

Massachusetts Board of Elementary and Secondary Education
***Recommendations on the Support and Safety of Lesbian, Gay, Bisexual, Transgender,
Queer and Questioning Students***

Massachusetts has been, and continues to be a leader nationally in creating policies and practices to support LGBTQ students. Since 1993, the partnership between the Department and the Commission has resulted in groundbreaking and innovative work. The Department remains unique in housing a statewide, state-supported Safe Schools Program for LGBTQ Students and GSA Leadership Council. The recommendations proposed in this document continue this pioneering work

The following recommendations include the four that were approved by the Board of Education in 1993 and have been updated in this document, as well as new recommendations that reflect current laws, policies, and best practices:

1. Schools are encouraged to develop or update policies protecting LGBTQ students from harassment, violence, and discrimination to ensure compliance with the law.
2. Schools are encouraged to include violence and suicide prevention content related to LGBTQ students in the required training for school personnel.
3. Schools are encouraged to offer school-based groups for LGBTQ and heterosexual students.
4. Schools are encouraged to provide support for family members of LGBTQ students.
5. School districts are encouraged to designate a staff member who is proficient in issues related to sexual orientation and gender identity.
6. Schools are encouraged to implement curricula that reflect gender and sexual diversity.
7. Schools are encouraged to provide information about LGBTQ issues in school libraries and in student and faculty resource centers.
8. Schools are encouraged to have a diverse workforce.
9. Schools are encouraged to review their referrals to community-based services and law enforcement agencies, and to address any disparities related to LGBTQ students.
10. School districts are encouraged to collect and analyze suspension, expulsion, bullying, and attendance data, and implement changes to address any disparities related to sexual orientation and gender identity.

Explanation of Recommendations:

1. Schools are encouraged to develop or update policies protecting LGBTQ students from harassment, violence, and discrimination to ensure compliance with the law.

In light of the Student Anti-discrimination Law that now includes gender identity and sexual orientation as protected categories, and in order to assure these new protections are understood throughout all Massachusetts school districts, current school district non-discrimination policies should be reviewed and updated to include sexual orientation and gender identity if this has not already taken place. In addition, schools are encouraged to adopt policies and practices based on the Department's *Guidance on Gender Identity*.

2. Schools are encouraged to include violence and suicide prevention content related to LGBTQ students in the required training for school personnel.

Regulations for the Student Anti-discrimination Law require the school committee and the superintendent to provide in-service training for all school personnel at least annually regarding the prevention of discrimination and harassment based upon race, color, sex, gender identity, religion, national origin and sexual orientation, and the appropriate methods for responding to such discrimination and harassment in a school setting.

Training for personnel should include the particular issues that lead to LGBTQ students being harmed or harming themselves. The Massachusetts Anti-bullying Law states that the content of anti-bullying professional development shall include developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; and research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment. The trained staff should include educators, administrators, school nurses, counselors, librarians, cafeteria workers, custodians, administrative assistants, bus drivers, athletic coaches, activity advisors, all support staff, and paraprofessionals.

3. Schools are encouraged to offer school-based groups for LGBTQ and heterosexual students.

Research consistently finds that participation in gay-straight alliances or gender and sexuality alliances (GSAs) is central to positive youth development and resilience. ^[15, 16, 17, 18, 19]

In order to support students who may be isolated and at high risk for suicide, as well as to offer them meaningful leadership opportunities, middle and high schools should establish groups where all students, LGBTQ and heterosexual, may meet on a regular basis to discuss LGBTQ issues in a safe environment. These GSAs should be open to all students and should have a faculty advisor and support from the school administration. GSA student leaders and adult advisors are encouraged to participate in the statewide Massachusetts GSA Leadership Council that is modeled on the Student Advisory Council to the Board of Elementary and Secondary Education.

4. Schools are encouraged to provide support for family members of LGBTQ students.

A key determinant of LGBTQ student health is parental acceptance and family support.^[20, 21] Student support teams, guidance staff, and community partners should provide resources to help families and students locate counseling, information, and support services.

Administrators and guidance staff should be familiar with the practices recommended in the Department's *Guidance on Notifying Parents When a Student Has Been Bullied Based on Sexual Orientation or Gender Identity/Expression*, including designing an appropriate parental notification process for these situations.

