

When Bullying Takes a Life: Advocacy Tips to Protect LGBTQ Youth

by Andrea Houry

Recent news headlines drew attention to the suicide deaths of three youth who were bullied because of their real or perceived sexual orientation and gender identity.

- **Seth Walsh**, 13 years old, hung himself after years of relentless bullying because he was gay.

“He started getting teased by the fourth and fifth grade,” his mother, Judy Walsh, reported. “By sixth grade, the kids were starting to get mean. By the seventh grade, he was afraid to walk home from school because he was afraid he would get harassed. As he was walking by a classroom, a kid yelled out, ‘Queer.’ Stuff like that.”

The bullying took every form. “It was eye to eye, over the telephone, personal, over the Internet,” says Judy. “He spent a lot of his life frightened.”¹

- **Asher Brown**, 13 years old, shot himself after being bullied at school for being gay.

Asher’s parents say that their son was bullied at school for countless reasons. In addition to being gay, their son was bullied for being small, not wearing name-brand clothing, not using iPods and choosing to read instead of listening to music.²

- **Billy Lucas**, 15 years old, hung himself after being tormented for years because his peers perceived Lucas to be gay.

All three of these youth showed signs of bullying well before their suicides. Their parents or peers observed teasing, name-calling, physical abuse, online harassment, and other forms of bullying. While no one could have predicted the youth would take their lives, that outcome emphasizes the need to carefully watch for signs of bullying

and to intervene to help youth who are in danger.

President Obama, Secretary of State Hillary Rodham Clinton, and the United States Department of Health and Human Services Secretary Kathleen Sebelius are calling more attention to the problem of bullying. They created YouTube clips in support of the “It Gets Better” Campaign started by the Trevor project.³ The clips encourage lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth to not give up and let them know things will change when they get older and that there is help they can receive now.⁴

Signs of Bullying

Recent studies find that over 85% of LGBTQ students report being harassed because of their sexual orientation or gender identity and over 20% report being physically attacked.⁵ Students regularly hear antigay slurs like “faggot” and “sissy.” In fact, one study reported 97% of students hear gay or gender slurs on a daily basis.⁶

Children’s attorneys should be aware of signs that young clients are being harassed or bullied at school. Although not always signs of bullying, the following red flags should call for further investigation.

- **Skipping school.** Most youth who are being bullied in school will try to avoid their attackers by not going to school.⁷
- **Dropping out of school.**⁸
- **Substance abuse.** Some youth use alcohol and drugs to cope with the harassment they experience at school. There are higher rates of substance abuse among LGBTQ

youth than their peers.⁹

- **Poor academic performance.**¹⁰
- **School discipline issues.** If LGBTQ students are being bullied and harassed, it’s likely they will at some point retaliate and may be punished.

Investigating these red flags is easier if advocates have first established a trusting relationship with their clients and allow them to feel safe disclosing their sexual identities and any school problems. Advocates should also regularly check in with their clients about school, grades, and extracurricular activities. Advocates can also find information from social workers, foster parents, and school personnel and talk with their clients if any red flags are raised.

Advocates for parents and the child welfare agency should also look for warning signs. If the parent or foster parent notes a change in the child’s behavior or if the child exhibits any of the red flags, the advocates should immediately investigate further.

Intervening for Youth

If a child client is being bullied in school, the advocate has several options:

Let the school know. After getting consent from the client, the advocate should let the school know. Insist the school take immediate steps to stop the bullying. The United States Department of Education, Office for Civil Rights issued a letter to schools, colleges, and universities advising them on when student misconduct, sometimes characterized as bullying, “triggers responsibilities under one or more of the federal antidiscrimination laws enforced by the Department’s Office for Civil Rights.”¹¹ Although Title IX does not prohibit discrimination based solely on sexual orientation it does

protect all youth (including LGBTQ youth) from sex discrimination. If the harassment or bullying is based on the client's lack of gender conformity, it falls within the protections of Title IX.¹² The school is obligated to protect the client and depending on the level of bullying may have the obligations to prevent the continued hostile environment.¹³ These can include:

- reprimanding the perpetrators;
- notifying teachers and staff so they can protect the client and other similarly situated people;
- enhancing monitoring of places where harassment occurs;
- increasing staff training; and
- educating the school community on gender discrimination and harassment.¹⁴

Find out what actions the school will take to address the bullying. Ensure any action taken disrupts the client's schedule as little as possible. The intervention should not penalize the victim.

