

KEEP LGBTQIA+ YOUTH SAFE FROM HARASSMENT AND EXCLUSION IN SCHOOLS

THE PROBLEM

All students deserve to feel safe and included at school, but [an estimated 1.92 million LGBTQIA+ youth](#) across the country—including [over 700,000 transgender children](#)—continue to face pervasive bullying and harassment. According to survey and focus group data reflecting on both the 2023-2024 and 2024-2025 school years, [over 60% of LGBTQIA+ students face bullying, harassment, or assault in school](#) based on their sexual orientation or identity, which contributes to reduced academic performance, greater absenteeism, and adverse mental health outcomes. [The U.S. Centers for Disease Control and Prevention's 2023 Youth Risk Behavior Survey](#) found that 29% of LGBTQ+ youth reported being bullied and 41% seriously considered suicide during the past school year, which was much more prevalent than their cisgender and straight peers at 16% and 13%, respectively. This difference is further exacerbated for LGBTQ+ young people of color who report [higher rates of attempted suicide than their white peers](#) according to a 2025 survey. To address the pervasive harassment and exclusion faced by LGBTQIA+ youth, school policies should be rooted in robustly responding to identity-based bullying while also fostering an inclusive learning environment where all students are affirmed as part of the school community.

Many states and individual school districts have instead adopted an exclusionary approach that exacerbates harms faced by LGBTQIA+ students, with disproportionate impacts on transgender and gender-expansive students. Policies that refuse to affirm or otherwise meet the needs of transgender students—such as [bathroom and facilities bans](#)—subject transgender and nonbinary students to an even [greater risk of harassment and sexual assault](#) according to a 2017 study. Exclusion from school activities, such as school sports, further [contributes to transgender and nonbinary students' social isolation](#). School policies may also erode the trust between LGBTQIA+ students and school staff by requiring [forced outing](#) of a student's sexual orientation or gender identity, which is associated with an increase in [depressive symptoms and a disruption in familial support](#) for LGBTQIA+ youth.

[Several federal courts have recognized](#) that Title IX's prohibition on sex-based discrimination extends to harms based on sexual orientation and gender identity. Still, the Trump administration has launched an aggressive campaign—[without legal authority](#)—to weaponize its federal enforcement powers and Title IX to investigate school districts for adopting inclusive policies that particularly affirm transgender and nonbinary students. State laws and policies should affirm protections for LGBTQIA+ students and require inclusive school policies at a time when students impacted by discrimination cannot rely on federal enforcement.

THE SOLUTION

- **Explicitly prohibit discrimination in schools on the basis of sexual orientation and gender identity** and ensure adequate enforcement mechanisms, including a private right of action for students facing discrimination and state administrative agency investigation of complaints.
- **Enumerate protected bases, including sexual orientation and gender identity, in state anti-bullying statutes.**
- **Require schools to affirm equal opportunity and access for transgender and nonbinary students**, including ensuring that students can access sex-separated spaces, facilities, and activities consistent with their gender identity.
- **Safeguard LGBTQIA+ students' privacy by prohibiting forced outing of a student's sexual orientation or gender identity** through a process that carefully considers student safety while remaining compliant with federal requirements under the [Family Educational Rights and Privacy Act \(FERPA\)](#).
- **Fund specialized mental health support for LGBTQIA+ youth in school-based health services and suicide prevention services.**
- **Direct the state department of education to promulgate [model policies and/or guidance](#) on implementing LGBTQIA+-inclusive strategies in schools.**
- **Direct the state attorney general, state human rights commission, state department of education, or other appropriate entity to [investigate hostile educational environments](#) targeting LGBTQIA+ students.**
- **Strengthen state training requirements for school administrators, educators, and school staff to [ensure competency](#) in interacting with and supporting LGBTQIA+ students.**

TALKING POINTS ON THE SOLUTION

- **All students deserve the opportunity to learn in an environment free from harassment or violence.** LGBTQIA+ students face disproportionate rates of bullying, harassment, and assault in schools, and more can be done to ensure that these students have the same opportunities to learn and thrive. We should be focusing on how to equip students with the tools to succeed instead of advancing policies that add to the isolation faced by marginalized youth.

Bathrooms:

- **All students deserve a safe school environment, and forcing transgender and nonbinary students into restrooms that don't match their gender identity puts their safety at risk.** Trans people are [more likely to be confronted, harassed, or excluded](#) from a bathroom when required to use facilities according to their sex assigned at birth. For example, in 2024, transgender students in [Oklahoma](#) and [Minnesota](#) were hospitalized after being physically attacked when forced into facilities that did not align with their gender identity. A school's responsibility to keep all students safe is not compromised by allowing transgender students to use facilities consistent with their gender identity.
- **School districts have had trans-inclusive facilities policies for years without increased privacy or safety risks for other students.** School districts have had inclusive policies for over a decade, with the [first federal appeals court decision](#) striking down an anti-trans bathroom ban in 2017. Federal courts have also [rejected claims](#) by parents who challenged trans-inclusive school bathroom policies based on a purported safety and privacy risk for cisgender students. Schools are well-equipped to manage the different privacy needs of students while continuing to enforce general policies that prohibit misconduct like harassment or assault.

