LGBT Bullying in Washington Schools

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Lisa Kelly

Good evening everybody and thank you for coming my name is Lisa Kelly and I’m the Bobby and John Bridge professor of child advocacy here at the University of Washington’s Law School the co-director of our children and youth advocacy program.

This evening we have a wonderful exciting panel for you talking about a very important issue that’s obviously been in the news quite a bit, unfortunately in the past few months. Our panel will be discussing in particular the policies and law in effect in the State of Washington with regard to bullying in the schools of GLBT youth. We have three panelists this evening we’re going to start with Dr. Heather Murphy who is the co-chair of the Safe Schools Coalition. And also an adjunct professor of the School of Educational Psychology here at the UW. And then we will move from Dr. Murphy to Ms. Harris who is a graduate of our Law School 2003. And is now a legal analyst at the Ombudsman’s office, the newly created Education Ombudsman’s Office here in the State of Washington. Then we will close with Linda Mangle who is the ACLU Education...

Linda Mangle

Education Equity Director

Lisa Kelly

...Education Equity Director, thank you. And she will discuss for us the different remedies that are available for youth in the schools. And so when we’re finished with each presentation we’re just going to move it along and then at the close of all three presentations, hopefully we’re going to have about twenty minutes for questions and answers. So hopefully you’ll be taking notes, any questions that you have, any concerns and any thoughts that you have to add to this discussion, we’re very anxious to hear from the audience as well. So, thank you for coming out on this very snowy evening as it turns out, and hearing about this very important issue. And with that I will turn to Dr. Murphy.

Dr. Heather Murphy

As Lisa said, hello, I’m Dr. Murphy. I am adjunct faculty here at the UW in educational psychology over in the College of Education. I’m also a co-chair of the Safe Schools Coalition and I’ll talk in a little bit about what the Coalition is and what we do. And then I’m also a nationally certified school psychologist and I work in a middle school up in Shoreline.

So to begin, I want to open with some definitions. We’re all here for a talk on LGBT bullying, so I assume that we all know, but I don’t want to make too many assumptions. So I’m going to go through some of the definitions. So the full acronym I have up there we got
the LGBTITQ. Kind of some alphabet soup there, which can be a mouthful which is why it is commonly under the umbrella of queer, which is a more umbrella term, encompasses all that it’s also an umbrella term because people don’t like being put in the box of the L or the G or the B because that doesn’t express the full fluidity of sexual orientation and gender expression. So we have queer. For those of you from past generations, you may go, ooh queer that’s not a okay term, it used to have a lot of negative connotation, but that’s changed and that’s actually the preferred terminology now.

Like I said very quickly some definitions, we have lesbian-a female whose primary sexual and romantic attraction is to other females. Gay-a male whose primary sexual and romantic attraction is to other males. And then Bisexual-males and females who have sexual and romantic attractions to both males and females. Transgender-this is a person with a gender identity that is different from his or her birth sex and who expresses his or her gender in ways that contravene societal expectations for what it means to be male or female. Intersex-this is a general term used for a variety of conditions in which a person is born with reproductive or sexual anatomy that doesn’t fit the typical definition of male or female. Two-Spirit-this is a more contemporary term for Indigenous/First Nation people and refers to the construction of mixed-gender roles and sexuality. And then when we have questioning those are people who are not ready to come out due to it being too risky, maybe they’re not quite sure how to label themselves, or maybe they just don’t want to go with societal labels and prefer to go by questioning.

So how many youth are we talking about? Those who students in high school who identify as gay, lesbian, bisexual, and transgender comprise at least 4.5 to 10.3 percent of the student population. Now I said those who identify. If you ask students who identify as straight what their sexual attraction is they may report same sex attraction and that increases that to about twelve percent of the population.

The risk factors. We’re here to talk about LGBT bullying so we know these are students that are at risk. The main areas of risk factors are peer rejection, family conflict, lack of school support, and victimization. The first two are out of the context of this conversation we’re having today, but I want to highlight them because they are important to get the full understanding of these students. Peer rejection, those students who come out to their friends, over half of them report losing friends due to that. And for family conflict, two-thirds of the students who report coming out to their family report that as a unpleasant experience. There’s a lot of family abuse that goes on and a lot of them are kicked out of the home. If you look at the homeless population of street youth you’ll find that it’s a very high population of LGBT youth given the ten percent prevalence in the general population. The lack of school support and victimization is what I really want to focus on today.

For Lack of school support, over sixty percent of LGBT students do not feel safe in schools because of their sexual orientation and over a third report not feeling safe due to their gender expression. 38.4 percent do not feel comfortable talking to school staff and it’s a two to six time greater percentage of students than those who report feeling unsafe due to gender, race, ethnicity, disability or religion. So you may have said to yourself why is this a panel discussion on LGBT bullying, there is so many incidents of bullying that goes on, well there’s your answer right there: very high prevalence of that.

Half of LGB high school students report that at least one person in the school setting is not supportive of their sexual orientation. And over half of those students report that person to be a teacher, administrator, or staff. As someone who works in the schools I find this a very
Among LGBT students 41% report that teachers have told homophobic jokes. 38.2 % do not feel comfortable talking to staff about lesbian, gay, transsexual, or bisexual issues. And one in two report seeing LGBT graffiti in their school. So when I talk about victimization, there is a continuum of victimization. And on one end of this continuum, we have very subtle forms of victimization and what I mean by that are how these students are made to feel different so a lot of these students feel very isolated and alone because of that peer rejection and that fear of coming out a lot of them aren’t sharing their sexual identity with others and they have no one to talk to about that. They can’t exactly turn on the TV and see a lot of positive queer role models, they feel very different, very isolated, very alone and because of that they felt like they have to act straight in order to fit into society, in order to be accepted by their friends. And then that makes them feel that who they are is bad that they have to change that and that’s a subtle form of victimization.

When I say sociocultural harassment what I mean by that is: think back to a year ago when we had all the prop 8 stuff going on. And you would turn on the news and you would see in the media all of the very anti-gay ads all of the very anti-gay stories of people on the street corners protesting with signs that said, ‘God hates fags’. That’s sociocultural harassment, that’s a form of victimization. When we had those suicides that happened back at the fall, I don’t know if any of you when you read online articles scroll down to the comments below, there’s some very hateful comments that were put on those things and if you could imagine being a young queer youth reading this horrible story about someone who killed themselves because they were being bullied, they were gay and then reading down on the comments, ‘good, one less gay person out there’. How horrible that would feel? That’s sociocultural harassment and that’s a subtle form of victimization.

