

# Living in the Margins:

A Report on the Challenges of LGBTQ Youth  
in Maryland Education, Foster Care, and  
Juvenile Justice Systems

2014



**YEA!** youth  
equality  
alliance  
supporting LGBTQ youth in Maryland

# Acknowledgements

Formed in May 2013, the Youth Equality Alliance (YEA) is a working group of Maryland advocates from various services providers, nonprofit organizations, and government agencies that seeks to identify policy, regulatory, and best-practice solutions to problems faced by lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) youth. This report briefly outlines the current challenges facing this population of youth as they navigate the state's education, foster care, and juvenile justice systems, and proposes specific and realistic recommendations for addressing these challenges. The YEA is coordinated through FreeState Legal Project, a statewide legal advocacy nonprofit organization serving low income LGBTQ individuals and families.

We want to thank the following individuals who assisted in the research, writing, editing, and design of this report: Vianca Diaz, Mario Hernandez-Gerety, Rebecca Simpson, Tyler Mendelsohn, Miriam Sievers, Saida Agostini, Diana Philip, Anne Blackfield, and Aaron Merki. Special thanks to Brion McCarthy Photography, including the talents of Rachel Machesky and Leah Sarah Bassett, and those photographed for this report: Vianca Diaz, Shakira Ellis, Stormy Kammerer, Nyasha Dixon, Rachel Scorpio, and Jessica Conteh. Youth involved in the photography project also provided insight and suggestions for the captions. For a complete list of those who helped form YEA and contributed their knowledge and feedback in the development of this report, please see Appendix B.

This report is available at [http://www.freestatelegal.org/LGBTQ\\_youth\\_report](http://www.freestatelegal.org/LGBTQ_youth_report)  
or visit <http://www.freestatelegal.org/what-we-do/policy>.

Please cite this report as:

Youth Equality Alliance, "Living in the Margins: A Report on the Challenges of LGBTQ Youth in Maryland Education, Foster Care, and Juvenile Justice Systems" 2014, Baltimore: FreeState Legal Project

*Cover image: Riding on the Charm City Circular, the free public bus system in Baltimore. Without school or work, many unaccompanied homeless LGBTQ youth ride the bus during the day, waiting for the next opportunity to find food, interact with other youth, or access money or resources needed to survive on their own.*

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*Standing outside one of the few youth drop-in centers in Maryland, Baltimore's YES (Youth Empowered Society) is a safe space for youth, who are homeless or on their own. Youth between ages 14 and 25 can have basic needs met, establish supportive relationships with peer counselors and allies, and make and sustain connections to long-term resources and opportunities.*

*This report is in dedication to Kay Halle, Baltimore native, lifelong advocate for social justice, and a leader in the Baltimore chapter of the Gay, Lesbian, Straight Education Network (GLSEN). Throughout her life, she was dedicated to making the world a better place for youth, and worked to that end by launching GLSEN Baltimore's Safe Space for All Program in 2011. The program is a city-wide project to promote the safety and success of LGBTQ youth in public schools through educator training, student support, coalition building, and establishing Gay Straight Alliances to promote student activism against bias and harassment of all forms. The program, and her significant contributions to this report, live on in her memory.*

# Executive Summary/Introduction

In recent years, Maryland's lesbian, gay, bisexual, transgender or queer/questioning (LGBTQ)<sup>i</sup> community has secured several new rights, including the right to marry and the right to be free from gender identity discrimination in employment, housing, and public accommodations. Yet, much work remains to be done in order to guarantee that all LGBTQ Marylanders are protected, safe, and equal - especially youth. According to the 2010 U.S. Census, an estimated 621,608 youth, ages 10 to 17, live in Maryland, as do 322,140 young adults, ages 18 to 21.<sup>1</sup> Based on national studies, 5% to 10% of youth identify as LGBTQ.<sup>2</sup> For Maryland, that means that between 47,000 and 95,000 youth identify as LGBTQ, not including the thousands who may be unsure about their sexual orientation or gender identity.<sup>ii</sup> This population faces unique challenges to their ability to lead healthy and productive lives.



Formed in May 2013, the Youth Equality Alliance (YEA) is a statewide group of advocates and professionals from various services providers, nonprofit organizations, and government agencies that seeks to identify policy, regulatory, and best-practices solutions to problems faced by LGBTQ youth. The YEA's first report – this report – *Living in the Margins*, briefly outlines the current challenges facing LGBTQ youth as they navigate Maryland's education, foster care, and juvenile justice systems, and proposes specific and realistic recommendations for addressing these challenges.<sup>iii</sup>

Negative labels like “delinquent” or “target for intervention” are often applied to our youth. They are often excluded from conversations focused on their well-being, told that they do not have rights or civil liberties, and are generally not empowered to better their own lives. Youth who identify as LGBTQ are even more marginalized. Of those parents, guardians, case workers, school personnel, and others charged with caring for them, many still believe that adolescents are too young to be aware of their sexual orientation, that being LGBTQ is a “phase”, or that individuals can change their sexual orientation or gender identity through counseling and intervention. This culture of ignorance and misinformation has dire consequences.

<sup>i</sup>For the purposes of this report, we use the term LGBTQ to include gender nonconforming and Two Spirit individuals. However, it is important to note that depending on region and culture, many youth choose to identify themselves using a variety of terms, while others decline to identify their sexual orientations or gender identities at all.

<sup>ii</sup>It is important to note that studies on the number of LGBTQ youth in the United States produce varying results. Like LGBTQ adults, not all youth freely self-identify their sexual orientations or gender identities. Studies also indicate that although youth as young as pre-school age may be aware of their own sexual orientations or gender identities, other youth report being uncertain how to identify themselves throughout their teens, while others remain unsure through their early adult years.

<sup>iii</sup>Some of the statistics in this report have to be extrapolated from national studies due to the fact that Maryland does not keep comprehensive data on the sexual orientation or gender identity of youth in its public institutions. While some data has been collected on the experiences of LGBTQ youth in Maryland's schools, similar information has not been collected for LGBTQ youth who have been involved with the foster care or juvenile justice systems. Therefore, the Youth Equality Alliance (YEA) has begun gathering qualitative and anecdotal evidence demonstrating both that Maryland's agencies have implemented policies and programs that have had a positive impact on Maryland's vulnerable LGBTQ youth, as well as to inform of the work that has to be done. Although this report focuses on these three systems, we acknowledge that there are other issues that can negatively affect the wellbeing of LGBTQ youth in Maryland.

Throughout the United States, there is a growing recognition among youth advocates that LGBTQ youth are at a heightened risk of entering the “school-to-jail pipeline”. Our public institutions and systems – primarily the education, foster care, and juvenile justice systems – are also among the most challenging environments for LGBTQ youth. School environments can be extremely hostile to LGBTQ students. When LGBTQ youth are bullied at school, school personnel often fail to address their needs. These youth and their bullies are routinely suspended, expelled, and criminalized, pushing them into the juvenile justice systems. Those youth who are not “out” to their parents or guardians are unable to turn to them for fear of rejection. When their families become aware of the reasons behind the bullying and their homes turn unaccepting or violent, these youth may be forced to leave. Too many find themselves on the street, vulnerable to harassment by law enforcement for curfew violations or truancy, as well as exploitation while engaged in survival crimes such as drug dealing and prostitution.

