

Public Comments Received During the 30-day Comment Period

June 2017

2017-18 National Teacher and Principal Survey (NTPS 2017-18)

ED-2017-ICCD-0007

Comments on FR Doc # 2017-08590

Document: ED-2017-ICCD-0007-0017

Name: Adam Romero

Dear Director of the Information Collection Clearance Division:

We are grateful for the opportunity to comment on the Department of Education's proposed information collection request through the 2017-18 National Teacher and Principal Survey (NTPS). *See* 82 Fed. Reg. 19706 (Apr. 28, 2017). We are scholars at the Williams Institute, an academic research center at UCLA School of Law dedicated to conducting rigorous and independent research on sexual orientation and gender identity, including on disparities and discrimination facing lesbian, gay, bisexual, and transgender (LGBT) people. We collect and analyze original data as well as analyze governmental and private data. In addition, Williams Institute scholars have long worked with federal agencies to improve data collection on the U.S. population and have produced widely-cited best practices for the collection of sexual orientation and gender identity information on population-based surveys.

Our comments address the importance and feasibility of including sexual orientation and gender identity measures on the NTPS and other government surveys. We conclude that incorporating measures of sexual orientation and gender identity into the NTPS would enhance the quality and utility of the information collected because it would provide important data about LGBT representation among teachers and principals, and about their unique experiences. Like race, sex, and other personal demographic data already collected on the NTPS, data on teachers' and principals' sexual orientation and gender identity would enhance the ability of the Department of Education, school districts, policymakers, and others to promote quality education by improving our understanding of our nation's teachers and administrators, the environments in which they work, and the support and professional development they receive.

I. Importance of Governmental Data Collection on Sexual Orientation and Gender Identity (SO/GI); SO/GI Data Collection is Becoming Increasingly Common

Federal, state, and local agencies/governments collect a vast array of data on our nation's people through censuses, surveys, and other data collection tools. These data influence public policy as well as directly impact the annual allocation of hundreds of billions of dollars of governmental funds. Many governmental data collection instruments gather respondents' race, ethnicity, sex, age, marital status, and other personal demographic information, such as the Decennial Census, the American Community Survey (ACS), and NTPS. Although the trend is changing, the majority of federal data collection instruments—including the Decennial Census, ACS, and NTPS—do not allow respondents to self-disclose their sexual orientation or gender identity and, consequently, provide no data with which to examine the demographic, economic, geographic, and other characteristics of the LGBT population (aside from same-sex couples on the Census and ACS), or to compare these characteristics to those of non-LGBT people. Population-based data on all LGBT Americans and their families are needed and would inform public and private decision-making. Indeed, the Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys explained that:

At a time when sexual and gender minority (SGM) populations are becoming more visible in social and political life, there remains a lack of data on the characteristics and well-being of these groups. In order to understand the diverse needs of SGM populations, more representative and better quality data need to be collected.²

Though still relatively rare, data collection on LGBT populations has become increasingly common. A growing number of federal government surveys allow people to voluntarily disclose their sexual orientation and/or gender identity along with other demographic data, such as race, ethnicity, and sex. Examples of federal government surveys that collect sexual orientation and gender identity data include the National Health Interview Survey, the Behavioral Risk Factor Surveillance System, the Youth Risk Behavior Surveillance System, the National Survey for Family Growth, and the National Crime Victimization Survey, among others.³ Further, several state and local government surveys also collect data on sexual orientation and gender identity, such as the California Health Interview Survey, as do several large surveys administered by private entities, most notably Gallup through its Daily Tracking Survey.

While more and better data are needed, governmental and other data collection that includes measures of sexual orientation and gender identity have allowed researchers to begin to describe the size of the LGBT population and LGBT people's demographics; employment, housing, and family circumstances; health and well-being; and the discrimination and disparities they face. These data are vital to policy debates and other conversations in order to ensure that stereotypes and myths are not driving policies that impact LGBT people, and so that programs and services are appropriately targeted at vulnerable LGBT populations. For example, we now know that there are an estimated 10 million LGBT individuals living in the United States.⁴ We also know from the data that the LGBT population is remarkably diverse and that the experiences of LGBT people are not uniform but, rather, are shaped by factors such as race, ethnicity, socioeconomic status, geographical location, primary language, education, disability, religion, family composition, and age.⁵ We've also learned that LGBT people are more likely to be in poverty than non-LGBT people,⁶ contrary to the popular stereotype of LGBT affluence, and that LGBT people face persistent and pervasive discrimination in employment, housing, and other important settings.⁷ We also know that LGBT people face numerous health disparities compared to the general population.⁸

