Association Between LGBTQ Student Nondiscrimination Laws in Selected States and School District Support for Gay-Straight Alliances

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Article history: Received January 26, 2021; Accepted November 24, 2021

Keywords: Schools; Adolescent health; Sexual and gender minorities; Policy; Law; GSA

ABSTRACT

Purpose: To examine the association between state laws protecting lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) students and school districts’ recommendations or requirements for establishing gay-straight alliances (GSAs) in schools. Beginning in fall 2013, 19 state education agencies (SEAs) engaged in HIV/STI and pregnancy prevention activities in “priority” school districts. SEAs provided support to priority districts to require or recommend GSAs in their schools.

Methods: This study used semi-annually collected program evaluation data and state law data from the Gay, Lesbian, and Straight Education Network. We assessed whether increases in the percentage of priority districts recommending or requiring schools to provide GSAs varied by the presence of nondiscrimination or enumerated antibullying laws with a difference-in-difference design.

Results: States with nondiscrimination laws began with more priority districts recommending or requiring schools to provide GSAs (52.5%) compared to states without laws (47.5%). We found a significant interaction \( p < .01 \) between increases in the percentage of priority districts recommending or requiring schools to provide GSAs varied by the presence of nondiscrimination or enumerated antibullying laws with a difference-in-difference design.

Across the first 3 years of program implementation, there was a 30% increase \( p < .01 \) in priority districts recommending or requiring schools to provide GSAs in states with nondiscrimination laws, compared to a 12% increase \( p < .01 \) in states without laws. There was no significant interaction between states with enumerated antibullying laws and districts recommending or requiring a GSA.

Discussion: State LGBTQ nondiscrimination laws for students may facilitate school district support of GSAs, which may decrease health risks among LGBTQ youth.

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due to social stigma against sexual and gender minorities [3,4]. These experiences of enacted stigma result in adverse health outcomes for LGBTQ youth, including an increased likelihood of sexual risk behavior, violence victimization, suicide-related behaviors, and substance use compared to their heterosexual peers [1,2,5–8].

Gay-straight alliances or genders and sexualities alliances (GSAs) are one school-based program associated with improved school climates and safety for LGBTQ students [9–12]. GSAs are student-led clubs intended to provide safe spaces and support for LGBTQ youth and their allies, education on LGBTQ issues, opportunities to socialize, and a chance to build skills around community engagement [13]. Like other positive youth development programs, GSAs aim to build youth resilience and increase school connectedness among a segment of the student population experiencing stigma [13]. In this way, GSAs may serve as an important protective factor for LGBTQ students’ overall wellbeing, which may offset some of the downstream health consequences of stigma for LGBTQ youth. Indeed, research exploring the relationship between GSAs and health among high school students find both individual effects among LGBTQ students, such as the fact that youth who participate in GSAs report better education and health outcomes than those who do not [10,11], as well as school-level effects, wherein students in schools with a GSA, regardless of their sexual or gender identity, report improved mental health and reduced substance use and sexual risk behaviors [9].

The Division of Adolescent and School Health (DASH) in the Centers for Disease Control and Prevention (CDC) funded state education agencies (SEAs) from 2013 to 2018 to prevent HIV/STI and teen pregnancy among middle and high school students. DASH required SEAs to provide support for three strategies among school districts to implement among their schools. These strategies promoted systems, policies, and environmental changes to decrease health risks and increase protective factors among students, including (1) provision of exemplary classroom health education, including sexual health education; (2) implementation of systems to increase student access to sexual and reproductive health care; and (3) promotion of changes to school environments that have been demonstrated to increase parent-adolescent communication, parental monitoring, engagement, and school connectedness. To address health disparities among LGBTQ students and their heterosexual and cisgender peers, SEAs could support the establishment and maintenance of GSAs within districts. SEAs had wide discretion in the activities they supported to improve school environments, and they were encouraged, but not required, to expand support for GSAs among their school districts [14].

Further, SEAs were required to select “priority districts” in which to implement the program activities and to focus the majority of their activities within those districts. Priority districts were selected based on sexually transmitted infection or pregnancy rates and the high prevalence of sexual risk behaviors among adolescents.

