

Introduction

Keeping our students safe in schools is something we all agree is important. **Every student should have a fair chance to learn and succeed in school, including gay and transgender students.** That's why Arizona lawmakers have taken steps to ensure the learning environment is free from intimidation, harassment and bullying. Existing statute provides a foundation for school safety policies. However, the statute is missing language that is critical to stopping targeted acts of bullying and harassment. **When schools don't have explicit safe-schools policies, gay and transgender youth get harassed and bullied more often.** This makes them feel unsafe and creates higher absenteeism as they skip school in order to protect themselves. Enumeration of protected classes in the statute will give schools the guidance they need to keep all students, including gay and transgender students safe.

Americans support inclusive school safety laws

- **8 out of 10 Arizonans (79%)** support legislation that would provide explicit protections for gay and transgender students in schools.¹
- 11 states and the District of Columbia have enacted safe schools laws that include enumerated protections for gay students, 8 of which also include protections for transgender students.²
- Some of the most important and respected education organizations in the nation have voiced their support for inclusive safe schools laws, including the **National Education Association** and the **National School Boards Association**.²

Enumerated laws reduce school liability

Over the past 2 decades, 15 lawsuits have been brought against school districts for failing to protect gay and transgender students from bullying, harassment and intimidation. These cases illustrate that: **School districts can be held liable under existing federal law** for failing to protect gay and transgender students from harassment; **without clear directives from their state legislatures**, many school districts have failed to protect gay and transgender students from harassment and bullying, putting themselves at risk for potential legal liability; in all of the cases brought to date, the student either prevailed after trial or achieved a settlement.² Enacting the School Safety & Liability Limitation Act will provide effective guidance to ensure Arizona schools meet their obligations under federal law, **avoid costly and unnecessary lawsuits**, and provide learning environments where all students can learn.

Bullying and harassment of gay & transgender students is widespread and often ignored

- 9 out of 10 gay and transgender students experienced harassment in school in the past year, according to the 2007 School Climate Survey.³
- Gay and transgender students reported incidents involving **verbal harassment, physical harassment** and even **physical assault**.³
- Most gay and transgender students who were harassed or assaulted in school did not report the incident to school staff, believing little or no action would be taken or that the situation would become worse if reported.³
- Nearly 1/3 of students who did report an incident said **school staff did nothing in response**.³
- Many gay and transgender students are forced to miss class or entire days of school so they can feel safe and avoid harassment and bullying.³
- Bullying and harassment keeps gay and transgender students from having a fair chance to participate in the learning process and achieve academic success.³



The School Safety & Liability Limitation Act will reduce bullying and harassment in schools

- Students from schools with a generic anti-bullying policy, experienced similar levels of harassment as students from schools with no policy.³
- School policies that directly address targeted acts of bullying and harassment can **create better learning environments for all students**. Students from schools with an inclusive safe schools policy reported feeling safer at school and experiencing fewer acts of harassment and bullying.³

¹ Wright Consulting, Inc. (June 2008). Poll of 603 likely Arizona voters.

² Gay, Lesbian & Straight Education Network. (2008). www.glsen.org

³ 2007 School Climate Survey. (2008). www.glsen.org