

Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ)* Youth: Addressing the Need for Statewide Policies and Supports

Sexual orientation, gender identity, and gender expression – otherwise known as SOGIE – is an important aspect of a youth’s identity.



More than one in ten 11th graders in Oregon describe themselves as either lesbian, gay, bisexual or questioning.

Source: Oregon Healthy Teens Survey, 2015

More than 7% of the nation’s youth identify as a sexual minority (3,570,000 of the 25 million youth ages 12-17), and they face a host of increased physical and mental health risks. While some of these young people thrive in supportive families, schools and communities, many more are not so fortunate. Our society’s continued failure to fully embrace and affirm LGBT youth is tragically reflected in the number of LGBT teen suicides in the United States (Centers for Disease Control and Prevention, 2011) [1].

The latest survey of youth in Oregon shows that in 2015, about 12% of 8th grade youth, and 11.3% of 11th grade youth reported being LGBQ [2].

Negative attitudes toward LGBTQ youth put them at increased risk for experiences with violence compared with other students, including behaviors such as bullying, teasing, harassment, physical assault, and suicide-related behaviors.

* Variations of this acronym used throughout this brief reflect relevant populations. Many studies consider lesbian, gay, and bisexual youth, but do not include transgender and questioning youth.

Key Findings

LGBTQ Youth are more likely than their heterosexual peers to:

- ✓ Suffer from abuse by their biological and foster families
- ✓ Be bullied and victimized by classmates and even school personnel
- ✓ Be chronically absent, truant and drop out
- ✓ Have lower academic scores
- ✓ Become homeless
- ✓ Engage in high-risk sexual behaviors
- ✓ Become victims of physical, psychological and sexual abuse
- ✓ Be at higher risk for depression, mood and anxiety disorders, and suicidal ideation and attempts
- ✓ Have higher rates of smoking, alcohol and drug use
- ✓ Commit “survival” crimes and become involved in juvenile and criminal justice systems
- ✓ Being LGBTQ is not the cause of negative outcomes; systems are not adequately serving LGBTQ youth.
- ✓ A statewide coordinated systems' response is needed to address the needs of LGBTQ youth.

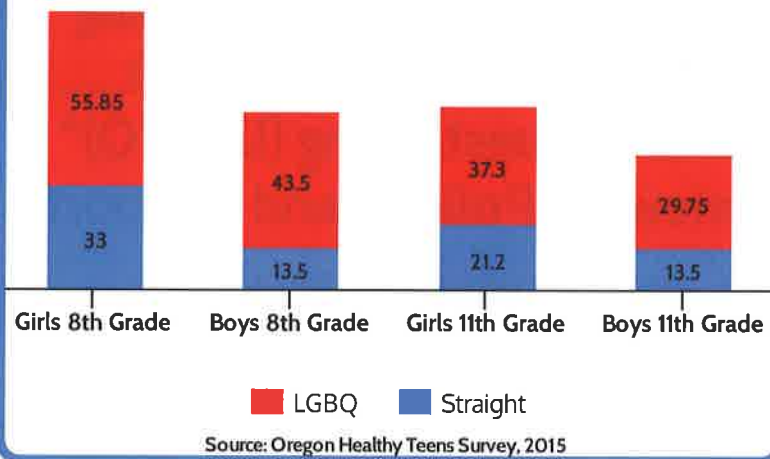
Transgender Youth and Civil Rights

On May 13, 2016, the U.S. Department of Justice and U.S. Department of Education issued joint guidance to schools across the country on the implementation of the civil rights of transgender students. Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations prohibit sex discrimination in educational programs and activities operated by recipients of federal financial assistance.

This prohibition encompasses discrimination based on a student's gender identity, including discrimination based on a student's transgender status (U.S. Department of Justice and U.S. Department of Education, 2016) [10].

