



Safe Space

What can be done to change the path to jail or homelessness that traps so many lesbian, gay, bisexual, transgender or questioning (LGBTQ) youth, both in school and on the street? Impact speaks with Lambda Legal Deputy Legal Director **Hayley Gorenberg** (above, left) and Hetrick-Martin Institute Director of Advocacy and Capacity Building **Lillian Rivera**.

LILLIAN RIVERA: Compared to the way things were 10 years ago, there are more anti-bullying and anti-harassment laws now, but many states have none. And many laws fail to make crystal clear in their language that they protect students on the basis of their sexual orientation or gender identity.

I think the difference today is that young people can identify individuals who are supportive, so they can stay in school a little longer. And visibility among New York City youth who identify as LGBTQ has increased, which has a ripple effect on their staying engaged in the educational process.

I don't think the stories that young people tell are different today. Still it's basically: "I'm being treated this way by another student and I've reported it, and administrators are not always responsive." But I think young people are speaking out for themselves more and creating communities for themselves.

And I think the Internet has created more connections for young people, which can be lifesaving.

HAYLEY GORENBERG: I'm really glad that you bring that up, because with the publicity about cyber-bullying, and recently the sentencing of Dharun Ravi [in the New Jersey case following the 2010 suicide of Rutgers student Tyler Clementi], there's a question about the role of new technologies among students. I think that too often the technology is cast as an evil in and of itself. But the point about the Internet being a resource I think is really crucial, particularly if someone is feeling isolated.

RIVERA: The situation is not the same for all young people. We've had studies that indicate LGBTQ youth of color are less likely to come out to their families. There are also serious disparities around being able to finish school.

The young people that we work with are primarily people of color from poor and working families. So they are LGBTQ or presenting in a gender-variant way in neighborhoods that are dealing with systemic oppression, such as racism and poverty. I think the intersection of all of those create,

for lack of a better word, the perfect storm, so we see higher rates of HIV, for instance. The violence that LGBTQ youth experience is greater as well within communities of color—because communities of color experience higher rates of violence.

GORENBERG: Studies show disproportionate punishment is meted out in school for infractions or perceived infractions by both LGBT youth and youth of color. So think about the double-whammy that LGBT youth of color are experiencing!

And this connects to the problem of youth dropping out. That may be because school isn't safe, or it may be because of the so-called school-to-prison pipeline, where students are being disciplined right into the juvenile justice system or the criminal system.

All our stats show that young people who are out of school are disproportionately LGBT and youth of color, and they're often unsupported because the out-of-home care is inadequate. They're disproportionately homeless for this reason—and

then getting profiled by the criminal justice system.

A lot more youth of color are arrested because they're simply more exposed by being out on the streets. And then youth are profiled because of how they look, whether that means being a person of color or gender-nonconforming.

Something that we're looking at now in New York is cops using condoms as evidence of prostitution. Our law-enforcement system is deterring youth from being safe after decades of public health officials trying to get the message out that condoms are essential interventions for protection.

RIVERA: We're currently working on creating a process to help young people get identification, because they're increasingly being targeted by police throughout the city, often simply for not having ID. The ID disparity is really based in economics. If this is a young person who's homeless and maybe not connected to a family of birth, it's harder to access the documents to prove their identity—and it costs money.

GORENBERG: That's a great initiative. LGBTQ youth have various pressures that can lead them into the justice system. Many are not in school, or their schools aren't welcoming to them so they're not showing up. They get picked up on the street, often without ID, and then they're in the system. Or the young person *is* in school and there is an infraction or a perceived infraction and the response of school officials is to get the police involved. This is often not to be helpful, not to assist young people in growing or taking a better path, but instead channeling them into something punitive. Then soon they're more part of the criminal justice system than the educational system. This is the "school to prison pipeline" that we have to put an end to.

RIVERA: In New York City we have the police department *within* schools, so they can arrest students for any type of violation. It's extremely problematic if you're not safe in school, you're not safe in the streets—and also not at home. These are systemic issues that lead young people to prison.

GORENBERG: And then there are so-called "zero-tolerance policies," where kids get removed from school based on a variety of infractions.

Sure, there are certain extreme, limited situations where I think a child has to be removed from school based on a safety issue. But I don't think that students need to be removed when they're being targeted [for harassment or bullying by other students]. A school's job is to protect them, not to kick them out. Schools

should not lead students straight into the so-called school-to-prison pipeline. It's a recipe for disaster.

We want a lot more intervention and support for students who are being targeted and who need help. There's a huge amount that schools can do to help heal an environment short of suspending students or kicking them out. You can hold school assemblies. You can train staff and school safety officers. You can train the students. You can do advisory groups and focus groups.

"IT'S IMPORTANT THAT WE AS ADULT LGBT PEOPLE INVEST IN THE FUTURE—ESPECIALLY IN A SOCIETY THAT DOESN'T ALWAYS LISTEN TO YOUNG PEOPLE."

We also need the Student Non-Discrimination Act. [repeatedly introduced in the U.S. Congress and endorsed in April 2012 by President Obama]. We have other laws, including the U.S. Constitution, that we've worked with creatively. But, in many states, we don't have a clear message out there that youth should be protected as much as everybody else from being harassed or discriminated against in schools based on their sexual orientation and gender identity.

RIVERA: Young people impacted by zero-tolerance policies are generally being punished for trying to take care of themselves—which is the job of the adults in the space. So the choice is either running away from school because it's unsafe or staying and fighting and having to deal with the repercussions. That's a really, really difficult thing.

GORENBERG: And they're not just getting in trouble for physically defending themselves but also in the arena of words. As recently as last week, we had a call from a student who was answering questions about her participation in the National Day of Silence [an annual, national day sponsored by GLSEN to protest the silencing of LGBT youth] and then was threatened with suspension based on what was called "insubordination."

And even in a climate with extreme pressure on school budgets, I think we have to figure into the calculus the costs of *not* making schools safe and affirming for LGBTQ students. When kids are

looking over their shoulder because they're afraid of what's going to happen to them next period, they don't learn very well.

But on the flipside, we don't usually need some new, expensive add-on. The material is out there. And any number of things that already go on in a regular school day can serve as opportunities to introduce it. Some communities are adding curricula that include LGBTQ figures in history, for instance. That way they create role models, and students respond to that and start to see themselves as potential leaders.

RIVERA: I absolutely think there are some bright spots to celebrate and support. I think people are working towards creating clear curricula that are

accessible to all age groups. Hetrick Martin has been working on this with the Center for Lesbian and Gay Studies (CLAGS) at the City University of New York and with other educators to build their ability to "queer" not just their curriculum but their classrooms, their communities, even their teachers' lounges.

New York City's Respect for All program in public schools has had some impact. And the Newark Public School System is committed to increasing that district's ability to engage LGBTQs and retain them in the school system. So there are lots of wonderful things happening.

I think the political will to make things better needs to come from several places at once. For the past three years, Hetrick Martin has been working with the city of Newark, providing services for young people in collaboration with the Newark Public School System. In Newark, not only is the school district committed but also the city and the community.

I think it's important that we as adult LGBT people invest in the future—especially in a society that doesn't always listen to young people. Even if you don't have a son or a daughter or a niece or a nephew at a particular high school, what do you do to make it safer? How do you contribute to the community to ensure that LGBTQ teens have spaces and voices? I think it's important for us to invest in the future, much like the history of Hetrick Martin, which was started by two adults who thought: "Hey, I have to do something." **L**