

# Discipline Disparities:

A Research-to-Practice Collaborative

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## Documenting Disparities for LGBT Students: Expanding the Collection and Reporting of Data on Sexual Orientation and Gender Identity

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Discipline Disparities Series  
Documenting Disparities for  
LGBT Students

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### The Discipline Disparities Research to Practice Collaborative

Disparities in the use of school discipline by race, gender, and sexual orientation have been well-documented and continue to place large numbers of students at risk for short- and long-term negative outcomes. In order to improve the state of our knowledge and encourage effective interventions, the Discipline Disparities Research to Practice Collaborative, a group of 26 nationally known researchers, educators, advocates, and policy analysts, came together to address the problem of disciplinary disparities. Funded by Atlantic Philanthropies and Open Society Foundations, the Collaborative has spent nearly three years conducting a series of meetings with groups of stakeholders—advocates, educators, juvenile justice representatives, intervention agents, researchers, and policymakers—in order to increase the availability of interventions that are both practical and evidence-based, and to develop and support a policy agenda for reform to improve equity in school discipline. The project has funded 11 new research projects to expand the knowledge base, particularly in the area of intervention, and commissioned papers from noted researchers presented at the Closing the School Discipline Gap Conference. A culminating report of the Collaborative's work is the formal release of the Discipline Disparities Briefing Paper Series, three papers on policy, practice, and new research summarizing the state of our knowledge and offering practical, evidence-based recommendations for reducing disparities in discipline in our nation's schools, and a fourth on the importance of acknowledging race in addressing racial disparities.

Data represent a critical component in identifying and addressing inequity, and the availability of data from schools and in school-aged populations has been crucial for civil rights advances for U.S. youth. The U.S. Department of Education's Office for Civil Rights (OCR) Civil Rights Data Collection (CRDC) has been a key component in civil rights progress for students of color and students with disabilities for nearly 50 years. The availability of data broken down by race and disability has contributed to an important shift in the last decade—from questions about whether disparities exist, to a focus on the development and testing of effective interventions for reducing those known disparities.

In contrast to the availability of data on race and disability, however, Lesbian, Gay, Bisexual, and Transgender (LGBT) students remain largely outside the bounds of available data on education and schooling. The high levels of bullying and harassment in schools faced by LGBT students have been well documented.<sup>1</sup> Emerging data show that LGBT students also experience disproportionate exclusionary school discipline compared to their heterosexual peers.<sup>2</sup> Yet there is insufficient national or state data that can be disaggregated by sexual orientation and/or gender identity (SOGI) that would allow systematic documentation of these

disparities. The absence of consistent sources of data that include SOGI and its intersections with school bullying and discipline makes it impossible to understand the extent of the problem or generate approaches for remediation.

Due to the short- and long-term negative consequences of exclusionary discipline, the federal government has identified disproportionality in suspension and expulsion as a civil rights issue, potentially discriminating against certain groups.<sup>3</sup> We argue that a crucial civil rights agenda for LGBT youth is the development of a purposeful strategy for the expansion of data collection that includes SOGI. The purpose of this briefing paper is to identify the need for SOGI data collection, report on existing approaches for such data collection, and make recommendations to advance SOGI data collection and, in effect, the civil rights of LGBT youth.

### Educational Inequity for LGBT Students

*Bullying and harassment.* LGBT youth and those perceived as LGBT experience heightened threats in school compared to their heterosexual and gender conforming peers. They are more likely to report bullying and verbal or physical harassment in school from peers and even adults,<sup>4</sup> and many report a lack of insti-

tutional support when they report bullying.<sup>5</sup> Researchers have documented multiple risks to youth as a result of bias-based bullying, including compromised academic performance;<sup>6</sup> missing school because they feel unsafe;<sup>7</sup> over-representation in the juvenile justice system;<sup>8</sup> and a high risk for depression, substance abuse, and suicide.<sup>9</sup> A hostile school environment, often combined with a lack of parental support for their child's sexual or gender identity or expression, is credited with the high risk of suicidal behavior and homelessness amongst LGBT students.<sup>10</sup>

