



August, 2024

**Strategic Advocacy for LGBTQ+  
Students in Tennessee K-12 Schools:**  
Resources, Evidence, Legislation,  
Model Policies, and Communication  
Strategies

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**TENNESSEE  
EQUALITY  
PROJECT**



## The Duty of Local Education Agencies to Protect LGBTQ+ Students in Tennessee

Educators and K-12 schools serve as lifelines for many thousands of LGBTQ+ youth in Tennessee. LGBTQ+ students thrive when they are lucky enough to land in loving homes AND experience consistent support in school. Safe families, inclusive policies, and affirming teachers, peers, and classrooms should be the norm for all of Tennessee’s K-12 students. The majority of Tennessee public schools have some form of LGBTQ+ student support, like gay-straight alliance clubs or teachers who are visible allies. But the reality is that school climates in Tennessee are harmful for LGBTQ+ students in large part due to discriminatory state laws that target these students in public education and the inconsistency of inclusive policies. Thousands of Tennessee’s LGBTQ+ students are hurting in secret – at home and in school. They struggle the most with attendance, belonging, and lower academic scores. They are more likely to be victimized and experience exclusion, discrimination and discipline, harassment, bullying, and violence. Mental illness, self-harm and risky coping behaviors are common. LGBTQ+ students of color and those with disabilities experience intersecting types of discrimination, bullying, and harassment. The severe side effects of institutional oppression are indisputable and should have no place in schools.

The Tennessee legislature has proposed dozens of anti-LGBTQ+ bills and passed more than 20 discriminatory laws targeting LGBTQ+ youth, supportive educators and safe schools. Nationwide efforts to restrict the rights of LGBTQ+ people have ramped up in recent years, with over 500 anti-LGBTQ+ bills proposed across the nation in 2024.<sup>1</sup> Although the vast majority of these bills will fail, the politics and rhetoric around these “debates” causes incredible harm to young people’s mental health and wellbeing.<sup>2</sup> Beginning with the 2024 -2025 school year, LGBTQ+ students and teachers in Tennessee are in uncharted territory. Students are facing discrimination under numerous state laws with far-reaching effects that begin Summer 2024: they are forced into the closet, prevented from learning about LGBTQ+ topics, characters, and history, and prevented from associating with other LGBTQ+ students in clubs. Transgender students, as well as cisgender students who don’t fit squarely in the binary gender mold, asking for gender affirming social support from their trusted teachers are at risk of being outed to unsafe parents and guardians by those teachers who are now forced by law to out their students.

1. Anti-LGBTQ+ Bill Tracker, dynamic mapping.

<https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2024>, Accessed July 22, 2024.

2. Solcyre Burga, “Anti-LGBTQ+ Policies Have an Alarming Effect on Youth Mental Health, *Time*, May 1, 2024.

<https://time.com/6972292/anti-lgbtq-policies-have-an-alarming-effect-on-youth-mental-health/>

Although Tennessee state laws require local education agencies (LEAs) to adopt and enforce anti-bullying policies, they are not required to, or forbidden from, enumerating protections for specific classes beyond federal civil rights laws.<sup>3</sup> LEAs have a duty to protect ALL students in order to foster a safe and inclusive school culture that welcomes everyone: a school free from harm, discrimination, and bullying and harassment by other students, teachers, and school administrators. This starts with policies, student support, inclusive curricula, and professional development. The Tennessee Department of Education’s annual bullying report summarizes overall reporting, then by “race, color, national origin, sex or gender, and disability.” Some LEAs already have enumerated protections for “sexual orientation” or “gender identity,” like Memphis Shelby County Schools, Metro Nashville Public Schools, Putnam County Schools, and Knox County Schools.

The Tennessee Legislature is building a strategy to refuse \$1.29 billion dollars of federal funding to circumvent civil rights laws, standardized testing and reporting requirements. Federal funds are tied to several civil rights protections for teachers, school employees, and students that extend into any educational programming and instruction that receives federal funding, including public and school libraries.<sup>4</sup> Without state protections for LGBTQ+ students in Tennessee public schools, we need the federal government to use its enforcement and legislative powers to protect their civil rights. While LGBTQ+ advocates across the nation have celebrated the updated 2024 Title IX Final Rule that clarifies sex-based discrimination and harassment includes *sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity*, advocates are faced with 2 limitations. First, this rule does not address transgender student’s sports participation, and second, it is blocked by a federal court in Tennessee. It fails transgender athletes by NOT updating guidance for trans-inclusive sports eligibility standards. This will be a separate rule with no exact date for release. Title IX also preempts any discriminatory state laws in public education, potentially a formidable threat to some of Tennessee’s anti-LGBTQ+ education laws.

As advocates, we are urging LEAs to update their policy language, or prepare to, for the clarifications listed in Title IX (2024). We also support the Safe Schools for All Act, powerful legislation that would require LEAs to adopt and enforce enumerated anti-bullying protections for LGBTQ+ students.<sup>5</sup> Even without legislative mandates, LEAs should adopt and enforce enumerated protections for every student’s access to an education free from identity-based discrimination, bullying, and harassment in school policies.

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3. Tennessee state laws addressing bullying and harassment policies in K-12 public schools. [https://www.tn.gov/content/dam/tn/education/safety/bully\\_harass\\_cyber-bullying\\_laws.pdf](https://www.tn.gov/content/dam/tn/education/safety/bully_harass_cyber-bullying_laws.pdf)

4. Title IX of the Education Amendments of 1972 (Title IX); Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973; and Title II of the Americans with Disabilities Act of 1990.

5 S.3105 - 118th Congress (2023-2024): Safe Schools Improvement Act. (2023, October 24). <https://www.congress.gov/bill/118th-congress/senate-bill/3105>

School boards and board members, administrators, parent groups, and other decision makers with influence over school policies cannot have all the information, knowledge, or access to the resources on these issues. As a team of legislative advocates for LGBTQ+ students we are knowledgeable partners, ready for tough conversations and willing to make the hard work of good policy making easier. We must bring the work to them because these students and their educators need us to keep showing up.

**Over the course of my schooling, I was constantly bullied whether it was for having two moms, being transgender, being vocal in my community, or simply being an easy target. One key characteristic about the bullying was that it largely came from adults who were staff members or administration at my school. These new Title IX policies are not threatening female students or the success of female students, but are simply aiming to put policies into place that genuinely protect all students. There is no telling how different my school experience could've been with these policies enacted, but there are many students who will benefit from these measures.**

**- Eli Givens (they/them), Organizer and College student**

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## Step-by-Step Guide for LGBTQ+ Advocates in Tennessee Schools

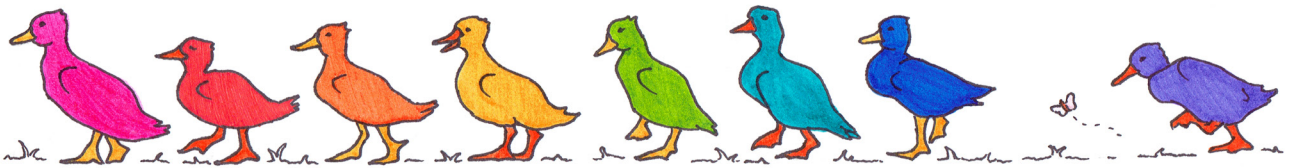
This *something for everyone* guide will broadly prepare you for discussions about LGBTQ+ inclusive school policies with your local school board members, administrators, and to attend school board meetings. Build your own verbal and written communication strategy around advocacy for LGBTQ+ students. You may be a student, teacher, librarian, counselor, administrator, caregiver, decision maker, or overall education advocate. We know LGBTQ+ equity impacts everyone in public schools, especially teachers, but this guide focuses on advocating for LGBTQ+ students. Please note that this guide does not, and is not intended to, constitute legal advice or act as legal recourse, serve as legal analysis, or provide legal expertise.

This guide focuses on advocates for K-12 students in public schools. But don't forget that federal civil rights laws apply to every student, teacher, and employee in elementary through post-secondary schools that receive federal funding, including public school libraries! Advocates in private schools can also use the evidence based resources and refer to model policies. It is not necessary to be a content expert, scholar, or have lived experience as an LGBTQ+ student to advocate for LGBTQ+ youth in Tennessee. You can print this guide, the infographics, model policies, and FAQ's to share with your decision makers, educators, fellow advocates, clubs and student leaders.

- Access your school board members, policies, calendars, and other helpful information about your specific K-12 public school community.
- Dig deeper on the school climate for LGBTQ+ students and the challenges they are facing. Learn about student experiences and how classrooms and hallways impact their academic success, future thinking, safety, and wellness.
- Understand the critical importance of adopting and enforcing enumerated school policies that protect LGBTQ+ students from discrimination, harassment, and bullying.
- Understand the basics of what is and is not in the 2024 Title IX Final Rule and how it is related to public schools from the U.S Department of Education
- Understand the basics of recent Tennessee laws that target LGBTQ+ youth and students in K-12 public schools and how they may interact with Title IX (2024).
- Access model policies and resources to share with schools and decision makers that will make their jobs easier to update or create LGBTQ+ inclusive anti-harassment and anti-bullying policies.
- Personalize your communication strategy based on your experience, motivation, and knowledge of the issues. You will have the facts, stories, and resources to back up your position for conversations, public speaking, and relationship building.

***Protecting LGBTQ+ students from discrimination, bullying, and harassment based on sexual orientation and gender identity in K-12 schools is important to me and my community! I am an LGBTQ+ identified person, student, parent, educator, or a parent of an LGBTQ+ student or other ally.***

***I support local policies that protect LGBTQ+ students and urge our public K-12 schools to adopt the U.S. Department of Education's 2024 Title IX Final Rule in Tennessee.***



## **Step 1: Let's Get Started**

**We would love to hear from you!** Please let us know if you are planning or already scheduled to meet with your school board representative. Give yourself a week, if possible, to get a handle on the information that you want to discuss with your Board Member. We can help you prepare for the meeting and we would love to follow up after the meeting. We want you to be confident in your ability to discuss this topic. Email us at [info@tnep.org](mailto:info@tnep.org) or contact our Executive Director, Chris Sanders, at [chris@tnequalityproject.com](mailto:chris@tnequalityproject.com)

**Tennessee Equality Project is a statewide not for profit, nonpartisan organization with a 20-year history of advocacy in public policy working closely with allied partners, engaging with the public through education, and outreach to advance the equal rights for all LGBTQ+ children, youth, and adults in Tennessee.**

**Tennessee Equality Project is actively working to stop the accelerating, yet preventable, mental and physical suffering, isolation, poverty and homelessness caused by public misinformation campaigns, discriminatory state and local policies, and political ill-will affecting LGBTQ+ children, youth, adults, and elders.**

## Step 2: Find Your Local Education Agency

**Find your Local Education Agency (LEA). Check your voter registration status while you're at it!** If you are not yet registered to vote, now is a great time – but it is not required for you to meet and talk about school issues that are important to you. School board elections are partisan elections and Board Members now have a party affiliation on the ballot.

- ❑ Visit the Voter Registration Lookup, Tennessee Secretary of State page to find your city and/or county District. Use your legal name, mailing address and the last 4 of your SSN.
  - ✓ There are links to follow if you need assistance updating your voter registration information. <https://tnmap.tn.gov/voterlookup/>
  - ✓ The state Tennessee does NOT require voters to declare a party affiliation.

Voting Information:	
<b>Voter ID:</b>	*****
<b>Polling Location Name:</b>	Rocky Hill Elementary School
<b>Address:</b>	1200 Morrell Road
	Knoxville, TN 37919 ( <a href="#">Map</a> )
<b>Election Day Hours:</b>	March 5, 2024: 8:00 am - 8:00 pm
<b>Precinct:</b>	71 Rocky Hill
<b>TN Senate District:</b>	6
<b>TN House District:</b>	18
<b>US Congressional District:</b>	2
<b>County District:</b>	4

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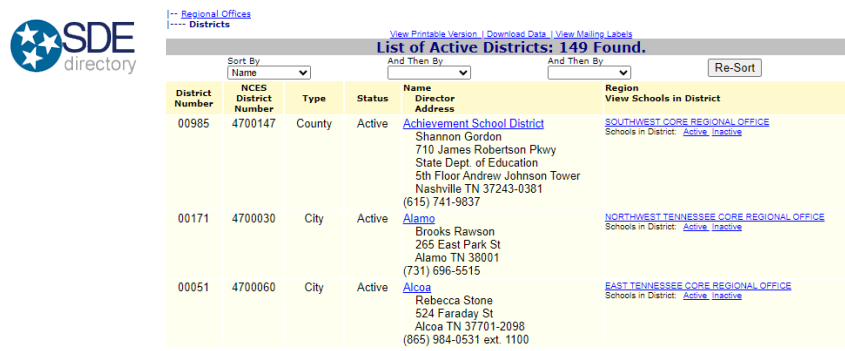
Example of your voter registration look up on the TN Secretary of State website, <https://tnmap.tn.gov/voterlookup/>

- ❑ Interested in running for school board to support public education for all and to protect vulnerable students?
  - ✓ Visit the School Board Candidate Guide from the Tennessee School Boards Association <https://tsba.net/wp-content/uploads/2022/08/2022-School-Board-Candidate-Guide.pdf>
  - ✓ Visit the Qualifications for Elected Office Guide at the Tennessee Secretary of State <https://sos.tn.gov/elections/guides/qualifications-for-elected-offices>

## Step 3: Your School Board Member

Find your Board Member then check out the board roster, policies, calendars, agendas, and minutes now that you have your LEA from Step 2! Google, Facebook, and YouTube are your friends! Search for recordings of past meetings and social media accounts for LEAs and Board Members. All of this information will help you make an appointment, prepare for the individual meeting and the public meetings, and give you an idea where your board member stands on issues impacting LGBTQ+ students.

- Find your LEA's basic information. Visit the Tennessee Department of Education's School Directory to find your LEA then click on the result to expand the information or scroll, it lists all 148 LEAs across the state. <https://k-12.education.tn.gov/sde/CreateDistrictList.asp?status=A&activeonly=Y>

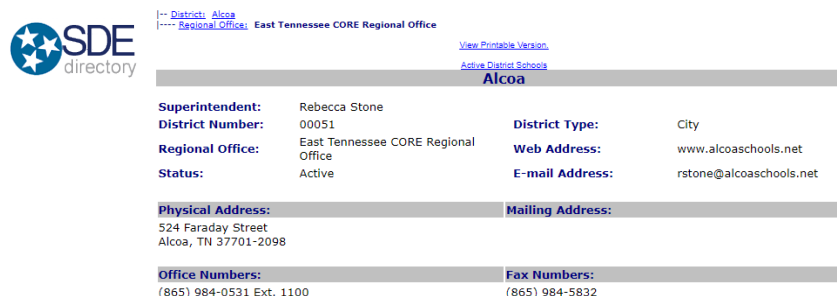


The screenshot shows the SDE directory main page with a search bar and a table of active districts. The table has columns for District Number, NCES District Number, Type, Status, Name, Director Address, and Region. Three districts are listed: 00985 (County, Active), 00171 (City, Active), and 00051 (City, Active).

District Number	NCES District Number	Type	Status	Name	Director Address	Region
00985	4700147	County	Active	Achievement School District	Shannon Gordon 710 James Robertson Pkwy State Dept. of Education 5th Floor Andrew Johnson Tower Nashville TN 37243-0381 (615) 741-9837	SOUTHWEST CORE REGIONAL OFFICE Schools in District: <a href="#">Active</a> , <a href="#">Inactive</a>
00171	4700030	City	Active	Alamo	Brooks Rawson 265 East Park St Alamo TN 38001 (731) 696-5515	NORTHWEST TENNESSEE CORE REGIONAL OFFICE Schools in District: <a href="#">Active</a> , <a href="#">Inactive</a>
00051	4700060	City	Active	Alcoa	Rebecca Stone 524 Faraday St Alcoa TN 37701-2098 (865) 984-0531 ext. 1100	EAST TENNESSEE CORE REGIONAL OFFICE Schools in District: <a href="#">Active</a> , <a href="#">Inactive</a>

Example of Tennessee School Directory main page. You can search for information on all 148 public K-12 LEAs and find the contact information for each one.

- Check out your LEA! From the directory screen, copy and paste the LEA web address in your internet browser to find your school. Websites ARE NOT hyperlinked. It may take a few minutes and dead ends to find all of this information, some have more user friendly websites than others. Look up the dates, times, location, and agendas for future meetings. Look for agendas, videos and minutes for past school board meetings too. *If you cannot find the information, call the office number for assistance.*



The screenshot shows the SDE directory page for the Alcoa district. It displays contact information for the Superintendent, District Number, Regional Office, Status, Physical Address, Mailing Address, Office Numbers, and Fax Numbers.

<b>Superintendent:</b>	Rebecca Stone	<b>District Type:</b>	City
<b>District Number:</b>	00051	<b>Web Address:</b>	<a href="http://www.alcoaschools.net">www.alcoaschools.net</a>
<b>Regional Office:</b>	East Tennessee CORE Regional Office	<b>E-mail Address:</b>	<a href="mailto:rstone@alcoaschools.net">rstone@alcoaschools.net</a>
<b>Status:</b>	Active		
<b>Physical Address:</b>	524 Faraday Street Alcoa, TN 37701-2098		
<b>Office Numbers:</b>	(865) 984-0531 Ext. 1100		
<b>Fax Numbers:</b>	(865) 984-5832		

Example of specific LEA search showing the contact information and web address for your school district. *Web address is not hyperlinked in the field.*

- ✓ Find your District Representative and their government issued contact information. You will need this to email or call them to schedule a meeting. Remember that all communications via email are in the public record. Tennessee’s Sunshine Laws: Open Meetings and Open Records Act, apply to school boards and board members.<sup>6</sup> By law, they can be open to meeting with you but prohibited from making any policy decisions with you or other members because they have to be in a formal public meeting.
- ❑ Visit your LEA’s page, Facebook, YouTube, and Google search for public meeting videos. Most but not all LEAs have social media accounts that you can follow along or view past meetings and videos with public comments. It’s not uncommon for meetings to last 2+ hours long.
- ❑ Visit My Tennessee Public Schools by the Tennessee School Boards Association<sup>7</sup>, to learn all about K-12 public school systems in Tennessee. This includes students, administrators, and how public schools and boards are structured. <https://mytennesseepublicschools.net/>

<b>VOTERS</b>
Elect the local Board of Education
<b>BOARD OF EDUCATION</b>
Selects the Superintendent/Director of Schools
Adopts policies, budgets, and goals
Communicates with community
<b>SUPERINTENDENT</b>
Hires staff
Implements goals, objectives, and policies

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Responsibilities of Voters, School Boards and Board Members, and the Superintendent for Local Education Agencies. Tennessee School Board Association.

