What is the Student Non Discrimination Act?

The Student Non Discrimination Act, last introduced by Representatives Polis (D-CO) and Ros-Lehtinen (R-FL), and Senator Franken (D-MN), addresses the serious problem of harassment and discrimination against lesbian, gay, bisexual, and transgender (LGBT) students. Specifically, this critical bill would:

- prohibit discrimination and harassment based on actual or perceived sexual orientation or gender identity against students in federally funded schools and
- provide aggrieved students with legal recourse in the event of such discrimination and harassment.

Harassment and Discrimination in Schools Is a Real Problem with Serious Consequences

Bullying and physical harassment in schools is a serious problem with real and lasting consequences.

- Research shows that students subjected to bullying and harassment suffer academically. Students who are bullied exhibit lower academic performance, including lower achievement in math and reading.¹

- A recent statewide survey in Virginia found that students in schools with higher rates of bullying and victimization scored lower on standardized tests than students in safer schools.²

- Students who are bullied have lower self-esteem and higher levels of anxiety, depression, and loneliness than their peers.³⁴

- While Federal statutory provisions expressly address discrimination on the basis of race, color, sex, religion, disability, and national origin, they do not do so on the basis of sexual orientation or gender identity.

LGBT Students are Particularly Likely to Experience Harassment and Discrimination

Scientific evidence highlights the disproportionate prevalence of harassment and discrimination experienced by LGBT students, as well as the toll of such treatment.

- Data from the Youth Risk Behavior Survey revealed that sexual minority high school students experience a range of negative health outcomes. For example, the median proportion of students who reported feelings of sadness and hopelessness ranged from 37.6% to 56.3% across sexual minority samples as compared to a median of 24.8% in the heterosexual sample. Similarly, the median proportion of sexual minority students who reported suicide attempts ranged from 18% - 28.5%, while a relatively smaller proportion (6.4%) of their heterosexual peers reported suicide attempts.⁵
• This study also indicated that sexual minority students report higher rates of rates of physical altercations (medians ranged from 35% - 42.8% across sexual minority samples) and absenteeism due to safety concerns (medians ranged from 12.7% - 21.1%) compared to their heterosexual peers (medians of 29% and 4.8%, respectively).  

• In a review of several large samples of middle and high school students, the Institute of Medicine found evidence that homophobic victimization and discrimination largely explain the relationship between gender orientation and gender identity and both depression and suicidal behavior.  

• A study of more than 7,000 LGBT middle and high school students across the U.S. found that nearly 90% reported experiencing harassment at their school based on their sexual orientation or gender identity within the past year. Two-thirds said they felt unsafe at school because of who they are.  

• Over 92% of LGBT youth surveyed reported hearing homophobic remarks from other students; over 56% reported hearing homophobic comments from faculty or other school staff. Nearly one-third skipped at least one day of school within the previous month because of concerns for their safety. Tragically, rates of attempted suicide are significantly higher among LGBT youth than their peers.  

Policies to Address Harassment and Discrimination of LGBT Youth Make a Difference  

• Current federal provisions do not protect against harassment and discrimination based on sexual orientation or gender identity.  

• LGBT inclusive school policies are associated with greater perceptions of safety and well-being, as well as fewer experiences of anti-LGBT harassment. Such strategies include nondiscrimination and anti-bullying policies that enumerate actual or perceived sexual orientation or gender expression.  

Student Non Discrimination Act Status  

The Student Non Discrimination Act was last introduced on March 10, 2011 in both Congressional chambers. In the 112th Congress, H. R. 998 had 155 House co-sponsors and was referred to the House Education and Workforce Committee’s subcommittee on Early Childhood, Elementary, and Secondary Education. S. 555 had 37 Senate co-sponsors and was referred to the Senate Health, Education, Labor, and Pensions Committee.  

APA Recommendation  

Based upon current scientific evidence related to the pervasiveness and consequences of bullying and discrimination against LGBT youth, APA strongly supports the Student Non-Discrimination Act. By prohibiting discrimination based upon sexual orientation and gender identity, we can protect the health and well-being of LGBT youth and make our schools safer, more productive places to learn for all students.  

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