Here and Queer:

Increasing Educational Equality for LGBTQ Youth in Georgia Public High Schools

Matthew Sellers

University of Georgia
Introduction:

As one of the most significantly at-risk populations in American schools today, lesbian, gay, bisexual, transgender, and queer\(^1\) (LGBTQ) youth face both daily verbal abuse and physical violence on the basis of sexual orientation (Kosciw et al., 2007). The homophobic culture which pervades American high schools leads to many adverse educational outcomes for LGBTQ youth, including lessened interest in postsecondary matriculation, lower grade point averages (GPAs) compared to heteronormative\(^2\) students, and higher rates of absenteeism and attrition (Kosciw et al., 2007). Moreover, symbolic violence—the tacit cultural norms which impose other-ness on students who do not conform to heteronormative behavior—has a profound psychological effects on students, including significantly higher rates of suicide and substance abuse (Almeida et al., 2009; Espelage et al., 2008). Few Southern states and rural areas, including Georgia, exhibit the comprehensive LGBTQ anti-harassment/anti-discrimination policies and inclusive curricula found in other regions of the United States (Kosciw et al, 2007). The disparity between the psychological outcomes and educational opportunities for LGBTQ students and heteronormative students suggests the need for a comprehensive policy to ameliorate the problems of bullying, harassment, and symbolic violence.

To increase equality for LGBTQ students, the Georgia State Department of Education (GADOE) should mandate anti-discrimination and anti-harassment policies which specifically include individuals of sexual and gender identity\(^3\) minorities. Additionally, it should require LGBTQ awareness training for all faculty and staff of public high schools, and provide a structured method for handling instances of

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\(^1\) While lesbian, gay, bisexual, and transgender refer to specific and familiar minorities, queer encompasses a much larger population. Here, queer denotes any individual who rejects identification as either LGBT or heteronormative.

\(^2\) Heteronormativity refers to the concept of a gender binary between men and women, the idea that these genders have defined, natural roles, and the belief that heterosexuality is the only natural sexual orientation.

\(^3\) Gender identity minorities include individuals who resist identification within the male/female gender dichotomy.
harassment, physical violence, and symbolic violence. Without specific mandates like these to increase awareness of LGBTQ issues in public schools, many LGBTQ students will lack the resources and support required to achieve the same educational outcomes as their heteronormative peers. This effectively denies them equal access to advanced education and equal opportunities in the classroom. An effective policy will therefore attempt to extend LGBTQ students equal protection as their heteronormative peers. A small task force under the Georgia Office of Standards, Instruction, and Assessment, the office which currently deals with harassment and bullying issues, will enforce anti-harassment and anti-discrimination policies in public schools, train faculty and staff, and measure the policy’s impact to ensure equal protection for LGBTQ students.

LGBTQ students will benefit primarily from the increased personal safety, psychological well-being, and improved educational opportunities the policy will offer them. Increased educational equality will result in better prospects for these students as they enter the workforce or seek to matriculate in postsecondary schools. In supporting greater acceptance of a more diverse student body, schools will foster academic and social growth by promoting tolerance among heteronormative and LGBTQ students. This will produce more tolerant and more aware Georgians. Promoting awareness and tolerance will likely lead to a reduction in hate crimes for students of all backgrounds and end the cycle of homophobia which contributes to these crimes. The State Department of Education should implement a policy targeted at increasing LGBTQ equality in public schools not only for the benefit of LGBTQ students but also to improve educational outcomes for all students in Georgia.

Background: A Culture of Non-Heteronormative Suppression

“That’s so gay.” “What a fag.” “He’s such a fairy.” “She’s a total dyke.”

Slurs like these represent only a single facet of a multidimensional problem; LGBTQ students in Georgia public high schools contend daily with verbal and physical harassment, physical assault, and
symbolic violence. While it speaks to but one of the multitudinous problems facing LGBTQ youth, 76.3 percent of LGBTQ students hear derogatory comments like the ones above bandied about in their high schools, demonstrating the extent to which Georgia public schools fail to protect LGBTQ youth (Kosciw et al., 2007). Faculty and staff, from ancillary staff to teachers and administrators, often underestimate the extent of the problem, limiting their ability to mitigate occurrences of harassment and bullying (GLSEN, 2008). The adverse consequences of harassment and bullying transcend the hallway as well; cultural constructions of gender roles, sexual orientation, and heteronormativity prevent students from expressing sexual and gender identity, which can lead to increased feelings of depression and isolation or even suicide (Warner et al., 2004). The plethora of deleterious educational outcomes and detrimental psychological effects attest to the inequality in unsafe schools and augur a difficult future for LGBTQ students.

