



U.S. DEPARTMENT OF EDUCATION  
INSTITUTE OF EDUCATION SCIENCES

NATIONAL CENTER FOR EDUCATION STATISTICS

**Public Comments and NCES Responses on the School Survey on Crime and Safety (SSOCS)  
2016 and 2018 (OMB# 1850-0761 v.7)**

**Comment 1:**

Director of the Information Collection Clearance Division  
U.S. Department of Education  
400 Maryland Avenue SW  
LBJ, Mailstop L-OM-2-2E319, Room 2E105  
Washington, DC 20202

**RE: School Survey on Crime and Safety Comment Request (2015-13372)**

Dear Ms. Valentine,

The Trevor Project is pleased to have the opportunity to comment on the School Survey on Crime and Safety (SSOCS). We applaud the Department of Education (DOE) for dedicating their time to conduct important surveys such as the SSOCS and for seeking comments to help further enhance the quality and clarity of information being collected. We also greatly appreciate the proposed collection of this data in 2016 since the last survey was completed in 2010. With this significant gap in time, and with many recent high profile school crimes, it is critical that this information is updated. This collection is a vital part of fulfilling the functions of the DOE. Providing principals with the opportunity to reflect on various aspects of their schools' crime and safety patterns serves a valuable purpose; the collection of this information will also greatly benefit each school that participates in the questionnaire as well as external organizations focusing on improving school safety.

The Trevor Project is the leading national, nonprofit organization providing crisis intervention and suicide prevention services to LGBTQ young people through age 24. We work to save young lives through our accredited free and confidential lifeline, secure instant messaging services which provide live help and intervention, a social networking community for LGBTQ youth, in-school workshops, educational materials, online resources, and advocacy. The organization is a leader and innovator in suicide prevention, especially as we focus on an important, at-risk population: LGBTQ youth. The question asking about whether a school has a suicide policy in place is particularly of interest to us. Suicide is the second leading cause of death among young people ages 10 to 24. LGB youth are four times more likely, and questioning youth are three times more likely, to attempt suicide as their straight peers. Nearly fifty percent of young transgender people have seriously thought about taking their lives, and one-quarter report having made a suicide attempt. Since school is where youth spend the vast majority of their time, it is critical that schools have a suicide policy. The SSOCS results will help guide our partnerships with schools to ensure youth are safe in school and to try to help students before they make a suicide attempt.

The DOE's mission "is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access" – a goal that is only attainable alongside the collection and analysis of schools' safety and crime patterns. It is imperative to know what protocols and strategies are in place at schools across the country, and how effective these implementations are. The retrieval of this information will help contribute to the field of research and furthermore will provide all members of school communities (teachers, school staff, counselors, students, and their parents, etc.) with a fuller context of the safety and crime patterns at their schools. The results can inform all interested parties of policies that might be working well, and areas where improvements might be needed.

We want to extend a thank you to the Department for their inclusion of sexual orientation and gender identity

questions on the SSOCS and reiterate how important the existence of these questions are for the survey and its intended purposes. The inclusion of these questions reaffirms the presence of the K-12 student LGBTQ population in schools all over America and also serves to address the increased rates of bullying and harassment that LGBTQ youth receive in comparison to their heterosexual, cisgender peers. We urge the DOE to expand the “Definitions” section of the questionnaire to include the terms “sexual orientation,” “gender identity,” “gender expression,” and “transgender.” To supplement the survey’s questions about sexual orientation and gender identity, it is important to provide definitions of these relevant terms so that both survey participants and analysts of the collected data possess the proper knowledge and context to understand these questions. Ultimately, this addition will allow for more accurate and valid data.

The “Definitions” section already includes the specific delineations of important terms to know like “hate crime” and the discrepancy between “sexual harassment” and “sexual battery.” We do however recommend that the Department add two key definitions to this section of the survey: “sexual orientation” and “gender identity.” Although many people may have an idea of what these terms mean, providing the correct definitions of these terms would greatly improve the validity of the data collected. Many other national surveys, such as the Youth Risk Behavior Surveillance System, often are not able to use the results of questions regarding sexual orientation or gender identity because the questions did not perform well and gave highly skewed data. The cause of this may be that the terms are not properly defined or understood. To help alleviate this concern, we strongly suggest adding definitions to this survey. We recommend the terms be defined as follows:

Sexual orientation: refers to an individual's physical, romantic, and/or emotional attraction to members of the same or opposite sex. "Gay," "lesbian," "bisexual" and "heterosexual" are all examples of sexual orientations. A person's sexual orientation is completely distinct from a person's gender identity and expression.

