



June 11, 2013

The Honorable Tom Harkin, Chairman  
Senate Committee on Health, Education, Labor and Pensions  
428 Senate Dirksen Office Building  
Washington, DC 20510

Re: Executive Session, June 11, 2013, S. 1094, Strengthening America's Schools Act

Dear Chairman Harkin:

On behalf of the hundreds of thousands of members of People For the American Way (PFAW), we write regarding today's executive session on S. 1094, Strengthening America's Schools Act. We thank you for taking this opportunity to address what has become a pervasive national problem,<sup>1</sup> and we hope that the anti-bullying language will remain strong as the legislative process moves forward.

Following the increased media attention paid to bullying-related suicides in 2010, PFAW took a strong stand on behalf of lesbian, gay, bisexual, and transgender (LGBT) students and those who are perceived to be LGBT. According to the 2011 National School Climate Survey:<sup>2</sup> 81.9% of LGBT students suffer verbal harassment; 38.3% were subject to physical harassment; and 18.3% experienced physical assault based on sexual orientation. For gender identity harassment, it's 63.9% verbal and 27.1% physical, with 12.4% reporting physical assault. In many cases, not surprisingly, this makes these vulnerable students feel unsafe: 63.5% reported feeling unsafe based on sexual orientation; 43.9% based on gender identity.

A student who feels unsafe due to bullying and harassment may choose to simply avoid the situation altogether, adding a loss of learning to the harms they're already suffering. According to the 2011 National School Climate Survey,<sup>3</sup> "Nearly one third of LGBT students (29.8%) reported skipping a class at least once and 31.8% missed at least one entire day of school in the past month because of safety concerns." And even when they remain in class, targeted students lose nearly half a grade point (average 2.9 vs. 3.2). But as we know all too well, this isn't just a question of education. It's a matter of life and death.

With S. 1094, you have recognized the need to reverse this trend. You have included provisions from the Safe Schools Improvement Act (SSIA), which supports the creation of comprehensive

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<sup>1</sup> On December 8, 2010, USA Network published its 2<sup>nd</sup> annual "United or Divided" poll. 58% of respondents gave America a C or D grade for its efforts to stop bullying by kids. 89% believed it was a serious problem, and nearly as many, 85%, supported congressional action to resolve the problem. 70% were concerned that it's a growing trend. See USA Network, Hart Research Associates, and Public Opinion Strategies at <http://www.nbcumv.com/mediavillage/networks/usanetwork/pressreleases?pr=contents/press-releases/2010/12/08/usanetworksnewu1291853077900.xml>.

<sup>2</sup> 2011 National School Climate Survey, Gay, Lesbian & Straight Education Network, September 2012. <http://www.glsen.org/cgi-bin/iowa/all/library/record/2897.html>

<sup>3</sup> *Ibid.*

anti-bullying policies that enumerate specific categories of victims, including incidents based on sexual orientation and gender identity, as well as data collection, public education, and grievance procedures. S. 1094 also contains Student Non-Discrimination Act (SNDA) provisions, which protects students from school-based sexual orientation and gender identity discrimination, much like Title IX does for gender discrimination, and much like other areas of law do for various protected classes. SNDA recognizes bullying and harassment as discrimination, and it provides both for remedies against discrimination and incentives for schools to prevent it from happening in the first place.

Ultimately, this is about stopping abhorrent behavior that prevents victimized students from accessing quality education. All children deserve far better than that.

Sincerely,



Jen Herrick  
Senior Policy Analyst

cc: Members, Senate Committee on Health, Education, Labor and Pensions