6. Tennessee Sunshine Laws require official records and meetings to be open to the public. <https://comptroller.tn.gov/office-functions/open-records-counsel/open-meetings/sunshine-laws.html>

7. Tennessee School Boards Association, <https://tsba.net/>

- ❑ Look at the numbers! Visit the Mapping Tennessee Education, Public Schools website for high level information on totals and breakdowns for K-12 schools and students across the state population, funding, scores, and other information. <https://comptroller.tn.gov/office-functions/research-and-education-accountability/interactive-tools/k12-education-portal-mapping-tennessee-education.html>
- ❑ Visit Great Schools to find your LEA rankings, demographics, performance, funding, and other measures that might be useful for a meeting. <https://www.greatschools.org/schools/districts/tennessee/TN/>

**I recently spoke with my school board member about how a new discriminatory state law will be implemented. I am fortunate because she is receptive to conversation about these issues. I genuinely feel that she is thinking about our discussion as the school board considers new policies. But if I had not reached out, I wouldn't know that. When we reach out to our elected officials, we gain knowledge of where things stand and we have the possibility of influencing policy.**

**- Chris Sanders (he/him), Executive Director, Tennessee Equality Project**

## Step 4: LGBTQ+ Student Experiences

**Connect the dots to bring the issue AND the solutions to the table!** If you love data, this is an area with a lot of resources! If you are an LGBTQ+ person, this is where your lived experience comes in, but it is not necessary to be an expert on school policies or instruction to be a strong advocate. Understand Tennessee’s LGBTQ+ youth and their experiences with discrimination, bullying, and harassment. Learn more about how school climate affects their academic success and health and wellness, both in and out of school.

Reports have shown that between 20% to 28% of Gen Z adults (18-25) identify as LGBTQ+ in the United States, more than every older generation.<sup>8</sup> Among 13-19 year olds in Tennessee, it is estimated that there are 39,000 lesbian, gay, and bisexual (LGB) individuals and approximately 1.8% (3,150) transgender (T) individuals in Tennessee.<sup>9</sup> We should assume that every one of Tennessee’s 1,970 public schools has at least one transgender student and a handful of other LGBTQ+ students.

Table 1. Estimated number of LGBT youth ages 13-17 in the US and by state

	LGBT (Total)	LGB (Total)	LGB (Cisgender)	LGB (Trans)	TRANSGENDER (Total)	TRANSGENDER (Straight/Other)	TRANSGENDER (LGB)
US	1,994,000*	1,924,000	1,844,000	80,000	149,750	69,000	80,000
Rhode Island	6,000	6,000	5,000	200	400	200	200
South Carolina	30,000	29,000	28,000	1,200	2,150	1,000	1,200
South Dakota	5,000	5,000	5,000	200	300	100	200
Tennessee	41,000	39,000	38,000	1,700	3,150	1,500	1,700
Texas	195,000	188,000	181,000	7,400	13,800	6,400	7,400
Utah	24,000	23,000	23,000	800	1,400	600	800
Vermont	3,000	3,000	3,000	100	250	100	100
Virginia	50,000	49,000	46,000	2,200	4,150	1,900	2,200
Washington	43,000	41,000	40,000	1,700	3,100	1,400	1,700
West Virginia	10,000	10,000	9,000	600	1,150	500	600
Wisconsin	35,000	34,000	33,000	1,000	1,850	900	1,000
Wyoming	3,000	3,000	3,000	100	200	100	100

\* This estimate represents 9.5% of the population of youth ages 13-17 in the United States.

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Youth defined as 13-17 yo. Population estimates for LGBT youth in Tennessee, based on Youth Risk Behavior Surveillance System, US Census, and UCLA Williams Law Institute. Sept. 2020 <sup>4</sup>

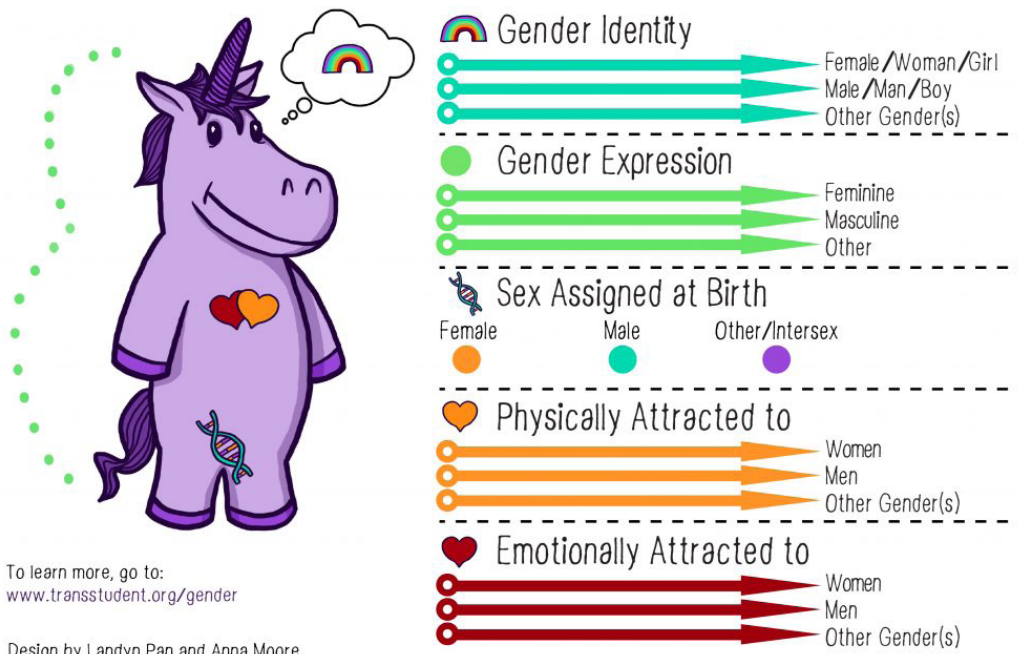
8, Survey finds 1 in 4 GenZ identify as LGBTQ+ <https://www.nbcnews.com/nbc-out/out-news/nearly-30-gen-z-adults-identify-lgbtq-national-survey-finds-rcna135510>

9. Estimated 42,150 LGBTQ+ identifying 13-17 yo in Tennessee. <https://williamsinstitute.law.ucla.edu/publications/lgbt-youth-pop-us/>

- ❑ Stay curious on the terminology that LGBTQ+ young people use is crucial to understanding their stories, data, and your ability to have an informed and respectful conversation. Be open to correction! Language is dynamic and there are many guides and websites you can use. Understand the difference between gender identity, gender expression, and how pronouns are used. Check out Appendix A for more resources!
  - ✓ Know the L G B T Q I A basics for accurate and respectful language. Visit PFLAG National Glossary at <https://pflag.org/glossary/>
  - ✓ A student-led organization, Trans Student Educational Resources, maintains an extensive list of terminology and created the Gender Unicorn, an excellent illustration for students and educators of all ages. They also have an interactive version that students can use in class and GSAs. <https://transstudent.org/definitions/>

# The Gender Unicorn

Graphic by:  
**TSER**  
Trans Student Educational Resources



To learn more, go to:  
[www.transstudent.org/gender](http://www.transstudent.org/gender)

Design by Landyn Pan and Anna Moore

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Illustration showing the different ways we all possess and identify with gender and sexuality. Multiple languages and interactive versions available at <https://transstudent.org/gender/>

- ❑ Understand the definitions of discrimination, bullying, and harassment in state and federal laws. Every state is required to have anti-bullying laws, but enumerated protections are up to the states. A gray area in policy is a weakness and this is why Tennessee law does a poor job of protecting LGBTQ+ students by simply leaving them out by name. But, the 2024 Title IX Final Rule would clarify the definitions of sex-based discrimination and sex-based harassment that states must adopt. Please note the overlap when discussing civil rights discrimination, bullying, and harassment because age, maturity, awareness, and grade level is likely a significant difference for a 9 year old, vs an 9th grader. For this guide, we are focused on discrimination, bullying, and harassment based on LGBTQ+ identities at all ages, K-12. See Appendix B to follow and bookmark government agencies, advocacy organizations, and related topics.

**The 2024 Title IX Final Rule clarifies: sex-based discrimination and sex-based harassment include discrimination and harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. (§ 106.10).**

- ✓ **U.S. Department of Education, Office of Civil Rights.** LEAs must remember that bullying and harassment in elementary and secondary schools may also be civil rights violations, discussed in their *Dear Colleague Letter* to schools.<sup>10</sup> Bullying and harassment may also be civil rights violations, and treated as such, if they are based on race, color, national origin, sex, and disability.

“The statutes that OCR enforces include Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973 (Section 504); and Title II of the Americans with Disabilities Act of 1990 (Title II). Section 504 and Title II prohibit discrimination on the basis of disability. School districts may violate these civil rights statutes and the Department’s implementing regulations when peer harassment based on race, color, national origin, sex, or disability is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.”

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10. US ED, OCR, *Dear Colleague letter* to schools on bullying, harassment, and civil rights. <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>

- ✓ **Tennessee Department of Education, Definitions.**<sup>11</sup> State laws that address bullying, harassment, and intimidation policies can be found here, <https://statepolicies.nasbe.org/health/categories/social-emotional-climate/bullying-harassment-and-intimidation-policy/tennessee>. If Title IX (2024) is implemented in Tennessee, it would require enumerating protections to include sexual orientation and gender identity.

*Bullying* is defined as unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. The imbalance of power involves the use of physical strength, access to embarrassing information, or popularity to control or harm others.

*Cyberbullying* is bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets, as well as communication tools including social media sites, text messages, chat, and websites. Examples may include mean text messages or emails, rumors sent by email or posted on social network sites, and embarrassing pictures, videos, websites, or fake profiles.

*Harassment* is any unwelcome conduct based on a protected class under the federal civil rights laws that is severe, pervasive or persistent and creates a hostile environment that interferes with or limits a student's ability to participate in or benefit from services, activities, or opportunities offered by a school. Harassment meets one or more of the following criteria: is an act directed at one or more students that is received as harmful or embarrassing; is directed at one or more students; substantially interferes with educational opportunities, benefits, or programs of one or more students; substantially affects the ability of a student to participate in or benefit from the school district's educational programs or activities by placing the student in reasonable fear of physical harm or by causing emotional distress; is based on a student's actual or perceived distinguishing characteristic, or is based on an association with another person who has or is perceived to have any distinguishing characteristics; is repeated over time – is severe, persistent, and pervasive; causes mental duress, or psychological trauma to the victim.

**Never fall into the trap of victim blaming and causation between LGBTQ+ identities and mental illnesses. The roots of young peoples' struggles are borne from their experiences with discrimination and violence, being pushed out of communities and families, into the margins. Society, systems and institutions, and individuals discriminating against LGBT students IS the status quo. Sadly this also includes peers, teachers, school resource officers, and administrators in schools. These experiences linger and don't magically disappear at the end of the day. Far too many students go home to an unloving, unsupportive, and unsafe environment or find themselves living on the street. It is not their fault.**

11. Tennessee Department of Education, Bullying and Harassment definitions, <https://www.tn.gov/education/districts/health-and-safety/bullying-and-harassment.html>

- ❑ Learn about the frequency and types of discrimination, bullying, and harassment LGBTQ+ students are experiencing. Remember that students who are also perceived to be LGBTQ+ by their peers and teachers also experience bullying and harassment. Teachers, coaches, other adults, and school resource officers also play a role in bullying and harassment of LGBTQ+ students. Decades of research has shown how anti-LGBTQ+ discrimination, harassment and bullying, plus schools lacking policies to protect LGBTQ+ students is harmful to all students. But there is still a long way to go for learning more about transgender and nonbinary youths' experiences because the data is limited.
  
- ✓ In the 2022-2023 school year, there were 929 (15.5% of 5,996 confirmed reports) cases of bullying and harassment because of the victim's sex or gender. Many thousands of students report bullying and harassment to their teachers and schools, for any reason. The schools investigate the incident to verify that the incident(s) meet the definitions of bullying defined in Tenn. Code Ann. § 49-6-4501 through § 49-6-4506. Annually, every LEA is required to submit the number of reports and, if they apply, reasons related to protected class identifiers to the Tennessee Department of Education. States are required to have anti-bullying policies, but there is no Tennessee law that addresses enumerated protections for LGBTQ+ students. LEAs are further required to report cases based specifically on: race, ethnicity, color, and national origin, sex and gender, and disability status, if applicable to the incident.<sup>12 13</sup> The annual compliance report summaries have shown year after year that the top reported reasons by student victims for bullying and harassment is because of sex or gender.<sup>14</sup> During the 2022-2023 school year \*confirmed cases of bullying, students who reported the most bullying and harassment (if classified under protected classes) were because of "sex or gender" (15.5%), followed by "race, color, or national origin" (10.6%) and "disability" (3.8%).<sup>15</sup>

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12. Tennessee LGBTQ+ laws, MAP at <https://www.lgbtmap.org/img/maps/citations-schools-bullying.pdf>

13. Title VI of the Civil Rights Act of 1964<sup>1</sup> (Title VI), which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972<sup>2</sup> (Title IX), which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973<sup>3</sup> (Section 504); and Title II of the Americans with Disabilities Act of 1990<sup>4</sup> (Title II).

14. Link to historical reports with access to data by LEA, TN ED, Office of Civil Rights, <https://www.tn.gov/content/tn/education/legal-services/civil-rights/civil-rights-bullying-compliance-report.html>

15. 2022-2023, Bullying and Harassment Annual Report in Public Schools, TN Department of Education. [https://www.tn.gov/content/dam/tn/education/legal/2022-23\\_Bullying\\_and\\_Harassment\\_Compliance\\_Report.pdf](https://www.tn.gov/content/dam/tn/education/legal/2022-23_Bullying_and_Harassment_Compliance_Report.pdf)

### **Total Number of Bullying Cases Reported Statewide**

According to the data submitted to the department, 13,377 cases of bullying were reported to LEAs during the 2022-23 school year. Approximately 44% of those cases – 5,996 – were confirmed as bullying after an investigation.

<b>2022-23 Tennessee Bullying Cases</b>		
Total number of bullying cases reported in the 2022-23 school year	13,377	
Total number of confirmed cases of bullying	5,996	44%
Total number of confirmed cases involving race, color, or national origin	635	4.7%
Total number of confirmed cases involving sex or gender	929	6.9%
Total number of confirmed cases involving disability	227	1.6%
Total number of confirmed cases involving the use of electronic technology	1,009	7.5%
Total number of cases still pending	102	<1%

Total Number of Bullying Cases Statewide for the 2022-2023 School Year, including breakdown by reports based on discrimination related to race, color, national origin, sex or gender, and disability. Note that the percentages are incorrectly listed in the table, based on the total reports and not the confirmed reports. TN Department of Education Bullying and Harassment Report.

- ✓ LGBTQ+ students in Tennessee feel unsafe in school and year after year report extremely high levels of biased language, cyber-bullying, and verbal and physical harassment. Sadly, 9% of LGBTQ+ students also report experiencing physical assault. See Appendix C for the GLSEN School Climate Report, Tennessee State Snapshot.
  - ✓ For an in-depth understanding of hostile school climates and the real experiences of LGB and transgender students coping with bullying, harassment, and physical violence, check out the evidence that shows how these students deserve equal protection.
    - ✓ Transgender students face high levels of gender-based discrimination and violence and more likely to experience suicide, substance abuse, and risk-taking behaviors. <https://www.cdc.gov/mmwr/volumes/68/wr/mm6803a3.htm><sup>16</sup>
    - ✓ Transgender youth of color experiences with victimization and negative health outcomes are profound when compared to their cisgender LGB and white peers. <https://advocatesforyouth.org/wp-content/uploads/2020/09/On-All-Sides-Executive-Summary.pdf>
4. Schools and supportive teachers are lifelines for many LGBTQ+ students living in unsupportive, inconsistent, or traumatic environments. Decades of research on childhood trauma has linked some scary health outcomes and risk taking behaviors that impact their quality and length of life into adulthood. Adverse childhood experiences (ACEs)<sup>17</sup> include physical, emotional and sexual abuse; household mental illness, household substance misuse, household domestic violence, having an incarcerated household member, and parental divorce or separation. On the flip side, research has shown that supportive teachers,

16. Total of 131,901 Grade 9-12 students surveyed nationwide, 1.8% identified as transgender

17. Adverse Childhood Experiences (ACEs) <https://www.cdc.gov/aces/about/index.html>

peers, youth feeling like they belong at school, and being included in school policies can actually protect these vulnerable students. This is why all LGBTQ+ students need to have trusted teachers and administrators who prioritize safe and inclusive school spaces for all students.

- ✓ Interpersonal discrimination IS a type of ACE for LGBTQ+ youth and up to 26% of high school youth have experienced discrimination because of their sexual orientation <https://www.hhs.gov/sites/default/files/aces-lgbtq-plus.pdf>

**Mental Health** February 24, 2022

### **Study finds LGBTQ people report higher rates of adverse childhood experiences than straight people, worse mental health as adults**

A new study led by researchers at Vanderbilt found that 83% of lesbian, gay, bisexual and queer (LGBQ) individuals reported going through adverse childhood experiences such as sexual and emotional abuse, and worse mental health as adults when compared to their heterosexual peers.

