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**Statement by Attorney Vickie Henry  
Before The Massachusetts Commission on GLBT Youth**

June 20, 2012

Chairman Lipkin and Members of the Committee:

I am grateful for the opportunity to testify on behalf of LGBTQ youth across Massachusetts. I am a senior staff attorney at Gay & Lesbian Advocates & Defenders, New England's leading legal rights organization dedicated to ensuring legal equality for lesbians, gay men, bisexuals, transgender people, and those living with HIV/AIDS.

As the leader of GLAD's youth work, I have had the opportunity to speak to hundreds of youth across the Commonwealth, from Boston to Pittsfield to Salem to Hyannis to Holyoke and more. GLAD has been co-presenting a *Got Rights?* workshop for students with youth from BAGLY, The Boston Alliance of Gay, Lesbian, Bisexual and Transgender Youth. I have been able to speak directly with these young people as well as GSA advisors and teachers about what they need and how schools and the law can do better by our youth. I have also spoken to youth who experienced our foster care system. The theme of this testimony is that adults can and must do better – we need to enact stronger laws and we need the adults charged with implementing those laws to set the tone that the Commonwealth, its agencies, and the school districts within it support LGBTQ youth and will not permit discrimination against them.

**I. Out-of-Home Youth Need Safe Shelter**

I want to start my testimony discussing the needs of some of our most vulnerable youth – including:

- (1) those who are out-of-home and homeless; and
- (2) those who are in state custody.

LGBTQ youth are disproportionately represented in these populations. For example, one study estimates that among students attending high schools in Massachusetts, just three percent of

straight teens identify as homeless while approximately 25 percent of those who are lesbian or gay and 15 percent of those who are bisexual were homeless.<sup>1</sup>

**State agencies, employees and contractors who serve these populations need to affirmatively create safe, accepting spaces for these youth.** Yet, that is not the certain experience of our youth. Just today, we received an email from a family member of a youth in DCF care - DCF office will not let a child wear a rainbow on her shirt because rainbows imply gay or lesbian. We've been advised that a Department of Child and Families caseworker convinced another girl to make a "pinky promise" not to be gay anymore. The social worker told the girl that if she were gay, she wouldn't make it into heaven. Unfortunately, these are not an isolated instances. I have spoken to state employees that work with youth who say that there is an institutional reluctance to challenge long-time employees who discriminate against LGBTQ children.

These vulnerable youth should not be further traumatized by State agencies and employees. All children in contact with the Department of Children and Families, the Department of Youth Services and any other State actor should be told they are in a space that is safe for LGBT youth and steps should be taken to make that representation true.

Massachusetts can do better.

## **II. LGBTQ Youth Need Transparency and Accountability From Schools When They Report Bullying.**

As I have traveled across the state, the story I hear the most is that students are reporting incidents of bullying but it seems like nothing happens as a result. Here are some examples:

Someone anonymously posted anti-gay statements on a website. The statements were targeted at a school's GSA, included derogatory comments about gay people and occurred repeatedly over the weekend. And all weekend, students notified the website about the posts and they were removed, but new posts occurred. The school was notified but did nothing in response claiming that since the posts were removed, there was nothing more to do. In other words, the school completely abdicated its responsibility to the students. Since this was cyberbullying directed towards a student group at the school and those students were hurt by it, the school should have tried to stop it. It could have offered to monitor the website regularly for a reasonable time so that adults rather than students were reporting abusive posts. It could have contacted the website and asked it to suspend the account of the person posting this material. It could have made an

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<sup>1</sup> Heather L. Corliss et. al., *High Burden of Homelessness Among Sexual-Minority Adolescents: Findings From a Representative Massachusetts High School Sample* 101 Am. J. Pub. Health 1683 (Sept. 2011).

announcement at the school supporting the GSA. It could have had a school assembly and discussed the harms of bullying. Had the school had to document how it investigated this incident of cyberbullying and what it did to prevent it from recurring, it likely would have behaved differently.

A student in Western MA reported that he was the victim of unwanted touching by two classmates while a teacher was in the room. He said the teacher encouraged the touching. The school said it would investigate and get back to the mom in one week. It did not follow through. Two weeks later the mom called the school. The school told her they did not think the teacher was involved but that the students involved in the incident had been disciplined. So clearly, the school thought some improper conduct had occurred. The mom investigated further. She learned that there had been an adult in an adjoining classroom. The school did not bother to interview that adult. Nor did the school offer the mom any suggestions for ensuring her son's safety going forward. Again, had the school had to document how it investigated the incident and the outcome, it likely would have behaved differently.