Among straight students, they report that being called gay is the most upsetting psychological form of verbal harassment. So we live in a society in a cultural, school culture, where you can call somebody fat, stupid, retarded, but being called gay, oh my god, that is the worst and that is the most upsetting. And of male adolescents fifteen to nineteen 89% consider sex between males as disgusting. And you see that a lot in movies and you turn it on and you have like men that are like ‘oh, don’t touch me you fag’, or I don’t know it’s an older movie, how many people remember Ace Ventura when he found out that he had kissed a man and they went through that incredibly long scene of him plunging his face and brushing his teeth and throwing up and showering, it sends the message to kids that ew that’s gross that’s disgusting: subtle form of victimization.

On the other end of the continuum, we have verbal and physical victimization. And these include verbal insults, threat of attack or death, vandalism, objects thrown, being chased or followed, sexual assault, having clothes pulled off, being spat upon, being urinated upon, being ejaculated upon, assault and assault with a weapon. And this is experienced by 83% of LGB youth, 83%. 80% report verbal insults. 49.5 percent experience that daily. 25-44% report being threatened with physical violence and this is repetitive 14% report three or more threats of violence and 7% report being assaulted multiple times. And this is especially bad in the middle school.

This goes unreported 79% of the time. 79%. You may say to yourself, ‘wow, that’s really huge why are these students not reporting that?’ Well think of some news stories recently of students who have sued their school district. What were these administrators saying to these students who did report it? ‘What do you expect if you’re going to act so gay? Boys will be
boys.’ Those are the things that these students are told. 33.8% reporters people who actual report hear that, they say the school staff does nothing in response. And in a third of the incidents, adult witnesses do not help.

Of course this is going to have negative consequences. These students miss school, they have low academic achievement. They have low educational aspirations, depression, anxiety, low self-esteem and suicidality. For academic problems, the dropout rate for LGBT high school students is four times the national average and they report that they’re half as likely as their heterosexual peers to pursue any kind of post-secondary education.

Fearful for their safety at school 32% of LGBT students miss class compared to 6% of their heterosexual peers. 33% skip the entire day as compared to 5% of their heterosexual peers. And again in middle school it’s worse 39% skip class and 50% miss the entire day of school. When compared victimized to non-victimized LGBT students, LGBT students who suffer verbal victimization are twice as likely to miss school and those who suffer physical victimization are three times as likely to miss school. And of course if they’re missing school, their GPAs are going to be lower.

So, suicide, another big negative consequence to talk about. 32-66% of LGB youth attempt suicide and high school LGB youth are 3.4 times more likely than non-LGB youth to report a suicide attempt. In a longitudinal study that was done that looked at a group of people from birth to age 21, they found that of the LGB cohort, 67.9% had reported suicidal ideation as compared to 28% of the heterosexual cohort and 32.1 had reported making at least one suicide attempt as compared to 7.1% of the heterosexual cohort.

So when these numbers first started coming out there was this idea that there was something inherent to being gay. That gay people were more at risk for suicide, there is something going on there. But as more research came out, they found that the big predictor of this is the fact that these kids are being victimized, specifically, verbal abuse, physical assault, sexual assault, property damage and being chased. In 2002 the Betempo and Degali did a very important study where they looked at LGB youth and they divided them into a group that was not being victimized and a group that was being victimized and they looked at their suicidality and it turned out that the group that wasn’t victimized had suicide rates that were equivalent to their heterosexual peers. That it was those students who were being victimized who had these elevated rates showing that it was victimization elevating the suicidality, not something inherent to being gay that made them suicidal.

I did a similar study here at UW looking at college students. And I found that the LGB college students reported higher percentage of suicidal ideation and attempts than their non LGB peers as well as victimization and those who didn’t identify as LGB but reported same sex attraction or same sex behavior they were the ones who most seriously considered attempting suicide, made a plan to attempt suicide, and attempted suicide. And just like Betempo and Degali I found that victimization mediated seriously considering attempting suicide for the college students.

Okay, heavy stuff. It’s all pretty depressing, but there’s good news. Research is not coming out with some protective factors, specifically social support, close friendships, school connectedness, family connectedness, teacher caring, adult caring, and school safety. Focusing on school safety, different interventions that can be done, supportive services, having a counselor or a school psychologist that a person can go talk to about these things, a GSA which I’ll talk more about in a minute. A safe setting, if you go into my office at the
middle school I work at, I have a safe zone sticker up so people know it’s a safe place they can go to. Inclusive curriculum supportive trained educators, consistently enforced anti-harassment policy and legal protection.

So GSA I couldn't give a talk about this without talking a little bit about GSAs which are gay/straight alliances. For all of you educators out there I really support GSAs as one of the most efficacious things that can be done in the school for these kinds of students that are having these kinds of problems. A GSA provides support and counseling, it’s a safe space. And it works to educate the student body and staff regarding LGBT issues and they participate in advocacy and different activism. So if you’re in a school and let’s say the school has a chess club, with the equal axis act, if a student wants to start a GSA because there’s another club, because there’s another club, the administrator basically can’t deny them that. I started a GSA at the middle school where I am at about three years ago and it’s been a really great experience and the students have done a lot of phenomenal work around the school. One of the things we’ve really focused on has been putting up posters all around there’s posters of teachers were given safe zone stickers if they want to put them up, most of them did actually. We have anti-bullying, anti-harassment posters, no discrimination. I had two dads who were enrolling their son and they said when they walked in the school, the all families welcome rainbow poster, they said, ‘wow, we’ve never felt so welcome at a school before.’ I had a science teacher who had a student who was able in her genetic pedigree to put up that she had two moms and put that upon the wall and the teacher said to me, ‘thank you your GSA has created a culture where this is okay.’ So I highly recommend GSAs if any of you work in schools. But don’t take my word for it. I have research to back it all up.

So GSAs have been shown to improve school safety. 76% of students who attend a GSA feel safer and is significantly more likely to be aware of supportive school staff. There’s also decreases in victimization, lower rates of victimization, fewer homophobic remarks, they’re more likely to report incidents. And lower percentage of students using anti-gay/lesbian slurs. It also improves the climate, there’s a greater sense of these students of belonging to the school community as well as more teacher making positive supportive comments. It also improves academics; they’re less likely to miss school, more likely to have higher grade point averages, more likely to plan to go to college, lower drop out rate and higher academic self-concept. And the big one that I absolutely love, students and schools with a GSA report lower suicide attempt rates.

Okay, so I wanted to give a couple of 1-800 numbers out there for you we’ve got the Gay, Lesbian, Bisexual, Transgender helpline, the LGBT National Hotline, the Peer Listening Line, and the Safe Schools Coalition line for intervention.