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LGBTQ+ children experience trauma (83%) that is significantly higher than non-LGBQ adults (64%).<sup>18</sup>

- ✓ From a survey of over 92,000 transgender participants<sup>19</sup> who were out publicly, or perceived by others to be transgender, nearly 60% of the 16- and 17-year-old respondents reported experiencing mistreatment or had at least one negative experience in school. This included verbal harassment, physical attacks, online bullying, being prohibited from using the restroom or locker room, or to dress according to their gender identity/expression. And teachers or staff refusing to use transgender student names or pronouns.

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18. Jake Lowary, Study finds LGBTQ people report higher rates of adverse childhood experiences than straight people, worse mental health as adults, *VUMC News*, Feb. 24, 2022. <https://news.vumc.org/2022/02/24/study-finds-lgbq-people-report-higher-rates-of-adverse-childhood-experiences-than-straight-people-worse-mental-health-as-adults/>

19. 2022 United States Transgender Survey: Early Insights, Feb. 2024. [https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report\\_FINAL.pdf](https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report_FINAL.pdf)

## Step 5: Policy Guidance, State and Federal Agencies

**Share the Tennessee Department of Education and federal agencies' resources and evidence to advocate for enumerated LGBTQ+ policies.** Resources in this section are helpful for advocates in LEAs that already have enumerated policies and supportive school board members, and advocates in private and independent schools. Learn about bullying trends in your school and TN ED's resources to support students competencies in social and emotional learning. Find model anti-bullying policy templates to share with your LEA too.

**What are enumerated anti-bullying policies and how are they related to protecting LGBTQ+ K-12 students? Enumerated anti-bullying laws or policies usually refer to those policies that list the real or perceived traits or characteristics of students who have historically been targets of bullying. Common characteristics include race, disability, religion, sex or gender, national origin, sexual orientation, ancestry/ethnicity, and gender identity or expression. In 1996 the U.S. Supreme Court articulated support for enumeration as an “essential device used to make the duty not to discriminate concrete.”<sup>20 21</sup> See Appendix D.**

**Get the facts for your LEA, visit the Tennessee Department of Education**

<https://www.tn.gov/education.html>

- ❑ Get the facts on bullying and harassment for YOUR LEA. LEAs in Tennessee are required by state law to report bullying and harassment in schools, by peer students, employees, volunteers, and third parties – the only component NOT required of LEAs is enumerated protections.<sup>22</sup> Look for reports under “sex or gender” but remember that all students have many identities that may fall under more than one protected class. The data is important but does have limitations because they do not report “LGBTQ” as classes. Point towards the need for LGBTQ+ student policies by looking at the numbers. Visit the Annual Civil Rights and Bullying Compliance Report and search for your LEA within the spreadsheet for the details, including classifications for race, color, sex or gender, national origin, and disability. <https://www.tn.gov/education/legal-services/civil-rights/civil-rights-bullying-compliance-report.html>

20. *Romer v. Evans*, 517 U.S. 620 (1996)

21. What Works: Safe and Supportive Environments. CDC Adolescent and School Health, <https://www.cdc.gov/healthyyouth/whatworks/what-works-safe-and-supportive-environments.htm>

22. Bullying, harassment, and intimidation policies in Tennessee, state policy database. <https://statepolicies.nasbe.org/health/categories/social-emotional-climate/bullying-harassment-and-intimidation-policy/tennessee>

- ❑ Refer to the model policies guidance for anti-bullying and harassment. Note that this lacks the specificity of the updated Title IX, but there are no state laws that prevent LEAs from enumerating protections for LGBTQ+ students.<sup>23</sup>
- ❑ Check out Tennessee laws that require LEAs to have comprehensive bullying, harassment and intimidation policies by visiting the National Association of State Boards of Education, State Policy Database for Tennessee at <https://statepolicies.nasbe.org/health/categories/social-emotional-climate/bullying-harassment-and-intimidation-policy/tennessee>
- ✓ Use the TN Department of Education’s own [Social and Personal Competencies Resource Guide](#) that lays out the goals and competencies for 5 core social and personal competencies, that develops students’ “soft” skills in self-awareness, self-management, social awareness, relationship skills, and responsible decision-making. Share their toolkit; [Toolkit for Teachers and Administrators to Incorporate Social and Personal Competencies into Instruction](#)

**Make it easier for school boards to create evidence-informed LGBTQ+ inclusive policies. Several organizations and government agencies have excellent resources that you can share.**

- ❑ Refer to the federal interagency website <https://www.stopbullying.gov/> with information and resources on [what bullying is](#), [what cyberbullying is](#), [who is at risk](#), and how you can [prevent](#) and [respond to bullying](#).
- ❑ Evidence shows students’ sense of belonging has long term positive effects on academic success, behavior choice, and health outcomes. School connectedness is even more important for youth who lack support at home. A sense of belonging is based on a student’s personal belief that their peers and adults care about them as a person and learning. <https://www.cdc.gov/healthyyouth/whatworks/what-works-safe-and-supportive-environments.htm>
- ❑ Safe and inclusive policies in schools are mediating factors for educational inequities impacting LGBTQ+ students. Research shows how important these policies are to create an overall safety environment for everyone, not just LGBTQ+ students. Check out the evidence in this research paper: Jack Day et. al., Safe and supportive schools for LGBT youth: Addressing educational inequities through inclusive policies and practices, *Journal of School Psychology*, Vol. 74, 2019, <https://doi.org/10.1016/j.jsp.2019.05.007>
- ❑ PFLAG has a Top 10 Ways to Make Schools Safe resource that is helpful for teachers, administrators, and parents. <https://pflag.org/resource/top-ten-ways-to-make-schools-safe/>

**Changing laws and policies is the only way that equity can be achieved and preserved. Speaking with elected officials is important in order for them to get personal perspectives about how important it is for LGBTQ+ kids to be protected and supported. Through stories of real people and their experiences, hopefully, officials will come to see LGBTQ+ people as fellow human beings who deserve to live productive, peaceful lives.**  
 - Kathy Holbrooks (she/her), Ally, PFLAG National Board and Member of PFLAG Nashville

23. Sample Bullying and Harassment Policy, TN ED, for K-12 public schools. [https://www.tn.gov/content/dam/tn/education/safety/bully\\_harass\\_sample\\_policy.pdf](https://www.tn.gov/content/dam/tn/education/safety/bully_harass_sample_policy.pdf)

## Special Considerations: Advocates in Supportive and Private Schools

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**Does your LEA already have enumerated policies for LGBTQ+ students and supportive administrations?** Here are some ideas to share and questions to ask your school board member, teachers, and school administrators:

- Are the policies that protect LGBTQ+ students from bullying, harassment, and discrimination secure? LGBTQ+ related topics are an increasing agenda item, like diverse books in libraries. LEAs are facing the new state laws as well, forcing arguments. Ask them how you can support their defense to retain inclusive policies.
- Can schools update student guidebooks to alert transgender and nonbinary students about the laws that target them, especially students who request accommodations for their name and pronouns. Teachers and administrators are mandated to out students who formally request gender identity affirmation. Students need to know this risk.
- Offer to provide resources on the 2024 Title IX Final Rule that mandates LEAs to enumerate protections from sex-based discrimination and sex-based harassment for LGBTQ+ students and employees. We want them to prepare for a future where Tennessee LEAs adopt the new Title IX language!
- How can community groups support events and activities hosted by LGBTQ+ student clubs?
- Share resources to support LGBTQ+ students AND teachers through activities like honoring LGBTQ+ history month in the curriculum and school events. Visit <https://lgbthistorymonth.com/>. Student leaders can organize Solidarity Week, visit <https://www.glsen.org/activity/solidarity-week-resources>.
- Support teachers and other school employees who want access to professional development opportunities and inclusive curricula resources. PD can be expensive, bring it to them.

**Independent, private, or religious schools have a unique legacy of barriers and cultural norms that impact LGBTQ+ students.** Consider your school motto, when the school was founded and for what reason, who is admitted, where it is located, and at what price. Private school culture is based on exclusivity (most, not all) – highly competitive admissions, chasing elite status, and striving to have the highest standards for academic rigor. Overall, these schools can be suffocating school climates for LGBTQ+ students and their teachers, or any student who is a bit different. In the South, segregated private schools were feverishly created in the wake of *Brown v. Board of Education of Topeka, Kansas*, until private schools could no longer discriminate in admissions in 1976.<sup>24</sup> However, the Southern legacy of institutional racism is embedded in the admissions and culture of many private and religious schools, even if their administration and Board of Directors do not or will not recognize it. Students of color and students with disabilities are also vulnerable to discrimination and bullying in private schools, if they are admitted at all. This is why conversations around equity, racial diversity, and LGBTQ+ inclusion in these schools

24. Jennifer Hawes, Segregation Academies Still Operate Across the South. One Town Grapples With Its Divided Schools, *ProPublica*, May 18, 2024. <https://www.propublica.org/article/camden-alabama-segregated-schools-brown-v-board>

take time, intention, and serious strategy. Approach these conversations as a partner and collaborator, accepting that change may be nonlinear. You will most likely be speaking about policies and practices with teachers and the administrators who answer to an appointed Board of Directors. Board structures vary, but many of the Board members are alumni, business leaders, and people whose social status is very influential in politics and in your tight knit school community.

Unfortunately, some of the federal anti-discrimination mandates may not apply to your school because of varied funding streams, BUT they still have a duty to protect and uplift every student.<sup>25,26</sup> THEY CAN choose to adopt federal model policy language. Remind school administrators that today's students are tomorrow's benefactors. Their LGBTQ+ students are worth the investment. Here are some ideas to share and questions to ask your school administrators:

**Pro tips! Private, independent, and religious schools pride themselves on a student-centered approach to education and their contributions to the character and moral development of young global citizens. Student leaders and parents can make it easier by knowing school policies up front and sharing the evidence-based resources in this guide. Find some school moms and parents with high social capital to join you! Study up on how your school's values, strategic plan, and student policies impact LGBTQ+ students and the teachers who support them. For example, policies for student privacy, anti-bullying and harassment, gender inclusive dress codes, attending formals with same gender dates, pronoun use, overnight accommodations for transgender and nonbinary students, yearbook photos using chosen names, and team sports or club participation.**

- ❑ Independent school associations provide guidance, resources, and continuing education for independent schools, in addition to accreditation standards. Visit National Association of Independent Schools, [nais.org](https://www.nais.org), Southern Association of Independent Schools, [sais.org](https://www.sais.org), and the Tennessee Association of Independent Schools, [taistn.org](https://www.taistn.org) to learn more.

25. TN Department of Education, Non-public schools, Accessed July 30, 2024. <https://www.tn.gov/education/families/school-options/non-public-schools.html>

26. GLSEN, Private School Programs that are Subsidized with Taxpayer Funds Continue to Sanction Discrimination and Widen the Equity Gap in K-12 Education, Accessed Jul 30, 2024. <https://www.glsen.org/sites/default/files/2021-01/Private-School-Programs-Subsidized-Taxpayer-Funds-Sanction-Discrimination-Widen-Equity-Gap-K-12-Education.pdf>

- ❑ Share this article by an NAIS member educator on creating queer inclusive independent schools, published in 2014. <https://www.nais.org/magazine/independent-school/summer-2014/toward-a-queer-inclusive,-queer-affirming-independ/>
- ❑ Does support exist for LGBTQ+ students and educators that align with the mission and vision of your school community? Do they allow GSAs or Equality Clubs and how does the school support them?
- ❑ Share the PFLAG Guide, Top 10 Ways to make Schools Safe. Many of these recommendations are evidence based and also apply to private and independent schools! <https://pflag.org/resource/top-ten-ways-to-make-schools-safe/>
- ❑ Support teachers and other school employees who want access to professional development training and inclusive curricula resources like Safe Space training. Independent schools have flexibility for teacher's PD!
- ❑ Share the GLSEN School Climate Survey because it includes responses from LGBTQ+ students in private and independent schools. Let them know how school climate for LGBTQ+ students can negatively, or positively, impact their academic performance, mental and physical health. [https://maps.glsen.org/wp-content/uploads/2023/02/GLSEN\\_2021\\_NSCS\\_State\\_Snapshots\\_TN.pdf](https://maps.glsen.org/wp-content/uploads/2023/02/GLSEN_2021_NSCS_State_Snapshots_TN.pdf)
- ❑ Ask them to support LGBTQ+ students AND teachers through activities like honoring LGBTQ+ history month in the curriculum and school events. Visit <https://lgbthistorymonth.com/>, Student leaders can organize Solidarity Week. <https://www.glsen.org/activity/solidarity-week-resources>.

## Step 6: School Funding at Risk in Tennessee

**Understand how federal education funding requires states to protect vulnerable students in primary and secondary schools!** Let's briefly talk about how federal education funding is related to federal anti-discrimination protections in public schools. Essentially, states must agree to various terms with the U.S. Department of Education, including compliance with anti-discrimination laws that explicitly apply to students, teachers in educational spaces and programs. Numerous federal laws mandate how states should manage and govern federally funded education programs in K-12 schools, like the Elementary and Secondary Education Act (ESEA) and the Individuals with Disabilities Education Act (IDEA). States apply for funding under these programs, supporting millions of primary and secondary students across the nation.

**In addition to assisting LEAs and states to improve student achievement and providing financial assistance, the Office of Elementary and Secondary Education in the U.S. Department of Education is responsible to “Support equal access to services to help every child achieve. Congress has directed us to pay particular attention to children who are from low-income families, have disabilities or developmental delays, are educationally disadvantaged, or are English Learners, Native American, migrant, homeless, or in foster care.”**<sup>27</sup>

Although Tennessee has seriously considered refusing federal education money in the last few years, none of the other 49 states have ever refused federal funding for public education.<sup>28</sup> Every student in Tennessee's public schools is at risk if the state loses or refuses federal education money. Defunding public schools and privatizing the state's public education systems would have catastrophic consequences for the many types of students the US ED and state departments of education are charged to support in public education. The students most at risk are from protected classes, disadvantaged and rural communities, including access to breakfast and lunch for a sizable portion of schools.

**Public Education is the cornerstone of our community and our democracy.**  
- Horace Mann, Considered the *Father of American Education*

27. Office of Elementary and Secondary Education, US Department of Education. <https://oese.ed.gov/offices/office-of-administration/about-us/>

28. Marta Aldrich, Tennessee is talking about rejecting federal education funding. What would that mean for kids? *Chalkbeat Tennessee*, Feb. 16, 2023. <https://www.chalkbeat.org/tennessee/2023/2/16/23601641/tennessee-cameron-sexton-bill-lee-federal-education-funding-rejection-impact/>

## Step 7: Title IX Final Rule (2024)

**Find information on what Title IX does AND does not do, plain language printables, and model policy guidance that you can share with your officials.** We acknowledge that Title IX is actively challenged in courts across the nation — and now on hold in Tennessee. But we should still be having conversations about the importance of Title IX guidance for LGBTQ+ students. Familiarize yourself with the U.S. Department of Education and the Office of Civil Rights, as well as updated resources on the 2024 Title IX Final Rule protecting LGBTQ+ students in K-12 public schools. Remember that you do not have to be a legal scholar or attorney to discuss the importance of federally issued protections for LGBTQ+ students in Tennessee’s K-12 public schools!

### Why does the 2024 Title IX Final Rule matter to LGBTQ+ students?

- For 52 years Title IX has protected millions of students and employees from sex-based discrimination across educational programming and employment. But the law lacks specificity and fails to protect LGBTQ+ students and teachers in states like Tennessee. There are no federal laws, other than broad civil rights protections, that mandate enumerated protections in anti-bullying and anti-harassment policies for LGBTQ+ people.<sup>29 30</sup> However, the updated Title IX Final Rule, effective August 1, 2024, enumerates protections from sex-based discrimination and sex-based harassment in all federally funded education programs and activities. It clarifies that sex discrimination, and sex-based harassment, includes discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, when it creates a hostile environment, preempt conflicting state and local laws, and protects the legal rights of caregivers to act on behalf of a complainant, respondent, or other person (§§ 106.10, 106.2).<sup>31</sup> This follows two Executive Orders issued by the Biden-Harris Administration in 2021 that address discrimination against gender identity, sexual orientation, and overlapping forms of discrimination.<sup>32,33,34</sup> Full access to the updated Title IX Rule can be found at the real-time **Code of Federal Regulations** here, <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-106>

29. Zero federal laws directly address state requirements for bullying, but there is overlap with sex-based discrimination and harassment. Detailed information related to anti-bullying laws and policies in, <https://www.stopbullying.gov/resources/laws/tennessee>

30. TN ED refers to US ED 2010 *Dear Colleague Letter* to schools on bullying and harassment, Accessed July 30, 2024. <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html#ftn5>

31. Rules and Regulations 34 CFR Part 106 for Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance. Accessed July 22, 2024.

32. Leaning on SCOTUS rulings for *Bostock v Clayton Co.*, GA and *R.G. & GR Harris Funeral Homes v EEOC* for non-discrimination based on sexual orientation and gender identity.

33. Executive Order No. 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation, Issued Jan. 20, 2021. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-preventing-and-combating-discrimination-on-basis-of-gender-identity-or-sexual-orientation/>

34. Executive Order No.14021 on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity, Issued Mar. 8, 2021.<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/08/executive-order-on-guaranteeing-an-educational-environment-free-from-discrimination-on-the-basis-of-sex-including-sexual-orientation-or-gender-identity/>

### **Title IX (2024 Final Rule) DOES**

- ✓ Benefits everyone in schools, students, teachers, and administrators.
- ✓ Clearly defines how sex-based discrimination and sex-based harassment includes being based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- ✓ Preempts state and local laws that conflict with Title IX (2024), like some of Tennessee's anti-LGBTQ+ education laws.
- ✓ Once enacted, states and LEAs who do not comply risk losing federal education funding.