Assessing the Climate in Public Schools

The prevalence of pejoratives and physical violence in high schools directed at LGBTQ students leads to academic, social, and psychological costs for the victimized student. LGBTQ students report pervasive harassment and violence: 60.8 percent of LGBTQ students nationwide report feeling unsafe in school because of their sexual orientation, 86.2 percent report harassment, 44.1 percent report physical harassment, and 22.1 percent reported actual physical assault on the basis of sexual orientation (Kosciw et al., 2007). LGBTQ students feel the impact of such harassment and violence much more than their heteronormative peers; LGBTQ students are three times more likely to feel unsafe in their school and experience nearly twice as much harassment and bullying (Harris Interactive and GLSEN, 2005). Such widespread instances of harassment and violence have profound negative impacts on the educational outcomes of LGBTQ students. Fears for personal safety led 32.7 percent of LGBTQ students to skip a day or days of school in the month prior to this 2007 survey, depriving these students of instructional time
and thereby creating an achievement gap. In addition, LGBTQ students subjected to harassment reported grade point averages half a letter grade (0.5 points) lower than heteronormative students who did not experience harassment. This accounts for one reason why LGBTQ students were twice as likely as their heteronormative peers to lack postsecondary aspirations, be it college or technical school matriculation (Kosciw et al., 2007; Kosciw and Diaz, 2005). The discrepancy between heteronormative and LGBTQ students demands a comprehensive policy which targets harassment and bullying directly to increase educational equality and ensure equal protection for LGBTQ students.

Poor scholastic achievement shows that LGBTQ students lack equal access to educational opportunities, yet LGBTQ students often suffer from acute negative psychological outcomes in addition, including increased risks of suicide and depression, evidencing schools’ failure to provide equal protection to LGBTQ youth. Rarely do instances of verbal or physical violence involving two heteronormative students occur with such frequency, consistency, or severity as do instances involving one heteronormative student and one student perceived to exhibit non-heteronormative behavior. LGBTQ youth experience more frequent and severe harassment and bullying, including physical violence, social exclusion, and property damage, singling LGBTQ students on the basis of sexual orientation or gender identity (Swearer et al., 2008). Young LGBTQ individuals are more likely to experience depression, increased anger and anxiety, and emotional instability; imposing on the context of the public school on this finding demonstrates the societal and peer pressures which aggravate feelings of insecurity and depression (Bybee et al., 2009). Moreover, LGBTQ youth likely internalize sexual norms and develop self-homophobia which is reinforced by harassment and bullying from their school environment, leading to feelings of vulnerability and low self-esteem (Rubinstein, 2010). Following from these psychological conditions which proceed from harassment and bullying, LGBTQ students have a much greater likelihood of substance abuse and of committing suicide, both immediately and later in life (Almeida et al., 2008; Swearer et al., 2008). In fact, gay adolescent males
are three times more likely to commit suicide than heteronormative males and may account for up to 30 percent of youth suicides per year (Gibson, 1989). These studies have at their center a concern LGBTQ students’ school environment and milieu, demonstrating that the vast majority of these psychological problems stem from harassment and bullying which arise in schools, specifically in the hallways (San Antonio and Salzfass, 2007). Demonstrating that the harassment and bullying which occurs in schools diminishes the psychological health of LGBTQ students suggests that schools have a responsibility to halt harassment and bullying and thereby palliate these negative psychological outcomes.

Compounded with direct incidents of harassment and bullying, symbolic violence—the tacit, often unconscious effort to impose heteronormativity on non-heteronormative students who refuse to conform to socially acceptable ideas of sexuality and gender identity—also perpetuates educational inequality and contributes to the belief that harassment and violence based on sexual orientation or gender identity is acceptable. For example, one heteronormative student who was later convicted of the murder of a peer said that he perpetrated the crime because his victim was gay and “gay people deserve to die” (Bixler, 1998). Symbolic violence includes the persistent use of “gay,” “queer,” and other words which denote sexual minorities or gender identity minorities as negative adjectives in public high schools. Negative use of the word “gay” to indicate stupidity or worthlessness, even when not used intentionally to inflict emotional or psychological harm, nevertheless reinforces the perceived inferiority of identifying as LGBTQ (Schneck, 2008). Kosciw found that 76.3 percent of LGBTQ students heard “gay” used in a negative fashion, indicating the severity of the problem (2007). Schneck goes on to show a statistically significant correlation between faculty and staff views of “gay” as an idiomatic, general expression of negativity and their unlikelihood to intervene in an instance where a student uses “gay” to inflict emotional harm (2008). When used as a negative adjective, the true meaning of the word “gay,” a man attracted to another man, becomes lost. Blurring the meaning of the word to connote something repugnant or unpropitious associates those same meanings with the LGBTQ community, thus reinforcing
the assumption that LGBTQ students are inferior to their heteronormative peers. Symbolic violence therefore contributes substantially to the culture of intolerance and encourages harassment and bullying, in addition to marginalizing not only LGBTQ youth, but the entire LGBTQ community.

