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Ending the School-to-Prison Pipeline Hearing Before Senate Judiciary Committee

Dec. 12, 2012 ? Geoffrey Winder



On behalf of LGBTQ youth facing harsh discipline and school pushout, GSA Network has submitted written testimony for a hearing happening today before the U.S. Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights. The hearing is at 11 am PST and you can [watch it here](#) ^[1]!

The hearing: U.S. Senator Dick Durbin (D-IL), the Senate's Assistant Majority Leader and Chairman of the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, will chair a hearing on the school-to-prison pipeline. Since the 1990's, there has been a troubling increase in the number of young people sent to the juvenile delinquency system as a result of school discipline. Too many of these youth have been pushed out of the classroom and into the courts for relatively minor offenses. Once young people enter the criminal justice system, they are more likely to fail in school and commit new crimes. This "school-to-prison pipeline" also wastes scarce government resources on ineffective policies and has led to striking racial disparities. Over 70 percent of students referred to law enforcement from schools are African-American or Latino. The hearing will explore the problems with the pipeline as well as successful reforms and new initiatives to help end it.

Read GSA Network's [full testimony here](#)  ^[2], or an excerpt below:

School discipline disproportionately impacts certain student populations and has devastating effects on students' ability to achieve and succeed. This is particularly true for youth who identify as lesbian, gay, bisexual, transgender, or questioning (LGBTQ). In the last decade we have seen a significant increase in students who openly identify as LGBTQ at school despite very high levels of harassment, bullying, ridicule, rejection and violence. As demonstrated in "Two Wrongs Don't Make a Right," a report published by GSA Network, the Advancement Project, and the Alliance for Educational Justice, LGBTQ students are often doubly punished: they are harassed by their peers, and then blamed by their administrators for causing trouble by refusing to hide their identities or defending themselves when attacked.

For example, San Francisco Unified School District reported 16% of middle school students and 11% of high school students identified as lesbian, gay, bisexual, or questioning in a 2011 Youth Risk Behavior Survey. We have anecdotal evidence to suggest that the increased visibility has also led to an increase in punishments for LGBTQ students.

LGBTQ youth continue to feel unsafe and underachieve

Data from the California Healthy Kids Survey found that students who are harassed based on actual or perceived sexual orientation are more likely to report low grades, more than three times as likely to carry a weapon to school, and more than three times as likely to report being truant in the last month because they felt unsafe. The experiences of bias based bullying and violence is thus compounded by harsh and punitive school discipline practices, which disproportionately punish and push young people of color and LGBTQ students out of the public education system and into the juvenile justice system.

Schools attempting to create safer schools by utilizing a "get tough on bullying" or "Zero Tolerance" approach to bullying often punish both the victim and the aggressor making an already unacceptable situation worse.

LGBTQ youth face bias from school administrators

The increased visibility of LGBTQ students has also led to an increase in the ways in which anti-LGBTQ bias may play out in school discipline policies. In 2011, the Journal of Pediatrics reported, based on data from the National Longitudinal Study of Adolescent Health (Add Health), that lesbian, gay, and bisexual youth were 1.4 times more likely to be expelled than their straight peers. This is the only national survey to examine disproportionate impacts of school discipline on LGBTQ youth. Beyond this, most of what we know is either anecdotal or data from community surveys.

One of the largest challenges and one unique to LGBTQ youth engaged in the school discipline process, is the risk of being "outed" to their parents by school officials. When this happens LGBTQ students face the additional risk of family rejection. Fifty

percent of youth who come out and/or are "outed" to their parents face initial rejection, and 30% are kicked out or leave home due to threats of violence from their parents.

LGBTQ youth often have stressful home lives, which adds to their school discipline issues

Up to 40 percent of homeless youth and up to 40 percent of youth in foster care are LGBTQ identified. According to a 2010 report by the Center for Juvenile Justice Reform, youth in foster care are 3 times more likely to be suspended or expelled than those living in the care of a guardian.

In California, youth of color comprise the majority of GSA club members. According to a 2012 Gallup survey and report by the UCLA School of Law Williams Institute, the LGBT population is less wealthy than the non-LGBT population. LGBTQ youth of color who are more likely to live in low-income communities and have limited access to educational opportunities, also face racism and existing socioeconomic and institutional challenges common to youth of color which intersect with challenges created by homophobia and transphobia. Thus, for LGBTQ youth of color in particular, the confluence of school discipline disparities, anti-LGBTQ bias, bullying, and harassment have left many LGBTQ youth struggling to succeed by nearly every health and academic achievement metric.