### **Title IX (2024 Final Rule) DOES NOT**

- ✗ Does NOT determine athletic team eligibility for transgender students. "In April 2023, the U.S. Department of Education released a separate Notice of Proposed Rulemaking related to athletics that aims to advance Title IX's longstanding goal of ensuring equal opportunity in athletics and would provide much needed clarity for students, parents, coaches, and schools. This NPRM was published in the Federal Register on April 13, 2023, and is available here. The Department received over 150,000 public comments and is in the process of carefully reviewing and considering all comments received during the comment period. Those comments are available for viewing here."
- ✗ Does NOT give preferential treatment to LGBTQ+ students and teachers.
- ✗ Does NOT override any legal right of a parent, guardian, or other authorized legal representative to act on behalf of a complainant, respondent, or other person.

**If Tennessee adopts Title IX (2024)**, LEAs would be required to enumerate their anti-bullying and harassment policies to protect LGBTQ+ identified students, teachers and staff, and job applicants. Rights to expression in the First Amendment and the Due Process Clauses of the Fifth and Fourteenth Amendments remain protected under the law. Title IX (2024) has major implications for public education in Tennessee because of the multiple discriminatory laws that target LGBTQ+ students in K-12 schools. LGBTQ+ Tennesseans across the state have been begging for legal protections from sex-based and gender-based discrimination, harassment, and violence in all areas of life. School board members, LEAs, and educators need to understand that the hostile climate for LGBTQ+ students violates federal laws and some state laws may pose a risk to lose \$1.29 billion dollars in education funding.

- ❑ Visit the U.S. Department of Education to find all things public education policy, including press releases, resources, laws, and data issued by the ED. This includes pre-K through post-secondary and higher education. While this report focuses on K-12, these laws apply to all levels of public education and every person involved with schools that receive federal funding. <https://www2.ed.gov/policy/landing.jhtml?src=ft>
- ❑ Visit the U.S. Department of Education *Toolkit for Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students*. This comprehensive toolkit highlights Federal resources, including policy and practice examples, for LEAs and schools to create safe and inclusive school environments. <https://www2.ed.gov/about/offices/list/ocr/docs/lgbtqi-student-resources-toolkit-062023.pdf>

## Plain language documentation regarding the 2024 Title IX Final Rule, U.S. Department of Education.

- ❑ See Appendix E for the *Fact Sheet: U.S. Department of Education's 2024 Title IX Final Rule Overview*. This is a helpful resource to prepare for conversations about the importance of anti-discrimination policies and rules in K-12 public schools.<sup>35</sup>
- ❑ Numerous resources, official guidance, court rulings, historical developments, and noncompliance reporting information for LGBTQ+ students can be found at <https://www2.ed.gov/about/offices/list/ocr/lgbt.html>
- ❑ More information on Sex Discrimination <https://www2.ed.gov/policy/rights/guid/ocr/sex.html>
- ❑ *A Brief Overview of Key Provisions of the Department of Education's 2024 Title IX Final Rule*. This table summarizes the key provisions in the rule, including clarifying definitions, enforcement, and the differences from the 2020 updates. <https://www2.ed.gov/about/offices/list/ocr/docs/t9-final-rule-summary.pdf>

## Resources to support teachers, school boards, and LEAs working towards implementing Title IX (2024) to support LGBTQ+ students and educators.

- ❑ *Supporting Educational Environments Free from Discrimination, A Resource Collection for Elementary and Secondary Schools*, July 2023. <https://www2.ed.gov/about/offices/list/ocr/docs/supporting-educational-environments-disc-free-ese-072023.pdf>
- ❑ *Safe Schools for Everyone, What Educators Should Know about Protecting LGBTQ+ Students*. This document includes information on LGBTQ+ teachers' rights. <https://www.nea.org/sites/default/files/2022-09/what-educators-should-know-about-lgbtq-rights.pdf>
- ❑ *Confronting Anti-LGBTQI+ Harassment in Schools: A Resource for Schools and Students*. These case-based scenarios give schools real world examples of harassment and how to deal with it from reporting to compliance. You can share this with your board member! See Appendix F.
- ❑ *Guidance for Drafting Model Policies to comply with the 2024 Title IX Final Rule. Office of Civil Rights, U.S. Department of Education. Model Policies, Resource for Drafting Nondiscrimination Policies, Notices of Nondiscrimination, and Grievance Procedures under 2024 Amendments to the U.S. Department of Education's Title IX Regulations*. You can share this with your board member! <https://www2.ed.gov/about/offices/list/ocr/docs/resource-nondiscrimination-policies.pdf>

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35. Title IX Final Rule 2024, Fact Sheet <https://www2.ed.gov/about/offices/list/ocr/docs/t9-final-rule-fact-sheet.pdf>

- Refer to the GLSEN Title IX resource page for comprehensive information, model policy guidance, FAQs and other resources at <https://www.glsen.org/title-ix>
- ✓ Model Local Education Agencies policy guidance for implementing Title IX <https://www.glsen.org/sites/default/files/2024-04/Model%20Local%20Education%20Agency%20Policies.pdf> report on how to create safe and inclusive policies
- ✓ Checklist for School Boards to update LGBTQI+ policies [https://www.glsen.org/sites/default/files/2024-04/School%20Board%20Checklist\\_0.pdf](https://www.glsen.org/sites/default/files/2024-04/School%20Board%20Checklist_0.pdf)

**Need to file a discrimination complaint?  
Visit OCR Complaint Process  
for guidance and instructions.**

<https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

**Office of Civil Rights, Department of Education states, The mission of the U.S. Department of Education’s Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights in our nation’s schools. To serve this mission, OCR enforces civil rights laws to protect all students from unlawful discrimination and harassment based on race, color, national origin, sex, disability, and age. This includes students who are lesbian, gay, bisexual, transgender, queer, questioning, asexual, intersex, nonbinary, or identify their sexual orientation or gender identity in other ways (LGBTQI+). Bullying, harassment, exclusion from school activities, and other forms of discrimination can interfere with LGBTQI+ students’ access to a safe and inclusive school environment. Federal law, however, requires schools to ensure that LGBTQI+ students and other students have equal access to all aspects of a school’s programs and activities.**

## Step 8: Anti-LGBTQ+ Education Laws in Tennessee

**Make the connection between state funding for public schools and Tennessee’s harmful LGBTQ+ education laws.** School boards, board members, and administrators should be aware that the updated Title IX (2024) rule is a formidable threat to school funding: all 148 of Tennessee’s LEAs receive federal funding and grants. Remember, Title IX (2024) enumerates LGBTQ+ protections, *prohibiting discrimination and harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity in schools and libraries who receive federal funding.*

**School Funding.** On average, 19.54% of all LEA revenues in Tennessee come from federal funding (\$1.29 billion, 2021 - 2022), ranging from the lowest recipient Sevier County (15%) to the highest recipient, Hancock County (31%). For the last few years, the Tennessee General Assembly has seriously considered refusing federal education revenues, essentially freeing the state from reporting requirements and civil rights compliance required under a host of federal education regulations. This unprecedented move may impact federal enforcement for several overlapping civil rights protections for students, teachers, and other school staff.<sup>36</sup> “School districts may violate these civil rights statutes and the Department’s implementing regulations when peer harassment based on race, color, national origin, sex, or disability is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.” The Tennessee legislature has not yet made a final determination on public school funding structures.<sup>37</sup>

**The Tennessee General Assembly’s Joint Working Group on Federal Education Funding was tasked with evaluating a theoretical scenario: If Tennessee refuses all federal education dollars how could the state rely on state revenues to operate public schools.<sup>38</sup> The report lays out which laws mandate compliance and how the state would risk losing \$1.29 BILLION in federal funding. But the report stops short of analyzing the downstream consequences to Tennessee’s low-income families, rural schools, educators and their development and retention, vulnerable subgroups of students, nutrition programs, athletics, educational outcomes and attainment.<sup>39</sup>**

36. Title VI of the Civil Rights Act of 1964 (Title VI); Title IX of the Education Amendments of 1972 (Title IX), Section 504 of the Rehabilitation Act of 1973 (Section 504); and Title II of the Americans with Disabilities Act of 1990 (Title II).

37. No federal funding determinations, current 6 July 2024.

38. Preliminary report: Senate Joint Working Group on Federal Education Funding, Accessed 7 July 2024.

<https://s3.documentcloud.org/documents/24356294/federal-funding-task-force-senate-preliminary-report.pdf>

39. Ariel Keller, “5 Things Equity Advocates Should Know About... Tennessee’s Joint Working Group on Federal Education Funding,” The Education Trust, Nov. 29, 2023. <https://edtrust.org/resource/5-things-equity-advocates-should-know-about-tennessees-joint-working-group-on-federal-education-funding/>

<b>Tennessee Public Education Federal formula grant</b>	<b>2023 Allocation</b>
Title I (A-D): Disadvantaged Students	\$359 Million
Child Nutrition: Meals & snacks; funded by USDA	\$487 Million
IDEA (birth - Age 21); Students with Disabilities	\$292 Million
Title II: Supporting effective instruction, training	\$45 Million
Perkins: Career and Technical Education	\$30 Million
Title III-A: English Learners	\$8 Million
Title IV-A: Student supports & academic enrichment	\$24 Million
Title IV-B: 21st Century - before & after school programs	\$25 Million
Title V-B: Rural & low-income students	\$4 Million
Title IX-A: Homeless Youth	\$2 Million
Other Programs	\$16 Million
<b>Total</b>	<b>\$1.29 Billion</b>

Federal 2023 formula grant allocations to the state for these programs are as provided. The first five grants listed account for 95% of all 2023 Tennessee formula fund allocations. Source: Tennessee Comptroller of the Treasury, Office of Research & Education Accountability, reported 1/9/2024 in TN General Assembly, Senate Joint Working Group on Federal Education Funding Report. <https://www.documentcloud.org/documents/24356294-federal-funding-task-force-senate-preliminary-report>

**Tennessee Birth Certificates.** The gender marker medically assigned at birth on a Tennessee-issued birth certificate can never be changed, for any reason. However, there has been ongoing litigation to challenge the law.<sup>40,41</sup> Government identification, including birth certificates and driver licenses, that correctly reflects a transgender person’s identity is life saving. For Tennessee born students who are transgender and nonbinary, they are “stuck” with their medically assigned gender, following them through their K-12 education as well as anywhere else they live for the rest of their life where they need to present a birth certificate for official and legal purposes.

**Tennessee’s State Attorney General Skrmetti is spending a lot of time and taxpayer money defending the discriminatory anti-LGBTQ+ laws being passed. Check out the extensive efforts to protect these laws at home and across the nation, [https://www.tnep.org/tennessee\\_attorney\\_general\\_s\\_actions\\_affecting\\_lgbtq\\_rights](https://www.tnep.org/tennessee_attorney_general_s_actions_affecting_lgbtq_rights)**

40. Guy Tustin III, To live more and die less: Challenging Tennessee’s anti-trans birth certificate policy, Lincoln Memorial University Law Review, Vol. 9:1, Fall 2021. <https://digitalcommons.lmunet.edu/cgi/viewcontent.cgi?article=1155&context=lmulrev>

41. Travis Loller, Federal appeals court says there is no fundamental right to change one’s sex on a birth certificate, AP News, July 12, 2024. <https://apnews.com/article/tennessee-birth-certificates-transgender-policy-7cad2460d7fcb06d0aff1a2849ab1f33>

**Discriminatory Education Laws.** Teachers, counselors, school employees, and administrators are permitted — and at times mandated — to discriminate against students who are *or perceived to be* LGBTQ+. Legislators have been filing scores of anti-LGBTQ+ legislation since 2015. Discriminatory attacks on transgender children in education has been a legislative priority for bill sponsors, but not for teachers, schools, students, or families. Constitutional experts, legal professionals, and Title IX advocacy groups have the authority to discuss the historical precedent, funding and backing for these bills, plus the case histories relevant to the work of equity in education. For this discussion, and to help you structure your conversations, we are presenting specific laws targeting LGBTQ+ K-12 students in public schools that may conflict with the anti-discrimination protections guaranteed under the 2024 Title IX Final Rule.

Tennessee leads all other states in the number of anti-LGBTQ+ laws, many of them burdening K-12 public schools and hurting LGBTQ+ students.<sup>42,43</sup> These laws impact ALL students, including straight and cisgender students. But they are most harmful to LGBTQ+ students of color, those with disabilities, and LGBTQ+ students who lack support at home. We have highlighted a few laws below, follow the links in the footnotes to learn more.

**Teacher Code of Ethics in K-12** (SB2766)<sup>44</sup> The revised code reduces educators’ obligations not to discriminate against students on the basis of “race; color; creed; disability; sex; national origin; political or religious beliefs; family, social or cultural background; or sexual orientation” and substitutes with “on any basis.” Has the potential to permit discrimination against ALL protected classes.

**Student pronouns** (SB466)<sup>45</sup> Permits teachers and school employees to misgender students and discriminate at will against transgender and nonbinary students based on their birth certificates and previously known pronouns. School employees are shielded from professional misconduct or civil lawsuits. Targets transgender and nonbinary students.

**Student bathroom access** (HB1233)<sup>46</sup> Prohibits transgender students, teachers, and employees from using restrooms or changing rooms that accommodate their gender identity. Threatens LEAs and schools with civil lawsuits if an individual reports an encounter with a transgender person or if the school permits it. Targets transgender and nonbinary students.

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42. Tennessee is the top state for anti-LGBTQ+ legislation. <https://www.hrc.org/press-releases/tennessee-law-makers-pile-on-4-more-anti-lgbtq-bills-so-far-on-top-of-the-twenty-they-have-already-passed-in-recent-years>

43. Movement Advancement Project, Tennessee. [https://www.lgbtmap.org/equality\\_maps/profile\\_state/TN](https://www.lgbtmap.org/equality_maps/profile_state/TN)

44. TCA § 49-5-1003(b)(10), April 23, 2024

45. TCA § 49-6-51, May 17, 2023

46. TCA §§ 49-2-801, 802, 803, 804, 805. May 14, 2021.

**Student privacy** (SB1810)<sup>47</sup> Requires teachers to out students and administrators to notify legal custodians when a student makes a formal request to affirm their gender, such as using a name different than their school records, birth certificates, and previous pronouns.<sup>48</sup> Targets transgender and nonbinary students.

**Opt-in required for clubs and LGBTQ+ curriculum** (SB1443).<sup>49</sup> Prohibits minor students from participating in school clubs like GSAs without parent or legal guardian permission. Prohibits minor students from participating in LGBTQ+ inclusive curriculum that includes topics about sexual orientation and gender identity if parents or legal guardians do not provide written consent.

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47. TCA § 49-6-3. May 1, 2024

48. TCA § 49-6-310. May 1, 2024

49. TCA §§ 49-2-211, 49-1-1002, 49-6-1308, 49-6-1031(b). May 5, 2023



## **Create your communication strategy for conversations with school board members, boards, and other policy makers about the importance of anti-discrimination policies that protect LGBTQ+ students in K-12 schools**

**We recommend that LGBTQ+ K-12 student advocates consider 2 main approaches for meeting with school board members and administrators about protecting LGBTQ+ students from discrimination, bullying, and harassment.** This is the time to tie in your lived or personal experience with LGBTQ+ students in K-12 schools and the policies they need to be protected.

First, we advocate for enumerated protections, such as adding terms like “LGBTQ+,” “sexual orientation,” and “gender identity” language in LEA’s existing anti-bullying and harassment policies. Currently, there is no state law that prohibits LEAs from implementing enumerated protections. You will find resources and model policy guidance to share with your school board members. These are more general types of policies and not constrained by federal laws.

Second, we advocate for federal protections like the 2024 Title IX Final Rule that protects LGBTQ+ students, acknowledging that Title IX (2024) is a hot topic with two issues for LGBTQ+ advocates. First, Title IX (2024) is disputed in federal courts, blocked in Tennessee from an appeals court ruling on July 17, 2024, and second, fails transgender student athletes. It does NOT address athletic eligibility standards, that will be released as a separate rule at a later date. This has led to confusion in the media and among decision makers and advocates. But it is still very important to have these conversations now to encourage support for Title IX (2024) when it is implemented in Tennessee.

Use the template below, print it out, and use it to help build your strategy. We will email you a PDF copy of this worksheet if you request one. Refer to the step-by-step guide for talking points and model policies. See Appendix G to prepare for public speaking at a school board meeting. Please email requests to [info@tnep.org](mailto:info@tnep.org) or contact our Executive Director, Chris Sanders, at [chris@tnequalityproject.com](mailto:chris@tnequalityproject.com).

**WHO are you and HOW are anti-discrimination policies, 2024 Title IX Final Rule and other policy issues in K-12 schools relevant to you?**

Are you willing to, or feel safe to, share your personal information? \*It is NOT necessary to share personal details about yourself to make a compelling argument to protect LGBTQ+ students in K12 public schools.

***As an LGBTQ+ identified student, teacher, or caregiver, these laws and school policies are relevant to me because***

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***As a straight ally who doesn't identify in the LGBTQ+ community, these laws and policies are relevant to me as a... parent, teacher, administrator, caregiver, other person – because (NEVER OUT children or adults).*** LGBTQ+ allies use “I” statements thoughtfully. Use accurate terminology and respectful language. Stick with the issues and leave out identifying details for specific students and teachers. Remember that we are talking about safety for everyone.

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**WHY are you motivated to speak with your school Board Member about LGBTQ+ inclusive student policies, anti-discrimination and the 2024 Title IX Final Rule?**

Do you want to change hearts and minds, present hard facts, or ask them for help? Again, your motivation may be different if you are LGBTQ+ person or speaking as an allied advocate. You should make this clear in your conversations with school allies AND people who aren't allies yet, or don't support LGBTQ+ youth.

***Do I want school boards and board members to empathize with LGBTQ+ students?*** Are you willing to share my own experiences within the school context? This will also show the importance of protecting LGBTQ+ students from discrimination, harassment, isolation, and exclusion in a real scenario, not a hypothetical situation.

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***How can I approach these conversations to educate decision makers about the importance of inclusive policies and Title IX (2024) in schools?*** Are you most confident speaking about personal experiences, data, policies, or educational practices in schools? Review the fact sheets, data, and reports in the step by step guide showing a clear need for anti-discrimination protections in schools.