*Differential school discipline.* Recent data also have begun to document that LGBT youth are more likely to experience exclusionary discipline (suspension and expulsion) and police contact in comparison to their heterosexual peers.<sup>11</sup> A national study found that youth reporting same-sex attraction are at a greater risk for school expulsion than their heterosexual peers;<sup>12</sup> in one county-wide study, LGBT youth were more than twice as likely as heterosexual students to report that they had been suspended from school.<sup>13</sup>

These disparities in discipline are likely to place LGBT students at higher risk for a variety of negative outcomes associated with removal from school that have been documented for all students who are suspended or expelled. School exclusion through suspension and expulsion is associated with decreases in academic achievement,<sup>14</sup> and an increased risk of negative or antisocial behavior over time.<sup>15</sup> Suspension and expulsion have also been found to be associated with higher rates of truancy over time,<sup>16</sup> and an increased risk for failure to graduate or school dropout.<sup>17</sup> Finally, students who are suspended or expelled face an increased risk of contact with the juvenile justice system.<sup>18</sup>

Combined with longstanding evidence that LGBT students are likely to experience discriminatory bullying at school, the emerging information regarding their over-representation in exclusionary discipline practices points to significant concerns for LGBT students in schools. The important question is whether national and state surveys are currently able to accurately measure the full extent of these harms experienced by LGBT students.

### **"If You Don't Measure It, You Can't Improve It": Documentation of Unequal Treatment**

Scientists have long noted that measurement represents the first step in problem solving, and that maxim is especially true in the field of civil rights. Charles Hamilton Houston set the stage for court cases that eventually overturned the doctrine of "separate but equal" by documenting the inferior resources devoted

to African American schools in the early 20th Century. Research data presented by Kenneth White and others were central in making the arguments that led to the Brown decision. Since the early 1970's,<sup>19</sup> data documenting the extent of African American disparities in school suspension have increased our understanding of the extent of inequity and provided motivation for change.

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### *...a crucial civil rights agenda for LGBT youth is the development of a purposely strategy for the expansion of data collection that includes SOGI*

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The presence of school discipline data that can be disaggregated (broken down) by race or disability enables advocates to: a) identify the extent of current disparities; b) track important features of disparities (e.g., by region, type of infraction, school level), in order to guide efforts for intervention; and c) evaluate the effect of strategies, interventions, or programs addressing disparities. Daniel Losen and his colleagues<sup>20</sup> argue that, to be effective, data must be:

- *Universal:* Collected in schools, districts, and states throughout the nation
- *Public:* Available for scrutiny by educators, policymakers, and community members
- *Annual:* Collected every year, rather than occasionally
- *Disaggregated:* Available in a form that allows the data to be broken down by race, disability status, gender, sexual orientation, or other relevant characteristics.

A key source for education data in the United States is the Department of Education Civil Rights Data Collection (CRDC) from the Office for Civil Rights (OCR). The CRDC contributes to civil rights remedies by allowing the federal government, states, and local school districts to track relevant educational experiences (e.g., discipline, drop out, referrals to law enforcement, school-related arrests) disaggregated by race/ethnicity, sex, limited English proficiency, and disability. These data are instrumental in civil rights monitoring and enforcement efforts, enabling the identification of discrimination on the basis of "race, color, national origin, sex, disability, and age by recipients of federal

financial assistance."<sup>21</sup> The CRDC data, for example, has been instrumental in the investigation by OCR and the U.S. Department of Justice Civil Rights Division of school districts with high rates of suspension throughout the nation and the implementation of evidence-based remediation plans agreed to in settlements with those districts.<sup>22</sup> Again, the availability of data enables both the district and the federal agency to monitor progress towards remediation.

