

Before we start . . .

Please respond to the following prompt on the notecard provided:

What questions do you hope we answer in this presentation?

Creating safe, inclusive school environments for transgender and gender non-conforming students

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Agenda



- ▶ Case Study 1
- ▶ Important terms and definitions
- ▶ Why is school climate important for trans/GNC students?
- ▶ What must schools do, according to NYS law and educational regulations?
- ▶ Practical strategies for name and gender changes in school records and access to activities and facilities.
- ▶ Suggestions for disseminating this information to district and community stakeholders and building consensus.
- ▶ Case Study 2

Case Study 1 - "Henry"

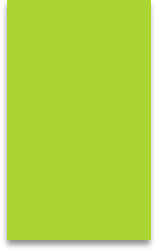
- ▶ Henry was a 14 year old student, assigned female at birth.
- ▶ In high school, began wearing masculine dress.
- ▶ His parents were fully supportive.
- ▶ Came out as trans during his first week of high school.
- ▶ When Henry arrived at HS in 9th grade, stated his intention to fully transition. Requested to be referred to using his chosen name and with masculine pronouns.

What Do School Psychologists Need to Know to Work Effectively with LGBTQ Students?

- ▶ Developmental issues
- ▶ Students' experiences of bullying, harassment, and discrimination
- ▶ Within group differences
- ▶ Ethical, professional, and legal obligations

Fisher, E. S. (2014). Best practices in supporting students who are lesbian, gay, bisexual, transgender, and questioning. In A. Thomas & P. Harrison (Eds), *Best Practices in School Psychology*, Vol. 6. National Association of School Psychologists.

Important Terms and Definitions



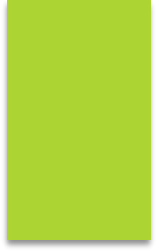
Important Definitions (NYSED, 2015)

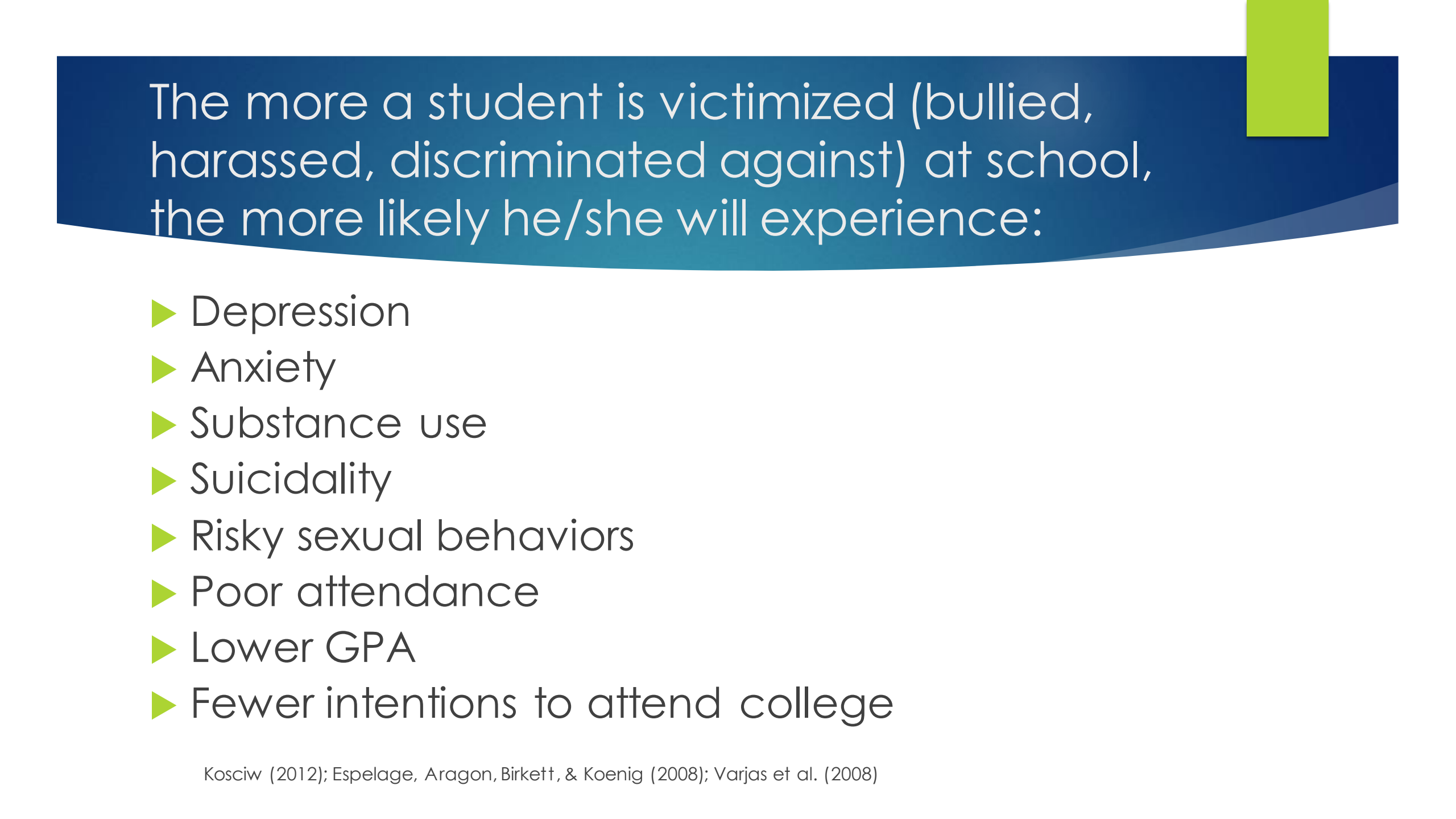
- ▶ **Assigned Sex at Birth**: sex designation, usually “male” or “female,” assigned to a person when they are born.
- ▶ **Cisgender**: an adjective describing a person whose gender identity corresponds to their assigned sex at birth.
- ▶ **Gender expression**: the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- ▶ **Gender identity**: a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth. Everyone has a gender identity.

