NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS

Position Statement

SAFE SCHOOLS FOR TRANSGENDER AND GENDER DIVERSE STUDENTS

The National Association of School Psychologists (NASP) supports efforts to ensure that schools are safe and inclusive learning environments for all students, family members, and school staff, including those who are transgender or gender diverse. NASP respects a person's right to express gender identity, and the right to modify gender expression when necessary for individual well-being. In addition, NASP supports all students' right to explore and question their gender identity. NASP is committed to a policy of nondiscrimination and the promotion of equal opportunity, fairness, justice, and respect for all persons (NASP, 2012).

NASP acknowledges that neither having a transgender identity nor being perceived as gender diverse is a disorder, and that efforts to change a person's gender identity are ineffective, harmful, and discriminatory. NASP works to ensure that settings in which school psychologists work are safe and welcoming and provide equal opportunity to all persons regardless of actual or perceived characteristics, including gender, gender identity, gender expression, sexual orientation, and any other personal identity or distinguishing characteristics (NASP, 2010). A glossary of terms may be found at the end of the statement.

NEEDS OF TRANSGENDER STUDENTS

In many communities, it is dangerous to be gender nonconforming or to be known as transgender. Many children, youth, and adults blend with their chosen gender, and are safe to the extent that their transgender status is hidden. Data concerning school-age transgender youth are limited, but what data are available suggest that more action by school officials is needed to ensure schools are settings in which students can thrive.

Because transgender youth are so hidden, it would be easy to believe that these students are extremely rare. It is extremely difficult to estimate the prevalence of transgender students in school (Meier & Labuski, 2013). One of the few large districts to gather data is San Francisco. In 2011, 0.5% of San Francisco high school students self-identified as transgender on the annual Youth Risk Behavioral Survey (Timothy Kordic, personal communication, December 20, 2013). The prevalence of self-identified transgender adults has been estimated as 0.3% of the U.S. general population (Gates, 2011).

The experiences that transgender students have at school appear to have effects on their well-being as adults. Toomey, Ryan, Diaz, Card, and Russell (2010) showed that while gender nonconformity alone had no direct effect on these outcomes, the *victimization* experienced at school associated with gender nonconformity had a lasting impact and put these children at risk for negative mental health outcomes in adulthood. Harassment and assault lead to anxiety about school, leading to missing days of school. Nearly half (46%) of transgender students reported missing at least one school day in the previous month because they felt unsafe (Greytak, Kosciw, & Diaz, 2009).

Research suggests that gender diverse children are at higher risk of physical, emotional, and sexual abuse and are at higher risk of posttraumatic stress disorder (PTSD) in adulthood, with about a third of the higher risk of PTSD accounted for by being abused as a child (Roberts, Rosario, Corliss, Koenen, & Austin, 2012). Coming out to family members often results in physical assault and expulsion from the family home (Ray, 2006). In one study, more than half of transgender youth reported initial parental reaction to coming out as negative or very negative (Grossman, D'Augelli, & Frank, 2011). Young adults who experience low family acceptance of identity are more likely to be at risk for depressive symptoms, substance use, and suicidal ideation and attempts (Ryan, Russell, Huebner, Diaz, & Sanchez, 2010). In addition to longitudinal outcome risks, transgender youth face immediate challenges during their school-age years. Transgender youth are often desperate to transition. However, even if they have medical insurance, the healthcare procedures necessary to transition are explicitly excluded from most health insurance plans. Psychotherapy for gender dysphoria is often excluded. Transgender youth may take hormones obtained on the street or through the internet without medical supervision, and take excessive doses. They may seek silicone injections at "pumping parties," resulting in severe disfigurement or death.

Despite these challenges, many transgender youth are resilient, and there are a number of factors that may help them guard against the worst outcomes. Resilience in children and youth appears to depend on personal characteristics like being outgoing, resourceful, and having a positive self-concept. In addition, social relationships, such as having an emotional bond with at least one adult over a period of time, and having a supportive community are associated with resilience (Werner, 1995). Specifically for transgender and gender diverse children, attention has been focused on *family acceptance* and *school acceptance*. LGBT youth from families rated high in acceptance (e.g., they discuss their child's gender identity or sexual orientation openly, integrate their child's LGBT friends into family activities, express appreciation for their child's clothing choices even if the clothing was gender nonconforming) reported better self-esteem, better health, lower levels of depression, lower rates of substance abuse, lower rates of suicide attempts, and lower rates of risky sexual behavior (Ryan, Russell, Huebner, Diaz, & Sanchez, 2010). These findings suggest that similar acceptance in school environments is recommended.

CONSIDERATIONS FOR PARENTS, PHYSICIANS, AND SCHOOLS

To adequately support their child's growth, parents must allow their child's personality to unfold while simultaneously protecting them from harm (Ehrensaft, 2011). Families go through a developmental process in accepting a transgender or gender diverse child. Much depends on a parent's beliefs and understanding of child development and of gender. Some children have unexpected gender behavior at an early age, which persists in spite of parent attempts to divert the child to gender conforming behavior. Parents may be embarrassed or ashamed of their child's behavior, depending on conformity pressures coming from extended family members, neighbors, clergy, daycare providers, and others. Parents may fear the future for their child, as well as their own future as they are judged by other adults. The parent who is the same sex as the child may question his or her own effectiveness as a role model. Children and youth are more likely to have successful outcomes if parents work to create safe and supportive spaces for their child within the home, require others to respect their child, and express love for their child (Brill & Pepper, 2008).

The World Professional Association for Transgender Health (WPATH) *Standards of Care* for the psychiatric, psychological, medical, and surgical management of gender transition note that "Treatment aimed at trying to change a person's gender identity and expression to become more congruent with sex assigned at birth

has been attempted in the past without success. Such treatment is no longer considered ethical" (Coleman, et al., 2011, p. 175).

Some students arrive at kindergarten already living in their asserted gender, while others express a desire to make a gender transition later in elementary or in secondary school. The majority of gender diverse children under age 9 who assert that they are a different gender than assigned at birth do not persist in asserting that gender in adolescence and early adulthood. By comparison, the majority of youth age 11 and older asserting a gender different than assigned at birth persist in that identity throughout adolescence and adulthood (Steensma, Biemond, de Boer, & Cohen-Kettenis, 2011). For children under age 9, only reversible social transitions are recommended (e.g., clothing, hair styles, activity preferences). For children age 11 or older, other treatments may be appropriate. A reversible medical treatment involving the administration of a gonadotropin-releasing hormone agonist (GnRH) in early puberty can put puberty on hold for several years, allowing the child time to mature and be ready for permanent changes. After puberty, youth can make more informed decisions regarding long-term treatment (Delemarre-van de Waal & Cohen-Kettenis, 2006; Spack et al., 2012).

Educational persistence of transgender and gender diverse students may depend on their sense of safety and belonging in the school environment. Title IX of the Education Amendment Act of 1972 prohibits harassment of students on the basis of gender expression. Schools have a duty to ensure that gender diverse and transgender students are included in all school infrastructure. For example, providing gender-neutral bathroom options and avoiding the use of gender segregation in practices such as school uniforms, school dances, and extracurricular activities are structural ways to provide safer school environments (Toomey et al., 2010). The presence of a Gay–Straight Alliance (GSA) in school can lead to greater feelings of safety and of belonging, better attendance, and lower rates of harassment. (Toomey, Ryan, Diaz, & Russell, 2011).

Comprehensive antiharassment policies that include protections for transgender and gender diverse students are helpful for all students. Adult intervention is helpful when homophobic or transphobic statements are heard (Case & Meier, 2014). Written policies and procedures addressing the needs of transgender and gender diverse students are helpful for staff and administrators and all students and families (e.g., Gay, Lesbian, and Straight Education Network/National Center for Transgender Equality, 2011; Massachusetts DOESE, 2012).

ROLE OF THE SCHOOL PSYCHOLOGIST

The school psychologist should be in tune with the needs of students and staff, and can provide evidence-based information about transgender issues. The school psychologist should be welcoming and supportive of transgender and gender diverse staff and parents, and he or she should be able to foster a climate of acceptance and security for all (Case & Meier, 2014). A student's transgender status or history must be kept confidential and within the student's control. In all cases school psychologists must be sensitive to the needs and welfare of all individuals at their school sites, including transgender and gender diverse students and staff. School psychologists must advocate for the civil rights of all students, including those who are transgender or gender diverse. This can be accomplished by:

- Advocating for gender neutral spaces and helping establish safe zones for transgender students
- Seeking additional training or supervision as needed regarding issues affecting transgender and gender diverse people

- Modeling acceptance and respect
- Providing staff training to increase awareness regarding transgender issues in the schools
- Responding to bullying, intimidation, and other harassment, whether perpetrated by students or staff
- Minimizing bias by using phrasing and pronouns that are not gender specific and by avoiding gender stereotypes
- Providing counseling and attending to the social–emotional needs of transgender and gender diverse students in school
- Acquiring and providing information on community agencies that provide services and supports to the transgender community
- Supporting or contributing to research regarding best practices for integrating transgender and gender diverse students in school

Gender diverse and transgender students might be referred to a school psychologist due to school victimization or bullying, suicidal ideation or attempts, nonsuicidal self-injury, sexual orientation instead of gender issues, social anxiety, and/or autism spectrum symptoms. School psychologists should be aware of resources for these children and their families. Transgender and gender diverse students may benefit from learning healthy coping skills and building resilience, but interventions for associated social–emotional problems should not attempt to enforce gender stereotypical behavior.

NASP's *Principles for Professional Ethics* (NASP, 2010) include provisions that pertain to gender diverse and transgender individuals, including the following:

- *Standard I.2.6:* School psychologists respect the right of privacy of students, parents, and colleagues with regard to sexual orientation, gender identity, or transgender status. They do not share information about the sexual orientation, gender identity, or transgender status of a student (including minors), parent, or school employee with anyone without that individual's permission.
- *Standard II.1.2:* Practitioners are obligated to pursue knowledge and understanding of the diverse cultural, linguistic, and experiential backgrounds of students, families, and other clients. When knowledge and understanding of diversity characteristics are essential to ensure competent assessment, intervention, or consultation, school psychologists have or obtain the training or supervision necessary to provide effective services, or they make appropriate referrals.
- *Principle I.3:* In their words and actions, school psychologists promote fairness and justice. They use their expertise to cultivate school climates that are safe and welcoming to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual orientation, gender identity, gender expression, disability, or any other distinguishing characteristic.

School psychologists should encourage schools to develop and implement policies and procedures to prevent harassment of gender diverse and transgender students in order to promote safe schools for all students. School psychologists can provide education about gender expression and LGBT issues to teachers, administrators, students, and staff (Toomey et al., 2010). School psychologists should encourage the formation of support or social groups for gender diverse and transgender students (Goodenow, Szalacha, & Westheimer, 2006; Toomey et al., 2010). School psychologists can work with teachers and administrators to serve as mentors for these students. Being accepted by even just one coach, teacher, or administrator can serve as a protective factor against negative psychosocial outcomes for these youth.

GLOSSARY

Language is evolving rapidly. Some terms that were considered acceptable in the past may be offensive in the present. Some previously offensive terms have been reclaimed by newer generations. We have attempted to use currently acceptable terms in this glossary. A glossary that is frequently updated is the *Media Reference Guide* available online from the Gay and Lesbian Alliance Against Defamation (GLAAD, 2010).

- **Asserted Gender.** The gender a person declares to be, verbally, nonverbally, covertly, or overtly. A transgender person's gender is usually affirmed insistently, consistently, and persistently over years. In transgender people, there is a difference between birth-assigned gender and affirmed gender. In *cisgender* people, affirmed gender aligns with birth-assigned gender. Depending on ecological safety, gender affirmation may be nonverbal and covert, or it may be a verbal declaration ("coming out") in a safe place.
- **Cisgender.** A person whose sex assigned at birth matches current gender identity. The opposite of *transgender.* "Nontransgender" is sometimes used, but implies that being transgender is not a normal variant of human difference.
- **Gender.** *Gender* implies the psychological, behavioral, social, and cultural aspects of being male or female (VandenBos, 2007). Gender refers to the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for boys and men or for girls and women (APA, 2011). While sex is a biological construct, gender is a social construct. As most people's sex and gender align, the two terms are sometimes used interchangeably.
- **Gender Assignment.** *Gender assignment* is the classification of an infant at birth as either male or female (VandenBos, 2007); this assignment of a legal gender (sex) to a child triggers a variety of social events and developmental tasks related to gender role.
- **Gender Constancy.** *Gender constancy* is a child's emerging sense of the permanence of being a boy or a girl (VandenBos, 2007), an understanding that occurs in stages but is mostly complete by age 7. School entry presents greater pressure to conform to gender expectations. At this age, some children with a gender identity incongruent with their birth-assigned sex may experience distress if they are not permitted to express and be witnessed as their gender. At clinically significant levels, this is called *gender dysphoria* (VandenBos, 2007).
- **Gender Dysphoria.** Discontent with the physical or social aspects of one's own sex (VandenBos, 2007). The degree of distress can vary from mild to severe, and can be life long, although not all transgender people experience gender dysphoria. The child with gender dysphoria may demonstrate symptoms of depression, anxiety, self-harm, or oppositionality (APA, 2013).
- **Gender Diverse.** Someone is *gender diverse* if his or her *gender expression* does not match what is culturally expected for the sex assigned at birth (Gender Equity Resource Center, n.d.). Individuals may dress or act in ways that others believe are not feminine enough or not masculine enough. Gender expression has become one aspect of diversity in human resource practice and in civil rights law, including nondiscrimination laws. Gender diverse implies that all humans express gender, and that no gender expression is inherently better than another. Gender diverse is an alternative term for *gender nonconformity*, which implies that gender diverse people are violating rules for gender expression; it is also an alternative for *gender variant*, which implies difference from a norm. Other respectful terms for gender diversity include *gender creative* and *gender expansive.*
- **Gender Expression.** *Gender expression* refers to how a person represents or expresses gender identity to others, often through behavior, clothing, hairstyles, voice, or body characteristics (NCTE, May 2009). Gender expression is visible, while gender identity is not. Being gender diverse means having an

unexpected gender expression; being transgender means having an unexpected gender identity. Some transgender people do not appear gender diverse. Some people with diverse gender expression are happy with their sex assigned at birth and have no desire or intention to transition genders.

- **Gender Identity.** *Gender identity* is a person's internal sense of being male, female, both, or neither (APA 2011). This sense of maleness or femaleness typically develops from a combination of biological and psychic influences (VandenBos, 2007). Shortly after children begin to speak, most are able to state whether they are a boy or a girl, and this identity is stable and resistant to change. Gender identity typically forms between 2 and 5 years of age. For most people, gender identity is consistent with sex assigned at birth.
- **Genderqueer.** A person who defies or does not accept stereotypical gender roles and may choose to live outside expected gender norms may self-identify as *genderqueer.* (Center for Excellence in Transgender Health, April, 2011). Genderqueer people may or may not avail themselves of hormonal or surgical treatments.
- **Sex.** The term sex refers to a person's biological characteristics, including chromosomes, hormones, and anatomy (VandenBos, 2007).
- **Sexual Orientation.** A person's gender identity is distinct from sexual orientation. *Sexual orientation* refers to an enduring pattern of emotional, romantic, and/or sexual attractions to men, women, both sexes, transgender people, no one, or all genders (APA, 2008; VandenBos, 2007). A transgender adult may be attracted to women, to men, to both women and men (bisexual), to no one (asexual), and/or to other transgender people. One's sexual orientation identity label is typically derived from gender identity, and not birth assigned sex. For example, a female-to-male transgender man who is primarily attracted to other men is likely to self-identify as gay. A male-to-female transgender woman who is primarily attracted to men is likely to identify as straight. Transgender people are more likely to also identify as LGBQ than cisgender people.
- **Trans.** shorthand term for a variety of transgender identities. Also, trans people or transpeople (Center for Excellence in Transgender Health, April 2011). Because there are a variety of disputes about the terms *transgender* and *transsexual, trans* is seen as a more widely accepted and respectful term than transgender. There are other terms which are more universally perceived as offensive, such as "tranny." See the GLAAD *Media Reference Guide* (2010) for terms that are universally offensive.
- **Transgender.** *Transgender* refers to having a gender identity that differs from culturally determined gender roles and biological sex (VandenBos, 2007). It is an umbrella term which includes diverse identities and includes persons identifying as female-to-male, male-to-female, two-spirit, genderqueer, and other terms (APA, 2011). The transgender umbrella includes those assigned female at birth who are or who wish to be living as men (*transgender men*), and those assigned male at birth who are or who wish to be living as women (*transgender women*). Many transgender people appear indistinguishable from *cisgender* people. They may or may not desire body modifications to express their asserted gender. Body modifications may be temporary (e.g., shaving, changing hair style, binding, using hormone blockers) or permanent (e.g., hormones, electrolysis, surgeries; APA, 2011). Medical assistance can help transgender people live more comfortable lives as they may be better able to blend in as their affirmed gender. Transgender women typically identify as *women,* and transgender men typically identify as *men.*
- **Transition.** The process of changing gender expression from that of one gender to another is called *transition* (APA, 2011). *Social transition* may include changes in clothing, grooming, pronouns, names, and identity documents. Children, adolescents, and adults may undergo social transition at any time. *Medical transition* may include hormones and surgeries. Surgeries are only available after age 18, after at least one year of living persistently and consistently as the desired gender. Youth who have lived persistently in their preferred gender and who have reached Tanner Stage 2 for their birth sex (around age 12 for

female-born youth and about 14 for male-born youth) may be eligible for medication that can suppress puberty until they reach age 16 or older when they may be eligible to be treated with hormones appropriate to their desired gender, saving much of the expense, pain, and cost of medical transition for adults.

REFERENCES

American Psychiatric Association. (2013). *Diagnostic and statistical manual of mental disorders* (5th Edition). Arlington, VA: American Psychiatric Publishing.

American Psychological Association. (2008). *Answers to your questions: For a better understanding of sexual orientation and homosexuality.* Washington, DC: Author. Retrieved from http://www.apa.org/topics/sorientation.pdf

American Psychological Association. (2011). *Answers to your questions about transgender people, gender identity, and gender expression.* Washington, DC: Author. Retrieved from http://www.apa.org/topics/sexuality/transgender.pdf

Brill, S., & Pepper, R. (2008). *The transgender child: A handbook for families and professionals.* San Francisco, CA: Cleis Press.

Case, K., & Meier, C. (2014). Developing allies to transgender and gender-non-conforming youth: Training for counselors and educators. *Journal of LGBT Youth, 11:1,* 62–82. doi:10.1080/193653.2014.840764

Center for Excellence in Transgender Health. (2011, April). *Primary care protocol for transgender patient care.* San Francisco, CA: University of California at San Francisco, Department of Family and Community Medicine. Retrieved from http://www.transhealth.ucsf.edu/trans?page=protocol-terminology

Coleman, E., Bockting, W., Botzer, M., Cohen-Kettenis, P., DeCuypere, G., Feldman, J., & Zucker, K. (2011). Standards of care for the health of transsexual, transgender, and gender-nonconforming people, Version 7. *International Journal of Transgenderism, 13,* 165–232. doi:10.1080/15532739.2011.700873

Delemarre-van de Waal, H. A., & Cohen-Kettenis, P. T. (2006). Clinical management of gender identity disorder in adolescents: a protocol on psychological and paediatric endocrinology aspects. *European Journal of Endocrinology, 155,* S131–S137. doi:10.1530/eje.1.02231

Ehrensaft, D. (2011). *Gender born, gender made.* New York, NY: The Experiment.

Gates, G. (2011, April). *How many people are lesbian, gay, bisexual, and transgender?* Los Angeles, CA: The Williams Institute, UCLA. Retrieved from http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf

Gender Equity Resource Center. (n.d.). Gender diverse. *Definition of terms.* Berkeley, CA: University of California at Berkeley. Retrieved from http://geneq.berkeley.edu/lgbt_resources_definiton_of_terms#genderdiverse

GLAAD. (2001). *Media Reference Guide, 8th Edition.* Gay and Lesbian Alliance Against Defamation. Retrieved from http://www.glaad.org/files/MediaReferenceGuide2010.pdf

GLSEN/NCTE. (2011). *Model district policy for transgender and gender nonconforming students.* New York, NY: Gay, Lesbian and Straight Educators Network/National Center for Transgender Equality. Retrieved from http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/001/1977-1.pdf

Goodenow, C., Szalacha, L. A., & Westheimer, K. (2006). School support groups, other school factors, and the safety of sexual minority adolescents. *Psychology in the Schools, 43,* 573–589. doi:10.1002/pits.20173

Grant, J. M., Mottet, L. A., Tanis, J., Harrison, J., Herman, J. I., & Keisling, M. (2011). *Injustice at every turn: A report of the national transgender discrimination survey.* Washington, DC: National Center for Transgender Equality and National Gay and Lesbian Task Force. Retrieved from http://www.thetaskforce.org/reports_and_research/ntds

Greytak, E. A., Kosciw, J. G., & Diaz, E. M. (2009). *Harsh realities: The experiences of transgender youth in our nation's schools.* New York, NY: Gay, Lesbian and Straight Education Network. Retrieved from http://www.glsen.org

Grossman, A. H., D'Augelli, A. R., & Frank, J. A. (2011). Aspects of psychological resilience among transgender youth. *Journal of LGBT Youth, 8,* 103–115.

Massachusetts Department of Elementary and Secondary Education. (2012). *Guidance for Massachusetts public schools creating a safe and supportive school environment: Nondiscrimination on the basis of gender identity.* Malden, MA: Author. Retrieved from http://www.doe.mass.edu/ssce/GenderIdentity.pdf

Meier, C., Pardo, S., Olson, J., & Sharp, C. (2014). *Demographics of gender non-conforming children in the United States.* Submitted for presentation at the biennial symposium of the World Professional Association for Transgender Health in Bangkok, Thailand, February 2014.