For LGBT students, however, universal, publicly available, annual, and disaggregated data are not currently available. While research studies and self-report surveys have provided strong evidence of the existence of discriminatory practices, the absence of comprehensive data that can be disaggregated by sexual orientation prevents the identification of the extent of inequity for LGBT students. Without such data, the harms faced by LGBT students and the negative educational outcomes that occur as a result of those harms remain undocumented, in large part because SOGI data are missing from data collection systems.<sup>23</sup> This absence creates three related problems:

- *First, the absence of comprehensive national SOGI information makes it difficult to protect LGBT students from exclusionary discipline or discriminatory harassment.* The lack of availability of data on harassment or excessive discipline of LGBT students limits the ability of those students or their advocates to identify the presence and extent of discriminatory treatment.
- *Second, the lack of SOGI questions in national and state assessments of school safety, climate, violence, and discipline slows our ability to fully understand how these factors may contribute to negative outcomes for LGBT students.* The presence of extensive national, state, and district data disaggregating disciplinary outcomes by race and disability has enabled the development of a sizable research base on disciplinary disparities, increasing our understanding of the factors contributing to such disparities.<sup>24</sup> The lack of nationally available data on SOGI and discipline hinders LGBT students' right to be represented in research that could lead to a fuller understanding of educational inequities for those students.<sup>25</sup>
- *Finally, disaggregated data on discipline and harassment are needed to monitor the effect of interventions to reduce harms and improve outcomes.* The presence of disaggregated data on educational outcomes often serves as a motivator for reform, but also as a way

of measuring progress. The absence of SOGI data documenting a baseline level of inequity makes it impossible to test the effects of interventions or policy changes intended to improve practice for LGBT youth.

### Considerations in SOGI Data Collection with Youth in Schools

A number of previous reports have called for data collection on sexual orientation, gender identity, and gender expression through the U.S. Census Bureau as well as in public and clinical health systems.<sup>26</sup> Most recently, The U.S. Centers for Medicare and Medicaid Services (CMS) and the Office of the National Coordinator for Health Information Technology (ONC) announced that all electronic health record (EHR) systems will include collection of data on sexual orientation and gender identity in the demographics section.<sup>27</sup> In its report, *Gathering Sexual Orientation Data on Statewide Behavioral Risk Factor Surveillance Surveys*,<sup>28</sup> the Fenway Institute advocates the inclusion of a standard item on all state Behavioral Risk Factor Surveillance System (BRFS) Surveys. In addition, the GenIUSS group,<sup>29</sup> in an overview of gender-related measures, argues that “For transgender people, as for other historically marginalized communities, to be counted is to count in important local and national discussions about policy, resource allocations, and other issues that affect transgender lives.”

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### *The absence of comprehensive national SOGI information makes it difficult to protect LGBT students from exclusionary discipline or discriminatory harassment*

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These general calls for SOGI inclusion do not specifically exclude youth, but they do not take into consideration the factors unique for minors. One exception has been in the case of the child welfare system, for which a coalition of legal, policy, family, and advocacy organizations have issued a set of guidelines for managing SOGI information.<sup>30</sup> They recommend that child welfare workers document the sexual orientation of every child 10 years old or older who can understand and discuss the issue; include sexual orientation and gender identity in the demographic data collected for each child; and record relevant and reliable information related to sexual ori-

entation, gender expression, or gender identity in the case file. These recommendations are among the first specific to LGBT youth, and pertain specifically to youth whose legal status is defined by state dependence, and for whom there are clear protections regarding access to personal information.

*Disclosure of SOGI status in schools.* The issue of SOGI data collection with respect to youth in schools becomes more complicated when data are individually identifiable and stored in school records, which may be accessible to a range of school personnel, as well as parents. At present, CRDC data are generated by relevant demographic data that is stored in student records (typically provided by students’ guardians at the time of enrollment) and then linked to school personnel reports of meaningful educational concerns, including discipline and bullying. If SOGI information is to be represented in CRDC data, a mechanism would be required by which youth can disclose their SOGI information. SOGI disclosure by youth raises a host of concerns arguably best situated in a discussion of youths’ rights.

The basic rights of youth—rights to participation, privacy, and protection—have been described in the United Nations Conventions on the Rights of the Child. The right to participation includes the right for all youth to “impart information” or share information about their individual experiences and lives.<sup>31</sup> For LGBT youth, rights to participation would allow them the right to disclose their SOGI information in schools (either in records, research, or reporting). When rights to participation are limited, LGBT youth are further underrepresented in research and policy.<sup>32</sup>

A clear concern in allowing youth the right to disclose (i.e., participate) is the need to secure youths’ right to privacy. Disclosing one’s LGBT identity, or “coming out” to others, could create unique stressors for LGBT youth. Such action may place LGBT students at risk for rejection, discrimination, negative mental health outcomes,<sup>33</sup> or lack of support from family.<sup>34</sup> Advocates stress the need for information privacy rights that would protect LGBT youth in schools, regardless of if, when, and to whom they should decide to disclose their SOGI status.<sup>35</sup> Under the Federal Education Rights and Privacy Act,<sup>36</sup> parents have the right to inspect and review their children’s education records maintained by the school until that right transfers to the student at age 18. Legal scholars<sup>37</sup> and researchers<sup>38</sup> suggest that balance is needed between considering the rights of parents as outlined in current laws with students’ rights to participation and privacy.