Gender identity: refers to a person's innate, deeply felt sense of being male, female, or in between, regardless of the person’s assigned sex at birth. One’s gender identity can be the same or different than their assigned sex at birth.

The Department should also consider including the following two definitions:

Gender expression: refers to the manner in which a person expresses their gender identity to others; this may include but is not limited to a person’s voice, clothing, hairstyle, behavior, etc.

Transgender: an umbrella term for people whose gender identity or expression is different from that typically associated with their assigned at birth (e.g., the sex listed on their birth certificate). No two people will transition in the same way. Some choose to undergo a variety of medical interventions, such as taking hormones, while others choose not to have any medical intervention.

## **CONCLUSION**

We appreciate this opportunity to comment on the quality, utility, and clarity of information collected in the National Crime Victimization Survey. Inclusion of sexual orientation, gender identity, gender expression, and transgender definitions in this survey will optimize both the participants’ and analysts’ comprehension and context of the pertinent questions. The continuation of this data collection is not only helpful but necessary. If you should have any questions regarding these comments, please contact Amy Loudermilk, Associate Director of Government Affairs at 202-380-1181 ([Amy.Loudermilk@TheTrevorProject.org](mailto:Amy.Loudermilk@TheTrevorProject.org)).

Sincerely,

Abbe Land  
Executive Director & CEO

**Response 1:**

Dear Ms. Land:

I am writing in response to your comments from June 25, 2015 regarding the National Center for Education Statistics' application for clearance of the collection of the School Survey on Crime and Safety (SSOCS) for 2016 and 2018. First, let me thank you for your feedback on the proposed data collection.

I am pleased to hear that our collection of the existence of a suicide policy will help guide your partnerships with schools and our inclusion of sexual orientation and gender identity within various questions are meeting the needs of our stakeholders.

Thank you for your suggestion of adding definitions of sexual orientation, gender identity, gender expression, and transgender to the "Definitions" section on the survey. Since the terms sexual orientation and gender identity are used in hate crimes question, as well as the student harassment question under the Disciplinary Problems and Actions section, it makes sense to define these two terms and include them in the "Definitions" section. Furthermore, for consistency purposes, we plan to use the definitions of these two terms provided by other federal agencies, such as the Office of Personnel Management:

**Sexual orientation** means one's emotional or physical attraction to the same and/or opposite sex.

**Gender identity** means one's inner sense of one's own gender, which may or may not match the sex assigned at birth. Different people choose to express their gender identity differently. For some, gender may be expressed through, for example, dress, grooming, mannerisms, speech patterns, and social interactions. Gender expression usually ranges between masculine and feminine, and some transgender people express their gender consistent with how they identify internally, rather than in accordance with the sex they were assigned at birth.

Again, thank you for your suggestions. NCES is very appreciative to receive feedback from our stakeholders and I hope we can continue to work collaboratively to collect accurate data that will inform school policies and improve school safety.

Sincerely,

Rachel Hansen  
Project Manager  
Cross-sectional Sample Surveys

**Comment 2:**

Director of the Information Collection Clearance Division  
U.S. Department of Education  
40 Maryland Avenue, S.W.  
LBJ, Mailstop L-OM-2-2E319, Room 2E105  
Washington, DC 20202

**Public Comment re: School Survey on Crime and Safety (SSOCS) 2016 and 2018 (OMB Control Number 1850-0761).**

The National LGBTQ Task Force is grateful for the opportunity to comment on the School Survey on Crime and Safety. The National LGBTQ Task Force, the country's oldest national LGBTQ advocacy group, advances full freedom, justice, and equality for LGBTQ people. It is of primary importance to the Task Force to ensure that schools are safe for all students, especially those who identify as LGBTQ.

Understanding the Needs of LGBTQ Students:

LGBTQ youth are among the critical, vulnerable populations that are most in need of protections within the education system. LGBTQ students are more likely to be disciplined and policed, putting them in contact with the criminal justice system at a young age and potentially hindering their ability to succeed. School officials punish lesbian, gay, and bisexual teenagers more frequently than they do their heterosexual counterparts. LGBTQ youth are also 1.4 times more likely to be expelled than their heterosexual classmates.