I told you I would talk a little bit about the Safe Schools Coalition. So this is our mission statement: The Safe Schools Coalition is an international public-private partnership in support of gay, lesbian, bisexual, transgender youth, that is working to help schools-at home and all over the world-become safe places where every family can belong, where every educator can teach, and where every child can learn, regardless of gender identity or sexual orientation. [21:17]

What we do, we have three main parts to our organization. The first one is our intervention services. So again, there’s the phone number it’s 1-877-SAFE-SAFE. That is through the sexual assault resource line that is manned twenty-four hours, so anybody can call this number, teachers, students, parents, and it is then forwarded on to a safe schools intervention specialist. So we’ve had a variety of calls from students who are being harassed
and are too scared to go to an administrator. So we help them figure out what to do. Maybe, they need to make a police report and we sit with them through the police report. We have parents who are feeling that schools are not doing enough for their students so we help the parents who maybe they just don’t know the laws and how things work and we help them get in and work with the school. Teachers have called because they felt that they weren’t being supported. So anybody can call the line and we help in a variety of ways. We also have a speaker’s bureau. We have trainers who will come out to schools and will give trainings to teachers, staff, administrators,. We also have a youth panel. And then the third part is our website and I highly recommend, if any of you haven’t gone to our website, looking at the website. I’m not just saying that because I am a co-chair. It is a really phenomenal website for providing resources. We have resources and if you go to the page it’s organized: resources by type, resources by people who use them. And they vary from if you want information about bullying, or maybe about LGBT safe sex practices. We have hero and role model cards, as I was saying there’s not too much out there for students so we have a whole bunch of famous gay people that they probably don’t know about. And then we also have links to where you could buy some of the posters you want to put up around your school. So I highly recommend the website. So that is what we do at the Save Schools and my time is just about up, so thank you.

Jennifer Harris

I think Gabe is going to hand around a couple of things that I brought. One is a copy of the New Model Policy required under the RCWs, and I’ll explain that in a minute. And also a couple of small pieces of information about the office of the Education Ombudsman, you can keep and share or look at or whatever, however that might be useful to you. Thanks very much for having me here too. We’re glad to have an opportunity we’re kind of a new agency that works directly with families and schools and I’m going to sit down in a little bit. So we’re happy to have an opportunity to come out and share what we do and connect it to the LGBT bullying issue. And also this afternoon I was just going to talk about the office of the Education Ombudsman, but we had our fourth panelist who is from the office of the State Superintendent, the school Safety Center who was going to be here unfortunately became ill and couldn’t make it at the last minute and so I kind of am adding on a segment to try to explain what was going to be covered in that presentation which is kind of walking through the existing RCWs and how that’s evolved and our state’s most recent , the model policy and procedure and what that means and how it’s working and will work in schools. And so I ask you to bear with me a little bit because that was a very late hour edition here. But I’ll do my best to cover it and my panelists can help plug gaps and I see someone in the audience who I know is also very knowledgeable about this And I guess I’ll get underway.

I’m going to talk first about the laws and regulations and how the model procedures evolved and then segue into a little bit, talk about our office and the role we plan and what we can offer students by of support.

I’m really glad to have Heather’s presentation first to kind of provide that context. So we’ve had law in Washington since 2002 requiring districts to have policies prohibiting harassment and bullying. And then in 2007, as you see they added a piece on cyber-bullying and we were sort of going along like that for a while and I think we learned what might seem kind of obvious, but this is how things evolve, that having a statement just saying this is bad and we shouldn’t do it doesn’t actually get us to a place where it’s not happening and we know what to do and how to prevent it and how to respond. So with the evolution, the sad evolution, of this whole situation, both for LGBT students and for students in general
because this is an issue that permeates schools from I mean it reaches more of a peak in your middle school and high school years, but we see a lot of it even in the lower grades and regarding all kinds of issues so it's really kind of, I think it speaks to problems with school cultures.

So in December 2010 Subsident House Bill 2801 directed OSPI the State Superintendent’s Office to develop model policy and procedures. It set up kind of a committee format to do that and the members of that committee was the School Safety Department of OSPI, our office, a couple of staff from our office participated heavily on that, and then the policy director at WASDA which is the state School Directors Association. And so that team met intensively to try to hammer out what would then become the New Model Policy and Procedure. You have a copy of the Policy and I’m sorry the procedure is a more lengthy document and I would encourage you with the links here to look up and read through but I’ll sort of walk you through an outline of it.

So, now, we have a definition of bullying and I think that I’ve kind of bolded parts of it that I think are especially significant and useful. And the new Model Policy I should say didn’t create huge changes from the one that we had in place. But, the procedures is really a big departure and I’ll note that WASDA, the State Schools Directors Association they have many, many models policies for schools on all kinds of subjects. This is possibly the most prescriptive, detailed model procedure that WASDA has ever put out. And I think that that sort of is very indicative of just both how difficult this issue is to address and how much schools and districts did not know what to do and how much guidance in a detailed manner that they are needing to get a handle on the problem. So we see the State School Directors Association sort of stepping beyond where they’ve ever been in the past as far as, as you know education is a local control matter in Washington as it is most places and you’ll find that the State actors tend to be reluctant often to overly micromanage as it might be seen, the areas of local school and district practices that are considered their areas, but here we see that we’re going to have more guidance in this area.

Also, other relevant state laws up here for you to look into. The top one is the one that I’m going to spend the most time on. There’s separate RCW that has to do with the reporting piece and laying out specifics about that it’s illegal, retaliation is illegal and the others I’m going to spend less time on, but are also relevant, worth looking into. And then Bill 1163 which is actually a proposed legislation that’s right now in the legislature that would propose ongoing, continuing this work group of OSPI, WASDA, and the office of the Education Ombudsmen to continue to sort of say our job is not entirely done this is an area that we need to keep working on at the state level.

So the model policies and procedures part includes not just the policy and procedure if you go to actually, OSPI has a on their school safety page, they have a fair amount of this laid out and so I think if you want to kind of find a kind of one stop shopping for the RCWs and the regs. I direct you to go there, all of these are links that you can consult with.

So outlined, the procedure it works on the, uses about the same definition as the policy that you have in front of you, talks a little bit about the relationships to other laws and some of the prevention piece. I think I’m most disappointed in how soft the language is around prevention and changing school culture. It’s kind of in there in the procedures and policy, but it tends to be in a very sort of soft recommended way, not a required way. And I think that’s unfortunately probably a product in just that these things change incrementally. But I would hope that as a state and as our education actors, that we will move towards a place
where that becomes more of a required piece of this because it’s very, very hard, as Heather
I think made clear, to be cleaning up the pieces of this when it’s gone on and it’s gotten
egregious and the harm has occurred and we would be doing so much better to be figuring
more ways to make our schools healthy places where everybody belongs in the first place.
But there are some pieces that go to prevention such as the dissemination of the materials,
policies, and procedures saying that again, suggesting that it be put out to parents in
language they can understand. And saying that schools should train and that we should
adopt prevention strategies. A more mandatory piece is that it sets up a compliance officer
is going to be designated at the district level and the duties of that compliance officer are
described in detail. And so that means that there will be a primary contact for harassment,
intimidation, and bullying and that same officer provides support to administrators in
resolving complaints. They receive copies of the reporting forms and insure that the policy
and procedures are implemented by overseeing the processes and assessing training needs
of staff and things like that. The filing of an incident reporting form.

