Bullying Prevention Legislation: Focus on LGBT Youth

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Addressing LGBT Bullying as a Public Health Issue Through Law and Policy

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What is School Bullying?

• An attack or intimidation with the intent to create fear, distress, or harm in another student or group of students
• Repeated attacks or intimidation of the same child or group of children
• Real or perceived imbalance of power
• Physical abuse, verbal name calling, teasing, threats, social exclusion and spreading rumors
• Boys tend to use physical violence and verbal abuse

• Girls tend to use verbal abuse, social exclusion and the spreading of rumor
Poll – LGBT Students
Breadth & Gravity of LGBT Student Bullying


- 99% reported hearing some type of homophobic remark
- 61% heard negative comments often/frequently about other students’ gender expression
- 91% reported feeling distressed by hearing these remarks
• 82% reported being verbally harassed because of their sexual orientation (name-calling or verbal threats)
• 64% were verbally harassed because of their gender expression
• 38% suffered physical harassment (shoved or pushed)
• 18% were victims of a physical assault (punched, kicked, or injured with a weapon)
• 12% of children were assaulted because of how they expressed their gender
Lesbian, bisexual girls, and transgender youth are particularly subject to sexual harassment:

• 64% of LGBT students were sexually harassed at school, and one-fifth of such behavior occurred often or frequently

• 64% of LGBT students felt unsafe at school because of their sexual orientation, and 43% percent felt unsafe because of how they express their gender.
LGBT Bullying is Different

- Lack the support systems
  - Parents/Family/Friends
  - Teachers & school personnel
  - Society in general
LGBT Bullying is Different

Parents & family offer limited support

• 44% report telling family about harassment & abuse
  o 52% of those families advocated on behalf of the student
• Other students’ parents can also be a barrier to addressing LGBT bullying in schools
  o Parents oppose any discussion of LGBT issues in school because of personal or religious beliefs
  o Bullies witnessing their parents’ animus towards LGBT individuals may believe that their bullying behavior is appropriate and supported by the greater community
LGBT Bullying is Different

School personnel contribute to hostile environment

• 57% heard homophobic remarks from teachers or other school personnel
• Previous reporting didn’t trigger effective response
• Only 27 state laws include requirements to develop model policies addressing harassment, intimidation, or bullying
LGBT Bullying is Different

Society in general

• Media
• Religious institutions
• Political climate
• Federal and State laws
  • Non-discrimination
  • Marriage/relationship recognition
  • Adoption
  • Intimate partner violence laws

The Health Impact of Being Bullied

- LGBT students are 3-4 x more likely to attempt suicide
- Suicide vs. “Bullycide”
- Post-traumatic Stress Disorder
- Depression/Anxiety
- Low self-esteem
- Trouble sleeping
- Stomach aches
- Headaches
The Health Impact of Being a Bully

- Depressive symptoms
- Suicidal ideation
- Substance abuse
- Early sexual activity
- More likely to be abusive toward romantic partners, spouses, and children as adults
- Bullying behavior has been shown to be a precursor to later acts of sexual violence
The Health Impact of Being a Witness to Bullying

- Negative psychological and physiological effects equal to that of the direct victim of the crime or harassment
- Depression/Anxiety
- Abuse tobacco, alcohol or other drugs
Poll – Your Bullying Program
Issues with Addressing Bullying

Traditional methods of punishment and reform that focus solely on the bully and the victim are not effective in reducing bullying

• Lack of intervention
• Isolates students

Civil litigation under Title IX is costly, lengthy and requires “severe, pervasive and objectively offensive” behavior and “deliberate indifference” on the part of schools

• Too Little; Too Late
Addressing Bullying Using a Holistic Public Health Approach

CHANGE ATTITUDES.
CHANGE BEHAVIORS.
CHANGE DIRECTIONS.
CHANGE LIVES.
CHANGE POLICIES.
CHANGE VOICES.
BE AN ALLY.
BE THE CHANGE.
Policy Poll
Enumerated Anti-Bullying Statutes

- The 13 jurisdictions with LGBT-inclusive enumerated provisions: AR, CA, CT, DC, HI, IL, IA, MD, NH, NJ, NC, RI, and VT
- Improves prevention & intervention by school staff
- 60% students heard homophobic remarks vs. 73% students in schools with generic, non-enumerated policies or no policy whatsoever
- SCOTUS in Romer v. Evans noted "enumeration is the essential device used to make the duty not to discriminate concrete and to provide guidance for those who must comply."
- Important to teachers, staff, students and families
Barriers to Passing Enumerated Laws

- Critics of enumerated laws claim they give special protection to a specific group of people
- Against family’s religious beliefs, morals and/or values

Addressing arguments

- Neutral laws often leads to a lack of enforcement and protection
- Enumerated provisions can be drafted to ensure protection to all students, not just enumerated ones
- Arkansas's anti-bullying statute § 6-18-514 prohibits bullying motivated by any attribute of another student. The statute defines attribute as "any actual or perceived personal characteristics including without limitation ... “
- Address as public health issue
Broad Definition of Bullying and Harassment

• Provide a cause of action before bullying reaches an egregious, potentially irreversible level of harm
• Current definitions include different elements that affect LGBT students' ability to take civil action, including: (1) an intentional act requirement; (2) a reasonable person standard; (3) a pattern of conduct; or (4) a single incident

Provide LGBT students with a specific cause of action

• On its face, Title IX only protects students from harassment “on basis of sex”
• Courts don’t automatically interpret anti-gay taunts as an indicator that the bullying was gender-motivated
Addressing Bullying Using a Holistic PH Approach

Create procedures that involve the entire community

- Bring schools, policymakers, parents, students, health departments, community organizations, state legal departments, etc. to the table to discuss and deal with bullying

Create a Gay-Straight Alliances or similar student clubs
Poll – Partners in Addressing Bullying
Our Goal:

To ensure a higher quality of education and a healthier, safer student body.
Poll – Support
Anti-Bullying Statues
50 State and DC Compilation

http://www.networkforphl.org/_asset/khqyg6/50StateAntiBullyingStatutes41612FINAL.pdf

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CSN Bullying Prevention
2011 Environmental Scan

Findings
Summary
Question 1: Is your state public health agency involved in BP in your state?

- Yes: 30 States (70%)
- No: 13 States (30%)
Question 2: Describe Your Role(s)

• Top Four Strategies Used:
  – Provide training & technical assistance to PH professionals, other professionals and public (15)
  – Facilitate collaboration between relevant organizations and professionals (9)
  – Develop, implement, or evaluate interventions (8)
  – Research, collect data, or disseminate information (7)
Question 3: Who in the SHA is involved in BP in your state?

- IVP and MCH working together (9)
- IVP Program (8)
- MCH including school health, adolescent health and coordinated school health (6)
- Sexual Violence Prevention/Rape Prevention Education (4)
Question 4: Do you have a multi-state agency BP task force/committee?

- Yes - 8 States: 19%
- No - 35 States: 81%
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For more info, visit:

http://www.childrenssafetynetwork.org/injurytopics/bullying-prevention
Our Next Webinar

Date:
Mid-January (to be confirmed)

Topic:
Implementation of Youth Sports Concussion Laws