*Georgia’s Public School Climate*

Georgia does not foster a tolerant environment for LGBTQ students: two well-documented cases in Georgia—one a hate crime, one a suicide—in the past decade depict two extreme examples of the situation in the state. The first, the murder of thirteen-year-old Josh Belluardo by his fifteen-year-old neighbor Jonathan Miller, occurred in Cherokee County, a suburb of Atlanta, in 1998. Miller justified himself by claiming that Belluardo was gay and that “gay people deserve to die” (Bixler, 1998). More recently, Jaheem Herrera, a fifth-grader at Dunaire Elementary School, committed suicide following what his family called anti-gay taunts. “Every time I came to the school and complained [about the taunting] it never stopped,” said Herrera’s mother. She asserted that he was called “gay” and that “all these things were bothering my baby” (Torres, 2009). The School Board has since attempted to show that Herrera’s suicide had no link to the alleged comments. However, several classmates, including his sisters, agree that he was teased frequently, despite the fact that he did not identify as gay. It is important to note here that heteronormative students often face the extreme consequences of harassment and bullying based on sexual orientation and gender identity. While Miller’s extreme view does not represent the majority opinion, his attitude that LGBTQ identification warrants death reflects the homophobia and misunderstanding which characterize students’ perception of homosexuality. Herrera’s case illustrates the negative impact symbolic violence has on individuals, whether LGBTQ or heteronormative. These Georgian examples demonstrate the far-reaching and tragic consequences harassment, bullying, and symbolic violence can have for individuals and families. Significantly, both cases resulting in the victim’s death link the tragedy to harassment and bullying in public schools.
These instances demonstrate extreme consequences of homophobia, harassment, and bullying, yet Georgia on the whole demonstrates higher instances of victimization than national averages. Half of a sample population of Georgia students felt that bullying and harassment constituted serious problems in Georgia schools compared to only 36 percent nationally (GLSEN, 2006). Moreover, only half of Georgia public schools have comprehensive anti-discrimination and anti-harassment policies which include sexual orientation and gender identity; students at schools which lack this policy are six times as likely to experience harassment based on their sexual orientation or gender identity (Ibid). Georgia then displays a particular need for a comprehensive policy designed to protect LGBTQ students to extenuate the extreme harassment and bullying.

LGBTQ students face much victimization in Georgia, but LGBTQ students of color face even greater discrimination and harassment based both on sexual orientation and race simultaneously. Almost a third of Georgia’s population identifies as African American, making it the most sizable racial minority in the state (Census Bureau, 2006). Because the racial minority is so large, Georgia has a large population of students who represent both racial and sexual minorities. Nearly half of these students reported discrimination based simultaneously on race and sexual orientation, for example, a student may be marginalized because she or he represents a racial minority and sexual minority (Kosciw et al., 2007). The intersection of discrimination based on sexuality or gender identity and race results in lower GPAs and higher rates of attrition and absenteeism than LGBTQ students marginalized solely on the basis of sexual orientation or gender identity (Diaz et al., 2009). Yet another symptom of inequality in schools, LGBTQ African American students’ experience with still greater harassment, bullying, and symbolic violence bars them from equal educational opportunity and protection, posing a large problem to Georgian schools with significant LGBTQ African American populations.
Environment plays a large role in determining the educational outcomes for LGBTQ students; those in rural and urban areas also experience much greater harassment and bullying than those in suburban areas.\(^4\) Rural schools in particular display victimization rates based on sexual orientation 20 percent higher than schools in urban or suburban areas (Kosciw et al., 2007). Kosciw’s data further illustrates that students in both rural and urban areas make homophobic remarks more often than students in suburban areas and that LGBTQ students in rural and urban schools are far less likely to have supportive faculty (2007). Because of Georgia’s large urban and rural populations, measures must be taken to offset the environmental influences which lead to harassment and bullying.

*Faculty and Staff Influence on LGBTQ Safety in Public Schools*

Teachers, principals, counselors, and librarians all play crucial roles in protecting LGBTQ students in public schools. The Georgia State Department of Education has policies which require faculty and staff to respond to bullying and harassment in addition to their instructional duties (GADOE, 2009). Faculty realize that discrimination, harassment, bullying, and symbolic violence grounded in sexual orientation and gender identity occur, however, often underestimate its ubiquitousness. While 95 percent of principals reported that harassment because of gender identity and 92 percent reported harassment based on sexual orientation occurred at their schools, only 12 percent and nine percent respectively felt that the problem occurred frequently or often (GLSEN, 2008). Principals go on to recognize the importance of training in LGBTQ issues for faculty and staff, estimating that a third of their school’s faculty would cope poorly with an issue of LGBTQ harassment or bullying, yet only four percent of principals report having professional development for faculty with regard to general LGBTQ issues

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\(^4\) According to the Census Bureau, any census blocks which have more than 1,000 people per square mile in addition to surrounding census blocks with a population density of at least 500 people per square mile constitute an urban area (Census Bureau, 2000). According to this definition, the largest of Georgia’s urban areas include Atlanta, Columbus, Macon-Warner Robins, Valdosta, Savannah, Augusta, and those parts of Jacksonville and Chattanooga which spill over state lines, whereas the majority of the southeastern and southwestern portions of the state remain highly rural (Census Bureau, 2000).
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(GLSEN, 2008). Administrators’ awareness of teachers’ misunderstanding and mishandling of LGBTQ harassment, bullying, and symbolic violence suggests receptivity to a policy aimed to increase faculty and staff effectiveness in dealing with LGBTQ issues.