Meier, S. C., & Labuski, C. M. (2013). The demographics of the transgender population. In A. K. Baumle (Ed.), *International Handbook on the Demography of Sexuality* (pp. 289–327). New York, NY: Springer.

National Association of School Psychologists. (2010). *Principles for professional ethics.* Retrieved from http://www.nasponline.org/standards/

National Association of School Psychologists. (2012). *Nondiscrimination and equal opportunity policy.* Retrieved from http://www.nasponline.org/leadership/nondiscrimination_equal_opportunity.pdf

NCTE. (2009, May). *Transgender terminology.* Washington, DC: National Center for Transgender Equality. Retrieved from http://transequality.org/Resources/NCTE_TransTerminology.pdf

Ray, N. (2006). *Lesbian, gay, bisexual and transgender youth: An epidemic of homelessness.* New York, NY: National Gay and Lesbian Task Force Policy Institute and National Coalition for the Homeless. Retrieved from http://www.thetaskforce.org

Roberts, A. L., Rosario, M., Corliss, H. L., Koenen, K. C., & Austin, S. B. (2012). Childhood gender nonconformity: A risk indicator for childhood abuse and posttraumatic stress in youth. *Pediatrics, 129,* 410–417. doi:10.1542/peds.2011-180

Ryan, C., Russell, S. T., Huebner, D., Diaz, R., & Sanchez, J. (2011). Family acceptance in adolescence and the health of LGBT young adults. *Journal of Child and Adolescent Psychiatric Nursing, 23,* 205–213. doi:10.1111/j.1744-6171.2010.00246.x

Spack, N. P., Edwards-Leeper, L., Feldman, H. A., Leibowitz, S., Mandel, F., Diamond, D., & Vance, S. R. (2012). Children and adolescents with gender identity disorder referred to a pediatric medical center. *Pediatrics, 129,* 418–425. doi:10.1542/peds.2011-0907

Steensma, T. D., Biemond, R., de Boer, F., & Cohen-Kettenis, P. T. (2011). Desisting and persisting gender dysphoria after childhood: A qualitative follow-up study. *Clinical child psychology and psychiatry, 16,* 498–516. doi:10.1177/1359104510378303

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,* 1580-1589. doi:10.1037/a0020705

Toomey, R. B., Ryan, C., Diaz, R. M., & Russell, S. T. (2011). High school Gay–Straight Alliances (GSAs) and young adult well-being: An examination of GSA presence, participation, and perceived effectiveness. *Applied Developmental Science, 15,* 175–185. doi:10.1080/10888691.2011.607378

Travers, R. (2012). Mental Health. In *Improving the health of trans communities: Findings from the Trans PULSE project.* Ottawa, Canada: Rainbow Health Ontario Conference.

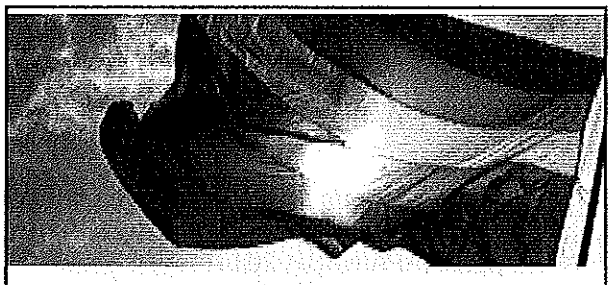
VandenBos, G. R. (Ed.). (2007). *APA dictionary of psychology.* Washington, DC: American Psychological Association.

Werner, E. E. (1995). Resilience in development. *Current Directions in Psychological Science, 4,* 81–85.

Acknowledgement of position statement writing group members: Jill Davidson (chair), Karla Anhalt, Linda Garzajohanson, Jim Hanson, Mary Beth Klotz, and Colt Meier. Acknowledgement is also extended to the Welcoming Schools Project of the Human Rights Campaign Foundation for their input.

Please cite this document as:
National Association of School Psychologists. (2014). *Safe schools for transgender and gender diverse students* [Position statement]. Bethesda, MD: Author.

NATIONAL
ASSOCIATION OF SCHOOL
PSYCHOLOGISTS
4340 East West Highway, Suite 402
Bethesda, MD 20814
(301) 657-0270
(301) 657-0275, fax
(301) 657-4155, TTY
www.nasponline.org



Safe Schools for Transgender and Gender Diverse Students

1

Acknowledgements

This presentation was created by:

Jill Davidson, Ph.D. Lead Author
Colt Keo-Meier, Ph.D.
Giorgio Jovani di Salvatore, Ph.D.
Jim Hanson, M.Ed. and
Mary Beth Kletz, Ph.D., NCSP

Writing team members of:

National Association of School Psychologists. (2014). Safe schools for transgender and gender diverse students [Position statement]. Bethesda, MD: Author.

2

Learning Objectives

This session will help participants:

- Use respectful language with transgender youth and adults
- Explain the relationship between school events and health outcomes
- Advocate for effective school practices that prevent early school leaving

3

Contact Information

Jill Davidson, North Kitsap School District
(206) 406-8915
Email: JDavidson@nkschools.org

Colt Keo-Meier, Michael E. DeBakey VA Medical Center, Baylor College of Medicine, University of Houston, Southern Methodist University
(409) 782-6059
Email: ckeo-meier@uh.edu

Kris Varjas, Georgia State University
E-mail: kvarjas@gsu.edu

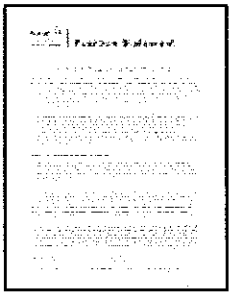
4

Introduction

- NASP (2010) school psychologists demonstrate respect for a person's:
  - Autonomy and right to self-determination
- NASP (2012) is committed to:
  - Nondiscrimination
  - The promotion of equal opportunity, fairness, justice, and respect for all persons
- NASP (2014) respects people's right:
  - To express gender identity
  - To modify gender expression
  - To explore and question their gender identity

5

History of Position Statement



- Previous statement on LGBTQ youth focused more on LGB
- More specifics needed for trans and gender nonconforming students
- Authors: transgender and gender diverse school psychologists
- Timeline:
  - Initiated February 2013
  - Adopted February 2014

6

NASP Positions

- Transgender identity and diverse gender expression are not disorders (APA, 2013; APA/NASP, 2014).
- Efforts to change gender identity are ineffective, harmful, and discriminatory (APA, 2008; WPATH, 2011).

7

NASP Positions

- NASP supports states' legislative efforts to ban "reparative therapy" for LGBTQI-2S youth (APA/NASP, 2014)
- School settings should
  - Be safe and welcoming
  - Provide equal opportunity (NASP, 2010)

8

Ethical Considerations

Principles for Professional Ethics (2010):
- *Standard I.2.6*: Respect privacy
- *Standard II.I.2*: Obligated to pursue knowledge and understanding of diverse backgrounds
- *Principle I.3*: Promote fairness and justice. Cultivate school climates that are safe and welcoming to all persons

9

Standard I.2.6

School psychologists respect the right of privacy of students, parents, and colleagues with regard to sexual orientation, **gender identity**, or **transgender** status. They do not share information about the sexual orientation, gender identity, or **transgender status** of a student (including minors), parent, or school employee with anyone without that individual's permission.

10

Relevance for School Psychologists

Transgender students:
- 0.5% of students
- At higher risk for harassment and abuse as children in school and home →
  - Increased fear of victimization
  - Hiding/suppressing gender
  - Absence from school
  - Increased rates of mental health conditions

(Greytak, Kosciw, & Diaz, 2009)

11

All grown-ups were children once…

(Antoine de Saint-Exupery, 1940)

Adult outcomes, good and bad, have implications for our actions today with younger people

12

Victimization

Gender-Nonconforming Lesbian, Gay, Bisexual, and Transgender Youth: School Victimization and Young Adult Psychosocial Adjustment

Conclusion: Victimization, rather than gender diversity, predicts negative psychosocial adjustment.

13

Victimization (severe)

A man babysitting his girlfriend's 17-month-old baby (was) charged with killing him. According to court documents he punched him over and over with closed fists and grabbed him by the neck.

"I was trying to make him act like a boy instead of a little girl. I never struck that kid that hard before. A one-time mistake, and I am going to do 20 years."

(August 3, 2010, Baby killed by mom's boyfriend, police say, *Eyewitness News 7*)

14

Victimization

"It always felt like he was fighting something. Fighting life. Fighting, fighting, never quite able to fit in. He was bullied, he was rejected, he was marginalized." (mother of transgender high school student)

"Realizing that I don't want to have to choose between being female and being male really scares me and I am afraid to tell event the people I trust the most." (transgender high school student)

HRC, 2013

15

Victimization

- Transgender adults who were "out" in K–12:
  - 76% reported harassment
  - 35% reported physical assault
  - 12% reported sexual assault
  - 6% reported expulsion for gender expression
- Victimization highest among:
  - Multiracial students

(Grant et al., 2011)

16

Effects of Victimization: Prevalence of Suicide Attempts

- 41% among all transgender adults
  - 55% if harassed at school
  - 64% if physically assaulted at school
  - 68% if sexually assaulted at school
  - 76% if assaulted by school staff

(Grant et al., 2011, p.45)

- 1.6% among general population

(Kochanek et al., 2004)

17

Suicidal Ideation/Attempts

- Children
  - 45% have expressed thoughts of self harm to at least one parent or caregiver
    - Compare to 5.0% of general population (Gould et al., 1998) 9X
- Adolescents (Grossman & D'Augelli, 2007)
  - 50% have considered suicide
    - Compare to **15.8%** of general population (CDC, 2012) **3X**
  - 25% have attempted suicide
    - Compare to **7.8%** of general population (CDC, 2012) **3X**

18

Experiences With Family

- When disclosing to family
  - 57% negative reaction
  - Already at risk for negative psychosocial outcomes

(Grant et al., 2011)

- In supportive households
  - Fewer adverse outcomes (32% suicide attempt rate vs. 51% in rejecting households)

(Grant et al., 2011)

  - Family Acceptance Project

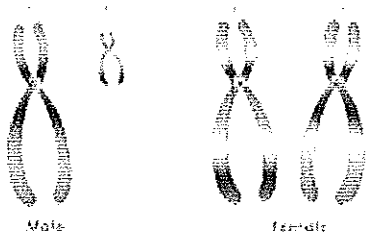
19

Language and Terminology

Three parts of gender:
- Physical, biological, or anatomical **sex**
- Gender **expression**
  - External
- Gender **identity**
  - Internal

20

Sex

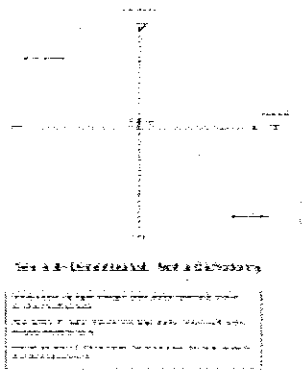


21

Sex Assignment

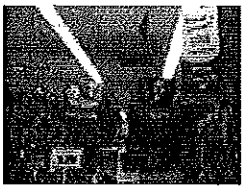
- The classification of an infant at birth is either male or female, typically based on the appearance of external genitalia.
- This assignment of a legal gender (sex) to a child triggers a variety of social events and developmental tasks related to gender role.

22

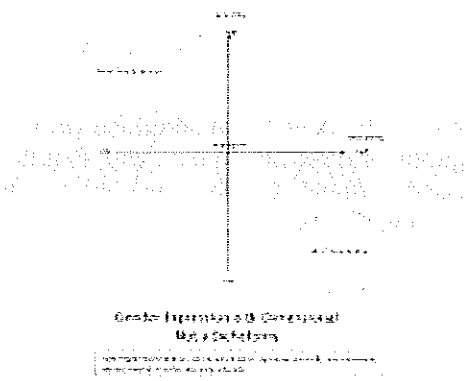


23

Gender Expression



24

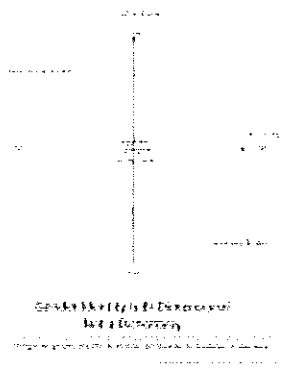


25

Gender Identity

- One's felt sense of self as being a girl, a boy, both, or neither.
  - Internal
  - Child usually voices gender between 2 and 5 years old (Zucker & Bradley, 2005)
- One "just knows" their gender
  - Psychological, cultural, social construct
  - Tied to pronouns
    - Mr./Mrs./Ms. and he/him/she/her

26



27

Language and Terminology

- *Intersex:*
  - Physical **sex** differs from cultural expectations.
- *Gender diverse* (gender creative/expansive):
  - Gender **expression** differs from cultural expectations.
- *Transgender:*
  - Gender **identity** differs from cultural expectations.

Language and Terminology Gender Specific Terms

- Trans girl/woman
  - She, her, hers; Ms., Mrs., Dr.
- Trans boy/man
  - He, him, his; Mr./Dr.
- Nonbinary
  - Genderqueer, two spirit, agender, gender neutral pronouns
    - They, them, theirs, Mx./Dr., zie, hir

29

Language and Terminology

- *Cisgender*
  - Assigned sex aligns with gender identity
- *Gender Dysphoria*
  - Discontent to distress with one's gender
- *Asserted Gender*
- *Gender Affirmation/Transition*
  - Social
  - Medical
  - Legal

30

Diversity and Intersectionality

How do culture, language, race, and ethnic diversity intersect with transgender and gender diverse identities?

31

Diversity of Transgender Identities

We might expect that someone whose gender expression is feminine, that their gender identity would be woman and their sex female, but…

People don't always match our expectations.

32

Diversity of Transgender Identities

My trans experience, as White, affluent, raised male, female identifies, English speaking, presently abled, *is not like others.*

The world is different for trans people who are Black, raised female, and male identified.

33

Intersectionality of Race/Culture and Transgender Identity/Diverse Expression:

- We are all different—If you meet one of us, you've only met one of us.
- White women cannot speak for the experience of women of color, yet many have better access to services, supports, and venues for telling their stories and hearing others' stories.
- The internet has broadened the voices that are communicating with the rest of society, but even now the most privileged and prominent stories are those of White middle class families.

34

Diversity of Transgender Identities

- Trans people can:
  - Have intersex bodies or not
  - Identify as a man, woman, neither, or both
  - Be Black, Asian, Native, Latino or White
  - Be affluent or poor
  - Be a U.S. citizen or noncitizen
  - Be English-speaking or non-English-speaking
  - Be parents or nonparents
  - Be employed or unemployed

35

PBS, 2015

36

Transgender People of Color

- 2.59 times as likely to experience police violence compared to White cisgender survivors and victims.
- 2.37 times as likely to experience discrimination compared to White cisgender survivors and victims
- Of survivors and victims who reported to the police, 48% reported incidents of police misconduct to NCAVP, a considerable increase from 2011 (32%)

(NCAVP, 2013)

37

Homicide in LGBTQI-2S Communities of Color

- 50% of total hate violence murder victims were transgender, all of whom identified as transgender women, yet transgender survivors and victims only represent 10.5% of total reports (NCAVP, 2013)
- LGBTQ homicide victims:
  - 50.0% Black/African American
  - 19.2% Latino
  - 11.5% White
  - 3.9% Native American (NCAVP, 2013)

38

Experiences of Black Trans People

- 34% report a household income of less than $10,000 per year. This is:
  - More than twice the rate for transgender people of all races (15%),
  - Four times the general black population rate (9%), and
  - Over eight times the general U.S. population rate.
- Nearly half (49%) of Black respondents reported having attempted suicide.
- Over one fifth of Black respondents were HIV-positive (20.23%).
  - An additional 10% reported that they did not know their status. (NCAVP, 2013)

39

Community Acceptance

- African Americans associate the term "civil rights" with the 1950–1970s era
- LGBT rights are associated with "equal/human" rights. "Civil" and "equal" are not interchangeable.
- Although 67% of African Americans oppose LGBT marriage, 80% are willing to support equality issues like crime protection, healthcare, housing, work protections, and pension access (AOF, 2009).

40

Family Acceptance

- Black transgender people were more likely to be accepted by their families than the overall sample of transgender respondents.

(Harrison-Quintana, Lettman-Hicks, & Grant 2012)

41

Asian American and Pacific Islander Trans Experience

- 18% reporting a household income of less than $10,000 per year.
- AA/PI respondents who attended school and expressed a transgender identity or gender nonconformity reported alarming rates of:
  - Harassment (65%)
  - Physical assault (39%)
  - Sexual assault (19%)
- In K–12, harassment was so severe that it led 11% to leave school.
- 6% were also expelled due to bias.

National Transgender Discrimination Survey (2012)

Indian Cultural Competency

Voting Rights in India

- Hijra—considered good luck in weddings, ceremonies, yet discriminated against in society.
- **India's Supreme Court has recognized transgender people as a third gender, in a landmark ruling.**
- "It is the right of every human being to choose their gender," it said in granting rights to those who identify themselves as neither male nor female.

(BBC, 2015)

43

Transgender Latino Experience

Contributing factors that most vary experience:

- Peer acceptance
- Family acceptance
- Gender roles (Machismo vs. Feminismo)
- Religious views and customs
- Citizenship status
- Acculturation
- Socioeconomic stability

44

Transgender Latino Experience

- 2% of Latino LGBT youth identify as transgender.
- 6% of Latino LGBT youth identify as being gender diverse (i.e., genderqueer, gender fluid, both, neither, etc.).

45

Transgender Latino Experience

Latinos that also identify with other races also deal with the intersections of those cultures.

- 55% identify as White
- 23% identify as "other"
- 10% identify as Black
- 4% identify as Asian or Pacific Islander
- 4% identify as American Indian or Native American
- 3% declined to detail the other race

46

Transgender Latino Experience

School Experiences:

- 77% reported harassment
- 40% reported being excluded
- 36% reported physical assault
- 13% reported sexual assault
- 21% dropped out of school
- 9% were expelled due to perceived bias

47

Transgender Latino Experience

Employment Discrimination:

- 20% reported unemployment, compared to 14% of overall trans population.
- 26% of trans Latino citizens and 42% of Latino noncitizens reported job loss due to bias.
- 47% reported lack of job offers due to bias.

48

Transgender Latino Experience

Workplace Harassment:

- 54% of citizens and 57% of noncitizens reported harassment.
- 16% of citizens and 47% of noncitizens reported physical harassment.
- 14% of citizens and 38% of noncitizens reported sexual harassment.
- 34% of Latino trans have felt compelled to sell drugs or sex for income at some point in life.

49

Transgender Latino Experience

Housing Discrimination:

- 26% of citizens and 46% of noncitizens reported being refused a home or apartment due to bias.
- 15% of citizens and 26% of noncitizens reported eviction due to bias.

50

Transgender Latino Experience

Housing Discrimination:

- 27% experience homelessness compared to
  - 7.4% of general population
- 15% will experience home ownership compared to
  - 32% of general transgender population
  - 49.7% of general minority population
  - 67% of general population

51

Transgender Latino Experience

Medical Care:

- Experience higher rates of discrimination when compared to the general, Latino, or transgender populations as a whole
- 23% reported being refused medical care due to bias and discrimination
- 36% postponed medical care of significant illness due to fear of discrimination

52

Transgender Latino Experience

HIV Status:

- 8.5% are HIV positive. Greater compared to:
  - Transgender population that is HIV positive 2.64%
  - General Latino population that is HIV positive is 0.5%
  - General U.S. population that is HIV positive is 0.6%
- 10% reported not knowing their HIV status

(Grant et al., 2011)

53

Transgender Latino Experience

Suicide attempts:

- 47% of Latino/a trans reported having attempted suicide.
- This is higher, compared to the 1.6% suicide attempts within the general population.

(Grant et al., 2011)

54

Transgender Latino Experience

Acceptance of Policy Change (Dutwin, 2011)

- 48% of Latino people support gay marriage; in line with general population sentiment
- 59% support legal unions
- 80% support legal protections against hate crimes, job discrimination, housing discrimination, and the provision of healthcare and pensions
- Improved support from those who have acculturated compared to traditional Latinos

55

Two-Spirit Identity

Two-spirit was a term created by Native American LGBT people in 1990 as an umbrella term to include many of the tribally specific terms used to refer to those who are "not male and not female" o who "take on" the other gender, as well as those Native Americans who identify as LGBT. It comes from a Northern Algonquin word "niizhmanitoag" (two spirits).

(Angusksuar, 1997)

56

Two-Spirit Identity

- Some identify as Two-Spirit, others identify themselves using traditional terms, others identify as Native and LGBT, or LGBT and Two-Spirit...
- Tribal histories, languages around "Two-Spirit" people vary greatly, and individual family/clan histories and responsibilities as well as personal and spiritual experiences may contribute to how people choose to identify themselves, and to whom.

57



- Pine Leaf (Crow) 1800s dressed as female, warrior with four wives
- Running Eagle (Piegan) 1800s warrior woman; belonged to a men's society; had a spiritual vision that forbade her from marrying a man; had a woman partner
- Lozen (Apache) 1850s–1889 dressed as a male; was a prophet, healer, warrior; had a vision to live as a man; could detect movement of enemies

58

Trans Native Americans

Injustice at Every Turn (2012): National Transgender Discrimination Survey:

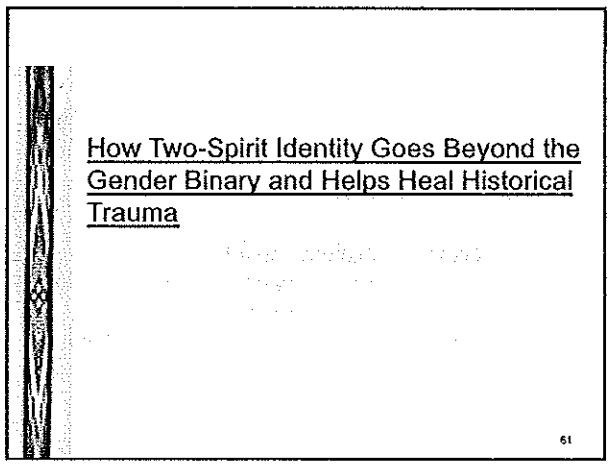
- American Indian and Alaskan Native transgender and gender nonconforming people:
  - 3.24% reported being HIV positive; an additional 8.53% reported that they did not know their status
  - 2.64% for transgender respondents of all races, and 0.60% of the general U.S. population
- Fifty-six percent (56%) of AI/AN transgender attempted suicide compared to 41% of all study respondents.

