Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) Youth: Addressing the Need for Statewide Policies and Supports

2016

Report compiled by Anya Sekino, Juvenile Crime Prevention Manager Youth Development Council
More than 7% of the nation’s youth identify as a sexual minority (3,570,000 of the 25 million youth ages 12-17), and they face a host of increased physical and mental health risks. While some of these young people thrive in supportive families, schools and communities, many more are not so fortunate. Our society’s continued failure to fully embrace and affirm LGBT* youth is tragically reflected in the number of LGBT teen suicides in the United States (Centers for Disease Control and Prevention, 2011).

The latest survey of youth in Oregon shows that in 2015, about 12% of 8th graders, and 11.3% of 11th grade youth reported being LGBQ [2]. Negative attitudes toward LGBTQ youth put them at increased risk for experiences with violence compared with other students, including behaviors such as bullying, teasing, harassment, physical assault, and suicide-related behaviors.

**Sexual Orientation, Gender Identity and Gender Expression (SOGIE)**

The sexual orientation, gender identity, and gender expression—otherwise known as SOGIE—is an important part of a youth’s identity. Best practices in several fields are beginning to be implemented in order to help practitioners better understand the lives, experiences and unique challenges facing LGBT youth. The goal of establishing best practices associated with SOGIE is to ensure that youth are safe and are in environments free from bias, harassment and discrimination.

**LGBT Youth and Schools**

America’s schools are notoriously hostile settings for LGBT students, with the majority of students reporting regular verbal or physical harassment by students or school personnel based on their sexual orientation or gender expression (Kosciw, J.G., Greytak, E.A., Palmer N.A., & Boesen, M.J., 2014).

LGBT students who report high levels of victimization at school also have higher rates of truancy, lower grade point averages, higher levels of depression, lower self-esteem and fewer plans for secondary education (Kosciw, J.G., Greytak, E.A., Palmer N.A., & Boesen, M.J., 2014).

Data show that schools administer sanctions to non-heterosexual youth, particularly girls, that are harsher than those administered to heterosexual youth and are disproportionate to their misbehavior (Himmelstein, K.E., & Brückner, H., 2011).
* Variations of this acronym used throughout this position paper reflect relevant populations. Many studies consider lesbian, gay, and bisexual youth, but do not include transgender and questioning youth.

When biased school discipline practices and pervasive harassment push LGBT youth out of schools, they are at higher risk of contact with the justice system. In fact, 90% of LGBT youth in juvenile detention have been suspended or expelled from school at least once. (Irvine, A., 2010).

Lesbian, gay & bisexual youth in Oregon report approximately twice as much bullying as straight youth, as demonstrated in the 2013 Oregon Healthy Teens Survey (OHTS).

![Percentage of youth who reported being bullied in school in the past 30 days by sex and grade level, 2015 Oregon Healthy Teens Survey.](image)

The 2009 National School Climate Survey conducted by the Gay, Lesbian, and Straight Education Network found that 84.6% of LGBT students were verbally harassed (e.g., called names or threatened), 40.1% were physically harassed (e.g., pushed or shoved), and 18.8% were physically assaulted (e.g., punched, kicked, injured with a weapon) at school because of their sexual orientation (Kosciw, Joseph G., Emily A. Greytak, Elizabeth M. Diaz, and Mark J. Bartkiewicz, 2010).

Further, a recent meta-analysis found that in school, sexual minority students were 1.7 times more likely to report being threatened or injured with a weapon or otherwise assaulted,
compared with sexual nonminority students, and 2.8 times more likely to report missing school because of fear (Friedman, Mark S., Michael P. Marshal, Thomas E. Guadamuz, Chongyi Wei, Carolyn F. Wong, Elizabeth M. Saewyc, and Ron Stall, 2011).

The hostile school environment can contribute to higher rates of truancy, absenteeism, and dropping out, in addition to lower academic scores or grades and psychological trauma (Mitchum, Preston, and Aisha C. Moodie–Mills, 2014).

Researchers have documented multiple risks to youth as a result of bias-based bullying including compromised academic performance; missing school because they feel unsafe; over-representation in the juvenile justice system; and a high risk for depression, substance abuse, and suicide. A hostile school environment, often combined with a lack of parental support for their child’s sexual identity, gender identity or expression, is credited with the high risk of suicidal behavior and homelessness amongst LGBT students (Arredondo, M., Gray, C., Russell, S., Skiba, R., & Snapp, S., 2016).

**Differential School Discipline**

LGBT students experience disproportionate exclusionary school discipline compared to their heterosexual peers. (Arredondo, M., Gray, C., Russell, S., Skiba, R., & Snapp, S., 2016).

Recent findings also show LGBT youth are more likely to experience harsh exclusionary discipline (suspension and expulsion) from school administrators and in police contact in comparison to their heterosexual peers. (Himmelstein, K.E., & Brückner, H., 2011). The study found that youth reporting same-sex attraction are at a greater risk for school expulsion than their heterosexual peers: in one county-wide study, LGBT youth were more than twice as likely as heterosexual students to report that they had been suspended from school.

School exclusion through suspension and expulsion is associated with decreases in academic achievement and increased risk of negative or antisocial behavior over time. Suspension and expulsion have also been found to be associated with higher rates of truancy over time and an increased risk for failure to graduate or school dropout. Finally, students who are suspended or expelled face an increased risk of contact with the juvenile justice system. (Arredondo, M., Gray, C., Russell, S., Skiba, R., & Snapp, S., 2016).

