA. Thank you again to the members of Congress who have already registered their support.

Ultimately, this is about stopping abhorrent behavior that gets in the way of quality education. All students deserve far better than that.

Sincerely,



Marge Baker
Executive Vice President for Policy and Program



Jen Herrick
Senior Policy Analyst



NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS

4340 East West Highway, Suite 402
Bethesda, MD 20814

*Enhancing the mental health and
educational competence of all children.*

Phone: 301-657-0270
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Web: www.nasponline.org

March 19, 2014

Dear Member of Congress:

On behalf of the National Association of School Psychologists (NASP), I urge you to support legislation that ensures all students have the opportunity to attend school in an environment that is free of bullying and harassment. NASP represents more than 25,000 school psychologists who work with students, families, educators, and administrators to support the academic achievement, positive behavior, and mental wellness of all students, especially those who struggle with barriers to learning.

School environments that are safe and supportive are more conducive to student learning and result in higher academic achievement and social development. Researchers have estimated that at least 25% of all children will be affected by bullying at some point during their school years. Many of these children miss numerous days of school each year due to fear and anxiety associated with being bullied. These adverse effects are not limited to victims; bystanders and witnesses of bullying often feel anxiety, guilt, and lowered self-respect (Garrity et al., 2002). Those students who engage in bullying behavior have higher rates of substance abuse, greater mental health problems, increased aggressive behavior, and are more likely to be involved in criminal activity as adults (e.g Nimela et al., 2011; Fox et al., 2003). Bullying and harassment in schools creates an atmosphere of fear and intimidation that not only affects the individual learning and safety of all students in the building. In a study conducted by the U.S. Secret Service (2002), researchers found that unaddressed bullying could cause an escalation in school violence. This report noted that 75% of school shootings were linked to harassment and bullying. School shootings and other serious school safety problems that affect a school's climate for learning can be prevented with effective leadership and public policies that directly address these problems.

The risk of being bullied or harassed is even greater for students who identify as lesbian, gay, bisexual, or transgender (LGBT). Surveys indicate that 85% of LGBT students reported being verbally harassed, 40% reported being physically harassed, and 19% reported being physically assaulted at school in the past year as a result of perceived or real sexual orientation. This population is three times as likely as their non- LGBT peers to feel unsafe at school (National School Climate Survey, 2009). In addition, according to the Massachusetts 2006 Youth Risk Survey, LGBT youth are up to four times more likely to attempt suicide than their heterosexual peers.

Based on the research, there is a solution to this problem. Bullying prevention programs that include prevention, school-wide universal positive behavioral supports, early intervention, and individualized interventions for bullies and victims, parental involvement and increased adult supervision can reduce bullying by up to 50% (Olweus, 1997). If we are to solve the problem of bullying and harassment in America's schools, we need to make a significant investment in prevention and intervention programs.

There are currently two bills introduced in the 113th Congress that would help to address the problem of bullying and harassment in our schools. I urge you to support the Safe Schools Improvement Act and the Student Nondiscrimination Act. Although many states and school districts have some form of policy to address bullying, many do not. In addition, many teachers indicate that they do not feel confident in their

ability to effectively identify and address bullying. The Safe Schools Improvement Act would require anti-bullying policies in all of our nation's schools, professional development related to bullying prevention, and careful monitoring of these behaviors in schools. The Student Nondiscrimination Act seeks to end discrimination based on actual or perceived sexual orientation or gender identity. This act is modeled after existing legislation that offers federal protections against discrimination based on race, color, national origin, sex, disability and age. Together, these bills help promote safe schools while ensuring that all students have the best chance to participate freely and achieve school success.

Thank you for your service to our country and for supporting legislation that promotes safe schools for **ALL** students. If you have any questions about school psychological services, please feel free to contact me.

Respectfully,

A handwritten signature in black ink that reads "Kelly M. Vaillancourt". The signature is written in a cursive style with a large, stylized initial 'K'.

