



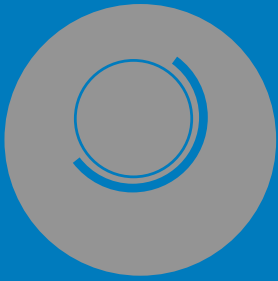
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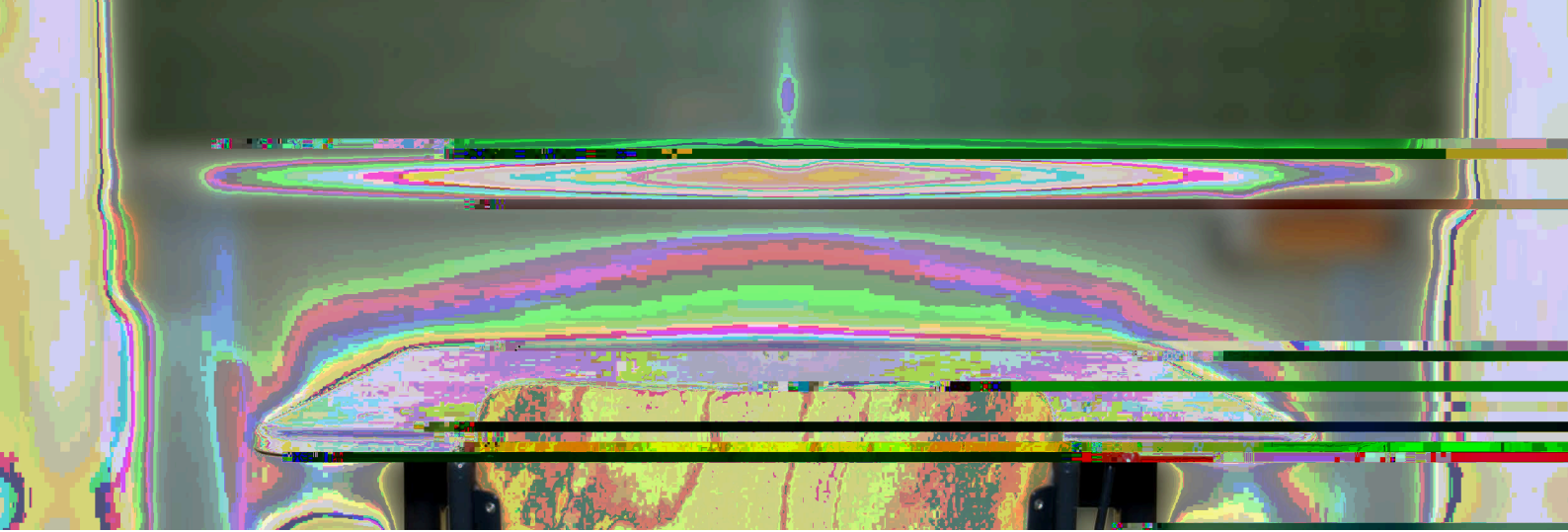
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Foreword

A Letter from a Superintendent

One day about eight years ago, a mother came to me and asked what I could do to support her child who would be starting kindergarten in the fall. While I was accustomed to addressing the fears of worried parents, this family's situation was one I had never encountered — Toni was assigned male at birth, but her parents were considering letting her start school as a girl, which is how she had been identifying for some time.

I told Toni's mom that while I hadn't dealt with a situation like this before, I believed every child had the right to feel safe, welcomed and valued, and I would work with the family to make sure we supported her child. Our journey began that day.

Toni eventually transitioned to living openly and authentically as a girl in second grade. Her family, school staff, counselor and I worked together to support her throughout the process. This was a new experience for all of us and we had few models to follow, so we all learned as we went and the process evolved over time. We had a plan in place for those things we could predict, but other things caught us off guard and we had to make it up as we went along.

By far the easiest part of the process was the acceptance by Toni's classmates, who embraced her and affirmed her identity. As we worked to balance the need to educate and inform parents while protecting Toni's right to privacy, I met with a small number of concerned parents individually and attended a parent night facilitated by Gender Spectrum. We provided education regarding transgender children to the school's staff, our administrative team and the governing board. For the most part there was a compassionate response to do the right thing. There were people who struggled with changes we put in place, but we continually focused on supporting Toni and doing what was right.

Handwritten signature in blue ink, possibly reading "D. J. Miller" or similar, located at the bottom left of the page.



Introduction

Supporting Transgender Students

Today's society is recognizing the experiences and needs of transgender people as never before. This trend is most evident in our nation's schools, where an increasing number of transgender and gender-expansive students live openly as their authentic selves. At the same time, parents, students, educators, administrators and other stakeholders are working together to determine the best ways to support these students.

This guide highlights best practices while offering strategies for building upon and aligning them with each school's culture.

Many are unfamiliar with the needs of transgender students, and attempts to meet those needs can be fraught with emotion for all involved. Educators may have concerns about their own capacity to support their transgender students, or hesitate to act because of personal feelings or fear of negative reactions from the larger community. Similarly, families and caregivers are sometimes uncertain about what support their child needs in school or question the school's commitment to the well-being of their child. This dynamic can create an adversarial relationship among the very individuals working to support the student. Finally, transgender students themselves may struggle with a variety of issues in seeking to be authentically seen, including the fear of social rejection and mistreatment or abuse from peers. As a result, many of these students hope to escape notice and to simply survive rather than flourish.