Some of these youth may enter foster care; however, not all placements are open to receiving LGBTQ youth, and the foster system can also be hostile to LGBTQ youth due to institutional bias, lack of training, and the prejudice of foster care parents. As a result, many of these youth are removed from, or run away from, these temporary placements. Approximately one in four LGBTQ youth are kicked out or run away from their living situations and as many as 40% of homeless youth identify as LGBTQ.<sup>3</sup>



High rates of homelessness result in an increased risk of involvement with the juvenile justice system. In court, judges, advocates, and case workers often misunderstand the reasons why LGBTQ youth are truant, homeless, or unemployed. In juvenile facilities, these youth experience challenges safeguarding their health and safety, and difficulty trusting

adults who might seek to change or punish them for their sexual orientation or gender identity. Once released from custody, many of these youth face further barriers to finishing school, becoming employed, or locating stable housing, as well as experience negative long-term outcomes with regard to mental and physical health, resulting in a cycle of arrest and incarceration.

Statistics from national studies help tell this story:

- Approximately 64% of LGBTQ students feel unsafe in their schools because of their sexual orientation, and 44% because of their gender expression.<sup>4</sup>
- One-third of LGBTQ youth will never finish their high school education.<sup>5</sup>
- Three out of four LGBTQ youth experience prejudicial treatment by foster care service providers because of their sexual orientation or gender identity.<sup>6</sup>
- As many as 70% of LGBTQ youth allege they were victims of physical violence in foster care group homes, and 78% report that they were removed or ran away from their placements.<sup>7</sup>
- LGBTQ youth are 40% more likely to be arrested than non-LGBTQ youth.<sup>8</sup>
- Approximately 80% of juvenile justice professionals cited physical safety as being a critical problem for LGBTQ youth in juvenile facilities.<sup>9</sup>

The Youth Equality Alliance seeks to identify solutions to problems faced by LGBTQ youth who experience bullying, harassment, intimidation, and discrimination in the education, foster care, and juvenile justice systems.

In addition to describing the many challenges LGBTQ youth face in the education, foster care, and juvenile justice systems, *Living in the Margins* summarizes what authorities in the State of Maryland have already accomplished in addressing the needs of this population.<sup>iii</sup> The report concludes with separate recommendations for each system, spanning from staff training to statewide policy changes. Some of the recommendations made by the YEA include:

- Mandated training for professionals in direct service as well as administration to increase awareness and knowledge of the needs of LGBTQ youth
- Clear policies for prevention and intervention of bullying, harassment, discrimination, and abuse of LGBTQ youth by their peers, as well as by staff
- Effective and sustainable procedures for statewide monitoring the implementation of these policies
- Authentic assessment of the needs of LGBTQ youth
- Adequate staffing of liaisons to promote the health and safety of LGBTQ youth
- Clear communication on how LGBTQ youth may engage in confidential grievance procedures
- Expansion of comprehensive resources for LGBTQ youth to access while in the system
- Initiatives to promote a more positive culture for LGBTQ youth

The work of the YEA will take several years. In its inaugural year, the YEA reviewed available studies, collected information from various sources, and defined the problems facing LGBTQ youth in Maryland, as outlined in this report. We anticipate that annual reports will be released each summer, detailing YEA's work in coordinating research, professional training, and policy development initiatives, as well as efforts to assist Maryland's education, foster care, and juvenile justice systems in adopting these recommendations.

Finally, the YEA believes that youth are too often the subject of public policy discussions, yet seldom involved in them. The YEA seeks to ensure that LGBTQ youth are empowered to participate in, and lead efforts focused on protecting them. We believe that Maryland youth are waiting to be invited, willing and ready to participate. Who better to advise policies and programs focused on protecting LGBTQ youth, than LGBTQ youth themselves? YEA members look forward to making Maryland a safer, more affirming place for LGBTQ youth to learn, live, and thrive.



<sup>iv</sup> However, it is important to note that many YEA members who provided background and/or contributed to the content of this report cited frustration in being cognizant of the types of problems and conflicts LGBTQ youth experience, but not being able to rely on studies conducted in Maryland to better inform more detailed recommendations.

# I. LGBTQ Youth: Rejection at School



*All of Maryland's youth should be attending schools in which they feel welcomed and safe. They should be exposed to curricula that reflect positive role models and walk through hallways free of hateful speech. They need protection from physical and emotional abuse and access to supportive staff when seeking intervention. They deserve environments that encourage them to reach their academic potential and acquire skills they need for employment and independence.*

There are approximately 377,500 youth enrolled in Maryland's middle schools and high schools.<sup>10</sup> Since studies suggest that 5% to 10% of youth identify as LGBTQ, this means that an estimated 19,000 to 37,000 of Maryland's students may identify as LGBTQ. This number does not include non-LGBTQ students who may be perceived by their peers to be LGBTQ.

Despite growing awareness of LGBTQ bullying and the efforts of advocates and lawmakers, students continue to face high rates of harassment by peers and school personnel. Information about the types of these occurrences are described in the 2011 results of the *National School Climate Survey* by the Gay, Lesbian & Straight Education Network (GLSEN), a national LGBTQ advocacy organization.<sup>11</sup> This biennial survey provides a look at the experience of Maryland's LGBTQ students and shows that a significant number of our students do not feel safe, supported, or accepted at school.<sup>12</sup> The following are key points from the state survey.

## **LGBTQ Students May Feel Alienated by Their School's Environment**

Most students attend schools where anti-LGBTQ slurs are part of everyday conversation. Of the Maryland youth surveyed, 90% reported hearing their classmates use anti-LGBTQ language ("that's so gay," "fag," "dyke,") on a regular

## **LGBTQ Youth in Maryland Public Schools**

As a transgender girl, Alyson experienced daily bullying and harassment at school. Over the course of several years, she filed over twenty bullying reports with school personnel, all of which went unaddressed. She slowly slipped into depression, became suicidal, and risked failing out of school.

Despite the constant abuse, Alyson had no disciplinary record, and had never gotten into a fight. But, in the middle of her sophomore year, she was called a "tranny faggot" by one of the boys who regularly bullied her, and a fight erupted.

The bully was given a short suspension, while Alyson was recommended to the Superintendent for expulsion. At a hearing with the Superintendent's designee, legal counsel for Alyson explained that the school system was in violation of state and federal law for failing to protect Alyson from constant abuse based on her gender identity.