Kelly Vaillancourt, PhD, NCSP
Director, Government Relations
National Association of School Psychologists
kvaillancourt@naspweb.org

March 20, 2014

Dear Members of Congress:

On behalf of the National Women's Law Center, an organization that for over 40 years has worked to expand the possibilities for women and girls in the areas of education and employment, family economic security, and health, we write to urge you to support and cosponsor the Safe Schools Improvement Act (S. 403/H.R. 1199) and the Student Non-Discrimination Act (S. 1088/H.R. 1652), because all children should be allowed to learn in safe and supportive school environments free from harassment.

There is overwhelming evidence establishing a compelling need for action at the federal level to protect LGBT students from discrimination and harassment in schools. In a 2011 study of more than 8,500 LGBT middle and high school students across the U.S., eight out of ten reported experiencing harassment at school within the past year based on their sexual orientation or gender identity, and 60% said they felt unsafe at school because of who they are.¹ In elementary school, LGBT students are four times more likely than their classmates to say they want to stay home from school because they fear for their safety.² And according to the Centers for Disease Control, LGBT students are more than twice as likely as their peers to attempt suicide.³ It is critical that the federal government and schools act to address this very serious problem facing LGBT youth. Evidence also shows that bullying can result in long-term social, academic, psychological, and physical consequences, including decreased interest in school, increased absences, and decreased concentration levels for students, which can last into adulthood.⁴

The Safe Schools Improvement Act ("SSIA") would ensure that schools and districts develop and use comprehensive and effective student conduct policies that include clear prohibitions against bullying and harassment. SSIA would require schools and districts to focus on effective prevention strategies designed to help school personnel meaningfully address bullying and harassment. It would also require states and districts to maintain and report data regarding incidents of bullying and harassment in order to inform the development of effective federal, state and local policies that address these issues. Sponsored by Senator Robert P. Casey, Jr. and Representative Linda T. Sanchez, to date this session, the Safe Schools Improvement Act has

¹ GLSEN, The 2011 National School Climate Survey, *available at* <http://glsen.org/sites/default/files/2011%20National%20School%20Climate%20Survey%20Full%20Report.pdf>.

² GLSEN, *Playgrounds and Prejudice: Elementary School Climate in the United States: A Survey of Students and Teachers* (2012), *available at* <http://glsen.org/sites/default/files/Playgrounds%20%26%20Prejudice.pdf>.

³ *Lesbian, Gay, Bisexual and Transgender Health: Youth*, Centers for Disease Control and Prevention, <http://www.cdc.gov/lgbthealth/youth.htm>.

⁴ *See, e.g.,* William E. Copeland, Ph.D., et al., *Adult Psychiatric Outcomes of Bullying and Being Bullied by Peers in Childhood and Adolescence*, 70(4) JAMA Psychiatry 419-26 (2013).

garnered the bipartisan support of 43 senators and 182 representatives, and the Center urges you to add your support.

The Student Non-Discrimination Act (“SNDA”) would establish a comprehensive federal prohibition against discrimination and harassment in public elementary and secondary schools across the country based on a student’s actual or perceived sexual orientation or gender identity. SNDA would provide lesbian, gay, bisexual and transgender (“LGBT”) students with long overdue and much needed explicit federal protections against discrimination and harassment. The legislation also protects students who associate with LGBT people, including students with LGBT parents and friends. Sponsored by Senator Al Franken and Representative Jared Polis, to date this session the Student Non-Discrimination Act has the support of 38 senators and 167 representatives.

The Safe Schools Improvement Act (S. 403/H.R. 1199) and the Student Non-Discrimination Act (S. 1088/H.R. 1652) present Congress with a historic opportunity to implement important protections against bullying and harassment for all students, and to offer critical protections to current and future generations of LGBT youth and their student allies by ensuring that discrimination against and harassment of students on the basis of their sexual orientation and gender identity will have no place in our country’s public elementary and secondary schools.