The cumulative responses of LGB youth captured in the Oregon Healthy Teens Survey regarding their experiences in Oregon schools is informative and should lead to the establishment of best practices for engaging LGB youth in Oregon’s schools. A sampling of responses is presented below.
During the past 12 months, how many days of school did you miss for any reason?

<table>
<thead>
<tr>
<th></th>
<th>None</th>
<th>1-2 days</th>
<th>3-5 days</th>
<th>6-10 days</th>
<th>11-15 days</th>
<th>16 or more days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lesbian or gay</td>
<td>10.2</td>
<td>17.3</td>
<td>21.6</td>
<td>20.5</td>
<td>11.1</td>
<td>19.3</td>
</tr>
<tr>
<td>Straight</td>
<td>10.2</td>
<td>22.8</td>
<td>27.2</td>
<td>19.7</td>
<td>9</td>
<td>11.2</td>
</tr>
<tr>
<td>Bisexual</td>
<td>6.2</td>
<td>18.6</td>
<td>24.1</td>
<td>20.7</td>
<td>12.6</td>
<td>17.8</td>
</tr>
<tr>
<td>Something else</td>
<td>8.9</td>
<td>19</td>
<td>22.4</td>
<td>22.8</td>
<td>9.3</td>
<td>17.5</td>
</tr>
<tr>
<td>Do not know/not sure</td>
<td>14.3</td>
<td>24</td>
<td>25</td>
<td>17.5</td>
<td>7.9</td>
<td>11.2</td>
</tr>
</tbody>
</table>

During the past 12 months, how would you describe your grades in school?

<table>
<thead>
<tr>
<th></th>
<th>Mostly A's</th>
<th>Mostly B's</th>
<th>Mostly C's</th>
<th>Mostly D's</th>
<th>Mostly F's</th>
<th>None of these grades</th>
<th>Not sure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lesbian or gay</td>
<td>26.8</td>
<td>35.8</td>
<td>18.9</td>
<td>6.2</td>
<td>7.3</td>
<td>2</td>
<td>3.1</td>
</tr>
<tr>
<td>Straight</td>
<td>35.4</td>
<td>34.9</td>
<td>18.3</td>
<td>4.1</td>
<td>2.7</td>
<td>0.7</td>
<td>3.9</td>
</tr>
<tr>
<td>Bisexual</td>
<td>24.4</td>
<td>31.8</td>
<td>23.1</td>
<td>7.3</td>
<td>6.1</td>
<td>1</td>
<td>6.3</td>
</tr>
<tr>
<td>Something else</td>
<td>31.5</td>
<td>30.7</td>
<td>18.6</td>
<td>4.8</td>
<td>4.2</td>
<td>3</td>
<td>7.1</td>
</tr>
<tr>
<td>Do not know/not sure</td>
<td>34.7</td>
<td>31.3</td>
<td>16</td>
<td>5.9</td>
<td>3.4</td>
<td>1.1</td>
<td>7.6</td>
</tr>
</tbody>
</table>

There is at least one teacher or adult in my school that really cares about me.

<table>
<thead>
<tr>
<th></th>
<th>Very much true</th>
<th>Pretty much true</th>
<th>A little true</th>
<th>Not at all true</th>
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<tbody>
<tr>
<td>Lesbian or gay</td>
<td>38.1</td>
<td>33.3</td>
<td>16.9</td>
<td>11.7</td>
</tr>
<tr>
<td>Straight</td>
<td>42.6</td>
<td>31.4</td>
<td>19.5</td>
<td>6.5</td>
</tr>
<tr>
<td>Bisexual</td>
<td>37.6</td>
<td>27</td>
<td>24.5</td>
<td>10.9</td>
</tr>
<tr>
<td>Something else</td>
<td>36.5</td>
<td>24.4</td>
<td>24.8</td>
<td>14.3</td>
</tr>
<tr>
<td>Do not know/not sure</td>
<td>37.1</td>
<td>30.6</td>
<td>23</td>
<td>9.2</td>
</tr>
</tbody>
</table>
During the past 12 months, did you ever seriously consider attempting suicide?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
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</thead>
<tbody>
<tr>
<td>Lesbian or gay</td>
<td>42.7</td>
</tr>
<tr>
<td>Straight</td>
<td>13.3</td>
</tr>
<tr>
<td>Bisexual</td>
<td>53.3</td>
</tr>
<tr>
<td>Something else</td>
<td>44.1</td>
</tr>
<tr>
<td>Do not know/not sure</td>
<td>28.7</td>
</tr>
</tbody>
</table>

Have you been bullied at school in the past 30 days?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lesbian or gay</td>
<td>44.6</td>
</tr>
<tr>
<td>Straight</td>
<td>22.7</td>
</tr>
<tr>
<td>Bisexual</td>
<td>51.3</td>
</tr>
<tr>
<td>Something else</td>
<td>42.1</td>
</tr>
<tr>
<td>Do not know/not sure</td>
<td>35.2</td>
</tr>
</tbody>
</table>

On an average school night, how many hours of sleep do you get?