After several reforms were implemented at her school, Alyson's situation improved, but many other LGBTQ students in Maryland are not so lucky.



basis.<sup>13</sup> School staff contribute to this negative atmosphere: 21% of students regularly heard staff use homophobic language and 26% observed staff making negative remarks about someone's gender expression.<sup>14</sup>

Many of Maryland's LGBTQ youth attend schools in which the LGBTQ community is invisible. Only 21% reported being taught about positive representations of LGBTQ people, history, and events.<sup>15</sup> Slightly more than half were able to access information about LGBTQ communities and issues via school internet.<sup>16</sup>

### Many LGBTQ Students Do Not Feel Safe at School

In Maryland's schools, approximately 80% of LGBTQ students reported experiencing verbal harassment from peers because of their sexual orientation.<sup>17</sup> Nearly 60% of students surveyed have endured name calling and threats in response to their gender expression.<sup>18</sup> Survey responses indicated that 30% of students had faced minor physical harassment such as being pushed or shoved, while 10% received more serious injuries, such as having been punched, kicked, or injured with a weapon.<sup>19</sup> Approximately 40% of students reported damage to personal property such as cars, clothing, and books.<sup>20</sup> Sexual harassment was a problem for 60% of the students responding to the survey.<sup>21</sup> Electronic harassment or "cyberbullying" was reported by almost half of the respondents.<sup>22</sup>



*Bullying at school. While all Maryland schools have adopted anti-bullying policies, some are so generic that the needs of LGBTQ students, especially transgender and gender non-conforming youth, are not effectively addressed, while others are so punitive, attempts to protect oneself are penalized.*

A majority of students suffering from this kind of treatment do not feel that adults can -- or will -- help them. Of the students who were victims of bullying, 65% **never** reported these incidents to school staff, and 63% **never** told a family member about the incident.<sup>23</sup> Among students who did report incidents to school authorities, only 56% said that reporting resulted in effective intervention.<sup>24</sup>

### Other Studies: Both Victims and Their Bullies Risk Long-Term Psychological Harm

The psychological and developmental impacts of bullying and harassment have been connected to increased rates of self-harm and suicidal behavior.<sup>25</sup> In the United States, suicide is the third leading cause of death for individuals ages 10 to 24.<sup>26</sup> The rate of suicide attempts among LGBTQ youth is two to four times higher than for their non-LGBTQ peers.<sup>27</sup> Bullying, in combination with other risk factors, such as depression, anxiety, and substance abuse, raises the risk for suicidal behavior among youth victims.<sup>28</sup> According to the Suicide Prevention Resource Center, bullying can also

Of LGBTQ students who experience bullying, 65% never reported the incidents for fear that there would be little or no action or that the situation would become worse if a report were made.

Nearly 33% of LGBTQ students drop out of high school - a rate that is three times the national average.

have devastating effects on the aggressors, who are at a higher risk for suicide as well.<sup>29</sup> One study found that students who frequently bullied others in school were three times as likely to report serious suicidal ideation and engage in suicide attempts as students who do not bully others in school.<sup>30</sup> The Center for Disease Control recommends that bullying prevention should be integrated with suicide prevention efforts, because bullying may be one predictor for suicidal behavior among those who have been bullied, those who bully, and those who have experienced both sides.<sup>31</sup>

### **Discriminated at School, LGBTQ Youth Risk Entering the Juvenile Justice System**

LGBTQ youth who avoid school to escape bullying are more likely to end up in alternative schools or truancy court.<sup>32</sup> Approximately one of three LGBTQ students skip school because they feel physically threatened by peers, and nearly 33% of LGBTQ students drop entirely out of school.<sup>33</sup>



*Walking with purpose. For LGBTQ youth feeling “pushed” out of school due to hostile environments, skipping school can often mean constantly moving in order to avoid being stopped for loitering and potentially charged with truancy.*

In addition, bullied students who fight back risk being charged with criminal behavior under zero-tolerance laws. National studies show that school officials disproportionately punish LGBTQ students for minor disciplinary problems.<sup>34</sup> LGBTQ youth are three times more likely to receive harsh penalties for breaking school rules<sup>35</sup> and are almost one and a half times more likely to be expelled, as compared with their non-LGBTQ peers.<sup>36</sup>

While most research is focused on peer-to-peer bullying, this is only part of the story. Although they are often overlooked, school disciplinary procedures and the application of zero tolerance policies have a dramatic effect on the educational experiences of LGBTQ students.<sup>37</sup> Dress code policies that punish gender non-conforming youth and discriminatory applications of policies penalizing expression of affection between same-sex individuals contribute to hostile school environments.<sup>38</sup> Studies suggest that LGBTQ youth, particularly gender-nonconforming girls, are three times more likely to experience harsh disciplinary treatment than their non-LGBTQ counterparts.<sup>39</sup> Transgender youth are more likely to endure verbal harassment and unwarranted searches by school security or local law enforcement.<sup>40</sup>

The risk of unequal punishment intensifies for students of color and students with disabilities. According to a Department of Education study based on 2009-2010 statistics, 39% of all expulsions in sampled schools (72,000 schools in 7,000 districts) were of Black students, even though Black students only represented 18% of the student body as a whole.<sup>41</sup> Students with disabilities often face seclusion or restraints under disciplinary policies. Although 12% of the students in the study had disabilities, 70% were subject to restraint.<sup>42</sup> While Hispanic students represented 21% of the student body as a whole, 42% without disabilities were subject to seclusion.<sup>43</sup> The study also indicated that more than 70% of students arrested by school-based police or referred to local law enforcement for intervention were Black and Hispanic.<sup>44</sup> The disparate treatment of LGBTQ youth (and particularly LGBTQ youth



*Keeping one's dignity can be challenging in a school environment that is supposed to be safe, not hostile. Transgender youth report being unfairly subjected to searches by school security and police in schools.*

of color) leads to a cycle of unfair criminalization of this particular segment of the youth population. While LGBTQ youth only account for 5% to 10% of the general youth population, they represent 15% of youth within the juvenile justice system, with 60% of the 300,000 LGBTQ youth arrested or detained each year who are Black or Hispanic.<sup>45</sup>

### ***What have Maryland schools done to address the needs of LGBTQ youth?***

To address bullying, Maryland has taken several steps. In 2005, the state enacted the Safe Schools Reporting Act (SSRA), which requires that schools document and report “incidents of bullying, harassment, or intimidation” to the General Assembly.<sup>46</sup> Three years later, the General Assembly directed the Maryland State Department of Education (MSDE) to create a Model Policy prohibiting bullying, harassment, and intimidation, mandating that all local schools adopt this Model Policy by the end of academic year 2010.<sup>47</sup>

However, incidents of bullying are likely underreported by victims and in Maryland schools. MSDE reported that 5,255 bullying incidents were documented under the SSRA during academic year 2013, and of those, sexual orientation

Comparing national and state data, Maryland annual reports suggest that incidents of anti-LGBTQ bullying are widely ignored and underreported.

The Youth Equality Alliance believes in alternatives to zero tolerance policies that can push students out of school and into the juvenile justice system.