II. Including Sexual Orientation and Gender Identity Measures in the NTPS Would Enhance the Quality and Utility of the Information Being Collected

The proposed 2017-2018 NTPS would collect some types of personal information from respondents, including race, ethnicity, sex, age, income, marital/partnership status (teacher questionnaire only), and cohabitation with a spouse or partner (teacher questionnaire only).⁹ Prior versions of the NTPS collected these personal data from respondents, as well as inquired about whether a teacher respondent was in a civil union or domestic partnership.¹⁰ Collecting personal demographic information on the NTPS is important because, as the National Center for Education Statistics explains:

The large NTPS sample allows extensive disaggregation of data according to the characteristics of teachers, administrators, and schools. For example, researchers can compare urban and rural settings, and the working conditions of teachers and administrators of differing demographic backgrounds.¹¹

These data allow researchers to investigate various aspects of teacher quality and school management, including how schools recruit and retain skilled teachers, conduct professional development, and mentor newer teachers – and to make comparisons by demographic characteristics.

While the proposed NTPS collects a variety of personal demographic information from respondents, the proposed principal and teacher questionnaires would not collect data on respondents' sexual orientation or gender identity, nor the gender of their spouses/partners (which would allow for identification of respondents in same-sex couples).¹² Including measures of sexual orientation and gender identity in the NTPS would enhance the quality and utility of the information being collected. Like the collection of other personal demographic information from NTPS respondents, collecting sexual orientation and gender identity data on the NTPS would provide important information about LGBT representation among teachers and principals, and about the unique experiences of these professionals.

For example, data about LGBT teachers and principals experiences would allow the Department of Education, schools and school districts, and others to identify potential problems that may limit teaching quality, such as a school atmosphere that is not welcoming to LGBT teachers and, therefore, may undermine

these teachers' capacity to perform their jobs to the best of their abilities. Research shows that LGBT teachers have, historically and continuing into the present day, frequently been targets of discrimination. For example, in California, statewide efforts to purge LGBT teachers from public education began in the early 1950s when the state enacted laws criminalizing same-sex sexual conduct and subsequently used criminal records to deny or revoke state licenses, including teaching certification.¹³ Scholars estimate that hundreds of teachers lost their jobs as a result.¹⁴ Similar purges of LGBT government or state-licensed employees, including teachers, occurred in Florida, Iowa, Massachusetts, Texas, Oklahoma, Idaho, North Carolina, and New York City.¹⁵

Documented evidence indicates that LGBT teachers continue to experience employment discrimination and harassment because of their sexual orientation and gender identity. For example, a 2006 survey of over 500 LGBT elementary, middle, and high school teachers found that over half of respondents felt unsafe at work because they were LGBT, 35% feared losing their jobs if "outed" to administrators, and 27% reported that they had been harassed in the prior year.¹⁶ Additionally, a 2009 study of public sector employment discrimination conducted by the Williams Institute identified 77 examples of discrimination or harassment against LGBT teachers or principals between 1980 and 2009.¹⁷ The examples came from across the country, with at least one report of discrimination or harassment in 32 different states.¹⁸ In addition, 21 other examples of discrimination involved public school staff, such as bus drivers, counselors, administrators, and sports coaches.¹⁹ The examples of discrimination were collected from a variety of sources including court opinions, administrative complaints, academic journals, books, newspapers, and publications by and complaints made to community-based organizations.²⁰

Sexual orientation and gender identity data collected through the NTPS could be used to measure LGBT representation among teachers and principals. Such information would shed light onto whether LGBT people may still be experiencing barriers to entering or remaining in these professions, and, if so, where. In addition, the data collected through the NTPS would provide information about the experiences of LGBT teachers in schools, including, for example, whether they are satisfied with their jobs, whether they are receiving sufficient professional support and development, and whether they are experiencing pay inequality. Such information could inform efforts to recruit and retain skilled LGBT teachers and administrators as well as to protect them from discrimination and harassment based on sexual orientation and gender identity.