Schools with faculty and staff that support LGBTQ students decrease educational inequality and the aforementioned psychological and emotional strain that harassment and bullying place on LGBTQ students. Schools with supportive faculty show far lower instances of harassment and bullying than schools with none, yet 25.3 percent of schools in the South do not have a single supportive teacher on staff (Kosciw et al., 2007). Despite the role that faculty and staff intervention plays in quelling the problems of harassment and violence, students consistently report limited intervention from faculty and staff, which undermines faith in authority’s ability to positively respond to an incident. In fact, teachers only responded to 23 percent of homophobic remarks made in their presence; 18 percent made homophobic remarks themselves, contributing to the culture of symbolic violence (GLSEN, 2006; Kosciw et al., 2007). In many cases, ancillary staff, including janitors and food service workers, participate in active harassment of LGBTQ students as well (Taylor, 2008). When students took the steps to report an incident, only 45.4 percent noted any positive outcome (Kosciw et al., 2007). Supportive faculty not only decrease educational inequality by intervening in instances of harassment and bullying, but ameliorate negative psychological outcomes since students feel much more comfortable approaching teachers and counselors rather than principals or librarians about LGBTQ issues (Kosciw et al., 2007). A policy aimed at increasing teacher awareness of bullying and harassment and encouraging teacher support of LGBTQ students would dramatically improve the climate in public high schools, particularly in rural and urban Georgia where fewer schools have any supportive faculty.
Current Policies, Legislation, and Judicial Decisions

LGBTQ policy in public schools has received limited treatment from governing bodies like the US and GA Department of Education and the US Congress simply because openly LGBTQ students have only recently begun expressing their sexuality and gender identities in public schools. Students on average identify as LGBTQ at younger ages than in past decades—thirteen-years-old for lesbians, fifteen-years-old for gay males (Lewis, 2009), down from nineteen-years-old—and have left high schools with the quandary of protecting them emotionally, psychologically, and physically in a homophobic environment with limited precedent for doing so.

Due to the influx of open LGBTQ students, schools lack policies which protect these students from harassment and violence. Only 11.6 percent of schools in the South have comprehensive anti-discrimination and anti-harassment policies which treat both gender identity and sexual orientation specifically. Forty eight percent of Southern schools lack any bullying policy at all, yet comprehensive policies decrease mean victimization scores 13.7 percent (Kosciw et al., 2007). Without an encompassing definition of harassment or bullying, teachers have no basis other than personal judgment on which to base their intervention, leaving the safety of students up to the vagaries of personal beliefs about what constitutes harassment and religious objections to homosexuality. Without a strict framework in which to operate, generic or nonexistent policies fail to protect adequately LGBTQ students suffering from harassment and bullying and perpetuates symbolic violence. Faculty and staff either fail to react to harassment and bullying or do not have the rule structure to do so effectively, which fails to bring about change. Comprehensive policies unarguably improve the climate in schools by protecting LGBTQ students, thus improving educational equality.

Schools do not have a policy in place, yet several federal documents require that they provide equal protection, regardless of sexual orientation or gender identity. The Fourteenth Amendment to
the Constitution and the UN Declaration of Human Rights, to which the US is signatory, each require equal protection under the law on the basis of sexual orientation and gender identity. The UN Declaration of Human Rights further states that everyone has a right to education and that education should strengthen respect for human rights and fundamental freedoms. These governing documents dictate the need for a framework in which to create equality, especially with regard to symbolic violence, which diminishes respect for the fundamental freedoms of education and safety.

The federal government’s protection of LGBTQ students increased with Title IX of the Education Amendments of 1972, which expanded the definition of sexual harassment, but this law does not go far enough in creating an equal learning environment. Title IX was interpreted by the US Department of Education in 1998 to include the possibility of same sex sexual harassment; however, it does not specifically protect against discrimination on the basis of sexual orientation. Though guaranteed equal protection under the law, LGBTQ students have few venues in the judicial system to pursue complaints of discrimination and harassment not of a sexual nature due to narrow interpretation. A more comprehensive policy will empower LGBTQ students to combat bullies in instances of harassment, bullying, and symbolic violence.

