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Testimony of LSNYC on Oversight - Bullying, Harassment, and Discrimination in NYC
Schools – Protecting LGBT and Other Vulnerable Students

Presented before:
The New York City Council
Committee on Education
October 19, 2016

Good afternoon, my name is Amy Leipziger and I am here representing the New York County Lawyers Association's Education Law Committee. Founded in 1908, the New York County Lawyers Association was the first major bar association in the country to admit members without regard to race, ethnicity, religion or gender. Since its inception, NYCLA has pioneered some of the most far-reaching and tangible reforms in American jurisprudence. On behalf of the Education Law Committee, we are pleased to have the opportunity to offer testimony on how to better protect LGBT and other vulnerable students from bullying, harassment and discrimination in NYC schools.

Recently our committee hosted a panel discussion, featuring Council Member Daniel Dromm, legislative director for Council Member Dromm's office Sebastian Maguire, NYC DOE teacher Colin Schumacher, and LGBT advocate Mohamed Amin. The event was titled "Out of the Closet and into the Schools: How the Department of Education Handles LGBT Issues."

The discussion celebrated the work of advocacy organizations like Mr. Amin's Caribbean Equality Project that is working to create safe spaces for LGBT youth who are concerned about the impact of coming out on their relationship with family and community, and the hard work of teachers like Mr. Schumacher who have created curriculums that place the civil rights struggles of the LGBT community on par with those of other minorities. The panel also discussed the challenge of how to address bias-based bullying, and how the work of creating safe spaces for both LGBT youth and educators in our schools, as well as curriculum that showcases and further normalizes and celebrates the LGBT individuals and community are just two steps on the road to combating school-based bullying

Specifically, LGBT adolescents shouldn't have to be lucky to find an organization like the Caribbean Equality Project to offer support and community. Gay-Straight Alliances, or GSAs should be the rule, not the exception, across all of New York City's public schools. Even where there is interest among students, there often isn't a staff member in the school community who feels equipped to serve as the group's advisor, or there isn't the funding available to pay for that staff member's time. Training and funding should be made available to school staff so they are supported in creating a more inclusive environment.

Creating a more inclusive environment for LGBT individuals is crucial to creating a safe and secure school climate. It means more than establishing and funding GSAs. First and

foremost, funding must go into training educators and other school-based staff in using the Dignity for All Students Act, or DASA, and also repairing communities and supporting students after bullying and harassment has taken place in the community. According to a recent survey of NYC students, only 22% attended a school with a comprehensive anti-bullying/harassment policy that included specific protections based on sexual orientation and/or gender identity/expression. Many educators are under the mistaken impression that to make a DASA report will somehow reflect negatively on them or their school, and they fear consequences for making these reports. Educators must know that data collection is the first step to problem solving, and it must be made clear to them that they or their school will not suffer negatively because of their honesty.

Educators must also be on the front lines of creating support amongst themselves for those who identify as LGBT and often feel incredibly closeted in their school communities. In other words, the individuals in the best positions to be proud out role models to our LGBT youth are not able to be out themselves because they fear retaliation from supervisors or being on the receiving end of bigotry by parents and other members of the school communities. The Department of Education must show leadership on this front, and make clear that this kind of discrimination and a culture of fear that closets our LGBT teachers will not be tolerated.

Creating a positive school climate also means revisiting curriculum and standards to make the stories of LGBT individuals and LGBT history a meaningful part of curriculum, and not just an afterthought or addendum. In a 2013-2104 survey from GLSEN, students in NYC schools reported that they did not have LGBT-inclusive curricular resources, with only 30% being taught positive representations of LGBT people, history, and events, and nearly half (49%) could not access information about LGBT communities on school internet. Innovative teachers are engaging their students in meaningful social justice work that does pay the same amount of attention to the civil rights struggles of the LGBT community, as our curriculums have historically given to the struggles of African Americans, immigrants, women, and other groups. But, unfortunately in this era of high stakes for students and teachers alike, it is rare that teachers feel empowered to take risks and deviate sharply from the mandates of supervisors who insist they stick closely to state standards. As more and more educators are thinking about the power and importance of culturally responsive curriculums, particularly in social studies, we must not limit ourselves to thinking about race and ethnicity, but also sexual and gender identity. We will not have schools that are safe places for our LGBT youth until our curriculums are teaching and celebrating the stories of the LGBT movement.

Individuals who identify as LGBT, or adolescents who are struggling to figure out their own sexual or gender identity, need more than access to a gender-neutral bathroom. They need to be part of supportive inclusive communities that not only condemn bullying and harassment, but also recognize and teach their students that the LGBT community, like so many communities in our world, is a community whose members have made and continue to make important contributions to society.