The Oregon Department of Education issued a similar guidance to school districts on May 5, 2016 (Oregon Department of Education, 2016). In addition to the federal regulations, under Oregon law "...[a] person may not be subjected to discrimination in any public elementary, secondary or community college education program or service, school or interschool activity or in any higher education program or service, school or interschool activity where the program, service, school or activity is financed in whole or in part by moneys appropriated by the Legislative Assembly" (Oregon Revised Statutes 659.850, 2013) [11].

Percentage of youth who reported being bullied in school in the past 30 days by sex and grade level, 2015



LGBTQ Youth and Schools

America's schools are notoriously hostile settings for LGBT students, with the majority of students reporting regular verbal or physical harassment by students or school personnel based on their sexual orientation or gender expression [3].

LGBT students who report high levels of victimization at school also have higher rates of truancy, lower grade point averages, higher levels of depression, lower self-esteem and fewer plans for secondary education [4].

When biased school discipline practices and pervasive harassment push LGBT youth out of schools, they are at higher risk of contact with the justice system [5].

Further, a recent meta-analysis found that in school, sexual minority students were 1.7 times more likely to report being threatened or injured with a weapon or otherwise assaulted, compared with sexual nonminority students, and 2.8 times more likely to report missing school because of fear [6]. The hostile school environment can contribute to higher rates of truancy, absenteeism, and dropping out, in addition to lower academic scores or grades and psychological trauma [7].

LGBT students experience disproportionate exclusionary school discipline compared to their heterosexual peers [8].

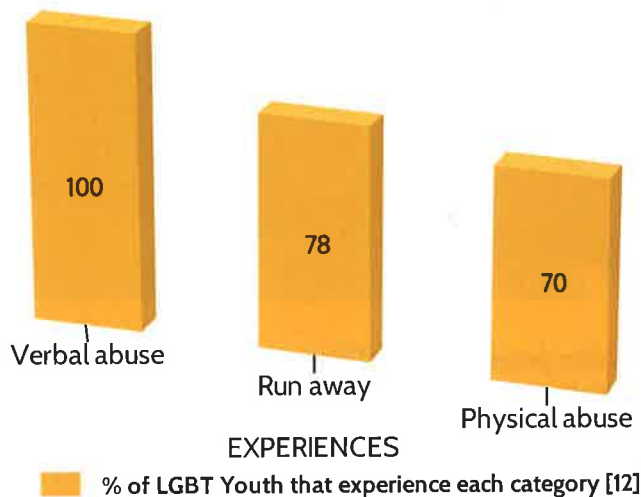
School exclusion through suspension and expulsion is associated with decreases in academic achievement and increased risk of negative or antisocial behavior over time. Suspension and expulsion have also been found to be associated with higher rates of truancy over time and an increased risk for failure to graduate or school dropout [9].

Percentage of youth who reported missing school for any reason during the past 12 months, 2015

	6-10 days	11-15 days	16 or more days
Lesbian or Gay	20.5	11.1	19.3
Straight	19.7	9	11.2
Bisexual	20.7	12.6	17.8
Something else	22.8	9.3	17.5
Do not know/not sure	17.5	7.9	11.2

Source: Oregon Healthy Teens Survey 2015

Survey of LGBT Youth in Out-of-Home Care reported



LGBT Youth Face Bias and Discrimination in Foster Care

LGBT youth enter the foster care system for many of the same reasons as non-LGBT youth in care, such as abuse, neglect, and parental substance abuse. However, many LGBT youth have the added layer of trauma that comes with being rejected or mistreated because of their sexual orientation, gender identity or gender expression [13].

The unacceptable reality is that LGBT youth – after facing trauma and maltreatment from their families or caregivers – too often enter a foster care system that is ill-equipped to competently meet their needs and subjects them to further bias and discrimination [14].

Experiences of bias and discrimination come from interactions with social workers and group home staff as well as policy and structural barriers preventing LGBT youth from receiving the services they need [10].

LGBTQ Youth Health Risks and Experiences with Violence

Societal factors such as bullying, violence, and discrimination heighten health risks for anyone. However, lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth experience elevated risk and associated negative health and mental health outcomes [15].