And then, I think really the meat of the model procedure are the steps, there are seven of
them that tells schools actually how to address the problem. The procedures reiterate the
prohibition on retaliation and it applies targeted students and reporters. It makes them
immune from any retaliatory action. And then directs people to other resources how to
report discrimination how to do that beyond the district like if you’ve kind of pursued your
complaint processes at that level.

Moving along, so I think that the steps here that are key and we do want to see all these.
Filing Incident Report, it talks about status of the reporter, whether they’re anonymous,
confidential, non-confidential and that is giving students options so that if they do not feel
safe being named that’s not a requirement but it kind of explains what the school can and
can’t do based on whether or not the student is willing to be named in the matter. And How
to Receive and Incident Report, notes that all staff are responsible so that whether you’re a
playground monitor or a school counselor, or a teacher, everybody who might receive a
report has to take action and that all unresolved incidences must be reported. So that’s
recognizing that there might be minor incidences that happen that get resolved in the
moment that might not require an incident reporting form. That’s kind of an interesting
thing: I think there is some ambiguity in whether or not that allows some things to kind of
build while on a one by one basis being seen as minor. So Step Three is The Investigation
of Unresolved, Severe, or Persistent Harassment, Intimidation, and Bullying. This is a pretty
crucial part I think that one of the things that our office sees in working on these cases and
even like a lot of just kind of general discipline cases is that schools haven’t really been
trained as investigators and to do investigations not even like law enforcement, that’s part of
the training you would get as a law enforcement official. How do you investigate a matter?
And schools, this is not part of their background and we see schools supposedly
investigating a matter where they talk to one side of the situation and they don’t talk to the
other side, something even quite that basic. And so I think it’s good that they have identified
that because that’s one of the requirements, well I’m sorry, they may develop a safety plan
if that’s a concern. I would argue that that would be always an important thing that they’d
want to spend some time on is an assessment of that. And Family Notification and Follow
Up. As I said what constitutes an investigation, the investigation has to be completed in five
days, confidentiality surrounding an investigation. One of the thorniest pieces of working on
these situations is the that school officials are doubly obligated to the victim and the
aggressor to protect their confidentiality. Everybody wants to know what are you doing?
Did you suspend the other kid? They can’t tell each of the families what they’re doing by
way of taking steps and that creates huge problems because people tend to be fearful,
distrustful, and they often will assume that nothing is being done. Sometimes, nothing is
being done, sometimes things are being done. But unfortunately it’s not an easy thing for,
and that’s one of the things that we try and help with as third parties is creating another
point of contact-someone that students and parents can trust as kind of independent to sort
of help with that process. The Fourth Step is Corrective Measures for the Aggressor; which
are supposed to occur within five days after the completion of the investigation and then
they talk about targeted students’ rights of appeal which they’re supposed to exercise within
five days, discipline and corrective action. And interestingly this does include a little piece
on employees who violate the policy and has some language in there about what some of
the, how they can discipline employees for not complying with this. And then last, but
certainly not least, Support for the Targeted Student which is kind of left a bit vague,
appropriate and that it would be made available. I would argue that this is also an enormous
area that basically; whenever something is left vague it will probably fall down about half
the time.

That’s kind of an overview. I didn’t think I was going to get away with dragging you guys
through all the language up on the screen here tonight but I hope that that kind of gives you
a sense of the scope of what the model procedures are supposed to cover. You’ve got a copy
of the model policy, I encourage you to ask us questions at the end about that and we’ll do
our best to answer them.

I’d like to talk a little bit now about our office and let you people know about that service.
We were created in 2006 by the legislature and started serving clients in 2007. And we a lot
of times people get confused and think that we are advocates for the individual student and
parent much like a lawyer would be and we have to kind of clarity that we are advocating
for fair and equitable processes. And our belief is that when processes are fair and equitable
that will almost always result in a positive outcome for individual students so that’s where
we sort of focus our efforts on.

Our services we, resolve problems between students, families, and schools. We’re meant to
be a starting point, a way in especially for families who traditionally have a harder
accessing the school system, diverse families, families who don’t speak English, fill in the
blank there. Any reason that groups are kind of systematically feel excluded and are
excluded from the school system, those are the parents that we are supposed to be, and it
says it right there in our legislation, that we’re supposed to be aiming our support for. We
do serve all parents here in Washington of all students K-12. We have kind of a few main
functions, the most sort of active of which is resolving complaints or problems direct
between families, parents, students, and schools. We can be contacted by students or
parents. We do need parental consent in order to actually kind of intervene or make direct
contact with schools and that’s a limitation of sorts because I know that sometimes
especially in this area students need the ability to not always have to have their parent’s
permission or cooperation in the situation. What we can do, as I’ll mention is we are always
a safe place, as Heather also emphasized, providing more places where students can call and
have safe, confidential conversations with people helping understand what’s available for
them, what their rights are and help them kind of evaluate what to do for themselves and
how to get the support that they need.

And we do most of our work by phone because we serve the whole state and we are a small
office that’s you know, within our current funding climate has been shaved away at bit by
bit, so we start in a consultative role with the student or parent providing information about
the school system, rules or regulations, helping them understand how policies and rules and
regulations might apply in their individual case. Helping them sort of think through the processes at their school. What have they availed themselves of? Who have they talked to? How’s the communication process going? If people are not being responsive, what are you options? I also want to mention, we use a language line that allows us to converse directly with families in over a hundred and seventy languages. And that’s really been a wonderful tool for opening up conversations between parents and administrators and other school officials that often don’t happen because of lack of resources out there to provide interpretation. And so that’s something that we hope people will continue to learn about and use.

I think one of the things is we help the system identify and sort of correct errors and inconsistencies in their own application of policies and regulations. I believe that as time goes along just the sheer volume of laws and regs and policies and procedures is becoming overwhelming for schools and administrators and teachers and I think even on a good day they are not always likely to be able to retain everything that they need to know. So we see that a combination of sometimes meaning well and doing the wrong thing, not always meaning well and sometimes just doing the wrong thing, but in any case, there being a mechanism of someone who can kind of provide some oversight on the system in a non-adversarial way because to the extent that schools feel that you are coming after them with an enforcement stick, they tend to shut down and they won’t engage with you anyway. So we have a lot of materials that we make available. All of these are available on our website for families.