The judicial system has heard very few cases involving LGBTQ harassment, yet these cases suggest a judicial precedent for protecting LGBTQ students from harassment and bullying. Only one appellate court has ever heard a case based on equal protection and very few cases have contributed to the common law concerning LGBTQ issues in public schools. In Nabozny v. Podlesny, the court could find no reason that would survive rational review which permitted harassment and discrimination on the basis of sexual orientation, thus creating a precedent for employing equal protection as a legitimate defense. The Supreme Court found in 1999 in Davis v. Monroe County Board of Education that students can hold schools liable for harassment when the school board acts with indifference, when the acts of
harassment are known, or when the harassment is so severe and pervasive that it bars equal access to educational opportunity. A Georgia court upheld this decision, but further ruled in Floyd v. Waiters that some unspecified “appropriate person” must take “actual notice” of an incident of harassment for a school to have liability. Floyd v. Waiters further supports the need to train faculty and staff on how to recognize and approach harassment so that they will take “actual notice.” These court cases represent a small number of the students harassed and bullied in public schools, but the courts’ consistent ruling in favor of victimized or marginalized LGBTQ students legitimizes a policy which extends greater protection to these students.

**Policy**

LGBTQ students deal with harassment, bullying, and symbolic violence in public schools, literally putting their personal safety at risk to receive an education. As a direct result of the intolerant, homophobic culture, these students miss the educational opportunities afforded their heteronormative peers and often suffer negative psychological outcomes. Schools cannot promise students safety given the status quo, and, since they do not offer equal protection, a need exists for a policy which does. Successful reform requires that comprehensive policies and teacher support work synergistically to alleviate negative psychological outcomes and improve educational equality. To that end, the Georgia Board of Education should author statewide guidelines for districts to alter existing or establish new anti-harassment and anti-discrimination policies, mandate LGBTQ awareness training for all faculty and staff in Georgia schools, and provide a structured method in which reporting and treating harassment and discrimination results in mitigation of the inappropriate behavior. The Board should additionally institute benchmarks to achieve these goals and accountability measures for schools to evaluate compliance.
Mandating a Uniform Statewide Anti-Discrimination and Anti-Harassment Policy

The State Department of Education should employ its executive power to mandate the inclusion of sexual orientation and gender identity in all anti-harassment and anti-discrimination policies in Georgia. Though some schools explicitly ban discrimination and harassment related to sexual orientation and gender identity; nearly half of all schools fail to provide for student safety with comprehensive policies (Kosciw et al, 2007). This same study demonstrates how comprehensive policies lower rates of harassment. Many counties in Georgia lack comprehensive policies, i.e. those which specifically include sexual orientation and gender identity, necessitating intervention from the state.

Suggested language for a new anti-discrimination policy might read:

*Public schools in the State of Georgia are committed to the educational experience of learners in all areas to provide a learning environment that is free from discrimination. Discrimination based on an individual's sex, race, ethnicity, national origin, age, religion, language, abilities, sexual orientation, and gender identity/expression will not be tolerated.*

A new harassment policy might read:

*Public schools in the State of Georgia do not condone, support, foster, or tolerate harassment based on sex, race, ethnicity, national origin, age, religion, language, abilities, sexual orientation, and gender identity/expression. They reserve the power to punish any harassment according to rules established by the State Department of Education. Harassment constitutes unwanted or uninvited verbal or physical conduct intended to disturb or upset learners. Sexual harassment includes unwanted or uninvited verbal or physical conduct of a sexual nature, including unwanted or uninvited physical contact and dialogue, whether between two males, two females, or a male and a female. Violation of this policy will result in appropriate action. Repeated violations of this rule will result in progressively more stringent interventions.*
Teachers’ job descriptions and employment contracts include upholding the rules of the school, yet individuals often fail to adequately uphold those rules, whether out of malice or ignorance. Reminding the teacher of his or her obligation to protect all students, heteronormative and non-heteronormative, from harassment should include a clause in her or his contract:

*The teacher shall uphold the rules set forth by the School Board and the State Department of Education, including but not limited to enforcing anti-harassment and anti-discrimination policies.*

With comprehensive policies like these in place, faculty and staff will have an explicit obligation to protect LGBTQ students, leading to greater intervention and decreased harassment, bullying, and symbolic violence. Schools must rely on students to report failure on behalf of the staff to intervene effectively and appropriately, but should treat faculty and staff with all due respect and a presumption of innocence until the student can demonstrate non-compliance. Faculty and staff who fail to comply with the mandate will violate the terms of their employment, giving authorities the power to discipline teachers who fail to do so. Appropriate disciplinary action for teachers who consistently fail to intervene will incentivize intercession on behalf of victimized students. While schools should take suitable measures to ensure the accuracy of reports of non-compliance, including extensive investigation and inquiry, students who testify that a faculty or staff member willfully ignored her or his obligation to stop harassment, bullying, and symbolic violence should be taken seriously. With teachers required to intervene, schools will foster safer, more tolerant environments.