59

Youth Voice

"I heard that (Aboriginal trans-people) were teachers, medicine people, artists, counselors, dream interpreters, people with open arms who don't push anyone away. I was reading that some of them were wives of chiefs and accepted. I thought I was the only kid like me and everyone says that. None of us knew about two-spirit or trans stuff." (Two-Spirited People of the First Nations, 2008)


60



Microaggressions

Funny, you don't...

- Look Native American
- Look Jewish
- Sound like a woman
- Look Asian
- Seem poor
- Look like a man
- Look old enough to be a grandmother

62

Diversity of Transgender Identities

- Trans people may be attracted to male or female people, both, neither, and/or to other trans people.
- Trans people may experience shifts in orientation.

63

Developmental Issues

General Development and Trans Development

64

Development of Gender Identity

Prenatal:

- Precursors to both male and female reproductive tracts are present at 6 weeks following conception.
- In presence of testosterone and testosterone receptors, male system develops, and female system atrophies.
- Once genitalia are developed (12 weeks) the child can be assigned a sex.

65

Development of Gender Identity

Birth to age 3:

- Gender labels are applied by parents/others.
- Social experiences, neural developments, classification skills, and basic gender identity form.
- Frequent reminders of gender, gendered behaviors are encouraged; gender diversity is often punished.
- Basic gender identity and gender preferences emerge.

66

Development of Gender Identity

Age 3 to age 6:

- Gender expectations consolidate boy or girl scripts.
- Once solidified, "typical" gendered behaviors are imitated.

67

Development of Gender Identity

Age 7 to Puberty:

- Gender constancy develops.
- Children begin to rely less exclusively on gender scripts/expectations.
- Children look to the behavior of models consistent with internal gender identity.

68

Development of Gender Identity

Puberty and Beyond:

- Re-examination of self-concepts, and forming an adult gender identity.
- Social pressure, changing social dynamics; identity is continually solidifying.

69

Trans Gender Development

Prenatal:

- The science is uncertain, but genetic clusters of transgender individuals have been identified.
- Hormones may play a factor, but do not independently differentiate gender identity.
- The study of intersex genes and intersex individuals' experiences with developing their gender identity suggest a biological contribution to gender identity.

70

Genetics

- Siblings who are both transgender:

71

Genetics

But many identical twins are discordant for gender identity

72

Trans Gender Development

Birth to age 3:

- Parents commonly see that their child is significantly gender nonconforming.
- Parents should listen for assertions from the internal sense of self of the child.
- When children assert their gender, parents often respond with "No you're not; boys have penises" or "You're just confused."
- There is nothing to "figure out" at this age, no medical treatment necessary.
- Parents should support children's exploration and questioning of their gender.

73

Trans Gender Development

Age 3 to 6:

- Children are consistent, persistent, and insistent in asserting their gender identity.
- Some families choose to have their child undergo a social gender transition before entering kindergarten.

74

Trans Gender Development

Age 7 to Puberty:

- The transgender identity is constant.
- Developmentally, transgender children are usually very early or very late bloomers.
- Important time: differentiating sexual orientation from gender identity and expression.
- Most *gender diverse* children do not have a gender identity until after age 9.
- After age 11, nearly all youth with *transgender identity* will persist in that identity through adulthood.

75

Trans Gender Development

Puberty and Beyond:

- There is a re-examination of self-concepts and the formation of an adult gender identity.
- Social pressure, changing social dynamics, and gender identity are continually solidifying.
- This constitutes another developmental time for the transgender individual or the gender diverse self to emerge.

76

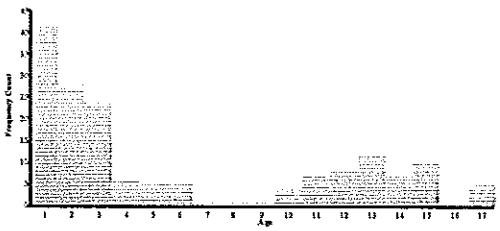
"One spring afternoon, while it was still daylight, a team mate and I were running down the Park Avenue hill, heading to the showers, and our busses home. He told me that he wanted to grow out his hair, shave his legs, and see if he could pass as a girl. I was amazed that there were other people like me, but terrified to let anyone know that I wanted to be a girl, even someone who might have been sympathetic. I could have supported a trans sister, but I didn't. Why was it so shameful to want to be a girl? What would have happened if I had told her I had the same thoughts? And what did I do to my friend by not saying anything? I had absorbed misogyny foreign to me, like a virus I couldn't cure. As if my own tendencies to girlhood were turning to poison inside."

(Davidson, 2012, p.36)

77

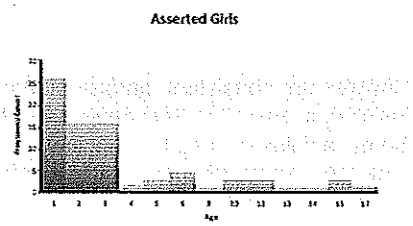
Age First Talked About Gender

All Participants



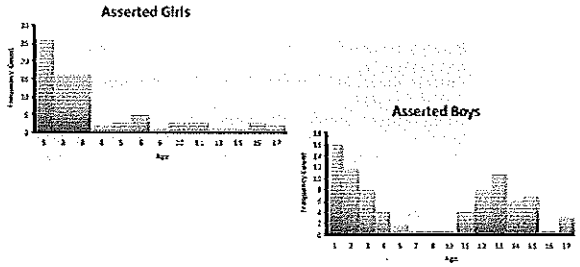
78

Age First Talked About Gender



79

Age First Talked About Gender



80

Apples and Oranges

- By kindergarten, some children are living in their asserted genders. Others may make a gender transition later.
- The majority of *gender diverse* children *do not* persist in that assertion in adolescence and early adulthood.
- Youth 11 years and older asserting a cross gender *identity* persist in that identity throughout adolescence and adulthood.

81

Risks and Resiliencies

- Threats to development
- Resiliency factors

82

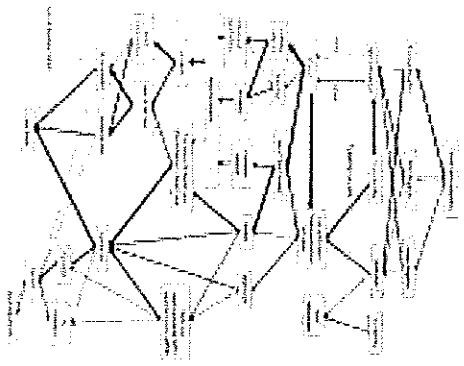
Pathways to Risk

(Pathways to Risk handout)

Understanding pathways should highlight places of intervention

Intervention: targeted at reducing homicide/suicide risk, not gender identity or gender expression.

83



84

Threats to Development

Transgender youth are often desperate to transition, but lack access to transition-related medical care.

- May use hormones without medical supervision
- May not understand that hormone effects not dose-dependent
  - More is not better: overdosing hormones lead to blood clots, liver failure, stroke, cancer
- May seek silicone injections at "pumping parties"
  - Silicone often not medical grade; may migrate to other parts of body causing disfigurement, death

85

"It feels like you're standing in a room and everybody can see you—everybody knows you're there but no one will say anything to you because they don't understand what you are. Like you're sort of a different species."

(HRC, 2013)

86

Kaylee Johnson's Story

https://www.youtube.com/watch?v=k6Cxikupu-M

87

"Body found near 215 Freeway connector to 10 identified" *San Bernardinao Sun*, November 19, 2013

- News report misgenders and misnames victim.
- Victim's status as transgender is invisible.
- Note emphasis on traffic disruption.
- Suicide occurrence the day before the International Transgender Day of Remembrance.
- Things are changing: the story was updated to note the victim's transgender status and correct name and gender on September 17, 2014: 10 months after initial story.
- Kaylee was in her 30s, but was once a K–12 student.

88

Leelah Alcorn

- 17 years old
- Kings Mills, OH
- Died after being hit by a truck on Interstate-71 at 2 o'clock a.m. on December 28, 2014
- Suicide note posted on Leelah's Tumblr account a few hours later

89

Leelah Alcorn: Suicide Note

- Felt like a girl since age 4
- Cried tears of happiness at age 14 when she learned what "transgender" meant
- Came out to parents at 14
  - Parents negated identity
  - Parents took her to "Christian" therapy to change her sexual/gender identity

90

Leelah Alcorn: Suicide Note

- Came out as gay at school at 16
  - Parents withdrew her from school
  - Took away laptop and phone
  - Forbid her to use social media
  - Forbid friends to visit
  - After 5 months, parents let her return to school
- Realized parents would never help, and 18 would be "too late" in her view to transition

91

Leelah Alcorn: Suicide Note

- Decided life not worth living
  - Friends only liked her if she was present at school
  - Worried about money for college and for transition
  - Will never like the way she looks or sounds

"Either I live the rest of my life as a lonely man who wishes he were a woman or I live my life as a lonelier woman who hates herself."

92

Leelah Alcorn's suicide: Aftermath

- Suicide note resonated through social media and traditional media
- Parents
  - removed Leelah's Tumblr account
  - Interview:
    - stated "we don't believe in (being transgender), religiously"
    - Gendered her male and used her assigned name (Joshua)
  - Moved funeral just before it was scheduled
  - Prevented Leelah's best friend from attending

"Something that is an opinion on an issue for you, may mean the difference between life and death for your child" Rev. Kristen Klein-Cechettini

93

Leelah Alcorn: Suicide Note

- "As for my will, I want 100% of the things that I legally own to be sold and the money to be given to trans civil rights movements and support groups."
- "Gender needs to be taught about in schools, the earlier the better"
- "Fix society, please"

94

Leelah Alcorn suicide: Aftermath

- Memorial vigils held in many cities in US and globally
- Some called for prosecution of parents
- Renewed attempts to ban reparative therapy with minors

95

How School Psychologists Can Help Students Address Student Beliefs Students May Inherit From Parents, Peers, or "Reparative" Therapists

- "No one will love you." — You have a right to live, love and be loved. LGBTQI-2S people establish and maintain lifelong friends, partners, and families
- "You'll never be attractive enough." — Transition takes time. People come in all kinds of beautiful shapes and sizes. Even if trans people have won beauty contests, beauty of soul is even better.
- "You are selfish." — You're not selfish for being yourself even if it's inconvenient for others. Self-care is cool.

96

How School Psychologists Can Help Students Address Student Beliefs Students May Inherit From Parents, Peers, or "Reparative" Therapists

- "God doesn't make mistakes (about birth gender)."
- "The church will expel you"
- "You will burn in hell"

It's no mistake that you are transgender. The world needs you just as you are: trans.

If that's true then you need a better church. There are people that will accept you for who you are and you have a right to your own deep, personal, and communal spirituality.

Aren't most people doing that already? Living as who you are is the greatest gift you could give to yourself and humanity.

97

What You're Saying When You Misgender Us

- I know you better than you do.
- I'd rather hurt you repeatedly than change the way I speak of you.
- Your safety is not important to me.
- Your identity isn't real or worth acknowledging.
- I want to teach everyone around me to disrespect you.

(Finch, 2014)

98

What You're Saying When You Misgender Us

- Offending you is fine, if it makes me comfortable.
- I can hear you talking, but I am not listening.
- Being who you are is inconvenient to me.
- I would prefer it if you stopped being honest with me.
- I am not an ally, friend, or someone you can trust.

(Finch, 2014)

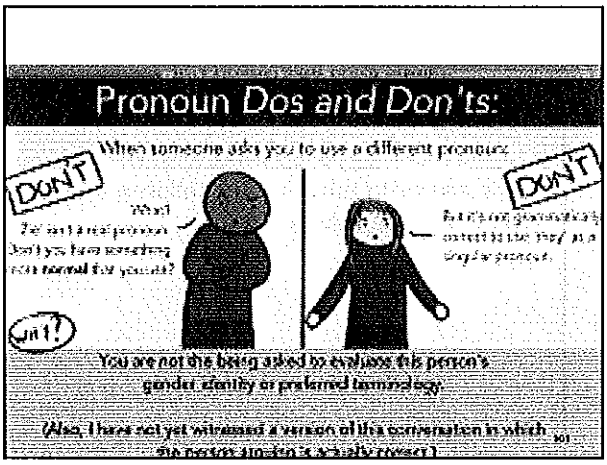
99

When You Use the Right Pronouns

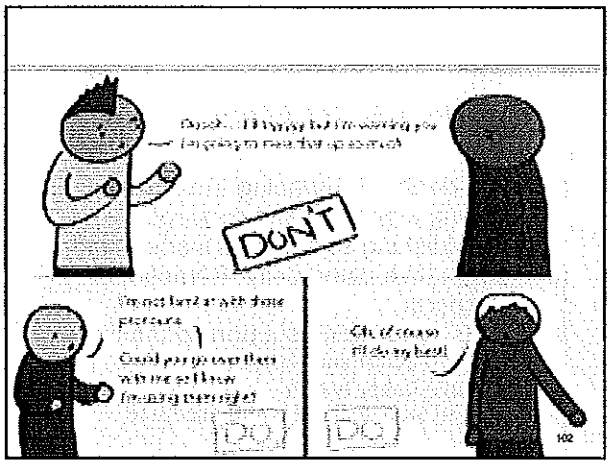
You're saying:

- I support you.
- I'm an ally.
- I respect your right to self-determination.

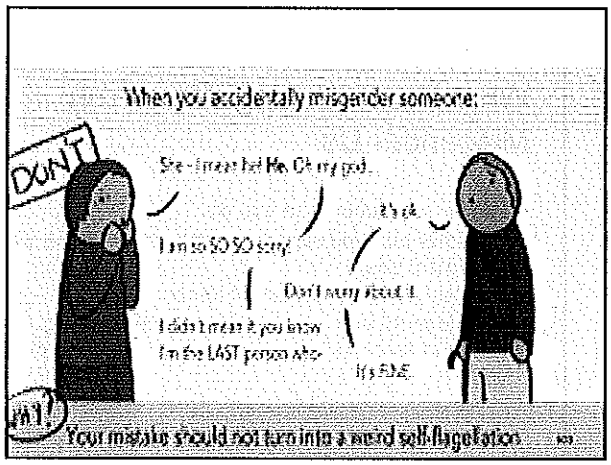
100

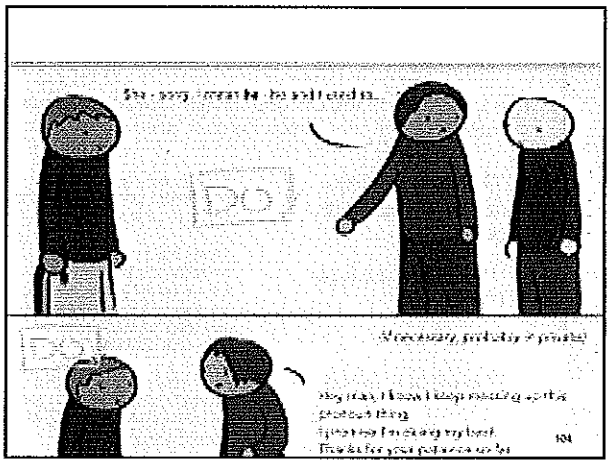


101



102





Pronoun Game

"I need to know that I am loved and accepted and believed in and that life has a point and I will find it someday. That's just getting harder and harder to believe."

(HRC, 2013)

Developmental Assets

- Resilience → outgoing, resourceful, and having a positive self-concept.
- Establishing social relationships and a supportive community →emotional supports.
- LGBT youth with supportive families:
  - Have better self-esteem
  - Have better health
  - Feel safe, included, and accepted

"It is easier to build strong children than to repair broken adults."

(Attributed to Frederick Douglass)

Building Safe Ecologies

- Parental acceptance is a developmental process dependent on
  - Personal beliefs
  - Understanding of child development
  - Understanding of gender development
- Some children persist in spite of parents' attempt to change them.
- Parental embarrassment or shame results from their attempts to conform to external pressure.

109

Building Safe Ecologies

- Parental fears
  - Child's future
  - Parent's future
- Parents may question their effectiveness as role models.
- Successful outcomes are more likely if parents work to create safe and supportive spaces for their child within the home and require others to respect and express love for their child.

110

Family Acceptance

Prevalence of suicide attempts:

- 51% among those whose families were rejecting
- 32% among those whose families were accepting

(Grant et al., 2011)

111

Family Acceptance

Salem 10-year-old: "I thought I would be more comfortable as a boy than a girl."

How One Little Brother Became a Hero to His Transgender Sister

Congresswoman supports transgender son

112

Family Non-Acceptance

What Family Non Acceptance Sounds Like

113

Opposition to School Acceptance

There are a variety of organizations who oppose accommodations for transgender students. They have names which make them sound benign (e.g., Family Research Council) and are likely active in your area

- Alliance Defending Freedom (ADF) has issued an alternative policy for schools: http://www.adfmedia.org/files/StudentPhysicalPrivacyPolicy.pdf
- Along with a legal brief why schools should not accommodate transgender students: http://www.adfmedia.org/files/StudentPhysicalPrivacyLetter.pdf

114

Family Acceptance

With hope in my heart and a tear in my eye, basically I said this girl is your son.

Trans Kids Rap!

115

Scenario 1: Student Comes Out

You are the school psychologist at a comprehensive high school. A 9th grade student asks to meet with you.

"I need to tell somebody", she says. "You're a psychologist right? If I tell you something secret, you can't tell anyone right?"

You nod your head, but also let the student know you may need to inform others if they are in danger.

"I'm not in danger", she says "Not really. I just want to be a boy. I know I need a letter from somebody like a psychologist to get hormones and surgery and things like that. But I don't even know the first thing to do."

116

Scenario 1: Student Comes Out

- How would you proceed? What additional information might you want to know about the student?
- Would you need to inform anyone about what the student has told you thus far?
- The student asks if you would write a letter supporting the student beginning testosterone. What would you tell them?

117

Building Safe Ecologies

- Schools have a duty to ensure inclusion and access in all of the school's infrastructure.
- Ensure school uniforms, school dances, and extracurricular activities are inclusive.
- Gay-Straight Alliance (GSA) can lead to:
  - Greater feelings of safety and belonging
  - Better school attendance
  - Lower rates of harassment and bullying

118

School Psychologists' Role in Building Safe Ecologies

- School psychologists can advocate for comprehensive, enforceable, and enforced antiharassment policies.
  - Written policies and procedures are helpful for all staff administrators, students, and families.
- Adult intervention is mandatory.
- Model terminology and pronoun use effectively.

119

School Psychologists as Advocates

- Ecological systems (see handout)

120

Building Safe Ecologies

- Points of community contention:
  - Bathroom Access
  - Sports Participation
  - Locker Room Access

121

Bathroom Access

- All students must have access to rest rooms
  - When bathrooms are gendered, trans students must have access to bathrooms corresponding to their gender identity

122

Bathroom Access

- Trans people look like their affirmed gender
- Forcing trans people to use the rest room associated with their birth assigned gender risks:
  - Confusion
  - Being told they are in the wrong bathroom
  - Being arrested
  - Being assaulted

123

Jaime Raines, trans man:

Should he be forced to use girls' rest room?

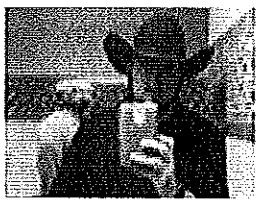
Before T After T

124

Nicole Maines at 15 (right): Should she be forced to use Boys' room?

125

Bathroom Bills



Michael Hughes, trans man

Michael Hughes would be forced to use ladies' washroom, under a bill proposed in Canadian Parliament by Donald Plett (Conservative)

126

Bathroom Access

- Forcing students to use staff rest room is inadequate because:
  - Students separated from peers
    - Lose socialization that occurs
    - Peers notice student is forbidden to use bathroom: exposing trans student to taunting
  - The student must be outed to other staff, or be questioned by staff who don't know and expelled from staff bathroom

127

Bathroom Access

- Forcing students to use health room is inadequate:
  - Many schools have part time nurses
    - Student must obtain key, outing self to adults
  - Location may be far from class

128

Bathroom Access

- Trans students may have choice of using health bathroom or regular bathroom, but can't be forced to use the health bathroom
- Cis students have the same choice

129

Bathroom Access

- Opponents of trans student restroom access often argue:
  - It invades "privacy rights" of cisgender students
  - Students can "fake" being trans for nefarious purposes
  - Trans girls pose safety risk to cis girls
  - Trans access should be determined by majority vote.

130

Scenario 1: Community Complaint

You are the school psychologist at a comprehensive middle school in a rural district.

The principal knocks on your door.

"We've got a problem", she says. "A parent has filed a complaint about Natalie, saying if she doesn't stop using the girls' bathroom, she's going to file a sexual assault charge against her with the Sheriff's office. She attached a letter from the 'Alliance Defending Freedom', saying they are prepared to notify every family in the District that Natalie is a boy, and their daughters have a right to privacy. They want Natalie to immediately stop using the girl's bathroom or they will ask that it be on the agenda of the next school board meeting."

131

Scenario 1: Community Complaint

- What would you want to know about your school district?
- What would you recommend to the principal?

