

# TRANSGENDER YOUTH AND EDUCATION: THE NEXT CIVIL RIGHTS FRONTIER

*27 percent—or 796,000—of California’s youth, ages 12 to 17, are viewed as gender nonconforming by their peers at school.<sup>1</sup>*

## **AB 1266: The School Success and Opportunity Act**

Introduced in February 2013 by Assemblymember Tom Ammiano and co-authored by Senators Mark Leno and Ricardo Lara, the School Success and Opportunity Act (AB 1266) makes clear the obligation of California schools to allow transgender students to participate in all school activities, programs, and facilities.<sup>2</sup>

## **Experiences at School (K-12)**

77% of respondents had one or more negative experiences, such as being verbally harassed, prohibited from dressing according to their gender identity, or physically or sexually assaulted.<sup>3</sup>

### *Verbal Harassment and Physical Attacks:*

- 54% of people were verbally harassed
- 24% of people were physically attacked
- 13% of people were sexually assaulted in K-12

*“I’d get hit by soda cans, spit balls, and paper airplanes of hate mail. Teachers weren’t there or didn’t care. I had to avoid social interactions like buses and school bathrooms because I didn’t feel safe.”*

### *Mental Distress and Suicide:*

- More likely to have committed suicide (52%) than those who did have these negative experiences (37%).
- More likely to currently be experiencing serious psychological distress (47%) than those who did not have these negative experiences (37%).

### *Discipline and Leaving School:*

- 52% were not allowed to dress in a way that fit their gender identity or expression
- 36% were disciplined for fighting back against bullies
- 20% were disciplined more harshly because teachers or staff thought they were transgender
- 17% left a K-12 school because mistreatment was so bad
- 6% of people were expelled

### *Homelessness and Unemployment:*

- More likely have experienced homelessness (40%) than those who did not have these negative experiences (22%).
- More likely to have ever worked in the underground economy, such as sex work or drug sales (28%) than those who did not have these negative experiences (18%).

## POLICY RECOMMENDATIONS <sup>4</sup>

### *Congress:*

- Congress should pass HR 1957, The Safe Schools Improvement Act, which would ensure that all schools and districts implement comprehensive and effective anti-bullying and anti-harassment policies that specifically include gender identity and sexual orientation.
- Congress should pass HR 846/S 439, The Student Non-Discrimination Act, which would prohibit discrimination in K-12 public schools on the basis of gender identity and sexual orientation.
- Congress should repeal the Souder Amendment and restore access to federal financial aid to students with prior drug convictions.
- Congress should repeal ineffective abstinence-only education programs and pass HR 3602/S 1653, The Real Education for Healthy Youth Act, to provide comprehensive sexuality education for young people.
- Congress should mandate that all states provide comprehensive suicide prevention education to all high school students. The mandate should require that the curriculum meets minimum standards, including a discussion of LGBT youth and why they have an increased risk of suicide.

### *Department of Education:*

- Reinstate the Department of Education issued guidance stating that the federal Title IX sex discrimination law protects transgender students from discrimination and harassment (NCTE, 15)
- Reinstate the Department of Education issued guidance stating that, under Title IX, transgender students must have the opportunity to participate in single-sex classes and extracurricular activities consistent with their gender identity (NCTE, 15)
- Reinstate the Department of Education issued guidance stating that colleges must strengthen sexual assault policies (NCTE, 15)
- Reinstate the Department of Education issued guidance addressing racially disproportionate school discipline - though without acknowledging impacts or protections for LGBT students (NCTE, 15)

### *Relevant CA Assembly and Senate Bills:*

- Continued support for and implementation (including certified training) of the following CA Assembly and Senate Bills:
  - AB 1266: The Student Success and Opportunity Act (2014)
  - AB 329: Student Sexual Health Education Act (2015-16)
  - AB 2246: Pupil Suicide Prevention Policies (2015-16)
  - SB 179: Gender Identity: Male, Female, or Non-Binary (2017)
  - SB 396: Employment: Gender Identity, Gender Expression, and Sexual Orientation (2017-18)

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<sup>1</sup> Wilson, Bianca D.M., et al. "Characteristics and Mental Health of Gender Nonconforming Adolescents in California," Williams Institute, Dec. 2017. Web.

<sup>2</sup> ACLU, et. al. "FAQ Sheet: AB 1266," 2014. Web.

<sup>3</sup> National Center for Transgender Equality. "Experiences at School." *2015 U.S. Transgender Survey Report*, Dec. 2016, 130-135. Print.

<sup>4</sup> National Center for Transgender Equality. "Policy Advances and Needed Policy Advances." *A Blueprint for Equality: Federal Agenda for Transgender People*, 2016, 15-16.