



Transgender Students Deserve Affirmation and Support Not Exclusion and Marginalization

IDRA Testimony against Senate Bill 438, submitted by Mikayla Arciaga, M.A.Ed., to the Georgia Senate Education and Youth Subcommittee, February 20, 2024

Good afternoon, Chairman Still and Members of the Committee:

My name is Mikayla Arciaga, M.A.Ed., I use she/her pronouns, and I am the Georgia Director of Advocacy at IDRA, we are an education non-profit committed to achieving equal educational opportunity for all children. I am also a former high school math teacher and swim coach.

We oppose Senate Bill 438 because it discriminates against one of the most vulnerable student populations in our country. This bill prohibits transgender and gender nonconforming students from participating in school sports teams, which creates unsafe school climates, harms students' academic achievement, and arguably violates federal protections against gender-based discrimination.

SB 438 Makes Schools Unsafe for Students

At a time when we are progressing legislation like SB 351, that would curb bullying and interpersonal violence between students, it is disappointing to see legislation like SB 438 that discourages teachers and school staff from creating safe and welcoming places for their trans students.

Students in the LGBTQ+ community 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). In Georgia, gender-based harassment led 25% of transgender and gender nonconforming students to drop out of their school or university (National Transgender Discrimination Survey, 2010). These policies have real life or death consequences for students as tragically 42% of LGBTQ+ youth consider attempting suicide, including more than half of transgender and nonbinary youth (Trevor Project, 2021).

Discriminatory policies and practices in schools hurt students' ability to learn, thrive, and grow in their education and compromise their educational opportunities.

SB 438 Harms Students' Academic Achievement

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, 2020). Excluding students from athletics would deprive them from what the National Federation for State High School Associations describes as "long-lasting definitive benefits," such as expanded capacity for empathy, better understanding of self, and building foundations for lifelong health (Amaro, 2020).

As legislators, you should be concerned about the wellbeing and academic success of *all* students. This bill would undoubtedly harm these students' prospects of performing well and graduating from high school.

Students' education success depends on their ability to access equitable educational opportunities – whether in their classrooms, locker rooms, or on the athletic field. Like every young person in Georgia, transgender and gender nonconforming students are valuable members of their schools and communities. We want them to feel included as they pursue their passions and develop their talents. These students deserve affirmation and support, not exclusion and ostracization. This Legislature is responsible for protecting all of Georgia's students, including transgender and gender nonconforming youth. Therefore, it should reject SB 438 and instead ensure that all students have access to safe and welcoming school environments.

Recommendations

- Support safe and welcoming schools by rejecting SB 438;
- Support policies that promote comprehensive school policies regarding bullying and sexual harassment that specifically speak to non-binary and gender-fluid youth; and
- Provide resources so schools can adopt research-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.org.

Resources

Freedom for All Americans. (2021). Legislative Tracker: Anti-Transgender School Athletics, webpage.

<https://freedomforallamericans.org/legislative-tracker/student-athletics/>

GLSEN. (2019). *School Climate for LGBTQ Students in Georgia*. New York, NY.

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Kosciw, J.G., Clark, C.M., Truong, N.L., & Zongrone, A.D. (2020). The 2019 National School Climate Survey – The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools. GLSEN.

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National Center for Transgender Equality and National Gay and Lesbian Taskforce. (2010). Findings of the National Transgender Discrimination Survey. https://transequality.org/sites/default/files/docs/resources/ntds_state_tx.pdf

Amaro, S. (22 Jan 2020). Participation in High School Athletics Has Long-Lasting Benefits. National Federation of State High School Associations. <https://www.nfhs.org/articles/participation-in-high-school-athletics-has-long-lasting-benefits/>

NEA. (2016). *Legal Guidance on Transgender Students' Rights*. Washington, D.C.: National Education Association.

https://www.nea.org/sites/default/files/2020-07/2018_Legal%20Guidance_Transgender%20Student%20Rights.pdf

Shaffer, S., & Lerner, P. (October 2017). Supporting LGBTQ Students Faced with Sexual & Gender Harassment, IDRA Newsletter.

<https://budurl.me/IDRAnlOct17c>

Trevor Project. (2021). *National Survey on LGBTQ Youth Mental Health*.

Title IX, Education Amendments Act of 1972, 20 U.S.C. §§1681 - 1688.

U.S. Department of Education. (2021, June 16). *U.S. Department of Education Confirms Title IX Protects Students from Discrimination Based on Sexual Orientation and Gender Identity*. Retrieved from <https://www.ed.gov/news/press-releases/us-department-education-confirms-title-ix-protects-students-discrimination-based-sexual-orientation-and-gender-identity>

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.



School Climate Affects LGBTQ Student Well-being

60% of LGBTQ students feel unsafe at school.

35% of LGBTQ students missed at least one entire day of school in the past month because they felt unsafe or uncomfortable.

92% of LGBTQ students felt distressed by hearing anti-LGBTQ remarks at school.

57% of students reported hearing homophobic remarks from their teachers or other school staff.

Lesbian, gay, and bisexual youth are **3-5 times more likely** to attempt suicide.

40% of transgender people will attempt suicide in their lifetime.

62%

of LGBTQ students report experiencing LGBTQ-related discriminatory policies or practices at school.

Some schools have policies prohibiting students from...

- discussing or writing about LGBTQ topics in school assignments;
- attending a dance or function with someone of the same gender;
- wearing clothing or items supporting LGBTQ issues; and
- using the preferred name or pronoun of transgender and gender nonconforming students.

LGBTQ students who experienced higher levels of victimization because of their sexual orientation or gender expression...

- Were nearly **three times as likely** to have missed school in the past month than those who experienced lower levels;
- Had **lower grade point averages** than students who were less often harassed;
- Were **twice as likely** to report that they did not plan to pursue college than those who experienced lower levels; and
- Were **more likely** to have been disciplined at school.

Students who feel safe and supported at school naturally do better in school

Effective School-based Supports...



Data Sources: The 2017 National School Climate Survey, GLSEN; Side by Side, 2019; The Williams Institute, UCLA School of Law, 2019

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