132

School Psychologists as Advocates

School psychologists can work with teams to create a safe climate by:

- Employing best practices for integrating transgender and gender diverse students in school
- Advocating for the civil rights of all students
- Fostering a climate of acceptance and security for all, including transgender staff and parents
- Creating gender-neutral spaces, minimizing bias, and avoiding gender stereotypes
- Providing staff training as needed regarding transgender and gender-diverse student issues

133

School Psychologists as Advocates

School psychologists can work with their teams to create safe climates by:

- Being in tune to the needs of transgender students and staff
- Responding to all forms of harrassment
- Providing counseling, and tending to social–emotional needs
- Keeping a transgender student's status or history confidential and in the student's control at all times
- Acquiring and providing information on community agencies that provide services and supports

134

Scenario 2: Bathroom Bill

- You are a member of your state association's Government and Professional Relations Committee. You are reviewing bills at the beginning of your state's legislative session. A bill catches your eye: the Children's Privacy Defense Act. As you suspect, it addresses which bathrooms students can use. It requires all students to use the bathroom that corresponds with the gender on the student's birth certificate, and authorizes the school district to pay $1,400 to any person reporting a student violating the law. The bill has been assigned to the Education Committee of each house.
- Discuss a strategy for defeating the bill.
- What would you want to communicate to legislators on the Education Committee?

135

Federal Policies

- Title IX of the Education Amendment Act of 1972 prohibits harassment of students on the basis of gender expression and covers transgender and gender-nonconforming students.
- School psychologists can advocate for federal laws that improve school safety, school climate, and mental health services. See:
  - NASP's Advocacy Action Center
  - Trevor Project's Legislative Priorities

136

Grassroots Advocacy State Contacts

- School psychologists can urge their state association leaders to support safe and supportive school policies for transgender and gender diverse students.
- NASP's School Psychology Action Network (SPAN) leaders

137

Connections With Community Resources

School psychologists can sign up for legislative alerts and "take action" requests from allied organizations.

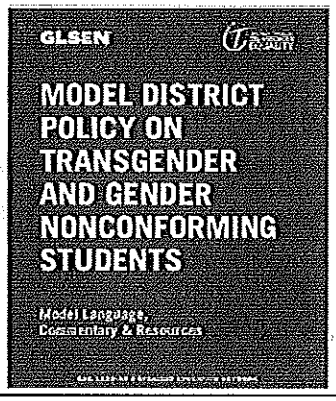
- Gay-Lesbian-Straight Education Network
- Gay-Straight Alliance Network
- Family Acceptance Project
- World Professional Association for Transgender Health
- Center of Excellence for Transgender Health
- Trevor Project

138

Model School Districts Policies

- Does your school district have a policy that protects and supports transgender and gender diverse youth?
- Have you discussed school policies with your principals?

139



140

Model School District Policies

- Portland Public Schools
- Los Angeles Unified School District
- Atherton High School, KY
- Massachusetts State
- Madison, WI
- Seattle Public Schools

141

Portland Public Schools Employee FAQ

- How to respond to derogatory comments
- Responding to students coming out
- Consulting with families/welcoming them
- Where to get inclusive curricula
- Community resources/school contacts
- Being out in the workplace
- Insurance benefits for partners/spouses
- Transitioning in the workplace

142

Portland Legal Memo Supporting Transgender Students

- Definitions/choice versus expression
- Pronouns
- Registration/enrollment forms & transitions
- Confidentiality
- Bathrooms/locker rooms/sports teams
- Dress codes/overnight field trips
- Curricula
- Resources and community supports

143

LA United School District

Transgender Students Nondiscrimination Policy

- Definitions
- Student records
- Privacy and confidentiality
- Pronouns
- Restrooms, locker rooms, sports
- Dances, school courses, dress codes
- Safety/antibullying and harassment

144

California Codes

California Education Code §210.7 states that 'gender means sex,' and includes a person's gender identity and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

California Education Code §220 and District policy require that all educational programs and activities should be conducted without discrimination based on actual or perceived sex, sexual orientation, or gender identity and expression.

145

California Codes

California Education Code §201 provides that public schools have an affirmative obligation to combat sexism and other forms of bias, and a responsibility to provide and equal educational opportunity to all students.

Title IX of the Education Amendments of 1972 states, "No person ... shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

146

Advocacy in Action

- Atherton High School (Jefferson County Schools KY

147

Online Resources

- APA Div 44 Fact Sheets
  - Transgender Children
  - Transgender Adolescents
- APA Div 16
  - Supporting Transgender and Gender Diverse Students
- SAMHSA Helping Families Support their LGBT Children
- Human Rights Campaign Report on Gender Expansive Youth.

148

Advocacy Organizations

- Trans Youth Family Allies
- Gender Spectrum
- Family Acceptance Project
- Gay, Lesbian, Straight Education Network
- Safe Schools Coalition

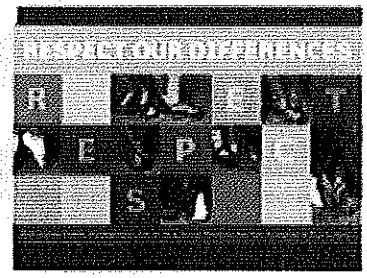
149

NASP's Position Statement

Safe Schools for Transgender and Gender Diverse Students (2014)
http://www.nasponline.org/about_nasp/positionpapers/Transgender_PositionStatement.pdf

150

Questions and Answers



151

References

Angulo-Lar (LaFortune, R.). (1997). A post-colonial colonial perspective on Western (mis)conceptions of the Cosmos and the restoration of Indigenous taxonomies. In Jacobs, S., Thomas, W., & Lang, S. (Eds.) *Two-spirit people: Native American gender identity, sexuality, and spirituality*. Urbana, IL: University of Illinois Press (pp. 217–222).

American Psychiatric Association. (2013, April). *Position statement on discrimination against transgender and gender variant individuals*. Retrieved from http://www.psychiatry.org

American Psychological Association. (2008). *Just the facts about sexual orientation and youth: A primer for principals, educators, and school personnel*. Washington, DC: American Psychological Association. Retrieved from www.apa.org/pi/lgbc/publications/justthefacts.html

American Psychological Association & National Association of School Psychologists. (2014). *Resolution on gender and sexual orientation diversity in children and adolescents in schools*. Retrieved from http://www.nasponline.org/about_nasp/pdf/gender_sexual_orientation_diversity.pdf

Belcher, C., & Victoria, D. (2009) *LGBT rights and advocacy: Messaging to African-American community*. Arcus Foundation. Retrieved from http://www.arcusfoundation.org

British Broadcasting Corporation. (2015) *India Court Recognizes Transgender People as Third Gender*. Retrieved from: http://www.bbc.com/news/world-asia-india-27031159

152

References

Centers for Disease Control and Prevention. (2012). Youth risk behavior surveillance: United States, 2011. *Morbidity and Mortality Weekly Report, 61*(No. SS-4). 1–45. Retrieved from http://www.cdc.gov/mmwr/

Davidson, J. (2012). *Undercover girl: Growing up transgender*. Retrieved from https://www.smashwords.com/

Dubin, D. (2011) *LGBT acceptance and policy support: The Hispanic perspective*. Arcus Foundation. Retrieved from www.ndi.org

Finch, S. D. (2014, October 31). 10 things you're actually saying when you ignore someone's gender pronouns [Web log post]. Retrieved from http://everyday-feminism.com/2014/10/ignore-preferred-gender-pronouns/

Gould, M. S., King, R., & Greenwald, S. (1998). Psychopathology associated with suicidal ideation and attempts among children and adolescents. *Journal of the American Academy of Child and Adolescent Psychiatry, 37*, 915–923. doi:10.1097/00004583-199809000-00011

Grant, J. M., Mottet, L. A., Tanis, J., Harrison, J., Herman, J. L., & Keisling, M. (2011) *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. Retrieved from http://endtransdiscrimination.org

153

References

Greytak, E.C., Kosciw, J.G., & Diaz, E.M. (2009). *Harsh realities: The experiences of transgender youth in our nation's schools*. New York, NY: Gay, Lesbian and Straight Education Network. Retrieved from http://www.glsen.org

Grossman, A. H., & D'Augelli, A. R. (2007). Transgender youth and life-threatening behavior. *Suicide and Life-Threatening Behavior, 37*, 527–537. doi:10.1521/suli.2007.37.5.527

Harrison-Quintana, J., Lettsome-Hicks, S., & Grant, J. (2012). *Injustice at Every Turn: A look at Black respondents in the National Transgender Discrimination Survey*. National Center for Transgender Equality. Retrieved from http://transequality.org/Resources/index.html

Human Rights Campaign. (2013). *Supporting and caring for our gender expressive youth: Lessons from the Human Rights Campaign's youth survey*. Retrieved from http://www.hrc.org/

Kennedy, N. (2011, April 11). "I would rather have a live daughter than a dead son" [Web log post]. Retrieved from http://common-sense-and-blood.com/2011/04/i-would-rather-have-a-live-daughter-than.html

Kochanek, K. D., Murphy, S. L., Anderson, R. N., & Scott, C. (2004). Deaths: Final data for 2002. *National Vital Statistics Reports, 53*(5). Retrieved from http://www.cdc.gov/nchs/products/nvsr/nvsr53_05.htm

Meyer, C., Panda, S., Olson, J., & Sharp, C. (2014). *Demographics of gender non-conforming children in the United States*. Submitted for presentation at the biennial symposium of the World Professional Association for Transgender Health, Bangkok, Thailand, February 2014.

154

References

Gould, M. S., King, R., & Greenwald, S. (1998). Psychopathology associated with suicidal ideation and attempts among children and adolescents. *Journal of the American Academy of Child and Adolescent Psychiatry, 37*, 915–923. doi:10.1097/00004583-199809000-00011

Grant, J. M., Mottet, L. A., Tanis, J., Harrison, J., Herman, J. L., & Keisling, M. (2011) *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. Retrieved from: http://endtransdiscrimination.org

Greytak, E.C., Kosciw, J.G., & Diaz, E.M. (2009). *Harsh realities: The experiences of transgender youth in our nation's schools*. New York, NY: Gay, Lesbian and Straight Education Network. Retrieved from http://www.glsen.org

Grossman, A. H., & D'Augelli, A. R. (2007). Transgender youth and life-threatening behavior. *Suicide and Life-Threatening Behavior, 37*, 527–537. doi:10.1521/suli.2007.37.5.527

Harrison-Quintana, J., Lettsome-Hicks, S., & Grant, J. (2012). *Injustice at Every Turn: A look at Black respondents in the National Transgender Discrimination Survey*. National Center for Transgender Equality. Retrieved from http://transequality.org/Resources/index.html

National Association of School Psychologists. (2010). *Principles for Professional Ethics*. Retrieved from http://www.nasponline.org/standards

National Association of School Psychologists. (2012). *Nondiscrimination and equal opportunity policy*. Retrieved from http://www.nasponline.org/leadership/nondiscrimination_equal_opportunity.pdf

155

References

National Association of School Psychologists. (2010). *Principles for Professional Ethics*. Retrieved from http://www.nasponline.org/standards

National Association of School Psychologists. (2012). *Nondiscrimination and equal opportunity policy*. Retrieved from http://www.nasponline.org/leadership/nondiscrimination_equal_opportunity.pdf

National Association of School Psychologists. (2014). Safe schools for transgender and gender diverse students [Position statement]. Bethesda, MD: Author.

National Coalition of Anti-Violence Programs (2013). *Lesbian, gay, bisexual, transgender, queer, and HIV-affected hate violence in 2012*. New York City Gay & Lesbian Anti-Violence Project. Retrieved from: http://www.avp.org/storage/documents/ncavp_2012_hvreport_final.pdf

Public Broadcasting Service. (2015). Retrieved from http://www.pbs.org/independentlens/two-spirits/map.html

Snapp, S. D., Watson, R. J., Russell, S. T., Diaz, R. M., & Ryan, C. (2015). Social support networks for LGBT young adults: Low cost strategies for positive adjustment. *Family Relations, 64*, 420-430.

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*, 1580–1589. doi:10.1037/a0020705

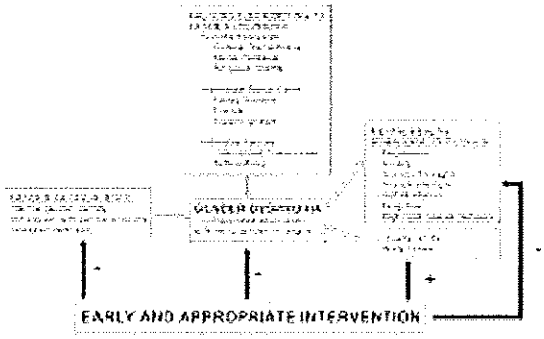
156

References

World Professional Association for Transgender Health. (2011). *Standards of care for the health of transsexual, transgender, and gender nonconforming people. Version 7.* Author. Retrieved from http://www.wpath.org/files/soc7.pdf

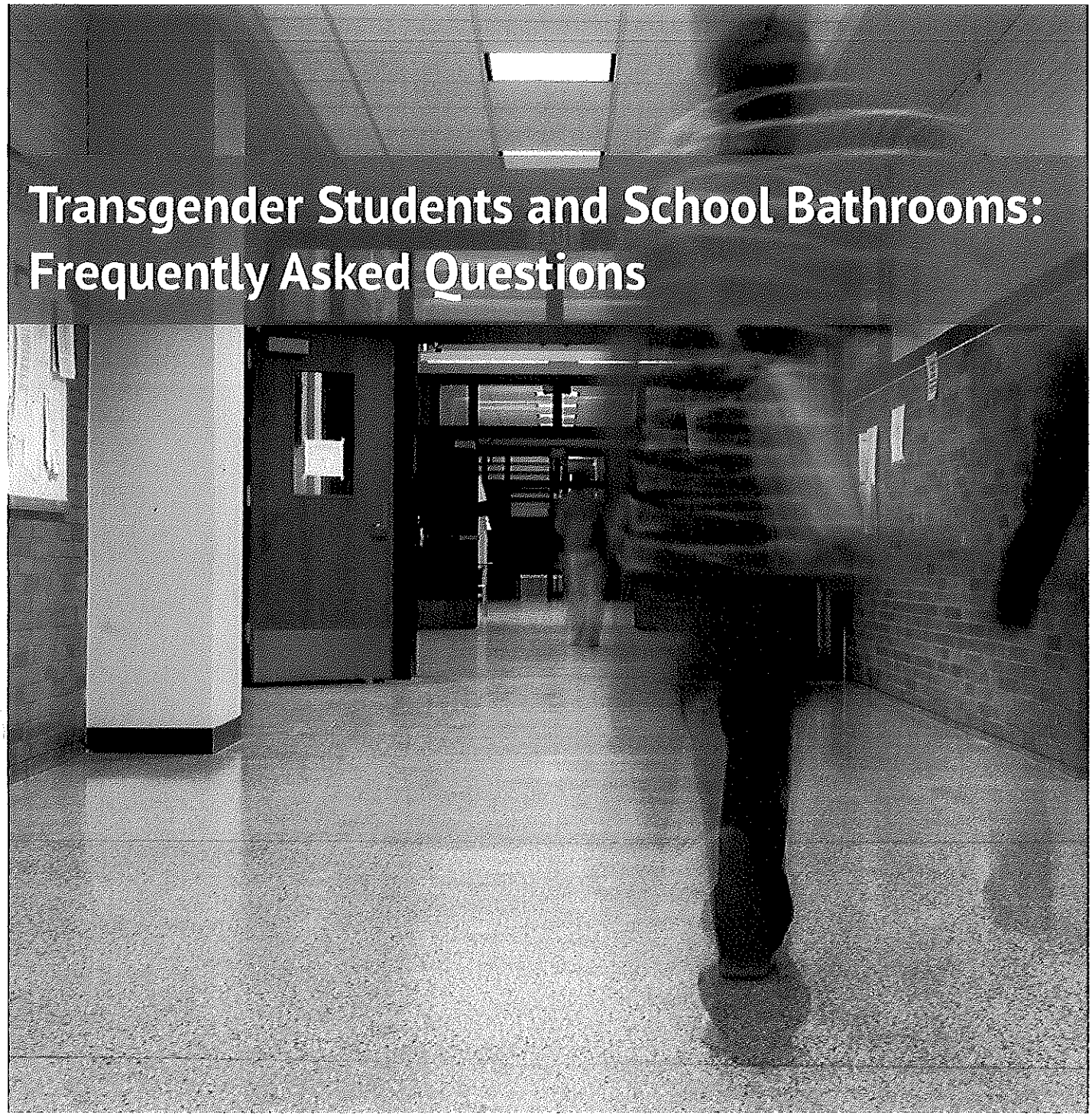
Zucker K. J., & Bradley S. J. (1995). *Gender identity disorders and psychosexual problems in children and adolescents.* New York, London: Guilford Press.

157



159

Transgender Students and School Bathrooms: Frequently Asked Questions



AMERICAN SCHOOL COUNSELOR ASSOCIATION

gender spectrum

naesp National Association of Elementary School Principals

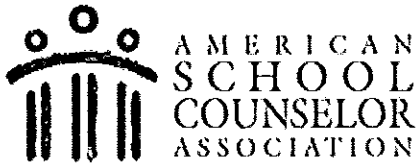
NASP NATIONAL ASSOCIATION OF School Psychologists

NASSP National Association of Secondary School Principals

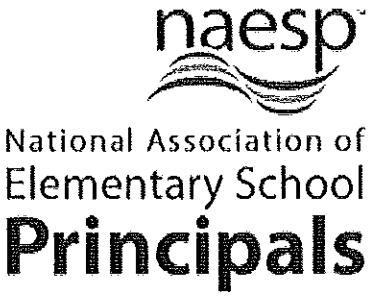
About Gender Spectrum

Gender Spectrum works nationwide to educate individuals, families, communities, and institutions seeking to strengthen or create gender inclusive environments for all youth. We provide an array of services designed to help families, schools, professionals and organizations understand and address the concepts of gender identity and expression.

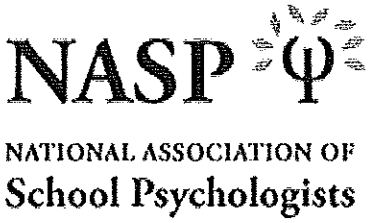
Endorsed and Supported By:



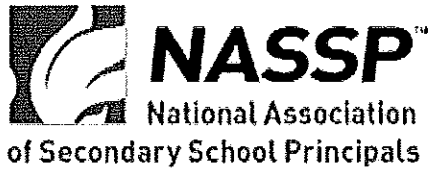
The American School Counselor Association (ASCA) supports school counselors' efforts to help students focus on academic, career and social/emotional development so they achieve success in school and are prepared to lead fulfilling lives as responsible members of society.



Established in 1921, the National Association of Elementary School Principals (NAESP) leads in the advocacy and support for elementary and middle school principals in the United States and internationally. NAESP supports principals as the primary catalysts for creating lasting foundations for learning through policy development, advocacy, professional development programs, and resources for effective instructional leadership.



The National Association of School Psychologists (NASP) is a professional association that represents more than 25,000 school psychologists, graduate students, and related professionals throughout the United States and 25 other countries. The world's largest organization of school psychologists, NASP works to advance effective practices to improve students' learning, behavior, and mental health.



National Association of Secondary School Principals (NASSP) is the leading organization of and voice for middle level and high school principals, assistant principals, and school leaders from across the United States. Marking its longstanding commitment to student leadership development, NASSP is home to the National Honor Society and the National Association of Student Councils.

Introduction

Concerns about transgender and other gender-expansive students using bathrooms consistent with their gender identity (rather than the sex assigned when they are born) raise many questions for educators, parents, and students alike. Safety, propriety, privacy, and legality are some of the most common topics being brought up by many people in the school community around this subject.

Schools will be best positioned to address these various issues when they are proactive. Anticipating and listening to these concerns and providing concrete responses to them will allow school officials to successfully navigate the vast majority of situations related to this topic. This is a highly emotional subject for many; assuring those in the community that you and the school have seriously considered the issues they're raising is essential. As institutions charged with educating the communities they serve, schools are well positioned to build the awareness of their various stakeholders about a frequently misunderstood subject that is new for many people.

Below you will find many of the frequently asked questions about transgender students using bathrooms consistent with their gender identity. Before exploring these, we want to help you frame the discussion so you can enter the conversation with confidence and certainty.

CSB: Climate, Supervision and Behavior

At the core of all of the scenarios below, one or more of three issues can be identified: climate, supervision, and behavior. Being mindful of these three aspects of a school's functioning is critical to responding to bathroom questions and concerns.

- **Climate** refers to the "feel" a school has when you walk around the building. A positive school climate is established when a school sets concrete expectations for student conduct. It conveys to the community (staff, students, and parents) what behaviors are and are not acceptable at the school. Strong climate is a product of clear policies, the quality of interactions among adults and students in the school, and intentional strategies that build a culture of respect and inclusion.

- **Supervision** refers to the degree to which adults are paying attention to the school's climate, anticipating and preempting those situations where the climate might be compromised. While adults cannot be everywhere at all times, effective and consistent supervision reassures students that the institution is monitoring what goes on, is aware of areas where kids might feel vulnerable, and responds effectively. Consistent supervision reassures all members of the school community that they can expect to be safe at school. Rather than punitive, supervision is ultimately preventative, a key strategy for reinforcing a school's positive climate.

- **Behavior** refers to the specific actions of individuals—what they say and do. Establishing a positive school climate and supervising it accordingly presumes students know how they are supposed to behave. Schools cannot assume every child knows what appropriate behavior looks like. By clearly conveying what behaviors are and are not acceptable, the issues related to bathrooms move from assumptions and misperceptions about an individual's intent and instead focus on their observable actions.

"I've memorized both the locations of and fastest routes to the few gender-neutral bathrooms on campus because it's the only way I can actually use the restroom."

