



NATIONAL ASSOCIATION OF
School Psychologists

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Senator Dick Durbin, Chair
United State Senate Committee on the Judiciary

Senator Chuck Grassley, Ranking Member
United State Senate Committee on the Judiciary

Dear Chair Durbin and Ranking Member Grassley,

On behalf of the National Association of School Psychologists, we submit these comments for the record in support of the Equality Act, S. 393 / H.R. 5 (117). NASP represents 25,000 school psychologists who work with students, parents, teachers, administrators, and communities to ensure students have the necessary supports needed to thrive at school, at home, and in life. Our members also provide a variety of school-based mental health services, including prevention, early identification, and intervention services that remove barriers to learning and assist students in becoming effective learners and productive citizens. We serve *all* students who are present in our nation's schools.

NASP has a long history of advocating for the safety and well-being of students, including advocating for policies that protect all students from harassment and discrimination. This includes fighting for policies that explicitly protect students who are members of the LGBTQ+ community. We frequently field calls from practitioners and school districts across the country realizing the need to eliminate discriminatory practices after seeing the devastating impact it has on our most vulnerable youth. We believe that the civil rights of LGBTQ+ students are protected as part of U.S. public schools' obligations under Title IX of the Education Amendments of 1972. This includes respecting a person's right to express gender identity, and the right to modify gender expression when necessary, and to have their gender identify affirmed and acknowledged. Our position is consistent with all major medical, mental health, and education organizations.

Several court rulings have upheld the notion that sex discrimination includes discrimination on the basis of sexual orientation or gender identity; however, other courts have not reached the same conclusion. Further, the rescission of the Department of Education's guidance indicating that Title IX discrimination protections applied to transgender youth has left students feeling victimized and schools undefended in their desire to protect the rights of all students. Passage of the Equality Act would remove the ambiguity in interpretation of the law, set a uniform standard across the country, and make it clear that discrimination on the basis of sexual orientation, gender identity, or gender expression is prohibited in places of employment, in housing and credit, in public spaces, and in our nation's schools. The law would also provide necessary protection for schools to do what they recognize is needed, beneficial, and appropriate in prohibiting discrimination for all students.

School psychologists across the country work with children who are discovering and developing their personal identities - some with diverse sexual orientations, gender identities, and/or gender expressions. Studies show that these students are at a greater risk for negative academic and social outcomes because they may experience homophobic or transphobic environments where they have to worry about their safety, impacting the developmental trajectory of their life. Being LGBTQ+ in and of itself does not put youth at greater risk for negative outcomes; however, being LGBTQ+ in environments where homophobia and transphobia are tolerated increases the likelihood of harassment, bullying, discrimination and oppression, which can negatively impact LGBTQ+ youth's developmental trajectories. These negative impacts include putting young lives at stake due to self-harm, suicidal ideation, victimization, assault, and homicide. Nearly two-thirds of LGBTQ+ Americans report having experienced

discrimination in their personal lives. Other surveys indicate that 70% of LGBTQ+ students reported being verbally harassed; 23% reported being physically harassed; and 12% reported being physically assaulted at school in the past year as a result of perceived or real sexual orientation (National Climate Survey, 2017.) It is absolutely vital that our youth learn in a school climate that is safe, respectful, and free from discrimination, harassment, violence and abuse. The absence of needed protections is preventing youth from feeling psychologically safe and leaving them unable to learn. The Equality Act can help ensure supportive environments are a reality for all students, in all states.

Youth are resilient and can thrive in environments where they feel safe, supported, and valued (Kosciw et al., 2016; Russell, Toomey, Ryan, & Diaz, 2014), and decades of civil rights history proves that these protections are effective in decreasing discrimination. The Equality Act will create a more inclusive and safe learning environment for some of our most vulnerable students, so they have a stronger chance of succeeding in their social and educational pursuits. All students, including those who are LGBTQ+, should have an equal opportunity to learn in schools, earn a living and provide for themselves and their loved ones without fear of harassment or discrimination for simply being who they are. The Equality Act will finally give millions of Americans the protections they deserve - the protections that have already been legally recognized for millions of individuals from other minoritized groups in our country in the past 50 years. NASP thanks you for your careful consideration of this bill; and we urge every member of this Committee, and your colleagues in the Senate, to support its passage. In the meantime, NASP will continue to support school psychologists, other school leaders, and public officials in developing and implementing policies and practices that respect the civil and human rights of transgender and gender diverse students.

Thank you for your consideration. Please contact Dr. Kelly Vaillancourt Strobach, NASP Director of Policy and Advocacy (kvaillancourt@naspweb.org) with any questions or for additional information.

Sincerely,



Kathleen Minke, PhD, NCSP
Executive Director