What's Inside

Rather than a static set of recommendations and formulas, this guide responds to the dynamics that affect a transgender student's experiences in school. The guide

Guiding Principles

Even though the needs of transgender students vary tremendously based on a range of factors, a number of guiding principles informed this document. These principles include that:

- Every student has the right to learn in a safe and accepting school environment. Supporting transgender students gives them the equal opportunity that all students need.
- All adults must act as protective agents committed to the safety and well-being of the youth they serve, including those who are transgender or gender-expansive, and should recognize that working as a team is in the best interest of individual students seeking support.
- There are often gaps in trust — grounded in past or current experiences between students, families and educational institutions. This document will also incorporate language, resources and suggestions for navigating these trust gaps and supporting the student’s safety and well-being, including strategies for working in adversarial contexts.
- The expression of transgender identity, or any other form of gender-expansive behavior, is a healthy, appropriate and typical aspect of human development. A gender-expansive student should never be asked, encouraged or required to affirm a gender identity or to express their gender in a manner that is not consistent with their self-identification or expression. Any such attempts or requests are unethical and will likely cause significant emotional harm. It is irrelevant whether a person’s objection to a student’s identity or expression is based on sincerely held religious beliefs or the belief that the student lacks capacity or ability to assert their gender identity or expression (e.g., due to age, developmental disability or intellectual disability).
- Ongoing learning is a key element of this process. Educators and administrators need to engage in regular professional development and training to build a school climate that avoids gender stereotyping and affirms the gender of all children. Parents and caregivers must similarly continue to expand their understanding of the shifting concerns facing children as they get older. Professionals must also build their knowledge about the concerns facing educators and families alike.

For many educators and administrators, this work begins with a transgender or gender-expansive child enrolling at their school, or a current student starting to express their gender identity in a new way. While this guide is designed around the unique needs of transgender students, it is critical to recognize that transgender students are not the only youth affected by gender at school.¹ Stereotypes about gender are reinforced in many ways in the school environment, which prevents all youth from reaching their full potential. For example, we may limit the toys or activities students can enjoy based on our preconceived notions of appropriate behavior and roles for girls and boys.

Creating a more welcoming environment for students' gender diversity is a more effective and lasting strategy than trying to "solve" the concerns associated with an individual transgender student. Accordingly, many schools are working to develop

Chapter One

Some Gender Basics

Gender & Sex

One of the most prevalent misconceptions about gender is that it is based solely on a physical understanding of sex, and that everyone fits into one of two opposite categories, male or female. This misconception, in turn, leads many to incorrectly assume that the body one is born with determines an individual's gender. Though related to one another, both gender and sex are much more complex. Gender is comprised of a person's physical and genetic traits, their own sense of gender identity and their gender expression. Given the numerous combinations that these factors can create, gender is better understood as a spectrum.

Gender Identity vs.

Despite the tendency to conflate sexual orientation and gender identity, the two are very different. Sexual orientation describes a person's sexual or romantic attraction, while gender identity refers to someone's own personal sense of being male, female, both or neither. Everyone has both a gender identity and a sexual orientation.

"Because I am transgender, every moment I'm not who I should be is like having 10 pounds added to my shoulders."

— Participant
HRC Foundation 2012 Youth Survey



Gender:

Complex relationship between physical traits and one's internal sense of self as male, female, both or neither (gender identity), as well as one's outward presentation and behaviors (gender expression).

Sex:

In the United States, individuals are assigned "female" or "male" sex at birth, based on physical attributes and characteristics. This assumed physical dichotomy of sex is itself belied by a variety of naturally occurring conditions. Sex in some contexts, such as the law, is also used as an umbrella term that encompasses gender and gender identity. For the purposes of the discussion in this guide, however, "sex" is being used as a physical attribute and characteristic. Ú



DEFINITIONS

Gender Expression:

How a person expresses their gender through outward presentation and behavior. This includes, for example, a person's name, clothing, hair style, body language and mannerisms.

Gender Identity:

A personal, deeply-felt sense of being male, female, both or neither. Everyone has a gender identity.

Gender Dysphoria:

An intense and persistent discomfort with the primary and secondary sex characteristics of one's assigned birth sex. Affirming and supporting a person's gender identity can help to significantly decrease their dysphoria. Conversely, rejecting or requiring a person to conceal their gender identity will exacerbate their level of dysphoria.

Sexual Orientation:

Term that describes a person's romantic or sexual attraction to people of a specific gender or genders. "Lesbian," "gay," "bisexual" and "straight" are examples of sexual orientations. Our sexual orientation and our gender identity are separate, distinct parts of our overall identities.

Transition:

The process through which transgender people begin to live as the gender with which they identify, rather than the one typically associated with their sex assigned at birth. ***Social transition*** may include things such as changing names, pronouns, hairstyle and clothing. ***Medical transition*** may include medical components like hormone therapy and gender affirming surgeries. Not all transgender individuals seek medical care as part of their transition or have access to such care. The decision about which steps to take as part of one's transition is a deeply personal and private choice. You should never ask someone if they have had any medical procedures, and you should respect the privacy of a student's transition process.

Transphobia:

Irrational fear or hatred of, or violence, harassment or discrimination perpetrated against transgender people.

How Gender Identity Develops

Children typically begin expressing their gender identity between the ages of two and four years old.² Around this age, transgender children often express their cross-gender identification to their family members and caregivers through statements like “I have a girl brain and boy body,” or vice versa, and behavior like dressing in clothing and engaging in activities consistent with their gender identity. Even at that young age, transgender children are often insistent and persistent about their gender, differentiating their behavior from a “phase” or imaginative play.

With the love and support of families, caregivers and other adults, transgender children and youth can thrive. Supporting them means allowing them to live in a manner consistent with their gender identity, which helps them develop self-esteem and grow into happy, healthy members of society.

However, some transgender children receive the message from their families, caregivers and society that there is something wrong with who they are, and begin to repress their cross-gender identification out of fear and shame. Not having their gender identity respected and affirmed in their daily lives will likely cause them significant psychological distress. That distress is often exacerbated when a transgender student's gender identity is not affirmed at school, which can be a very gendered space (e.g., girls' and boys' toys/games, girls' and boys' lines).