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***What is my ask?*** Be very specific. Do you want them to make a new policy, change a policy, learn more about the issues impacting LGBTQ+ students, or for them to gather information to share with you? Commit to accountability for yourself and your officials.

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***Can I have this conversation in a constructive manner?*** Be honest with yourself. If you can't keep it professional in person, remember that you can also use these worksheets to write emails, share your thoughts with the media or write Op-Eds, or use your voice in other creative ways. We don't want to burn bridges, build walls, or feed into any false narratives. Leave with the door open to conversation! \_\_\_\_



**WHAT questions are off limits if this gets too personal?**

This will likely be different if you are an LGBTQ+ person or an ally. These are important considerations, especially when your officials may be uninformed and genuinely curious, or hostile about LGBTQ+ people, culture, social topics, and education policies. These boundaries protect you and those special people in your life.

***I am comfortable or OK sharing the following information about myself with someone I do not know or how they feel about LGBTQ+ topics.*** If someone has asked you to speak on their behalf, get their clear consent on what you can and cannot share. Remember that you are there to talk about policies to protect ALL LGBTQ+ students.

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***I am uncomfortable sharing the following information about myself and I will NOT share information about specific people who have not or cannot give me permission***

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***I will respond to conversations that get off topic, invasive questions, or intentionally hurtful comments.*** For example, “It’s important that we stick to talking about the issue of \_\_\_\_\_ and policies that impact LGBTQ+ students.” You may have to be a broken record!

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**WHAT specific request(s) will I ask from my Board Member?**

Do you want them to make a new policy, reconsider an existing policy, learn more about the issues impacting LGBTQ+ students, or for them to gather information to share with you? Or all of this? Make sure your requests are specific and timely. Let them know your intention to follow up.

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**What do I want my impact to be by the end of this meeting? How do I want my board member to describe me to other board members or other elected officials?** This IS the time to discuss education policies, Title IX (2024), your experiences and most importantly why we need to protect LGBTQ+ students. Leaving meetings with a positive relationship and bridge building is important. You want to be invited back or to speak during public comments, or considered a trusted resource for followup discussions. This is NOT the time to discuss politics, party affiliations, elections, and how you will vote.

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**Have your meeting!** Refer to your agenda notes to stay on topic, plus any references and quick sheets to refer to and leave behind. Don't forget to say thank you and commit to following up. Take your own notes during the meeting to refer back to for emails and future conversations. Send us a message and let us know how it went!

*Notes*

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**As you prepare for your meeting, bring a list of questions that you can refer to. Plan on 15 minutes of meeting time and make sure you start with your priority list. Here are some suggestions, but you know your LEA best!**

- ✓ Broadly, how do your school board policies protect LGBTQ+ students in K-12 schools?
- ✓ Does the anti-bullying policy have enumerated protections for LGBTQ+ students?
- ✓ Does the school board provide opportunities for teachers to have professional development that includes topics on safe spaces for LGBTQ+ students?
- ✓ Does your school board member support the 2024 Title IX Final Rule that updates the language for protections from sexual discrimination and sexual harassment in federally funded educational programs?
- ✓ The US Department of Education has model policy guidance to help LEAs update their policies. Title IX Coordinators should be aware of resources and full access to the 423-page updated 2024 Title IX Final Rule can be found here<sup>50</sup> <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-106>

Refer to Step 7 in the guide for resources and talking points about Title IX (2024).

Refer to Step 8 in the guide for resources and talking points about Tennessee state education laws impacting LGBTQ+ students.

Other questions

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50. Rules and Regulations 34 CFR Part 106 for Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.

## Fast facts for conversations

- ✓ Approximately 39,000 lesbian, gay, and bisexual (LGB) individuals and approximately 1.8% (3,150) transgender (T) 13-19 year olds.<sup>51</sup>
- ✓ 1 in 4 GenZ adults (18-25) identify as LGBTQ+ in the United States, more than every older generation.<sup>52</sup>
- ✓ 26.1% of high school students experience discrimination because of their sexual orientation.<sup>53</sup>
- ✓ 60% of the 6- and 17-year-old transgender individuals reported experiencing mistreatment or had at least one negative experience in school.<sup>54</sup>
- ✓ 3 in 4 (79%) LGBTQ+ Tennessee students experienced at least one form of anti-LGBTQ+ discrimination at school. 9% experienced physical assault for sexual orientation, gender expression, and gender. Around 25% report physical harassment and up to 69% report verbal harassment.<sup>55</sup>
- ✓ Tennessee state laws dictate that every LEA have an anti-bullying and harassment policy.<sup>56</sup>
- ✓ Tennessee has no laws that prohibit LEAs from enumerating protections for LGBTQ+ students.<sup>57</sup>
- ✓ Tennessee received approximately \$1.3 BILLION dollars in federal funding for K-12 public schools for 2022-2023. If the updated Title IX Final Rule is adopted, the anti-LGBTQ+ laws may threaten Tennessee federal education funding and burden LEAs with costly litigation.<sup>58</sup>

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51. Estimated 42,150 LGBTQ+ identifying 13-17 yo in Tennessee. <https://williamsinstitute.law.ucla.edu/publications/lgbt-youth-pop-us/>

52. GenZ identifies as LGBTQ+ more than every older generation. <https://www.nbcnews.com/nbc-out/out-news/nearly-30-gen-z-adults-identify-lgbtq-national-survey-finds-rcna135510>

53. Adverse childhood experiences for LGBTQ+ youth. <https://www.hhs.gov/sites/default/files/aces-lgbtq-plus.pdf>

54. Survey of 92,000 transgender person's experiences. [https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report\\_FINAL.pdf](https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report_FINAL.pdf)

55. Tennessee State Snapshot report for LGBTQ+ students' school climates [https://maps.glsen.org/wp-content/uploads/2023/02/GLSEN\\_2021\\_NSCS\\_State\\_Snapshots\\_TN.pdf](https://maps.glsen.org/wp-content/uploads/2023/02/GLSEN_2021_NSCS_State_Snapshots_TN.pdf)

56. Tennessee state laws with references to codes. <https://statepolicies.nasbe.org/health/categories/social-emotional-climate/bullying-harassment-and-intimidation-policy/tennessee>.

57. Tennessee state laws with references to codes. <https://statepolicies.nasbe.org/health/categories/social-emotional-climate/bullying-harassment-and-intimidation-policy/tennessee>.

58. Preliminary report: Tennessee Senate Joint Working Group on Federal Education Funding <https://s3.documentcloud.org/documents/24356294/federal-funding-task-force-senate-preliminary-report.pdf>, Accessed 7 July 2024.

## If you want help working out what to say, build out from this template!

- Hello, I am \_\_\_\_\_ and LGBTQ+ students and their experiences in schools are important to me because \_\_\_\_\_ (the authority)
- I want to speak with you about protecting LGBTQ+ students in our school anti-bullying policies (and LGBTQ+ teachers too) and the updated 2024 Title IX Final Rule. This makes it easier for schools to legally protect these students from sex-based harassment and discrimination. This includes **discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity**. In April of this year, the U.S. Department of Education released the updated Title IX (2024) to clear up ambiguous language about sex discrimination in response to the alarming numbers of discrimination, harassment, and bullying in K-12 public schools. They put a lot of thought and time into these updates, taking a 2 year rulemaking process, combed through nearly 240,000 public comments. They also worked with students, educators, and parents, state officials, education administrators, advocates, and school representatives from pre-K through higher education. (the evidence to support the purpose of your meeting)
- This is very important to our schools because we know that LGBTQ+ students in Tennessee are experiencing a lot of bullying, harassment, and violence. It's even worse for our LGBTQ+ students of color and those with disabilities. We also know they are more likely to cope with this in ways that is harmful, hinders their academic success and graduation, and if they are in unloving homes likely to end up on the street. Schools are a vital support system for many of our LGBTQ+ students. (the evidence to support adopting and enforcing more rigorous anti-bullying and anti-discrimination policies)
- There are multiple laws that impact LGBTQ+ students, particularly transgender students, mandating discrimination and encouraging bullying and harassment by their peers in school. We know that even some teachers are hurting these kids by using unkind or dismissive language. And last year they amended the teacher code of ethics that removed enumerated groups from protection. (the evidence that state policies impact real students in Tennessee public schools)
- I would like to know what policies our schools have in place to protect LGBTQ+ students, do you know what they are? *and/or* Our school district has the following policies \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ that may conflict with the new Title IX (2024) and out our school at risk to lose federal funding. I would like to talk about how this law will protect our LGBTQ+ students and if you will support bringing our policies in line with Title IX (2024). (the ask)
- Discussion (see following pages for fast facts and suggested questions)
- I have brought some resources for you to use and bring to the table with other board members for these discussions. I look forward to hearing back from you and helping however I can (the offer and commitment to accountability)



## Appendix A

### Language Primers for LGBTQ+ Identities and Topics

Human Rights Campaign for general terminology that allies can use when discussing lesbian, gay, bisexual, transgender, queer, (LGBTQ) people, topics, and policies. <https://www.hrc.org/resources/glossary-of-terms>

Trans Language Primer is a trans-community led website for all things related to identities outside the cisgender identity. <https://translanguageprimer.com/>

GLSEN Gender Triangle page to learn more about the language students may use, including the harmful and outdated language. This resource also provides an activity for self-reflection, an excellent way for allies to understand your own gender and how this influences your own bias and conversations. <https://www.glsen.org/activity/gender-triangle-education-guide>

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## Appendix B

### Government Agencies, Organizations, and Topics to Follow

#### Federal Agencies

National Center for Education Statistics, <https://nces.ed.gov/>

U.S. Department of Education (U.S ED), <https://www.ed.gov/>

U.S. ED, Federal Education Laws and Guidance, <https://www2.ed.gov/policy/landing.jhtml?src=pn>

U.S. ED, Office of Civil Rights, <https://www2.ed.gov/about/offices/list/ocr/index.html>

U.S. ED, OCR *Dear Colleague Letter* to public schools regarding guidance on the potential overlap with LEA's anti-harassment policies and the civil rights statutes enforced by the U.S. ED, Office of Civil Rights. This is a useful reference for conversations about how anti-LGBTQ+ discrimination and harassment shows up for all minority-identifying schools. Note that the Letter is current, but was issued prior to the 2020 and 2024 Title IX updates. <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>

Title IX, Code of Federal Regulations, National Archives. This dynamic website updates changes and rulings for 34 CFR Part 106- Nondiscrimination On The Basis Of Sex In Education Programs Or Activities Receiving Federal Financial Assistance <https://www.ecfr.gov/current/title-34/part-106>

U.S. Department of Health and Human Services, Stop Bullying, <https://www.stopbullying.gov/>

U.S. Centers for Disease Control (U.S. CDC), <https://www.cdc.gov/>

U.S. CDC, Adolescent and School Health, [https://www.cdc.gov/healthyyouth/health\\_and\\_academics/bullying/anti\\_bullying\\_policies\\_infobrief-basic.htm#print](https://www.cdc.gov/healthyyouth/health_and_academics/bullying/anti_bullying_policies_infobrief-basic.htm#print)

U.S. CDC, Health Considerations for LGBTQ+ Youth, <https://www.cdc.gov/healthyyouth/disparities/health-considerations-lgbtq-youth.htm>

#### State Agencies

Tennessee Department of Education (TN ED), State Education Laws and Guidance, <https://www.tn.gov/education>

TN ED, Bullying and Harassment, <https://www.tn.gov/education/districts/health-and-safety/bullying-and-harassment.html>

TN ED, Civil Rights, <https://www.tn.gov/education/legal-services/civil-rights.html>

## **Professional Associations and Nonprofit Organizations**

American Civil Liberties Union, <https://www.aclu.org/>

American Civil Liberties Union, Tennessee, <https://www.aclu-tn.org/>

Tennessee Education Association, <https://tnea.org/>

GLSEN, LGBTQ+ K-12 School Advocacy Organization, <https://www.glsen.org/>

Human Rights Campaign, <https://www.hrc.org/>

National Association of School Psychologists, Resources, <https://www.nasponline.org/resources-and-publications/resources-and-podcasts/diversity-and-social-justice/lgbtq-youth/organizations-supporting-lgbtq-youth>

National Council of Teachers of English, Position Statements, <https://ncte.org/statement/genderfairuseoflang/>

National Education Association, <https://www.nea.org/>

PFLAG, LGBTQ+ Allies Organization, <https://pflag.org/>

Tennessee Equality Project, <https://www.tnep.org/>

Trevor Project, Mental Health Support for LGBTQ+ Youth, <https://www.thetrevorproject.org/>

## **Topics**

Tennessee Equality Blog, proposed legislation, calendars, and action items for LGBTQ+ policy advocates in Tennessee, updated weekly during the legislative session. <https://www.tnep.org/blog>

Safe Schools For All, A coalition of organizations that support the updated 2024 Title IX Final Rule clarifying protections for LGBTQ+ students, <https://safeschoolsforall.org/>

Safe Schools Improvement Act, Reintroduced Oct. 24, 2023. S.2410: An act to address school bullying and harassment. This federal legislation amends the Elementary and Secondary Education Act (ESEA) and would require LEAs to enumerate protections for LGBTQ+ students. <https://www.congress.gov/bill/117th-congress/senate-bill/2410/all-info> <https://www.hrc.org/resources/safe-schools-improvement-act>

Title IX Blog, An interdisciplinary resource for news, legal developments, commentary, and scholarship about Title IX, the federal statute prohibiting discrimination on the basis of sex in federally funded schools, <https://title-ix.blogspot.com/>

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## Appendix C

### **GLSEN School Climate Survey, LGBTQ+ Student Experiences Tennessee State Snapshot, 2021.**

GLSEN Issued Report, PDF. Used with permission.

Tennessee State Snapshot is pulled from GLSEN National Survey, a very useful tool that reveals the realities of bullying and harassment for LGBTQ+ students in our state. Take a copy of this infographic to your meetings and leave one with your decision makers. [https://maps.glsen.org/wp-content/uploads/2023/02/GLSEN\\_2021\\_NSCS\\_State\\_Snapshots\\_TN.pdf](https://maps.glsen.org/wp-content/uploads/2023/02/GLSEN_2021_NSCS_State_Snapshots_TN.pdf)

GLSEN is a nonprofit champion for LGBTQ+ inclusive K-12 schools with a wealth of evidence based resources to support students, clubs, educators, parents, and school policy makers on their journey to equity in education. The biannual GLSEN 2021 National School Climate Survey is a comprehensive report of 22,298 LGBTQIA+ student experiences in public, private, and religious schools across the country. The report shows the realities of what it's like being a queer student in the U.S., worth the time to read, consider, and share. Visit <https://www.glsen.org/research/2021-national-school-climate-survey> to find the Executive Summary and full report.

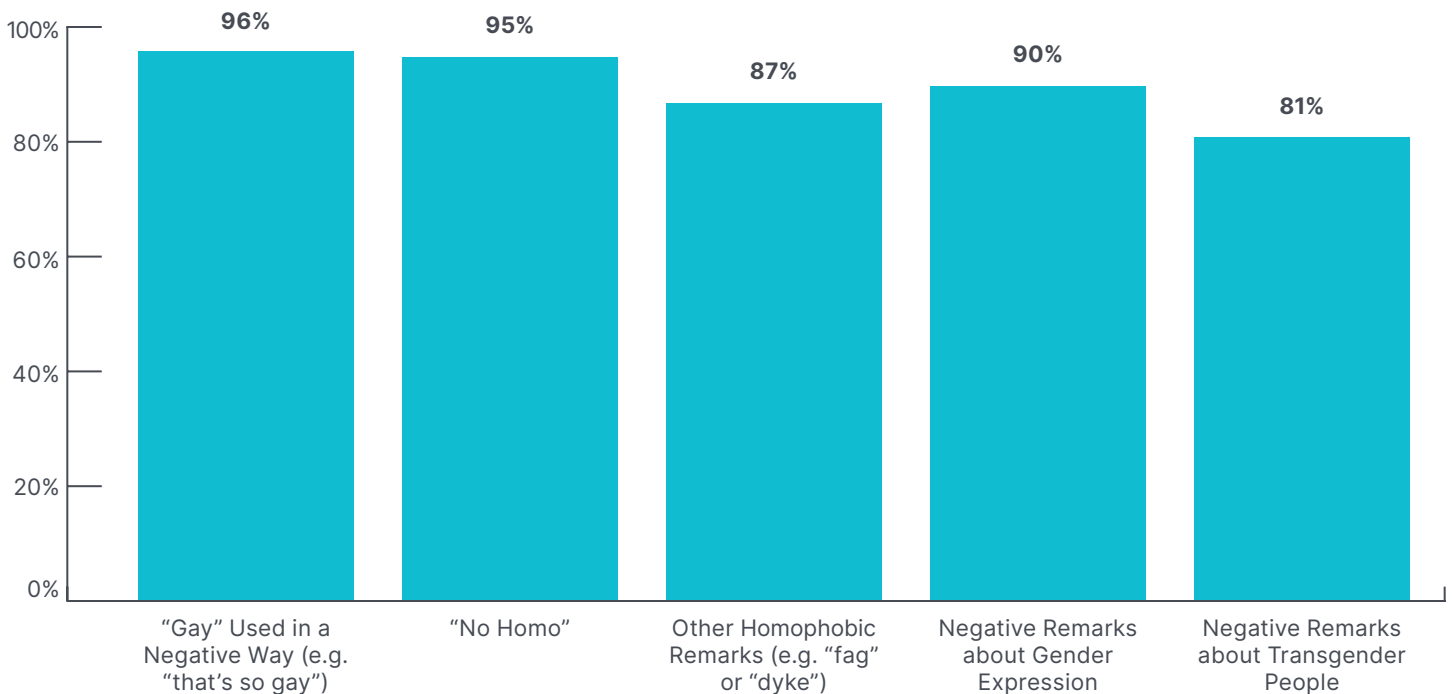
## School Climate for LGBTQ+ Students in Tennessee

Findings from the GLSEN 2021 National School Climate Survey demonstrate that Tennessee schools were not safe for most LGBTQ+ secondary school students. In addition, many LGBTQ+ students in Tennessee did not have access to important school supports. Of note, the 2020-2021 school year was unique in that the COVID-19 pandemic caused disruptions to schools across the country, as schools had to adapt in the wake of the pandemic, drastically changing how many students experienced school; in Tennessee, 17% of LGBTQ+ students attended school only in-person, 20% attended only online, and 63% attended school in a hybrid setting.