<table>
<thead>
<tr>
<th></th>
<th>4 hours or less</th>
<th>5 hours</th>
<th>6 hours</th>
<th>7 hours</th>
<th>8 hours</th>
<th>9 hours</th>
<th>10+ hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lesbian or gay</td>
<td>17.7</td>
<td>14.4</td>
<td>21.6</td>
<td>20.5</td>
<td>16.3</td>
<td>6.9</td>
<td>2.5</td>
</tr>
<tr>
<td>Straight</td>
<td>4.7</td>
<td>8</td>
<td>17.4</td>
<td>27.2</td>
<td>27.6</td>
<td>11.5</td>
<td>3.6</td>
</tr>
<tr>
<td>Bisexual</td>
<td>16.2</td>
<td>17.3</td>
<td>22.2</td>
<td>22.3</td>
<td>14.8</td>
<td>4.4</td>
<td>2.7</td>
</tr>
<tr>
<td>Something else</td>
<td>15.6</td>
<td>15.4</td>
<td>20.7</td>
<td>21.3</td>
<td>17.2</td>
<td>5.7</td>
<td>4.1</td>
</tr>
<tr>
<td>Do not know/not sure</td>
<td>7.3</td>
<td>10.9</td>
<td>19.7</td>
<td>24.4</td>
<td>21.7</td>
<td>8.5</td>
<td>7.3</td>
</tr>
</tbody>
</table>

Transgender Youth and Civil Rights

On May 13, 2016, the U.S. Department of Justice and U.S. Department of Education issued joint guidance to schools across the country on the implementation of the civil rights of transgender students. Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations prohibit sex discrimination in educational programs and activities operated by recipients of federal financial assistance. This prohibition encompasses discrimination based on a student’s gender identity, including discrimination based on a student’s transgender

The Oregon Department of Education issued a similar guidance to school districts on May 5, 2016 (Oregon Department of Education, 2016). In addition to the federal regulations, under Oregon law “… [a] person may not be subjected to discrimination in any public elementary, secondary or community college education program or service, school or interschool activity or in any higher education program or service, school or interschool activity where the program, service, school or activity is financed in whole or in part by moneys appropriated by the Legislative Assembly” (Oregon Revised Statutes 659.850, 2013).

Tools for Surveying LGBT Students
The Centers for Disease Control and Prevention administers two school health surveys: the School Health Profile survey and the School Health Policies and Practices Study. These two tools measure and assess school health policies and practices relevant to LGBTQ youth, such as:

- Existence of gay-straight alliances (GSAs) or similar student organizations in schools
- Identification of safe spaces for LGBTQ youth
- Prohibition of harassment and bullying
- Provision of health and mental health services to LGBTQ youth
- Professional development and training for school staff about the needs of LGBTQ youth
- Inclusion of LGBTQ-related topics in sex education curricula
- Classroom teaching about sexual orientation
- Referrals to health and mental health service providers experienced in serving LGBTQ youth

LGBT Youth Face Bias and Discrimination in Foster Care
LGBT youth enter the foster care system for many of the same reasons as non-LGBT youth in care, such as abuse, neglect, and parental substance abuse. However, many LGBT youth have the added layer of trauma that comes with being rejected or mistreated because of their sexual orientation, gender identity or gender expression.

LGBT youth in foster care systems suffer from many problems because of prejudice against their sexual orientation or their non-conformity to gender stereotypes. These problems include a complete lack of recognition of their existence and needs by child welfare systems, insensitive and discriminatory treatment, and outright harassment and violence by peers, foster parents, and child welfare staff (Sullivan, C., Sommer, S., & Moff, J., 2001).
Data on LGBT Youth and Foster Care

Data on the sexual orientation and gender identity of foster youth is limited since there is no clear mandate to track this information alongside other required data collection on demographics such as age, sex, and race/ethnicity (Human Rights Campaign & Foster Club, 2014).

However, a study in Los Angeles conducted by the Williams Institute found that nearly 1 out of 5 (19.1%) L.A.-based foster youth are LGBTQ and the percentage of youth in foster care who are LGBTQ is between 1.5 and 2 times that of youth living outside of foster care. Specifically, the research found that there are 13.6% LGBQ-identified youth in foster care compared to 7.2% in the general youth population, and 5.6% transgender youth in foster care compared to 2.25% in the general youth population (Wilson, B.D.M., Cooper, K., Kastansis, A., & Nezhad, S., 2014). Other studies have revealed several disparities in the experiences of LGBT youth in foster care compared to their non-LGBT peers in foster care. These disparities included a higher average number of foster care placements and a higher likelihood of living in a group home setting (Jacobs, J.; Freundlich, M., 2006).

The unacceptable reality is that LGBT youth – after facing trauma and maltreatment from their families or caregivers – too often enter a foster care system that is ill-equipped to competently meet their needs and subjects them to further bias and discrimination. The U.S. Department of Health and Human Services Administration on Children, Youth and Families has called on all of those who work with youth in foster care to do better, stressing “…every child and youth who is unable to live with his or her parents is entitled to a safe, loving and affirming foster care placement, irrespective of the young person’s sexual orientation, gender identity or gender expression” (The U.S. Department of Health and Human Services Administration on Children, Youth and Families, 2011).