5. School districts are encouraged to designate a staff member who is proficient in issues related to sexual orientation and gender identity.

All school districts should designate a person who is proficient on issues related to sexual orientation and gender identity, as recommended in the Department's *Guidance on Notifying Parents When a Student Has Been Bullied Based on Sexual Orientation or Gender Identity/Expression*. In addition to assuming a leadership role in educating the school community regarding these topics, this person serves as the point person for the school district and for the Department.

6. Schools are encouraged to implement curricula that reflect gender and sexual diversity.

Curriculum content and study, where relevant across disciplines, should incorporate topics related to sexual orientation and gender identity, including, but not limited to, comprehensive health/sexual health, social science, language arts, and family life curricula. Regulations for the Student Anti-discrimination Law state: *All public school systems shall, through their curricula, encourage respect for the human and civil rights of all individuals regardless of race, color, sex, gender identity, religion, national origin or sexual orientation.*

Research shows that inclusion of LGBTQ topics in curricula corresponds to all students reporting that they feel safer in school, regardless of sexual orientation or gender identity.^[22, 23]

7. Schools are encouraged to provide information about LGBTQ issues in school libraries and in student and faculty resource centers.

School libraries should include a selection of high interest LGBTQ books and media. In addition, computer-filtering software should not inhibit age-appropriate access to medical and social information. Schools are encouraged to review the computer filtering protocol to ensure that LGBTQ students and other school community members can access information related to LGBTQ youth, local and national resources, and LGBTQ health information.

8. Schools are encouraged to have a diverse workforce.

In order to provide authentic role models for all students, schools are encouraged to have a diverse staff who reflect the protected categories in the State Student Anti-discrimination Law, including gender identity and sexual orientation. ^[17] While employers cannot inquire about an applicant's sexual orientation or gender identity, it is important that school systems have work environments where openly LGBTQ staff members feel safe, supported, and valued.

9. Schools are encouraged to review their referrals to community-based services and law enforcement agencies, and to address any disparities related to LGBTQ students.

LGBTQ youth are frequently cited as disproportionately at risk for truancy, violence, substance use, and other risks (e.g., unaccompanied homelessness) that could increase their chances of becoming involved with the juvenile justice system. In addition, research shows that nonheterosexual youth are up to three times as likely to experience harsh disciplinary treatment, "disproportionate to their rates of transgressive behavior." ^[24]

School systems should review their referrals to community-based services and law enforcement agencies to see if LGBTQ youth are disproportionately affected, and implement changes to address any disparities, including: allocation of resources to in-school suspension and other alternatives to police involvement; delineation of the roles of school staff and police in schools; data collection; and policies and programs to improve school climate.

10. School districts are encouraged to collect and analyze suspension, expulsion, bullying, and attendance data, and implement changes to address any disparities related to sexual orientation and gender identity.

Schools are encouraged to collect and analyze suspension, expulsion, bullying, and attendance data related to sexual orientation and gender identity; to address barriers that may exist for LGBTQ students; and to promote practices that improve their attendance and participation in school. In addition, in 2014 the Massachusetts Anti-bullying Law was amended to require annual reporting of bullying incident data to the Department.

Background

Since 1993, the Massachusetts Department of Elementary and Secondary Education (Department) has been a leader in developing policies and programs to support lesbian, gay, bisexual, transgender, queer and questioning (LGBTQ) students. In fact, over the past two decades, Massachusetts' policies and programs have been a model for federal and state educational agencies that have also made strides in bringing about a culture change in regard to LGBTQ students and schools. This document provides an overview of current status and research, as well as advances six additional, best-practice recommendations for endorsement by Commissioner Chester and the Board of Elementary and Secondary Education.

