



FOR GENDER JUSTICE



STATE POLICY AGENDA

KEEP LGBTQI+ YOUTH SAFE

The millions of LGBTQI+ young people growing up in the United States need the same things as their straight, cisgender peers: safe and supportive homes, full educational opportunities, welcoming communities, and health care providers who listen to concerns and provide high-quality, age-appropriate care. When LGBTQI+ people can be their most authentic selves, in communities where they are treated with equal dignity and respect, we build a healthier and happier society for all.

Unfortunately, some state politicians are doubling down on bigoted policies designed to harm LGBTQI+ people, especially trans, nonbinary, and intersex youth. These self-interested politicians are trying to insert themselves into classrooms and doctor’s offices where they have no expertise, inflicting pain on young people who only want to be themselves.

Our communities want to see LGBTQI+ youth supported—not attacked. Polls show a majority of people in *every state*, and 79% overall, favor measures to protect LGBTQI+ people from discrimination. These young people need policymakers to show up for them by enacting policies to help them be healthy and succeed.

LGBTQI+ YOUTH NEED SUPPORTIVE POLICIES TO GROW AND LEARN IN SAFETY

LGBTQI+ youth face discrimination and harmful policies in a range of areas—and these disparities are exacerbated for young people who face additional discrimination on the basis of race, class, gender, disability, and/or any other factor. For example, discrimination too often prevents LGBTQI+ young people from fully participating in school, despite Title IX’s requirement that no student be denied opportunities or otherwise discriminated against based on sex, including sexual orientation or gender identity. Gender equity

does not exist in schools until there is equal access for all students to activities like student clubs and sports teams and to locker rooms and bathrooms consistent with a student’s gender, without harassment or other discrimination. Inclusive school policies are necessary to ensure LGBTQI+ students can access the full benefits of education. Research has shown how inclusive policies can powerfully counteract these negative forces and allow LGBTQI+ children to grow and learn in safety. The Trevor Project [found](#) that LGBTQI+ youth who simply learned about LGBTQI+ issues or people in school had 23% lower odds of reporting a suicide attempt over a 12-month span compared to their peers who did not learn about LGBTQI+ issues or people.

Additionally, discrimination in health care and coverage prevents LGBTQI+ young people—especially transgender youth, LGBTQI+ youth of color, and LGBTQI+ disabled youth—from getting care that meets their needs. This discrimination worsens existing health disparities. And on top of existing discrimination, across the country, state officials have proposed, and sometimes enacted, laws that criminalize care for trans youth or have created new administrative barriers to this life-saving care. These policies and the misinformation that propel them endanger trans and nonbinary youth, their families, and their providers.

Policies that will work together to keep LGBTQI+ youth safe and healthy include:

Teaching Affirming & Accurate Curricula: With a [recent wave](#) of school censorship and surveillance policies enacted at the state level, many educators and school administrators are already more fearful of addressing anti-LGBTQI+ bullying, teaching accurate history that includes LGBTQI+ historical figures, and including LGBTQI+ relationships and health topics in age-appropriate sex education. When schools teach about LGBTQI+ history and health

topics in developmentally appropriate ways, students are more likely to be safe from sexual assault, harassment, and bullying. This can counteract risk factors that make transgender students and bisexual girls the most likely groups to be sexually assaulted in school. Local and state policymakers can address baseless fearmongering with policies that affirmatively require inclusive and developmentally appropriate [curricula](#) so there is less intimidation and censorship in classrooms.

Addressing harassment and violence against LGBTQI+ youth in schools:

Students perceived as LGBTQI+ [face pervasive](#) sex harassment, including sexual assault, from kindergarten through the university level. Bisexual women and transgender women face [especially](#) high rates of sex harassment, including in school. No student should be left without the protection of clear sex harassment policies, school staff trained on recognizing and reporting sexual harassment, and education for all students about the importance of consent. States should [ensure](#) that schools offer material support to every student who reports sex harassment, and schools should be prohibited from disciplining students in connection with their reports (e.g., they should not be permitted to punish a student for breaking a school rule at the time they were victimized).