LGBTQ students are also disproportionately likely to be bullied, affecting their mental health and their sense of emotional safety at school and among their peers. Endeavors to end school bullying often further punish LGBTQ students who are victims of bullying, putting them into contact with school administrators and disciplinarians. According to a study by the Gay-Straight Alliance Network, gender non-conforming youth report high rates of bullying and harassment, are punished for infractions for which other students do not receive punishment, and are frequently blamed for their own victimization. Furthermore, 90% of transgender students face derogatory remarks sometimes, often or frequently at school and a third of transgender students heard such comments coming from school staff. 46% of transgender students report missing school out of fear for their safety.

#### Recommendations for more accurate collection of data

The recommendations below highlight several areas in the proposed version of the SSOCS that should be changed to ensure that information is effectively collected and that there is accurate data available about all students. Where relevant, we have provided rationale for the recommended changes.

#### **Include gender identity and expression in the definition of hate crime**

The definition of hate crime must be amended to include gender identity and gender expression as separate from gender and sexual orientation. We recommend the following language:

“Hate crime – a criminal offense or threat against a person, property, or society that is motivated, in whole or in part, by the offender’s bias against a race, color, national origin, ethnicity, gender, religion, disability, sexual orientation, or gender identity.”

Sexual orientation relates to one’s physical and emotional attractions while gender identity and expression relate to one’s internal and/or outwardly expressed gender. Some people’s gender identities differ from the sex they were assigned at birth. It is important to remember that everyone has a gender identity, even people who identify with the sex they were assigned at birth. Some people do not identify with the terms “male” or “female,” and may instead identify as gender nonconforming or genderqueer. Gender nonconforming people defy stereotypes about maleness or femaleness based on their sex assigned at birth. There are a variety of ways they may identify and it is important to use language that recognizes all of those identities. Gender nonconforming students experience violence, rejection, and discipline at disproportionate rates.

Better data will help find gaps in school officials’ understanding of LGBTQ students’ needs which will, in turn, help train school officials. To ensure that schools are safe for all students, it is necessary to understand the bases for violence against students. Sexual orientation, gender, and gender identity or expression are not the same and are distinct motivations for hate crimes. Therefore, the survey must account for violence that results from each of these distinct identities to best protect LGBTQ students.

#### **Specify gender identity and gender expression in the definitions of rape, sexual assault, and sexual harassment**

The Task Force applauds the Department of Education for including in its definitions of rape and sexual assault many different acts of non-consensual sex and for specifying that either male or female students can be raped, sexually assaulted, or harassed.

Transgender students are particularly susceptible to harassment based on their gender identity or gender expression. Three percent of transgender students surveyed in the Task Force and the National Center for Transgender Equality’s survey reported sexual assault by teachers or staff. 76% of the students assaulted by teachers or staff reported suicide attempts. For many transgender and gender non-conforming students, school safety is a matter of life and death.

However, specifying both male and female students excludes gender non-conforming students – who may identify as neither male nor female. Promoting a gender binary isolates students who identify as genderqueer or gender non-conforming. These students face family and peer rejection. Accurate data on sexual violence starts with ensuring

that school administrators understand the identities of all their students and that the Department of Education’s language accurately reflects the many ways students identify.

The Department of Education may also want to consider specifying and gathering statistics on sexual violence particularly against transgender students. While transgender students may identify as male or female, it is crucial also to collect data that examines physical and sexual violence against transgender students, who risk higher rates of violence throughout their lives. Ensuring that school administrators understand these students’ identities, including how to report these incidents, will protect these students and lead to greater acceptance and safety for all students.

**Question 29: Hate crimes and Question 32(d): bullying**

As is true in specifically defining the motivations for hate crimes, sexual orientation and gender identity must be separate categories for the basis of a hate crime in Question 29 and for student harassment based on LGBTQ identities in Question 32(d). The Task Force commends the Department of Education for gathering this data and hopes that further specificity will best serve all students. Effective training for teachers, administrators, and students requires understanding the difference between sexual orientation and gender identity. Preventing hate crimes requires understanding why people are acting out of hatred. Thus, reliable data on the motivations for these crimes can help prevent further violence and harassment. We recommend the following language:

Question 29: “To the best of your knowledge, were any of these **hate crimes** motivated by the offender’s bias against the following characteristics?