Finally, youths’ participation and privacy rights are directly related to youths’ rights to protection from harm.<sup>39</sup> Participation in data collection for either research or policy purposes means that young people have a right to share information about their individual experiences and lives so that their experiences may be known, allowing them to be protected from harms such as bullying, harassment, and disproportionate exclusionary discipline.<sup>40</sup> As noted above, the ability to identify whether a given group is subject to a greater degree of harm (e.g., bullying, out-of-school suspension) is dependent upon the capability to disaggregate data by group. If personal data on a given characteristic, in this case sexual orientation or gender identity, are not collected and available for analysis, that group cannot be clearly identified within a data set, making it impossible to document the true extent of harm that group faces (e.g., over-representation of LGBT students in suspension and expulsion). This lack of documentation in turn compromises both intervention and prevention efforts that could be used to amend disparities.<sup>41</sup>

In summary, consideration of data collection by sexual orientation/gender identity raises two concerns based on fundamental rights: the right to participation and privacy, and the right to be protected from the harms of differential treatment. Yet it is important to understand that these two concerns are not mutually exclusive, and several professional groups have recommended policies and procedures to both collect data and respect students’ needs for privacy. For example, a recent report by a coalition of four national child-serving and advocacy organizations recommends that child welfare systems collect SOGI data as a routine part of all assessments;<sup>42</sup> the report includes guidance for the responsible collection, storage, and disclosure of such information to protect the privacy of LGBT youth. Similarly, in 2015, the American Psychological Association (APA) and the National Association of School Psychologists (NASP) adopted a resolution on gender and sexual orientation diversity in children and adolescents in schools<sup>43</sup> that lists several key steps that schools can take to create safe and supportive school climates for all students. Two such steps directly align with the protection of privacy and protection of LGBT youth: 1) Protecting the right to privacy around sex, sexual orientation, and gender identity for children and youth in schools, and 2) Collecting data on sexual orientation and gender identity in schools. The document calls upon schools to institute policies to protect students’ rights to privacy regarding sexual orientation and gender identity:

School administrators and staff are specifically tasked with refraining from disclosing students' sexual orientation and gender identity to others.

## **SOGI Data Collection on Harassment and Discipline: Federal Landscape**

Federal agencies, such as the U.S. Departments of Education, Health and Human Services, and Justice routinely collect data through administrative reports or surveys to identify the relationship between youth experiences and outcomes in efforts to assist policymakers, administrators, and practitioners in making informed decisions concerning educational practices and health. When disaggregated, these data can provide a greater understanding of the educational and health disparities of students from different racial/ethnic backgrounds, opening the door to changes in policy and practices that can improve academic and social outcomes.

The following summary focuses on common federal and state data collections with respect to the identification of LGBT youths' identity and their experiences of bias-based bullying and harassment or school discipline. (For a summary table and description of surveys and their coverage, see Appendix A.) An examination across surveys reveals that: a) surveys of school discipline and harassment do not disaggregate data by sexual orientation or gender identity, while b) health surveys that provide more complete information on SOGI fail to measure the extent of school-based negative events (e.g., suspension, expulsion, harassment) affecting LGBT students.