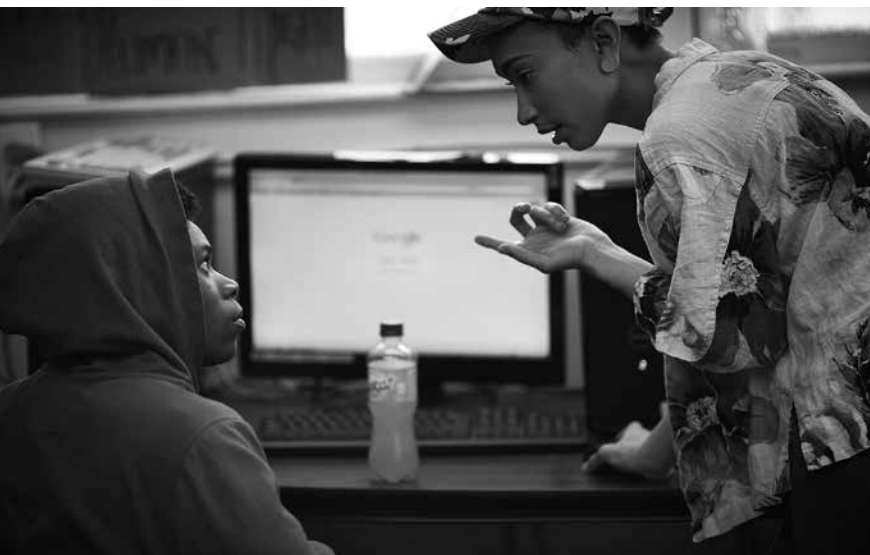
and gender identity were linked to just 1.6% and 0.7% of incidents, respectively.<sup>48</sup> However, in a nationwide survey of LGBTQ youth, 81.9% of LGBTQ students reported being verbally harassed within the past year, and 44.7% reported being physically assaulted because of their sexual orientation.<sup>49</sup> Additionally, in a study of over 200,000 California students, 7.5% of students stated that they had been bullied in the past year because “they

were gay or lesbian or someone thought they were.”<sup>50</sup> When compared with state data, these numbers suggest that incidents of anti-LGBTQ bullying are widely ignored and underreported in Maryland.

By July 2009, all local schools were required to submit a model anti-bullying policy to the State Superintendent that included protections for LGBTQ students.<sup>51</sup> However, only 7 % of Maryland students responding to the GLSEN 2011 survey indicated knowledge of anti-bullying policies that included specific protections based on sexual orientation and gender identity.<sup>52</sup> This indicates that the vast majority of students are unaware that their schools have such a policy.

Given the high percentages of LGBTQ students in Maryland who experience harassment at school, as well as limited access to key resources, it is critical that we take certain steps to promote more positive school experiences. The results from the *2011 National School Climate Survey* demonstrate that students report lower victimization, decreased absenteeism, and higher academic achievement when there are comprehensive anti-bullying/harassment policies, supportive school personnel, Gay-

Straight Alliances, and LGBTQ-inclusive curricular resources. Having each school offer these resources will move us toward a future in which all students in Maryland have the opportunity to learn and succeed in school, regardless of sexual orientation, gender identity, or gender expression.



Accessing the internet in free community centers. Computer work stations are helpful for LGBTQ homeless youth so they can search for jobs, housing, and other opportunities to survive. Federal and state laws allow homeless youth to stay enrolled in their schools, yet 33% of LGBTQ students, homeless and non-homeless, will not graduate from high school.

*The Youth Equality Alliance believes in alternatives to zero tolerance policies that can push students out of school and into the juvenile justice system. We support and advocate the State Board of Education’s alternatives to suspension when bullying occurs, such as positive behavioral intervention and support, community conferencing, and restorative practices. We urge that youth be at the table when school districts engage in discussions to develop more inclusive and effective policies.*

## II. LGBTQ Youth: At Risk in Foster Care



*Every youth who is in out-of-home placement is entitled to a safe, loving, and affirming environment, irrespective of sexual orientation, gender identity, or gender expression. Child welfare agencies should support parents, guardians, and others who care for LGBTQ youth in nurturing these children and adolescents in a healthy, understanding, and affirming manner.*

When youth are abused by their families, or prefer homelessness to living at home, it is likely that the child will find one's way into an "out-of-home placement," either with a foster family or a group home under the

supervision of Maryland's Department of Human Resources (DHR)'s local departments of social services.<sup>53</sup>

As of January 1, 2013, DHR was responsible for 3,661 children placed with foster families (both relative and non-relative) and another 1,660 in group homes, independent living centers, and residential treatment facilities.<sup>54</sup> National studies suggest that 17.5% of youth in the foster care system identify as LGBTQ, although they make up 5% to 10% of the general population.<sup>55</sup>

Because not all families are accepting of their child's sexual orientation or gender identity, LGBTQ youth have a high risk of domestic abuse. Half of LGBTQ youth report an initial rejection by their parents when they come out as LGBTQ.<sup>56</sup> Sometimes this rejection turns violent, and as many as 30% of LGBTQ youth are physically abused by family members.<sup>57</sup> In a national survey, 26% of LGBTQ youth reported that their parents or guardians told them to leave home after learning of their sexual orientation or gender identity.<sup>58</sup> Across the nation, youth may be placed in state custody if

### **LGBTQ Youth in Maryland's Foster Care System**

When Eric was 9 years old, he lived with relatives due to his mother's mental illness. He began to develop what people considered effeminate mannerisms. Neighborhood men would try to "macho him out" by beating him up.

Eric entered foster care at age 12, when his relatives would no longer keep him in their home. He was placed with a foster parent who had two children of her own and another foster child. The foster mother made it clear that he was not welcome there. He was bullied by the foster mother's children, and the other foster youth. Instead of living in the foster home, he stayed wherever he could - with friends, with family, on the street. He came home on Fridays to get the \$25 or \$50 his mom would give him for the next week. To maintain the charade, Eric would be present when the caseworker came for a monthly visit.

Eric never told anyone about this arrangement, because he was afraid that he would be punished even more. He particularly feared being placed in a group home with other people who might harass or abuse him.



*Couch surfing. Unaccompanied homeless youth are defined as those lacking a fixed, regular, and adequate nighttime residence, while not under the physical custody of parent or legal guardian. Many of these youth live on the streets, sleep in cars and abandoned buildings, or exist in places not meant for human habitation.*

they chronically run away from home and face charges such as ungovernability, incorrigibility, or willful defiance (beyond parental control).<sup>59</sup> Many of the cases are sparked by parents or guardians who want these youth punished for behavior considered deviant within their households. For LGBTQ youth facing abuse at home, living on the street may be a preferable – if not the only – alternative. It is estimated that as many as 40% of homeless youth identify as LGBTQ.<sup>60</sup> However, it is important to note there has been recent interest in serving the needs of unaccompanied homeless youth in Maryland who may never be part of the foster care system. The Governor’s Office for Children released a comprehensive report in November 2013 describing the unmet needs of this population of youth regarding housing, education, economic stability, and access to health care, making specific recommendations to better serve them.<sup>61</sup>

### **LGBTQ Youth Entering Foster Care Are Highly Vulnerable Due to Past Victimization**

LGBTQ youth entering foster care are “twice as likely to have experienced family conflict, child abuse, and homelessness as other youth” – putting these youth at greater risk for severe emotional and physical harm.<sup>62</sup> LGBTQ youth who have been rejected by their families are eight times more likely to have attempted suicide, six times more likely to exhibit high levels of depression, three times more likely to engage in illicit drug use, and three times more likely to engage in risky sexual behavior than peers with supportive families.<sup>63</sup> In a national study, 58% of LGBTQ homeless youth reported being sexually victimized.<sup>64</sup>

Too often, LGBTQ youth escape abusive homes or the streets, only to encounter more abuse, harassment, or misunderstanding from foster families, caseworkers, group home or facility staff, and peers. At this time, there have been no surveys conducted in Maryland on the number of LGBTQ youth in state care or of their experiences in foster care.

