

The Student Non-Discrimination Act (SNDA)

Summary

Senator Al Franken & Representative Jared Polis

Background

- Every day, students who are, or are perceived to be, lesbian, gay, bisexual, or transgender (LGBT) are subjected to pervasive discrimination, including harassment, bullying, intimidation and violence, which is harmful to both students and our education system. Surveys indicate as many as seven in ten LGBT students have been bullied.
- These hurtful actions deprive students of equal educational opportunities and contribute to high rates of absenteeism, dropout, adverse health consequences, and academic underachievement among LGBT youth. Left unchecked, discrimination can lead, and has led, to life-threatening violence and to suicide. And when school officials engage in discriminatory treatment, or are indifferent to harassing behavior, LGBT students' constitutional rights are infringed.
- While federal civil rights statutes expressly address discrimination on the basis of race, color, sex, religion, disability or national origin, they do not explicitly include sexual orientation or gender identity and, as a result, LGBT students and parents have often had limited legal recourse for this kind of discrimination.

What does the “Student Non-Discrimination Act” do?

- The “Student Non-Discrimination Act” (SNDA) would establish a comprehensive federal prohibition of discrimination in public schools based on actual or perceived sexual orientation or gender identity.
- SNDA would provide protections for LGBT students and ensure that all students have access to public education in a safe environment free from discrimination, including harassment, bullying, intimidation and violence.
- SNDA would also provide meaningful and effective remedies (loss of federal funding and legal cause of action for victims) for discrimination in public schools based on actual or perceived sexual orientation or gender identity, modeled after Title IX.