### *Discipline: The Civil Rights Data Collection*

The U.S. Department of Education's Office for Civil Rights (OCR) Civil Rights Data Collection (CRDC) captures both school discipline outcomes and the bias-based bullying experiences of youth.<sup>44</sup> The CRDC is among the most widely used measures for tracking disciplinary data collected on suspensions; expulsions; arrests; and referrals to law enforcement, restraint, and seclusion. The OCR also recently required schools to collect and report the number of allegations of harassment or bullying allegedly based on sexual orientation.<sup>45</sup> Since the data collected by the CRDC requires identification of incidence of race, ethnicity, gender, and disability status by school, data can be disaggregated by any of those characteristics, allowing researchers, advocates, or the general public the ability to identify inequities for various groups. Yet there is no requirement that schools and districts collect data on sexual orientation or gender identity. Thus, the data cannot be disaggregated by sexual orientation or gender

identity, making it impossible for researchers, advocates, or the general public to access data on the extent to which LGBT students are differentially harassed or disciplined.

A fundamental challenge for data collection by the Office for Civil Rights is that sexual orientation and gender identity are not currently federally protected classes. Under current statutes, youth are protected from discrimination based on the characteristics of race, color, religion, sex, or national origin under Title VI of the Civil Rights Act of 1964,<sup>46</sup> and disability under the Americans with Disabilities Act of 1990.<sup>47</sup> These federal protections from discrimination are not currently afforded based on sexual orientation or gender identity, depriving LGBT youth equal educational opportunity and leaving them vulnerable to harms associated with these inequities. The Student Non-Discrimination Act (SNDA), initially proposed in 2010 and most recently reintroduced in 2015, would extend protections that currently apply to students based on race<sup>48</sup> and gender<sup>49</sup> to include sexual orientation or perceived sexual orientation,<sup>50</sup> thereby enabling data collection based on sexual orientation.

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*The right to ... privacy, and the right to be protected from the harms of differential treatment are by no means mutually exclusive.*

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### *Crime and Safety Surveys*

Federal surveys, such as the *School Crime Supplement (SCS) to the National Crime Victimization Survey (NCVS)*,<sup>50</sup> that explore delinquency and safety, commonly include questions on crime and victimization incidents that students ages 12 through 18 in U.S. public and private schools may experience (i.e., questions related to fighting, bullying, hate-related behaviors; fear and avoidance behaviors; gun and weapon carrying; gangs at school; and alcohol and drug consumption).<sup>52</sup> Yet such surveys do not ask individuals to report their sexual orientation or gender identity, nor do they typically ask about youth's experiences with exclusionary discipline. The only reference the SCS makes to sexual orientation is related to experiencing verbal harassment in relationship to sexual orientation (i.e., Were any of the hate-related words related to your sexual orientation?).<sup>53</sup> At the

school level, the U.S. Department of Education's *School Survey on Crime and Safety (SSOCS)*<sup>54</sup> is the main source of school-level data on crime and safety for the National Center for Education Statistics (NCES). This nationally representative cross-sectional survey of approximately 3,500 public elementary and secondary schools is targeted at principals, who are asked to report to the best of their knowledge, how often students are harassed at school based on sexual orientation or gender identity. Yet these are, at best, broad estimates: The lack of actual disaggregation of student-level data by sexual orientation and/or gender identity makes it impossible to identify the actual extent to which LGBT students are differentially targeted for harassment or differentially subjected to exclusionary discipline approaches.

### *Health Surveys*

Youth health surveys generally request that participants report their sexual orientation, or target this by asking questions related to sexual attraction or behavior. For example, the *National Longitudinal Study of Adolescent to Adult Health (Add Health)*,<sup>55</sup> a longitudinal study of a nationally representative sample of adolescents in grades 7-12 during the 1994-95 school year who have been followed into young adulthood, includes a number of questions at different points in time concerning same-sex romantic attraction, romantic relationships, and sexual identity. In the *Youth Risk Behavior Surveillance System (YRBSS)*,<sup>56</sup> the largest source of public health data for adolescents administered through school-based questionnaires in classrooms that monitors health risk behaviors among students in grades 9-12, youth are asked to identify the gender of persons they have had sexual contact with (i.e., males, females, both, or never had sexual contact), followed by a question about the identification of their sexual orientation (i.e., Which of the following best describes you? Heterosexual, Gay or lesbian, Bisexual, Not sure). In these federal health surveys, however, questions related to school experiences of bullying or discipline are either optional (YRBSS) or not included (Add Health). Thus, although these measures provide more specific information about sexual orientation and in some cases gender identity, they do not provide sufficient information about the specific negative outcomes experienced by LGBT students, once again making disaggregation of the data to determine the extent of differential treatment experienced by those students impossible.