Identify school programs or activities that address bullying prevention. In most cases schools have a duty to address harassment on a systemic level.¹⁵ Ask the school to establish policies that protect victims of bullying.¹⁶

Pursue counseling. Encourage the client to participate in counseling to address his feelings about being a target. The school may provide counseling for the student being bullied. If not, request counseling by the child welfare agency. Bullying can have long-term impacts that are not easily recognizable (e.g., self-esteem, depression, substance abuse, etc). The counselor should have experience with LGBTQ youth.

Prevent retaliation. Insist that the school not allow any retaliatory action by the bully or the bully's peers on the client. Follow up with the client to ensure this does not happen and take

action with the school if it does.

Seek support. Bullying can result in the child feeling alone and isolated. Advocates should refer the client to the school's gay-straight alliance or other community organizations that support youth who identify as LGBT or Q.¹⁷ Other LGBTQ youth can offer support and help the client handle shame that often accompanies the coming-out process. Youth will develop a support structure and not feel so alone.

Intervening when your client is the offender

Child advocates should also be aware when a young person they serve is the person who is bullying other children. Some research shows that bullies are victims of abuse and neglect by their parents.¹⁸ Bullies usually lack parental involvement and supervision and suffer from harsh corporal discipline.¹⁹

If the client is perpetrating the bullying, the client should get counseling to address the underlying causes. If the school takes action against the client for bullying behavior, make sure counseling is part of any punishment. If the bullying is severe and the school attempts to suspend or expel the client from school, ensure the client is evaluated for mental health issues that may explain his behavior. The evaluations and subsequent treatment can be used to prevent the client from harsh penalties.

The advocate can also seek support from parents or caregivers. Ensure that they are aware of the bullying behavior and are taking steps to prevent it from continuing. They should explore extracurricular activities, sports, mentoring, or other activities that help the client recognize the negative effects of bullying.

Conclusion

Bullying based on LGBTQ identity or perceived identity has resulted in kids attempting and committing suicide. Simple interventions by professionals

who are sensitive to gender stereotypes can help stop this trend. A child welfare advocate who suspects a client is being harassed or bullied should take immediate action.

Andrea Khoury, JD, is director of the ABA Center on Children and the Law's Bar Youth Empowerment Project, which examines the needs of youth aging out of foster care. She is also a staff attorney for the Center's Opening Doors Project, which addresses the needs of LGBTQ youth in foster care.

Endnotes

¹ Alexander, Brian. "The Bullying of Seth Walsh: Requiem for a Small Town Boy." *Time*, 10/2/2010. <www.time.com/time/nation/article/0,8599,2023083,00.html#ixzz12oOLJWlr>

² AAyles. "Asher Brown Suicide: Parents Speak Out Against Bullying." *Kid Glue*, 9/30/2010. <www.kidglue.com/2010/09/30/asher-brown-suicide-parents-speak-out-against-bullying-watch/>

³ Visit www.thetrevorproject.org/

⁴Trevor Project clips can be found at www.findyouthinfo.gov/topic_bullying.shtml?utm_source=BullyingInfo.org&utm_medium=Redirect&utm_campaign=BullyingSummitt

⁵ Biegel, Stuart and Sheila James Kuehl. *Safe at School: Addressing the School Environment and LGBT Safety through Policy and Legislation*, October 2010. <www.law.ucla.edu/williamsinstitute/home.html>

⁶ *Making Schools Safe for Gay and Lesbian Youth: Report of the Massachusetts Governor's Commission on Gay and Lesbian Youth*, 1993. <www.mass.gov/cgly/Education_Report.pdf>

⁷ American Psychological Association. *Bullying*, March 2005. <www.apa.org/about/gr/issues/cyf/bullying-briefing.aspx>

⁸ Ibid.

⁹ Youth Pride, Inc. "Statistics." <www.youthprideri.org/Resources/Statistics/tabid/227/Default.aspx>

¹⁰ American Psychological Association, 2005.

¹¹United States Department of Education, Office of Civil Rights. "Letter to Schools, Colleges, and Universities Nationwide" from Russlynn Ali, Assistant Secretary for Civil Rights, October 26, 2010. <<http://kstp.com/article/stories/S1808383.shtml?cat=0>>

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ See a list of school antidiscrimination policies across the country and sample policies and laws at www.safeschoolscoalition.org/lawpolicy-models.html

¹⁷ <www.glsen.org>, <www.safeschoolscoalition.org>

¹⁸ American Psychological Association, 2005.

¹⁹ Ibid.