The consequences of not affirming a child's gender identity can be severe, and it can interfere with their ability to develop and maintain healthy interpersonal relationships. In the school context, that distress will al

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With the goal of preventing or alleviating the distress that transgender youth often experience, typically referred to as Gender Dysphoria,³ healthcare providers recommend that the child “socially transition” and live consistently with their gender identity. That includes dressing, interacting with peers and using names and pronouns in a manner consistent with their identified gender. For most transgender youth, social transition provides tremendous and immediate relief, allowing them to flourish socially, emotionally and academically.

Endnotes

²American Psychiatric Association (2013). *Diagnostic and Statistical of Mental Disorders* (5th ed.). Arlington, VA: American Psychiatric Publishing.

³Gender Dysphoria is a serious medical condition codified in the American Psychiatric Association’s *Diagnostic and Statistical Manual of Mental Disorders* (DSM) and the World Health Organization’s *International Classification of Diseases*. People diagnosed with Gender Dysphoria have an intense and persistent discomfort with the primary and secondary sex characteristics of their assigned birth sex. Gender Dysphoria is not a mental illness, but rather refers to the severe and unremitting emotional pain resulting from this incongruity. Gender Dysphoria was previously referred to as “Gender Identity Disorder.” The American Psychiatric Association changed the name and diagnostic criteria for this condition to reflect that Gender Dysphoria “is more descriptive than the previous DSM-IV term gender identity disorder and focuses on dysphoria as the clinical problem, not identity per se.” *DSM-5*, a, p.451.

No child should be prevented from pursuing their passions simply based on others' perceptions of their gender. By sending a message that certain pursuits are off-limits simply because of a person's gender, we lose access to an incredible source of human potential.

Endnotes

⁴ Kosciw, J. G., Greytak, E. A., Palmer, N. A., & Boesen, M. J. (2014). *The 2013 National School Climate Survey: The Experiences of Lesbian, Gay, and Transgender Youth in Our Nation's Schools*. New York: GLSEN.

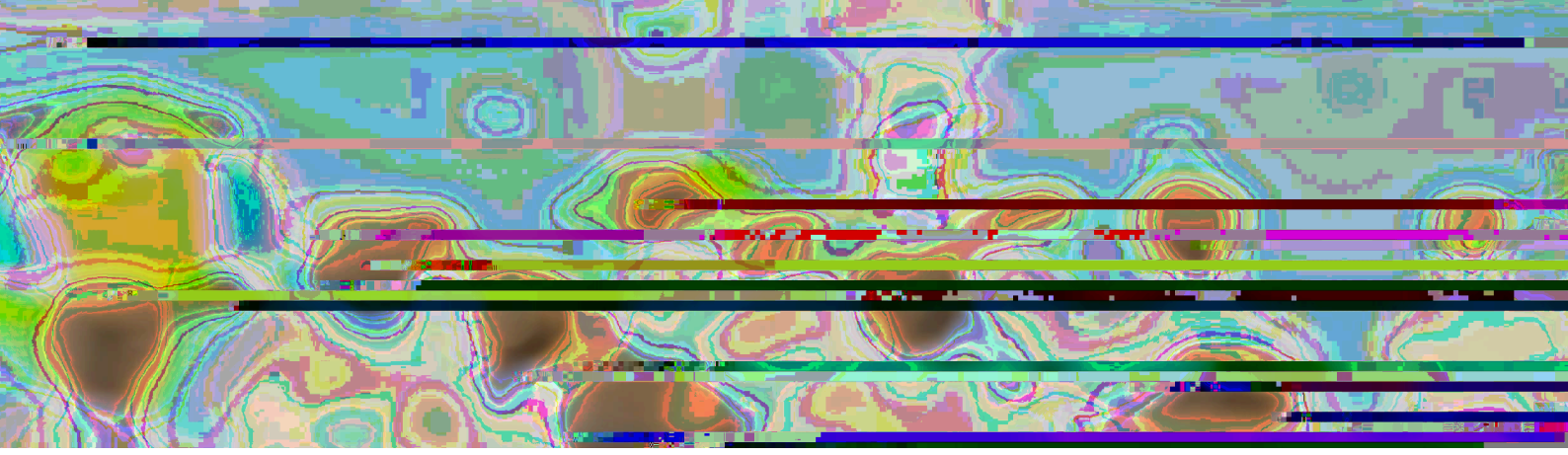
⁵ Kosciw, et al., 2014, pp. 12-13.

⁶ Toomey, R. B., Ryan, C., Diaz, R. M., Card, N. A., & Russell, S. T. (2010). "Gender-Nonconforming Lesbian, Gay, Bisexual, and Transgender Youth: School Victimization and Young Adult Psychosocial Adjustment." *Developmental Psychology*, 46(6), pp. 1580-89.

⁷ Kosciw, et al., 2014, p. 47.

⁸ Toomey, et al., 2010, p. 1585.

⁹ Kosciw, et al., 2014, at p. 66.



Chapter Three

Key Considerations

Every student who transitions at school is entitled to a safe and supportive environment in which to follow their unique path to being their authentic selves.

The Right Plan

Urgency & Timing

A student's desire to undergo a gender transition at school is borne out of a deep need to be their authentic self. The urgency and timing of the gender transition must be carefully balanced. Ideally, the student is not currently experiencing an unmanageably high level of distress at school, which will allow the student, school and family (if appropriate) to work together as a team to establish the most positive scenario in which the transition can take place. This process could include training for staff, students and parents and a carefully laid out timeline.

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Age & Grade Level

While it is important to include a student's age and grade level as factors to consider in the planning process, it should never be used to justify delaying or denying a student's gender transition. This factor becomes particularly relevant if the student's transition is taking place publicly. Should the student wish to discuss their transition with their peers or the school decides to incorporate lessons about gender into the

"I am not out to classmates, teachers, or at school because I have tried with a few, only to be ridiculed and pretty much marked as an outcast. Now that I've switched schools I have no intentions of having anyone know [that I am transgender]."