- a) Race or color
- b) National origin or ethnicity
- c) Gender
- d) Religion
- e) Disability
- f) Sexual Orientation
- g) Gender Identity

Question 32: To the best of your knowledge, how often do the following types of problems occur **at your school**? Check the response on each line.

- a) Student racial/ethnic tensions
- b) Student **bullying**
- c) Student **sexual harassment** of other students
- d) Student harassment of other students based on sexual orientation?
- e) Student harassment of other students based on gender identity?
- f) Widespread disorder in classrooms
- g) Student verbal abuse of teachers
- h) Student acts of disrespect for teachers other than verbal abuse
- i) **Gang** activities

Question 38(d): School Characteristics:

In Question 38(d), asking administrators to list male students as a means of determining the school’s gender demographics creates great concern. If the Department of Education defines male as based on how a student’s identity documents list him, such a definition excludes students who identify as male but who do not have gender markers on their identity documents that reflect the gender with which they identify (i.e., transgender men). Transgender people face discrimination and violence when their identity documents do not match their gender expressions. Schools must not perpetuate those fears of discrimination and violence. It is essential, then, to acknowledge that categorizing students as male or not male fails to encompass the lived experiences of many students.

Furthermore, asking only for the number of male students necessarily assumes all other students are female. As mentioned above with definitions of sexual assault, rape, and sexual harassment, some students may identify neither as male nor female. As written, the current question excludes them. We recommend the following language:

38: What percentage of your current students fit the following criteria?

- d) Male
- e) Female
- f) Transgender

Note: This number will add up to more than 100%, as some students will identify as both transgender and male or female. Transgender is not a third gender. As noted elsewhere in this comment, of the term transgender refers to individuals who do not identify with the sex they were assigned at birth. There are many way students may identify and it is crucial to collect data that accurately reflects all of their lived experiences.

The National LGBTQ Task Force strongly recommends the immediate integration of the above recommendations. If you have any questions about the content of this comment, please contact Meghan Maury at 202-639-6322 or by email at [mmaury@thetaskforce.org](mailto:mmaury@thetaskforce.org). Thank you for your commitment to all students.

Sincerely,  
National LGBTQ Task Force

**Response 2:**

Dear Ms. Maury:

I am writing in response to your comments from July 1, 2015 regarding the National Center for Education Statistics' application for clearance of the collection of the School Survey on Crime and Safety (SSOCS) for 2016 and 2018. First, let me thank you for your feedback on the proposed data collection.

Thank you for bringing to our attention the need to include gender identity in the definition of hate crime. We agree with this suggestion and, for consistency purposes, we plan to use the definition provided by other federal agencies, such as the Federal Bureau of Investigation:

**Bias Crime**—A committed criminal offense that is motivated, in whole or in part, by the offender's bias(es) against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity; also known as Hate Crime.

**Hate Crime**—Bias Crime.

As stated above, 'bias crime' and 'hate crime' can be used synonymously, thus we will continue to use 'hate crime' in the SSOCS survey since our respondents and data users are familiar with that term and it will allow us to maintain our trend line with past years of data.

At this time, NCES plans to continue to use the current definitions of rape and sexual assault, including the indication that both males and females can be victims. This definition has undergone cognitive lab testing and has been used in prior SSOCS collections. Further, it remains in line with other federal definitions. However, we will continue further discussions with our federal partners and technical review panel members and will investigate the best way to word these definitions in the future to ensure no students are excluded.

NCES agrees with your suggestion of separating "sexual orientation or gender identity" into two rows for items 29f and 32d. We will implement this change starting with the SSOCS:16 collection.

Lastly, we thank you for expressing your concern regarding our collection of percentage of males in the school. While we do not disagree with this notion, NCES is unable to make any changes to this item at this time. This change will require extensive planning and testing to ensure an accurate collection, which will require resources that are not currently available. However, we will discuss this with our federal partners and technical review panel members to determine the implications of changing this item and will consider this change for SSOCS:18.

Again, thank you for your suggestions. NCES is very appreciative to receive feedback from our stakeholders and I hope we can continue to work collaboratively to collect accurate data that will inform school policies and improve school safety.

Sincerely,

Rachel Hansen  
Project Manager  
Cross-sectional Sample Surveys