Sincerely,



Marcia D. Greenberger
Co-President



Lara S. Kaufmann
Senior Counsel & Director of
Education Policy for At-Risk Students



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Los Angeles, CA 90060-0108

March 21, 2014

Dear Member of Congress:

I am writing to express Point Foundation's strong support of the Safe Schools Improvement Act (SSIA, H.R. 1199 & S. 403) and the Student Non-Discrimination Act (SNDA, H.R. 1652 & S. 1088). We thank the sponsors and cosponsors therein for addressing what has become a pervasive national problem,¹ and we urge all members of Congress to join them.

Point Foundation is the nation's largest scholarship-granting organization for lesbian, gay, bisexual, transgender and queer (LGBTQ) students of merit. Every year, thousands of LGBTQ students apply for our scholarships. Many have experienced harassment in school that no student should experience.

According to the 2011 National School Climate Survey:² 81.9 percent of LGBT students suffer verbal harassment, 38.3 percent physical harassment, and 18.3 percent physical assault because of their sexual orientation. 63.9 percent suffer verbal harassment, 27.1 percent physical harassment, and 12.4 percent physical assault because of their gender expression. In many cases, not surprisingly, this makes students feel unsafe; 63.5 percent reported feeling unsafe based on sexual orientation, and 43.9 percent felt so based on gender expression.

A student who feels unsafe due to bullying and harassment might choose to avoid the situation altogether, adding a loss of learning to the harms they already suffer.

According to the 2011 National School Climate Survey,³ "Nearly one third of LGBT students (29.8%) reported skipping a class at least once and 31.8% missed at least one entire day of school in the past month because of safety concerns." Even when they remain in class, targeted students lose nearly half a grade point (average 2.9 vs. 3.2). But as we know all too well, this isn't just a question of education. It's a matter of life and death.

Through SSIA and SNDA, and their inclusion in the Strengthening America's Schools Act (S. 1094), Congress has recognized the need to reverse this trend. SSIA supports the creation of comprehensive anti-bullying policies that enumerate specific categories of targeted students – including those targeted based on sexual orientation and gender identity – as well as data collection, public education, and grievance procedures. SNDA protects students from school-based sexual orientation and gender identity discrimination, much like Title IX does for gender discrimination and much like other areas of law do for various protected classes. SNDA recognizes bullying and harassment

¹ On December 8, 2010, USA Network published its 2nd annual "United or Divided" poll. 58 percent of respondents gave America a C or D grade for its efforts to stop bullying by kids. 89 percent believed it was a serious problem, and nearly as many (85 percent) supported congressional action to resolve the problem. 70 percent were concerned that it was a growing trend. See USA Network, Hart Research Associates, and Public Opinion Strategies at <http://www.prnewswire.com/news-releases/usa-networks-new-united-or-divided-poll-shows-americans-believe-racial-ethnic-political-divisions-are-worse-than-just-a-year-ago-111547664.html>.

² 2011 National School Climate Survey, Gay, Lesbian & Straight Education Network, September 2012. <http://glsen.org/nscls>

³ *Ibid.*

as discrimination, and it provides both for remedies against discrimination and incentives for schools to prevent it from happening in the first place.

We urge you to contact Representative Linda Sánchez (5-6676) and Senator Robert Casey (4- 6324) to cosponsor SSIA and Representative Jared Polis (5-2161) and Senator Al Franken (4- 5641) to cosponsor SNDA. Thank you again to the members of Congress who have already registered their support.

Ultimately, this is about stopping abhorrent behavior that gets in the way of quality education. All students deserve far better than that.

Sincerely,

A handwritten signature in black ink, appearing to read 'JValencia'.

Jorge Valencia
Executive Director and CEO
Point Foundation

Point Foundation empowers promising LGBTQ students to achieve their full academic and leadership potential – despite the obstacles often put before them – to make a significant impact on society.