According to data from Youth Risk Behavior Survey (YRBS) conducted during 2001 and 2009 in seven states and six large urban school districts, the percentage of LGB students (across the sites) who were threatened or injured with a weapon on school property in the prior year ranged from 12% - 28%. In addition, across the sites:

- 14%-31% of gay and lesbian students and 17%-32% of bisexual students had been forced to have sexual intercourse at some point in their lives [1].
- 19%-29% of gay and lesbian students and 18%-28% of bisexual students experienced dating violence in the prior year.

Studies show LGBT youth are twice as likely as non-LGBT youth to attempt suicide. Others put the number close to four times as likely [16].

The stresses experienced by LGBT youth also put them at greater risk for sexual behaviors that place them at risk for HIV and other sexually transmitted diseases (STDs). For example, HIV infection among young men who have sex with men aged 13–24 years increased by 26% from 2008 to 2011 [1].

42% of homeless gay and transgender youth abuse alcohol, compared to 27% of heterosexual youth, leading to additional health risk.

Youth who reported seriously considering suicide during the past 12 months, 2015

	Yes
Lesbian or gay	42.7
Straight	13.3
Bisexual	53.3
Something else	44.1
Do not know/not sure	28.7

Source: Oregon Healthy Teens Survey 2015

LGBTQ Youth and Homelessness



In America, up to 1.6 million youth experience homelessness each year. The statistics for lesbian, gay, bisexual, and transgender (LGBT) homeless youth are even more shocking, as this group represents up to 40% of all young people experiencing homelessness. Considering that LGBT youth represent an estimated 7% of the total youth population, these numbers are disproportionately high. While even a single young person without a home is one too many, the disparity of LGBT youth experiencing homelessness is unfathomable [17].

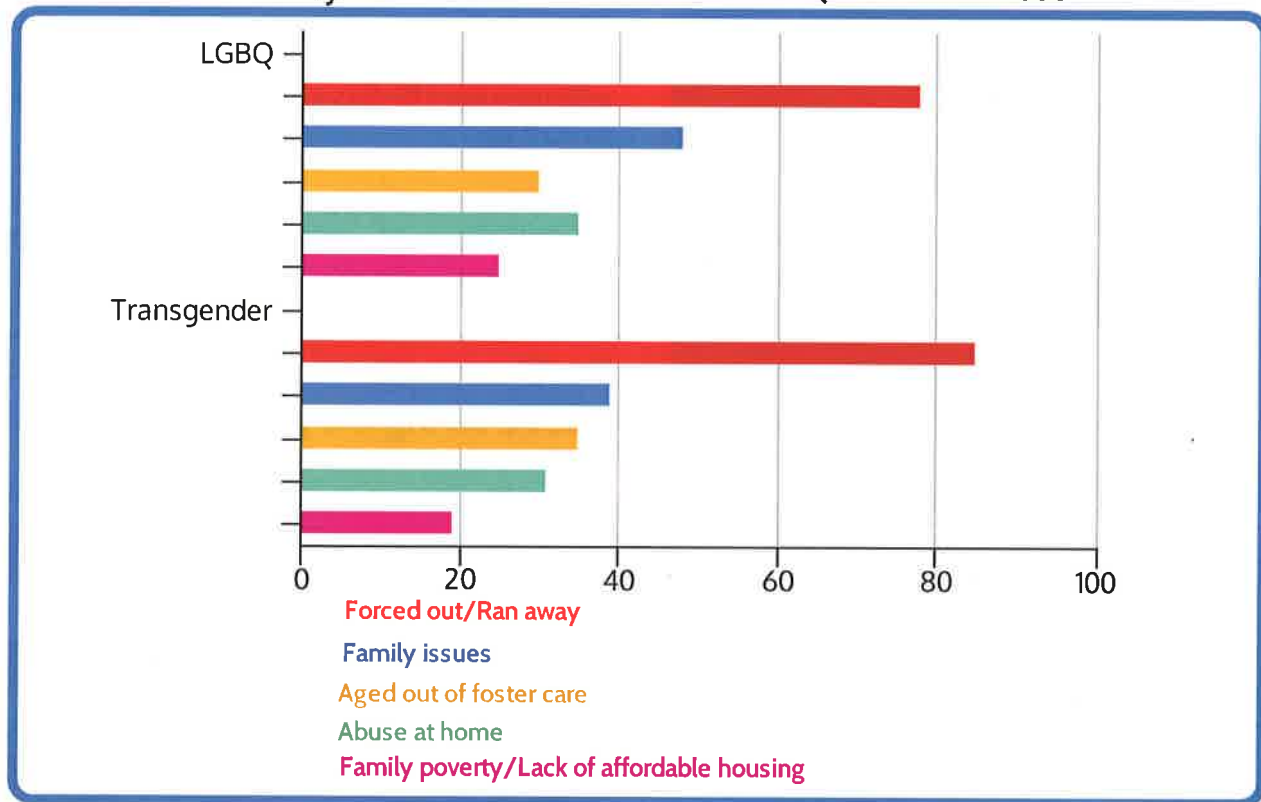
These vulnerable gay and transgender youth often run away from home because of family conflict and then face overt discrimination when seeking alternative housing, which is compounded by institutionalized discrimination in federally funded programs [18].