Many of these LGBT youth live at the intersection of multiple identities and thus experience multiple forms of discrimination including discrimination on the basis of race, class, disability, sexual orientation and gender identity. Experiences of bias and discrimination come from interactions with social workers and group home staff as well as policy and structural barriers preventing LGBT youth from receiving the services they need. Research shows that LGBT youth are more than twice as likely as their non-LGBT peers to report being treated poorly by the foster care system (U.S. Department of Health and Human Services Administration on Children, Youth and Families, 2011).

A survey of LGBT youth in out-of-home care in New York City found:

- 78% of LGBT youth were removed or ran away from their foster placements as a result of hostility toward their sexual orientation or gender identity
• 100% of LGBT youth in group homes reported verbal harassment
• 70% of LGBT youth reported physical violence in group homes (Feinstein, R., et al., 2001).

These experiences of hostility within systems of care force many LGBT youth to make difficult decisions in order to meet their most basic needs, including engaging in “survival sex” or “couch surfing” involving sexual exchange rather than subjecting themselves to abuse within foster care (New York City Association of Homeless and Street-Involved Youth Organizations, 2012). These activities often lead to involvement with the juvenile justice system, a system in which LGBT youth are also over-represented and often face further abuse (Mitchum, P. & Moodie-Mills, A., 2014).

**Additional Studies of LGBT Youth in Foster Care**

One study estimates 26% of LGBT youth were forced to leave their families of origin as a result of conflicts with their parents regarding their sexual orientation or gender identity (Arredondo, M., Gray, C., Russell, S., Skiba, R., & Snapp, S., 2016). Another study found that LGB and gender nonconforming youth were twice as likely as their heterosexual and gender-normative peers to report they had been removed from their home by a social worker, had lived in a group or foster home, and had even been homeless after being kicked out of their home or running away (National Center for Lesbian Rights, 2006). Because of lack of acceptance and abuse, many LGBT youth are removed from their homes or found to be “throwaways” by child protection agencies and placed in out-of-home care. In a terrible irony, once in out-of-home placement, more than 75% of these youth will be subjected to additional anti-LGBT abuse and discrimination (National Center for Lesbian Rights, 2006). LGBT youth have special risks related to their sexual orientation and gender identity that set them apart from non-LGBT youth in foster care. The social stigma attached to being LGBT causes these youth to hide their identities, fear for their safety, and often turn to drugs to cope. As a result, many LGBT youth drop out of the system altogether, preferring to live on the street rather than in homophobic and transphobic settings where they are in danger of harassment or violence (National Center for Lesbian Rights, 2006).

**LGBT Youth Health Risks and Experiences with Violence**

Societal factors such as bullying, violence, and discrimination heighten health risks for anyone. However, lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth experience elevated risk and associated negative health and mental health outcomes (Centers for Disease Control and Prevention, 2014). Studies show LGBT youth are twice as likely as non-LGBT youth to attempt suicide. (Centers for Disease Control and Prevention, 2014). Others put the number close to four times as likely. (Ryan, C., Huebner, D., Diaz, R.M., & Sanchez, J., 2009).
LGBTQ youth are at increased risk for suicidal thoughts and behaviors, suicide attempts, and suicide. A nationally representative study of adolescents in grades 7–12 found that lesbian, gay, and bisexual youth were more than twice as likely to have attempted suicide as their heterosexual peers. More studies are needed to better understand the risks for suicide among transgender youth. However, one study with 55 transgender youth found that about 25% reported suicide attempts (Grossman, A.H., D’Augelli, A.R., 2007). Negative attitudes toward lesbian, gay, and bisexual (LGB) people put these youth at increased risk for experiences with violence, compared with other students (Coker, T.R., Austin, S.B., & Schuster M.A., 2010). Behaviors such as bullying, teasing, harassment, physical assault, and suicidal behaviors are some of the forms of violence experienced by LGBT Youth. According to data from Youth Risk Behavior Surveys (YRBS) conducted during 2001‒2009 in seven states and six large urban school districts, the percentage of LGB students (across the sites) who were threatened or injured with a weapon on school property in the prior year ranged from 12% to 28%. In addition, across the sites:

- 19% to 29% of gay and lesbian students and 18% to 28% of bisexual students experienced dating violence in the prior year
- 14% to 31% of gay and lesbian students and 17% to 32% of bisexual students had been forced to have sexual intercourse at some point in their lives (Centers for Disease Control and Prevention, 2011).

The stresses experienced by LGBT youth also put them at greater risk for sexual behaviors that place them at risk for HIV and other sexually transmitted diseases (STDs). For example, HIV infection among young men who have sex with men aged 13–24 years increased by 26% over 2008–2011 (Centers for Disease Control and Prevention).

**LGBT Youth and Homelessness: 40% of Homeless Youth Identify as LGBT**

In America, up to 1.6 million youth experience homelessness each year. The statistics for lesbian, gay, bisexual, and transgender (LGBT) homeless youth are even more shocking, as this group represents up to 40% all young people experiencing homelessness. Considering that LGBT youth represent an estimated 7% of the total youth population, these numbers are disproportionately high. While even a single young person without a home is one too many, the disparity of LGBT youth experiencing homelessness is unfathomable (True Colors, 2016).