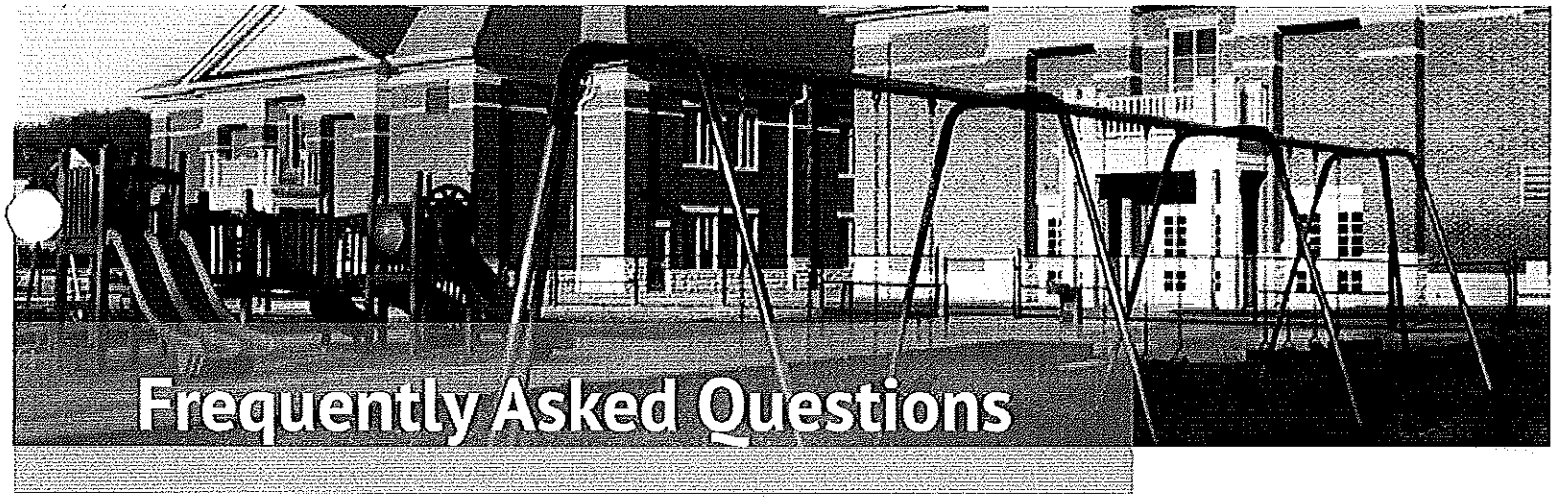
Options for Everyone

Every child needs to be safe in the bathroom. Too many students avoid using bathrooms out of fear that another student will mistreat or hurt them, physically, or emotionally. The consequences can be severe, impacting a child's health, well-being and their ability to concentrate on learning. By creating a positive climate, supervising it appropriately, and making behavioral expectations clear, schools can reduce all students' fears about safety in these spaces.

For a variety of reasons however, there will remain a small percentage of students who would prefer a more private space than many school bathrooms allow. Whether for cultural or religious reasons, a particular health issue, concerns related to gender or simple modesty, schools should work actively to identify private options that are available to any student who requests access to them. Regardless of the student's underlying reason for using it, such options must be free of stigma; a student who uses a private space should not be ridiculed or singled out by staff or students. Providing private bathrooms should be one of many ways in which schools meet a diversity of student needs. At the same time, a private bathroom space must be **optional**; no child should be required to use such a space.

Gender Support Plans

A Gender Support Plan (GSP) is another essential ingredient in proactively preparing for bathroom-related questions. A GSP is created collaboratively between school leaders, transgender or other gender-expansive students, and their family (when appropriate) to address a variety of issues they may face at school, including bathroom use. GSPs allow the school to establish the necessary conditions for that student to have the most positive experience possible. GSPs also demonstrate the school's commitment to thoughtfully managing the process of addressing these student's needs. However, the development of a GSP should never be used as a way to delay a student's ability to live authentically at school. Rather, it should represent to the student the school's ongoing process for managing student needs and a commitment to their safety.



Frequently Asked Questions

In the scenarios below, you will notice that every situation applies to all students and their behaviors in bathrooms. Despite the concerns being raised, the gender identity and/or body of students are not the variables that need to be accounted for. Instead, focus must be on climate, supervision, and behavior. These, along with non-stigmatized bathroom options and established processes for working with transgender or non-binary students will allow schools to address the various questions and concerns that are raised by parents, staff members and students.

Why can't transgender students just use a private bathroom?

Transgender students already face a great many barriers to acceptance at school, and requiring them to use a bathroom that is designated especially for them is tremendously stigmatizing. A school's insistence that they be segregated from their peers also sends a message that the student's gender identity is not real or valid and represents an official refutation of the child's sense of self. This can be devastating to the child's sense of safety coming from the very adults charged with protecting them. If forced to use a private space, many transgender students will simply not use any bathroom at school, compromising their health and interfering with their ability to focus on learning as they monitor their water intake, avoid foods that will make them thirsty, and/or try to wait to until they get home to go to the bathroom. Make no mistake about it: not allowing a transgender student to use the restroom consistent with their gender identity causes harm—emotionally, physically, academically, and socially. It is not a matter of discomfort. Explicitly denying a transgender student's access to the bathroom corresponding to their gender identity endangers their health and well-being.

What if my child does not feel safe or comfortable being in the bathroom with a transgender student?

Lack of safety and lack of comfort are two different concerns and require different responses from schools.

Schools are legally required to provide a safe learning environment free from physical or verbal harassment. In order to meet this obligation, all schools likely have policies and practices in place to prevent behaviors such as verbal harassment, physical intimidation, inappropriate touching, or invasion of privacy of another student. Accordingly, schools must supervise these spaces appropriately and take action when students violate those policies. However, a student's mere presence does not violate such policies; their simply being in the bathroom does not make another student unsafe. Simply put, a school's responsibility to keep all students safe is not compromised by policies allowing transgender students to use bathrooms consistent with their gender identity or by the presence of transgender students in those bathrooms.

Comfort, on the other hand, is a separate issue. For any number of reasons, a student may not feel comfortable being in the bathroom with other students and require increased privacy. Remedies for these situations include providing more private options such as a staff bathroom, other single stall bathrooms or a bathroom in the nurse's office. Regardless of gender, any student should have access to these alternatives, but no students should be forced to use alternative facilities because some of their peers are uncomfortable with their mere existence. In our experience, when schools make these alternative options available, very few students choose to use them. Their availability is, however, an effective strategy to improve the school climate for those who choose to make use of them.

What if my child is worried about seeing the genitalia of another student or another student seeing their genitalia?

Most students are quite self-conscious about their peers seeing their bodies. With this in mind, it is imperative that schools be specific about which behaviors are and are not acceptable in the bathroom. These include respecting the privacy and honoring the personal space of other students using the facility. Expectations also include not leering at another student or making disparaging comments about another student's body. Students should not be seeing one another partially undressed in the restroom. If for some reason a student needs to disrobe, they should do so privately in a stall or in one of the private spaces described above. These expectations apply to all students.

Regardless of gender identity, it is inappropriate for any student to actively attempt to view another student's genitals. Such behaviors clearly create an unsafe school climate, and may well constitute sexual harassment. Schools have an obligation to respond to such occurrences and have procedures for doing so.

With regard to transgender students, several important ideas must be considered. Even more than their cisgender peers, the vast majority of transgender youth have no desire for anyone to see their bodies. They will typically go to significant lengths to ensure this does not occur. It is extremely unlikely that another student will see their body unless deliberately trying to do so. In fact, this is a very common fear for many transgender youth and their families, and something that schools should be prepared to address in the development of a student's GSP. It should also be noted that much of the fear about transgender students in bathrooms rests on the false notion that a transgender student wants access for an improper purpose, namely to leer at other students. Research has shown this is not an issue in schools with policies that ensure that transgender students can use the bathroom aligned with their gender.

Once again, any student who feels uncomfortable in the student bathroom for any reason should be given the option to use a more private facility as described above.

Q: When a business/school/institution decidedly and clearly shows that it does not recognize and support all gender identities, what effect does this have on you?

"My guard is up, I find myself mentally apologizing for being present (as it is clear I am not welcome there), and I try to avoid that business/school/institution as much as possible for fear of physical harm and verbal abuse.

What is there to prevent a student from pretending to be transgender in order to go into another bathroom (i.e. a boy pretends to be a girl so he can enter the girls' bathroom)?

Kids simply do not announce that they are transgender on a lark. In the experience of the many states and school districts across the country that have had policies in place for years providing transgender students access to the facilities consistent with their gender identity, students have not asserted false gender identities to gain access to facilities. In a recent study of seventeen school districts with such inclusive policies, which together serve over 600,000 students, not a single one reported such scenarios.

Should a student enter bathroom facilities without permission (e.g., on a dare from a classmate), they are violating the school's rules that likely existed long before schools gave transgender students access to the facilities that matched their gender identity. Whether students do so or not will be a matter of the climate and level of supervision at the school. It is entirely unrelated to whether the school has a policy of giving transgender students access to bathrooms based on gender identity. Furthermore, the systematic establishment of Gender Support Plans for transgender students will serve as an effective checkpoint for distinguishing between an authentic versus disingenuous request by a student to use a different restroom.

What should a staff member do if a student requests to use the bathroom consistent with their gender identity and the teacher is unaware that the student identifies as transgender or non-binary?

A staff member caught off guard by a student's use - or request to use - a restroom they've previously not used, might be unsure of how to respond. In such instances, it is critical that the adult proceed respectfully in addressing the situation. This could include speaking privately with the student and inquiring about the request: "I just want to check in and see if this is something new for you. Is using that restroom related to your gender identity? Are there other ways we might support you around your gender at school?" This would be an ideal time to raise the need for developing a Gender Support Plan with the student in order to identify bathroom as well as other gender-related needs. If for any reason the staff member does not feel comfortable in such an instance, they should be instructed to tell the student that they want to insure the child will be supported and request that they be able to share the student's request with a school administrator or counselor.

Are there specific legal requirements associated with allowing or not allowing transgender students to use bathrooms consistent with their gender identity?

On May 13, 2016, the Federal Departments of Education and Justice released a "Dear Colleague Letter" to the nearly 100,000 public schools in the United States. According to the letter, as well as the accompanying guide highlighting policies and emerging practices across the country:

> *A school may provide separate facilities on the basis of sex, but must allow transgender students access to such facilities consistent with their gender identity. A school may not require transgender students to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so. A school may, however, make individual-user options available to all students who voluntarily seek additional privacy.*

The letter further recognizes that the recommendations are consistent with Title IX regulations, the federal law prohibiting discrimination based on sex in any educational program or activity receiving federal funding:

> *A school's Title IX obligation to ensure nondiscrimination on the basis of sex requires schools to provide transgender students equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns. As is consistently recognized in civil rights cases, the desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantages a particular class of students.*

Furthermore, 14 states and the District of Columbia have explicit protections against discrimination on the basis of a student's gender identity. Even in states without such protections, discrimination on the basis of sex is prohibited and could encompass a student's transgender status. Many school districts have further articulated a transgender student's right to access bathrooms consistent with their gender identity, including in locations without statewide protections. Finally, it is also important to point out that as of this writing, with few exceptions, no laws prevent schools from allowing transgender students bathroom access consistent with their gender identity.

"As a transguy, simple things like using the bathroom become stressful. When schools recognize and support all gender identities, I can finally be stress-free knowing that, though I'm in public, I'm in a safe and supportive environment."

Do I have to worry about parents of other students filing a suit against my school or me because transgender students are allowed to use bathrooms consistent with their gender identity?

There is nothing that prevents a parent of any student from filing a lawsuit against a school district or individual school employee. However, it should be noted that the scenario that is most likely to unfold is a suit being filed on the basis of a school or district failing to protect a transgender students' safety and access, not the other way around. In terms of protecting students, the data is clear. The only students at risk in relation to bathroom access are transgender students. This was affirmed by the US Department of Education, which found a school district in Illinois in violation of Title IX for denying a transgender high school student access to the sex-segregated facilities. This is yet another reason why it is incumbent upon schools to create a safe school climate, supervise it appropriately, and clearly articulate clear expectations about acceptable behaviors.

What if the bathroom that corresponds to the transgender student's gender identity would not be safe for the transgender student?

If school administrators believe they cannot provide a student with safe use of school facilities, including student bathrooms, then administrators should discuss this with the student during the creation of the GSP. The objective is not to convince the transgender student to rescind the request, but to acknowledge that the school climate and associated supervision are not well enough established to support the student's safety. Potential options for bathroom access should be discussed, such as including greater freedom to use the bathroom during class time, increased teacher presence around bathrooms during passing periods, or a "buddy system." But again, a transgender student should never be forced or pressured into using alternate facilities so that school or district personnel feel more comfortable. Furthermore, the issues related to the transgender student's safety are likely 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 climate so that all students can feel safe in the bathroom.

What about students with a non-binary gender identity? Are they allowed to simply switch back and forth whenever they choose?

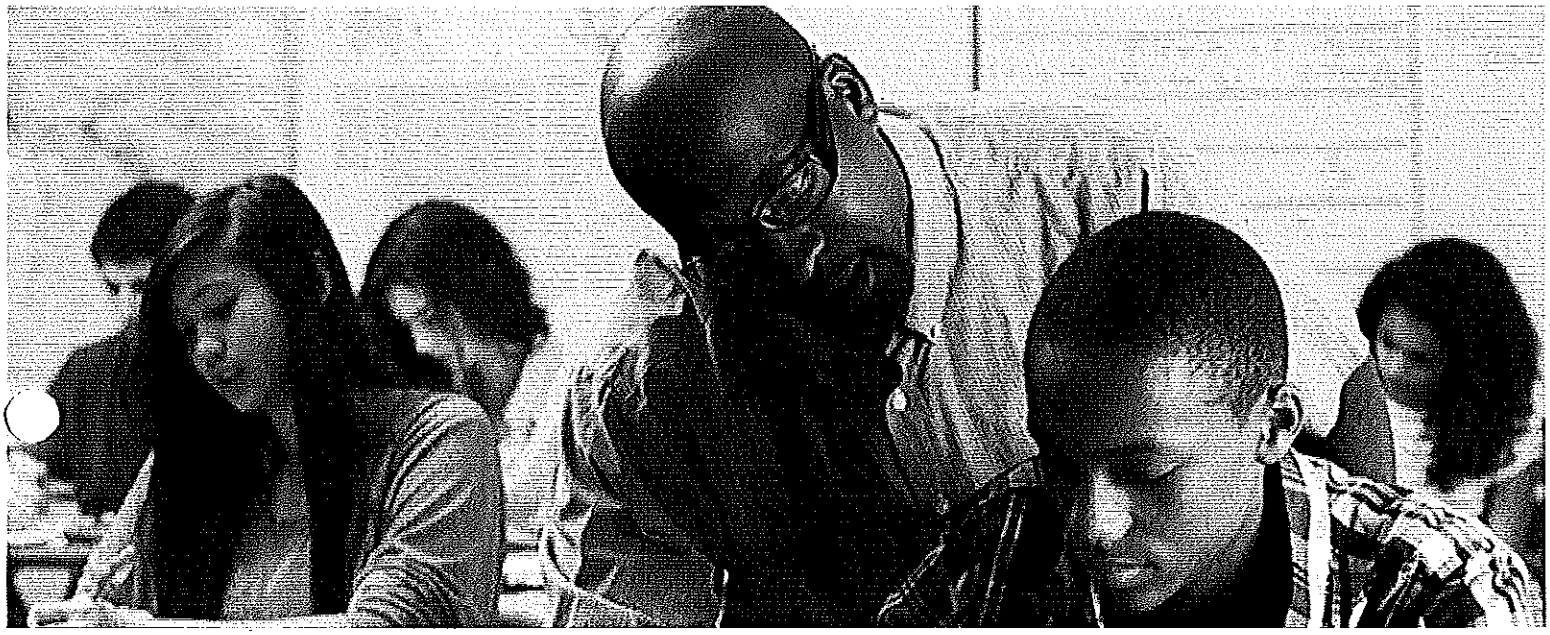
Students who are non-binary do not identify as either a boy or a girl. School personnel may be confused by the ever-growing variety of labels with which students identify their gender, but addressing bathroom use does not have to be complicated. Schools can accommodate non-binary students by putting a Gender Support Plan in place identifying which bathroom the student will use. What is essential in situations involving non-binary students is working on a case-by-case basis around the student's needs. Our experience has been that doing so within a school climate that is positive and well supervised, with clear expectations for how students are supposed to behave and options for students who request them, non-binary students using restrooms simply does not result in difficulties for anyone on campus.

What can I say to parents or students who are genuinely uncertain about the idea of transgender students using bathrooms?

It can be easy to assume that a parent or student who voices uncertainty about transgender students using bathrooms consistent with their gender identity is insensitive, uncaring or even bigoted. In our experience, that is rarely the case. Most people have never known, or at least been aware of knowing, a transgender person. This lack of familiarity, as well as the public discourse which tends to characterize transgender people as scary or threatening, can create uncertainty, discomfort and sometimes fear. Unfounded as it may be, it is nonetheless often a sincerely held belief.

Thus, in encountering the concerns of others, begin by assuming that they are being raised with positive intent. Recognize and affirm that they may not be familiar with any transgender or gender-expansive children or youth. Reassure them that this is new for many people, perhaps including yourself. Being uncomfortable with something new is natural. Reinforce that your number one priority is making sure every child is safe at school. Every student deserves to use bathrooms and other school facilities and offerings without worrying about being harmed or mistreated. Emphasize the seriousness with which you take any person's behaviors that make another student unsafe.

Ask them to detail the specific concerns that they have. More than likely, they will be one or more of the ideas described above. Try to help them consider for a moment what they would want the school to do if their own child was negatively perceived to be different from the other students, be it for their religion, ability, size or another frequently misunderstood aspect of identity. Ask them how it might feel for such a student to be the subject of others' rejection. If, after all of that, the parent is still concerned about their child using a bathroom that transgender students are also using, gently remind them that you are more than happy to provide their child with a private option. If any student is not comfortable, for any reason, then they can have access to a space where they have the degree of privacy they need, where they will not be worried about the presence of another student.



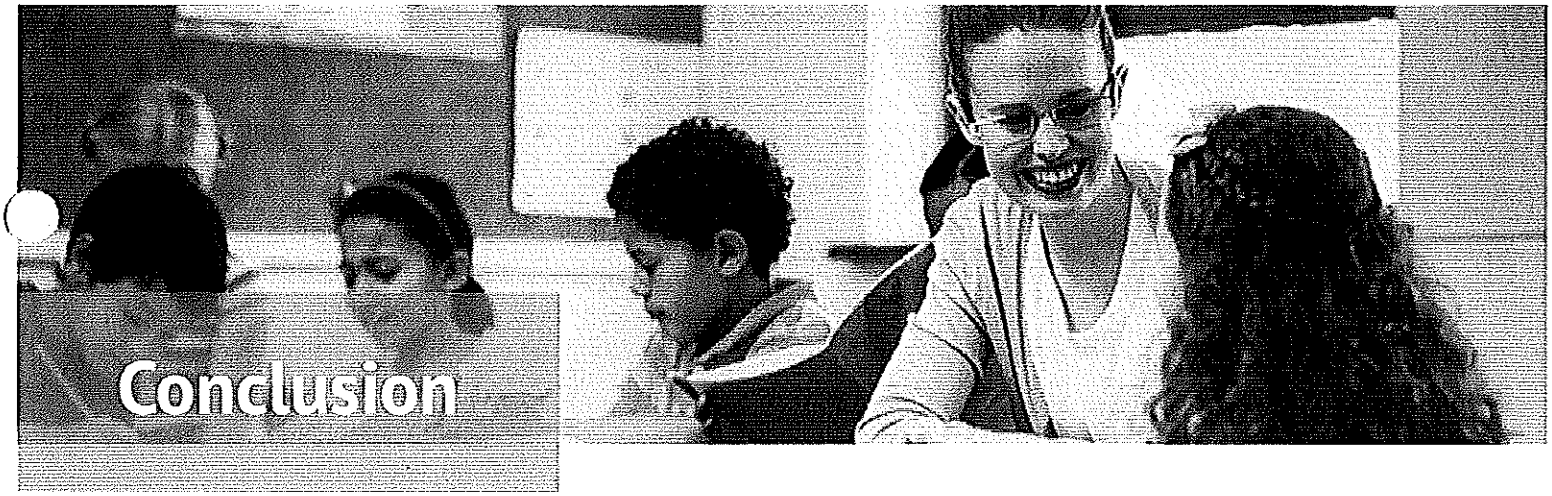
Should all of our bathrooms be gender neutral?

Given the importance of having options for all students, some schools consider moving towards a campus in which all bathrooms are "gender neutral", or "all gender". If these are single user bathrooms, there seems little reason to keep these designated by gender. Like those in our homes, such bathrooms are available to anyone. Gender neutral can also refer to multi-stall bathrooms that can be used by anyone regardless of gender. These are bathrooms where it is likely that one would encounter people of any gender at the sink or coming in and out of stalls. Having some or all multi-stall bathrooms declared "gender neutral" dispenses with labeling them as "male" or "female," instead opting for signs that indicate anyone is able to use that facility.

If your school decides to create single user or all-gender bathroom facilities, we recommend doing so with an accompanying education plan for informing your community about the purposes for taking this step, and to do so respectfully and with sensitivity to the many viewpoints about this topic. Schools that consider moving towards all gender bathrooms should also be mindful of the need for options for any student who might require or prefer a more private space.

Why are we doing this for just one or two students?

The simple answer is that you are not doing this just for a small group of students. Creating spaces that affirm individuals' gender benefits all students. By emphasizing positive climate, effective supervision and clear behavioral expectations, along with providing non-stigmatized options for any student who needs them, conditions are established that meet the needs of every child.



Conclusion

Discussions about a community's questions regarding bathrooms can quickly break down, in large measure because gender is something most of us take for granted – we simply haven't needed to give it a lot of thought.

It is incumbent upon educators charged with addressing these concerns to engage their community in a healthy and well-informed conversation. A major purpose of our schools is providing education and modeling for how to resolve issues in a diverse society.