Unfortunately, some LGBT homeless youth have experienced discriminatory practices and policies when trying to access homeless youth services. Without access to the residential stability, nurturance, and opportunities for positive youth development provided by homeless youth

service providers, LGBT homeless youth are susceptible to further challenges as adults and continued violence and exploitation on the streets, and are at great risk of entering the juvenile or criminal justice system [19].

LGBT youth experience homelessness for a variety of other reasons, including the intersection of homophobia and transphobia, poverty, and failed systems. According to service providers, additional reasons include family issues, aging out of the foster care system, family poverty, and abuse in the home [20].

Family Conflict Contributes to LGBTQ Homelessness



LGBTQ Youth and the Juvenile Justice System

Social stigma, family rejection, and discrimination subject LGBTQ youth to increased risk of substance use, homelessness, school dropout or push-out, depression and suicidality. These risks are well-documented and devastating, driving disproportionate numbers of LGBTQ youth into the justice system. Recent research has shown that up to 20% of the youth confined in America's juvenile detention facilities identify as LGBT, questioning or gender nonconforming, which is almost three times their estimated number in the general population [5].

The Bureau of Justice Statistics (BJS) conducted a National Survey of Youth in Custody in 2012 to estimate the rates of sexual victimization in juvenile facilities. Responses were gathered from approximately 18,100 adjudicated youth placed in juvenile facilities across the country. Of those surveyed, 2,200 youth (about 12 %) self-identified as non-heterosexual - that is, youth who identified their sexual orientation as gay, lesbian, bisexual, or other [21].

Lesbian, gay and bisexual youth confined in juvenile facilities are at least seven times more likely to be sexually assaulted by other youth as are their heterosexual peers. In secure detention or correctional facilities, LGBTQ youth face harassment, emotional abuse, physical and sexual assault, and prolonged periods spent in isolation [22].

In the first published opinion addressing the treatment of LGBTQ youth in juvenile justice facilities, a federal district court found that the staff's failure to protect the plaintiffs from relentless verbal harassment and abuse, as well as subjecting them to prolonged "protective" solitary confinement, violated the Constitution. The case was R.G. v. Koller.



R.G.
v.
Koller

In 2005, the Hawaii Youth Correctional Facility (HYCF) was sued by the American Civil Liberties Union of Hawaii in federal court on behalf of R.G., an 18-year-old lesbian, J.D, a 17-year-old boy perceived to be gay, and C.P., a 17-year-old transgender girl. The plaintiffs alleged that the HYCF staff failed to intervene to protect them from relentless emotional, physical and sexual abuse by other youth, and that the staff also verbally harassed and demeaned them. The court issued a preliminary injunction, finding that the plaintiffs were likely to prevail at trial by showing that the facility violated their constitutional rights [23].