The vast majority of LGBTQ+ students in Tennessee regularly (sometimes, often, or frequently) heard anti-LGBTQ+ remarks (Fig. 1). Many also regularly heard school staff make homophobic remarks (73%) and negative remarks about someone’s gender expression (79%).

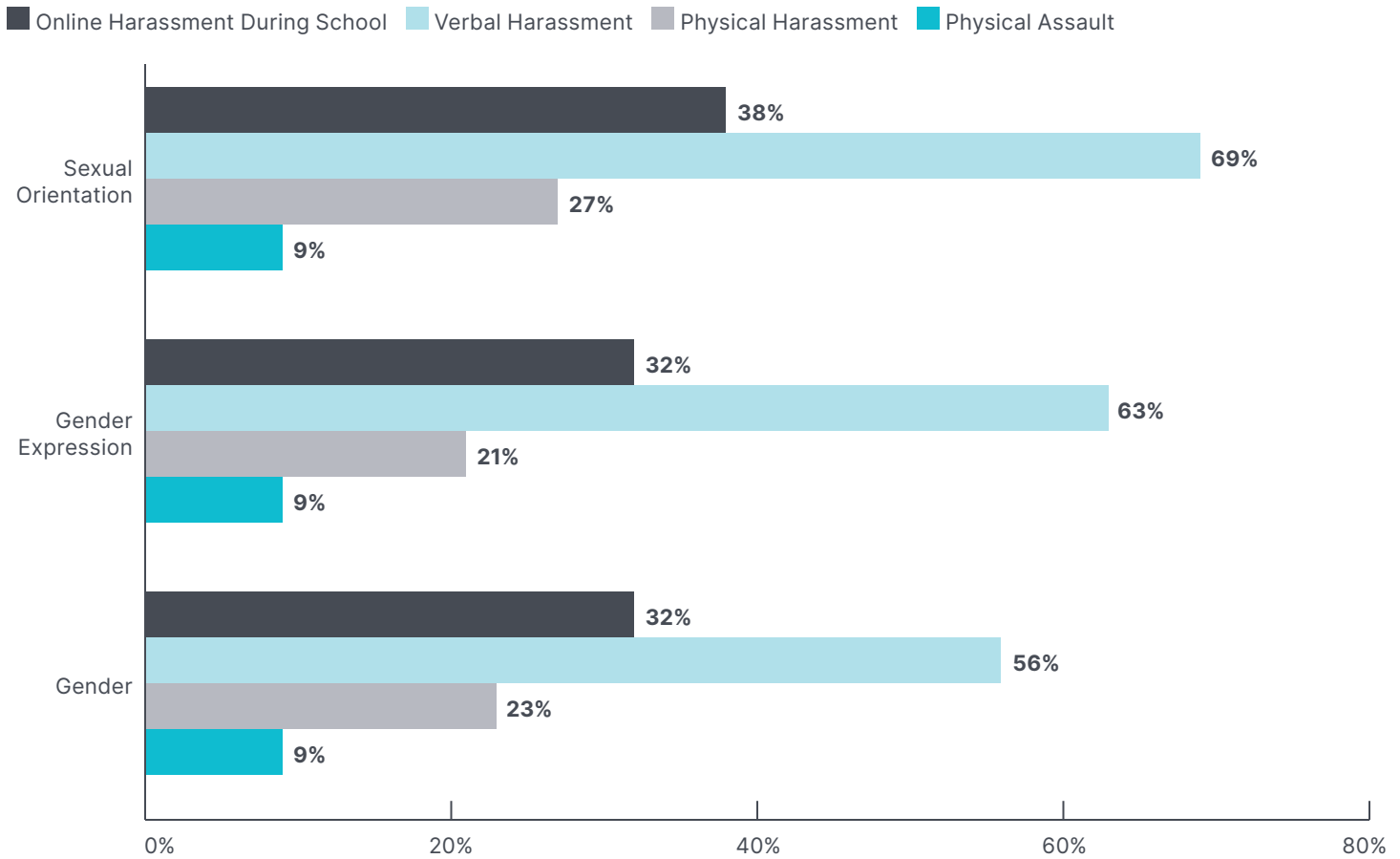
Most LGBTQ+ students in Tennessee experienced anti-LGBTQ+ victimization at school (Fig. 2). They also experienced victimization at school based on religion (41%), disability (39%), and race/ethnicity (22%). Most never reported the incident to school staff (56%), and of those who had, only 25% of LGBTQ+ students said that it resulted in effective staff intervention.

**Figure 1. Hearing Anti-LGBTQ+ Remarks from Students in Tennessee Schools**  
(percentage of LGBTQ+ students ever hearing remarks)



**Figure 2. Anti-LGBTQ+ Harassment & Assault in Tennessee Schools**

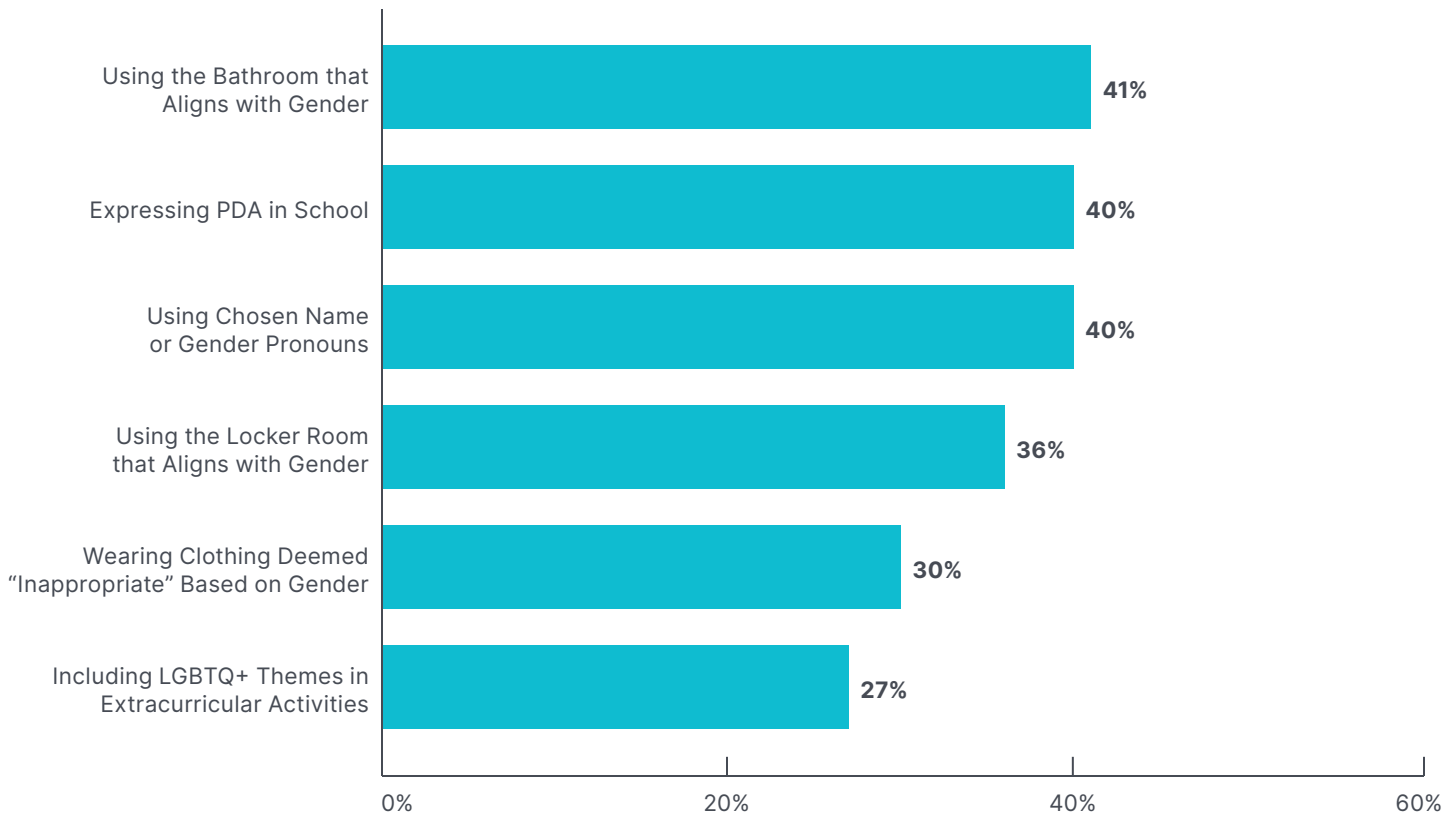
(percentage of LGBTQ+ students harassed or assaulted in the past year based on...)



**Many LGBTQ+ students in Tennessee reported discriminatory policies or practices at their school (Fig. 3).** More than 3 in 4 (79%) experienced at least one form of anti-LGBTQ+ discrimination at school. Figure 3 shows the most common forms of anti-LGBTQ+ discrimination experienced by LGBTQ+ students in Tennessee.

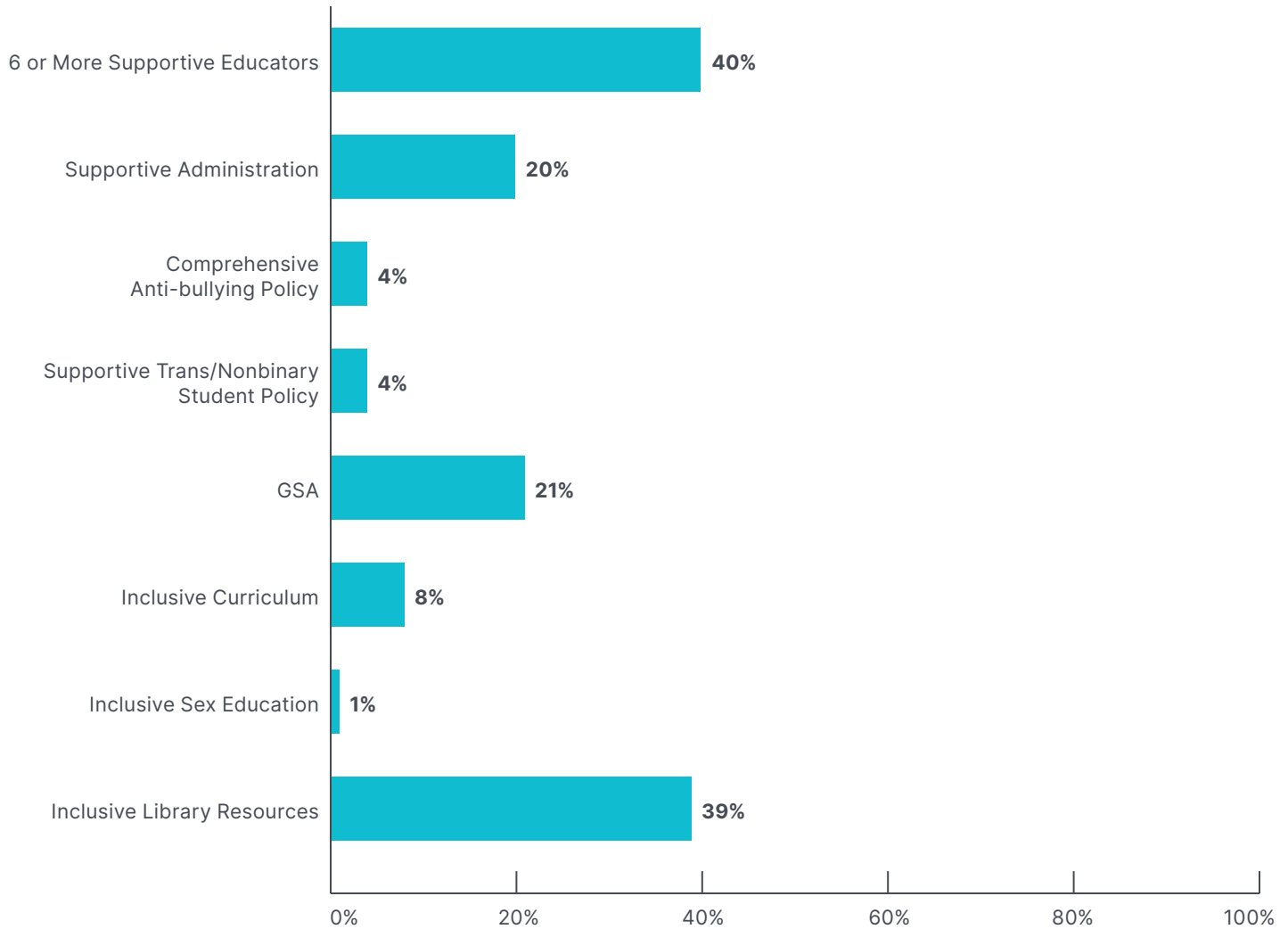
- Many LGBTQ+ students in Tennessee were **restricted from LGBTQ+ expression**: 40% were disciplined for public displays of affection (PDA) that did not result in similar action for non-LGBTQ students; 27% were prevented from discussing or writing about LGBTQ+ topics in extracurricular activities and 25% in class assignments/projects, 19% were prevented from wearing clothing supporting LGBTQ+ issues, and 7% were disciplined for identifying as LGBTQ+.
- Many LGBTQ+ students in Tennessee experienced **discrimination at school related to their gender**; 40% were prevented from using their name or pronoun in their school, 41% were prevented from using the bathroom that aligned with their gender, 36% were prevented from using the locker room that aligned with their gender, 30% were prevented from wearing clothing deemed “inappropriate” based on gender, and 24% were prevented from playing on the sports team that was consistent with their gender.
- In Tennessee, **transgender and nonbinary students in particular experienced gender-based discrimination**, specifically being prevented from: using their chosen name or pronouns (51%), using the bathroom that aligns with their gender (54%), using the locker room that aligns with their gender (47%), wearing clothing deemed “inappropriate” based on gender (31%), and playing on the school sports team that was consistent with their gender (31%).

**Figure 3. Anti-LGBTQ+ Discrimination in Tennessee Schools**  
(percentage of LGBTQ+ students prevented from...)



**Many LGBTQ+ students in Tennessee did not have access to in-school resources and supports (Fig. 4).**

- Many (94%) could **identify at least one school staff member supportive of LGBTQ+ students**, but only 40% could **identify 6 or more supportive school staff**.
- Only 20% of LGBTQ+ students reported that their **school administration was somewhat or very supportive** of LGBTQ+ students.
- Only 8% were taught **positive representations of LGBTQ+ people, history, or events** ("inclusive curriculum"), 39% had access to **inclusive library resources**, and 1% of LGBTQ+ students in Tennessee reported receiving **LGBTQ+-inclusive sex education** at school.
- Only 4% of LGBTQ+ students attended a school with a **comprehensive anti-bullying/harassment policy** that included specific protections based on sexual orientation and gender identity/expression. Only 4% had a **policy or official guidelines to support transgender and nonbinary students**.
- Only 21% had access to a **GSA or similar student club** which provides a safe and affirming space and promotes a more welcoming school climate for LGBTQ+ students.

**Figure 4. Availability of LGBTQ+-Related and Supports in Tennessee Schools**

## RECOMMENDATIONS

Findings from the 2021 National School Climate Survey demonstrate that students attending schools with affirming LGBTQ+ resources and supports report more positive school experiences, including lower victimization and absenteeism, and higher academic achievement.

Given the high percentages of LGBTQ+ students in Tennessee who experience harassment at school, and the limited access to key resources and supports, it is critical that Tennessee school leaders, education policymakers, and other individuals who are obligated to provide safe learning environments for all students take the following steps:

- Implement supportive and inclusive school policies, such as comprehensive anti-bullying/harassment and supportive transgender and nonbinary student policies;
- Support GSAs;
- Provide professional development for school staff on LGBTQ+ student issues; and
- Increase student access to LGBTQ+-inclusive curricular resources.

Details on Tennessee’s current status regarding the adoption of the above recommendations can be found on Tennessee’s Policy Score Card, located at [maps.glsen.org/state-policy-scorecards/](https://maps.glsen.org/state-policy-scorecards/). Adopting the above mentioned resources and policies can move us toward a future in which all students in Tennessee will have the opportunity to learn and succeed in school, regardless of sexual orientation, gender identity, or gender expression.

**To learn more about GLSEN and to get involved, visit [glsen.org](https://glsen.org) or contact [info@glsen.org](mailto:info@glsen.org).**

**To learn more about the state and local level policy landscape, visit the GLSEN Navigator, located at [maps.glsen.org](https://maps.glsen.org).**

**To find contact information for your State Policy Fellow, your regional Freedom Fellow, and other key Tennessee contacts, visit [maps.glsen.org/advocates/](https://maps.glsen.org/advocates/).**

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#### ABOUT THE RESEARCH

In 2021, GLSEN conducted the eleventh National School Climate Survey, a biennial survey of the experiences of LGBTQ+ youth in U.S. secondary schools. The national sample consisted of 22,298 LGBTQ+ students from all 50 states, the District of Columbia, Puerto Rico, American Samoa, and Guam. A total of 457 respondents were attending schools in Tennessee. The Tennessee sample was 1% AAPI (Asian American/Pacific Islander), 5% Black, 9% Latinx, 1% MENA (Middle Eastern and North African), 7% multiracial, 0% Native or Indigenous, and 77% White. The gender composition was 29% cisgender, 30% transgender, 34% nonbinary or genderqueer, and 8% questioning. 88% attended public schools and 6% attended a religious-affiliated school. The school community makeup was 38% rural/small town, 41% suburban, and 21% urban. The results reported for Tennessee had a margin of error of +/- 5%.