Past research has documented that LGBTQ students face increased risk of harassment and discrimination at school, impeding their ability to do well in this environment and putting them at greater risk for negative outcomes, including alcohol and other drug abuse, suicidal behavior, infection with HIV and other sexually transmitted infections, homelessness, and over representation in the juvenile justice system. ^[1, 2, 3, 4, 5, 6, 7]

To respond to these concerns, in 1992 Governor Weld signed an executive order establishing the Governor's Commission on Gay and Lesbian Youth (Commission). In February 1993 the Commission issued its report, *Making Schools Safer for Gay and Lesbian Youth: Breaking the Silence in Schools and in Families*, which included recommendations to state agencies regarding educational issues. Based on the recommendations in this report, the Board of Education voted in May 1993 to adopt four *Recommendations on the Support and Safety of Gay and Lesbian Students*:

- 1. Schools are encouraged to develop policies protecting gay and lesbian students from harassment, violence, and discrimination.**
- 2. Schools are encouraged to offer training to school personnel in violence prevention and suicide prevention.**
- 3. Schools are encouraged to offer school-based support groups for gay, lesbian and heterosexual students.**
- 4. Schools are encouraged to provide school-based counseling for family members of gay and lesbian students.**

Also in May 1993 Commissioner Antonucci established the Safe Schools Program for Gay and Lesbian Students, a joint initiative of the Department and the Commission.

In 2006, due to a withdrawal of support by Governor Romney, the Commission was dissolved and recreated by the Legislature as the Massachusetts Commission on Gay and Lesbian Youth.

In 2013 Commissioner Chester and the Department entered into a Memorandum of Understanding with the Commission. In 2014 the Commission was renamed in M.G.L c. 3, § 67 the Massachusetts Commission on Lesbian, Gay, Bisexual, Transgender, Queer and Questioning Youth, and the Department's Safe Schools Program for Gay and Lesbian Students was renamed the Safe Schools Program for Lesbian, Gay, Bisexual, Transgender, Queer and Questioning Students.

Laws and Regulations

Several Massachusetts laws and regulations have been passed to ensure that all students have access to the education they need to thrive. The Massachusetts Student Anti-discrimination Law, Chapter 76, Section 5, was amended in 1993 to include sexual orientation as a protected category, and in 2012 to include gender identity.

No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin or sexual orientation.

In light of the amended statute, the Board of Elementary and Secondary Education revised its *Access to Equal Education Opportunity Regulations and Charter School Regulations* (the Regulations) to reflect the broadened anti-discrimination provisions; issued the *Guidance on Notifying Parents When a Student Has Been Bullied Based on Sexual Orientation or Gender Identity/Expression* and issued the *Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment: Nondiscrimination on the Basis of Gender Identity* (Guidance on Gender Identity).

In July 2013 Governor Patrick signed the amended Massachusetts Anti-bullying Law (M.G.L. chapter 71, section 37O), which expands the definition of bullying "perpetrators" from only students to include school staff. And in 2014 the Law was amended further to require annual reporting of bullying incident data to the Department.

Risk and Resilience

Despite the improvements to which these laws and programs have led, LGBTQ students continue to face significant barriers to accessing a quality education. Data from the 2013 Massachusetts Youth Risk Behavior Survey (MYRBS) indicate that sexual minority (LGBTQ) students are still significantly more likely than other students to skip school due to feeling unsafe, experience bullying, be threatened or injured by a weapon at school, carry a weapon at school, use heroine, become pregnant or get someone pregnant, and be involved in a gang. LGBTQ students, particularly LGBTQ students of color, are also more likely to experience suspensions and other punitive discipline methods that interfere with learning and, in some instances, are at an increased likelihood of school dropout and involvement with the juvenile justice system. ^[8, 9, 10, 11]

Since the implementation of statewide programs to support LGBTQ students, promising changes have occurred. Research has shown that sexual minority students feel safer in schools that have gay-straight alliances, professional training for staff, inclusive policies, and adults with whom students report they can talk about problems. ^[12,13]

While there are many well-adjusted, well-supported LGBTQ students who are thriving in inclusive schools, there remains a considerable need to assure healthy outcomes for all sexual minority students. ^[1, 14]

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DOCUMENT 2: CONDENSED RECOMMENDATIONS

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9. Schools are encouraged to review their referrals to community-based services and law enforcement agencies, and to address any disparities related to LGBTQ students.

School systems should review their referrals to out-of-school community-based services and district/community court referrals to see if LGBTQ students are disproportionately affected and to implement changes to address any disparities.

10. School districts are encouraged to collect and analyze suspension, expulsion, bullying, and attendance data, and implement changes to address any disparities related to sexual orientation and gender identity.

Schools are encouraged to collect and analyze suspension, expulsion, bullying, and attendance data related to sexual orientation and gender identity and shall report bullying incident data related to gender identity and sexual orientation to the Department.