And then I just want to like get to the topic of bullying. Twenty-five percent of calls to our office, that makes it the second largest area after special education. And if you look at the percentages, I think that the LGBT issues are woven throughout all of those categories more or less, well not all of them, but certainly the first four and the last one. I wish that we did gather statistics specifically on that issue and we may start to figure out a way to do that but it’s not always easy because sometimes that issue surfaces later and sometimes it doesn’t surface at all. But one of the tings we will work with parents is to make sure that they understand if that’s going on and help them to kind of figure out how to support their student if they don’t know how to do that already.

And some more kind of break down in what we see. Under ’Why Students and Parents Contact Us’: not surprisingly lack of school response to bullying concerns as Heather emphasized. And I will say that although we are hopeful and we expect that the new procedures will improve this somewhat, at the end of the day people just do not always follow through uniformly. So I think that we will continue to see even with those procedures in place we will see a certain amount of people just not following them and so we will have to continue to address that.

And I’m running out of time so I’ll maybe touch a little bit more on the discussion piece on how we work directly with those students. I don’t want to cut into Linda’s time.

Linda Mangel

And now we sue. I’m Linda Mangel, I’m the Education Equity Director at the ACLU. It’s a little ironic that I’m here talking about how we sue because my job specifically is to try and do what I call soft advocacy with schools. When we hear about issues of, well I do all kind of civil rights in schools but overwhelming, especially lately because things have been in the news, we’ve been hearing from LGB students who are being harassed. We just filed a
big law suit in the Aberdeen school district on behalf of a student who endured years of
harassment from middle school all the way through high school based on perceived sexual
orientation and race. So my job is to try and reach out to school districts before things
become a problem and advise them on best practices. But I used to be a litigator and so it’s
helpful because when I’ve tried a couple of times and it hasn’t worked we sue. And so I
agreed to come talk about, before I was asked to talk about how to sue and then I couldn’t
persuade our legal director to come in place of me tonight. So that’s just a caveat, so if the
law students start peppering me with questions about litigation strategy, that’s an excuse to
not know answer. Okay, but here I go.

What do we do when all of these policies and procedures and best practices don’t work?
I’ve been doing this for about twenty-five years and I have to say as positive as it is to see
us still passing laws about the importance of having policies and procedures I never feel
great about these new laws because I really don’t know how much they accomplish
because. So let me back up for a second I used to work for the Federal Office for Civil
Rights which enforces the Federal Civil Rights Laws against public schools. And every time
I went into a school because a complaint had been filed about harassment they always had
good policies and procedures they could show me, or they wrote them the day before I got
there, but having policies and procedures really doesn’t do anything if the school isn’t really
committed in its heart if there isn’t leadership at the top so I think these laws are important
and I think they’re especially, the model policies and procedures that have come out have
been really good because it clarifies for parents at least how to complain. Because what
happens lots of times if parents get lost in the whole complaint process. By the time they’ve
been kind of jerked around for a year and they finally realize okay, it’s time to sue and the
time for filing has passed. So if for no other reason than clarifying procedures for parents, I
think some of the new laws we’ve gotten and some of the new policies and procedures can
be helpful.

Okay so what do we do when all else fails? And unfortunately all else fails a lot for LGBT
students far more than other incidents of harassment while schools don’t always do a great
job when we’re dealing with sexual harassment, or race harassment , or disability
harassment, they’re far more likely to look the other way and do this ‘boys will be boys’
thing if we pass a new law...Okay are you guys recording this, okay yeah I’m from the
ACLU and first amendment probably wouldn’t allow this, but I would love a law that
prohibited anybody in a school from saying ‘boys will be boys’ because it’s so awful and
it’s so offensive and it leads to a lot of just kind of validating the social behavior. You
know, students being told, if you dress differently, ‘well maybe you just shouldn’t wear that
to school’. You know students advised, ’maybe if you went out for a sports team, the
bullying would stop’. you know all else fails for LGBT students.

So what protections are out there? I’m just going to touch on a few there’s all kinds of
different ways and tort claims and causes of action that you can bring but I’m just going to
bring you the basic education ones and kind of the pros and cons. There’s a mix of federal
and state laws that offer protection for LGBT students who are victims of harassment and
there’s, what I’m going to do is highlight two legal issues that come into play that counsel
in favor of using one law or the other law and then I’m going to talk about how they play
out. First I want to say that I want to be clear what we’re talking about here and that is
school liability for failing to respond. Schools are not liable for harassment per se.
Nobody’s telling schools that they’re responsible for curing the social ill of harassment and
bullying. What we’re telling schools is they’re responsible when they fail to protect their
students when they know about this. So the big legal issue that is actually brewing now in
Washington State as we’re drafting new regulations is what should the standard of care be for schools in responding to issues of harassment and bullying? There’s what we call the new or should have know standard which says a school is liable if it knew or should have know about the harassment and failed to take reasonable steps to stop the harassment. And then there is the other standard which is the deliberate indifference standard. When I say you can just boo or hiss, it’s a standard we don’t want to see in our new state regulations. It’s a standard that’s being pushed for but we’re hoping it will not carry the day. So we’ve got the knew or should have known standard and the deliberate indifferent standard which says that schools are only liable if they actually knew about the harassment and it was somebody in a position of authority who could really make a difference and they acted with deliberate indifference. Okay, so that’s one issue that you’re going to keep in mind as we talk about the federal and state law. And the second one is really whether or not we want to use sex discrimination as the framework in a particular case or whether we want to look to laws that specifically deal with sexual orientation or gender identity discrimination So that’s another split in the law. Okay, so keep those in mind as I talk about both the federal and state law.

