



## LGBTQ Youth & the School-to-Prison Pipeline

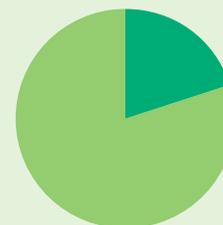
Lesbian, gay, bisexual, transgender and queer (LGBTQ) youth are disproportionately entering the school-to-prison pipeline, a pathway to repeated encounters with the criminal justice system.<sup>1</sup> This is especially true for LGBTQ youth of color.<sup>2</sup> This situation is caused by a number of interrelated factors, most of which are linked to stigma and discrimination against LGBTQ people. Factors contributing to overrepresentation of LGBTQ youth in the school-to-prison pipeline include:

- family rejection;
- instability and poverty;
- zero-tolerance policies within schools;
- the disproportionate targeting and disciplining of LGBTQ students; and
- an increase in policy presence in schools.<sup>3</sup>

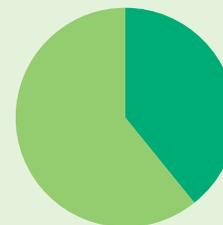
In surveys of juvenile detention centers and correction facilities across the United States, 20% of *all* incarcerated youth identified as LGBTQ or gender non-conforming and of girls nearly 40% identify as LGBTQ.<sup>4</sup>

### LGBTQ youth over-represented in juvenile justice facilities

*% of youth who identify as LGBTQ or gender non-conforming*



**20%**  
of all youth  
in juvenile  
justice facilities



**39.4%**  
of girls in juvenile  
justice facilities

### Of LGBTQ and gender non-conforming youth in juvenile justice facilities



**85%**  
are youth of color

*Source: Center for American Progress, Movement Advancement Project, Youth First. Unjust: LGBTQ youth incarcerated in the juvenile justice system, 2017.*

## Family Rejection, Instability & Poverty

Young people need their families for basic resources like love, housing, food, and security, but unfortunately some LGBTQ youth are met with hostility, violence, or rejection when their families learn that they identify as a sexual and/or gender minority. Also, as families struggle to make ends meet and provide stability for their children, youth may find themselves without a home or pushed into unsafe living situations, including public spaces.<sup>5</sup>

At some point these LGBTQ youth may leave their families because home is no longer a safe and supportive place.<sup>6</sup> For instance, the National Transgender Discrimination Survey reports that one in five transgender people report having experienced homelessness at some time in their lives because of discrimination and family rejection.<sup>7</sup>

LGBTQ young people at risk of homelessness face substantial challenges, including risks to their physical safety and emotional and mental health. They may begin shoplifting, trading sex, selling drugs, or engaging in other illegal activities as a way to survive, increasing the chances that young people may be stopped and arrested, and enter the juvenile justice system.<sup>8</sup>

In a survey of youth in the juvenile justice system, 28% of gay and bisexual boys had been detained for running away compared to 12% of heterosexual-identified boys.<sup>9</sup> The percentage of girls reporting being detained for running away was even higher—38% of lesbian and bisexual girls compared to 17% of heterosexual-identified girls.<sup>10</sup>

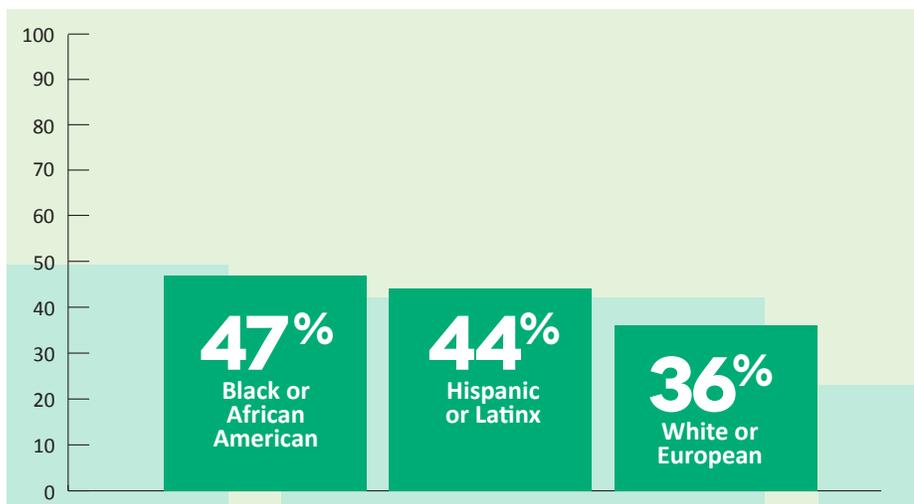
## Zero-Tolerance Policies

LGBTQ youth are disproportionately burdened by school-based, automatic punitive disciplinary action, also called “Zero-Tolerance Policy,” which serves as a pathway to early and long-lasting encounters with the criminal justice system. This is because LGBTQ youth face increased discrimination, bullying and harassment at school from their peers, and they are often punished for their own victimization, or for their attempts to defend themselves in a hostile school climate.<sup>11</sup> Additionally, LGBTQ youth face unfair punitive action for violating sexuality and gender norms at school. This can include receiving punishment for violating gendered school dress code policies, or engaging in adolescent behaviors for which their non-LGBTQ peers are not disciplined. Research suggests that these policies fail to improve school safety or to create positive learning environments, and that they actually make schools and communities less safe.<sup>12</sup>

## Disproportionate Disciplinary Action

LGBTQ youth are at a higher risk for school sanctions – such as being suspended and expelled from school, or being stopped and arrested by police.<sup>13</sup> This cannot be explained by increased engagement in illegal or transgressive behavior, and puts these youth at an increased risk for juvenile arrest and conviction, or worse, adult conviction.<sup>14</sup> LGBTQ youth of color are at an increased risk for these problems. In one survey, 47% of Black/African American and 44% of Hispanic/Latino students reported ever being disciplined at school compared with only 36% of White peers.<sup>15</sup> Of incarcerated LGBTQ and gender non-conforming youth, 85-90% are youth of color.<sup>16</sup>

### % of LGBTQ students who have reported ever being disciplined at school



“  
LGBTQ youth are at a higher risk for sanctions, such as being stopped by the police, expelled from school, arrested, or convicted.  
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Source: GLSEN. *Educational Exclusion: Drop Out, Push Out, and the School-to-Prison Pipeline among LGBTQ Youth*, 2016.