*Creation of a Task Force*

The Georgia Department of Education (GADOE) should create a task force under the Office of Standards, Instruction, and Assessment to present this curriculum to faculty and staff on preexisting in-service days. The eight member task force, composed of counselors and social workers sensitive to LGBTQ issues, should be comprised of individuals with extensive practical or educational experience
writing and teaching about LGBTQ issues. Collectively, the new team will develop the curriculum based on the aspects of treating harassment and bullying presented above, focusing particularly on salient issues of human rights. The task force will then travel to individual schools on preexisting in-service days and present the curriculum, either to individual schools or on a county-wide basis. Providing the workshop to individual schools allows the counselor to deal with specific problems the school may have, in addition to tailoring the curriculum to exceptions, such as a rural school in an otherwise urban county. Since in-service days already exist and since the workshop should take no more than two hours, the small team will reach a large number of teachers for a low cost. The team should be available year-round as a task force to solve individual problems of implementation and recurring instances of resistance to the new policy.

Georgia should then be divided into regions, each with one of the workers responsible for meeting the specific needs of that region. Suggested regions find basis in population density: there should be two counselors for the suburbs of Atlanta, one for inner city Atlanta, one for southeast Georgia including Savannah and Augusta, one for southwest Georgia including Bainbridge and Valdosta, one for northeast Georgia including Athens, and one for northwest Georgia including Rome, and one for central Georgia including Macon and Warner Robins. Region-specific curricula allow the team to meet particular problems, like a large rural population. The team should also be charged with collecting survey data similar to the GLSEN’s studies, including questions on harassment experiences and teacher response to issues of sexual orientation and gender identity, to compare with the national and regional averages in order to ensure effectiveness. A survey similar to that Kosciw employed in his 2007 study would allow the state to compare results to a pre-existing study. A preliminary study to provide a basis for comparison will allow the team to treat specific problems the policy encounters and update the curriculum to include these issues.
Creation of a Curriculum

The task force’s initial purpose should be the creation of a curriculum designed to educate teachers about LGBTQ issues and equip them to meet the challenges of harassment and bullying. Because teachers’ support of LGBTQ students directly correlates to lower rates of harassment and violence, a policy seeking to lower these rates should first attempt to increase support among faculty. Many faculty and staff, particularly in rural and urban areas, have limited understanding of LGBTQ students’ experiences, the curriculum should seek to explain the problems LGBTQ students face. Increased awareness in tandem with comprehensive anti-discrimination and anti-harassment policies will increase faculty support of LGBTQ students, leading to improved educational outcomes for LGBTQ students.

Since ancillary staff including janitors and food service workers participates in harassment of LGBTQ students, they should be included in the workshop (Taylor, 2008). The workshop will not demand copious amounts of time, and giving these workshops on a school by school basis will allow the task force member to address specific problems a school might have. The task force member should provide contact information for the task force office at the workshop in order for schools to use the task force as a resource for halting LGBTQ harassment and bullying.

The curriculum itself should first present the prevalence of harassment and bullying, relying on statistics like those presented in Kosciw’s 2007 survey, to inform teachers’ awareness and go on to demonstrate how high rates of harassment and bullying immediately lead to lower GPAs, absenteeism, attrition, and decreased likelihood of college matriculation. The addition of anecdotes to the curriculum will give it a human face, emphasizing the teacher’s responsibility to present real students with real problems. The curriculum should then reveal the detrimental effect harassment, bullying, and symbolic
violence have on LGBTQ students, from high rates of drug abuse to increased likelihood of suicide. These statistics will engage faculty and staff in LGBTQ issues and illustrate the need to intervene.

To ensure that faculty and staff completely understand what constitutes harassment, the curriculum should present not only a thorough definition of harassment but should provide examples, either real or fictionalized, of harassment. The definition should include discriminatory and derogatory remarks aimed at a specific person or larger group, unwanted or uninvited sexually explicit dialogue, unwanted or uninvited physical contact, and unwanted or uninvited sexual advances. All sexes and sexual orientations should be represented to ensure comprehensive recognition of harassment, both verbal and physical. The policy should then provide teachers with a “checklist,” or document with a clear method for handling harassment, perhaps modeled on How to Handle Harassment in the Hallways in Three Minutes! (see Appendix 1). Published originally by the Gay, Lesbian, and Straight Education Network and adopted by schools nationwide, the handout presents a generic method for stopping harassment. The benefits of such a handout include its applicability to variegated situations, including those not based specifically on sexual orientation or gender identity, and the public identification of harassment by the authority figure, so that all students recognize that harassment is unacceptable. The method given by this worksheet does not immediately associate the victim of harassment with the marginalized group, a key aspect of preserving LGBTQ students’ safety. However, the vagueness of the handout leaves much to be desired—as every school is different, so should their method for handling harassment be tailored around their specific anti-harassment/anti-discrimination policy. The revised document should extrapolate asking for “a change in future behavior” into a procedure for enacting punishment based on whatever policy the school implements after the DOE mandate, including detentions and suspensions if harassment or bullying becomes a consistent problem.
Additionally, the change in behavior must come not just from the harasser, but from the victim who must report instances of harassment, bullying, and symbolic violence to appropriate authority figures. The handout does well in stressing that

Additionally, the change in behavior must come not just from the harasser, but from the victim as well. The handout does well in stressing that intervention will follow a report of harassment to a teacher, an association which increases students’ faith in authority and should increase the reported incidents of harassment and/or bullying. When dealing with these confrontations, whether verbal or physical, the teacher must stress to the victim that he or she has a responsibility, not only for his or her personal safety, but for the other victimized students in the school, present and future, to report harassment and bullying. To drive home the way in which an intervention should play out from beginning to end, the policy should incorporate a role-playing element to the otherwise lecture based program, enabling teachers to develop a response before they are forced to do so in a real situation.