First the federal law, so Title 9 is a federal law that prohibits sex discrimination in schools. Title 9 is enforced by the Federal office for civil rights otherwise known as OCR. Title 9 sex discrimination and sexual harassment is a form of intentional sex discrimination. There’s kind of two pieces to that one is sexual harassment which is harassment that is sexual in nature, but the courts have also found and the agency has also said that discrimination because of somebody’s sex also kind of falls under that umbrella of sexual harassment so if a student is being harassed, because of their sex and kind of the classic example is a girl in shop class who’s being harassed because people feel she doesn’t belong in shop class that’s kind of the traditional way OCR has thought of sex harassment that isn’t sexual in nature. So here’s the thing: Title 9 doesn’t specifically cover sexual orientation harassment. Until recently, what OCR would say is the way they’ve interpreted their own regulations is while it doesn’t cover sexual orientation harassment, if the harassment is sexual in nature, so if an LGBT student is being harassed in a sexual way, groping, lude or sexual comments, maybe the agency would go ahead and take a sexual orientation harassment case, but the example that they used to give was but if it’s simply homophobic slurs or if somebody put a sign on their lunch table that said, ‘no fags can sit here’. Okay, a case like that OCR would say that’s harassment based on sexual orientation and it’s not sexual harassment and we’re not taking it. Okay, but yay, really great news, this past October the office for civil rights issued new policy guidance in what they call these ‘dear colleague’ letters that they send out when they kind of want to change how the law’s interpreted but they don’t want to go through the whole regulatory process. The Bush administration did this a lot but the Obama administration in October came out with a ‘dear colleague’ letter and it was great because first of all very clearly said that the agency will use this new or should have known standard which is important. But what it did which was really exciting was it, under Title 9, so in each section it gave examples of harassment and under Title 9 where it gave examples of sexual harassment it specifically used an incident of a gay student who had been harassed because of their sexual orientation and then they went on to say that, and I’m going to read it here that, ‘gender based harassment including acts based on gender stereotyping are covered under Title 9. Students harassed because they don’t conform to stereotypical notions of how a teenage boy or girl are supposed to act or appear will be protected under Title 9.’ Now this hasn’t been tested yet, but it’s really exciting to see because what it does is give a whole new avenue to redress to victims of harassment. So the Federal Office for Civil Rights what it can do is it can bring complaints
to school districts and bring injunctive relief, essentially. You can’t get monetary damages but it can be a very effective way of taking care of the problem. Sometimes all that a school district news is a letter from OCR saying we have received a complaint and it gets...five minutes really? Start talking faster. So that’s one great development. So it’s something to think about as advocates you now have Title 9 and filing a complaint with OCR as a very significant avenue of redress.

Pros and cons of using Title 9. As I said you can’t get monetary damages but it does get you some kind of redress without having to go and get a lawyer. Here’s the down side of using Title 9 if what you’re thinking about is suing filing a private cause of action. In 1998, the Supreme Court took what everybody had understood to be the standard in private causes of action for sexual harassment under Title 9. It had been widely assumed and held in the ninth circuit that the standard was what I described earlier this knew or should have known standard and in the Davis v. Monroe this 1998 case the court said, ’wrong’. Because Title 9 is a funding, you know in five minutes I’m not going to get into all of the reasons why. They were wrong but they laid out some really good rationales. Distinguishing Title 9 from other private causes of action and saying that it would be unfair to impose a knew or should have known liability on school districts simply because they are receiving federal funds and we are going to impose this deliberate indifference standard. Oh, good, boo. So nobody sues under Title 9 anymore for private causes of action unless you really believe you have a really egregious case and you can prove deliberate indifference. In the Aberdeen case the ACLU has plead deliberate indifference because the facts were so egregious but this was really disappointing.

So what do we do here in Washington State? For the most part we now turn to our state public accommodations civil rights laws. 4960. A couple of reasons, 4960 specifically includes sexual orientation discrimination. So you don’t have to get into tying the incident back to gender based stereotypes. Now there’s no clear ruling on this knew or should have known or deliberate indifference standard under 4960 but we’re pretty confident that the knew or should have known standard is what will be implied under 4960. The Washington law is almost identical to a similar New Jersey law and the New Jersey courts have ruled that the rational and the reasoning in Davis v. Monroe just doesn’t make any sense when you’re looking at a straight discrimination law and it doesn’t apply. The knew or should have know standard has always been the standard articulated under OSPI the standard of care that schools should be applied to. So we’re fairly confident that under state law we’ll have the knew or should have known standard.

Now, I wasn’t going to be able to poke fun at OSPI because Jeff wasn’t here, so they’re in the audience so I got to go ahead and Callie who’s in the audience can defend OSPI if she wants. So we got this great new law passed last year. I still call it House Bill 3026, but it’s RCW 28A642. It’s this great new law. So in Washington State forever, we’ve just had this law that’s under the common education law, the common school law, we only had a law that prohibited sex discrimination, we didn’t have an education law that prohibited other discrimination. So we got this great new law that passed this last session that protected a whole bunch of new classes including sexual orientation and gender identity as protected classes, so we thought, ‘great, now we’ve go this new tool in our tool kit for students who are being harassed based on sexual orientation’. So OSPI was told to go and draft new regulations, they came up with some draft regulations in August of 2010, that had expressly included the knew or should have known standard which is the correct standard under this law. Then some stuff happened and OSPI came out with formal proposed regulations that removed the knew or should have known standard. So a whole bunch of us at the table and
a lot of other advocates and parent groups and organizations and stakeholders have written to OSPI and said, ’no, no, no, this is wrong you’re not carrying out your statutory obligation to effectuate the law by not clearly stating that the standard for harassment cases should be knew or should have known’. And we haven’t heard yet, so we don’t know what the answer is going to be and if they go with the deliberate indifference standard or if they are silent on it I think all of us will put our heads together next and decide what to do. But I think it’s really important to note that in the employment context under Title 7 if you are a grown up at work and you are the victim of harassment, your employer is held to a knew or should have know standard, they have an obligation to act if they knew or should have known and if they don’t act, they are liable. So how crazy is it that we then send kids to school and give their parents more protection at work than we give them at school? To me that’s just an outrage. So okay, so I’m done, so if maybe during the question and answer if anybody wants to ask me if there are constitutional claims available, I’d be happy to answer.

Lisa Kelly

And Jennifer has asked for one minute more and in fairness to Jennifer, she has taken on a lot at a short notice for OSPI.

Jennifer Harris

Thanks, I was kind of bemoaning that I ran out of time especially[1:05:34] as I was just getting to the part of talking to you guys about sort of how I think we can support LGBT students, the whole point of this but I’m actually glad because I think what I just want to kind of say is that you know, all across the state of Washington if you are not lucky enough to have staff at your school like Heather who understand all of this and are proactive and setup wonderful programs and you’re not able to access the legal system ACLU and the Clearline and other resources, even if they work as hard as they possibly can they can only really help a limited number of students and an even more limited number have parents who are going to be both supportive enough and have the money to fight their case for them in a legal manner. That leaves a lot, a lot of kids in purgatory. And so, I guess that’s why I just, I want to just clarify a little bit about why we think that we can be kind of a place for all the kids in purgatory to come to get some support and help in sorting out their problems.