LGBT youth are not only overrepresented in homeless youth populations, but reports indicate that while living on the streets, LGBT youth are at great risk of physical and sexual exploitation—at the hands of adults, police, and other youth. For example, one study concluded that LGBT homeless youth experience an average of 7.4 more acts of sexual violence toward
them than their heterosexual peers (Cochran, B. N., Stewart, A. J., Ginzler, J. A., & Ana M. C., 2002).

LGBT youth experience homelessness for a variety of other reasons, including the intersection of homophobia and transphobia, poverty, and failed systems. According to service providers, additional reasons include family issues, aging out of the foster care system, family poverty, and abuse in the home (True Colors, 2016).

**Family Conflict**
Family conflict is the most common cause of all youth homelessness. For LGBT youth in particular, the conflict tends to be over their sexual orientation or gender identity – and the results aren’t pretty: Half of all teens get a negative reaction from their parents when they come out to them. More than 1 in 4 is thrown out of their homes. (True Colors, 2016)
These vulnerable gay and transgender youth often run away from home because of family conflict and then face overt discrimination when seeking alternative housing, which is compounded by institutionalized discrimination in federally funded programs. (Center For American Progress, 2010).
Unfortunately, some LGBT homeless youth have experienced discriminatory practices and policies when trying to access homeless youth services. Others have been assaulted by peers based on their sexual orientation or gender identity while participating in programs designed to help homeless youth stabilize their lives. Without access to the residential stability, nurturance, and opportunities for positive youth development provided by homeless youth service providers, LGBT homeless youth are susceptible to further challenges as adults and continued violence and exploitation on the streets, and are at great risk of entering the juvenile or criminal justice system (National Recommended Best Practices for Serving LGBT Homeless Youth, 2016).

Summary of Homeless LGBT Youth Data and Statistics Compiled by the Center for American Progress

1.6 million to 2.8 million: The estimated number of homeless youth in the United States.

20 to 40 %: The portion of the homeless youth population who are gay or transgender, compared to only 5 to 10 percent of the overall youth population.

320,000 to 400,000: A conservative estimate of the number of gay and transgender youth facing homelessness across the United States each year.

14.4: The average age that lesbian and gay youth in New York become homeless.

13.5: The average age that transgender youth in New York become homeless.

Homeless gay and transgender youth see higher rates of abuse and victimization

<table>
<thead>
<tr>
<th>Homeless youths who have been sexually assaulted</th>
<th></th>
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<tbody>
<tr>
<td>LGBT</td>
<td>58%</td>
</tr>
<tr>
<td>Heterosexual</td>
<td>33%</td>
</tr>
</tbody>
</table>

58%: The portion of homeless gay and transgender youth who have been sexually assaulted, compared to 33 percent of homeless heterosexual youth.
44%: The portion of homeless gay and transgender youth who reported being asked by someone on the street to exchange sex for money, food, drugs, shelter, or clothes, compared to 26 percent of straight homeless youth.

Rejection and discrimination at home leads to severe personal and social problems

13: The average age gay and lesbian youth now come out after self-identifying as gay or lesbian as young as ages 5 to 7.

62%: The portion of homeless gay and transgender youth who experience discrimination from their families, compared to 30% of their heterosexual peers.

42%: The portion of homeless gay and transgender youth who abuse alcohol, compared to 27% of heterosexual youth.

62%: The portion of homeless gay and transgender youth who attempt suicide, compared to 29% of their heterosexual homeless peers.

Federal programs overlook homeless gay and transgender youth

$195 million: The portion of the federal government’s $4.2 billion budget for homeless-assistance programs that is targeted toward homeless youth.
Less than 1 percent: The portion of the $44 billion federal budget for rental assistance, public housing, and affordable housing programs allocated for homeless youth housing assistance. (Center for American Progress, 2010)

LGBT Youth and Juvenile Justice

Social stigma, family rejection, and discrimination subject LGBT youth to increased risk of substance use, homelessness, school dropout or push-out, depression and suicidality. These risks are well-documented and devastating, driving disproportionate numbers of LGBT youth into the justice system. Recent research has shown that up to 20% of the youth confined in America’s juvenile detention facilities identify as LGBT, questioning or gender nonconforming, which is almost three times their estimated number in the general population. (Irvine, 2010).

Lesbian, gay and bisexual youth confined in juvenile facilities are at least seven times more likely to be sexually assaulted by other youth as are their heterosexual peers. In secure detention or correctional facilities, LGBTQ youths face harassment, emotional abuse, physical and sexual assault, and prolonged periods spent in isolation (Majd, Marksamer, & Reyes, 2009).

With regard to adjudicated youth in custody, the Bureau of Justice Statistics (BJS) in 2012 conducted the National Survey of Youth in Custody to estimate the rates of sexual victimization in juvenile facilities. Responses were gathered from approximately 18,100 adjudicated youth placed in juvenile facilities across the country. Of those surveyed, 2,200 youth (about 12 percent) self-identified as non-heterosexual—that is, youth who identified their sexual orientation as gay, lesbian, bisexual, or other (Beck et al., 2013).