In addition, research shows that LGBT youth, like other vulnerable youth, benefit from having adult mentors and role models. For example, sexual minority youth who have teacher-mentors have been found to be much more likely to go to college than their counterparts without mentors.²¹ And a survey of LGBT teens in Chicago found that teens with accessible adult role models exhibited less psychological distress than teens whose role models were inaccessible, such as actors and politicians.²² Data on LGBT representation among teachers would provide information about whether LGBT youth have access to adult role models who are similar to them, and could inform efforts to create or strengthen mentorship opportunities for LGBT youth within schools or in out-of-school programs.

III. Experience Indicates NTPS Respondents Would Willingly and Accurately Disclose Their Sexual Orientation And Gender Identity.

The experiences of governments and other entities that collect sexual orientation and gender identity data indicate NTPS respondents would be willing and are able to answer questions about their sexual orientation and gender identity, and doing so would not raise privacy or other concerns. As an initial matter, we note that the Census Bureau, which administers the NTPS, removes respondents' names and other identifying information from the data files and takes other measures to protect respondents' confidentiality. And three federal laws protect the confidentiality of individually identifiable information collection by the National Center for Education Statistics.²³

Experience shows that respondents are willing to answer questions about their LGBT status. For example, consider responses to demographic questions asked in Gallup's Daily Tracking survey via a telephone interview. Analyses of data collected from June-December 2012 (n=206,207) show that the percentages of respondents who refuse to answer or don't know the following questions are as follows:

- Marital status: 1.0%
- Age: 1.3%
- Race/ethnicity: 2.7%
- LGBT identity: 4.9%
- Household income: 26.1%

Non-response for LGBT identity was slightly higher than for race and ethnicity but substantially lower than for household income. This is consistent with other research showing that survey respondents are more than twice as likely to refuse to answer questions about income as about sexual orientation, and that, in any event, the refusal rate is relatively low.²⁴ Other research has demonstrated that including sexual orientation and gender identity questions does not cause survey breakoff.²⁵

IV. Conclusion

Including sexual orientation and gender identity measures on the NTPS would provide useful information about LGBT teachers and principals, information that would enhance the ability of the Department and schools to provide quality education.

Respectfully Submitted,

Christy Mallory, JD

Adam P. Romero, JD

M.V. Lee Badgett, PhD

Kerith J. Conron, ScD

Nanette Gartrell, MD

Jody L. Herman, PhD

Amira Hasenbush, JD

The Williams Institute

UCLA School of Law williamsinstitute@law.ucla.edu <http://williamsinstitute.law.ucla.edu/>

¹ See Sexual Minority Assessment Research Team (SMART), Williams Institute, *Best Practices for Asking Questions about Sexual Orientation on Surveys* (2009), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/SMART-FINAL-Nov-2009.pdf>; Gender Identity in U.S. Surveillance (GenIUSS) Group, Williams Institute, *Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys* (2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/geniuss-report-sep-2014.pdf>.

² Federal Intergency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys, *Current Measures of Sexual Orientation and Gender Identity in Federal Surveys* (2016), https://s3.amazonaws.com/sitesusa/wp-content/uploads/sites/242/2014/04/WorkingGroupPaper1_CurrentMeasures_08-16.pdf.

³ See, e.g., *id.*

⁴ Williams Institute, *LGBT Data & Demographics: United States* (2016), <http://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT#density>; Williams Institute, *LGBT Data & Demographics: California* (2016), <http://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT&area=6#density>.

⁵ Institute of Medicine, *The Health of Lesbian, Gay, Bisexual, and Transgender People: Building a Foundation for Better Understanding* (2011), <http://www.iom.edu/Reports/2011/The-Health-of-Lesbian-Gay-Bisexual-and-Transgender-People.aspx>.

⁶ Badgett et al., Williams Institute, *New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community* (2013), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>.

⁷ See, e.g., Pizer et al., *Evidence of Persistent and Pervasive Workplace Discrimination Against LGBT People*, 45 *Loy. L.A. L. Rev.* 715 (2012); James et al., Nat'l Ctr. for Transgender Equality, *Report of the 2015 U.S. Transgender Survey* 44-45 (2016), <http://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf>.