Data from the 2016 School Health Profiles survey demonstrate large differences across states in implementing GSAs; for example, 9.3% of secondary schools in South Dakota offer GSAs, as compared to 60.5% of secondary schools in Massachusetts [15]. The stark differences in the proliferation of GSAs across states indicate a need to understand key determinants of GSA support among schools and school district personnel. Indeed, state-level laws may inform school district-level support for particular policies and programs. This relationship between state laws and school district policy has been observed with the Whole School, Whole Community, Whole Child Model being most successfully implemented in school districts in states with supportive laws [16], and previous cross-sectional analyses using the Common Core of Data, Public Elementary/Secondary School Universe Survey (NCES 2001–2002) found that geography and state-level nondiscrimination laws correlated with the presence of a GSA in a school [17]. These findings highlight the role that state laws may play in facilitating support for GSAs in schools.

In this study, we used longitudinal performance monitoring data from the DASH program to assess the association between state laws protecting LGBTQ students from discrimination in schools and enumerated antibullying laws for LGBTQ students (i.e., laws specifically mentioning sexual orientation, gender identity, and gender expression as characteristics that are frequently the target of bullying) with priority district support for GSAs. This study used a difference-in-difference design to account for baseline differences and ameliorate potential threats to internal validity. This analysis examined the role that state laws may play in facilitating programs or practices to support LGBTQ youth in schools.

Methods

Sample

Program evaluation data were collected semi-annually from 19 SEAs (AR, CA, CT, DC, DE, FL, IL, MA, MI, MN, MS, NM, NC, NJ, PA, RI, VT, WA, WI) that were funded as part of the DASH program. These evaluation data were collected from the SEAs using a web-based performance evaluation reporting system in March and September, beginning in 2015, resulting in a total of six waves of data included in this analysis. Evaluation data collection was reviewed by CDC Institutional Review Board and determined to be exempt from full review as program evaluation data. This biennial performance evaluation was intended to measure the progress of funded SEAs in implementing key programmatic policies and practices in the SEAs and their identified priority districts. There was a relatively small amount of attrition among priority school districts among the SEAs. At the beginning of 2015, there were 246 participating districts, reduced by 12% to 217 districts by the fall of 2017. The decrease in the number of priority districts reflects one state that dropped from the program and attrition of priority districts among the remaining SEAs.

Measures

Beginning in spring 2015, SEAs self-reported their progress towards achieving program goals from the prior 6 months, including a question regarding support for GSAs. In each wave of data collection, SEAs were asked, “currently, does [Priority District Name] recommend or require schools to do each of the following related to school connectedness (mark yes or no),” including one item “having a student-led club that aims to create a safe, welcoming, and accepting school environment for all youth, regardless of sexual orientation or gender identity (these clubs are sometimes called gay/straight alliances).” This item was dummy coded, with one representing a recommendation or requirement for schools to have GSAs.

Data on state nondiscrimination laws protecting LGBTQ students and enumerated antibullying laws for LGBTQ students
Interaction analyses tested whether there was a difference in trends between SEAs based on the presence of a state LGBTQ nondiscrimination or enumerated bullying law. Data from all priority districts were included in the analyses regardless of attrition from the program. However, there was more attrition of priority districts among states with nondiscrimination laws compared to those without (25.4% vs. 0.8%).

## Results

States began program implementation in fall 2014 and reporting data in spring of 2015. Table 2 shows the percentage of priority districts that recommend or require schools to have a GSA stratified by type of state nondiscrimination law. The percentages in Table 2 suggest that across all districts, there was an increase in the percentage of districts that recommend or require schools to have a GSA. In spring of 2015, more priority districts in states with nondiscrimination laws reported recommending or requiring schools to provide GSAs (58.8%, N = 129) compared to states without laws (53.9%, N = 117). Overall, the percentage of priority districts with a recommendation or requirement for schools to provide GSAs increased over the 3 years of program implementation from 56.1% in spring, 2015 to 76.4% in fall, 2017 (p < .01, see Figure 1). There was a significant interaction between having a nondiscrimination law protecting LGBTQ students and increases in the percentage of priority districts with a recommendation or requirement for a GSA. There was a 30% increase (p < .01, N = 100) in priority districts recommending or requiring schools to provide GSAs in states with these laws, compared to a 12% increase (p < .01, N = 116) in states without these laws (Figure 1). However, the interaction between having an enumerated antibullying law protecting LGBTQ students and priority district recommendations or requirements to provide a GSA was not significant (p = .47).