In the first published opinion addressing the treatment of LGBT youth in juvenile justice facilities, a federal district court found that the staff’s failure to protect the plaintiffs from relentless verbal harassment and abuse, as well subjecting them to prolonged “protective” solitary confinement, violated the Constitution. The case was R.G. v. Koller.
**R.G. v. Koller**

In 2005, the Hawaii Youth Correctional Facility (HYCF) was sued by the American Civil Liberties Union of Hawaii in federal court on behalf of R.G., an 18-year-old lesbian, J.D, a 17-year-old boy perceived to be gay, and C.P., a 17-year-old transgender girl. The plaintiffs alleged that the HYCF staff failed to intervene to protect them from relentless emotional, physical and sexual abuse by other youth, and that the staff also verbally harassed and demeaned them. The court issued a preliminary injunction, finding that the plaintiffs were likely to prevail at trial by showing that the facility violated their constitutional rights. *(R.G. v. Koller, 415 F. Supp. 2d 1129, 2006).*

The court found that HYCF was deliberately indifferent to the health and safety of the plaintiffs by failing to have policies and staff training necessary to protect LGBT youth, adequate staffing and supervision, a functioning grievance system and a classification system to protect vulnerable youth. The court also held that placing youth in isolation as a means of protecting them from abuse amounted to punishment and violated the 14th Amendment of the Constitution.

As stated earlier, available research has estimated that LGBT youth represent between 5% and 7% of the nation’s overall youth population, but they comprise 13% to 15% of those currently in the juvenile justice system *(Friedman, M. S., Marshal, M.P., Guadamuz, T.E., Wei, C., Wong, C.F., Saewyc, E.M., & Stall, R., 2011)*. However, identifying the number of LGBT youth in the juvenile justice system is problematic. Reliable statistics are difficult to find, partially because the system relies on youth disclosing this information about themselves. Youth may hide their gender identities and sexual orientation out of fear of reprisal from justice system officials, family members, or friends. In addition, many data collection systems do not include questions to record such information.

Many of the LGBT youth in the juvenile justice system were arrested for committing non-violent survival crimes such as prostitution and shoplifting and were likely living on the streets at the time of the offense. Some LGBT youth enter the juvenile justice system after having been inappropriately detained as “sex offenders” merely for engaging in consensual, age-appropriate same-sex conduct *(Friedman, M. S., Marshal, M.P., Guadamuz, T.E., Wei, C., Wong, C.F., Saewyc, E.M., & Stall, R., 2011).*

**Juvenile Justice Policies for LGBT Youth in Oregon**

County juvenile departments around the state are developing policies and will implement best practices for LGBT and/or transgender youth in their care. Oregon Youth Authority has
developed policy and protocols addressing the needs of transgender youth in their custody.

The Providing Unbiased Services for LGBT Youth Project is a collaborative effort that originated in Multnomah County, Oregon, and focuses on training staff and encouraging policy changes to provide unbiased services for LGBT youth in in-home and out-of-home care settings.

The collaboration has predominately focused its efforts on out-of-home care including juvenile justice detention, foster care placements, and homeless shelters. The primary goal is to support organizational policy changes and trainings so that organizations will be better able to meet the needs and improve the outcomes for LGBT youth as well as others that the organizations serve, and to develop a model training program to help staff in social service and criminal justice organizations provide unbiased services for LGBT youth.

In their statement of lessons learned, the Project identified the fundamental issue confronting the ability to provide services to LGBT youth in Oregon: “There is a lack of data in this area.” The Project offered the following statements regarding the lack of data and provided three important recommendations which mirror those found elsewhere in this report:

- One challenge that the collaboration faces is a lack of data and information on LGBT youth, specifically gender-nonconforming youth and youth in the juvenile justice and child welfare systems.
- This is a problem in Oregon and the nation as a whole.
- While there are some data showing that LGBT youth are overrepresented in the homeless population, data about overrepresentation in other systems are not as clearly established.
- One reason for the lack of data on this population is that youth often don’t feel safe disclosing their sexual or gender preference.
- In addition, when data are available, gay, lesbian, bisexual, and transgender youth are often lumped together as one category, therefore not capturing the distinct experiences of each population. For example, as many out-of-home placements are segregated by sex, it can create unique challenges for gender-nonconforming youth.
- Information is slowly becoming more available, but it is still heavily reliant on anecdotal information or case studies rather than large-scale data collection and analysis.
- The lack of data and information on this population of youth both at the national and local level makes it difficult to demonstrate that:
  - More efforts and funding need to be targeted at this population.
✓ Action should be taken to help eliminate the disproportionate representation of LGBT youth in the juvenile justice, homeless, and child welfare populations.
✓ Efforts need to be taken to ensure that LGBT youth experience a safe and supportive environment. (The Providing Unbiased Services for LGBT Youth Project)

Key Findings
Identifying the number of LGBT youth in Oregon’s juvenile justice system is problematic. Reliable statistics are difficult to find, partially because the system relies on youth disclosing this information about themselves. However, youth may hide their gender identities and sexual orientation out of fear of reprisal from justice system officials, family members, or friends. In addition, many data collection systems do not include questions to record such information.

LGBT youth face many of the same everyday challenges of growing up as their heterosexual peers, but they face additional obstacles related to their sexual orientation and gender identity which heterosexual youth may not experience.