Many of the concerns raised about transgender students and bathrooms are based on a lack of familiarity and knowledge about gender in general, and transgender identities specifically. They are based in the fear of the unknown or unfamiliar. As they have throughout the history of our democratic society, many of the inaccurate assumptions being made about gender can be addressed through reasoned conversation and education, the very mission of our schools.

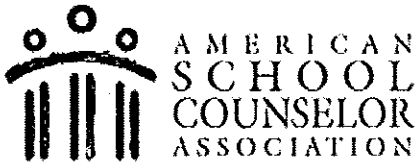
Q: When a business/school/institution decidedly and clearly shows that it recognizes and supports all gender identities, what effect does this have on you?

"This makes me feel welcomed and understood. As a teenager, I want to feel the same as all of my peers. When a place validates my identity it gives me a sense that being transgender doesn't have to be a big thing. It makes me feel reassured, safer, and more normal."

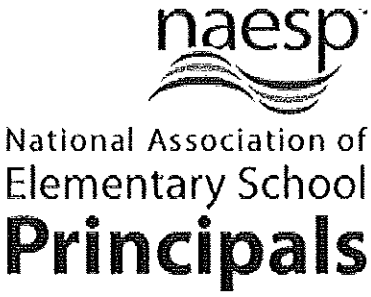
About Gender Spectrum

Gender Spectrum works nationwide to educate individuals, families, communities, and institutions seeking to strengthen or create gender inclusive environments for all youth. We provide an array of services designed to help families, schools, professionals and organizations understand and address the concepts of gender identity and expression.

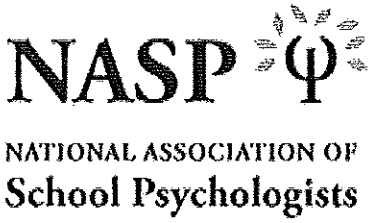
Endorsed and Supported By:



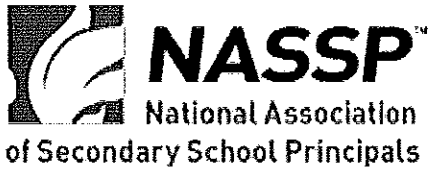
The American School Counselor Association (ASCA) supports school counselors' efforts to help students focus on academic, career and social/emotional development so they achieve success in school and are prepared to lead fulfilling lives as responsible members of society.



Established in 1921, the National Association of Elementary School Principals (NAESP) leads in the advocacy and support for elementary and middle school principals in the United States and internationally. NAESP supports principals as the primary catalysts for creating lasting foundations for learning through policy development, advocacy, professional development programs, and resources for effective instructional leadership.



The National Association of School Psychologists (NASP) is a professional association that represents more than 25,000 school psychologists, graduate students, and related professionals throughout the United States and 25 other countries. The world's largest organization of school psychologists, NASP works to advance effective practices to improve students' learning, behavior, and mental health.



National Association of Secondary School Principals (NASSP) is the leading organization of and voice for middle level and high school principals, assistant principals, and school leaders from across the United States. Marking its longstanding commitment to student leadership development, NASSP is home to the National Honor Society and the National Association of Student Councils.

Introduction

Concerns about transgender and other gender-expansive students using bathrooms consistent with their gender identity (rather than the sex assigned when they are born) raise many questions for educators, parents, and students alike. Safety, propriety, privacy, and legality are some of the most common topics being brought up by many people in the school community around this subject.

Schools will be best positioned to address these various issues when they are proactive. Anticipating and listening to these concerns and providing concrete responses to them will allow school officials to successfully navigate the vast majority of situations related to this topic. This is a highly emotional subject for many; assuring those in the community that you and the school have seriously considered the issues they're raising is essential. As institutions charged with educating the communities they serve, schools are well positioned to build the awareness of their various stakeholders about a frequently misunderstood subject that is new for many people.

Below you will find many of the frequently asked questions about transgender students using bathrooms consistent with their gender identity. Before exploring these, we want to help you frame the discussion so you can enter the conversation with confidence and certainty.

CSB: Climate, Supervision and Behavior

At the core of all of the scenarios below, one or more of three issues can be identified: climate, supervision, and behavior. Being mindful of these three aspects of a school's functioning is critical to responding to bathroom questions and concerns.

- **Climate** refers to the "feel" a school has when you walk around the building. A positive school climate is established when a school sets concrete expectations for student conduct. It conveys to the community (staff, students, and parents) what behaviors are and are not acceptable at the school. Strong climate is a product of clear policies, the quality of interactions among adults and students in the school, and intentional strategies that build a culture of respect and inclusion.

- **Supervision** refers to the degree to which adults are paying attention to the school's climate, anticipating and preempting those situations where the climate might be compromised. While adults cannot be everywhere at all times, effective and consistent supervision reassures students that the institution is monitoring what goes on, is aware of areas where kids might feel vulnerable, and responds effectively. Consistent supervision reassures all members of the school community that they can expect to be safe at school. Rather than punitive, supervision is ultimately preventative, a key strategy for reinforcing a school's positive climate.

- **Behavior** refers to the specific actions of individuals—what they say and do. Establishing a positive school climate and supervising it accordingly presumes students know how they are supposed to behave. Schools cannot assume every child knows what appropriate behavior looks like. By clearly conveying what behaviors are and are not acceptable, the issues related to bathrooms move from assumptions and misperceptions about an individual's intent and instead focus on their observable actions.

"I've memorized both the locations of and fastest routes to the few gender-neutral bathrooms on campus because it's the only way I can actually use the restroom."

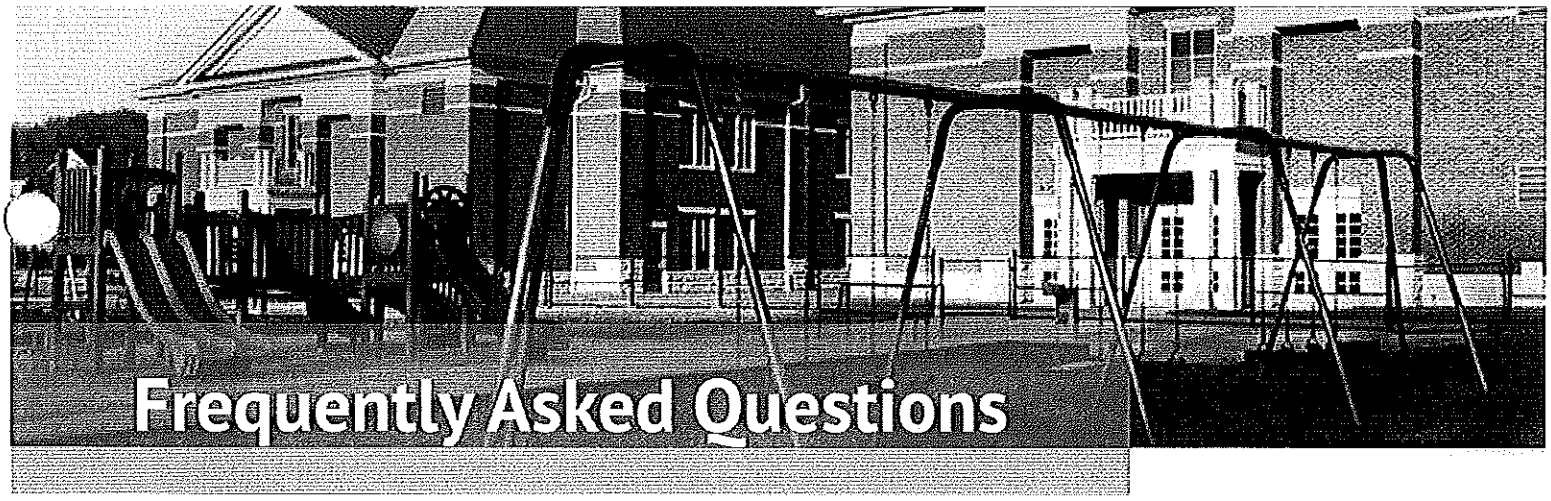
Options for Everyone

Every child needs to be safe in the bathroom. Too many students avoid using bathrooms out of fear that another student will mistreat or hurt them, physically, or emotionally. The consequences can be severe, impacting a child's health, well-being and their ability to concentrate on learning. By creating a positive climate, supervising it appropriately, and making behavioral expectations clear, schools can reduce all students' fears about safety in these spaces.

For a variety of reasons however, there will remain a small percentage of students who would prefer a more private space than many school bathrooms allow. Whether for cultural or religious reasons, a particular health issue, concerns related to gender or simple modesty, schools should work actively to identify private options that are available to any student who requests access to them. Regardless of the student's underlying reason for using it, such options must be free of stigma; a student who uses a private space should not be ridiculed or singled out by staff or students. Providing private bathrooms should be one of many ways in which schools meet a diversity of student needs. At the same time, a private bathroom space must be **optional**; no child should be required to use such a space.

Gender Support Plans

A Gender Support Plan (GSP) is another essential ingredient in proactively preparing for bathroom-related questions. A GSP is created collaboratively between school leaders, transgender or other gender-expansive students, and their family (when appropriate) to address a variety of issues they may face at school, including bathroom use. GSPs allow the school to establish the necessary conditions for that student to have the most positive experience possible. GSPs also demonstrate the school's commitment to thoughtfully managing the process of addressing these student's needs. However, the development of a GSP should never be used as a way to delay a student's ability to live authentically at school. Rather, it should represent to the student the school's ongoing process for managing student needs and a commitment to their safety.



Frequently Asked Questions

In the scenarios below, you will notice that every situation applies to all students and their behaviors in bathrooms. Despite the concerns being raised, the gender identity and/or body of students are not the variables that need to be accounted for. Instead, focus must be on climate, supervision, and behavior. These, along with non-stigmatized bathroom options and established processes for working with transgender or non-binary students will allow schools to address the various questions and concerns that are raised by parents, staff members and students.

Why can't transgender students just use a private bathroom?

Transgender students already face a great many barriers to acceptance at school, and requiring them to use a bathroom that is designated especially for them is tremendously stigmatizing. A school's insistence that they be segregated from their peers also sends a message that the student's gender identity is not real or valid and represents an official refutation of the child's sense of self. This can be devastating to the child's sense of safety coming from the very adults charged with protecting them. If forced to use a private space, many transgender students will simply not use any bathroom at school, compromising their health and interfering with their ability to focus on learning as they monitor their water intake, avoid foods that will make them thirsty, and/or try to wait to until they get home to go to the bathroom. Make no mistake about it: not allowing a transgender student to use the restroom consistent with their gender identity causes harm—emotionally, physically, academically, and socially. It is not a matter of discomfort. Explicitly denying a transgender student's access to the bathroom corresponding to their gender identity endangers their health and well-being.

What if my child does not feel safe or comfortable being in the bathroom with a transgender student?

Lack of safety and lack of comfort are two different concerns and require different responses from schools.

Schools are legally required to provide a safe learning environment free from physical or verbal harassment. In order to meet this obligation, all schools likely have policies and practices in place to prevent behaviors such as verbal harassment, physical intimidation, inappropriate touching, or invasion of privacy of another student. Accordingly, schools must supervise these spaces appropriately and take action when students violate those policies. However, a student's mere presence does not violate such policies; their simply being in the bathroom does not make another student unsafe. Simply put, a school's responsibility to keep all students safe is not compromised by policies allowing transgender students to use bathrooms consistent with their gender identity or by the presence of transgender students in those bathrooms.

Comfort, on the other hand, is a separate issue. For any number of reasons, a student may not feel comfortable being in the bathroom with other students and require increased privacy. Remedies for these situations include providing more private options such as a staff bathroom, other single stall bathrooms or a bathroom in the nurse's office. Regardless of gender, any student should have access to these alternatives, but no students should be forced to use alternative facilities because some of their peers are uncomfortable with their mere existence. In our experience, when schools make these alternative options available, very few students choose to use them. Their availability is, however, an effective strategy to improve the school climate for those who choose to make use of them.

What if my child is worried about seeing the genitalia of another student or another student seeing their genitalia?

Most students are quite self-conscious about their peers seeing their bodies. With this in mind, it is imperative that schools be specific about which behaviors are and are not acceptable in the bathroom. These include respecting the privacy and honoring the personal space of other students using the facility. Expectations also include not leering at another student or making disparaging comments about another student's body. Students should not be seeing one another partially undressed in the restroom. If for some reason a student needs to disrobe, they should do so privately in a stall or in one of the private spaces described above. These expectations apply to all students.

Regardless of gender identity, it is inappropriate for any student to actively attempt to view another student's genitals. Such behaviors clearly create an unsafe school climate, and may well constitute sexual harassment. Schools have an obligation to respond to such occurrences and have procedures for doing so.

With regard to transgender students, several important ideas must be considered. Even more than their cisgender peers, the vast majority of transgender youth have no desire for anyone to see their bodies. They will typically go to significant lengths to ensure this does not occur. It is extremely unlikely that another student will see their body unless deliberately trying to do so. In fact, this is a very common fear for many transgender youth and their families, and something that schools should be prepared to address in the development of a student's GSP. It should also be noted that much of the fear about transgender students in bathrooms rests on the false notion that a transgender student wants access for an improper purpose, namely to leer at other students. Research has shown this is not an issue in schools with policies that ensure that transgender students can use the bathroom aligned with their gender.

Once again, any student who feels uncomfortable in the student bathroom for any reason should be given the option to use a more private facility as described above.

Q: When a business/school/institution decidedly and clearly shows that it does not recognize and support all gender identities, what effect does this have on you?

"My guard is up, I find myself mentally apologizing for being present (as it is clear I am not welcome there), and I try to avoid that business/school/institution as much as possible for fear of physical harm and verbal abuse.

What is there to prevent a student from pretending to be transgender in order to go into another bathroom (i.e. a boy pretends to be a girl so he can enter the girls' bathroom)?

Kids simply do not announce that they are transgender on a lark. In the experience of the many states and school districts across the country that have had policies in place for years providing transgender students access to the facilities consistent with their gender identity, students have not asserted false gender identities to gain access to facilities. In a recent study of seventeen school districts with such inclusive policies, which together serve over 600,000 students, not a single one reported such scenarios.

Should a student enter bathroom facilities without permission (e.g., on a dare from a classmate), they are violating the school's rules that likely existed long before schools gave transgender students access to the facilities that matched their gender identity. Whether students do so or not will be a matter of the climate and level of supervision at the school. It is entirely unrelated to whether the school has a policy of giving transgender students access to bathrooms based on gender identity. Furthermore, the systematic establishment of Gender Support Plans for transgender students will serve as an effective checkpoint for distinguishing between an authentic versus disingenuous request by a student to use a different restroom.

What should a staff member do if a student requests to use the bathroom consistent with their gender identity and the teacher is unaware that the student identifies as transgender or non-binary?

A staff member caught off guard by a student's use - or request to use - a restroom they've previously not used, might be unsure of how to respond. In such instances, it is critical that the adult proceed respectfully in addressing the situation. This could include speaking privately with the student and inquiring about the request: "I just want to check in and see if this is something new for you. Is using that restroom related to your gender identity? Are there other ways we might support you around your gender at school?" This would be an ideal time to raise the need for developing a Gender Support Plan with the student in order to identify bathroom as well as other gender-related needs. If for any reason the staff member does not feel comfortable in such an instance, they should be instructed to tell the student that they want to insure the child will be supported and request that they be able to share the student's request with a school administrator or counselor.

Are there specific legal requirements associated with allowing or not allowing transgender students to use bathrooms consistent with their gender identity?

On May 13, 2016, the Federal Departments of Education and Justice released a "Dear Colleague Letter" to the nearly 100,000 public schools in the United States. According to the letter, as well as the accompanying guide highlighting policies and emerging practices across the country:

> *A school may provide separate facilities on the basis of sex, but must allow transgender students access to such facilities consistent with their gender identity. A school may not require transgender students to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so. A school may, however, make individual-user options available to all students who voluntarily seek additional privacy.*

The letter further recognizes that the recommendations are consistent with Title IX regulations, the federal law prohibiting discrimination based on sex in any educational program or activity receiving federal funding:

> *A school's Title IX obligation to ensure nondiscrimination on the basis of sex requires schools to provide transgender students equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns. As is consistently recognized in civil rights cases, the desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantages a particular class of students.*

Furthermore, 14 states and the District of Columbia have explicit protections against discrimination on the basis of a student's gender identity. Even in states without such protections, discrimination on the basis of sex is prohibited and could encompass a student's transgender status. Many school districts have further articulated a transgender student's right to access bathrooms consistent with their gender identity, including in locations without statewide protections. Finally, it is also important to point out that as of this writing, with few exceptions, no laws prevent schools from allowing transgender students bathroom access consistent with their gender identity.

"As a transguy, simple things like using the bathroom become stressful. When schools recognize and support all gender identities, I can finally be stress-free knowing that, though I'm in public, I'm in a safe and supportive environment."

Do I have to worry about parents of other students filing a suit against my school or me because transgender students are allowed to use bathrooms consistent with their gender identity?

There is nothing that prevents a parent of any student from filing a lawsuit against a school district or individual school employee. However, it should be noted that the scenario that is most likely to unfold is a suit being filed on the basis of a school or district failing to protect a transgender students' safety and access, not the other way around. In terms of protecting students, the data is clear. The only students at risk in relation to bathroom access are transgender students. This was affirmed by the US Department of Education, which found a school district in Illinois in violation of Title IX for denying a transgender high school student access to the sex-segregated facilities. This is yet another reason why it is incumbent upon schools to create a safe school climate, supervise it appropriately, and clearly articulate clear expectations about acceptable behaviors.

What if the bathroom that corresponds to the transgender student's gender identity would not be safe for the transgender student?

If school administrators believe they cannot provide a student with safe use of school facilities, including student bathrooms, then administrators should discuss this with the student during the creation of the GSP. The objective is not to convince the transgender student to rescind the request, but to acknowledge that the school climate and associated supervision are not well enough established to support the student's safety. Potential options for bathroom access should be discussed, such as including greater freedom to use the bathroom during class time, increased teacher presence around bathrooms during passing periods, or a "buddy system." But again, a transgender student should never be forced or pressured into using alternate facilities so that school or district personnel feel more comfortable. Furthermore, the issues related to the transgender student's safety are likely 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 climate so that all students can feel safe in the bathroom.

What about students with a non-binary gender identity? Are they allowed to simply switch back and forth whenever they choose?

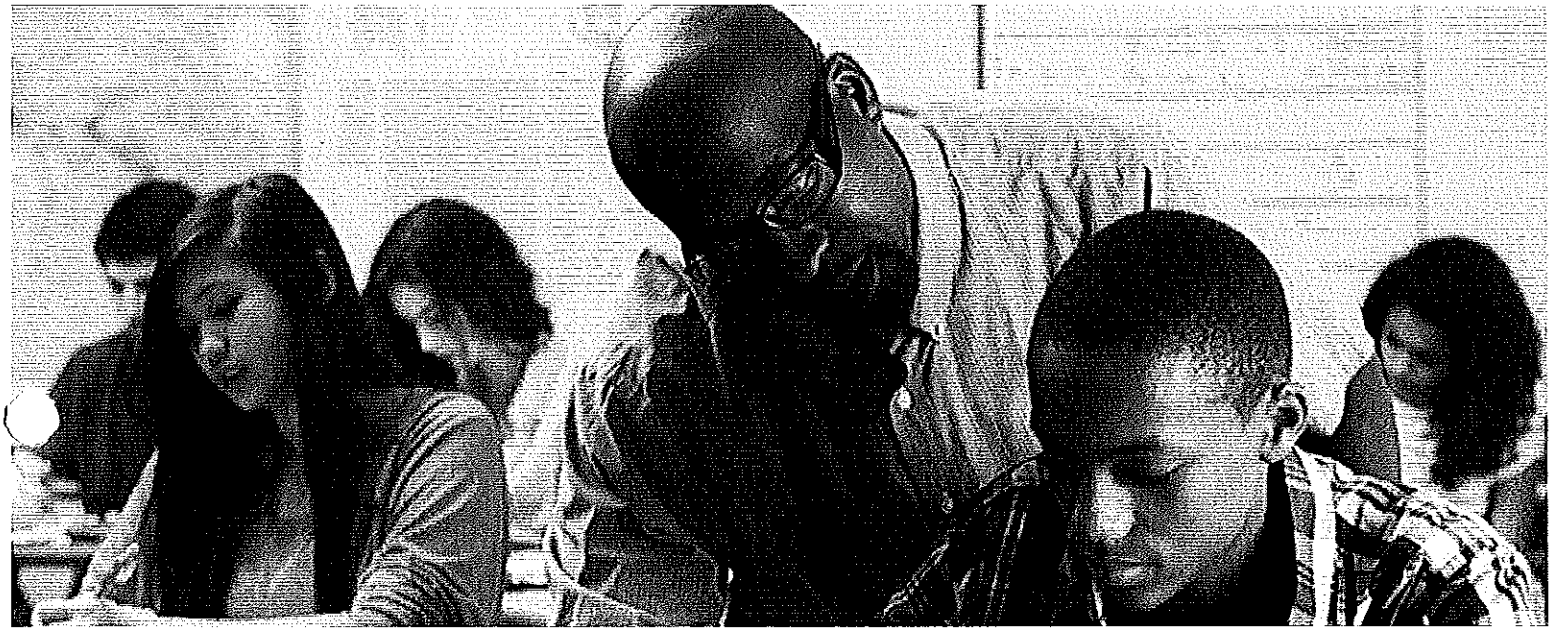
Students who are non-binary do not identify as either a boy or a girl. School personnel may be confused by the ever-growing variety of labels with which students identify their gender, but addressing bathroom use does not have to be complicated. Schools can accommodate non-binary students by putting a Gender Support Plan in place identifying which bathroom the student will use. What is essential in situations involving non-binary students is working on a case-by-case basis around the student's needs. Our experience has been that doing so within a school climate that is positive and well supervised, with clear expectations for how students are supposed to behave and options for students who request them, non-binary students using restrooms simply does not result in difficulties for anyone on campus.