And there was a slide on this but I’m just going to run through these bullets. So as I said providing a safe confidential place to go with your issues and concerns with or without parental consent. Help working with the school to successfully implement responsive action, that would be with your parent’s participation. Bridging the gap between safety and education concerns because often times just sort of flailing around in the safety part, the education piece goes totally out the window. Having a neutral independent third party who can facilitate, offer facilitation to resolve an issue that is usually high stakes, contentious positions, often involves violence, safety concerns, taps into feeling discrimination of identity, all of these mean that every single conversation that people are trying to have at school is loaded and ninety-nine percent of the time is just a complete failure. Support and facilitate efforts in dialogue.

And then we have resources on our website under our tab for families. An example for how, let’s take some examples from the model procedure and I’ll just show you how this kind of plays out. So the model procedure says that when despite school efforts the bullying is happening the district must convene a meeting between the school/district and the parents/guardians to develop a safety plan. Well we’ve found that these meetings are very
often unsuccessful unless there’s assistance from a third party because trust and communication has broke down so egregiously at this point that nobody is actually effectively talking to each other exchanging the kind of information that they need in order to get to good solutions.

There’s a filing report process, well students and parents may be very confused about whether or not they should do this confidentially whether they should do it openly. They might have a lot of fears about different staff, so having a private kind of consultant to basically help you sort through who you need to tell if you need to identify yourself what are the pros and cons of that. What are the other options? The investigation process, if we are involved, we’re going to be insuring that a trusted adult in the system is identified for the student and involved. We are going to point out that communication, information gaps have occurred and that that’s why they are not getting to a solution that is why they are not finding an effective safety plan we’re going to help the school and district communicate with the student and parent regarding their competing interests and concerns that they have to address in the process.

School officials, whether you love them, hate them, one problem is that they’re sort of stuck in the middle of everybody and they’ve got obligations to the aggressor’s parents and the victim’s parents. And I think you know we might not always feel like we can sympathize with the aggressor, but they’re kind of a screwed yup kid too, and their parents are kind of freaked out and defensive and trying to figure out how to help their own child who is suddenly in this terrible role. So there’s a lot of really complicated dynamics and unfortunately it’s also not something, you know, school officials, they are not trained to be mediators, they’re not really, necessarily trained in effective communication skills.

And then the appeals process it’s certainly a bewildering thing for a lot of parents so they’re going to need people to guide them through that process to do on their own. And I’m so glad that as time goes on, you know, we have more legal resources available to parents. Of course the irony is that the more we spell out what school administrators, in some ways the more out that gives school administrators whose heart’s not in it as somebody said because they can say look we checked off all these boxes, look we did everything, try and prove that we didn’t. And yet nothing effective really happened. So it’s kind of a huge, you know, it’s not an easy thing getting from here to there. But anyway, I just wanted to kick in that piece.

Lisa Kelly

Thank you. Okay so now is your chance to ask some questions. This is a very complex situation both in terms of the law and social dynamics and so we wanted to give the audience an opportunity to speak. Does anybody have any questions?

[Audience Question]

Lisa Kelly

Okay so to repeat the question because we are being taped, and this will be podcast both the Q-laws website and Outlaws website. So the question is how does one address the issue of gender identity and the very everyday issue of [inaudible].

[Audience Question]
Linda Mangel

So I’m going to talk a little bit about an ACLU matter that I didn’t handle so I’m not going to get everything exactly right. The issue of bathrooms in elementary schools is one that we have been dealing with and we’ve gotten a few calls about it and we’ve just successfully negotiated with the school about this. And of course what happens, I think it was, god, a second or third grader who identified as a boy and wanted to use the boys’ bathroom and so the accommodation that the school made was that he could use the faculty bathroom, the gender neutral bathroom that was outside the building and that was working for a little while before they came to us and we said that’s not an effective, reasonable accommodation. And then there was a substitute teacher who then gave the little boy a hard time time about, ‘why do you have to go all the way out to that bathroom go to this bathroom’. And so we worked with the school district and the school district came up with the plan about, you know, that he would be used by the he pronoun and that he would be using the boy’s bathroom. And we’ve actually just come out with a Rights of Transgender Individual Handbook it’s going to be published soon And there are some model policies for school districts on how to handle this bathroom issue because it’s actually a really common issue.

[Audience Question]

Linda Mangel

It’s a very real issue for kids and at the elementary level is how we’ve heard it. And so I don’t know how exactly the law is going to play out because thus far the schools have worked with us and changed their policies.

[Audience Question]

Linda Mangel

No, can’t say that.

Lisa Kelly

So thank you for that question, good question.

Audience 2

Just a comment, the Trevor Project is a great hotline that maybe should be included in you resources for and has got a tremendous momentum now big money coming in from celebrities and foundations, they’re amping it up considerably. Not well know in this area but really functional on a national level. And you should probably include that because it’s probably the biggest network of information and phone anti-suicide work that now exists.

And then a question for you in terms of the resources at school, what about out teachers? Do things work better when there is really an obvious out gay or lesbian teacher in the school where kids feel that they can communicate directly?

Heather Murphy
You’re asking if students feel safer if there’s an out teacher?

Audience 2

Well they would, but why isn’t that part of the dimensional solution to this problem? School districts that are more accommodating to having very out teachers and that’s very okay because it enhances communication potential?

Heather Murphy

Yeah, that definitely would and I’m sure that students would feel surely safer if they had that sort of out teacher. I was citing a lot of the research and unfortunately on the national level, there aren’t that many out teachers out there to be able to be surveying the students to ask them how they feel about having an out teacher because unfortunately it’s not all that prevalent.

Audience 2

But is there any project that seeks to bring out that issue to school districts if they would be more supportive and accommodating so teachers felt like they could come out within the teaching profession in their schools because it would prevent some of these real problems? I mean, hey I grew up in a different era I knew who all the queer teachers were, I mean there were half a dozen, they were as obvious as could be but nobody ever felt like they could possibly say that in the fifties. It wasn’t like you know, we could kind of figure it out.

Jennifer Harris

I’m just going to chime in just from personal experience I actually went to a very progressive independent school when I was a kid through eighth grade. There were numerous out teachers at my school, we as kids knew that the gym teacher and our sixth grade teacher were in a relationship. My sixth grade teacher as gay and it was a very common thing at my school. It does make a huge difference. That culture was prevalent and it mean that it was okay, for example, that when were in sixth grade and we learned about civics and it happened to coincide with Harvey Milk running for supervisor we went up to San Francisco to learn about that first hand. So I guess I mean I’m going to just sort of say that from personal experience, absolutely. I don’t think that is something that we could ever mandate in public schools and I think it would be a school by school kind of thing that would have to happen kind of organically.

Audience 3

I was wondering if you could kind of elaborate a little bit on the constitutional remedies?

Lisa Kelly

So the question was elaborating upon the constitutional remedies.