– Participant
HRC Foundation 2012 Youth Survey

Some students and families want to be more open with the school and community about the transition process, which could include, for example, send a letter home to parents or setting aside time during a class period for the student to discuss their plan for a gender transition. Others may prefer to share this private information with a select group of people to ensure that the student has a support network at school. Regardless of how private a student or family asks the school to keep this information, that decision does not prevent the student from discussing their gender



It is important to keep in mind that many negative reactions boil down to a lack of knowledge or familiarity with the idea of transgender people, particularly transgender youth. While a public transition might make others (including you) feel uncomfortable, that discomfort does not outweigh the student's need to be safe and supported.

Some parents who oppose the school's decision to support and affirm transgender students may involve local media to pressure the school and district to reverse course. The school or district can choose not to respond to media inquiries. If the school or district decides to respond, however, school officials can also use the talking points above or in [Appendix C](#) to respond to a media story.

Schools or districts should not discourage transgender students or their families from a public transition simply because it requires additional contingency planning. Public transition may be a better option in cases where the student has a strong support network of peers and teachers, a desire to be open about their transgender status or wants to participate in specific extracurricular activities. Regardless of whether a student's transition is public or private, the school or district must be prepared for a variety of contingencies that could occur.

Private Transitions

When a student transitions privately, very few adults may be aware of the situation. While some school personnel may want (or believe they have a right) to know the student's transgender status, the goal for many students and their families is to simply be another kid on campus and not "that transgender student." In fact, the opportunity to have a school experience that is not dominated by this single aspect of the child's life can be very affirming for a transgender student.

If an administrator or educator believes it is important for a particular person to know the student's transgender status, they should raise that concern during the planning process.

**Ultimately, it must be the student's
(and when possible, the family's) decision
about whether, when and to whom they
will reveal this personal information.**

Once that decision is made, administrators and educators should offer to assist the student or family in making any disclosures. For example, the family may want to make the disclosure themselves, but have the school administrator facilitate the meeting (i.e., invite the school staff person to the meeting or host the meeting in the administrator's office).

Even in circumstances where a student's transgender status appears to be completely private, with no conceivable way for others to find out, the school, family and student must anticipate that privacy may somehow be inadvertently compromised in a number of ways, including through social media or from a peer whom the transgender student knew previously from a

Schools must continue to support students beyond their transition to ensure that the school environment remains a safe and supportive place to learn. Ultimately, the school environment must be set up so that transgender girls are treated like all other girls and transgender boys like all other boys. For many people, particularly adults, that notion challenges societal assumptions about the immutability of gender,

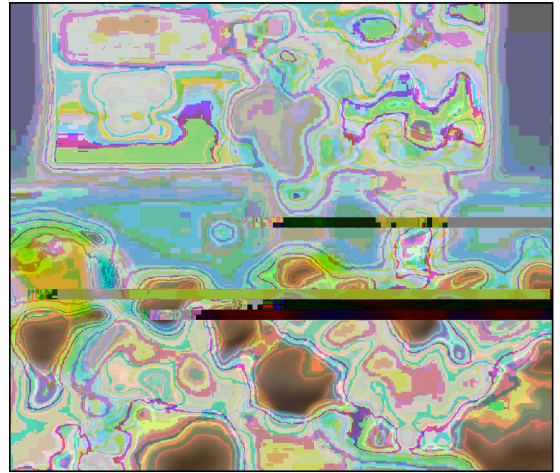
Although a schools' recordkeeping and reporting requirements are often seen as a barrier to preventing those oversights, many school districts have found solutions that allow them comply with those requirements while meeting their obligations to

It is important to note that transgender youth can experience many obstacles to correcting their identity documents. From the high cost of obtaining a court-ordered name change to states requiring transition-related surgery before correcting the gender marker on a birth certificate, barriers prevent students — particularly those in earlier grades — from obtaining identity documents that reflect their true selves. Consequently, school and district personnel must develop policies and protocols for inputting the correct information into the student information system regardless of the student's legal name or gender marker.

Names & Pronouns

Dress Codes

Transgender students have the right to dress in a manner consistent with their gender identity or gender expression as long as the student's attire complies with the school- or district-wide dress code. If the school or district has a specific dress code for boys and girls, a transgender student must be allowed to wear the clothing that corresponds to their gender identity, regardless of their assigned sex at birth, the gender designated on their birth certificate or other legal documents.



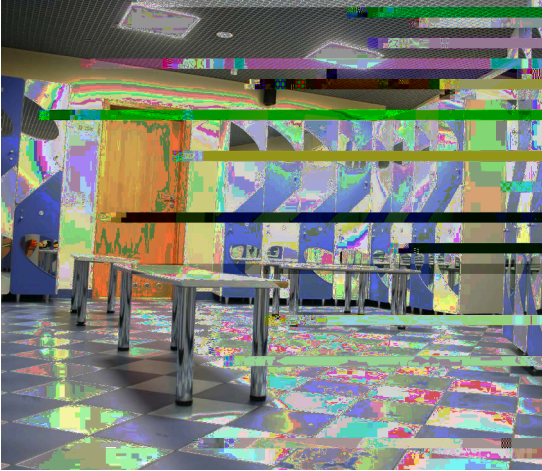
Sex-Separated Facilities, Activities & Programs

“I’ve had people try to throw me out of bathrooms or locker rooms and even had school authorities try to write me up for using a female restroom.”

– Participant
HRC Foundation 2012 Youth Survey

Another crucial element in supporting a transitioning student is giving them access to sex-separated facilities, activities or programs based on the student's gender identity. Restrooms, locker rooms, health and physical education classes, competitive athletics, overnight field trips, homecoming court and prom are just some of the explicitly gendered spaces that tend to be the most controversial because they require us to re-examine our beliefs about who belongs in those spaces. This can be challenging for everyone involved. The following discussion seeks to bring people beyond those initial visceral reactions, provide tools to help guide others through that same process and lead to the creation of a school culture that values gender diversity and respect for all students.