A student south of Boston reports that he is punched at least weekly in the halls between classes in his high school. It is a large school so he does not know the names of the students attacking him. The school has said it has some cameras in the hallways but they have not seen any punching. At most it has offered an "eyes on" policy where an adult will accompany this youth between classes, which would serve to further isolate this student from his peers. The school does not check in with the youth to see if he is still being punched. It has not moved cameras to see if it can track the assaults. It has not offered to have the youth leave class a minute or two early to have safer passage through the hallway. If the school was required to report to the Department of Elementary and Secondary Education (DESE) the steps it was taking to end the assaults and followed up with the youth, it would have done more to solve the problem.

Too many complaints are falling through the cracks or being ignored altogether. It is clear that schools can do more and I think would do more if they knew they had to report to DESE substantiated incidents of bullying and what was done to address them. Reporting would add a level of transparency and accountability that is currently lacking.

### **III. LGBT Youth Need Advocates in Every School, Not Just in the Statehouse**

But it is not just the youth who feel fear. Teachers have told me that they are not sure that their principal is supportive of LGBTQ youth. Teachers fear that advocating "too much" for LGBTQ youth could jeopardize their jobs.

That is why GLAD encourages the adoption of protected enumerated categories of vulnerable youth in Massachusetts' bullying law. Without leadership from the state and each district, the laudable goal of the anti-bullying law to make schools safer for all youth is nothing more than an

unfulfilled promise. LGBTQ youth need advocates in every school, from the principal to teachers to other students, in order to be successful and reach their full potential. In order to address this problem, every school superintendent and principal needs to make clear to staff and students that bullying of LGBTQ youth is unacceptable and will not be tolerated. Only then will students begin to feel supported by teachers and administrators at their school.

#### **IV. Creating a Positive School Climate Will Not Only Protect Youth From Bullying, But Also Improve Academic Performance**

Emerging research provides compelling data that students who are in physically, emotionally, socially and intellectually safe school climates are less likely to experience bullying, more connected to their school, more engaged in learning, less likely to dropout and more likely to achieve to their potential. Additionally, health-related risk factors diminish substantially (such as engaging in risky sexual behaviors, abusing substances, experiencing stress, attempting suicide and engaging in violent or deviant behaviors).<sup>2</sup>

National research confirms that nearly nine out of ten LGBTQ students experience harassment at school because of their sexual orientation, and nearly a third of LGBTQ students skipped at least one day of school in the past month because of safety concerns.<sup>3</sup> Additionally, gender nonconforming students are more likely than other students not to want to go to school because they feel unsafe there (35% v. 15%).<sup>4</sup> Students in schools where there are enumerated policies protecting LGBTQ youth are more likely than students in schools without such policies to report receiving support from staff when homophobic remarks were made (26% v. 10%).<sup>5</sup>

This data suggests that schools should be doing as much as possible to create a safe learning environment, not just because it is the right thing to do, but because it will lead to higher levels of academic performance for students. Additionally, by having superintendents, principals, and teachers make clear that schools are a safe space for LGBT youth, students will feel empowered to report instances of bullying when they occur. Teachers will feel safe to address instances of bullying, from hearing the word “faggot” in the hallway to cyberbullying posted on social networking sites.

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<sup>2</sup> National School Climate Council, National School Climate Standards, (2010). Available at <http://www.schoolclimate.org/climate/documents/school-climate-standards-csee.pdf>

<sup>3</sup> Joseph G. Kosciw et. al., GLSEN The 2009 National School Climate Survey: The experiences of lesbian, gay, bisexual and transgender youth in our nation’s schools (2010). Full report available at [http://www.glsen.org/binary-data/GLSEN\\_ATTACHMENTS/file/000/001/1675-2.pdf](http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/001/1675-2.pdf)

<sup>4</sup> GLSEN and Harris Interactive, Inc., Playgrounds and Prejudice: Elementary School Climate in the United States (2012). Full report available at [http://www.glsen.org/binary-data/GLSEN\\_ATTACHMENTS/file/000/002/2027-1.pdf](http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/002/2027-1.pdf)

<sup>5</sup> Kosciw, *supra* note 3.

Massachusetts has taken some important steps to help LGBTQ youth. There is more work to do.  
Thank you for this opportunity to testify.

June 20, 2012

Submitted by:

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