Creation of a Task Force

To handle the administrative work and challenges to implementation the policy creates, the GADOE should create a task force of 5-7 social workers or counselors sensitive to LGBTQ issues. The task force should be comprised of individuals with extensive practical or educational experience writing and teaching about LGBTQ issues. Collectively, the new team will develop the curriculum based on the aspects of treating harassment and bullying presented above, focusing particularly on salient issues of human rights. They task force will then travel to individual schools on pre-existing in-service days and present the curriculum, either to individual schools or on a county-wide basis. Providing the workshop to individual schools allows the counselor to Since in-service days already exist and since the workshop should take no more than two hours, the small team will reach a large number of teachers for a low cost.
Georgia should then be divided into 5-7 regions, each with one of the workers responsible for meeting the specific needs of that region. The team would additionally be available year round as a task force to solve individual problems of implementation and recurring instances of resistance to the new policy. The team should also be charged with collecting survey data to compare with the national and regional averages in order to ensure effectiveness. More, data should be collected by locale in order to gauge effectiveness of the policy in rural areas.

Cost Analysis:

The program’s ability to increase equity more than offsets the fiscal costs. The government projects the starting salary of a state government employed social worker at 39,000 dollars, a total increase in expenditures of 195,000-273,000 dollars (Bureau of Labor Statistics, 2008). The printing and developmental costs of the curriculum should not exceed five hundred thousand dollars, particularly if the schools employ an internet database or web publication to store, update, and present the information. Considering the possible liability costs, the investment in protecting LGBTQ students seems paltry indeed compared to the 1.1 million dollars paid out to Flores in Flores v. Morgan Hill Unified School District or the 962,000 dollars Nabonzy received in Nabonzy v. Podlesny. Those sums represent simply the payouts irrespective of legal costs and the time and bad press schools received. Moreover, in many cases of anti-LGBTQ discrimination or harassment, injunctive mandates include amendment of anti-harassment policies and LGBTQ awareness training for school employees.

Benefits

LGBTQ youth stand to gain enormous opportunities should educational access become equal. Lessened instances of harassment and bullying will lead to lessened absenteeism, concern for personal safety, and reduced attrition. Surveys indicate that students’ poor experiences in high school discourage them from pursuing higher education (Kosciw et al., 2007), a feeling that might dissipate as schools
become less restrictive. Not only does this improve life prospects of LGBTQ students, it increases the number of qualified job candidates available, offering the public and private sector access to more productive potential employees. Moreover, a more diverse workforce complements a more productive one by increasing the skill-set and perspectives available to potential employers, whether in the government or the private sector.

As the classroom dynamic shifts towards inclusion and acceptance, more stimulating discussion based on a wider range of viewpoints will intellectually invigorate schools. As the policy achieves the desired effect of lowering the rates of harassment and bullying, teachers will have more time to develop lesson plans, to help struggling students, and to focus on teaching rather than refereeing incidents from the hallways that spill into the classroom. The increased breadth of educational experience will benefit all students, not simply those self-identifying as LGBTQ. Moreover, the policy promises to benefit other students by increasing teacher’s awareness of harassment and bullying. Though specifically for LGBTQ youth, gender and race discrimination remain significant problems in schools, problems which a strict definition of harassment and a clear method for handling it can solve.

Challenges

Ground level resistance from the faculty and staff offers the greatest challenge to the policy’s efficacy—if the team cannot induce compliance from schools, the status quo will not change. Because schools already burden teachers with supervising duties like lunchroom and bus monitoring, they may resist yet another demand on their busy schedules. Administrators and counselors responsible for everything from schedules to testing to budgetary concerns may oppose new rules to enforce with appropriate intervention. Despite the increased workload the policy may bring about, it does not actually create any new responsibilities for any faculty or staff. Instead, it gives school employees in a
position to halt harassment, bullying, and symbolic violence the tools to recognize and effectively combat it, requiring only that they uphold schools’ duty to provide a safe, equal learning environment.

Unfortunately, faculty and staff are answerable not only to the Department of Education, but to parents, students, and the community. Administrators may be hesitant to adhere to guidelines set forth by the state in the case of students who express a prejudice against LGBTQ peers if the violators’ qualities, athletic or scholastic, are deemed vital to the school’s reputation. Heteronormative teachers or administrators resistant to change or challenges to social norms may side with the violators in cases which require firm disciplinary action, diminishing the policy’s efficacy. Resistance may be especially prominent in rural and poor urban areas. Yet, the school has a duty to protect students from physical and emotional harm regardless of the personal beliefs of faculty, staff, parents, administrators, or the beliefs of the community at large. The task force should combat the anti-LGBTQ sentiment by stressing the myriad reasons LGBTQ students are more at risk than their heteronormative peers and emphasizing the negative effects of harassment, bullying, and symbolic violence.