⁸ See, e.g., Institute of Medicine, *supra*.

⁹ See <https://www.regulations.gov/contentStreamer?documentId=ED-2017-ICCD-0007-0015&attachmentNumber=1&contentType=pdf>.

¹⁰ Nat'l Ctr. for Educ. Stats., U.S. Dep't of Educ., *Principal Questionnaire: National Teacher and Principal Survey, 2015-2016 School Year 14* (June 19, 2015), https://nces.ed.gov/surveys/ntps/pdf/1516/NTPS-2_061915.pdf; Nat'l Ctr. for Educ. Stats., U.S. Dep't of Educ., *Teacher Questionnaire: National Teacher and Principal Survey, 2015-2016 School Year 34-35* (June 19, 2015), https://nces.ed.gov/surveys/ntps/pdf/1516/NTPS-4_061915.pdf.

¹¹ . Nat'l Ctr For Educ. Stats., *National Teacher and Principal Survey, Research Issues*, <https://nces.ed.gov/surveys/ntps/issues.asp>.

¹² The proposed teacher questionnaire also omits the civil union/domestic partnership question that existed on prior versions.

¹³ Sears et al., Williams Institute, *Documenting Discrimination Based on Sexual Orientation and Gender Identity in State Employment* 5-19 (2009), http://williamsinstitute.law.ucla.edu/wp-content/uploads/5_History.pdf.

¹⁴ *Id.*

- 15 *Id.* at 5-21 to 5-33.
- 16 Smith et al., *A National Study of LGBT Educators' Perceptions of Their Workplace Climate* (2008), <http://files.eric.ed.gov/fulltext/ED501252.pdf>.
- 17 Sears et al., *supra*, at 12-59 to 12-189, http://williamsinstitute.law.ucla.edu/wp-content/uploads/12_SpecificExamples.pdf.
- 23 *Id.*
- 24 *Id.*
- 25 *Id.* at 12-1.
- 26 Gastic & Johnson, *Teacher Mentors and the Educational Resilience of Sexual Minority Youth*, 21 *J. Gay & Lesbian Soc. Svcs.* 219 (2009); *see also* Stephen T. Russell, Hinda Seif & Nhan L. Truong, *School Outcomes of Sexual Minority Youth in the United States: Evidence from a National Study*, 24 *J. ADOLESC.* 111, 120 (2001).
- 27 Bird et al., *The Impact of Role Models on health Outcomes for Lesbian, Gay, Bisexual, and Transgender Youth*, 28 *J. ADOLESC. HEALTH* 353, 356 (2012).
- 29 NTPS Overview, Data Processing and Privacy Protection, <https://nces.ed.gov/surveys/ntps/overview.asp?OverviewType=4>.
- 30 Carlini et al., Presentation: What does this have to do with quitting smoking? Push & Pull of Asking Sensitive Questions to Callers Seeking Tobacco Treatment through Quitlines (World Conference on Tobacco or Health: 2006), <http://2006.confex.com/uicc/wctoh/techprogram/P8682.HTM>.
- 31 Landers et al., Presentation: Developing Data for Advocacy (National LGBTI Health Summit: 2007); Case, *Disclosure of Sexual Orientation and Behavior in the Nurses' Health Study II: Results from a Pilot Study*, 51 *J. HOMOSEXUALITY* 13 (2006).
-

Dear Mr. Romero,

Thank you for your feedback posted on May 30, 2017 responding to a 30-day request for comments on the proposed 2017-18 National Teacher and Principal Survey (NTPS 2017-18). The National Center for Education Statistics appreciates your interest in the NTPS.

Thank you for providing your suggestion to collect information on sexual orientation and gender identity on teachers and principals. We agree that this topic would provide important demographic data on teachers and principals. As with all new items or topics proposed for inclusion in a questionnaire, we will need to conduct research and then develop and test new question items for principals and teachers in K-12 schools to ensure correct comprehension and interpretation before including such items in a national (full-scale) collection. At this point in the survey schedule, we are unable to accommodate additional testing for NTPS 2017-18, but will consider doing so for NTPS 2019-20.

Sincerely,

Amy Ho
National Teacher and Principal Survey