Restrooms & Locker Rooms



In early 2015, Media Matters for America contacted officials at the largest school districts in 12 states that have laws protecting transgender students, and not a single one reported “any incidences of harassment or inappropriate behavior” as a result of “allowing transgender students to access facilities they’re comfortable with.”¹⁰ This is not surprising given that schools have permitted all students to access restrooms and locker rooms based on gender identity for many years; it is, in fact, the norm throughout society to allow people to access those facilities without being asked to prove their gender. Enforcing any other type of policy would be unmanageable and invasive.

Providing transgender students with access to the restrooms and locker rooms that match their gender identity is yet another way that schools adjust to meet students’ individual needs. Typically the student, with or without their parents, will approach an administrator to request that the school give them access to the appropriate restroom and locker room. Generally, there is no reason to doubt the sincerity of a student who asserts a transgender identity, and schools should accept the student’s identity without imposing additional requirements. Manipulative or insincere requests are likely to be easily discernible. If a school administrator has credible doubts about a student’s sincerity, however, they should document the concerns and request some documentation that the student has asserted a transgender identity in other settings. Again, this scenario is very unlikely to occur and school officials should avoid assuming the role of gatekeeper.



Although problems related to restroom and locker room use are unlikely to arise, parents, educators and school officials may raise concerns about some of the following “What ifs”:

What if a student who identifies as male claims to be female just so he can enter the girl’s facilities?

Restrooms and locker rooms can be a source of discomfort for everyone, not just transgender students, and it is incumbent on school officials to ensure that all students are safe in the school’s facilities. In schools that provide transgender students access to the facilities that accord with their gender identity, this has not been an issue. If male students do enter female facilities without permission (e.g., on a dare from a classmate), such behavioral issues are unrelated to and likely existed long before schools gave transgender students access to the facilities that matched their gender identity. More importantly, providing transgender students with access to restrooms and locker rooms based on gender identity does not hinder the school’s ability to address and prevent inappropriate student behavior.

What if other students have privacy concerns about using a restroom with a transgender student?

While this concern may seem understandable, it is often based on the false idea that a transgender boy is not a “real” boy, a transgender girl is not a “real” girl or that a transgender student wants access to those facilities for an improper purpose. Schools should attempt to address these and any other misconceptions that may be causing the student’s discomfort. In those conversations, it is important to remind students that behaving in a way that makes others uncomfortable is unacceptable and a violation of the school’s commitment to ensuring the safety of all students; but it must also be clear that a transgender student’s mere presence does not constitute inappropriate behavior. Any student who feels uncomfortable sharing facilities with a transgender student should be allowed to use another more private facility like the bathroom in the nurse’s office, but a transgender student should never be forced to use alternative facilities to make other students comfortable.

What if the restroom and locker room that correspond to the transgender student's gender identity would not be safe for the transgender student?

If a student's safety is a legitimate concern, administrators should not hesitate to discuss the topic, understanding that the objective is to respect the student's gender identity and safety, not to convince the transgender student to rescind the request to use the facilities that match their gender identity. Potential solutions include permission to use the restroom during class time, increased teacher presence around restrooms between classes or a "buddy system." For locker room access, options include placing the student's locker near the coach's office, setting up a privacy curtain or area in the locker room for any student to use or setting up a schedule so that the student can change before or after the other students. Again, a transgender student should never be forced or pressured into using alternate facilities just to make students or school personnel more comfortable. Such concerns are likely indicative of a broader issue with the school culture that may be making other students feel unsafe as well. Thus, in addition to addressing this concern with the transgender student, administrators should also identify ways to improve the school culture so that all students can feel safe in restrooms and locker rooms.

These key concepts — that respect for the transgender student should be the starting point, that being uncomfortable is not the same as being unsafe and that school officials have a responsibility to ensure the safety of all students — can be applied to any other "what ifs" that may arise when providing a transgender student access to the appropriate restroom and locker rooms.

Overnight Field Trips

Overnight field trips are not only educational endeavors, but also important opportunities for social engagement. Making sure that a transgender student has access to both components of field trips requires some planning for issues like room assignments, chaperones and showers.

Once again, the concerns that typically arise in these instances are issues the school needs to consider for all of its students. Schools have an obligation to set clear expectations about respecting one another's privacy and boundaries. Unlike the time they spend with one another in the hallways or classrooms, students share much closer quarters on field trips. Explicitly naming expectations about what it means to be in a communal environment is critically important and will improve all students' experiences.

A transgender student's comfort level with sleeping arrangements will largely dictate the manner in which related issues are addressed. If students are to be separated based on gender, then the transgender student should be allowed to room with peers that match their gender identity. As with any other students, the school should try to pair the transgender student with peers with whom the student feels comfortable. In some cases, a transgender student may want a room with fewer roommates or another alternative suggested by the student or their family. The school should honor these requests whenever possible and make adjustments to prevent the student from being marginalized because of those alternative arrangements. Regardless of whether those roommates know about the student's gender identity, the school has an obligation to maintain the student's privacy and cannot disclose or require disclosure of the student's transgender status to the other students or their parents.

Discrimination, Harassment & Bullying

It is the responsibility of each school and district to ensure that transgender and gender-expansive students have a safe school environment, which includes ensuring that any incident of discrimination, harassment or violence is thoroughly investigated, appropriate corrective action is taken and students and staff have access to appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender expression should be handled in the same manner as any other discrimination or harassment complaints.

