

# Human Rights Watch

## Children's Rights

### <https://www.hrw.org/news/2016/12/16/toxic-homophobia-still-festers-americas-schools>

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Over the past year, I've traveled around the United States interviewing students, teachers, and administrators about the issues that LGBT people face in schools.

The stories I heard were sobering. Despite some progress in laws and attitudes, many LGBT students still encounter discrimination throughout the school environment, making them feel unsafe, excluded, and unable to learn.

Last week, Human Rights Watch released that research in a new report, *Like Walking Through a Hailstorm: Discrimination Against LGBT Youth in US Schools*. Our research shows that although progress is being made, there's plenty left to be done, and action is urgently needed.

Between 1999 and 2015, every state in the U.S. enacted legislation aimed at curbing bullying in schools. But in 2016, only 19 states and the District of Columbia specifically target bullying on the basis of sexual orientation and gender identity. The majority don't spell out that it's unacceptable to bully kids for being LGBT, making it difficult for students to know they're protected and for teachers to know where they should draw the line and intervene. And in Missouri and South Dakota, the hands of school administrators are tied. Perversely, state law actually prohibits them from developing policies that are deliberately tailored to the need to protect particularly vulnerable groups, including LGBT students, from bullying.

Discrimination Against LGBT Youth in US Schools

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Even as millennials generally become more supportive of their LGBT peers, many students I spoke with said they had been targeted for physical bullying, verbal harassment, sexual harassment, or cyberbullying. Worse, they not only have to deal with bullying by other students but also with faculty and staff who ignore bullying and harassment in the classroom, use anti-LGBT slurs, tell anti-LGBT jokes, or teach that being LGBT is wrong.

Nor is bullying the only problem LGBT kids face. In at least eight U.S. states, discriminatory no promo homo laws restrict discussions of LGBT topics in schools. The laws prevent LGBT students from learning about their health, history, and rights, and discourage teachers from talking about LGBT subjects, voicing support for LGBT students, or intervening when they see anti-LGBT bullying.

Often students weren't sure where to turn for information and support. Many students we interviewed didn't feel they could go to their school counselor about LGBT issues, weren't aware of LGBT resources in the school library, and found that attempts to learn about LGBT issues on school computers were blocked by internet filters that censored LGBT content.

Students across the U.S. have formed gay-straight alliances for peer support and under federal law, schools have to allow those groups to form just like any other noncurricular organization. But many students who attempted to form GSAs told us they were stonewalled by administrators, had difficulty finding faculty sponsors, or faced stringent requirements not enforced with other groups. In some instances, GSAs were allowed to organize but faced absurd regulations like not being allowed to put the word gay on posters.

Discrimination also loomed large. Teachers described the pressure to stay closeted, tamping down their support of LGBT kids. Students in same-sex relationships told me that they'd been discouraged or barred from bringing same-sex dates to prom, or were punished more harshly than heterosexual peers for holding hands or hugging in the hallway. Transgender students were misgendered by faculty and

staff, denied access to facilities, barred from participating in extracurricular activities, and punished for wearing clothing consistent with their gender identity.

Adults often dismiss these experiences, telling kids to toughen up or dismissing individual incidents. What many adults don't grasp is that these problems add up day in and day out. As the mother of a gender-nonconforming boy in Utah described it: It's like walking through a hailstorm. It's not like any one piece of hail that gets you, it's all the hail together. Addressing discrimination against LGBT youth in schools isn't a matter of passing any single law or policy; it instead requires holistic approaches to foster environments where all students, including LGBT students, feel safe, included, and able to learn.

Progress is being made, but we can't take it for granted. The wave of efforts earlier this year to restrict bathroom and locker room access for transgender youth demonstrated how stereotypes and prejudice can threaten the safety and well-being of LGBT young people. And since the election in November, the Southern Poverty Law Center has documented a spike in harassment, much of it in schools, targeting LGBT students, immigrants, and racial and religious minorities.

As lawmakers begin their work in January, they have the power to make things worse or better for LGBT youth. If they are serious about keeping all students safe, there are a number of steps they should take.

The Trump administration's Justice and Education departments should preserve existing guidance that protects transgender students from discrimination in schools. Legislators at the federal and state levels should pass LGBT-inclusive safe schools legislation, repeal no promo homo laws, and enact employment protections for LGBT teachers. Locally, school boards and administrators should revamp antibullying and antidiscrimination policies to make them LGBT-inclusive, incorporate LGBT topics in school curricula, and train teachers and counselors to be resources for LGBT youth.

Ensuring that all youth feel safe at school and get a quality education shouldn't be a partisan issue. We know what puts LGBT students at risk in schools. In January we will need the political will to address it.

Human Rights Watch / ACLU Joint Submission Regarding the United States Record Under the International Convention on the Elimination of All Forms of Racial Discrimination

Violence and the Human Rights of Transgender People in the United States

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