The court found that HYCF was deliberately indifferent to the health and safety of the plaintiffs by failing to have policies and staff training necessary to protect LGBTQ youth, adequate staffing and supervision, a functioning grievance system and a classification system to protect vulnerable youth. The court also held that placing youth in isolation as a means of protecting them from abuse amounted to punishment and violated the 14th Amendment of the United States Constitution.

Many of the LGBTQ youth in the juvenile justice system are arrested for committing non-violent survival crimes such as prostitution and shoplifting and are likely homeless at the time of the offense. Some LGBTQ youth enter the juvenile justice system after having been inappropriately detained as "sex offenders" merely for engaging in consensual, age-appropriate same-sex conduct [6].

In Oregon:

County juvenile departments in Oregon are developing policies and will implement best practices for LGBTQ and/or transgender youth in their care. The Oregon Youth Authority has developed policy and protocols addressing the needs of transgender youth in their custody.

Recommendations

- ✓ Statewide policies, practices and funding to support LGBTQ youth must be developed.
- ✓ State agencies must provide training in the competent, non-discriminatory, and respectful treatment of LGBTQ youth.
- ✓ Sexual orientation and gender identity should be included in agency data collection systems and intake forms for youth.
- ✓ Agency non-discrimination policies inclusive of sexual orientation, and gender identity and expression (SOGIE) should be posted in state agency workplaces.
- ✓ Specific comprehensive training curriculums must be developed for juvenile justice, child welfare, education and homeless youth professionals.
- ✓ State funds should be allocated to support housing for homeless LGBTQ youth if the federal government continues to underfund homeless assistance and public housing programs for homeless youth.
- ✓ Health, behavioral and mental health services should provide safe and welcoming environments for LGBTQ youth. Youth should have access to community-based providers who have experience providing health services, including HIV/STD testing and counseling, to LGBTQ youth.
- ✓ School districts should develop policies and provide training to all school personnel to ensure that the LGBTQ students feel socially, emotionally, and physically safe and supported and are ready to learn.
- ✓ Schools should encourage student-led and student-organized school clubs that promote a safe, welcoming, and accepting school environment (e.g., gay-straight alliances, which are school clubs open to youth of all sexual orientations).
- ✓ Health curricula or educational materials should include HIV, other STD, or pregnancy prevention information that is relevant to LGBTQ youth (such as ensuring that curricula or materials use inclusive language or terminology).
- ✓ Juvenile justice and law enforcement agencies should develop policies and provide training to all personnel to ensure that LGBTQ youth in their custody are safe, protected and have access to care consistent with best practices for these populations. Personnel should be trained to recognize and acknowledge that experiences at home, in placement, in school, in the community, and in the juvenile justice system may have been traumatic, and that LGBTQ youth may need support, intervention, or treatment for trauma.
- ✓ Child Welfare services should develop policies and monitor foster care placements to ensure that foster care providers are trained and provide safe, supportive and trauma-free safe living environments for LGBTQ youth in their care.

Oregon Youth Development Council Chair: Celeste Janssen

Executive Director: Iris M.D. Bell

Anya Sekino, Juvenile Crime Prevention Manager, anya.sekino@state.or.us, phone: 503-378-5115