While all school districts should have nondiscrimination and harassment policies that cover gender identity, policies alone are not enough. Districts must also address bullying and harassment with research-based interventions. Research has shown that punitive policies requiring actions that remove students from their educational environments — such as “zero tolerance” policies that rely on suspension and expulsion — are detrimental to overall school climate.¹² Instead of changing behavior, suspension and expulsion reinforce negative behavior and often harm the students these policies are meant to protect, because they are used disproportionately against LGBTQ students, students of color and students with disabilities.¹³ What this means in practice is that the LGBTQ student who fights back against bullying is more likely to be punished than the student who is the aggressor. Restorative justice programs and positive behavior interventions and supports are two examples of alternative discipline approaches that improve school climate and address the root cause of bullying and harassment. The most effective way to reduce bullying is to create a school-wide culture of inclusion and respect for difference.

Endnotes

¹⁰ Rachel Percelay, “17 School Districts Debunk Right-Wing Lies About Protections For Transgender Students,” 3 June 2015. Media Matters for America.

¹¹ Travers, A. (2008). The Sport Nexus and Gender Injustice. *Studies in Social Justice* 2(1), pp. 79-101; Griffin, P. & Carroll, H. (2010). *One Team: Equal Opportunity for All Athletes*. New York, NY: Women's Sports Foundation & National Center for Lesbian Rights.

¹² APA Zero Tolerance Task Force (2008). “Are Zero Tolerance Policies Effective in the Schools?: An Evidentiary Review and Recommendations,” *American Psychologist* 63(9), 852-62, available at <http://www.apa.org/pubs/info/reports/zero-tolerance.pdf>.

¹³ Himmelstein, K. & Brückner, H. (2011). “Criminal-Justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study,” *Pediatrics* 127(1), 49-57, available at <http://www.pediatrics.org>.

In these situations, the transgender student will often seek out an administrator or educator for support. Whenever a transgender student initiates this process, the educator or administrator should ask whether the student's family is accepting in order to avoid inadvertently putting the student at risk of greater harm by discussing with the student's family. Based on that information, the school and student should determine how to proceed through the collaborative process of figuring out how the school can support the student and balance the student's need to be affirmed at school with the reality that the student does not have that support at home.

This process should address the following basic topics and situations:

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School personnel can play a constructive role in

If the school has observed a significant change in the student's performance, attitude or behavior based on having transitioned — or having been prevented from doing

Developing an IEP or 504 Plan for a Transgender Student

Special education laws create a mechanism for accommodating the needs of students who are experiencing difficulty in school. That difficulty does not have to be solely academic; it can include social and emotional well-being and development. Given the

Through a special education plan, schools can provide basic accommodations like use of the student's chosen name and access to the appropriate restrooms. The IEP or Section 504 Plan can also account for other needs like stress breaks throughout the school day to help reduce anxiety. Even when the school is fully supportive of a transgender student, having an IEP or Section 504 Plan in place will help ensure that the student receives a consistent level of support throughout any changes in school or district administration, even if the student moves to another school or district.

One potential drawback to creating an IEP or Section 504 Plan is that it creates another school record that could inadvertently disclose a student's transgender status, so as with any other educational records, parents and school officials must



Chapter Six

The Legal Landscape

As noted throughout this publication, there are many reasons for all of a school's stakeholders to collaborate and create a more gender-inclusive school environment. However, this publication would be incomplete without a discussion of the various federal and state laws that protect students in schools, including transgender students. Each of the different laws mentioned in this subsection provide transgender students with a layer of protection. Because of variations in state laws, students from some states may have more layers of protection than others. But regardless of which protections exist in a given school district, all students need to be able to attend school in a learning environment that is safe, supportive and free from discrimination.

Schools will find it increasingly difficult to defend discrimination against transgender students.

Title IX of the Education Amendments of 1972

Title IX of the Education Amendments of 1972 (Title IX) is a federal law that prohibits discrimination based on sex in any educational program or activity receiving federal financial assistance.¹⁸ Courts have recognized that Title IX's prohibition on sex discrimination encompasses protections against discrimination and harassment on the basis of failure to conform to sex stereotypes and gender identity.¹⁹ Consistent with that interpretation,²⁰ the U.S. Department of Justice (DOJ) filed a Statement of Interest in *G.G. v. Gloucester County School Board*,²¹ a lawsuit filed on behalf of a transgender student seeking to enforce his right to use the boys' facilities at school.

In the filing, the Department of Justice concluded that, "prohibiting a student from accessing the restrooms that match his gender identity is prohibited sex discrimination under Title IX."²² The U.S. Department of Education's Office for Civil Rights (OCR) has

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The final layers of protection are rooted in the United States Constitution's rights to free speech, privacy and equal protection, which are particularly important for transgender students. For example, a school cannot restrict a transgender student's appearance beyond the dress code unless the student's appearance causes a "substantial disruption" at school, which is a very high burden to meet.³⁰ Similarly, schools must evenhandedly apply school rules to transgender and cisgender students and cannot use sex stereotypes to justify treating transgender and cisgender students differently. Thus, schools cannot legally require a transgender girl to comply with the boys' dress code,³¹ nor can a school ignore complaints of harassment reported by transgender students while investigating the complaints of other students or discipline a transgender student more harshly than a cisgender student for breaking the same school rule.³²

Notably, many state constitutions have articles or sections that mirror federal constitutional protections. In certain cases, the courts in those states have interpreted those provisions to offer more protection than granted under the United States Constitution.³³

Regardless of how many legal protections a particular student may have, courts look at best practices and the reasonableness of the school's conduct to determine whether a student's rights have been violated. As evidenced by the best practices outlined in this publication and data detailing the harm caused by refusing to affirm and respect a transgender student's gender identity, schools will find it increasingly difficult to defend discrimination against transgender students. Instead, schools should collaborate with students, parents and other stakeholders to create a safe

²⁹ D e .Y , 15 Mass. L. Rptr. 278, at *4-6 (Mass. Super. Ct. Feb. 26, 2001); see also D e .Be , 754 N.Y.S.2d 846 (N.Y. Sup. Ct. 2003) (holding a foster home's refusal to af rm a transgender resident's gender identity constituted

