



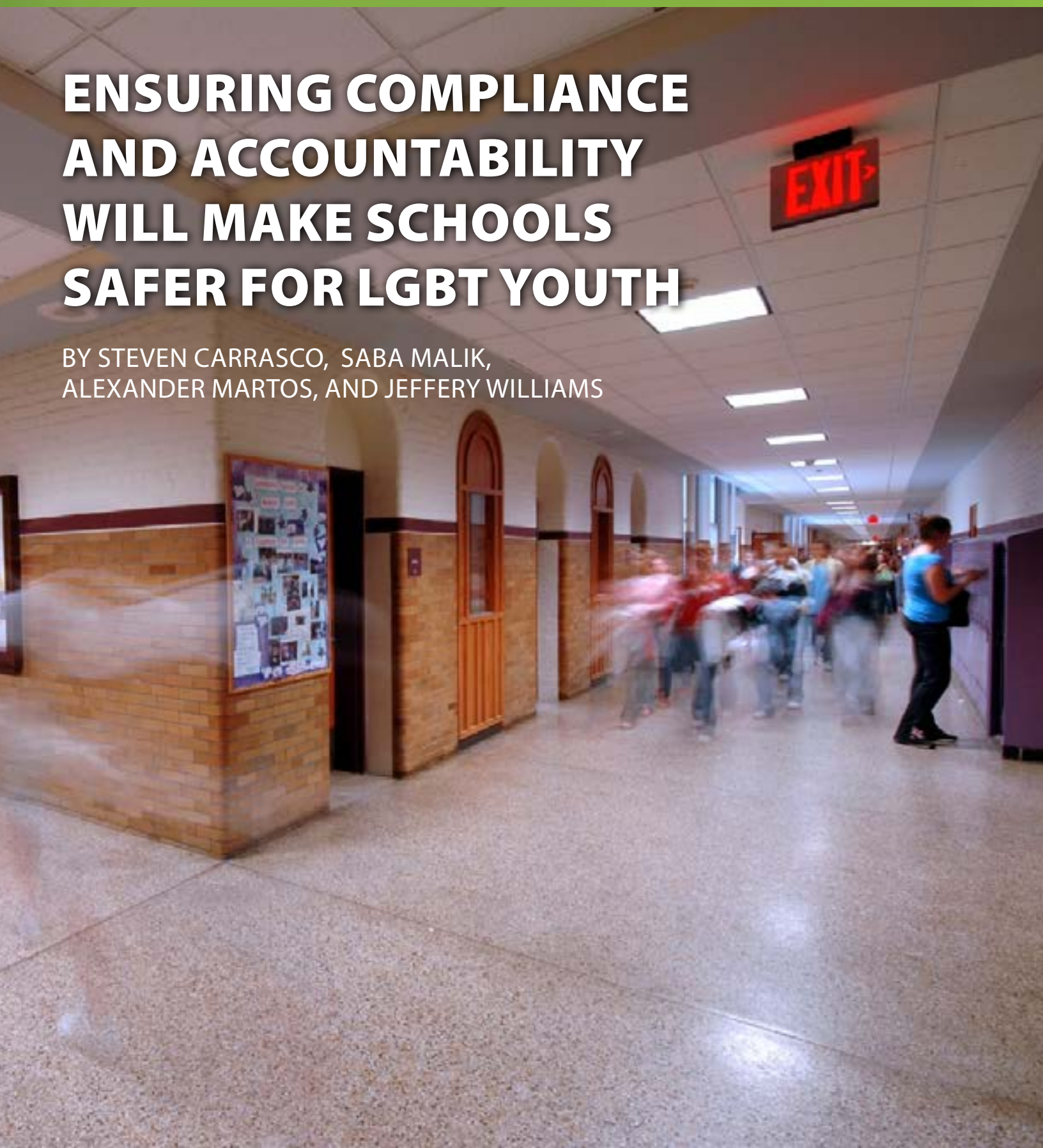
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Policy Brief 9