Source: Kathryn E.W. Himmelstein & Hannah Bruckner. *Criminal-justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study*, 2011.

## Police Presence Within Schools

Increased security and police presence can turn school from a place of safety and learning to a place where students feel unsafe and on edge. More than two-thirds of LGBTQ youth ages 18 to 24 reported having school security or police at their middle or high schools and stated that this made them feel untrustworthy and that any misstep would be treated as a crime.<sup>16</sup> This is especially true for students at schools where the administration has deferred their disciplinary authority to police officers, otherwise known as School Resource Officers (SROs). Combined with zero-tolerance policy and disproportionate disciplinary action against LGBTQ youth, a school with an SRO is more likely to refer LGBTQ youth to the juvenile justice system. As police get involved, students are further pushed out and into the school-to-prison pipeline. LGBTQ youth's disciplinary infractions at school are the beginnings of a criminal record that can follow them throughout their life.

## Recommendations

To alleviate the burden of family rejection, instability, and poverty, state and local government should invest in research, interventions, education, and policy initiatives that seek to help families support their LGBTQ children, teach health risk prevention, and address the social determinants of health. For instance, the Family Assistance Project (FAP) has developed the first evidence-based family support approach to help ethnically and religiously diverse families to support their LGBTQ children and provides training on this model for families, healthcare providers, religious leaders, child welfare agencies, schools, juvenile justice, homeless services, congregations, and communities.

State leaders and local school districts should take initiative to restructure their disciplinary strategies to reduce the number of youth that are pushed out of schools and into the juvenile justice system by:

- revising disciplinary codes to prevent suspensions for minor offenses;
- increasing academic counselors and offering after-school programming;
- implementing restorative justice programs and eliminating automatic expulsions for all offenses other than bringing weapons or firearms to school;
- reducing reliance on local and school police departments and providing teachers and school staff with trainings for conflict resolution and mediation;
- funding and providing LGBTQ cultural competency

trainings for all school staff, judges, public defenders, district attorneys, probation officers, and other justice stakeholders; and

- prioritizing diversion and increasing the use of community-based alternatives to youth incarceration.

## For More Information

Contact [info@out4mentalhealth.org](mailto:info@out4mentalhealth.org) or visit [out4mentalhealth.org](http://out4mentalhealth.org).

## References

1. Center for American Progress, Movement Advancement Project. (2016). *Unjust: How the broken criminal justice system fails LGBT people*. <http://www.lgbtmap.org/file/lgbt-criminal-justice-unjust.pdf>
2. Ibid.
3. Ibid.
4. Center for American Progress, Movement Advancement Project, Youth First. (2017) *Unjust: LGBTQ youth incarcerated in the juvenile justice system*. <http://www.lgbtmap.org/file/lgbtq-incarcerated-youth.pdf>
5. Ibid.
6. Ibid.
7. Grant et al. (2011). *Injustice at every turn: a report of the National Transgender Discrimination Survey*. National Center for Transgender Equality and National Gay and Lesbian Task Force. [http://www.thetaskforce.org/static\\_html/downloads/reports/reports/ntds\\_full.pdf](http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf)
8. Center for American Progress, Movement Advancement Project. (2016). *Unjust: How the broken juvenile and criminal justice systems fail LGBTQ youth*. <http://www.lgbtmap.org/file/lgbt-criminal-justice-youth.pdf>
9. Angela Irvine. (2011). *LGBT Kids in the Prison Pipeline*. The Public Intellectual. <http://thepublicintellectual.org/2011/05/02/lgbt-kids-in-the-school-to-prison-pipeline>
10. Ibid.
11. Kathryn E.W. Himmelstein & Hannah Bruckner. (2011). *Criminal-justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study*, 117 *Pediatrics* 49, 54. <http://pediatrics.aappublications.org/content/pediatrics/127/1/49.full.pdf>
12. PA Zero Tolerance Task Force. (2008). Are Zero Tolerance Policies Effective in the Schools, 64 *American Psychologist* 852, 860. <https://www.apa.org/pubs/info/reports/zero-tolerance.pdf>
13. Kathryn E.W. Himmelstein & Hannah Bruckner. (2011).
14. Ibid.
15. GLSEN. (2016). *Educational Exclusion: Drop Out, Push Out, and the School-to-Prison Pipeline among LGBTQ Youth*. [https://www.glsen.org/sites/default/files/Educational%20Exclusion\\_Report\\_6-28-16\\_v4\\_WEB\\_READY\\_PDF.pdf](https://www.glsen.org/sites/default/files/Educational%20Exclusion_Report_6-28-16_v4_WEB_READY_PDF.pdf)
16. Center for American Progress, Movement Advancement Project. (2016). *Unjust: How the Broken Criminal Justice System Fails LGBT People of Color*. <http://www.lgbtmap.org/file/lgbt-criminal-justice-poc.pdf>
17. Ibid.