States must also ensure [robust protections](#) against bullying and harassment based on sexual orientation, gender identity, sex characteristics, and sex stereotypes. Consistent with Title IX's requirements, this should include school superintendents having to publish and update model policies to address bullying, harassment, and sexual violence with examples, detailed complaint procedures, and protection against retaliation or punishment of students who complain to school staff. Finally, because school authorities (such as superintendents, principals, and school board members) wield a huge degree of power over the lives of young people, they should be held to clear standards of competence and training.

Ending Unfair School Discipline: Just as some girls—especially Black and Indigenous girls, other girls of color, and disabled girls—face systemic issues of discriminatory discipline and school pushout, LGBTQI+ students are [targeted](#) for school discipline that pushes them out of the classroom—sometimes when they seek help for harassment or bullying based on their identity, or are targeted for not conforming with dress/grooming codes that are based upon gender stereotypes. For LGBTQI+ students who are also students of color and/or disabled students, these disparities are compounded. Disproportionate discipline takes learning time away from LGBTQI+ students, making it more difficult to succeed in school and experience the long-term benefits of a safe school environment. One study [shows](#) Black LGBTQI+ students in California were over three times more likely to report being suspended than their white LGBTQI+ peers. States must address needs of LGBTQI+ students of color by eliminating school discipline based on subjective offenses like “talking back,” and by requiring school staff to have regular training on antidiscrimination policies and implicit bias.

Protecting against “sex testing” in school sports: Bans on transgender, nonbinary, and intersex youth playing school sports are hateful and unconstitutional. Additionally, many of these recent bills are written hastily and broadly, now leading to invasive examinations of a student's sex. This process creates a new, totally unnecessary risk of trauma for students as young as age 5, especially transgender girls, nonbinary students, and cisgender girls who do not conform to stereotypical notions of femininity. We can prevent this with policies implementing best practices from state sport associations that have already found equitable ways to let all students play, following the leads of the more than a dozen states that have implemented trans inclusive athletics policies over the past decade.

Preventing medical mistreatment of youth: When intersex children are born with natural variations in genitals or reproductive anatomy, they are too-often subjected to surgeries based on preconceptions of what a “normal body” looks like. These children are typically too young to consent to the procedures and can face lasting harm. Similarly, “conversion therapy” is an [abusive and discredited practice](#) that has already been banned in more than [20 states and more than 100 municipalities](#). States can take two easy steps to protect youth from outdated and dangerous pseudoscientific practices: prohibit nonconsensual surgeries on infants and young children with intersex traits, and ban “conversion therapy,” which purports to change a person's sexual orientation or gender and can cause grave lifelong harm to survivors.

Ensuring access to gender-affirming care: For many transgender youth, gender-affirming care—individualized treatments that support them in living according to their gender identity—is life-changing and even life-saving. But some policymakers are trying to ban this vital care for young people or make it much harder to access. These baseless attacks on trans youth must be stopped. An additional problem is the lack of comprehensive coverage of gender-affirming care in private insurance and Medicaid: While [many states](#) have explicitly clarified that gender-affirming care must be covered, some of those policies include discriminatory, medically unsupported restrictions for youth. Many other states lack explicit policies on insurance coverage, leaving trans youth with uncertain or incomplete coverage, while yet other states illegally exclude coverage of gender-affirming care from their state Medicaid programs. States should ensure that private insurance and Medicaid programs in their state cover the full range of gender-affirming care. Additionally, states should clearly prohibit discrimination and harassment in health care settings.

Sheltering families forced to move by anti-trans policies:

Many families face an uncertain future where they may have to leave their homes and relocate to a state where their trans, nonbinary, or intersex child can safely access necessities including a full education and appropriate medical care. LGBTQI+ families forced to move face many barriers to establishing residence for purposes of benefits eligibility and continuation of health care that states should address

proactively. States can support LGBTQI+ families forced to relocate by providing holistic resources on housing as well as job training and placement resources; subsidizing community cultural competence training for health care providers; and creating centralized hotlines to orient new resident families to low-cost resources for trans and nonbinary youth.