Works Cited

- [1] Center for Disease Control and Prevention (2011). Sexual identity, sex of sexual contacts, and health-risk behaviors among students in grades 9-12: Youth Risk Behavior Surveillance, selected sites, United States, 2001-2009.
- [2] Eller, LaShanda, (2011, 2013, 2015) LGBQ Youth and Sexual Health Outcomes in Oregon, Oregon Healthy Teens Surveys, Oregon Public Health Authority.
- [3] Kosciw, J.G., Greytak, E.A., Palmer N.A., & Boesen, M.J. (2014). The 2013 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools. New York, N.Y.: GLSEN.
- [4] *ibid.*
- [5] Irvine, A. (2010). "We've had three of them": Addressing the invisibility of lesbian, gay, bisexual and gender non-conforming youths in the juvenile system. *Columbia Journal of Gender and Law*, 19, 675.
- [6] Friedman, Ms.S., Marshal, M.P., Guadamuz, T.E., Wei, C., Wong, C.F., Saewyc, E.M., & Stall, R., (2011). "A Meta-Analysis of Disparities in Childhood Sexual Abuse, Parental Physical Abuse, and Peer Victimization Among Sexual Minority and Sexual Nonminority Individuals." *American Journal of Public Health* 101(8): 1481-94.
- [7] Mitchum, P., & Moodie-Mills, A., (2014) Beyond Bullying: How Hostile School Climate Perpetuates the School-to-Prison Pipeline for LGBT Youth. (Washington, DC: Center for American Progress, 2014). Retrieved From: <http://cdn.americanprogress.org/wp-content/uploads/2014/02/BeyondBullying.pdf>.
- [8] Arredondo, M., Gray, C., Russell, S., Skiba, R., & Snapp, S., (2016). Documenting Disparities for LGBT Students: Expanding the Collection and Reporting Data on Sexual Orientation and Gender Identity.
- [9] *ibid.*
- [10] U.S. Department of Justice and the U.S. Department of Education, Joint Guidance to Help Schools Ensure Civil Rights, (2016). Retrieved From: <https://www.justice.gov/opa/pr/us-departments-justice-and-education-release-joint-guidance-help-schools-ensure-civil-rights>
- [11] Oregon Revised Statutes, 659.850
- [12] Feinstein, R., (2001). Justice for All? A Report on Lesbian, Gay, Bisexual and Transgendered Youth in the New York Juvenile Justice System. New York City: Urban Justice Center.
- [13] Sullivan, C., Sommer, S., & Moff, J., (2001). Youth in the Margins: A Report on the Unmet Needs of Lesbian, Gay, Bisexual, and Transgender Adolescents in Foster Care, Lambda Legal Defense and Education Fund, USA.
- [14] U.S. Department of Health and Human Services Administration on Children, Youth and Families, (2011). Information memorandum on Lesbian, Gay, Bisexual, Transgender and Questioning Youth in Foster Care. Retrieved From: www.nrcyd.ou.edu/publication-db/documents/acyf-cb-im-11-03.pdf
- [15] Center for Disease Control and Prevention (2014). Lesbian, Gay, Bisexual and Transgender Health. Retrieved From: <http://www.cdc.gov/lgbthealth/youth.htm>
- [16] Ryan, C., Huebner D., Diaz, R.M., & Sanchez, J., (2009). "Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults." *Pediatrics* 123:346-52.
- [17] True Colors (2016). Retrieved from: <https://truecolorsfund.org/ourissues>
- [18] Center for American Progress (2010). Gay and Transgender Youth Homelessness by the Numbers, Retrieved from: <https://www.americanprogress.org/issues/lgbt/news/2010/06/21/7980/gay-and-transgender-youth-homelessness-by-the-numbers/>
- [19] National Recommended Best Practices for Serving LGBT Homeless Youth, (2016). <http://www.lambdalegal.org/publications/national-recommended-best-practices-for-lgbt-homeless-youth>
- [20] *ibid.*
- [21] Beck, A.J., Cantor, D., Hartge, J., & Smith, T., (2013). Sexual Victimization in Juvenile Facilities Report by Youth, 2012. Washington, D.V.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Retrieved From: <http://www.bjs.gov/content/pub/pf/svfry12.pdf>
- [22] Majd, K., Marksamer, J., & Reyes, C., (2009). Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts. San Francisco, Calif.: Legal Services for Children and National Center for Lesbian Rights.
- [23] R.G. v. Koller, 415 F. Supp. 2d 1129 (2006).