School Sports:

- **All students should have a chance to participate in school sports. Blanket bans prohibiting trans students from playing sports with their peers are overbroad and discriminatory and only weaken equity in sports.** Categorical bans tie the hands of schools and athletic associations who have the expertise on creating fairness in sports. School sports are *not* just about winning, but about empowering kids. [Students learn a lot by participating in school sports](#), including leadership, confidence, self-respect, and [teamwork](#). Trans students should have the opportunity to play on a team and participate alongside their classmates. [Blanket bans do not account for](#) the differences between age, type of sport, and level of competition that may inform fair participation opportunities. Chess is different than contact sports, and Olympic competitions are different than middle-school intramural sports.

- **Blanket bans on sports participation that include narrow definitions of sex open the door to subjecting teenage girls to increased harassment, intrusive questions, and invasive exams.** Women and girls, especially women and girls of color, who do not conform to specific sex stereotypes and expectations of femininity—such as being too tall, too muscular, or having short hair—could face increased harassment as states encourage surveillance and questioning of gender in sports. Blanket bans rarely spell out enforcement mechanisms that can be used to verify a student’s sex, because [such evaluation is inherently intrusive and subjects youth to humiliation and exclusion](#). In Utah, for example, a blanket ban resulted in a [cisgender girl being secretly investigated](#) by a state panel and another [cisgender girl being publicly targeted for harassment on social media](#) by a state official. State legislators and school officials have openly floated that sports bans may require students to submit documentation or be [subject to medical or physical exams](#).

Forced Outing:

- **Schools already engage parents and families to support LGBTQIA+ students, and rigid policies that force schools to proactively out students restrict educators from addressing complex situations with nuance and sensitivity.** Many supports for LGBTQIA+ students have been implemented at the local level after [requests and advocacy from parents and families](#). In some situations, premature outing of a LGBTQIA+ student to family can [exacerbate stress and depressive symptoms](#), disrupt familial support, or leave certain students at risk of familial rejection, [homelessness, or abuse](#). At a time when youth are seeking understanding and support, states should not employ bright-line rules that fail to allow individualized approaches when there are safety or other concerns.
- **While schools should encourage family engagement, where appropriate, safeguards are needed to protect the privacy of LGBTQIA+ students’ data.** Exclusionary policies and increased public attention have led to [privacy violations](#), especially as other families, press, and external actors seek information about supports for LGBTQIA+ students. FERPA, a [federal law that safeguards student privacy](#), does not create any right for *another* parent to request and obtain information about LGBTQIA+ students.

Additional Messaging Resources

- [Movement Advancement Project \(MAP\) Messaging Guide on Hostile Anti-LGBTQ+ School Bills](#)
- [MAP Messaging Guide on Transgender Students and School Facilities Access](#)
- [MAP Messaging Guide on Transgender Youth Participation in Sports](#)
- [MAP Messaging Guide on Family Acceptance & Transgender Youth](#)

Public Popularity

- An April 2026 poll found an [overwhelming majority of Americans](#) (83%) thought that schools should protect transgender students from discrimination and harassment.
- An April 2026 poll found that [more than half](#) (51%) of adults said that their elected representatives should be doing more to guarantee the right to be free from sex-based discrimination, including harassment, in the workplace and in school.
- According to a May 2026 poll, [a plurality of voters \(48%\) oppose investigations into public schools for trans-inclusive policies](#), which require school districts to spend taxpayer dollars on legal fees that would otherwise go to their overall district budget.
- [In 2025, 73% of Americans supported nondiscrimination protections](#) for LGBTQIA+ individuals.
- LGBTQIA+ people are significantly more likely than the general population (59% v. 49%) to [view national education as going in the wrong direction, according to a May 2025 poll](#).

Examples of State and Local Policies

- At least 19 states have [specific laws that prohibit school-based discrimination](#) on the basis of sexual orientation and gender identity, including [Connecticut](#) and [Hawai'i](#).
- 19 states have laws that [prohibit school-based bullying](#) that specifically enumerate sexual orientation and gender identity as protected bases, including [New Mexico](#) and [Minnesota](#).
- Some states have adopted laws that clarify equal access and opportunity for transgender students. For example:
 - » [California law](#) requires that sex-segregated programs and activities, including sports and facilities use, should be available to students consistent with their gender identity and irrespective of the gender listed on their official student records.
 - » [Minnesota law](#) requires school districts to submit plans to ensure access to gender-neutral, single-user restrooms.
 - » [Massachusetts regulation](#) requires that students be afforded the opportunity to participate on school sports teams that align with their gender identity.
- [California law](#) prohibits school districts from implementing policies that require educators or other school staff to disclose information about a student's sexual orientation or gender identity unless otherwise required by state or federal law.
- Some states, such as [New Jersey](#) and [Washington state](#), have directed their state department of education to promulgate model policies to ensure inclusion of LGBTQIA+ students, with some states requiring that local school districts adopt the model policies.