## Discussion

To date, this is the only published study to demonstrate an association between state laws protecting LGBTQ students from discrimination and increased district-level support for GSAs using a difference-in-difference design. These results highlight the potential contribution that state laws protecting LGBTQ students from discrimination may play in school districts working to facilitate a safe and supportive educational environment for LGBTQ students. Given the continued burden of violence and discrimination experienced by LGBTQ youth in schools [1,2,5–8] and the role that GSAs play in fostering resilience and connection among LGBTQ youth [9–12], these findings are promising.

### Table 1

Presence of state nondiscrimination laws in SEAs receiving CDC DASH program funds, GLSEN state law database, 2018

<table>
<thead>
<tr>
<th>State education agency</th>
<th>Nondiscrimination laws protecting LGBTQ students</th>
<th>Enumerated antibullying laws</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas (AR)</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>California (CA)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Connecticut (CT)</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Washington, DC</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Delaware (DE)</td>
<td>No</td>
<td>No</td>
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<tr>
<td>Florida (FL)</td>
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<tr>
<td>Illinois (IL)</td>
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<td>No</td>
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<tr>
<td>Massachusetts (MA)</td>
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<td>Yes</td>
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<td>Michigan (MI)</td>
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<td>Mississippi (MS)</td>
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<tr>
<td>North Carolina (NC)</td>
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<tr>
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<td>Yes</td>
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<tr>
<td>Rhode Island (RI)</td>
<td>No</td>
<td>Yes</td>
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<tr>
<td>Vermont (VT)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Washington, WA</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Wisconsin (WI)</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

* Nondiscrimination laws in Wisconsin only protected students based on sexual identity but not gender identity or expression.

Analyses

This study used difference-in-difference analysis [19] to estimate the effects of state nondiscrimination laws protecting LGBTQ students and enumerated antibullying laws on priority district support for GSAs. A series of nonlinear mixed-effects regression models were conducted via SAS PROC GLIMMIX with the presence of a recommendation or requirement for providing a GSA at the priority district level as the outcome and a random effect for both the state and repeated observation of priority districts. Time was coded continuously using a linear orthogonal contrast code to capture changes from reporting period 1 (spring, 2015) to reporting period 6 (fall, 2017).
The findings suggest that priority district staff in states with nondiscrimination laws may have more motivation and support to adopt programs and practices to support LGBTQ youth than those in states without such laws. When clear laws designed to discourage discrimination exist, district personnel may better recognize the importance of providing programs that address LGBTQ-related stigma. Additionally, these laws may help minimize structural barriers to implementing GSAs by providing a state-level precedent for districts to provide support for GSAs or other programming supporting LGBTQ students. Structural supports for the creation of district-level programming to improve school climate for LGBTQ students, like GSAs, is valuable, given that emerging research indicates that positive social environments and the presence of GSAs are associated with improved health outcomes for all students, including LGBTQ youth [9–12].

In moving forward, more research at the state, district, school, and student level is needed to better understand how laws may impact LGBTQ students' sense of school connectedness and safety. Nondiscrimination laws protecting LGBTQ students and enumerated antibullying laws may help protect the rights of LGBTQ students beyond their role in supporting programmatic practices, such as by decreasing bullying experienced by students and by improving students' mental health; however, our study was not equipped to examine student-level outcomes. Future research should build upon the findings here to explore the pathway between state laws, district-level policies and programming, and LGBTQ student outcomes.

This study has a few limitations. First, the nonsignificant findings for enumerated antibullying laws should be interpreted with caution, as these laws may influence other antibullying programs or practices school personnel use to support LGBTQ students. Second, information from SEAs is self-reported, and we are unable to rule out that differences in how questions were presented to priority districts or interpreted by SEAs may account for the observed differences. Third, there was more attrition of districts among states with nondiscrimination laws than among those without such laws; given this pattern of attrition, this analysis is statistically conservative, as we lost cases in our exposure of interest (i.e., districts with nondiscrimination laws). The persistence of the observed relationships between state laws and district policies regardless of this pattern of attrition speaks to the strength of the relationships observed. Finally, study findings cannot be generalized to states not included in the DASH program, and future research may be needed to explore whether the relationship between state-level laws and school district policies supporting LGBTQ students holds in parts of the country not included in this sample.

GSAs are a promising school-level approach to improving the health of all students, including LGBTQ youth [9–12]. These findings demonstrate how state law may facilitate district support for these types of approaches. More research is needed on other factors that facilitate the implementation of these programs at the district and school levels and how these programs can best support students. Additionally, these findings highlight the promise of federal administrative data to help us better understand the role of laws, policies, and processes that support youth.

References