What can I say to parents or students who are genuinely uncertain about the idea of transgender students using bathrooms?

It can be easy to assume that a parent or student who voices uncertainty about transgender students using bathrooms consistent with their gender identity is insensitive, uncaring or even bigoted. In our experience, that is rarely the case. Most people have never known, or at least been aware of knowing, a transgender person. This lack of familiarity, as well as the public discourse which tends to characterize transgender people as scary or threatening, can create uncertainty, discomfort and sometimes fear. Unfounded as it may be, it is nonetheless often a sincerely held belief.

Thus, in encountering the concerns of others, begin by assuming that they are being raised with positive intent. Recognize and affirm that they may not be familiar with any transgender or gender-expansive children or youth. Reassure them that this is new for many people, perhaps including yourself. Being uncomfortable with something new is natural. Reinforce that your number one priority is making sure every child is safe at school. Every student deserves to use bathrooms and other school facilities and offerings without worrying about being harmed or mistreated. Emphasize the seriousness with which you take any person's behaviors that make another student unsafe.

Ask them to detail the specific concerns that they have. More than likely, they will be one or more of the ideas described above. Try to help them consider for a moment what they would want the school to do if their own child was negatively perceived to be different from the other students, be it for their religion, ability, size or another frequently misunderstood aspect of identity. Ask them how it might feel for such a student to be the subject of others' rejection. If, after all of that, the parent is still concerned about their child using a bathroom that transgender students are also using, gently remind them that you are more than happy to provide their child with a private option. If any student is not comfortable, for any reason, then they can have access to a space where they have the degree of privacy they need, where they will not be worried about the presence of another student.



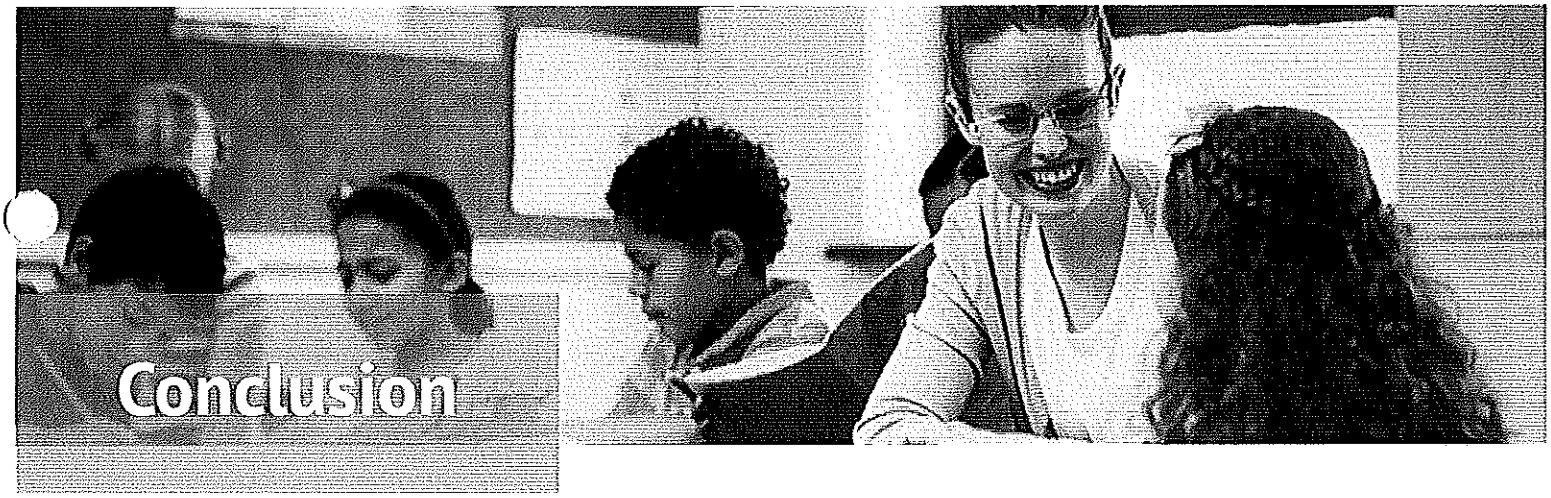
Should all of our bathrooms be gender neutral?

Given the importance of having options for all students, some schools consider moving towards a campus in which all bathrooms are "gender neutral", or "all gender". If these are single user bathrooms, there seems little reason to keep these designated by gender. Like those in our homes, such bathrooms are available to anyone. Gender neutral can also refer to multi-stall bathrooms that can be used by anyone regardless of gender. These are bathrooms where it is likely that one would encounter people of any gender at the sink or coming in and out of stalls. Having some or all multi-stall bathrooms declared "gender neutral" dispenses with labeling them as "male" or "female," instead opting for signs that indicate anyone is able to use that facility.

If your school decides to create single user or all-gender bathroom facilities, we recommend doing so with an accompanying education plan for informing your community about the purposes for taking this step, and to do so respectfully and with sensitivity to the many viewpoints about this topic. Schools that consider moving towards all gender bathrooms should also be mindful of the need for options for any student who might require or prefer a more private space.

Why are we doing this for just one or two students?

The simple answer is that you are not doing this just for a small group of students. Creating spaces that affirm individuals' gender benefits all students. By emphasizing positive climate, effective supervision and clear behavioral expectations, along with providing non-stigmatized options for any student who needs them, conditions are established that meet the needs of every child.



Conclusion

Discussions about a community's questions regarding bathrooms can quickly break down, in large measure because gender is something most of us take for granted – we simply haven't needed to give it a lot of thought.

It is incumbent upon educators charged with addressing these concerns to engage their community in a healthy and well-informed conversation. A major purpose of our schools is providing education and modeling for how to resolve issues in a diverse society.

Many of the concerns raised about transgender students and bathrooms are based on a lack of familiarity and knowledge about gender in general, and transgender identities specifically. They are based in the fear of the unknown or unfamiliar. As they have throughout the history of our democratic society, many of the inaccurate assumptions being made about gender can be addressed through reasoned conversation and education, the very mission of our schools.

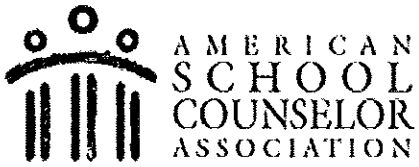
Q: When a business/school/institution decidedly and clearly shows that it recognizes and supports all gender identities, what effect does this have on you?

"This makes me feel welcomed and understood. As a teenager, I want to feel the same as all of my peers. When a place validates my identity it gives me a sense that being transgender doesn't have to be a big thing. It makes me feel reassured, safer, and more normal."

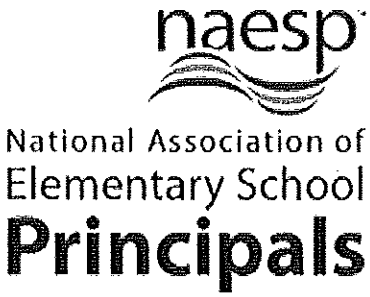
About Gender Spectrum

Gender Spectrum works nationwide to educate individuals, families, communities, and institutions seeking to strengthen or create gender inclusive environments for all youth. We provide an array of services designed to help families, schools, professionals and organizations understand and address the concepts of gender identity and expression.

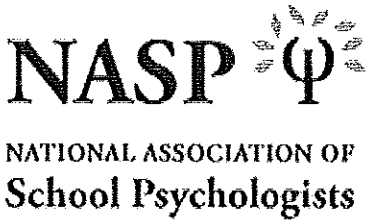
Endorsed and Supported By:



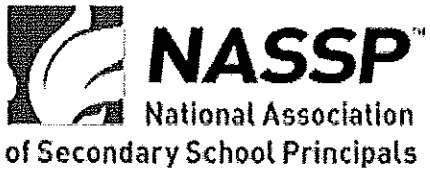
The American School Counselor Association (ASCA) supports school counselors' efforts to help students focus on academic, career and social/emotional development so they achieve success in school and are prepared to lead fulfilling lives as responsible members of society.



Established in 1921, the National Association of Elementary School Principals (NAESP) leads in the advocacy and support for elementary and middle school principals in the United States and internationally. NAESP supports principals as the primary catalysts for creating lasting foundations for learning through policy development, advocacy, professional development programs, and resources for effective instructional leadership.



The National Association of School Psychologists (NASP) is a professional association that represents more than 25,000 school psychologists, graduate students, and related professionals throughout the United States and 25 other countries. The world's largest organization of school psychologists, NASP works to advance effective practices to improve students' learning, behavior, and mental health.



National Association of Secondary School Principals (NASSP) is the leading organization of and voice for middle level and high school principals, assistant principals, and school leaders from across the United States. Marking its longstanding commitment to student leadership development, NASSP is home to the National Honor Society and the National Association of Student Councils.

Introduction

Concerns about transgender and other gender-expansive students using bathrooms consistent with their gender identity (rather than the sex assigned when they are born) raise many questions for educators, parents, and students alike. Safety, propriety, privacy, and legality are some of the most common topics being brought up by many people in the school community around this subject.

Schools will be best positioned to address these various issues when they are proactive. Anticipating and listening to these concerns and providing concrete responses to them will allow school officials to successfully navigate the vast majority of situations related to this topic. This is a highly emotional subject for many; assuring those in the community that you and the school have seriously considered the issues they're raising is essential. As institutions charged with educating the communities they serve, schools are well positioned to build the awareness of their various stakeholders about a frequently misunderstood subject that is new for many people.

Below you will find many of the frequently asked questions about transgender students using bathrooms consistent with their gender identity. Before exploring these, we want to help you frame the discussion so you can enter the conversation with confidence and certainty.

CSB: Climate, Supervision and Behavior

At the core of all of the scenarios below, one or more of three issues can be identified: climate, supervision, and behavior. Being mindful of these three aspects of a school's functioning is critical to responding to bathroom questions and concerns.

- **Climate** refers to the "feel" a school has when you walk around the building. A positive school climate is established when a school sets concrete expectations for student conduct. It conveys to the community (staff, students, and parents) what behaviors are and are not acceptable at the school. Strong climate is a product of clear policies, the quality of interactions among adults and students in the school, and intentional strategies that build a culture of respect and inclusion.

- **Supervision** refers to the degree to which adults are paying attention to the school's climate, anticipating and preempting those situations where the climate might be compromised. While adults cannot be everywhere at all times, effective and consistent supervision reassures students that the institution is monitoring what goes on, is aware of areas where kids might feel vulnerable, and responds effectively. Consistent supervision reassures all members of the school community that they can expect to be safe at school. Rather than punitive, supervision is ultimately preventative, a key strategy for reinforcing a school's positive climate.

- **Behavior** refers to the specific actions of individuals—what they say and do. Establishing a positive school climate and supervising it accordingly presumes students know how they are supposed to behave. Schools cannot assume every child knows what appropriate behavior looks like. By clearly conveying what behaviors are and are not acceptable, the issues related to bathrooms move from assumptions and misperceptions about an individual's intent and instead focus on their observable actions.

"I've memorized both the locations of and fastest routes to the few gender-neutral bathrooms on campus because it's the only way I can actually use the restroom."

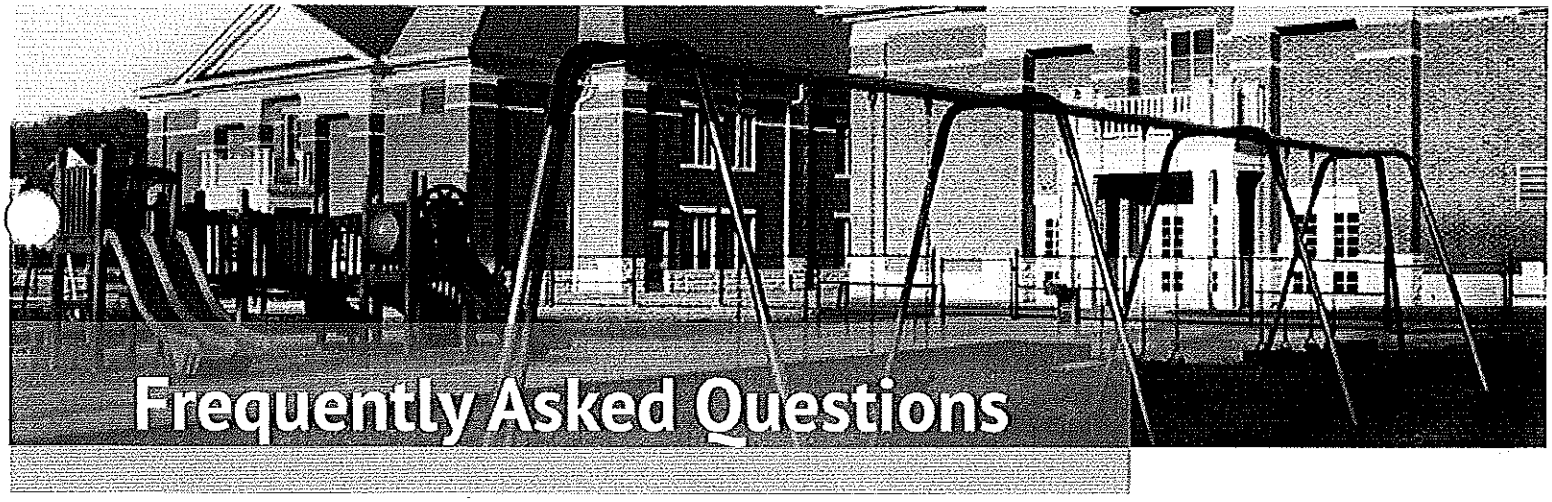
Options for Everyone

Every child needs to be safe in the bathroom. Too many students avoid using bathrooms out of fear that another student will mistreat or hurt them, physically, or emotionally. The consequences can be severe, impacting a child's health, well-being and their ability to concentrate on learning. By creating a positive climate, supervising it appropriately, and making behavioral expectations clear, schools can reduce all students' fears about safety in these spaces.

For a variety of reasons however, there will remain a small percentage of students who would prefer a more private space than many school bathrooms allow. Whether for cultural or religious reasons, a particular health issue, concerns related to gender or simple modesty, schools should work actively to identify private options that are available to any student who requests access to them. Regardless of the student's underlying reason for using it, such options must be free of stigma; a student who uses a private space should not be ridiculed or singled out by staff or students. Providing private bathrooms should be one of many ways in which schools meet a diversity of student needs. At the same time, a private bathroom space must be **optional**; no child should be required to use such a space.

Gender Support Plans

A Gender Support Plan (GSP) is another essential ingredient in proactively preparing for bathroom-related questions. A GSP is created collaboratively between school leaders, transgender or other gender-expansive students, and their family (when appropriate) to address a variety of issues they may face at school, including bathroom use. GSPs allow the school to establish the necessary conditions for that student to have the most positive experience possible. GSPs also demonstrate the school's commitment to thoughtfully managing the process of addressing these student's needs. However, the development of a GSP should never be used as a way to delay a student's ability to live authentically at school. Rather, it should represent to the student the school's ongoing process for managing student needs and a commitment to their safety.



Frequently Asked Questions

In the scenarios below, you will notice that every situation applies to all students and their behaviors in bathrooms. Despite the concerns being raised, the gender identity and/or body of students are not the variables that need to be accounted for. Instead, focus must be on climate, supervision, and behavior. These, along with non-stigmatized bathroom options and established processes for working with transgender or non-binary students will allow schools to address the various questions and concerns that are raised by parents, staff members and students.

Why can't transgender students just use a private bathroom?

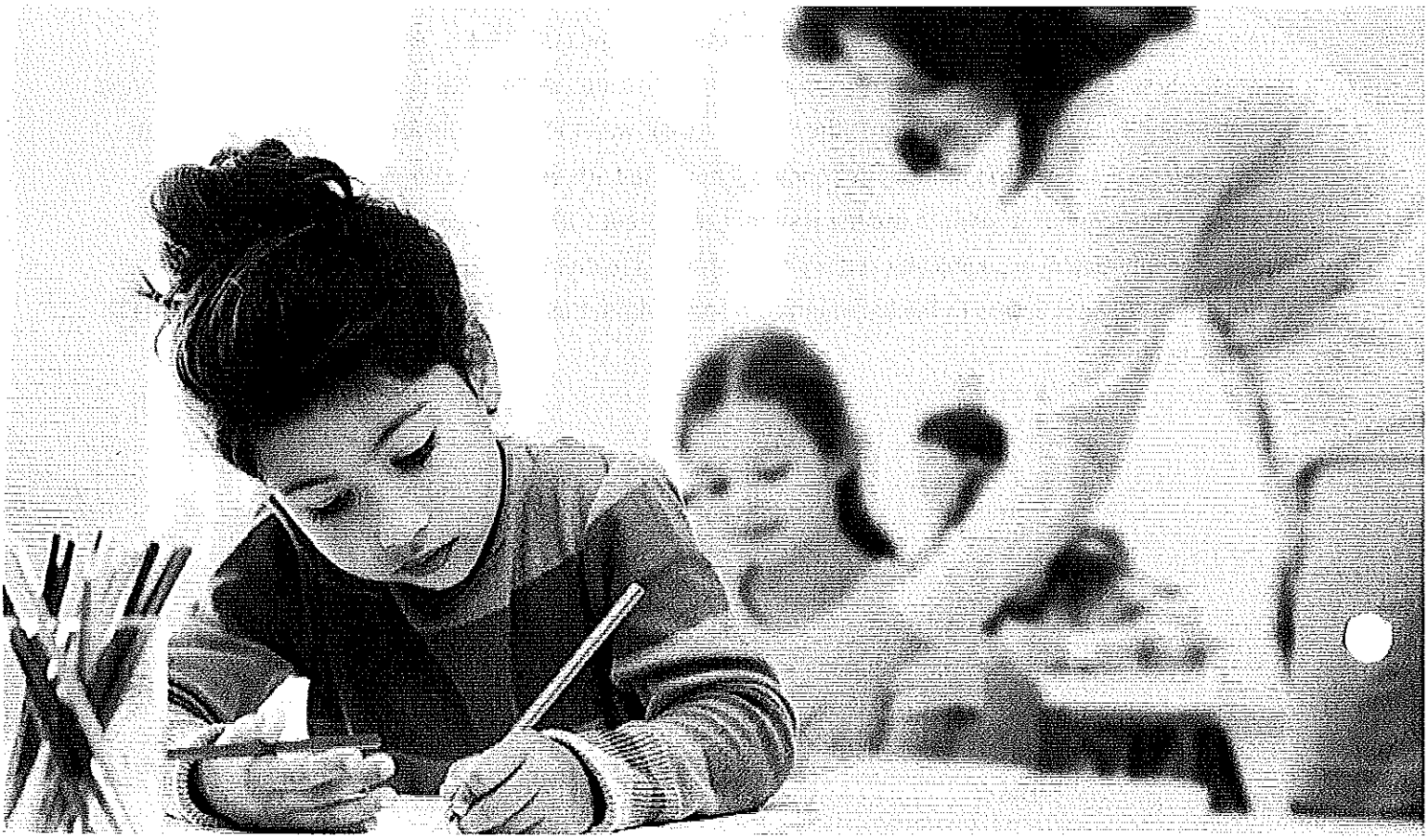
Transgender students already face a great many barriers to acceptance at school, and requiring them to use a bathroom that is designated especially for them is tremendously stigmatizing. A school's insistence that they be segregated from their peers also sends a message that the student's gender identity is not real or valid and represents an official refutation of the child's sense of self. This can be devastating to the child's sense of safety coming from the very adults charged with protecting them. If forced to use a private space, many transgender students will simply not use any bathroom at school, compromising their health and interfering with their ability to focus on learning as they monitor their water intake, avoid foods that will make them thirsty, and/or try to wait to until they get home to go to the bathroom. Make no mistake about it: not allowing a transgender student to use the restroom consistent with their gender identity causes harm—emotionally, physically, academically, and socially. It is not a matter of discomfort. Explicitly denying a transgender student's access to the bathroom corresponding to their gender identity endangers their health and well-being.

What if my child does not feel safe or comfortable being in the bathroom with a transgender student?

Lack of safety and lack of comfort are two different concerns and require different responses from schools.

Schools are legally required to provide a safe learning environment free from physical or verbal harassment. In order to meet this obligation, all schools likely have policies and practices in place to prevent behaviors such as verbal harassment, physical intimidation, inappropriate touching, or invasion of privacy of another student. Accordingly, schools must supervise these spaces appropriately and take action when students violate those policies. However, a student's mere presence does not violate such policies; their simply being in the bathroom does not make another student unsafe. Simply put, a school's responsibility to keep all students safe is not compromised by policies allowing transgender students to use bathrooms consistent with their gender identity or by the presence of transgender students in those bathrooms.

Comfort, on the other hand, is a separate issue. For any number of reasons, a student may not feel comfortable being in the bathroom with other students and require increased privacy. Remedies for these situations include providing more private options such as a staff bathroom, other single stall bathrooms or a bathroom in the nurse's office. Regardless of gender, any student should have access to these alternatives, but no students should be forced to use alternative facilities because some of their peers are uncomfortable with their mere existence. In our experience, when schools make these alternative options available, very few students choose to use them. Their availability is, however, an effective strategy to improve the school climate for those who choose to make use of them.



What if my child is worried about seeing the genitalia of another student or another student seeing their genitalia?

Most students are quite self-conscious about their peers seeing their bodies. With this in mind, it is imperative that schools be specific about which behaviors are and are not acceptable in the bathroom. These include respecting the privacy and honoring the personal space of other students using the facility. Expectations also include not leering at another student or making disparaging comments about another student's body. Students should not be seeing one another partially undressed in the restroom. If for some reason a student needs to disrobe, they should do so privately in a stall or in one of the private spaces described above. These expectations apply to all students.