Important Definitions (NYSED, 2015)

- ▶ **Gender nonconforming (GNC)**: a term used to describe people whose gender expression differs from stereotypic expectations. The terms “gender variant” or “gender atypical” are also used. Gender nonconforming individuals may identify as male, female, some combination of both, or neither.
- ▶ **Sexual Orientation**: a person’s emotional and sexual attraction to other people based on the gender of the other person. Sexual orientation is not the same as gender identity. Not all transgender youth identify as gay, lesbian or bisexual, and not all gay, lesbian and bisexual youth display gender-nonconforming characteristics.
- ▶ **Transgender**: an adjective describing a person whose gender identity does not correspond to their assigned sex at birth.
- ▶ **Transition**: the process by which a person socially and/or physically aligns their gender expression more closely to their actual gender identity and away from that associated with their assigned sex at birth.

**Why is school
climate
important?**





The more a student is victimized (bullied, harassed, discriminated against) at school, the more likely he/she will experience:

- ▶ Depression
- ▶ Anxiety
- ▶ Substance use
- ▶ Suicidality
- ▶ Risky sexual behaviors
- ▶ Poor attendance
- ▶ Lower GPA
- ▶ Fewer intentions to attend college

OVER 150,000 TRANSGENDER YOUTH

THERE ARE APPROXIMATELY 130,000 SCHOOLS IN THE U.S. SCHOOLS MUST BE READY TO SUPPORT ALL STUDENTS, INCLUDING TRANSGENDER STUDENTS.



MANY TRANSGENDER STUDENTS EXPERIENCE DISCRIMINATION AND FEEL UNSAFE IN SCHOOLS

75% OF TRANSGENDER STUDENTS FELT UNSAFE AT SCHOOL BECAUSE OF THEIR GENDER EXPRESSION



70% OF TRANSGENDER STUDENTS SAID THEY'D AVOIDED BATHROOMS BECAUSE THEY FELT UNSAFE OR UNCOMFORTABLE



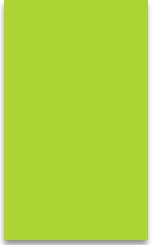
60% OF TRANSGENDER STUDENTS HAD BEEN REQUIRED TO USE A BATHROOM OR LOCKER ROOM THAT DID NOT MATCH THE GENDER THEY LIVE EVERY DAY



Does this really make a difference?

- ▶ Leo Etherington
- ▶ <https://www.theguardian.com/society/2017/sep/01/transgender-teenager-killed-himself-after-school-refused-name-change>





Federal and New York State Law, Educational Regulations, and Guidelines

Relevant Laws, Regulations, and Guidelines

Federal Regulations

- ▶ **Title VII of the Civil Rights Act of 1964** (harassment and discrimination applicable to employees).
- ▶ **Title IX of the Education Amendments of 1972** (harassment and discrimination applicable to students). The U.S. Department of Education's Office for Civil Rights in *Questions and Answers on Title IX and Sexual Violence*, dated April 29, 2014, stated: "Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity and femininity."
- ▶ **Equal Protection Clause of the 14th Amendment to the U.S. Constitution, Title IV of the Civil Rights Act of 1964 (42 U.S.C. 2000c - 2000c-9) and Title IX of the Education Amendments of 1972 (20 U.S.C. 1681)** provide protection from sex-based harassment, including harassment or discrimination based on nonconformity with gender stereotypes and sexual harassment.

