

**From:** Emily Shetty  
**Sent:** Fri, 11 Jun 2021 12:15:19 -0400  
**To:** T9PublicHearing  
**Cc:** Christine Harley  
**Subject:** WRITTEN COMMENT TITLE IX PUBLIC HEARING: Discrimination based on sexual orientation and gender identity in the K-12 educational environment  
**Attachments:** Title IX Comment.pdf

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello -

Attached please find written comments on behalf of SIECUS: Sex Ed for Social Change, in support of the Department's comprehensive review and revision of Title IX regulations.

--

Best,

**Emily Shetty**

**Founding Principal • Step Up Advocacy**

**C: (301) 346-8118**

**E: [emily@stepupadvocacy.com](mailto:emily@stepupadvocacy.com)**





June 11, 2021

Suzanne B. Goldberg  
Acting Assistant Secretary for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202

*Submitted via email*

**WRITTEN COMMENT TITLE IX PUBLIC HEARING: Discrimination based on sexual orientation and gender identity in the K-12 educational environment**

To whom it may concern:

SIECUS: Sex Education for Social Change submits these comments in support of the Department of Education's Office for Civil Rights (OCR) comprehensive review and revision of Title IX Regulations.

SIECUS has served as the national voice for sex education, sexual health, and sexual rights for over 55 years. Sexual and reproductive health is a human right. We advance comprehensive sex education as a means of building a foundation for a long-term culture shift that will positively impact all levels of society, particularly around issues of gender and racial equity, sexuality, sexual and reproductive health, consent, personal safety, and bodily autonomy.

To advance Title IX's mission of ensuring young people are able to access education that is free from discrimination, it is essential that the OCR review and update the current regulations to ensure all young people, including lesbian, gay, bisexual, transgender, and queer (LGBTQ+) youth, are able to access and thrive in all educational spaces and extracurricular activities. To achieve this, these spaces must be free from bias, discrimination, or violence based upon a student's sex, gender expression or identity, or sexual orientation.

To address sexual violence and harassment that young people experience in our school systems, it is essential that the OCR take steps to close the gaps in Title IX that have allowed for this cycle of violence to persist. Due to the lack of comprehensive, research and evidence-based guidance and regulations from the federal government, states have taken it upon themselves to pass legislation such as [Erin's Law](#) or additional healthy relationships and consent education standards to ensure young people receive accurate, non-biased and timely instruction on sexual abuse prevention. Curricula about consent and healthy relationships, presented in the context of comprehensive sex education, create a safer culture in which young people are able to exist free from violence. However, Title IX *must* be expanded and enforced to ensure all young people are able to receive this instruction.

Title IX exists to ensure all young people have access to education that is free from discrimination. Leaving such important topics such as sexual violence prevention and sex education to the states to legislate, sometimes with exclusionary laws, send a mixed message and does not emphasize the true spirit of the United States: a country that is inclusive and upholds human rights as they relate to gender identity, sexual harassment and reducing sexual violence.

In order to further address the disparities young people experience based upon their sexual orientation and gender identity, Title IX must also help to highlight young people's experiences regarding sexual violence through the Youth Risk Behavior Survey (YRBS). By highlighting these disparities, educators and policymakers are able to better understand the way in which students experience sexual violence and the way in which Congress and state legislators can take legislative steps to protect young people and support survivors.

### **LGBTQ+ Youth**

Right now, LGBTQ+ youth in our schools are facing unique barriers and challenges that fail to affirm their identities. According to [GLSEN's 2019 National School Climate Survey](#), an overwhelming **86.3 percent** of LGBTQ youth experienced harassment or assault based on their sexual orientation, gender expression, gender, actual or perceived religion, actual or perceived race and ethnicity, and actual or perceived disability.<sup>1</sup> Further **59.1 percent** of LGBTQ students reported experiencing any LGBTQ related discriminatory policies or practices at school.<sup>2</sup> This included being prevented from using their preferred restroom or locker room, participating in school sports, using their correct names and pronouns, wearing "inappropriate" clothing based upon their gender, and disciplined for public displays of affection.

In addition, the Center for Disease Control's 2019 Youth Risk Behavior Survey (YRBS) revealed that lesbian, gay, and bisexual youth are more likely to have been bullied and experience additional forms of violence victimization at school when compared to their heterosexual peers.<sup>3</sup>

The overwhelming discrimination, harassment, and violence that LGBTQ+ youth are subject to in school environments leave them particularly vulnerable to adverse health outcomes, including feeling sad or hopeless, seriously considering suicide, or using illicit drugs.<sup>4</sup> According to the Trevor Project, the leading national organization providing crisis intervention and suicide

---

<sup>1</sup> Kosciw, J. G., Clark, C. M., Truong, N. L., & Zongrone, A. D. (2020). The 2019 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation's schools. New York: GLSEN.

<sup>2</sup> Ibid.

<sup>3</sup> Johns, M. M., Lowry, R., Haderxhanaj, L. T., et al. (2021). Trends in Violence Victimization and Suicide Risk by Sexual Identity Among High School Students — Youth Risk Behavior Survey, United States, 2015–2019. Retrieved from <https://www.cdc.gov/mmwr/volumes/69/su/pdfs/su6901a3-H.pdf>

<sup>4</sup> Division of Adolescent and School Health, National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention. (2019). Health Disparities Among LGBTQ Youth. Retrieved from <https://www.cdc.gov/healthyyouth/disparities/health-disparities-among-lgbtq-youth.htm>

prevention services to LGBTQ youth, this is particularly true of transgender and gender expansive youth, of which **more than half** have reported seriously considering suicide.<sup>5</sup>

The adverse health outcomes experienced by LGBTQ+ due to violence, harrassment, and discrimination are not only imposed by school personnel and students, but also by legislators. In 2021 alone, at least 31 states have considered legislation that seeks to prohibit transgender youth from participating in school sports that align with their gender identity.<sup>6</sup> It is crucial that the OCR take swift action to ensure that Title IX protects these young people from this clear and persistent efforts to discriminate against transgender and gender expansive youth.

It is essential that all LGBTQ youth are affirmed in their school environments. When transgender and nonbinary youth experience their pronouns being respected by all or most of the people in their lives, they report attempting suicide at **half the rate** of those whose gender was not respected.<sup>7</sup>

Through improved advancement of Title IX, the OCR can work to better ensure all young people are able to access and thrive in educational spaces free from violence and discrimination. The current standards fail to fully protect vulnerable young people, and LGBTQ+ youth in particular, from sex discrimination. These youth face numerous challenges, including dangerous efforts on behalf of state legislators, to limit the ability of young people from learning in affirming school environments and engaging in extracurricular activities that align with their gender identity.

Thank you for the opportunity to submit comments as part of the comprehensive review of Title IX regulations. SIECUS looks forward to working directly with the Department of Education to improve these regulations to better the lives of youth across our nation. Please do not hesitate to contact Alison Macklin, Senior Policy Advisor, at [amacklin@siecus.org](mailto:amacklin@siecus.org) to provide further information.

Sincerely,

(b)(6)

Chris Harley  
President & CEO  
SIECUS: Sex Education for Social Change

---

<sup>5</sup> The Trevor Project. (2020). National Survey on LGBTQ Youth Mental Health 2020. Retrieved from <https://www.thetrevorproject.org/survey-2020/?section=Introduction>

<sup>6</sup> Freedom for all Americans. (2021). Legislative Tracker: Anti-Transgender Student Athletics. Retrieved from <https://freedomforallamericans.org/legislative-tracker/student-athletics/>

<sup>7</sup> The Trevor Project. (2020). National Survey on LGBTQ Youth Mental Health 2020.