



# Senate Bill 88 Discriminates Against LGBTQ+ Students, who Deserve Supportive Schools that Affirm their Identity

**IDRA Testimony Against Senate Bill 88, submitted by Ruth Youn to the Georgia Senate Education and Youth Committee, March 1, 2023**

Good afternoon, Chairman Dixon and Members of the Committee:

My name is Ruth Youn, and I am an education policy fellow at IDRA, an independent, non-partisan, non-profit committed to achieving equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.

We oppose Senate Bill 88 because it discriminates against one of the most vulnerable student populations in our country by requiring all of a student's parents or guardians to give express permission prior to any conversation with school staff regarding topics of gender identity or sexual orientation. Unfortunately, not all LGBTQ+ students have caregivers who are supportive of this aspect of their identities. In fact, studies show that LGBTQ+ youth are more likely to experience sexual abuse, physical abuse and peer victimization during childhood when compared to non-LGBTQ+ youth (Friedmen, et al., 2011).

The provision in Line 27 that offers an exception to the requirement of parent involvement does not truly support the child's needs, as it requires documented evidence of child maltreatment. The need for documented evidence limits LGBTQ+ children and youth from easily accessing the help they need.

This bill endangers LGBTQ+ students by limiting their ability to have necessary conversations with supportive, trusted adults at school. This policy would place student lives at risk, make it harder to support LGBTQ+ students, and negatively impact LGBTQ+ students' academic outcomes.

## **SB 88 Puts LGBTQ+ Student Lives at Risk**

LGBTQ+ students in particular, experience exclusion, harassment and bullying in schools at higher rates than their peers due to their gender identity and sexual orientation. In 2019, more than two in three LGBTQ+ students in Georgia reported experiencing at least one form of anti-LGBTQ+ discrimination at school during the past year (GLSEN, 2019).

Over half of LGBTQ+ youth in middle and high school reported experiencing bullying in social settings, including school. Significantly, transgender and gender non-conforming students reported the highest rate of bullying at 61% compared to cisgender students (Trevor Project,

2021). Discriminatory policies and practices in schools exacerbate a pre-existing climate of social bullying and violence against LGBTQ+ students, hurting their ability to learn and thrive in their education.

Measures like SB 88 have real life and death consequences for students. Tragically 42% of LGBTQ+ youth consider attempting suicide, including more than half of transgender and non-binary youth (Trevor Project, 2021). Such suicide attempts also are more common among youth of color as the suicide rate of Indigenous LGBTQ+ youth (31%) is over double the rate of white students. Black (21%), multiracial (21%), Latino (18%) and Asian American and Pacific Islander youth have much higher rates of suicide when compared to their white peers (12%) (Trevor Project, 2021).

### **SB 88 Makes it Harder for Schools to Support LGBTQ+ Students**

Discriminatory legislation like SB 88 discourages teachers and school staff from creating safe and welcoming places for their LGBTQ+ students. When school staff incorporate best practices, they would risk violation of this proposed law as well as the penalty of funding being withheld from the school. These best practices include using a students' desired pronouns to acknowledge them, supporting student-led clubs – such as gay-straight alliances or gender and sexuality alliances that promote a safe and welcoming environment for students of all orientations and genders – and identifying “safe spaces” – such as counselor's offices or designated classrooms where LGBTQ+ students can receive support from administrators, teachers and other school staff (CDC, 2017).

### **SB 88 Creates Negative Academic Environments that Negatively Impact Academic Outcomes for LGBTQ+ Youth**

Discriminatory policies and practices in schools hurt students' ability to learn and thrive in their education. Students who experience discrimination based on gender identity or sexual orientation are more likely to miss school days, have lower GPAs and drop out of school (GLSEN, 2019).

In Georgia, gender-based harassment led to 25% of transgender and gender nonconforming students to drop out of their school or university (NCTE & NGLT, 2010).

Student success depends on students' ability to attend schools with environments that support and sustain all aspects of their identity. A vital part of a supportive school climate is having educators, administrators and other personnel who students can talk to about what is going on in their lives. With no guarantee of having affirming caregivers at home to give written permission for a conversation about gender identity with a school staff member, combined with an already harmful school climate of bullying and discrimination, LGBTQ+ youth are left with little to no options for seeking help when they need it most.

Georgia leaders have the responsibility to ensure that *all* students are supported at school, especially when they are not supported elsewhere. The *Parent and Child Protection Act* does the opposite of what it claims to do: It puts a target on the backs of already-targeted school children. This bill would undoubtedly harm students' prospects of performing well and graduating from high school. At its worst, it endangers their lives.

## Recommendations

- Support safe and welcoming schools by rejecting SB 88.
- Support comprehensive school policies regarding bullying and sexual harassment that specifically speak to LGBTQ+ youth.
- Provide resources for schools to adopt evidenced-based school climate strategies that make all students feel safe and welcome.

IDRA is available for any questions or further resources that we can provide. Thank you for your consideration. For more information, please contact Mikayla Arciaga, M.A.Ed., IDRA Georgia advocacy director at [mikayla.arciaga@idra.edu](mailto:mikayla.arciaga@idra.edu).

## Resources

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- NEA. (June 2016). Legal Guidance on Transgender Students’ Rights. National Education Association. [https://www.nea.org/sites/default/files/2020-07/2018\\_Legal%20Guidance\\_Transgender%20Student%20Rights.pdf](https://www.nea.org/sites/default/files/2020-07/2018_Legal%20Guidance_Transgender%20Student%20Rights.pdf)
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*IDRA is an independent, non-profit organization led by Celina Moreno, J.D. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college. IDRA strengthens and transforms public education by providing dynamic training; useful research, evaluation, and frameworks for action; timely policy analyses; and innovative materials and programs.*