U.S. Department of Education's Office for Civil Rights and U.S. Department of Justice work together on these issues and complaint resolution.

Relevant Laws, Regulations, and Guidelines:

New York State Regulations

The Dignity Act (DASA) - Prohibits harassment, discrimination, bullying based upon actual or perceived gender, gender identity and gender expression. Requires proactive measures to ensure students are not harassed or discriminated on these bases (and others) and to foster a climate of mutual respect and dignity.

Human Rights Laws – Prohibits harassment, discrimination in employment and education based upon sex, sexual orientation, disability etc.

Local Ordinances

- ▶ New York City
- ▶ Ulster County anti-bullying/harassment law:
<http://ulstercountyny.gov/news/executive-e-press-releases/county-executive-mike-hein-signs-local-law-prohibiting-cyber-bullying>

Should you wait for a court order or birth certificate change?

NO

Should you wait for a court order or birth certificate change?

- ▶ NYC appears to say yes: “A student’s permanent pupil record can be changed to reflect a change in legal name or gender only upon receipt of documentation that such legal name and/or gender have been changed pursuant to applicable law.”
- ▶ **New York State’s 2015 guidance document says NO:** “Confirmation of a student’s asserted gender identity is usually as simple as a statement from the student; it may also include a letter from an adult familiar with the student’s situation, such as a parent, health care provider, school staff member familiar with the student (a teacher, guidance counselor, or school psychologist, among others), or other family members or friends. A letter from a social worker, doctor, nurse practitioner, or other health care provider stating that a student is being provided medical care or treatment relating to her/his/their gender identity is another form of confirmation of an asserted gender identity. Similarly, a letter from a clergy member, coach, family friend, or relative stating that the student has asked to be treated consistent with her/his/their asserted gender identity, or photographs at public events or family gatherings are other potential forms of confirmation...in most cases nothing beyond a statement from the student should be required. .”

We say NO. Do NOT wait for a birth certificate or court order. Why?

Will not change a birth certificate *under any circumstances*

ID

KS

Ohio

TN (*explicitly forbidden in state law*)

Will only change a birth certificate if an individual has had surgery

- AL LA NJ
- AK MA OK
- AR MD RI
- CO MI VA
- DE MT WV
- FL NC WY
- GA ND
- KY NE

Will change a birth certificate without requiring surgery.

- CA MN
- CT NYS & NYC
- DC OR
- HI VT
- IA ME

Unclear Requirements

- IL TX
- IN UT
- MS WA
- NV WI
- NH
- PA
- SC
- SD

**What do we do
in Highland?**



What is our procedure in Highland?

Four broad steps:

1. Review of records and documentation
2. Interview: Student (definitely) and parents (maybe)
3. Plan
4. Follow up

What is our procedure in Highland?

- ▶ A school-based mental health professional (either school psychologist or social worker) **reviews supporting documentation**, if available.
- ▶ SP or SW then **interviews parents** (possibly) and **student** (definitely).
- ▶ **What do we ask?** The interview is individualized to some extent, but, the main points include questions gauging **the persistence, insistence, and consistency** of the student's gender identity, his/her perception of safety (and how realistic that is), his/her broader social support system in and outside of school, and how he/she wants to handle the transition in school.
- ▶ **NOTE:** If the student is seeing an outside therapist who submits documentation, some of this discussion has already taken place and does not need to be repeated!

Interview

- ▶ Does the student identify as a member of the opposite gender in a *persistent, insistent, and consistent* manner?
- ▶ As far as safety allows, does he/she present as trans in all settings?
- ▶ For how long?
- ▶ When did the student first become aware of his/her trans identity (or, begin to suspect that he/she was not cisgender)?
 - ▶ Especially important and informative question for adolescents.
- ▶ Does anyone else know?
 - ▶ By the time they're talking to us, the answer is usually yes.
- ▶ How do people usually react?

Interview

- ▶ What is your identity? Male, female, fluid, two-spirit, other?
- ▶ What is your name? (And, can you please spell it?)
- ▶ How do you want us to support you in school? Do you want us to formally change your name on everything? Are you aware that if we do that, your next progress report will be sent home with *this name* on the top of it?
- ▶ Where do you change for PE? What bathrooms do you use? What facilities would you like to use?