## Summary

This survey of available national measures points to a critical information gap for LGBT students: There are no nationwide U.S. surveys that both provide SOGI data while simultaneously documenting the negative educational experiences and outcomes LGBT students may face. Federal data collection and surveys focusing on discipline, crime/safety, and sometimes bias-based bullying, do not provide sufficient reporting on the sexual orientation and gender identity of the respondents to be able to disaggregate data and provide detail on the extent of these harms. National health surveys, in contrast, provide fuller information on sexual orientation and gender identity, but do not typically ask students about their negative school experiences, especially with respect to school discipline. Thus, in contrast to data collection on suspension and expulsion by race, gender, or disability, there is at present no source at the federal level that allows the disaggregation of discipline or bullying/harassment data by sexual orientation or gender identity, severely limiting the ability of educators, researchers, or policymakers to identify the full extent of such harms.

### *Examples of Data Collection at the State Level*

A number of states, regions, or school districts have developed surveys that allow for identification of both SOGI and school experiences. The *Dane County (Wisconsin) Youth Assessment*<sup>57</sup> is an anonymous survey administered electronically to all middle and high school students by their school districts. Students have the option to self-identify as LGBT and respond to questions concerning important aspects of their academic, social, and emotional well-being, including the number of times they have been suspended or exposed to bias-based bullying.

The *California's Healthy Kids Survey (CHKS)*<sup>58</sup> is an anonymous, confidential survey administered to students at grades five, seven, nine, and eleven which addresses school climate, health risks and behaviors, and youth resiliency; the most recent administration included an item for students' self-reported sexual orientation and gender identity. Students are also asked whether they have missed school in the last 30 days for suspension. The CHKS includes a supplemental module on "gender and sex-based harassment" that includes information on sexual orientation and gender identity risk factors, such as information about pro-bullying attitudes at school, the frequency of peer or staff intervention in bullying, and access to SOGI-specific school-based prevention and intervention supports.

## Recommendations

LGBT youth are disproportionately likely to experience harassment, bullying, and exclusionary discipline at school, yet have limited legal rights to respond. The collection of data that are universal, public, annual, and disaggregated<sup>59</sup> provides understanding of the extent of inequity experienced by some students and provides the basis for actions to reduce such inequities. There exist examples of federal-, state-, and district-level efforts to document the extent of disparities in exclusionary discipline practices experienced by LGBT students. Yet there are no federal legal or policy guidelines that ensure that LGBT students are represented in data and research, and that SOGI information reported by youth is protected, assuring that both student privacy and parents' rights are respected.

We offer recommendations designed to enable the collection and reporting of SOGI data, and ultimately to document and remedy educational disparities for LGBT students.

### Policy

- *Extend federal non-discrimination civil rights protections to sexual orientation and gender identity by passing the Student Non-Discrimination Act (SNDA).*<sup>60</sup>

As noted above, the Student Non-Discrimination Act would extend the status of protected class based on sexual orientation. Like other civil rights laws, the SNDA would also encourage schools to take an active role in the prevention of discrimination based on SOGI. Although 19 states and the District of Columbia currently prohibit bullying on the basis of sexual orientation and gender identity,<sup>61</sup> there remains no federal non-discrimination protection.

- *Develop state, school, and district policies and practices that support the establishment of safe and supportive environments for LGBT students.*

Schools can help to improve academic and health outcomes and reduce the prevalence of drop-out and health-risk behaviors.<sup>62</sup> For example, the state of California requires that all local education authorities adopt policies to prohibit discrimination, intimidation, and bullying on the basis of a number of enumerated status characteristics, including sexual orientation and gender identity, as well as a process to report, investigate, and resolve all allegations.<sup>63</sup>

### Data Collection

- *Include standard measures of sexual orientation and gender identity appropriate for youth to crime and safety or school discipline survey.*

Including measures of respondents' sexual orientation and gender identity on measures

of school safety (e.g., the *School Crime Supplement to the National Crime Victimization Survey*) could provide data critical to understanding LGBT students' school experiences, thereby supporting policy efforts to protect them from negative and inequitable experiences and outcomes.