For the full 2021 National School Climate Survey report or for any other GLSEN research, go to [glsen.org/research](https://glsen.org/research).

Follow [@GLSENResearch](https://twitter.com/GLSENResearch) on Twitter.

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## **Appendix D**

### **Anti-bullying and Enumeration Policies Infobrief**

#### **Centers for Disease Control, Adolescent and School Health.**

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Adopting enumerated policies is an evidence-based practice to protect students who are more likely to experience discrimination, bullying, and harassment because of their identities, or perceived to be by their perpetrator. Common characteristics include race, disability, religion, sex or gender, national origin, sexual orientation, ethnicity, and gender identity or gender expression. Take a copy of this infographic to your meetings and leave one with your decision makers. [https://www.cdc.gov/healthyyouth/health\\_and\\_academics/bullying/anti\\_bullying\\_policies\\_infobrief-basic.htm](https://www.cdc.gov/healthyyouth/health_and_academics/bullying/anti_bullying_policies_infobrief-basic.htm)

# Anti-Bullying Policies and Enumeration: An Infobrief for Local Education Agencies



Anti-bullying laws and policies at the state and local levels are common components of bullying prevention efforts.<sup>1</sup> [Every state](#) has an anti-bullying law or policy. Many local school districts also establish anti-bullying policies.

This infobrief focuses on one component some jurisdictions include in their anti-bullying policy – enumeration. This resource explains what enumeration means, summarizes research on enumerated anti-bullying policies, and provides evidence- and practice-informed considerations for implementing strong anti-bullying policies, including those that are enumerated.

## What is Enumeration?

**Enumeration in the context of anti-bullying policies refers to any specific listing of traits or characteristics of students that could be the basis of bullying.** Enumerated anti-bullying laws or policies usually refer to those policies that list the traits or characteristics of students who have historically been targets of bullying. Common characteristics include race, disability, religion, sex or gender, national origin, sexual orientation, ancestry/ethnicity, and gender identity or expression. These traits or characteristics can be actual or perceived by those who do the bullying.

In 1996 the U.S. Supreme Court articulated support for enumeration as an “essential device used to make the duty not to discriminate concrete.”<sup>2</sup>

Enumeration can send a broad message to school staff, students and families about values regarding appropriate behavior,<sup>3-5</sup> and enumeration is listed as one of eleven key components of anti-bullying policy by the U.S. Department of Education.<sup>6</sup> [Stopbullying.gov](#) indicates [what characteristics each state policy enumerates](#), if any.

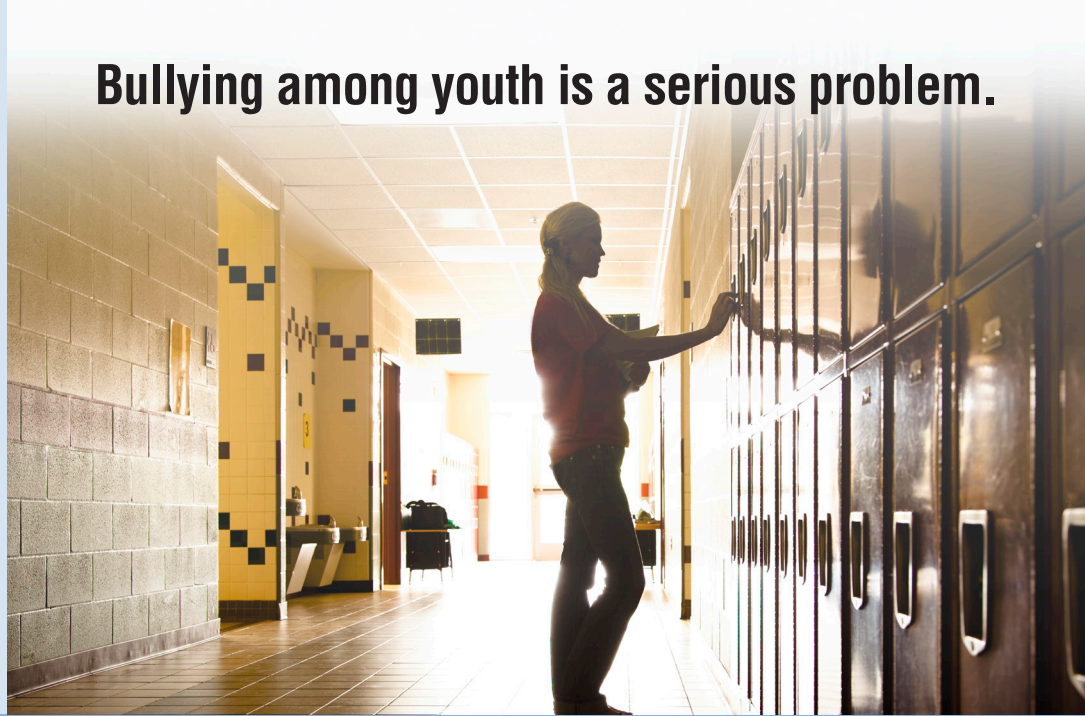
Enumeration of sexual orientation and gender identity is increasingly the focus of discussion about enumerated anti-bullying policies given that lesbian, gay, bisexual and transgender (LGBT) students are more likely to be bullied at school than their heterosexual and cisgender peers.<sup>7-8</sup> Across states, 78%-99% of secondary schools prohibit harassment based on a student’s perceived or actual sexual orientation or gender identity.<sup>9</sup>

Data from the national Youth Risk Behavior Survey (YRBS) showed that, in 2017

**19%** of U.S. high school students were bullied on school property

and **15%** were bullied electronically during the 12 months before the survey.<sup>10</sup>

## Bullying among youth is a serious problem.



### What the Research Says

Some studies have found that enumerating sexual orientation and gender identity in anti-bullying policies is associated with less bullying and better health outcomes for LGBT youth.<sup>11-13</sup> For example, an analysis of a large convenience sample of sexual minority youth aged 13-21 years found lower levels of bullying victimization in schools with policies that enumerate sexual orientation.<sup>11</sup> Another study using the same student-level data from the National School Climate Survey found that LGBT students in districts with enumerated policies reported greater school safety, less victimization based on their sexual orientation and gender expression, and less social aggression than students in districts with generic policies or no/unidentified policies.<sup>12</sup> Another study looked at 11th grade public school students in Oregon and found that lesbian and gay teens are less likely to attempt suicide if they live in areas with school districts that include sexual orientation as a protected characteristic in anti-bullying policies.<sup>13</sup>

Additional research is needed to fully understand the impact of enumerating anti-bullying policies as some studies suggest that enumeration does not have an effect on all identified groups.<sup>14</sup> For example, a study using data from 25 states found that having at least one recommended legislative component for anti-bullying policies was protective against bullying and cyberbullying. However no significant effect was found for enumeration, specifically.<sup>15</sup> Researchers have also found that anti-bullying policies, regardless of enumeration, were not associated with lower disparities in bullying and cyberbullying based on weight; high compliance with Department of Education enumeration guidelines was linked to small improvements in disparities in bullying victimization based on sex.<sup>16</sup> Further, it is unclear whether enumeration sufficiently protects students who are bullied based on characteristics that are not enumerated. Future research should explore this issue to help ensure that enumerated laws and policies work as intended to protect *all students* from bullying.

# What Local Education Agencies Can Do

Regardless of whether or not local education agencies enumerate their anti-bullying policy, establishing and implementing strong anti-bullying policies has the potential to prevent bullying. Local education agencies that enumerate will want to ensure that the policy protects all students.

## KEY CONSIDERATIONS

for ALL Anti-Bullying Policies

### Enumerated or not, strong anti-bullying policies will:<sup>6,17-19</sup>

- Provide a clear definition of bullying, consistent with state laws, that includes prohibited actions.
- State locations where bullying might take place, such as school grounds, school events, and the internet, that are covered by the policy.
- Describe graduated sanctions and consequences for incidents of bullying, including non-punitive alternatives.
- Include a statement of rights to other legal recourse.

## ACTIONS

for Effective Implementation of ALL Anti-Bullying Policies

### All anti-bullying policies should have guidance for effectively implementing the policy. Having a policy “on the books” is not enough. The policy needs to be consistently enforced. This involves the following:<sup>6,19</sup>

- Determine how the policy will be enforced, by whom, and how enforcement will be monitored.
- Educate staff, students, and families regularly about the policy using multiple channels (e.g., newsletters, emails, Facebook, etc.).
- Train staff and students to recognize bullying and respond safely and effectively.
- Establish a system to support reporting of bullying with protection from retaliation and promptly investigate and respond to reports of bullying.
- Refer perpetrators and victims to counseling and other services.
- Support effective school-based violence prevention programs that combine whole-school programs with classroom curricula and small group or individual-level programs that include mentoring and address social skills.

## ADDITIONAL CONSIDERATIONS

for ENUMERATED Anti-Bullying Policies

### To ensure protection for all students, enumerated policies should:<sup>7</sup>

- State that all students are protected under the policy, even if they are not represented by the traits or characteristics enumerated in the policy. Using phrases like “including but not limited to” or “any other distinguishing characteristics” when enumerating characteristics helps make this clear.
- Acknowledge that not all acts of bullying are based on enumerated characteristics and that the types of things that make a student more likely to be the target of bullying change over time and from place to place.
- Include background information explaining that students with certain characteristics, actual or perceived by others, may be more likely to experience bullying.
- List examples of characteristics that might be the basis of bullying. It is important to state that these characteristics might be actual (e.g., a student is openly gay) or perceived (e.g., others think that a student is gay).

# References



1. National Academies of Sciences E, and Medicine Preventing Bullying Through Science, Policy, and Practice. Washington, DC: The National Academies Press; 2016.
2. Romer v. Evans, 517 U.S. 620 (1996).
3. Wright M. Spelling Out LGBT: Enumerating Sexual Orientation in Virginia's Bullying Law. *University of Richmond Law Review*. 2013;47;1373-1401.
4. Sacks J, Salem RS. Victims without Legal Remedies: Why Kids Need Schools to Develop Comprehensive Antibullying Policies. *Albany Law Review*. 2009;72(3):147-190.
5. Cornell D, Limber SP. Law and Policy on the Concept of Bullying at School. *American Psychologist*. 2015;70(4): 333-343.
6. U.S. Department of Education, Office of Planning, Evaluation, and Policy Development, Policy and Program Studies Services. *Analysis of State Bullying Laws and Policies*. Washington, D.C.: U.S. Department of Education; 2011.
7. Olsen EO, Kann L, Vivolo-Kantor A, Kinchen S, McManus T. School violence and Bullying among Sexual Minority High School Students, 2009-2011. *J Adolesc Health*. 2014;55(3): 432-438.
8. Reisner SL, Greytak EA, Parsons JT, Ybarra ML. Gender Minority Social Stress in Adolescence: Disparities in Adolescent Bullying and Substance Use by Gender Identity. *J Sex Res* 2015; 52(3): 243-56.
9. Brener ND, Demissie Z, McManus T, Shanklin SL, Queen B, Kann L. *School Health Profiles 2016: Characteristics of Health Programs Among Secondary Schools*. Atlanta: Centers for Disease Control and Prevention; 2017.
10. Kann L, McManus T, Harris WA, et al. Youth Risk Behavior Surveillance—United States, 2017. *Morbidity and Mortality Weekly Report. Surveillance Summaries*. 2018; 67(No. SS-7).
11. Kosciw JG, Greytak EA, Palmer NA, Boesen MJ. *The 2015 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in our Nation's Schools*. New York: GLSEN; 2016.
12. Kull RM GE, Kosciw JG, Villenas C. Effectiveness of School District Antibullying Policies in Improving LGBT Youths' School Climate. *Psychol Sex Orientat Gen Divers*. 2016;3(4):407-415.
13. Hatzenbuehler ML, Keyes KM. Inclusive Anti-Bullying Policies and Reducing Risk of Suicide Attempts in Lesbian and Gay Youth. *J Adolesc Health*. 2013;53(1 Suppl);521-526.
14. Earnshaw VA, Reisner SL, Juvonen J, Hatzenbuehler ML, Perrotti J, Schuster MA. LGBTQ Bullying: Translating Research to Action in Pediatrics. *Pediatrics*. 2017;140(4).
15. Hatzenbuehler ML, Schwab-Reese L, Ranapurwala SI, Hertz MF, Ramirez MR. Associations Between Antibullying Policies and Bullying in 25 States. *JAMA Pediatr*. 2015;169(10):e152411.
16. Hatzenbuehler ML, Flores JE, Cavanaugh JE, Onwuachi-Willig A, Ramirez MR. Anti-bullying Policies and Disparities in Bullying: A State-Level Analysis. *Am J Prev Med*. 2017;53(2):184-191.
17. Ozer E. Contextual Effects in School-based Violence Prevention Programs: A Conceptual Framework and Empirical Review. *J Primary Prev*. 2006;27:315-340.
18. Hoover JH, Oliver R. *The Bullying Prevention Handbook: A Guide for Principals, Teachers, and Counselors*. 2nd edition. Bloomington, IN: Solution Tree Press, 2008.
19. Vreeman RC, Carroll AE. A Systematic Review of School-based Interventions to Prevent Bullying. *Arch Ped Adolesc Med*. 2007;161:78-88.

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## **Appendix E**

### **Fact Sheet: U.S. Department of Education's 2024 Title IX Final Rule Overview.**

#### **U.S. Department of Education, Office of Civil Rights.**

Government Issued Document, Unaltered Image of PDF

This dynamic document discusses the major provisions for the 2024 updated Title IX Final Rule to Title IX of the Education Amendments of 1972. Last accessed August 6, 2024.

<https://www2.ed.gov/about/offices/list/ocr/docs/t9-final-rule-factsheet.pdf>

Note the **RED** watermark at the top of the page. The U.S. Department of Education, OCR updates the watermark when court rulings impact the August 1, 2024 implementation. Tennessee is currently one of 26 states where Title IX (2024) is not in effect.

As of July 19, 2024, pursuant to federal court orders, the Department is currently enjoined from enforcing the 2024 [Final Rule](#) in the states of Alaska, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Montana, Ohio, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming; the Department is also currently enjoined from enforcing the 2024 Final Rule at the schools on the list located at <https://www2.ed.gov/about/offices/list/ocr/docs/list-of-schools-enjoined-from-2024-t9-rule.pdf>. Per court order, this list of schools will be supplemented on or before July 26 and may also be supplemented at subsequent times. This resource does not currently apply in those states and schools

## **FACT SHEET: U.S. Department of Education’s 2024 Title IX Final Rule Overview**

Title IX of the Education Amendments of 1972 (Title IX) was signed into law more than 50 years ago. In the decades since, Title IX’s protections have paved the way for tremendous strides in access to education and more for millions of students across the country and have opened doors for generations of women and girls. In spite of this historic progress, rates of sexual harassment and assault in our nation’s schools and colleges remain unacceptably high. Many women see their education derailed because of pregnancy discrimination. And many LGBTQI+ students face bullying and harassment just because of who they are. The Biden-Harris Administration believes that the promise of Title IX, an education free from sex discrimination, remains as vital now as it was when it was first signed into law.

On April 19, 2024, the U.S. Department of Education released its final rule to fully effectuate Title IX’s promise that no person experiences sex discrimination in federally funded education. Before issuing the proposed regulations, the Department received feedback on its Title IX regulations, as amended in 2020, from a wide variety of stakeholders. The regulations released today draw on the Department’s engagement with tens of thousands of students, parents, educators, State government representatives, advocates, lawyers, researchers, and representatives from elementary schools, secondary schools, and postsecondary institutions. After releasing the proposed regulations in July 2022, the Department received and reviewed more than 240,000 comments from the public to inform this rulemaking.

The final regulations will help to ensure that all persons, including students and employees, receive appropriate support if they experience sex discrimination in schools and that schools’ procedures for investigating and resolving complaints of sex discrimination are accurate and fair to all involved. The final regulations strengthen several major provisions from the current regulations and provide schools with information to meet their Title IX obligations while providing appropriate discretion and flexibility to account for variations in school size, student populations, and administrative structures. The final regulations also provide greater clarity regarding: the definition of “sex-based harassment”; the scope of sex discrimination, including schools’ obligations not to discriminate based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; and schools’ obligations to provide an educational environment free from discrimination on the basis of sex.

The final regulations strengthen vital protections for students in our nation’s schools and provide clear rules to help schools meet their Title IX obligation to eliminate sex discrimination in their education programs and activities. The final regulations also reaffirm the Department’s core commitment to fundamental fairness for all parties; the rights of parents and guardians to support minor children; respect for freedom of speech and academic freedom; and respect for the autonomy that complainants need and deserve when they come forward with a claim of sex discrimination.

The final regulations:

**Provide full protection from sex-based harassment.**

The final regulations strengthen vital protections from all forms of sex-based harassment, including sexual violence and unwelcome sex-based conduct that creates a hostile environment by limiting or denying a person's ability to participate in or benefit from a school's education program or activity.

**Require schools to take prompt and effective action to end any sex discrimination in their education programs or activities—and to prevent its recurrence and remedy its effects.**

The final regulations promote accountability and fulfill Title IX's nondiscrimination mandate by requiring schools to act promptly and effectively in response to information about conduct that reasonably may constitute sex discrimination, including sexual violence and other forms of sex-based harassment. These regulations also require that schools train employees about the school's obligation to address sex discrimination, as well as employees' obligations to notify or provide contact information for the Title IX Coordinator.

**Require schools to provide supportive measures to complainants and respondents affected by conduct that may constitute sex discrimination, including sexual violence and other forms of sex-based harassment.**

Under the final regulations, schools are required to offer supportive measures, as appropriate, to restore or preserve a party's access to the school's education program or activity or provide support during a school's grievance procedures or the informal resolution process. Supportive measures cannot be unreasonably burdensome to a party and cannot be imposed for punitive or disciplinary reasons.