LGBTQ youth who enter foster care need comprehensive, LGBTQ-sensitive physical, sexual, and mental health care services in order to make their time in state custody supportive and productive. Because there is insufficient training to familiarize child welfare staff with the needs of LGBTQ youth, such youth may be left without community support networks and services to meet their needs. Without these resources, youth may continue to have feelings of isolation and depression. Transgender youth not connected with appropriate counseling or medical services may seek street “treatments,” such as illegal hormones, which can cause lifelong damage.

LGBTQ youth who have been rejected by their families were 8.4 times more likely to have attempted suicide.

## **LGBTQ Youth May Encounter Harmful Programs, Attitudes, and Behavior**

LGBTQ youth entering foster care may not find the stability they need. Some foster families and service providers may be openly hostile to LGBTQ persons for religious or other reasons.<sup>65</sup> One Florida nonprofit reported that out of 246 foster families surveyed, only 21 indicated a willingness to take in an LGBTQ teen.<sup>66</sup>

National studies have shown that LGBTQ youth in state care encounter hostility and bias from staff and peers. In one study, 74% of youth believed they had experienced prejudicial treatment by service providers because of their sexual orientation or gender identity.<sup>67</sup> In another study, 100% of LGBTQ youth reported experiencing verbal harassment, 70% alleged they were victims of physical violence in group homes, and 78% stated that they were removed or ran away from their placement.<sup>68</sup>



*Sleeping in an office, rather than housed with other youth. Foster care case workers or parents may make decisions to isolate LGBTQ youth from others "to protect" them from potential peers unaccepting of their sexual orientations or gender identities, or to protect other residents from the LGBTQ youth. Likewise, a youth in gender transition may request a temporary sleeping area due discomfort or safety issues. This may also be true for some emergency shelters where a LGBTQ youth may end up on a cot or in a sleeping bag in a case worker's office, away from other youth.*

In addition, LGBTQ youth may encounter program rules or curricula that alienate them. LGBTQ youth in foster care systems across the country report being excluded from program activities because of their sexual orientation or gender identity.<sup>69</sup> Transgender youth may not have their preferred name, pronoun, grooming, or clothing choices honored.<sup>70</sup> Some foster parents or programs may even subject youth to conversion therapy, in attempts to "fix" the youth's sexual orientation or gender identity.<sup>71</sup>

### ***What has Maryland done so far to address the needs of LGBTQ youth in foster care?***

Maryland currently has no statewide policy for the care and treatment of LGBTQ youth in the foster care system. While Prince George's County DSS has adopted its own policy,<sup>72</sup> few (if any) other local departments of social services have developed policies or best practice guidelines focusing on this population of youth. Consequently, Maryland's child welfare agencies, as well as the homes and environments in which they place LGBTQ youth, are often ill-equipped to provide safe and appropriate care for these youth. Although Maryland state law and DHR regulations<sup>73</sup> include "sexual orientation" in their lists of characteristics upon which providers and group homes may

One national study indicates that three out of four LGBTQ youth experience prejudicial treatment by service providers because of their sexual orientation or gender identity.

not discriminate, there are no such protections based on “gender identity,” or “gender non-conformity.”

However, progress is being made. Contracts with providers now require that LGBTQ youth be linked with organizations and networks that can support youth's identity and culture, and policy allows all youth, including those identifying as LGBTQ, to select clothing and personal care items that meet their specific needs.<sup>74</sup> In early 2014, DHR requested assistance from the National Resource Center for Permanency and Family Connections (NRC-PFC) in developing and implementing a plan to review all policies, practices, contracting services, and training to ensure that they are LGBTQ affirming. Strategies include developing systematic training for caseworkers using NRC-PFC's curriculum, offering workshops for resource parents on the unique needs and concerns of LGBTQ foster youth, and collaborating with the Maryland Foster Care Court Improvement Project on a LGBTQ summit for

judges and masters on improving outcomes for youth in care.<sup>75</sup> If DHR follows through with this plan, significant progress could be made in meeting the needs of LGBTQ youth.<sup>76</sup>

Meaningful change is possible, and resources and models exist to provide guidance. Advocacy organizations have developed a number of tools that provide comprehensive training to families and professionals working with LGBTQ children in foster care.<sup>77</sup> The Child Welfare League of America has published the “CWLA Best Practice Guidelines for Serving LGBT Youth in Out-of-Home Care”.<sup>78</sup> The Best Practice Guidelines are based upon the Model Standards Project, initiated in 2002 by Legal Services for Children and the National Center for Lesbian Rights to develop and disseminate model professional standards.<sup>79</sup> The goal of the Model Standards Project is to improve youth outcomes by giving child welfare and juvenile justice agencies accurate, up-to-date information about the best practices for providing competent services to LGBTQ youth, based on the knowledge and practical experience of experts in the field.<sup>80</sup> The Department of Health and Human Services has issued guidance for improving care of foster youth by all child welfare systems.<sup>81</sup>



Sifting through donations in shelters and community centers is a common task for LGBTQ youth forced to leave their families or run away, hopeful of finding safety and security in the next out-of-home placement.

*The Youth Equality Alliance believes that when LGBTQ youth arrive in the foster care systems, the agencies providing services, as well as the associated foster families and group home providers, should provide the appropriate care to compensate for the familial rejection many of these children have experienced. They should assist the youth in becoming stable, healthy adolescents while in the system - and healthy, productive adults once they exit the system. In order to ensure that this occurs, there need to be clear, enforceable policies and mandatory training on how to treat and work with LGBTQ youth. We urge that youth be at the table when actors in Maryland's DHR engage in developing more inclusive and effective policies.*

The Youth Equality Alliance believes that enforceable policies and mandatory training are necessary to ensure appropriate foster care for LGBTQ youth.



### III. LGBTQ Youth: Safety Concerns in the Juvenile Justice System



*Lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) youth, who experience rejection by their families and hostility at school, are at higher risk of becoming involved with the juvenile justice system. Maryland needs to establish clear statewide policies on acceptable behavior towards LGBTQ youth and provide training and additional resources to ensure their physical safety, mental health care, and other needs.*

In FY13, the Department of Juvenile Services (DJS) received over 27,000 complaints against youth for delinquent behavior.<sup>82</sup> DJS was able to resolve the majority of these through various programs, with approximately 12,000 sent to court for adjudication.<sup>83</sup>

In FY13, 6,095 youth were placed in DJS's seven secure detention facilities.<sup>84</sup> Of these youth, 5,790 were detained prior to disposition, 993 were detained post-disposition, and 272 were detained, awaiting a new placement after having been ejected from a previous program.<sup>85</sup> DJS is also responsible for hundreds more youth in foster care, group homes, evaluation centers, residential treatment centers, and substance abuse programs. National studies suggest as as many as 15% of youth in the juvenile justice system identify as LGBTQ.<sup>86</sup> This means that anywhere from 1,000 to more than 2,800 court-involved youth may identify as LGBTQ.