APPENDICES

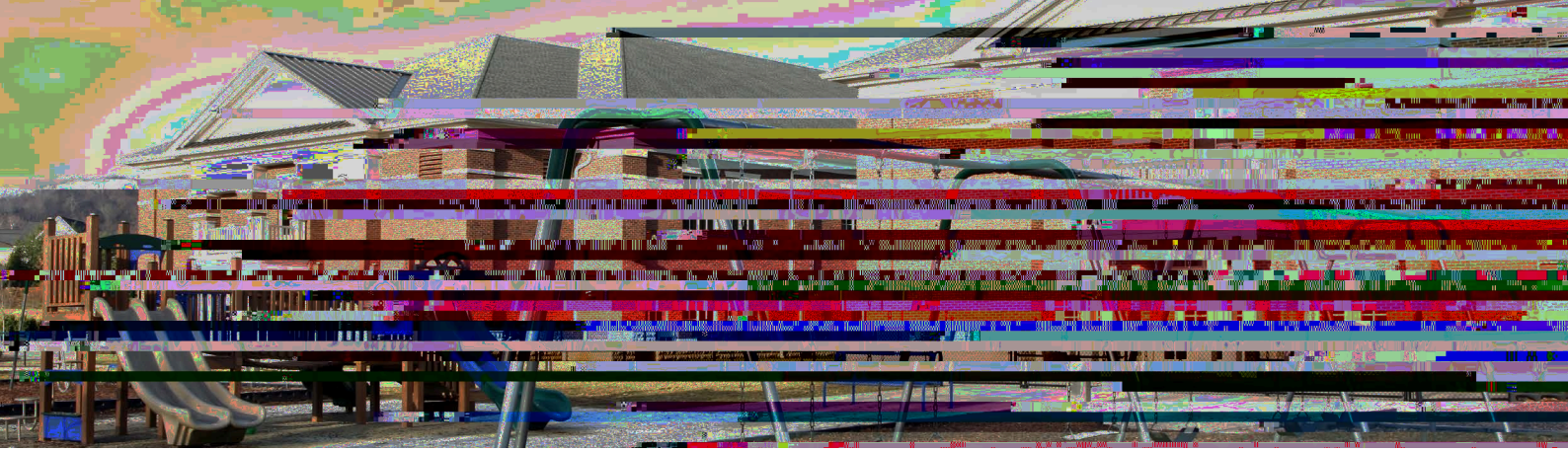


Appendix B

Gender & Pronouns

Many transgender students will adopt the gender pronouns associated with their gender identity, but a growing number are using gender-neutral pronouns. Below is a chart with a few examples of commonly used pronouns:

Type	Pronouns	Example
Feminine	She, her, hers	This is my friend Sam. She came to my house today. I borrowed a book from her. This book is hers.
Masculine	He, him, his	This is my friend Sam. He came to my house today. I borrowed a book from him. This book is his.
Gender Neutral	They, them, their	This is my friend Sam. They came to my house today. I borrowed a book from them. This book is theirs.
Gender Neutral	Ze, hir, hirs (pronounced zee, hear, hears)	This is my friend Sam. Ze came to my house today. I borrowed a book from hir. This book is hirs.



Appendix C

Talking Points

The following talking points were developed by Gender Spectrum to aid educators in addressing the common questions and concerns that arise as schools work to develop more gender-inclusive environments for all students.

Responding to Concerns: Supporting Transgender Students

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Responding to Concerns: Teaching about Gender

Why should my child learn about gender at school?

School is a place where children are taught to respect one another and to learn to work together regardless of their differences. Learning about gender diversity is par

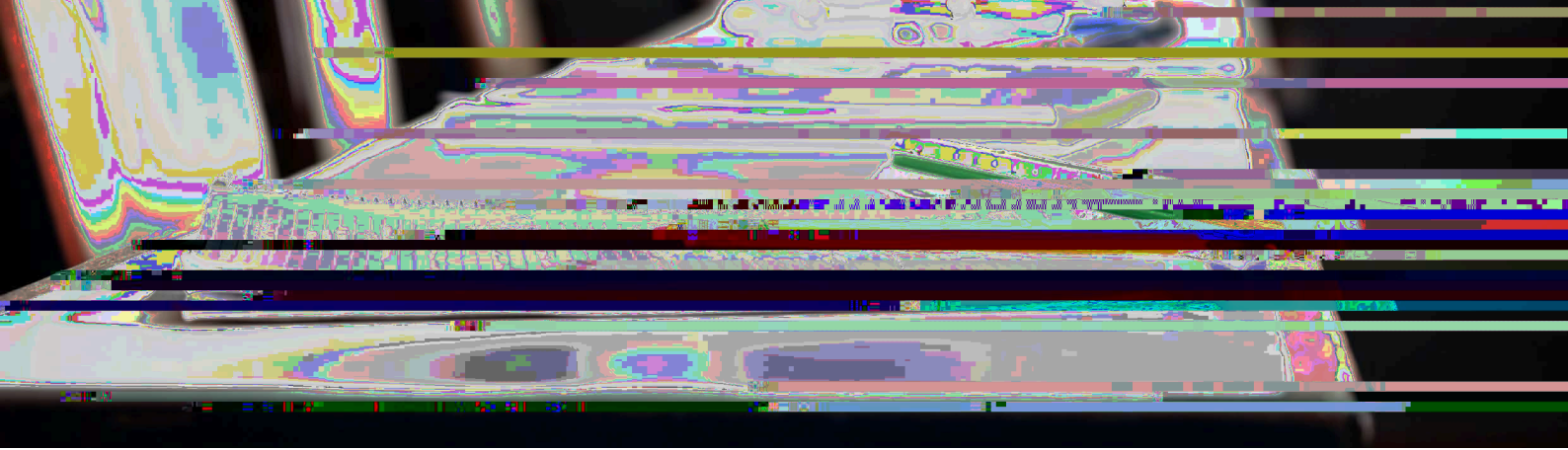
Ideas about gender diversity go against the values we are instilling in my child at home. Are you trying to teach my child to reject these values?

