



January 28, 2010

Dear Representative:

RE: ACLU Urges Co-Sponsorship of H.R. 4530, the Student Non-Discrimination Act

On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with more than a half million members, countless activists and supporters, and fifty-three affiliates nationwide, we urge you to co-sponsor H.R. 4530, the Student Non-Discrimination Act. This important and legislation would establish a comprehensive federal prohibition against discrimination in public schools based on a student's actual or perceived sexual orientation or gender identity and provides victims with meaningful and effective remedies modeled after Title IX of the Education Amendments Act of 1972.

Discrimination against LGBT students in public schools across this country is an unacceptable daily reality. Every student deserves the opportunity to attend school and learn without the fear of being targeted for harassment and discrimination simply based on their sexual orientation or gender identity. The ACLU's own work advocating for equal protection for LGBT students is replete with examples of those who have suffered discriminatory treatment at the very hands of those tasked with providing them with an education and ensuring their safety within schools. For example –

- A female student in a northern California school district faced daily anti-gay harassment and discrimination from teachers and school staff and was required to participate in a school-sponsored “counseling” group designed to discourage students from being lesbian, gay, bisexual, or transgender. Specific incidents included –
 - A teacher approached the young woman while she was hugging her girlfriend and said, “This is ungodly, and you’re going to hell. This is a sin.”
 - Another teacher said, “What’s wrong with you? What are you, a man or a woman?”
 - Other school staff made repeated harassing comments in front of the student’s classmates, including saying, “It’s not right to be this way.”

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- The student was also on several occasions denied access to the girls' locker room.

In response to the harassment and discrimination the young woman experienced at her school she said, "All I ever wanted was to be able to go to school and just be myself. But I couldn't do that when the people I was supposed to be learning from were judging me and telling me something was wrong with me. How was I supposed to learn when I was constantly scared?"

- Two male students in a public school in Memphis, Tennessee had their private relationship revealed to the school principal by another student. In response, the principal wrote their names on a list she posted next to her desk, in full view of anyone who entered her office. Although the boys had never been observed by any school staff engaging in any display of affection, the principal called one of their mothers. According to the mother, the principal said things like "Did you know your son is gay?" repeatedly and went on to say that she didn't like gay people and wouldn't tolerate homosexuality at her school. Both students reported that they had to endure verbal harassment from both teachers and students as a result of the principal's actions.
- A female student in a public high school in Orange County, California was repeatedly singled out for discipline (including a one-week suspension), had her sexual orientation revealed to her family without her permission by school officials, and was forced to transfer to another school in the middle of the second semester. The student, who previously had straight-A grades and a spotless disciplinary record, was punished for occasionally showing affection towards her girlfriend, even though heterosexual students were routinely allowed to hold hands, hug and kiss on campus.

These three examples, rather than being the rare instance of discriminatory treatment, speak directly to the experiences of daily life for many LGBT students. In a comprehensive 2007 study of 6,209 middle and high school students entitled the *National School Climate Survey*, nine out of 10 LGBT students reported that they had experienced harassment at their school in the past year. Additionally, three-fifths felt unsafe at school because of their sexual orientation and about a third reported that they had skipped a day of school in the past month because of feeling unsafe. Such a toxic environment denies LGBT students their right to an equal education and contributes to unacceptably high rates of absenteeism, dropouts, adverse health (including mental health) consequences, and academic underachievement.

The Student Non-Discrimination Act will help to ensure that discrimination against lesbian, gay, bisexual and transgender students has no place in our country's public schools. The legislation builds on existing protections for students based on their race, color, sex, religion, disability or national origin, and will provide LGBT students and their families with legal recourse against discriminatory treatment. The ACLU urges your support for H.R. 4530, the Student Non-Discrimination Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Macleod-Ball". The script is fluid and cursive.

Michael W. Macleod-Ball
Acting Director, Washington Legislative Office

A handwritten signature in black ink, appearing to read "Christopher E. Anders". The script is fluid and cursive.

Christopher E. Anders
Senior Legislative Counsel