Youth enter Maryland's court system through several different channels. LGBTQ youth are more likely to become involved with the court

#### **LGBTQ Youth in Maryland's Juvenile Justice System**

Jonathan was 17 when his mother kicked him out of his home because he was gay and wore "feminine clothing." He was initially put in the care of the Department of Social Services, which placed him in a group home. However, the group home required Jonathan to attend a school where he was bullied so severely that he stopped going, and he was subsequently asked to leave the group home.

Since Jonathan had a minor delinquency problem, the Department of Juvenile Services (DJS) stepped in to find him a placement. He was held at a secure DJS facility while awaiting a bed at the new placement. Unfortunately, at the time, the DJS facility did not have specific provisions for detaining youth who were openly gay or gender non-conforming. For Jonathan's safety, he was constantly moved between units. This greatly hindered Jonathan's ability to make friends, attend school, or participate in activities at the facility. Ironically, being with his peers and being treated like everyone else were at the top of Jonathan's wish list.

system than non-LGBTQ youth because that they are disproportionately exposed to risk factors that predispose them to delinquent activity. LGBTQ youth escaping strained relationships with parents or guardians can end up in public spaces where their behavior is more likely to be policed. Many have been pushed out of schools, rejected by their families, and unable to access safety net programs. In spite of this higher rate of criminalization among LGBTQ youth, not all courts are educated on LGBTQ-youth issues.

**LGBTQ Youth Who Become Homeless Are at Greater Risk for Arrest**

LGBTQ youth make up a large percentage of the homeless youth population and are more likely to be arrested. A national study found that 39% of homeless LGBTQ youth have been involved in



*Feeling the weight of surveillance. In some communities, LGBTQ youth feel expression of one's sexuality or gender identity are policed and criminalized, when youth feel that these expressions should be viewed as typical adolescent and human behavior.*

the juvenile justice system.<sup>87</sup> A recent longitudinal study conducted in the Midwest found that LGBTQ youth are twice as likely to be detained in juvenile facilities for running away from home or from their foster care placements.<sup>88</sup> Homeless LGBTQ youth risk being arrested for crimes that are a direct result of homelessness, such as curfew violations and loitering, or “survival crimes” such as shoplifting or prostitution.<sup>89</sup> While living in the streets, these youth are more likely to be detained in police sweeps and arrested for unpaid fines or outstanding warrants.

LGBTQ youth are 40% more likely to be arrested than non-LGBTQ youth.

LGBTQ youth are stopped, questioned, and arrested by police officers more frequently than their peers. Transgender youth and LGBTQ youth of color are especially at risk of being targeted for violating public nuisance and anti-solicitation laws.<sup>90</sup> National studies have found that LGBTQ youth are 30% to 50% more likely to be stopped by police, 40% more likely to be arrested than non-LGBT youth, and 1.25% to 3.00% more likely to be punished for the same level of misbehavior as non-LGBT youth.<sup>91</sup> LGBTQ youth are also at greater risk of mistakenly being arrested for sexual assault crimes when engaged in consensual activity than non-LGBT youth.<sup>92</sup>

### **LGBTQ Youth Must Depend on Court Systems Often Not Prepared to Meet Their Needs**

Once brought in to the court system - whether through truancy, criminal proceedings, or juvenile delinquency hearings - LGBTQ youth face a number of challenges in interacting with court officers and staff. Court staff, masters, judges, public defenders, prosecutors, administrative staff, and case managers are often not adequately trained to work with LGBTQ youth.<sup>93</sup> They may fail to honor name choices, enforce sex stereotyping dress codes, or breach confidentiality by disclosing information about the child's sexual orientation or gender identity to other staff or even to the child's family.<sup>94</sup> Unfortunately, there is no policy or state mandate for training these legal personnel. Even when these actions are inadvertent, poorly-prepared staff may compound the stresses that already exist for LGBTQ youth involved with the court system. LGBTQ youth may resist appropriate services out of fear for their own safety or refuse to engage in court process all together by skipping court dates or not providing information relevant to their cases.

### **Collateral Impact: Increased Vulnerability**

Court involved LGBTQ youth risk permanent records if they ultimately become involved in the criminal justice system. It is widely acknowledged that the effects of a criminal record can be far reaching and severe, creating barriers to employment, housing, and educational achievement. If incarcerated, youth lose momentum in attaining their education, and are less likely to finish high school or pursue earning high school equivalency degrees. LGBTQ youth convicted of felonies can lose access to desperately needed resources such as transitional housing, educational funding, and job development services. Already vulnerable individuals can face economic and social isolation, which are key risk factors for community health issues such as domestic violence, poverty, and criminalization. It must be noted that these risk factors are further intensified by the intersections of race and class.



*Living in the margins. LGBTQ youth, both homeless and non-homeless, seek spaces where they can be authentic to themselves and others, but often spend more energy not drawing attention to themselves, especially when safety and daily survival are pressing issues. Trying to look cool, fit in, and avoid harassment are the goals.*

80% of juvenile justice professionals cited physical safety as being a critical problem for LGBTQ youth.

### **Detained LGBTQ Youth Face Serious Physical and Emotional Risks**

LGBTQ youth have a high risk of harassment, physical assault, and sexual assault. According to the U.S. Department of Justice Bureau of Statistics, LGBTQ youth are almost ten times more likely than non-LGBTQ youth to report being sexually assaulted in juvenile facilities.<sup>95</sup> In a national survey of juvenile justice professionals, 80% cited physical safety as being a critical problem for LGBTQ youth.<sup>96</sup>



*Not knowing who to trust about being open to who you are. LGBTQ youth in detention fear interacting with staff or other detainees who seek to intimidate or force them to act against one's sexual orientation or gender identity.*

Untrained detention staff may not know the proper protocols for protecting LGBTQ youth in detention.<sup>97</sup> Some staff may inappropriately house transgender youth according to their assigned sex rather than according to their gender identity, which can leave them vulnerable to physical and sexual abuse.<sup>98</sup> Openly LGBTQ youth may be segregated from other youth in the facility “for their protection,” even though such practices are widely recognized to be emotionally harmful.<sup>99</sup> Given that such measures are against DJS’s stated practices, the agency should review that such practices not be perpetuated by any staff.