RETHINKING POLICY ON GENDER, SEXUALITY, AND WOMEN'S ISSUES

ENSURING COMPLIANCE AND ACCOUNTABILITY WILL MAKE SCHOOLS SAFER FOR LGBT YOUTH

BY STEVEN CARRASCO, SABA MALIK,
ALEXANDER MARTOS, AND JEFFERY WILLIAMS



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Nearly one-third of lesbian, gay, bisexual, and transgender (LGBT) youth report a past suicide attempt.¹ Such a large percentage can be attributed in part to school environments where they may fear physical and verbal abuse from fellow students, teachers, and administrators and may grapple with feelings of marginalization.²

NUMEROUS EXAMPLES demonstrate that teachers and administrators in California schools often fail to intervene when LGBT youth face bullying and have at times been the perpetrators of harassment.³ Experiences or fear of homophobia can contribute to social isolation and poor self-esteem, which may in turn intensify suicidal ideation among LGBT youth.⁴ California's AB 9, called "Seth's Law" for Seth Walsh who committed suicide after being bullied for being gay, went into effect in July of 2012,⁵ but it remains to be seen whether it will protect the most vulnerable of youth populations.

An earlier law, the California Student Safety and Violence Prevention Act of 2000 (AB 537), amended the California Education Code specifically to prohibit discrimination against and harassment of students and staff in schools on the basis of sexual orientation or gender identity. When it went into effect in January of 2000, it was hailed as landmark legislation protecting LGBT youth, but reports of continued bullying and harassment demonstrated its ineffectiveness.⁶ Without clearly defined procedures and language, policies meant to protect youth from bullying cannot be enforced.

Existing legislation fails to outline official procedures for ensuring appropriate and unbiased oversight and compliance. Teachers, administrators, and staff are therefore not held accountable for the lack of improvement in school climates.

CRITIQUE

Nearly all school districts in the nation have policies in place against bullying but only about half of school staff have ever received relevant training for dealing with the specific issues related to LGBT youth.⁷ AB 537 and Seth's Law both clearly indicate that harassment and bullying on the basis of sexual orientation are intolerable, but each fails to provide definitions for what constitutes inappropriate behavior.⁸ Consequently, school administrators, staff, and teachers are free to interpret bullying and harassment subjectively and there is no standard for behavior. Under

Seth's Law, districts are required to report incidents of discrimination, which is of little use given the broad interpretability of bullying and harassment.⁹ Existing legislation fails to outline official procedures for ensuring appropriate and unbiased oversight and compliance. Teachers, administrators, and staff are therefore not held accountable for the lack of improvement in school climates.

RECOMMENDATIONS

Defining acceptable and unacceptable behaviors will provide a framework for facilitating the professional development and cultural competence of the public employees in administrating policies. Existing laws must be revised to include definitions of bullying and harassment and to mandate procedures for enforcement. Genuine oversight and accountability practices must then be enacted. It must not be, as stated in the text of AB 537, the sole responsibility of the districts to "identify a responsible local educational agency officer."¹⁰ Unbiased oversight is necessary if students experiencing bullying and harassment are to have a secure outlet where they can disclose their experiences and get protection. Local officers unaffiliated with school districts should be made accessible to students and communities in the case of noncompliance. Enforcing a comprehensive non-discrimination policy is a step toward changing school culture. Reducing bullying and harassment can help prevent damage to self-esteem, minimize social isolation, and reduce other negative health effects for LGBT youth. Changing school climate will benefit all youth.

Steven Carrasco, Saba Malik, Alexander Martos, and Jeffery Williams are all M.P.H. students in the Department of Community Health Sciences at the UCLA Jonathan and Karin Fielding School of Public Health.

PHOTO CREDIT: msymons/istockphoto.com

NOTES

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UCLA CENTER FOR THE STUDY OF WOMEN
Box 957222/Public Policy Bldg 1500
Los Angeles, CA 90095-7222
310 825 0590 • cswpubs@csw.ucla.edu

INTERIM DIRECTOR: Rachel Lee