

BREAKING THE CYCLE



JON W. DAVIDSON

FOR A FEW WEEKS THIS FALL, the media was full of stories about a string of suicides of LGBT youth. Sadly, the loss of those lives was but the tip of an iceberg. It is estimated that 1,500 LGBT young people commit suicide each year, at a rate believed to be three to four times higher than their heterosexual peers.

Many of the teens whose suicides were reported had been victims of harassment and violence at their schools. According to GLSEN's 2009 National School Climate Survey, 85 percent of LGBT youth were verbally harassed in the prior year because of their sexual orientation and 64 percent because of their gender expression. Forty percent were physically harassed (by acts such as shoving) due to their sexual orientation and 27 percent due to their gender expression. Frighteningly, 18 percent were physically *assaulted* (including being punched, kicked or injured with a weapon) because of their sexual orientation and more than 12 percent because of their gender expression.

LAMBDA LEGAL HAS PROSECUTED LAWSUITS TO HOLD SCHOOLS RESPONSIBLE FOR FAILING TO PROTECT LGBT STUDENTS AND FOR INTERFERING WITH THEIR RIGHTS OF EXPRESSION.

LGBT students who experienced high levels of in-school victimization were more likely than other students to skip school, have lower grade point averages, and decide not to pursue further education. They also were several times more likely than their peers to feel unsafe, to turn to substance abuse, and to have lower self-esteem, greater anxiety, and higher levels of depression, all of which can contribute to suicide.

There are things that can be done to break this cycle. Lambda Legal has prosecuted lawsuits in California, Indiana, Nevada, New Jersey, New York, Texas, Wisconsin and Utah to hold schools responsible for failing to protect LGBT students and for interfering with their rights of expression. These suits not only have sought to obtain justice for our clients but also to reform the policies and practices of the school districts we've sued and to send a message to other schools that failing to take appropriate action is both harmful *and* expensive. We also have produced resources such as our *Out, Safe & Respected* toolkit and our companion

materials for educators and parents. We further have helped craft school policies to address harassment and bias-based assaults, including one recently adopted in Dallas.

One of the challenges faced in securing protective legislation and policies is opposition to listing sexual orientation and gender identity and expression as prohibited bases for harassment on the theory that such conduct is wrong regardless of the target. This ignores the Supreme Court's teachings in Lambda Legal's *Romer v. Evans* case that "Enumeration is the essential device used to make the duty not to discriminate concrete and to provide guidance for those who must comply." Research confirms this. Students in states whose laws do not identify prohibited grounds for bullying have turned out to be no more protected than students who live in states without any anti-harassment laws at all. By contrast, students whose schools have a policy that specifically includes sexual orientation and gender identity and expression report feeling more safe than others and have fewer instances of serious harassment at their schools.

We must not allow the suicide reports of this fall to be obscured. We need to keep reminding people that LGBT students are bullied more than twice as often as any other group, with horrific consequences. We need to fight for laws and school policies that do not hide that fact by adopting generic approaches. Doing less continues to make LGBT youth invisible and less protected. As the judge who ruled in Lambda Legal's *Colin* case concluded, how schools deal with LGBT issues "may involve the protection of life itself."

A handwritten signature in blue ink that reads "Jon W. Davidson". The signature is written in a cursive, flowing style.