Research findings (Arredondo, M., Gray, C., Russell, S., Skiba, R., & Snapp, S., 2016; and National Center for Lesbian Rights, 2006) show that LGBT youth are more likely than their heterosexual peers to:
- suffer from abuse by their biological and foster families
- be bullied and victimized by classmates and even school personnel
- be chronically absent, truant and drop out
- have lower academic scores
- engage in high-risk sexual behaviors
- become victims of physical, psychological and sexual abuse
- be at higher risk for depression, mood and anxiety disorders, and suicidal ideation and attempts
- have higher rates of smoking, alcohol and drug use
- become homeless
- commit “survival” crimes and become involved in juvenile and criminal justice systems

Policy and Practice Recommendations: Fostering Resilience and Protective Factors
Emerging research on resiliency and protective factors offers a strengths-based focus on LGBT youth well-being. Addressing LGBT-related stigma, discrimination, and violence; building on the strengths of LGBT youth; and fostering supports such as family acceptance and safe,
affirming environments in schools and other settings will help improve outcomes for LGBT young people.

At the same time, it is also important to acknowledge and build on the strengths, resilience, and factors that protect LGBT youth from risk, such as connection to caring adults and peers, and family acceptance.

**Recommendations to Provide Greater Support and Care of LGBT Youth**

There is the need to develop state, local and agency policies and practices that support the establishment of safe and supportive environments for LGBT youth. To this end, the following recommendations are offered:

- Statewide polices, practices and funding to support LGBT youth must be developed
- State agencies must provide training in the competent, non-discriminatory, and respectful treatment of LGBT youth
- Sexual orientation and gender identity should be included in agency data collection systems and intake forms for youth
- Agency non-discrimination policies inclusive of sexual orientation, and gender identity and expression (SOGIE) should be posted in state agency workplaces
- Specific comprehensive training curriculums must be developed for juvenile justice, child welfare, education and homeless youth professionals
- State funds should be allocated to support housing for homeless LGBTQ youth if the federal government continues to underfund homeless assistance and public housing programs for homeless youth.
- Health, behavioral and mental health services should provide safe and welcoming environments for LGBTQ youth. Youth should have access to community-based providers who have experience providing health services, including HIV/STD testing and counseling, to LGBTQ youth. Suicide prevention services and practices must be culturally appropriate for LGBTQ youth.
- School districts should develop policies and provide training to all school personnel to ensure that the LGBTQ students feel socially, emotionally, and physically safe and supported and are ready to learn.
- School districts should provide training to all school personnel to ensure that the ODE guidelines regarding transgender students are understood and followed. Additional training/incentives/or oversite to ensure districts are aligned with state law as it relates to curriculum and instruction.
• Improve legal requirements that instruction be inclusive, accessible of LGBTQ students and community.

• Schools should encourage student-led and student-organized school clubs that promote a safe, welcoming, and accepting school environment (e.g., gay-straight alliances, which are school clubs open to youth of all sexual orientations).

• Schools should have an identified coordinator around bullying prevention. This coordinator would work to address bullying, collect data on instances of bullying and what the resolution is to those bullying incidents.

• Health curricula or educational materials should include HIV, other STD, or pregnancy prevention information that is relevant to LGBTQ youth (such as ensuring that curricula or materials use inclusive language or terminology).

• Juvenile justice and law enforcement agencies should develop policies and provide training to all personnel to ensure that LGBTQ youth in their custody are safe, protected and have access to care consistent with best practices for these populations. Personnel should be trained to recognize and acknowledge that experiences at home, in placement, in school, in the community, and in the juvenile justice system may have been traumatic, and that LGBTQ youth may need support, intervention, or treatment for trauma.

• Child Welfare services should develop policies and monitor foster care placements to ensure that foster care providers are trained and provide safe, supportive and trauma-free safe living environments for LGBTQ youth in their care.
References


Eller, LaShanda, *LGBT Youth and Sexual Health Outcomes in Oregon*; (Based on 2011, 2013, 2015 Oregon Healthy Teens Surveys), a 2015 Oregon Health Authority power point presentation.


Irvine, A. (2010). “We’ve had three of them”: Addressing the invisibility of lesbian, gay, bisexual and gender non-conforming youths in the juvenile justice system. *Columbia Journal of Gender and Law,* 19, 675.


Oregon Revised Statutes, 659.850 Discrimination in Education prohibited rules http://www.oregonlaws.org/ors/659.850


a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults.” Pediatrics 123:346–52.


True Colors (2016), Retrieved from: https://truecolorsfund.org/ourissue


Additional Resources For LGBT Youth In Oregon
**Pride Foundation:** Pride Foundation provides post-secondary educational scholarships to current and future lesbian, gay, bisexual, transgender, queer, and straight-ally leaders and role models from Alaska, Oregon, Idaho, Montana, and Washington. In collaboration with scholarship partners at the GSBA, they are proud to support LGBT and straight ally students. Together, they offer nearly 50 different scholarships, but only one application to complete. Pride Foundation’s LGBT and straight ally scholarship program is one of the largest of its kind in the country with specific scholarships for students of color, students raised by LGBT parents, and more. [www.pridefoundation.org/scholarships](http://www.pridefoundation.org/scholarships).

**Equity Foundation:** Provides educational scholarships to students who are members of the LGBT community, or who are working to prevent hate crimes. For additional information contact Joey Kerns at 503.231.5759 ext. 521 or send e-mail to joeyk@equityfoundation.org.