Students and parents who argue that the policy infringes their right to free expression of their beliefs have no reason to argue. Students do not have the right to harass other students no matter their feelings about the LGBTQ community, LGBTQ individuals, or LGBTQ self-identification. The Supreme Court upheld the right of administrators to halt speech which interferes with a school’s educational mission in *Bethel v. Fraser*. In the case of marginalization based on sexual orientation and gender identity, since harassment and symbolic violence interfere with school’s ability to educate and provide students with a safe learning environment, faculty and staff may discipline students for interfering with the school’s mission. No constitutional free speech barrier exists to block this school policy; in fact the Fourteenth Amendment, which guarantees equal protection under the law, demands that a policy protecting LGBTQ from harassment and bullying be implemented. Moreover, when engaging in
harassment, bullying, and symbolic violence, students impinge on LGBTQ students’ right to a safe school environment and equal access to education.

While students do not have the right to harass or bully any student based on sexual orientation or gender identity, parents are not bound by *Bethel v. Fraser*. Despite this, parents cannot demand that schools forsake their duty to equally protect all students, though they may continue to express their views on sexual and gender identity minorities. Parents, teachers, and administrators may all disagree with LGBTQ self-identification on a personal or moral basis, the policy does not mandate that they accept it as morally correct nor denigrate their religious or personal beliefs. Parents cannot suggest that the policy offers more protection to LGBTQ students either, since the policy does not punish instances of LGBTQ harassment or bullying more harshly than any other instance of harassment or bullying. Instead, the policy mandates that schools offer equal protection and equal learning environments to LGBTQ students, a requirement borne up by federal law, case law, and human rights legislation. Far from protecting LGBTQ students more than others, the policy equips teachers to manage incidents of harassment, bullying, and symbolic violence based on sexual orientation and gender identity.

Many schools skirt LGBTQ issues for fear that explicit discussion of sexual orientation or gender identity will prematurely “sexualize” students. Parents and legislators dislike it when schools discuss subjects related to sex, particularly taboo topics like sexual orientation and gender identity. The policy does not “sexualize” students, however. The policy does not encourage students to self-identify as LGBTQ nor does it promote sexual experimentation in any way. No part of the policy involves sexual education or materials related to any kind of sex act, sexually transmitted infection or disease, or prophylactic or contraceptive. In fact, the policy never requires teachers to explain any kind of sexual activity, only to intervene on behalf of students whose self-identified sexual orientation or gender identity makes her or him a minority.
Ironically, those students who self-identify as LGBTQ may pose an additional problem of implementation if they choose not to report instances of harassment, bullying, and symbolic violence. The fear that reporting these incidents will result in increased marginalization is a legitimate one; however, supportive faculty and comprehensive policies decrease victimization. The likelihood that teachers will not intervene decreases considerably when non-compliance results in disciplinary action, meaning that LGBTQ students can depend on teachers to halt harassment, bullying, and symbolic violence without fear of retribution from peers. With enhanced trust in authority, student resistance will dissolve and victimization will diminish.

Conclusion

LGBTQ students face more issues of harassment and bullying than any other population in public schools, leading to increased absenteeism and drop-outs. A policy grounded in human rights philosophy and devoted to the idea that all students deserve equal educational opportunity, incorporating mandated LGBTQ awareness workshops, a comprehensive policy to deal with harassment, and altered anti-discrimination and anti-harassment policies will ameliorate many of the barriers LGBTQ students face in public education. The policy promises great return on investment if implemented properly, guaranteeing a more equal society, effective educational system, and lessened liability for schools.
Appendix 1: How to Handle Harassment in the Hallways in 3 Minutes!

1. Stop the Harassment

- Interrupt the comment or halt the physical harassment.
- Do not pull student aside for confidentiality unless absolutely necessary.
- Make sure all the students in the area hear your comments.

2. Identify the Harassment

- Label the form of harassment: “You just made a harassing comment based upon race”
  (ethnicity, religion, sex, sexual orientation, socioeconomic status, size, age, etc.).
- Do not imply the victim is a member of that identifiable group.

3. Broaden the Response

- Do not personalize your response at this stage: “We, at this school, do not harass people.” “Our community does not appreciate hateful/thoughtless behavior.”
- Re-identify the offensive behavior: “This name calling can also be hurtful to others who overhear it.”

4. Ask for Change in Future Behavior

- Personalize the response: “Chris, please pause and think before you act.”
- Check in with the victim at this time: “Please tell me if this continues. We can take future action to work out this problem. We want everyone to be safe at this school.”
Works Cited


Harris Interactive and GLSEN (2005). From Teasing to Torment: School Climate in America, A Survey of Students and Teachers. New York: GLSEN.