Linda Mangel

Actually I said that but I don’t have that much to say about it only because because we’ve
had such good state and federal laws that deal specifically with it there’s not a lot of need for it. However courts have found equal protection violations and then of course we have our state equal rights amendment which is very strong, stronger than the federal equal protection clause. So in order to bring a sexual orientation harassment case what you need to argue is that students who are victims of sexual orientation harassment are provided less protection than students who are victims of other forms of harassment. So, in our Aberdeen case that I described to you, he was the victim of race harassment and sexual orientation harassment and we’ve alleged at least when the race harassment issue was brought to the school they acknowledged that it was prohibited and the took some steps around it. They didn’t fix the problem but they at least kind of fumphed around it. And the sexual orientation, when they really told him to dress differently, there was no acknowledgment. So there we just had great facts. So courts have in fact fond that there is protection under the equal protection clause, but you need to have that dichotomy of treatment.

Audience 4

So, hi I work for Lambda Legal and I say that because I so much come from the same perspective that what I’m hearing here tonight the importance of effective policies, having policies in place that are clear that are barring the types of behavior that we want to stop and the importance of [inaudible] I’m also the parent of two third graders and coming from that viewpoint I would love to hear more from you the panel here on how do you see a school culture changing? How can you get down to a much more nitty-gritty level and see effective cultural change in our schools? And I say this again I [inaudible] I think our school has been pretty good at being anti-bullying and promoting that anti-bullying policy for years now and in elementary school, again I am speaking particularly at that level because I think the GSAs generally kick in later and you don’t see that coming in I think there can be an argument for one maybe to start a little earlier but I see [inaudible]. So I’ve seen that when there’s a culture at a school of promoting anti-bullying all the time this sort of seeps in it doesn’t even always have to be expressed, although it’s better if it is. But it seeps into where the kids themselves feel that it’s just simply not okay to do it, doesn’t mean it never happens but it’s a lot better when you have that. How do you develop that culture in a place that doesn’t have it? Because the enforcement’s key and that’s huge but there’s got to be something more to make people want it.

Heather Murphy

One of the things that I would really love to see more of is inclusive curriculum. Talking to young students, I mean as young as kindergarten/first grade you know so and so has two mommies. Because when you see these young kids they don’t have society’s ideas that that’s wrong that there’s something wrong about that and they’ll be like, ’oh so and so has two mommies’. So they’ll read the story and they’ll have that general understanding that some people have mom and dad, some people have two mommies, some people have two dads. I would love to see tings like that included more in the curriculum. As you get older to be talking just about differences in identity, differences in gender expression those are conversations that rarely ever happen in classrooms. And when they talk about famous people you know, to talk about LGBT famous people because there really are no role models that students have that they can look up to. So I’d really like to see more conversations in the classroom that incorporate those issues.

Linda Mangel
I think part of the question I think is, so we know, and I think Jennifer you can probably talk about this. I think there have been some studies that came out that really validated that doing these kinds of anti-bullying things having them really organic in every class and just part of the curriculum really do make a difference in reducing bullying. So the question I have is how do you get these schools to do this? So how do you change the culture in Aberdeen, right so I think sometimes that’s just where the law comes in. I mean if you have communities that aren’t comfortable with this and aren’t going to naturally adopt this kind of curriculum, I think at some point you have to just say this is what’s in the best interest of our kids and if you’re going to be taking care of our kids, you have to do this. If every building in our state had a leader who just said, ‘okay so not in my house this just isn’t going to happen, if you want to bully people if you want to make other people feel less than you go home and tell your parents to move you to another school, because there’s no place for you here’. If that happened in every building we just wouldn’t have this problem and so it’s just building leadership. One of the things that I know Safe Schools has worked on and at their urging, the ACLU is looking into this is making bullying prevention and intervention a pre-certification requirement for teachers so not just that they get the training but you can be certified as an administrator as a teacher you’ve gotten this as part of your core curriculum at school So it may not be that we can fix the administrators who have been there forever, but at least the new people coming up will be sensitized to it so that the next generation of teachers, because it’s really frustrating and you’re kind of getting right at it.

So I have to say I have a fourth grader they’ve got the three R’s like reasonable, respectful, they have this great anti-bullying and there’s so little bullying, but ‘that’s so gay’ is everywhere still. It’s everywhere and even when you have teachers who say, ‘don’t say that’, that doesn’t really fix it they need the tools to...and I actually think that Safe Schools Coalition has something on their website that is a link to a resource that tells teachers what to do how to intervene when you hear kids say, ‘that’s so gay’. And I just forwarded it to our school counselor. So just peppering the schools with positive information also can help change a culture.

Jennifer Harris

Yeah I agree with all those, can I just add a little on this same topic? Yeah, we go out and we do trainings with teachers and prospective principals on conflict resolution and communication skills. And I get a question when, and we always spend some time talking about bullying as a context. And I get this question, ‘how do you distinguish between bullying, this serious thing, and kids just being mean?’ And I always find that sort of an odd question because I’m like well if you add up twenty incidences if kids just being mean, especially the same kid, voila, here we are. So to me it kind of begs some kind of a question about why do we feel okay about meanness but for some reason, like terrorisation, well that’s not good but meanness, whether you want to say boys will be boys, or kids will be kids, so I do think that like what Linda was saying that not just kind of being tuned at the seemingly harmless level of kids being mean and nasty to each other. Why don’t we cultivate cultures in our school where we its just like hey wait a minute why are we saying that even once? That doesn’t belong here. We’ve learned at the International Bullying conference last summer we learned about a book that people could check out Schools Where Everyone Belongs by Stan Davis and Julie Davis, practical strategies, I’m sure there’s a million books out there and I can’t swear that this is the best one. So anyway, I think that kind of a combination of nipping it in the bud at the minor incident level and we feel that it’s kind of tragic that we get contacted when things are just so far down the road, it just so sad. And what we would like more and more is for people, parents, too. is to be concerned at the very beginning and not just well why don’t we wait and see if it somehow
disappears. It doesn’t disappear, it just gets worse.

Lisa Kelly

I hate to end on that exact sentence, it just gets worse, let’s go drink. I think there is a reception that we have planned down the hall and we hope that you will join us there and we can talk some more about this because clearly there is a lot of strategizing that we can do together a lot of things that we can do to move the ball forward to change school climate. But before we go I wanted to make sure that we thank the sponsors of this event, so I’d like to thank the Q-Law Foundation, the ACLU of Washington, the Pride foundation, Lambda Legal and our very own Gates Public Service Law Program and of course all of the hard work of the Outlaws, our student organization here at the UW. Thank you all and hope to see you all down the hall.

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