



# Bullying Prevention Legislation: Focus on LGBT Youth



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**The webcast will begin shortly.**

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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 verb abuse**



- **Girls tend to use verbal abuse social exclusion and the spreading of rumor**



# Poll – LGBT Students



# Breadth & Gravity of LGBT Student Bullying

Kosciw, J. G., Greytak, E. A., Bartkiewicz, M. J., Boesen, M. J., & Palmer, N. A. (2012). *The 2011 National School Climate Survey: The experiences of lesbian, gay, bisexual and transgender youth in our nation's schools*. New York: GLSEN.

- 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**
  - 52% of those families advocated on behalf of the student
- **Other students' parents can also be a barrier to addressing LGBT bullying in schools**
  - Parents oppose any discussion of LGBT issues in school because of personal or religious beliefs
  - 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



[http://www.networkforphl.org/network\\_resources/network\\_products/domestic\\_violence\\_and\\_same\\_sex\\_relationships/](http://www.networkforphl.org/network_resources/network_products/domestic_violence_and_same_sex_relationships/)

# 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



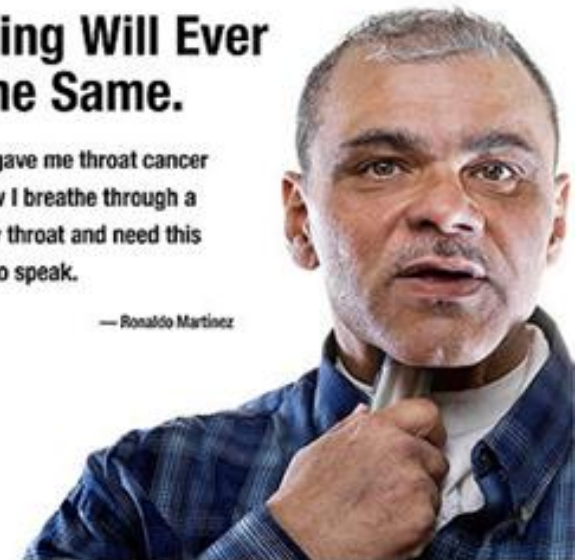
# The Health Impact of Being a Witness to Bullying

- 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

## **Nothing Will Ever Be the Same.**

Smoking gave me throat cancer at 39. Now I breathe through a hole in my throat and need this machine to speak.

— Ronaldo Martinez



*Now, anti-smoking advertisements illustrate the realities of tobacco use*

# 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





# 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.



Safe Schools  
Healthy Students



# Poll – Support

For further information on your state:

# Anti-Bullying Statues

## 50 State and DC Compilation

[http://www.networkforphl.org/\\_asset/khqyg6/50StateAntiBullyingStatutes41612FINAL.pdf](http://www.networkforphl.org/_asset/khqyg6/50StateAntiBullyingStatutes41612FINAL.pdf)

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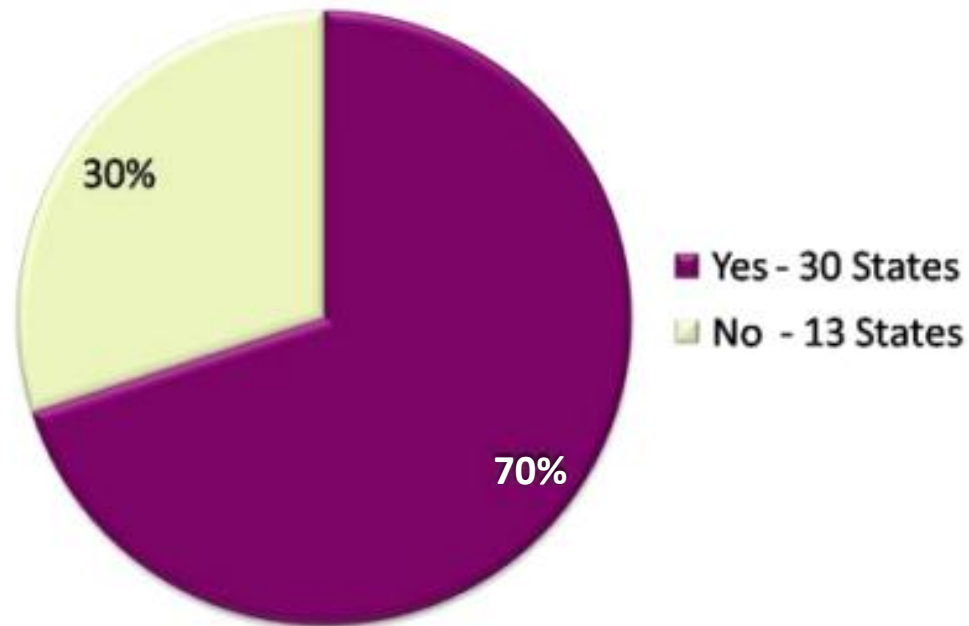


# **CSN Bullying Prevention 2011 Environmental Scan**

## **Findings Summary**



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





## 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)



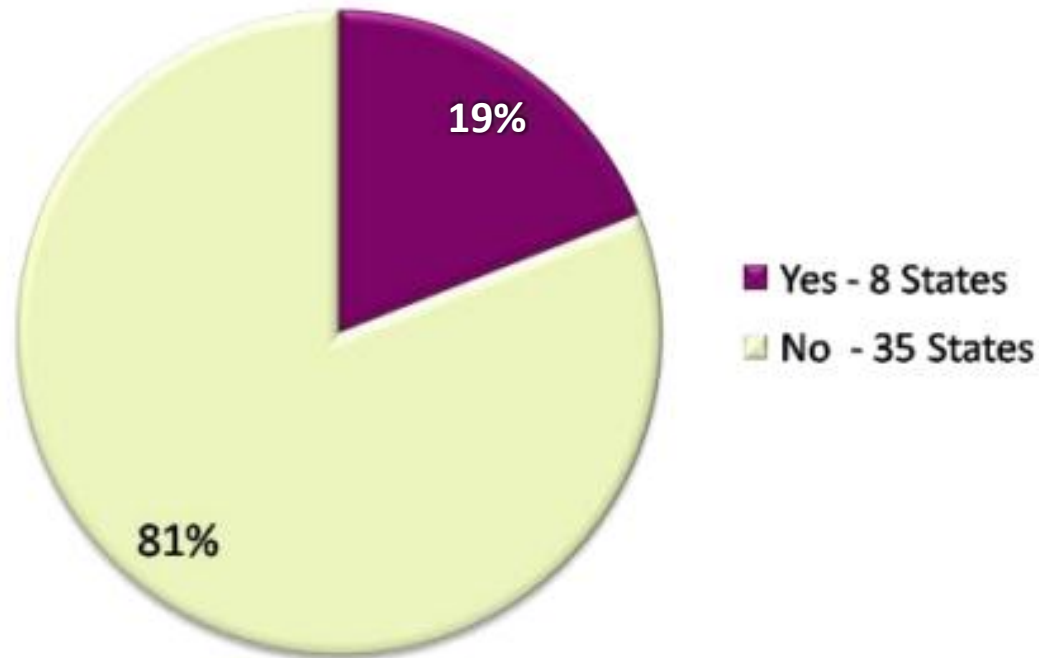
## Question 3: Who in the SHA is involved in BP in your state?

- 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?





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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