### ***What has Maryland done so far to address the needs of LGBTQ youth in the juvenile justice system?***

Currently, Maryland does not have a comprehensive policy for how to handle LGBTQ youth within the juvenile justice system. While agencies such as DJS do provide some entry level training on LGBTQ issues, these trainings are not consistently provided to all staff, and are not supported by a written policy or clear guidelines. A lack of non-discrimination policies not only puts LGBTQ youth at risk. Several recent court cases have demonstrated that agencies may be held responsible for failing to create and enforce policies to protect the rights of LGBTQ youth in their care.<sup>100</sup>

The Prison Rape Elimination Act (PREA) was passed in 2003, and after almost a decade of studying the vulnerabilities of incarcerated persons, the Department

of Justice promulgated regulations to implement PREA in 2012.<sup>101</sup> Those rules are now in place and apply to all secure lock-up facilities. PREA and the PREA Regulations are aimed at curbing all sexual victimization inside detention facilities, and specific attention in the regulations is devoted to youth and LGBTQ persons.<sup>102</sup> Maryland DJS has implemented PREA through policy since 2010, and expects to release updated policies sometime later this year. While PREA represents progress, preventing

sexual assault is only one aspect of caring for LGBTQ youth in DJS care. National best practices dictate that state policies prohibit and directly address homophobic slurs and verbal harassment; require the discipline and relocation of perpetrators of the harassment – rather than isolating victims “for their own protection”; and will require listening to gender non-conforming and transgender youth when determining where they are most safe.<sup>103</sup> Maryland DJS continues to tailor its policies to better address the needs of LGBTQ youth.

The Youth Equality Alliance believes that Maryland should establish a comprehensive policy for addressing the needs of the LGBTQ youth in the juvenile justice system.

*The Youth Equality Alliance believes that Maryland should lead the way by implementing protections that go beyond PREA and specifically address all safety and dignity concerns for LGBTQ youth. Policymakers, advocates, social workers, and others must take immediate steps to create clear policy directives to protect LGBTQ youth, comprehensive trainings for all personnel who interact with LGBTQ youth, and resources that are better tailored to meet their needs. We urge that youth be at the table as these policy directives are developed.*



Resting in a public park. Homeless youth are often subjected to discriminatory community policing practices that can lead to harassment of youth sleeping, sitting, or lying in public spaces. Youth found without identification can lead to police wanting to “help”, which may or may not result in a bed in a shelter. For LGBTQ youth, a night in a shelter might not be a safe option. In other communities, law enforcement response may include an immediate trip to jail.

# Recommendations: Education

**Maryland State Department of Education and its school districts should: Implement comprehensive local anti-bullying/harassment policies as required by state law, and develop mechanisms for oversight and local accountability.**

- Policy: Require that anti-bullying/harassment policies contain clear sanctions against local school systems when policies are violated.
- Policy: Provide support mechanisms for school staff engaged in prevention and intervention activities.
- Policy: Encourage districts to pass policies that specifically and authentically address the needs of transgender and gender non-conforming students, which can help prevent bullying, harassment, and discrimination.
- Policy Evaluation: Develop an effective and sustainable system for monitoring the implementation of bullying and harassment policies on a statewide level.
- Staffing: Create and fund a position at MSDE devoted to the safety of LGBTQ students and the work of school support liaisons or equity liaisons acting as LGBTQ liaisons, as well as to support the GSAs.
- Response System: Establish supports, resources, and training for school systems that report increases in bullying.
- Needs Assessment: Identify and mandate the administration of annual risk assessment survey for all school districts to include questions capturing students' experiences with bullying, harassment, and discrimination based upon perceived or expressed sexual orientation and gender identity.

**Work toward the development of Gay-Straight Alliances in *all* Maryland middle and high schools.**

- Staffing: Identify a LGBTQ liaison within each middle and high school within the current staffing structure.
- Resources for Youth: Work with local GLSEN chapters to provide training and resources in order to start a GSA in every secondary school.

**Provide mandatory professional development for school staff and administration on special issues facing LGBTQ students in our schools.**

- Staffing: Provide a clearinghouse of professional trainers who understand the needs of LGBTQ students.
- Training: Provide mandatory annual school staff training on LGBTQ student needs and issues.

**Increase student access to LGBTQ-inclusive resources.**

- Resources for Youth: Provide students, educators, and youth-service professionals with the listing of safe resources and support services for LGBTQ students.
- Positive Culture: Teach students about LGBTQ rights, issues and history in a K-12 curriculum.

# Recommendations: Foster Care

## **Maryland's Department of Human Resources should:**

### **Identify needs of LGBTQ youth in the child welfare system, and develop appropriate resources.**

- Needs Assessment: Conduct a needs assessment of LGBTQ youth in care to identify policy and resource gaps.
- Response System: Create advisory councils to help examine the ongoing needs of LGBTQ youth and oversee reforms.
- Resources for Youth: Create or expand existing counseling programs and community resources directed at LGBTQ youth, such as peer mentor groups or youth drop-in centers.
- Resources for Youth: Focus on development of housing resources that are welcoming and supportive of LGBTQ youth. Encourage LGBTQ families to become foster homes. While housing resources are being developed, set aside resources for LGBTQ youth in crisis who may have trouble finding acceptance in currently available placements.
- Resources for Youth: Expand sexual education to encompass a wider range of sexuality; provide confidential AIDS and STI prevention materials and testing. Ensure that youth have access to LGBTQ -sensitive counseling and medical care.
- Training: Make sure all foster care staff and foster parents are given information about what LGBTQ-specific agency and community resources are available.

### **Develop, adopt, and enforce statewide LGBTQ-specific nondiscrimination policies in all child welfare agencies and contracting organizations.**

- Policy: Create comprehensive, statewide policies that provide guidance for working with LGBTQ youth and creating an inclusive atmosphere.
- Policy: Require staff to allow youth to express their gender identity through choice of clothing, name, hairstyle, and other means of expression.
- Policy: Outline appropriate language to use in connection with LGBTQ issues, including appropriate name and gender pronouns for transgender and gender non-conforming youth.
- Policy: Establish guidelines for preserving youth's confidentiality and privacy.
- Policy: Prohibit attempts to "correct" youth's sexual orientation or gender expression.
- Positive Culture: Include LGBTQ-affirming language on DHR and local DSS agency websites.
- Training: Make LGBTQ training mandatory for all local and state child welfare staff, staff of agencies providing placement resources by contract with the state, and local agency foster parents, and make completion of training programs a condition of employment and licensing.

### **Create points of contact throughout the entire foster care system for youth and professionals.**

- Response System: Develop a confidential and effective grievance procedure so LGBTQ youth can report harassment confidentially and without fear of retaliation.
- Staffing: Designate an ombudsman to oversee the grievance procedure.
- Staffing: Designate an LGBTQ agency coordinator within the agency, and require local departments of social services and contracting agencies to have an LGBTQ staff liaison.

# Recommendations: Juvenile Justice

## Maryland's Department of Juvenile Services should:

### Identify specific needs of LGBTQ youth in the juvenile justice system, and develop resources that meet those needs.

- Needs Assessment: Conduct a needs assessment of LGBTQ youth in Maryland's juvenile justice system.
- Response System: Charge existing advisory board to investigate LGBTQ issues that also monitors and advises juvenile justice agencies.
- Resources for Youth: Collaborate with other system partners to develop and maintain a continuum of programs, services, and placements competent to serve LGBTQ youth.