Interview

- ▶ How do you think your teachers will react? Friends? Who do you think will be most supportive? What about least supportive?
- ▶ Is there anyone in particular you might want us to meet with, before we formally take this step, so we can explain (or help you explain) what's happening?
- ▶ How do you think your parents will react? Do they know you're making this request?
- ▶ This is a big change and some well-meaning people will make a mistake and call you by your old name, or call you by the wrong pronoun. What will you do if that happens? How can we help?

Interview

- ▶ Do you have other friends who are trans/GNC?
- ▶ Do you see a counselor outside of school? Would you be willing to meet with one, or join a group?
- ▶ Are you and your family involved in any activities outside of school (clubs, 4-H, hobbies, religious groups, etc) where you can find people who will support you? Or, are there people there you're worried might not support you?

Following the interview...

- ▶ If the student's plan calls for support with individual friends and/or teachers before the actual change is made, the SP or SW works with the student to accomplish this.
- ▶ At the appropriate time, SP or SW contacts parents and then district registrar to request formal name/gender change in School Tool...
- ▶ Parents are offered support and referrals. We do not ask permission.
- ▶ Everything on our student management system is changed.
- ▶ If student is classified or has a 504, all documents on IEPDirect moving forward have *new* name and affirmed gender, with no mention of trans status.
- ▶ Old special ed/504 documents are readily accessible on IEPDirect.
- ▶ School nurse maintains separate medical file with relevant information.

Follow up

- ▶ Part of the student's plan is to identify ***at least two*** safe contact people that the student can go to if needed. Both establish contact with the student soon after the change, and several times to follow up.
- ▶ So far, most students have gotten into a habit of meeting periodically, to check in.
- ▶ Following the initial change, the students' transition has *not* been a main topic of conversation.

Other steps we've taken to support students

▶ **Facilities:**

- ▶ More gender-neutral bathrooms (available to anyone) in all three buildings.
- ▶ Locker rooms at both the Middle School and High School have private changing areas if a student wishes.
- ▶ Students are allowed to use the facility that matches their gender identity.

▶ **Community:**

- ▶ BOE meeting in 2015 explaining new state guidance and district procedures presented by district legal counsel.

Case Study 2 - "Susie"

- ▶ Sam was a 13 year old student, assigned male at birth.
- ▶ In middle school, began experimenting with feminine dress.
- ▶ His parent was not fully supportive.
- ▶ Came out as trans to his GSA in Middle School- kept secret at his request.
- ▶ When Sam arrived at HS in 9th grade, stated his intention to fully transition. Requested a formal name and gender change.

Take Home Point #1:

- ▶ Adopting a policy that explicitly protects LGBTQ students from discrimination based on actual or perceived sexual orientation or gender identity is "arguably the single most important action a school can take in creating safe and supportive climates for LGBTQ students."
- ▶ Fisher & Kennedy (2012); Kosciw et al. (2012)
- ▶ Hey, look: **DASA!!**

Take Home Point #2:

- ▶ “**The *individual student* is the best person to determine their own identity.** School staff should be sensitive to, and use, the terminology that supports and respects the wishes of the individual child.” (NYC Department of Education, 2017)
- ▶ NYSED guidance document from 2015 supports this as well.

Take Home Point #3:

- ▶ “What is most important for school psychologists is to respect the individual’s identity, ask questions to understand how he or she is using terms, and allow for natural exploration to occur.” (Fisher, 2014- *BP* article)

Take Home Point #4:

- ▶ School psychologists are ethically bound to respect the rights and dignity of all students, to take steps to change discriminatory practices, and to educate themselves about aspects of diversity that impact student well-being and service delivery (Fisher, 2014; NASP, 2010-

Thought Questions

- ▶ When did I first become aware of my own gender identity? Was there a time that I questioned it?
- ▶ Was gender identity talked about in my family? What overt and covert messages about trans/GNC people have I received? What factors influenced these messages?
- ▶ What stereotypes do I hold about trans people? How might these stereotypes shape my interactions with trans people?
- ▶ When I first meet someone, do I assume he or she is cisgender?

Thought Questions

- ▶ Have I ever had to worry about negative consequences (getting fired, losing friends, being harassed, being kicked out of my home/family) because of someone discovering my gender identity?
- ▶ What steps have I taken to educate myself about trans/GNC students and their experiences in school? Do I believe that trans/GNC students have the right to be out and open in school? In what ways do I think that they bring harassment and bullying on themselves?
- ▶ What do those around me (those with whom I work) believe?