- *Add discipline and harassment items to existing health surveys that currently include measures of sexual orientation and gender identity.*

The addition of questions related to exclusionary discipline in surveys that already ask respondents about their sexual orientation and gender identity would provide additional information regarding the school experiences of LGBT students. (For examples of existing approaches, see Appendix A.)

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*When we fail to ask questions about youths' sexual orientation and gender identity, we fail to understand, support, and protect all students from discrimination in schools.*

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### Research

- *Conduct research on youths' understanding of and perceptions regarding disclosing their sexual orientation and/or gender identity in data collection.*

Specific attention should be given to youths' perceptions of the potential of SOGI data to represent their experiences, as well as of the potential risks of disclosure of such information to others.

- *Promote scholarship that deepens understandings of the associations among SOGI status, educational disparities (such as disproportionality in school discipline), and other experiences of inequity in education (such as discriminatory bullying and harassment).*

### Professional Development

- *Promote teacher training and ongoing professional development for all school personnel regarding the needs of LGBT students, SOGI discrimination and associated bullying and harassment, and equitable discipline practices.*

For example, offer model in-service trainings focused on strategies and interventions to make schools safe for all students by learning how to address anti-LGBT harassment, or training for teachers on how to teach about sexual and gender diversity at school.<sup>64</sup>

## Conclusion

Collecting and monitoring comprehensive, representative data that can be disaggregated by group is a critical component in identifying and addressing inequity. Previous research has consistently documented the vulnerabilities of LGBT youth in schools, including experiences of bias-based bullying and over-representation in exclusionary discipline practices. Yet the absence of consistent data that can be disaggregated by sexual orientation and gender identity reduces our ability to understand the extent of the problems faced by LGBT students or to generate remediation approaches.

At the federal level, we lack a collection source that allows the disaggregation of discipline or bullying/harassment data by sexual

orientation and gender identity. Moreover, federal and state surveys of school safety, climate, violence, and discipline generally lack questions on sexual orientation and gender identity. National health surveys are more likely to include SOGI questions, but do not generally require students to disclose the nature of negative school experiences, especially discipline. This shortage of data hinders our ability to understand the factors contributing to negative outcomes for LGBT students, and makes it difficult for researchers and policymakers to gain a full understanding of educational inequities for those students.

When we fail to ask questions about youths' sexual orientation and gender identity, we fail to understand, support, and protect all students from discrimination in schools. The analysis of disaggregated data is a founda-

tion for the identification of inequity, for the enforcement of civil rights, and for measuring progress in remediating inequity. Because schools and districts are not required to collect data on sexual orientation or gender identity, researchers, advocates, and the general public cannot fully understand the extent to which LGBT students are differentially harassed or disciplined; the absence of such data also limits our ability to monitor the effectiveness of interventions to reduce the harms that LGBT students experience. In sum, the availability of data documenting the experiences of LGBT students is a civil rights concern, and the expansion of data collection efforts to include sexual orientation and gender identity is a critical next step in ensuring the rights of LGBT and all students to participation and protection in school.

## Resources and Sample Questions

Further discussion on SOGI questions can also be found at:

### The Williams Institute

The GenIUSS Group. (2014). *Best practices for asking questions to identify transgender and other gender minority respondents on population-based surveys*. J. L. Herman (Ed.). Los Angeles, CA: The Williams Institute. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/geniuss-report-sep-2014.pdf>

### The Fenway Institute

Evans, L., Lawler, K., & Sass, S. (2014). *Gathering sexual orientation data on statewide behavioral risk factor surveillance surveys: A call to action for states*. Boston, MA: The Fenway Institute. [http://fenwayhealth.org/documents/the-fenway-institute/policy-briefs/COM484\\_BRFSS\\_Brief.pdf](http://fenwayhealth.org/documents/the-fenway-institute/policy-briefs/COM484_BRFSS_Brief.pdf)

Conron, K. J., Landers, S. J., Reisner, S. L., & Sell, R. L. (2014). Sex and gender in the US health surveillance system: A call to action. *American Journal of Public Health*, 104, 970-976. <http://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2013.301831>

Sample questions on self-identification sexual orientation and gender identity:

**Centers for Disease Control. (2015). 2015 State and Local Youth Risk Behavior Survey. Atlanta, GA: Author.**

*Which of the following best describes you?*

1. Heterosexual (straight)
2. Gay or Lesbian
3. Bisexual
4. Not sure

**California Department of Education. (2015). California Healthy Kids Survey (CHKS). (core module) San Francisco, CA: WestEd.**

*Which of the following best describes you? (Mark all that apply)*

1. Heterosexual (straight)
2. Gay or Lesbian or Bisexual
3. Transgender
4. Not sure
5. Decline to respond

## End Notes

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## Appendix A: Overview of Existing Federal, State, and Local Youth Surveys

Discipline and Harassment
Harassment Only
SOGI Only
SOGI and Harassment, No Discipline
SOGI, Harassment, and Discipline

	Survey Respondents	Anonymous?	Directly ask SOGI questions?	Includes question(s) on biased based bullying and/or harassment?	Includes question(s) on discipline?
<b>Federal Surveys</b>					
<b>Civil Rights Data Collection</b> <i>U.S. Department of Education</i>	All Local Education Agencies (LEA)	Data is collected individually, but reported in the aggregate	No	Yes. Number of reported allegations of harassment or bullying	Yes. Suspension, expulsion, arrests, restraint and seclusion, and referrals to law enforcement
<b>Public School Safety and Discipline Survey</b> <i>U.S. Department of Education</i>	Self-reported data from public schools	Yes	No	Yes. Occurrence of student harassment at school	Yes. Frequency of various discipline incidents
<b>School Survey on Crime and Safety (SSOCS)</b> <i>U.S. Department of Education</i>	School Principals	Yes	No	Yes. Biased-based bullying and sexual harassment	No
<b>High School Longitudinal Survey (HSLs)</b> <i>U.S. Department of Education</i>	Youth (also parents, principals, mathematics and science teachers, school counselor)	Yes	Yes (to be included in 2016 data collection-youth will be 18+)	Yes. Past experiences with biased-based bullying	No
<b>School Crime Supplement (SCS) to the National Crime Victimization Survey (NCVS)</b> <i>U.S. Department of Justice</i>	Youth	Yes	No	Yes. Biased-based bullying	No
<b>National Survey of Children's Exposure to Violence (NatSCEV)</b> <i>U.S. Department of Justice and Office of Juvenile Justice and Delinquency Prevention</i>	Youth (age 10-17) and Adult Caregivers (for ages 9 and younger)	Yes	No	Yes. Victim of a hate crime or bias attack	No
<b>Youth Risk Behavior Surveillance System (YRBSS)</b> <i>Center for Disease Control</i>	Youth	Yes	Yes (as of 2015). States can opt to remove data at the national level	Yes. Bias-based bullying (optional)	No

	Survey Respondents	Anonymous?	Directly ask SOGI questions?	Includes questions on biased based bullying and/or harassment?	Includes question(s) on discipline?
<b>State Surveys</b>					
<b>Minnesota Adolescent Health Survey (1986/1987)</b> <i>Adolescent Health Program of the University of Minnesota, Minnesota Department of Health, and Minnesota Department of Education</i>	Youth (Minnesota)	Yes	Yes	No	No
<b>Rhode Island SurveyWorks! Student Survey</b> <i>Rhode Island Department of Elementary and Secondary Education</i>	Youth (Rhode Island)	Yes	Yes	No	No
<b>2012 Youth Count! Process Study</b> <i>The U.S. Interagency Council on Homelessness (USICH) and the Departments of Housing and Urban Development (HUD), Health and Human Services (HHS), and Education (ED)</i>	Youth (across the US)	Yes	Yes	No	No
<b>California Preventing School Harassment (PSH) Survey</b> <i>California Department of Education</i>	Youth (California)	Yes	Yes	Yes. Harassment or bullying on school property in the last 12 months	No
<b>Local Surveys</b>					
<b>Dane County Youth Assessment Survey</b> <i>Dane County Youth Commission</i>	Youth (Dane County)	Yes	Yes	Yes. Harassment or bullying in past 12 months	Yes. Number of times suspended from school

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### **Russell J. Skiba, Ph.D.**

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