**Require schools to respond promptly and effectively to all complaints of sex discrimination with a fair, transparent, and reliable process that includes trained, unbiased decisionmakers to evaluate all relevant and not otherwise impermissible evidence.**

The final regulations strengthen requirements for schools to conduct reliable and impartial investigations of all sex discrimination complaints. The final regulations maintain several major provisions from the current regulations to ensure consistency for schools while updating required procedures to more effectively protect against sex discrimination in the nation's elementary schools, secondary schools, and postsecondary institutions.

The Department's final regulations include the following:

- All schools must treat complainants and respondents equitably.
- Title IX Coordinators, investigators, decisionmakers, and facilitators of an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- A school's grievance procedures must include a presumption that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the school's grievance procedures.
- A school's grievance procedures must require adequate notice to the parties of the allegations, dismissal, delays, meetings, proceedings, and determinations.
- A school's grievance procedures must give the parties an equal opportunity to present and access relevant and not otherwise impermissible evidence, as well as provide a reasonable opportunity for each party to respond to that evidence.

- The school’s decisionmakers must objectively evaluate each party’s relevant and not otherwise impermissible evidence.
- A school must have a process enabling the decisionmaker to assess a party’s or witness’s credibility when credibility is in dispute and relevant. For sex-based harassment complaints involving a student party at a postsecondary institution, this process must include either: questioning by the investigator or decisionmaker during individual meetings with a party or witness (including questions proposed by each party), or questioning by the decisionmaker during a live hearing (including questions proposed by each party and asked by the decisionmaker or the party’s advisor).
- In evaluating the parties’ evidence, a school must use the preponderance of the evidence standard of proof unless the school uses the clear and convincing evidence standard in all other comparable proceedings, including proceedings relating to other discrimination complaints, in which case the school may use that standard in determining whether sex discrimination occurred.
- A school must not impose disciplinary sanctions under Title IX on any person unless it determines at the conclusion of grievance procedures that sex discrimination for which the person was responsible has occurred.

**Provide schools with flexibility to adapt the regulations’ grievance procedure requirements to their educational communities so that all schools can implement Title IX’s promise of nondiscrimination fully and fairly in their educational environments.**

The Department’s final regulations will enable all schools to meet their Title IX obligations while providing appropriate discretion and flexibility to account for variations in school size, student populations, and administrative structures. For instance, schools have the option to use a single-investigator model, and schools may choose to use this model in some, but not all, cases as long as it is clear in their grievance procedures when this model will be utilized. Schools also have the option to offer an informal resolution process for sex discrimination complaints unless the complaint includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or unless such a process would conflict with Federal, State, or local law.

Further, the Department’s final regulations reflect a framework that accounts for differences in the age, maturity, needs, and level of independence of students in various educational settings. The final regulations include some requirements that apply in all educational settings as well as specialized requirements that are tailored to the unique situation of sex-based harassment complaints involving postsecondary students. This framework is designed to ensure that all elementary and secondary schools and postsecondary institutions provide for the prompt and equitable resolution of sex discrimination complaints in their respective settings.

**Protect students, employees, and applicants from discrimination based on pregnancy or related conditions.**

The final regulations update longstanding existing protections for students, employees, and applicants against discrimination based on pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery from these conditions. Specifically, the final regulations strengthen requirements that schools provide reasonable modifications for students

based on pregnancy or related conditions, allow for reasonable break time for lactation for employees, and access to a clean, private lactation space for students and employees.

The final regulations also require that when a student, a parent of a minor student, or other authorized legal representative informs a school employee of a student's pregnancy or related conditions, the employee then must provide the individual with information about the school's obligations to prevent discrimination and ensure equal access. The final regulations also prohibit schools from disclosing personally identifiable information they obtain through complying with Title IX, including information about reasonable modifications for pregnancy or related conditions, with limited exceptions.

**Prohibit discrimination against LGBTQI+ students, employees, and others.**

The rule prohibits discrimination and harassment based on sexual orientation, gender identity, and sex characteristics in federally funded education programs, applying the reasoning of the Supreme Court's ruling in *Bostock v. Clayton County*.

**Protect people from harm when they are separated or treated differently based on sex in school.**

The final regulations clarify that a school must not separate or treat people differently based on sex in a manner that subjects them to more than de minimis harm, except in limited circumstances permitted by Title IX. The final regulations further recognize that preventing someone from participating in school (including in sex-separate activities) consistent with their gender identity causes that person more than de minimis harm. This general nondiscrimination principle applies except in the limited circumstances specified by statute, such as in the context of sex-separate living facilities and sex-separate athletic teams.

The final regulations do not include new rules governing eligibility criteria for athletic teams.

**Protects students, employees, and others from retaliation.**

The final regulations reinforce that schools must not intimidate, threaten, coerce, or discriminate against someone in order to interfere with their Title IX rights or because they reported sex discrimination, including sexual violence or other forms of sex-based harassment, or participated in, or refused to participate in, the school's Title IX process. The final regulations also make clear that schools must protect students from peer retaliation by other students.

**Support the right of parents and guardians to act on behalf of their elementary and secondary school children.**

The final regulations support the rights of parents and guardians to act on behalf of a minor student, including when seeking assistance under Title IX and participating in a school's Title IX grievance procedures.

**Ensure that schools communicate their nondiscrimination policies and procedures.**

The final regulations require schools to clearly and effectively inform key people, including students, employees, and applicants, of their nondiscrimination policies and procedures.

**Prohibit schools from sharing personal information.**

The final regulations prohibit schools from disclosing personally identifiable information they obtain through complying with Title IX, with limited exceptions, such as when they have prior written consent or when the information is disclosed to the parent of a minor.

The unofficial version of the final regulations is available [here](#). In addition, the Department has released a [summary](#) of the major provisions of the final regulations and a [resource](#) for drafting Title IX nondiscrimination policies, notices of nondiscrimination, and grievance procedures. The final regulations are effective on August 1, 2024, and apply to complaints of sex discrimination regarding alleged conduct that occurs on or after that date. The Department is committed to supporting schools in implementing the final regulations and will provide technical assistance and additional resources to schools to support implementation and compliance, as appropriate.

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## Appendix F

### **Confronting Anti-LGBTQI+ Harassment in Schools: A Resource for Students and Families.**

**U.S. Department of Justice, Civil Rights Division and  
U.S. Department of Education, Office of Civil Rights.**

Government Document, Unaltered Image of PDF

This resources guide gives examples of student experiences with discrimination and how care-givers can report them, including filing with the US DOJ and US ED, Office of Civil Rights. Last Accessed August 6, 2024.

<https://www.justice.gov/crt/media/1166211/dl?inline=US%20DOJ%20ED%20Confronting%20Anti-lgbtq%20haras.pdf>



Pursuant to a Federal court order, the Departments have been preliminarily “enjoined and restrained from implementing” this document against the states of Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, Tennessee, South Carolina, South Dakota, and West Virginia. See *State of Tenn., et al. v. U.S. Dep’t of Educ.*, No. 3:21-cv-308 (E.D. Tenn.) (July 15, 2022). June 2021

# Confronting Anti-LGBTQI+ Harassment in Schools

## A Resource for Students and Families

Many students face bullying, harassment, and discrimination based on sex stereotypes and assumptions about what it means to be a boy or a girl. Students who are lesbian, gay, bisexual, transgender, queer, intersex, nonbinary, or otherwise gender non-conforming may face harassment based on how they dress or act, or for simply being who they are. It is important to know that discrimination against students based on their sexual orientation or gender identity is a form of sex discrimination prohibited by federal law. It is also important that LGBTQI+ students feel safe and know what to do if they experience discrimination.

Public elementary and secondary schools, as well as public and private colleges and universities, have a responsibility to investigate and address sex discrimination, including sexual harassment, against students because of their perceived or actual sexual orientation or gender identity. When schools fail to respond appropriately, the Educational Opportunities Section of the Civil Rights Division (CRT) at the U.S. Department of Justice and the Office for Civil Rights (OCR) at the U.S. Department of Education can help by enforcing federal laws that protect students from discrimination. CRT and OCR can also provide information to assist schools in meeting their legal obligations.

### Examples of the kinds of incidents CRT and OCR can investigate:

A lesbian high school student wants to bring her girlfriend to a school social event where students can bring a date. Teachers refuse to sell her tickets, telling the student that bringing a girl as a date is “not appropriate for school.” Teachers suggest that the student attend alone or bring a boy as a date.

When he starts middle school, a transgender boy introduces himself as Brayden and tells his classmates he uses he/him pronouns. Some of his former elementary school classmates “out” him to others, and every day during physical education class call him transphobic slurs, push him, and call him by his former name. When he reports it to the school’s administrators, they dismiss it, saying: “you can’t expect everyone to agree with your choices.”

A community college student discloses he’s gay during a seminar discussion. Leaving class, a group of students calls him a homophobic slur, and one bumps him into the wall. A professor witnesses this, but does nothing. Over the next month, the harassment worsens. The student goes to his dean after missing several lectures out of fear. The college interviews one, but not all, of the harassers, does nothing more, and never follows up with the student.

An elementary school student with intersex traits dresses in a gender neutral way, identifies as nonbinary, and uses they/them pronouns. The student’s teacher laughs when other students ask if they are “a boy or a girl” and comments that there is “only one way to find out.” The teacher tells the class that there are only boys and girls and anyone who thinks otherwise has something wrong with them. The student tells an administrator, who remarks “you have to be able to laugh at yourself sometimes.”

On her way to the girls’ restroom, a transgender high school girl is stopped by the principal who bars her entry. The principal tells the student to use the boys’ restroom or nurse’s office because her school records identify her as “male.” Later, the student joins her friends to try out for the girls’ cheerleading team and the coach turns her away from tryouts solely because she is transgender. When the student complains, the principal tells her “those are the district’s policies.”



# What if a Student Experiences Discrimination in School?

If you have been treated unfairly or believe a student has been treated unfairly—for example, treated differently, denied an educational opportunity, harassed, bullied, or retaliated against—because of sexual orientation or gender identity, there are a number of actions you can take:

1

**Notify a teacher or school leader** (for example, a principal or student affairs staff) immediately. If you don't get the help you need, file a formal complaint with the school, school district, college, or university. Keep records of your complaint(s) and responses you receive.

2

**Write down the details** about what happened, where and when the incident happened, who was involved, and the names of any witnesses. Do this for every incident of discrimination, and keep copies of any related documents or other information.

3

If you are not proficient in English, you have the right to **ask the school to translate or interpret information** into a language you understand. If you have communication needs because of a disability, you have the right to receive accommodations or aids and services that provide you with effective communication.

4

Counseling and other mental health support can sometimes be helpful for a student who has been harassed or bullied. **Consider seeking mental health resources** if needed.

5

**Consider filing a complaint** with the Civil Rights Division of the U.S. Department of Justice at [civilrights.justice.gov](https://www.civilrights.justice.gov) (available in several different languages), or with the Office for Civil Rights at the U.S. Department of Education at [www.ed.gov/ocr/complaintintro.html](https://www.ed.gov/ocr/complaintintro.html) (to file a complaint in English) or [www.ed.gov/ocr/docs/howto.html](https://www.ed.gov/ocr/docs/howto.html) (to file a complaint in multiple languages).

*“All students should be able to learn in a safe environment, free from discrimination and harassment. The Civil Rights Division stands with LGBTQI+ students and will fight to protect their right to an education regardless of who they are or whom they love.”*

– Kristen Clarke, Assistant Attorney General for Civil Rights, Department of Justice

*“The Department of Education strives to ensure that all students—including LGBTQI+ students—have access to supportive, inclusive school environments that allow them to learn and thrive in all aspects of their educational experience. Federal law prohibits discrimination based on sexual orientation and gender identity, and we are here to help schools, students, and families ensure that these protections are in full force.”*

– Suzanne B. Goldberg, Acting Assistant Secretary for Civil Rights, Department of Education



## Appendix G

### Guide to Attending and Speaking at Public Meetings

Adapted from United Against Book Bans Toolkit: PFLAG; The Education Trust, Tennessee; and Tennessee Library Advocates.

#### Prepare!

Do your homework on public meetings in your county, city, and district.

- Find the meeting agenda, this outlines the order of topics. Tennessee state law requires agendas to be posted at least 48 hours in advance of a meeting, online or paper. The meeting minutes (aka notes) are recorded during the meeting and posted once they have been approved, usually at the beginning of the next scheduled meeting. Use Step 2 in this guide to find your Local Education Agency (LEA) and your Board Member. You can also start with searches like “X-County/City School Board”. You may have to hunt around, but most of these agencies publish the calendars, agendas, and past meeting minutes online. You can also find the different committees, members, and their contact information. Some smaller counties and cities may only have printed copies of agendas and minutes available and you will have to contact them directly. Most county and city agencies have Facebook pages and YouTube channels where they stream live meetings or archive old ones.
- Find the time, Location, Policies, and Procedures for public meetings.
- Tennessee state law allows committees to set rules for how and when you can sign up to speak, the length of time and the number of people speaking. Take note.
  - ✓ When the public comment period is during the meeting.
  - ✓ Amount of time to speak, usually 3 -5 minutes per speaker.
  - ✓ How and when speakers can sign up, don’t miss the deadline.
  - ✓ Find out if there are rules or expectations from speakers, including conduct, dress code, or if you need to check in on arrival.
  - ✓ Watch archived videos of meetings to see how the process works and what the public comment period looks like in your community.

**Speaking up at a public meeting is an empowering experience but it is important to consider the consequences of having a public face. Be informed before you decide to speak. Many public meetings are streamed live on YouTube or Facebook and archived on the agency’s website. It’s worth the time to attend or watch the videos before deciding to speak. You can see how the meeting is structured, what and who are recorded, and displayed during public comments. For example, most public comment periods require that you state your name and street address and if you are affiliated with a group. Remember to use “I” statements and not to use other’s names or stories without their permission, especially children. Depending on the structure of the meeting and what is streamed or recorded, all of this information is freely available. If you are concerned about being outed, doxxed, or simply want to remain out of the public eye, remember that sitting quietly in a group is a strong statement of solidarity with other advocates. Sending emails directly to officials, making phone calls, and organizing behind the scenes are also powerful ways that you can use your voice and be a part of something bigger.**

**Organize your speakers! Uplift LGBTQ+ student leaders and teachers who have real experiences in today's K-12 schools. Encourage them to speak up, if not during a meeting, then letter writing and media outreach.**

**Group preparation!**

- Work together as a group to have a wide range of speaker perspectives.
  - ✓ It is a good idea to plan for who may represent the group if they change the rules on how many people may speak. This is happening more often.
- Gather a crew of supporters to be there so you aren't alone. Consider wearing the same color, sitting in a group, or find some other creative way to show the solidarity of LGBTQ+ advocates in the room.
- Designate someone(s) to record the meeting with video/audio. Some public meetings are not streamed or recorded and the only record of the meeting was in the minutes. Usually the recorded minutes are very limited. Bring a portable battery to charge your device. Know in advance how you should record the video for easier file sharing, there are different apps you can use too.
- Show up early and make sure the speakers are on the list. The public comment period may be rearranged from the original agenda if there are a lot of speakers, or if they want to get the item off the agenda first.

**Speakers, Stick to Policies!** Use this report and resources for model policy guidance. Take advantage of the Create Your Own Communication Strategy worksheets on Page 28 in this guide. ALWAYS use accurate and respectful vocabulary.

- If you are advocating for new policies that enumerate protections against bullying, harassment, and discrimination, use this report for existing government model policies that you can refer to in your comments. Connect your story when you ask the board/committee/council to create or support existing inclusive policies. Make it easier for them!*
- If you are advocating for an existing policy that is good, do your research. Find the policy and policy number, plus when it was last reviewed and approved. Understand why it is being discussed or challenged. Always tie your experiences and knowledge back to the policy under review. Make a clear case that it would be harmful to LGBTQ+ students to weaken existing policies that protect them in schools.*
- Check out the social media accounts for your school board and board member, get an idea where they stand on these topics and how they have voted in the past.
- Research instances where similar policies have been under discussion and the outcomes of challenges. Reach out to Tennessee Equality Project too for assistance. Email [info@tnep.org](mailto:info@tnep.org) or Chris Sanders, at [chris@tnequalityproject.com](mailto:chris@tnequalityproject.com)
- Check out socials and videos of related meetings or activists speaking on the topic. There is inspiration everywhere and partnerships waiting to happen!
- Public speaking is intimidating for many advocates. Take time to write up your remarks, practice them out loud, time yourself, and get feedback from a friend. It takes longer to make your statement than you realize. Practice also builds confidence.

### **It's Go Time!**

- Arrive early. Check in to make sure you are on the public comment agenda.
- Have printed copies of your remarks and documents with you, try not to only rely on WiFi, cell, or your phone/tablet to read from. Don't let tech mess you up!
- Take a deep breath. Remember, this is streamed and recorded. No yelling, threatening, or offensive language or name calling!
- Introduce yourself and your ties to your school community. Does this issue affect your students, children, or yourself? Be an amazing ally: thoughtfully use "I" statements, never out anyone, and keep the focus on great policies in schools.
- Be concise and refer to your notes. This will help you stay on topic and make your case for great policies. You can't cover it all in 2 minutes!
- Thank the officials for listening to your comments and considering your request.
- If you have printed resources, leave copies behind for your school board member.
- Stick around for the rest of the meeting. This is also a great opportunity to grow your network and bring organizers together!
- Follow up the next day with an email to your board member, include links to references you made during your comments. Offer to be a bridge to resources.

### **Prepare for the next meeting!**

You did it! Rest a minute and reset. Debrief with your crew, adjust as necessary, check the calendar, and make plans. Stay connected with your network and be consistent with your attendance. Onward!

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Unite Against Book Bans Toolkit, Guide to Attending Meetings <https://uniteagainstbookbans.org/guide-to-attending-library-and-school-board-meetings/>

PFLAG Resource Plan to Testify Guidelines. <https://pflag.org/plan-to-testify-at-local-board-meetings/>

Education Trust, Tennessee. Truth in Classrooms Action Toolkit. <https://edtrust.org/tennessee/tn-coalition-for-truth-in-our-classrooms/#action-toolkits>