To help us better understand, document, and remedy these experiences, GSA Network believes that we need the Subcommittee on the Constitution, Civil Rights, and Human Rights and other federal and state agencies to collect data on sexual orientation and gender identity and school discipline.

We need state-funded and nationally-funded surveys including surveys collected by the Department of Education on school discipline and other surveys such as the CDC's Youth Risk Behavior Survey, to include demographic questions about sexual orientation and gender identity. As a result, our public education and school discipline systems will be able to adequately identify and then address educational needs as well as discipline disparities based on sexual orientation and gender identity that are compounded by the racial inequities in school discipline.

GSA Network has been a leader in interrupting the school-to-prison-pipeline for LGBTQ youth

Since publication of our report with the Alliance for Educational Justice and the Advancement Project titled, "Two Wrongs Don't Make a Right: Why Zero Tolerance is Not the Solution to Bullying," GSA Network along with its education rights partners successfully passed five discipline-related reform bills in California alone.

GSA Network gathered testimony from youth for the Office of Civil Rights Hearing on

School Discipline held in Los Angeles, California on September 10, 2012. The following is testimony shared by Brandon Serpas, Racial and Economic Justice Program Intern at Gay-Straight Alliance Network.

"My name is Brandon Serpas, and I'm a queer youth activist at GSA Network. I'd like to tell you about my own experience and the experience of other queer youth in schools. The current model of school discipline in dealing with queer youth in general and anti-LGBTQ bullying and bias in particular is failing queer youth.

In my sophomore year a student I didn't know called me the 'f-word' in a classroom. A teacher heard the slur and didn't do anything. I left in fear shaken by the incident and emailed a GSA Network staff member asking for help. I learned that in CA I had the right to report the incident to school officials.

I reported the incident to the assistant principal and subsequently heard from the student's friends that he had been suspended for three days. Since this was the first time I'd reported harassment I made the assumption that this was the appropriate course of action.

Three days later the same student was in the hallway giving me dirty looks, and I found out that he was speaking ill about me. It was clear to me that he hadn't learned anything from his suspension, that the school's solution to "send the student home for a few days and hope he stops harassing people" didn't change his behavior. I stayed away from him the rest of the year, avoiding specific hallways and restrooms because I remembered seeing him there. I thought about reporting the continued harassment but I was afraid that the student would be suspended again and come back even angrier.

This experience helped me see the ineffectiveness of punitive discipline as a way to address bullying and harassment. If we don't educate youth who are engaging in bullying behavior by using restorative justice or social and emotional learning practices then students like me will continue to face bullying and harassment and be afraid to go to school. My story is not unique; GSA Network solicited stories about school discipline from LGBTQ youth.

One student said she was disciplined for defending herself: 'I was suspended after a girl was in my face teasing me about my sexuality and tried to block her hand from hitting me.'

Another student explained:

?I was in 5th grade. I was accused of sexual harassment for coming out, for saying I was transgender. I went to the principal's office because I wore mascara and a feather extension in my hair. The school psychologist called my mom and told her that I could not say I was transgender. They wanted me to leave the school but I did not. I've been suspended many times mostly for wearing make up or saying I was transgender or wearing hair extensions.?

Other LGBTQ students have reported:

-- ?I was given detentions for any form of light physical touching with my significant other: hugging, holding hands, and sitting close. This was described as inappropriate behavior, while heterosexual couples doing the same thing were not disciplined.?

-- ?I got detention and my teacher said ?If I had my choice, all the queers in this school would be out of here in a second.??

-- ?I was outed by my school when...I wrote a note to my ex-girlfriend and the teacher took it. The counselor told my mom I was gay.?

-- ?I was instructed to enroll in another school and not return to campus--effectively kicked out--for organizing with other LGBT youth.?

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Links

[1] <http://www.judiciary.senate.gov/hearings/hearing.cfm?id=b61e5f08eadf22b2ec4ab964fc64ae9f>

[2] <https://gsanetwork.org/files/aboutus/GSANetworkTestimonyUS%20Sen%20Comm%20on%20Judiciary%2012-10-12-1.pdf>