### Develop, adopt, and enforce statewide LGBTQ-specific nondiscrimination policies in all juvenile justice agencies and subcontracting organizations.

- Policy: Require staff to allow youth to express their gender identity through choice of clothing, name, hairstyle, and other means of expression.
- Policy: Ensure that youth have access to LGBTQ-sensitive counseling and medical care.
- Policy: Establish guidelines for preserving youth's confidentiality and privacy.
- Policy Evaluation: Institute ongoing evaluation of assessment tools used to assign placements to avoid misidentifying LGBTQ youth as needing more intervention than non-LGBTQ peers.

### Develop, implement, and enforce policies specifically designed to protect the physical and psychological safety of LGBTQ youth in state-sanctioned programs.

- Policy: Prohibit employees from using terms that convey hatred, contempt, or prejudice toward LGBTQ youth.
- Policy Evaluation: Identify and eliminate practices that alienate LGBTQ youth and prohibit staff from punishing or attempting to change a youth's sexual orientation or gender identity.
- Policy: Require and ensure that placement and housing decisions for transgender and gender non-conforming youth are individualized and based on each youth's emotional and physical wellbeing, and take their preference into consideration.
- Staffing: Designate staff to be specially trained to handle LGBTQ youth.
- Policy: Prohibit the placement of LGBTQ youth in isolation, except in temporary emergency situations.
- Response System: Create and post clear information about how to engage in confidential grievance procedures.
- Positive Culture: Create and post clear information about the facilities' commitment to addressing abuse, harassment, or bullying of LGBTQ youth by peers or staff.

### Promote inclusivity within the system.

- Positive Culture: Ensure the integration of LGBTQ language into documents and forms used by the department.
- Resources for Youth: Educate all youth in the DJS about LGBTQ rights and protections.
- Training: Develop comprehensive, mandatory training for all juvenile justice staff that interact with young people – including court personnel, masters, judges, public defenders, prosecutors, case managers - on how to protect LGBTQ youth and create an environment where they feel safe and accepted.



# Appendix A

Terminology used in report:

**Bisexual**: A person who is emotionally, romantically, and/or sexually attracted to people of both male and female genders

**Bullying**: In Maryland, bullying in public schools is defined as:

- 1) an intentional act - verbal, physical, written (including electronic communications)
- 2) which creates a hostile environment that interferes with a student's ability to benefit from and/or participate in school or school activities; AND
- 3) is motivated in reaction to a student's actual or perceived race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability, OR is threatening or seriously intimidating;
- 4) AND occurs on school property (including bus or school event) OR negatively impacts the operation of the school.

**Gay**: A person who is primarily emotionally, romantically, and/or sexually attracted to individuals of the same gender. This term is typically applied to men, but is sometimes used as a general term for gay men and lesbians.

**Gender**: The social characteristics (appearance, behavior and activities) that a society assigns as being indicative of men or women.

**Gender Expression or Gender Identity**: The ways in which a person identifies and/or expresses their gender, including self-image, appearance, and embodiment of gender roles. One's sex (e.g., male, female, intersex, etc.) is usually assigned at birth based on one's physical biology. One's gender (e.g., man, woman, genderqueer, etc.) is an internal sense of self and identity. One's gender expression (e.g., masculine, feminine, androgynous, etc.) is how one embodies gender attributes, presentations, roles, and more. "Male" and "female" are sex categories, while "masculine" and "feminine" are gender categories.

**Gender Non-Conforming**: Describes individuals who do not adhere to society's rules about dress and activities for people that are based on their sex. A gender non-conforming person may choose to present as neither clearly male, nor clearly female, but rather as a gender-free individual.

**Lesbian**: A woman or girl who is primarily emotionally, romantically, and/ or sexually attracted to other women or girls.

**LGBTQ**: Acronym for lesbian, gay, bisexual, transgender, and queer/questioning. For the purposes of this report, individuals who identify as gender non-conforming and Two Spirit are included.

**LGBTQ Affirming**: Using a lense that celebrates and advocates the authenticity and integrity of LGBTQ individuals and their relationships, and views one's individual sexual orientation as central and identity-defining, as opposed to marginal and perceived in terms of the heterosexual norms society holds.

**Queer:** A term that has many uses. It may describe people who feel they do not fit cultural norms for sexual orientation and/or gender identity. It is sometimes used as an umbrella term for all people with non-heterosexual sexual orientations or non-conforming gender identity.

**Questioning:** A process of exploration of one's gender, sexual identity, and/or sexual orientation by people who may be unsure, still exploring, and concerned about applying a social label to themselves for various reasons. Some youths avoid coming out or even acknowledging their sexual orientation because of social stigma.

**Sex:** Refers to the biological characteristics that define males and females, including primary and secondary sex characteristics.

**Sexual Orientation:** Describes to whom a person is emotionally, romantically, and/or sexually attracted. Some people are attracted to people of a particular gender; others are attracted to more than one gender. Some are not attracted to anyone. Sexual orientation is distinct from biological sex or gender expression.

**Transgender:** A term that describes people whose gender identity does not match their biological sex. Some transgender people may identify as the opposite gender; some do not identify with either gender. Transgender people may express their gender identity by publicly presenting themselves as their preferred gender through dress, grooming, behavior, and/or changing their names and pronouns (he/she). For some, transition may include the use of hormones or other medical treatments to make their outward appearance conform with their gender. "Transgender" does not describe sexual orientation; transgender people may be gay, lesbian, bisexual or heterosexual.

**Two Spirit:** A term that refers to a multiplicity of historic and present-day indigenous gender identities, gender expressions, and sexualities.

**Unaccompanied Youth:** Unaccompanied homeless youth are defined as those lacking a fixed, regular, and adequate nighttime residence, while not under the physical custody of parent or legal guardian. Many of these youth live on the streets, sleep in cars and abandoned buildings, or exist in places not meant for human habitation.

**Zero Tolerance Policies:** "Zero Tolerance" initially was defined as consistently enforced suspension and expulsion policies in response to weapons, drugs, and violent acts in the school setting. Over time, however, zero tolerance has come to refer to school or district-wide policies that mandate predetermined, typically harsh consequences or punishments (such as suspension and expulsion) for a wide degree of rule violation. Most frequently, zero tolerance policies address drug, weapons, violence, smoking, and school disruption in efforts to protect all students' safety and maintain a school environment that is conducive to learning. Some teachers and administrators favor zero tolerance policies because they remove difficult students from school; administrators perceive zero tolerance policies as fast-acting interventions that send a clear, consistent message that certain behaviors are not acceptable in the school. However, research indicates that, as implemented, zero tolerance policies are ineffective in the long run and are related to a number of negative consequences, including increased rates of school drop out and discriminatory application of school discipline practices. (*from the National Association of School Psychologists fact sheet "Zero Tolerance and Alternative Strategies: A Fact Sheet for Educators and Policymakers" (2001) [http://www.nasponline.org/resources/factsheets/zt\\_fs.aspx](http://www.nasponline.org/resources/factsheets/zt_fs.aspx)*)

# Appendix B

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# Endnotes

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