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From: Campaign for Our Shared Future (COSF)  
To: Hill, Phil C Rees Public Comment  
Subject: [External] Re: Regulation #52-13, Protected Classes Under the PHRA and PFEOA  
Date: Monday, May 9, 2022 4:29:58 PM

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This comment is on behalf of the Campaign for Our Shared Future (COSF), a non-partisan effort to support excellent K-12 education and preserve access, inclusion, and meaningful content in our schools so that every child has an opportunity to succeed. COSF strongly endorses codifying protections for sexual orientation and gender identity under the Pennsylvania Human Relations Act (PHRA) and the Pennsylvania Fair Educational Opportunities Act (PFEOA). Adopting the proposed regulations would help protect 74,000 LGBTQ+ youth who live in the Commonwealth from discrimination and unfair educational practices (1).

Study after study indicates that stigma and discrimination against LGBTQ+ youth is a ubiquitous issue, leading to disparate socio-emotional distress and mental health outcomes. In fact, studies show that LGBTQ+ youth, especially non-binary and transgender youth, have higher rates of mood and anxiety disorders (2), substance use (3), and suicide (4) relative to their heterosexual and cisgender peers. In a recent national survey, a large majority of LGBTQ+ youth reported experiencing symptoms of anxiety (73%) and depression (58%), yet 60% of those who wanted mental health care in the past year were not able to get it (5).

Although Pennsylvania's educational institutions should have an obligation to provide safe and affirming learning environments for all students, LGBTQ+ students overwhelmingly report experiencing harassment and assault because of their sexual orientation and/or gender identity. Recent data show:

- LGBTQ+ students in Pennsylvania were almost twice as likely to report being bullied both at school and virtually than other students, according to data collected by the state in 2019. The same data reveal LGBTQ+ students disproportionately report being threatened or injured with a weapon on school property (6).
- In a 2019 GLSEN National School Climate survey of LGBTQ middle- and high-school students, 10% of Pennsylvania students reported experiencing physical assault at school because of either their sexual orientation or gender expression in the year prior to the survey. Respondents also reported experiences with verbal harassment at school due to their sexual orientation (71%) or gender expression (56%) (7).
- In 2020 survey of Pennsylvania State University students, 22% of all students reported hearing insensitive or disparaging remarks about their sexual orientation while on campus, while 33% of those who identify as non-binary or gender-nonconforming reported the same (8).
- Of course, youth with intersectional identities, such as Black, Indigenous, and people of color, people with low socioeconomic status, and homeless LGBTQ+ youth, are especially vulnerable to these concerns. For instance, a recent state report shows that, while no such data is collected, the state's LGBTQ+ students of color perceive to be subject to exclusionary discipline (9).

Several bills pending in the Pennsylvania legislature could exacerbate these concerns. For instance, House Bill 972 which would prohibit transgender youth from participating on sports teams according to their gender identity (10). This bill would entrench discrimination in the law—but research shows that the threat of anti-LGBTQ+ legislation poses a mental health risk for these youth even without finalization. More than two-thirds of LGBTQ+ youth say debates about state laws intended to limit the rights of transgender and nonbinary people have negatively impacted their mental health, according to a poll released by the Trevor Project (11).

There is also causal evidence to support this claim. One 2021 study found that texts from LGBTQ+ youth to a crisis line significantly increased in states where anti-LGBTQ+ legislation was proposed (12).

At the same time, there is compelling evidence that LGBTQ youth who live in places and attend schools with more protective policies are less likely to experience victimization (13), substance use (14), and attempt suicide (15).

LGBTQ+ individuals across the Commonwealth face discrimination and unfair educational practices from a young age, contributing to their high rates of socio-emotional distress and mental illness. Yet the PHRA and the PFEOA still do not explicitly name sexual orientation and gender identity as protected classes. That means that access to the protections of the PHRA and the PFEOA is inconsistent, and enforcement is reliant on prioritization by the Pennsylvania Human Relations Commission. For these reasons, COSF strongly supports protecting all LGBTQ+ persons from discrimination throughout the Commonwealth under the PHRA and the PFEOA.

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