**Power Of One:** The *Power of One* is a Northwest student leadership conference designed to encourage and empower lesbian, gay, bisexual, transgender, queer, and questioning college students, their allies, and the faculty and staff who support them. The conference content seeks to enrich students’ lives and promote healthy and safe communities on campuses and in societies. Specifically, programs, initiatives, and speakers at the annual conference focus on programming tracks of Ally Development, Gender, Health and Wellness, Social Justice, Leadership, Creative Arts, and Advisors, Administrators, and Professionals. The conference is held at a different school in the Northwest each year. Registration is required. For more information, go to [nwlgbleadership.wsu.edu](http://nwlgbleadership.wsu.edu).

**Portland State University Queer Resource Center:** The Portland State University Queer Resource Center strives to provide an inclusive safe space in advocating for gay, lesbian, bisexual, transgender, queer and questioning students, staff, faculty and their allies. Its mission is to serve the PSU and surrounding communities through both outreach education and social programming that promotes awareness. [www.qrc.pdx.edu](http://www.qrc.pdx.edu)

**Portland Community College Queer Resource Center (QRC) Rock Creek:** The Queer Resource Center’s mission is to facilitate a campus community that intentionally advocates for, supports and empowers students, faculty, staff, and alumni of all sexualities, sexes, gender identities and gender expressions. They conduct educational outreach as well as provide a safe, welcoming space that offers both academic and personal support to Portland Community College’s LGBTQ and ally communities. [www.http://www.pcc.edu/resources/aspcc/rock-creek/qrc/](http://www.http://www.pcc.edu/resources/aspcc/rock-creek/qrc/)
**Portland Community College LGBT Club:** Meets every Weds at 3pm at PCC Cascade Women’s Resource Center conference room. [www.pcc.edu/services/index.cfm/223.html](http://www.pcc.edu/services/index.cfm/223.html) or email LGBTcascade@hotmail.com.

**Reed College Queer Alliance (QA):** Queer Alliance is an all-inclusive organization dedicated to issues of sexuality and gender. There are weekly discussions and meetings, as well as movie nights, Drag Ball, Queer Prom, and other activities. In addition, outside educators and entertainers are brought to campus. To contact or to sign up for the listserv: [www.lists.reed.edu/mailman/listinfo/queer-alliance](http://www.lists.reed.edu/mailman/listinfo/queer-alliance)

**University of Portland Gay Straight Partnership:** The mission of the GSP is to build a community that is open and welcoming to students of all sexual orientations. The GSP represents and models the University goals of inclusiveness and community, bringing together gay and straight students. The GSP seeks to help all students grow in friendship, knowledge, faith and service. Email clubgsp@up.edu

**Marylhurst L.G.B.T.Q. Alliance:** Marylhurst L.G.B.T.Q. Alliance’s mission is to encourage diversity, inclusion, and dialogue in Marylhurst University and Oregon. It also seeks to help, support, and give voice to the L.G.B.T.Q. community present at Marylhurst University. More information: Contact faculty advisor Mike Randolph. [www.marylhurst.edu/studentresources/studentorganizations.php](http://www.marylhurst.edu/studentresources/studentorganizations.php)

**Lewis and Clark** Law School: OutLaw provides a forum for gays, lesbians, bisexuals, transgendered, questioning students and their allies to meet, exchange ideas, share experiences, and bring pertinent legal and political issues of the LGBT community to campus. Undergraduate: United Sexualities. [www.lclark.edu](http://www.lclark.edu).

**Mount Hood Community College (in Gresham):** Queer Straight Alliance (QSA.) QSA is a social, political, and support group which provides a wide variety of events and entertainment for students and staff of all sexual orientations. MHCC students interested in joining a club or obtaining more information about a club should stop by the College Center, room 1051, to find applications to join the clubs on campus. They can also give information on how to start a new club if there is not one currently meeting a student’s interest. Call 503-491-7277 for additional information. [www.mhcc.edu](http://www.mhcc.edu)

**OHSU (Oregon Health Sciences University):** The goal of CHASM (the Coalition for Health and Affirmation of Sexual Minorities) is the full and harmonious integration of all persons in the academic, social, and professional life of OHSU regardless of sexual orientation or gender.
identity. CHASM seeks to build bridges of friendship and understanding between groups of people. Working together, the members of CHASM offer advocacy, education, and social support to the OHSU community. CHASM welcomes faculty, staff and students, together with their friends, spouses, partners, and family. Email Sue Orchard orchards@ohsu.edu at the Center for Diversity and Multi-Cultural Affairs.

**OHSU** (again): Queers & Allies in Health Care (QAHC) is a student interest group at OHSU for Lesbian, Gay, Bisexual, Transgender, Queer, Pansexual, Intersex, and Allied people. They are affiliated both with AMSA (American Medical Student Association) and GLMA (Gay and Lesbian Medical Association). QAHC is open to all students in OHSU schools of Medicine, Nursing, Dentistry, and College of Pharmacy. Contact Maliheh Nakhai, School of Medicine: nakhai@ohsu.edu, or Sue Orchard, Psy. D CeDMA: orchards@ohsu.edu.

**More Resources:**

https://humandignityco.wordpress.com/resources/

http://www.salempride.com/resources.htm

http://lgbt.uoregon.edu/GetSupport/CommunityResources.aspx

https://thelivingroomyouth.wordpress.com/

http://www.pcc.edu/resources/qrc/resources.html

http://www.sopride.org/pages/aboutus.html

http://newavenues.org/smyrc/