Absolutely not. Our children encounter people with different beliefs when they join any community. While one aim for learning about diversity is to become more accepting of those around us, not everyone is going to be best friends. That does not mean that they can't get along and learn together. The purpose of learning about gender diversity is to demonstrate that children are unique and that there is no single way to be a boy or a girl. If a child does not agree with or understand another student's gender identity or expression, they do not have to change how they feel inside about it. However, they also do not get to make fun of, harass, or harm other students whose gender identity they don't understand or support. Gender diversity education is about teaching students to live and work with others. It comes down to the simple agreement that all children must be treated with kindness and respect.

Won't my child get confused if we speak about more than two gender options?

Experience show that, with enough information, children of any age are able to understand that there are more than the two gender categories currently recognized by our society. When it is explained to them in a simple, age appropriate manner, gender diversity is an easy concept for children.

Won't discussing gender encourage my child to be



Appendix D

Gender Support Plan & Gender Transition Plan

On the following pages you will find printable forms you can use to plan the process of supporting transgender students. The Student Gender Support Plan is a broad tool that can be used to systematically address various aspects of a transgender or gender-expansive student's experiences at school. It is designed to ensure that the school,

– Confidential –
Gender Support Plan

The purpose of this document is to create shared understandings about the ways in which the student's authentic gender will

Staff members? _____

Parents/community? _____

STUDENT SAFETY

Who will be the student's "go to adult" on campus? _____

If this person is not available, what should student do? _____

What, if any, will be the process for periodically checking in with the student and/or family? _____

What are expectations in the event the student is feeling unsafe and how will student signal need for help:

During class _____

On the yard _____

In the halls _____

Other _____

Other Safety concerns/Questions _____

Taking attendance _____

Teacher grade book(s) _____

Official school-home communication _____

Unofficial school-home communication (PTA/other) _____

Outside district personnel or providers _____

Summons to office _____

Yearbook _____

Student ID/library cards _____

Posted lists _____

Distribution of texts or other school supplies _____

Assignment of IT accounts _____

PA announcements _____

If the student's guardians are not aware and supportive of the child's gender status, how will school-home communications be handled?

What are some other ways the school needs to anticipate information about this student's preferred name and gender marker potentially being compromised? How will these be handled?

USE OF FACILITIES

Student will use the following restroom(s) on campus _____

Student will change clothes in the following place(s) _____

If student has questions/concerns about facilities, who will be the contact person? _____

What are the expectations regarding the use of facilities for any class trips? _____

What are the expectations regarding rooming for any overnight trips? _____

Are there any questions or concerns about the student's access to facilities? _____

OTHER CONSIDERATIONS

Are there any specific social dynamics with other students, families or staff members that need to be discussed or accounted for? _____

Does the student have any sibling(s) at school? _____ Factors to be considered regarding sibling's needs?

Does the school have a dress code? _____ How will this be handled? _____

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Parent Information Night About Gender Diversity

Class Meeting with Parents

Identifying and Enlisting Parent Allies

Identifying and Enlisting Peer Allies



Appendix E

Assessing Transgender Students for Special Education

Determining whether a student qualifies for an IEP or Section 504 Plan typically involves an assessment. To ensure the assessment provides accurate results, the assessment must be conducted in a manner that affirms the student's gender identity. Beyond referring to the student by their chosen name and pronouns, the assessor should become familiar with the literature on transgender youth. Having experience working with transgender youth can also help lead to a more accurate assessment of a transgender student's needs. Lastly, the assessor must not recommend any supports, services or accommodations that are intended to change a student's gender identity or otherwise shame them for who they are.³⁴

In some instances, the student may be able to provide sufficient documentation of their unique needs in school to establish eligibility for special education, in which case the parents can forego the assessment process and start the process of creating the IEP or Section 504 Plan. Those documents can include letters from the student's treating healthcare providers or records from education-related services the student is already receiving. This appm

The IEP or Section 504 Plan created by the team must be tailored to the transgender student's unique needs, which may include any of the modifications and accommodations mentioned in this publication, as well as others. Incorporating those modifications and accommodations into the IEP or Section 504 Plan also ensures that the transgender student is in the "least restrictive environment," a legal obligation that requires schools to educate students in general education to the greatest extent possible. Without the psychological distress associated with not having their gender identity affirmed, transgender students are just as capable as their peers to participate in and benefit from general education.

These same principles apply to transgender students who already have an IEP or Section 504 Plan. Regardless of the student's other educational needs, respecting and affirming a transgender student's gender identity is critical to their ability to learn and develop in school. Not including the modifications and accommodations needed to respect and affirm the student's gender identity guarantees that the educational program created by the IEP or Section 504 team will fail to meet the school's legal obligations to that student.

Endnotes

³⁴ Programs or treatments intended to change someone's sexual orientation or gender identity, commonly referred to as "conversion therapy" or "reparative therapy," have been universally discredited by leading medical and psychological associations. See, e.g., American School Counselor Association, *Therapeutic and School Counselor Association's Position on LGBTQ+ Youth* (2014) ("Professional school counselors do not support efforts by licensed mental health professionals to change a student's sexual orientation or gender as these practices have c"



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New York, NY 10004
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www.aclu.org/safeschools

Gender Spectrum
1271 Washington Ave. #834
San Leandro, CA 94577
(510) 788-4412
www.genderspectrum.org

Human Rights Campaign Foundation
1640 Rhode Island Ave. NW
Washington, DC 20036
(202) 347-5323
www.hrc.org

National Center for Lesbian Rights
870 Market St., Suite 370
San Francisco, CA 94102
(415) 392-6257
www.ncrights.org

National Education Association
1201 16th St., NW
Washington, DC 20036
(202) 833-4000
www.nea.org