Regardless of gender identity, it is inappropriate for any student to actively attempt to view another student's genitals. Such behaviors clearly create an unsafe school climate, and may well constitute sexual harassment. Schools have an obligation to respond to such occurrences and have procedures for doing so.

With regard to transgender students, several important ideas must be considered. Even more than their cisgender peers, the vast majority of transgender youth have no desire for anyone to see their bodies. They will typically go to significant lengths to ensure this does not occur. It is extremely unlikely that another student will see their body unless deliberately trying to do so. In fact, this is a very common fear for many transgender youth and their families, and something that schools should be prepared to address in the development of a student's GSP. It should also be noted that much of the fear about transgender students in bathrooms rests on the false notion that a transgender student wants access for an improper purpose, namely to leer at other students. Research has shown this is not an issue in schools with policies that ensure that transgender students can use the bathroom aligned with their gender.

Once again, any student who feels uncomfortable in the student bathroom for any reason should be given the option to use a more private facility as described above.

Q: When a business/school/institution decidedly and clearly shows that it does not recognize and support all gender identities, what effect does this have on you?

"My guard is up, I find myself mentally apologizing for being present (as it is clear I am not welcome there), and I try to avoid that business/school/institution as much as possible for fear of physical harm and verbal abuse.

What is there to prevent a student from pretending to be transgender in order to go into another bathroom (i.e. a boy pretends to be a girl so he can enter the girls' bathroom)?

Kids simply do not announce that they are transgender on a lark. In the experience of the many states and school districts across the country that have had policies in place for years providing transgender students access to the facilities consistent with their gender identity, students have not asserted false gender identities to gain access to facilities. In a recent study of seventeen school districts with such inclusive policies, which together serve over 600,000 students, not a single one reported such scenarios.

Should a student enter bathroom facilities without permission (e.g., on a dare from a classmate), they are violating the school's rules that likely existed long before schools gave transgender students access to the facilities that matched their gender identity. Whether students do so or not will be a matter of the climate and level of supervision at the school. It is entirely unrelated to whether the school has a policy of giving transgender students access to bathrooms based on gender identity. Furthermore, the systematic establishment of Gender Support Plans for transgender students will serve as an effective checkpoint for distinguishing between an authentic versus disingenuous request by a student to use a different restroom.

What should a staff member do if a student requests to use the bathroom consistent with their gender identity and the teacher is unaware that the student identifies as transgender or non-binary?

A staff member caught off guard by a student's use - or request to use - a restroom they've previously not used, might be unsure of how to respond. In such instances, it is critical that the adult proceed respectfully in addressing the situation. This could include speaking privately with the student and inquiring about the request: "I just want to check in and see if this is something new for you. Is using that restroom related to your gender identity? Are there other ways we might support you around your gender at school?" This would be an ideal time to raise the need for developing a Gender Support Plan with the student in order to identify bathroom as well as other gender-related needs. If for any reason the staff member does not feel comfortable in such an instance, they should be instructed to tell the student that they want to insure the child will be supported and request that they be able to share the student's request with a school administrator or counselor.

Are there specific legal requirements associated with allowing or not allowing transgender students to use bathrooms consistent with their gender identity?

On May 13, 2016, the Federal Departments of Education and Justice released a "Dear Colleague Letter" to the nearly 100,000 public schools in the United States. According to the letter, as well as the accompanying guide highlighting policies and emerging practices across the country:

> *A school may provide separate facilities on the basis of sex, but must allow transgender students access to such facilities consistent with their gender identity. A school may not require transgender students to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so. A school may, however, make individual-user options available to all students who voluntarily seek additional privacy.*

The letter further recognizes that the recommendations are consistent with Title IX regulations, the federal law prohibiting discrimination based on sex in any educational program or activity receiving federal funding:

> *A school's Title IX obligation to ensure nondiscrimination on the basis of sex requires schools to provide transgender students equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns. As is consistently recognized in civil rights cases, the desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantages a particular class of students.*

Furthermore, 14 states and the District of Columbia have explicit protections against discrimination on the basis of a student's gender identity. Even in states without such protections, discrimination on the basis of sex is prohibited and could encompass a student's transgender status. Many school districts have further articulated a transgender student's right to access bathrooms consistent with their gender identity, including in locations without statewide protections. Finally, it is also important to point out that as of this writing, with few exceptions, no laws prevent schools from allowing transgender students bathroom access consistent with their gender identity.

"As a transguy, simple things like using the bathroom become stressful. When schools recognize and support all gender identities, I can finally be stress-free knowing that, though I'm in public, I'm in a safe and supportive environment."

Do I have to worry about parents of other students filing a suit against my school or me because transgender students are allowed to use bathrooms consistent with their gender identity?

There is nothing that prevents a parent of any student from filing a lawsuit against a school district or individual school employee. However, it should be noted that the scenario that is most likely to unfold is a suit being filed on the basis of a school or district failing to protect a transgender students' safety and access, not the other way around. In terms of protecting students, the data is clear. The only students at risk in relation to bathroom access are transgender students. This was affirmed by the US Department of Education, which found a school district in Illinois in violation of Title IX for denying a transgender high school student access to the sex-segregated facilities. This is yet another reason why it is incumbent upon schools to create a safe school climate, supervise it appropriately, and clearly articulate clear expectations about acceptable behaviors.

What if the bathroom that corresponds to the transgender student's gender identity would not be safe for the transgender student?

If school administrators believe they cannot provide a student with safe use of school facilities, including student bathrooms, then administrators should discuss this with the student during the creation of the GSP. The objective is not to convince the transgender student to rescind the request, but to acknowledge that the school climate and associated supervision are not well enough established to support the student's safety. Potential options for bathroom access should be discussed, such as including greater freedom to use the bathroom during class time, increased teacher presence around bathrooms during passing periods, or a "buddy system." But again, a transgender student should never be forced or pressured into using alternate facilities so that school or district personnel feel more comfortable. Furthermore, the issues related to the transgender student's safety are likely 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 climate so that all students can feel safe in the bathroom.

What about students with a non-binary gender identity? Are they allowed to simply switch back and forth whenever they choose?

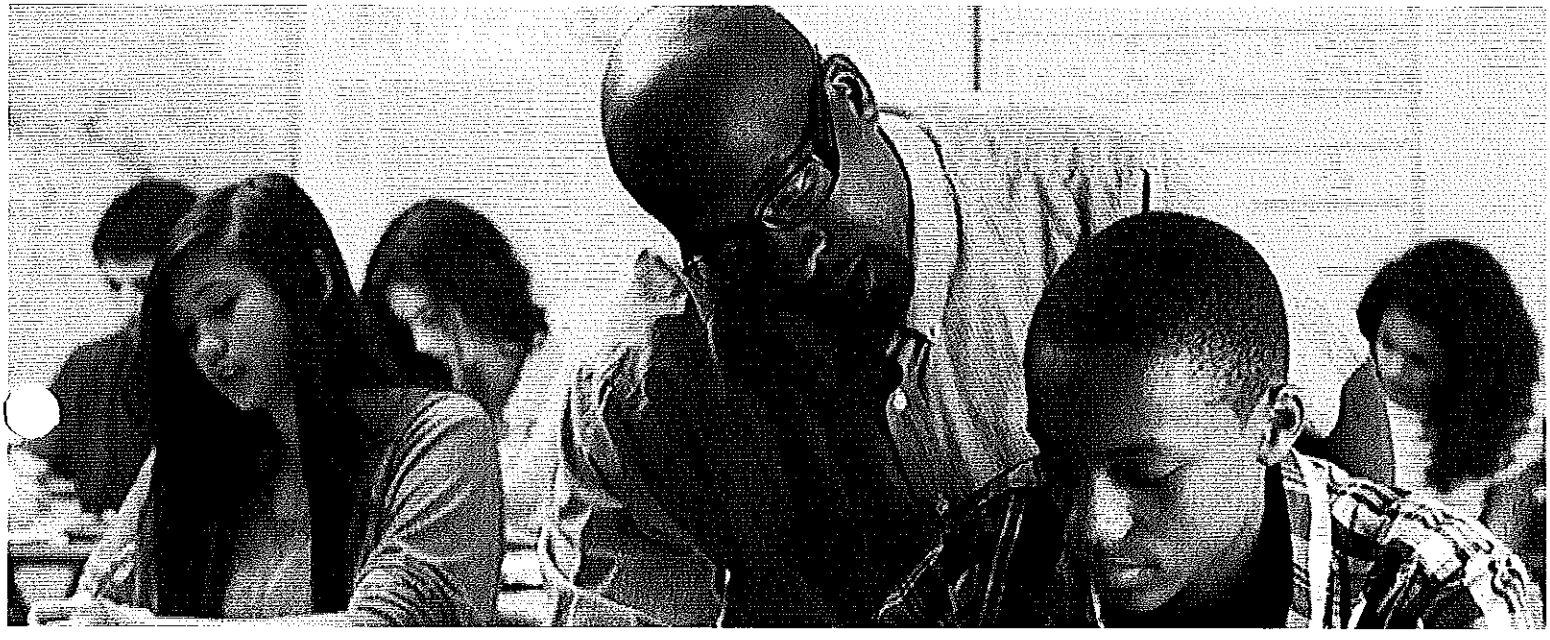
Students who are non-binary do not identify as either a boy or a girl. School personnel may be confused by the ever-growing variety of labels with which students identify their gender, but addressing bathroom use does not have to be complicated. Schools can accommodate non-binary students by putting a Gender Support Plan in place identifying which bathroom the student will use. What is essential in situations involving non-binary students is working on a case-by-case basis around the student's needs. Our experience has been that doing so within a school climate that is positive and well supervised, with clear expectations for how students are supposed to behave and options for students who request them, non-binary students using restrooms simply does not result in difficulties for anyone on campus.

What can I say to parents or students who are genuinely uncertain about the idea of transgender students using bathrooms?

It can be easy to assume that a parent or student who voices uncertainty about transgender students using bathrooms consistent with their gender identity is insensitive, uncaring or even bigoted. In our experience, that is rarely the case. Most people have never known, or at least been aware of knowing, a transgender person. This lack of familiarity, as well as the public discourse which tends to characterize transgender people as scary or threatening, can create uncertainty, discomfort and sometimes fear. Unfounded as it may be, it is nonetheless often a sincerely held belief.

Thus, in encountering the concerns of others, begin by assuming that they are being raised with positive intent. Recognize and affirm that they may not be familiar with any transgender or gender-expansive children or youth. Reassure them that this is new for many people, perhaps including yourself. Being uncomfortable with something new is natural. Reinforce that your number one priority is making sure every child is safe at school. Every student deserves to use bathrooms and other school facilities and offerings without worrying about being harmed or mistreated. Emphasize the seriousness with which you take any person's behaviors that make another student unsafe.

Ask them to detail the specific concerns that they have. More than likely, they will be one or more of the ideas described above. Try to help them consider for a moment what they would want the school to do if their own child was negatively perceived to be different from the other students, be it for their religion, ability, size or another frequently misunderstood aspect of identity. Ask them how it might feel for such a student to be the subject of others' rejection. If, after all of that, the parent is still concerned about their child using a bathroom that transgender students are also using, gently remind them that you are more than happy to provide their child with a private option. If any student is not comfortable, for any reason, then they can have access to a space where they have the degree of privacy they need, where they will not be worried about the presence of another student.



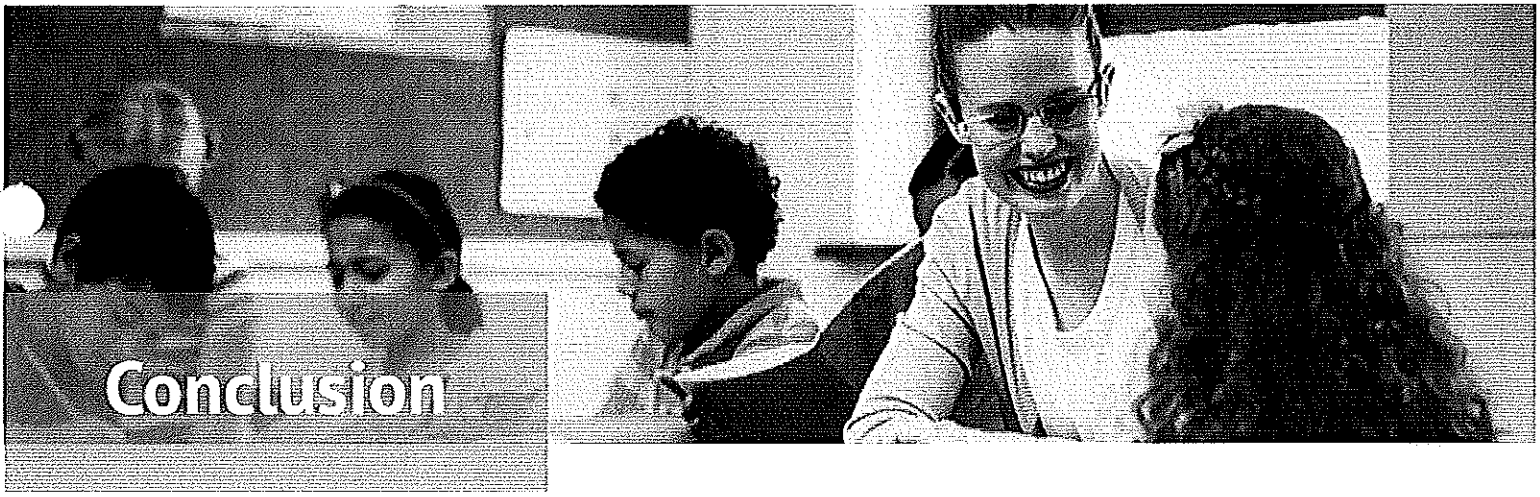
Should all of our bathrooms be gender neutral?

Given the importance of having options for all students, some schools consider moving towards a campus in which all bathrooms are "gender neutral", or "all gender". If these are single user bathrooms, there seems little reason to keep these designated by gender. Like those in our homes, such bathrooms are available to anyone. Gender neutral can also refer to multi-stall bathrooms that can be used by anyone regardless of gender. These are bathrooms where it is likely that one would encounter people of any gender at the sink or coming in and out of stalls. Having some or all multi-stall bathrooms declared "gender neutral" dispenses with labeling them as "male" or "female," instead opting for signs that indicate anyone is able to use that facility.

If your school decides to create single user or all-gender bathroom facilities, we recommend doing so with an accompanying education plan for informing your community about the purposes for taking this step, and to do so respectfully and with sensitivity to the many viewpoints about this topic. Schools that consider moving towards all gender bathrooms should also be mindful of the need for options for any student who might require or prefer a more private space.

Why are we doing this for just one or two students?

The simple answer is that you are not doing this just for a small group of students. Creating spaces that affirm individuals' gender benefits all students. By emphasizing positive climate, effective supervision and clear behavioral expectations, along with providing non-stigmatized options for any student who needs them, conditions are established that meet the needs of every child.



Conclusion

Discussions about a community's questions regarding bathrooms can quickly break down, in large measure because gender is something most of us take for granted – we simply haven't needed to give it a lot of thought.

It is incumbent upon educators charged with addressing these concerns to engage their community in a healthy and well-informed conversation. A major purpose of our schools is providing education and modeling for how to resolve issues in a diverse society.

Many of the concerns raised about transgender students and bathrooms are based on a lack of familiarity and knowledge about gender in general, and transgender identities specifically. They are based in the fear of the unknown or unfamiliar. As they have throughout the history of our democratic society, many of the inaccurate assumptions being made about gender can be addressed through reasoned conversation and education, the very mission of our schools.

Q: When a business/school/institution decidedly and clearly shows that it recognizes and supports all gender identities, what effect does this have on you?

"This makes me feel welcomed and understood. As a teenager, I want to feel the same as all of my peers. When a place validates my identity it gives me a sense that being transgender doesn't have to be a big thing. It makes me feel reassured, safer, and more normal."

BASIC RIGHTS OREGON

June 2, 2016

Superintendent Carole Smith
Portland Public Schools
501 N. Dixon Street
Portland, OR 97227

Dear Superintendent Smith,

On behalf of the tens of thousands of Oregonians in every corner of the state, Basic Rights Oregon is pleased to support the proposal by Lincoln High School students, parents and staff asking the district to install multi-stall gender neutral bathrooms on campus.

Gender inclusive facilities ensure students of all genders have access to safe and affirming school environment. The Portland Public School District is a leader in Oregon and nationally in recognizing and supporting their students' diverse gender identities. Creating a multi-stall gender inclusive restroom is another important step—it sends a strong message that all students are welcome at Lincoln High School, especially those who often find difficulty navigating gender-specific restrooms.

We know our transgender youth are particularly vulnerable and misunderstood. Many experience anxiety from trying to find a comfortable place to use the restroom, where transgender and gender non-conforming students often experience harassment and bullying. Suicide attempt rates are more than 40 percent among transgender and gender non-conforming people, rates that are further escalated by those who experience bullying and harassment.

The addition of a multi-stall gender inclusive restroom would echo the sentiments in the guidelines from the Oregon Department of Education and U.S. Department of Education: that transgender and gender non-conforming students, just like all students, should have access to safe, welcoming school environments and school administrators should work with students to make that possible. This restroom would provide another option for any student, not just the transgender and gender non-conforming students, who seek a safe space to use the restroom. At a time when there is a national debate on the full inclusion of transgender students in schools, the Portland Public School District can strengthen its support of all its students by supporting this student backed effort. Lincoln High School can serve as a model for how students, parents and administrators can work together to meet the needs of their students.

Basic Rights Oregon strongly encourages the Portland Public School District to support this effort to make schools more welcoming for all their students.

It will once again demonstrate Portland Public School's leadership in supporting LGBTQ equality.

Sincerely,

Nancy Haque and Amy Herzfeld
Co-Executive Directors

Claire Anderson
1743 SW Madison St.
Portland, OR 07205
541.740.5387

April 28, 2016

Carol Smith and Jollee Patterson,

I am writing to you in support of the students at Lincoln High School and their request for multi-stall, gender diverse bathrooms. There is a rapidly growing body of research demonstrating the importance of supportive family and school environments in helping gender diverse young people thrive, and keeping these students healthy, engaged in school, and alive is an important responsibility for any school. I believe these proposed restrooms would increase safety and positive health outcomes for all students, as well as contribute to the creation of a more positive and affirming culture in Portland public schools and the city as a whole.

I work in social services with young adults, and I see every day the effects that discrimination, marginalization, and stigmatization have on young people. Sexual and gender minorities have dramatically higher rates of nearly every negative social and physical health outcome, and this is directly related to home and school environments that do not support and encourage them. Many of my youth who are transgender and gender diverse have not completed high school due to the physical, emotional, and mental health risks of attending school. The physical inability to use a restroom features in their stories, as do the school climates that failed to recognize or care about this inability. Having a restroom that is explicitly safe to use regardless of gender removes an immense, and unnecessary, barrier to health, safety, and success for these students. Equally important, the creation of these restrooms sends a powerful message to gender diverse students that they are welcome and that their school and community value their contributions.

Another important aspect of this proposal is that these restrooms will be multi-stall. This provides crucial opportunities for bonding and social interaction that are too often denied to gender diverse youth. Additionally, the non-specificity allows students to use the restroom without compromising their privacy or safety, or turning a biological need into a political act or a coming out. From a safety perspective, the multi-stall restroom is dramatically better than a single-occupant restroom. A small room that locks from the inside is, unfortunately, the ideal place for students to engage in a wide range of concerning behaviors. The single-occupant restrooms at my organization require constant vigilance and are consistent work to manage.

All students deserve a school where they are safe, valued, and able to learn: the ability to use a bathroom without fear of harassment or harm is certainly not an unreasonable request. Supporting gender diverse students in this way will help keep them in school and increase their ability to become contributing members of our community – we value and want their contributions. Lincoln High School students should be commended for their compassion and clear sight in requesting these updated restrooms, and I hope you will join me in supporting them.

Sincerely,

Claire Anderson

Coalition of LHS Student Unions
Gender-Neutral Multi-Stall Bathroom
May 16th, 2016

Dear Carole Smith and Jollee Patterson,

As a coalition of Lincoln High School student unions, we strive to create and sustain an inclusive, supportive, safe, and nondiscriminatory community for all of our students; particularly those who are subject to bullying or adversity on the basis of their gender identity. Recent events have raised questions as to how we will protect the rights and safety of our transgender, gender-fluid, non-binary, and intersex students in the face of discrimination, bullying, microaggressions, and outright violence.

We advocate for the implementation of a multi-stall gender-neutral bathroom at Lincoln for the purpose of protecting the well-being, safety, and equity of transgender and gender diverse students and of all students. We agree that a multi-stall bathroom will further expand the inclusive atmosphere for which Lincoln is known. Providing only single-stall bathrooms (or even access to the bathroom of their stated gender identity) to transgender youth causes alienation and inequity. "Separate" is not equal. "Equal access" doesn't insure equity; gender-diverse students should not be forced to make a choice between their identity and feelings of personal safety every time they use the restroom. Cisgender students are learning that equity means considering the history and present needs of students different from themselves. Furthermore, the implementation of a multi-stall bathroom significantly decreases the risks and dangers, both social and physical, posed by the use of a single-stall bathroom.

Thus, as a coalition, the student unions of Lincoln, we are in full support of the implementation of a multi-stall gender-neutral bathroom as a step towards the further protection and acceptance our gender diverse students.

Black Student Union

MEChA

Queer-Straight Alliance

Asian Student Union

Pacific Islander Student Union

Native American Student Union

South Asian Student Union

Feminist Club

Dyslexic Student Union

Jewish Student Union

[redacted]

Gender-Neutral Bathrooms

Options for all, requirements for none

1

Terms

- Gender binary
  - *The classification of gender as either male or female*
- Non-binary
  - *Describes someone who does not identify as exclusively male or female*
- Cisgender/transgender
  - *Cisgender: identifies with the gender assigned at birth*
- FTM/MTF
  - *Describes a transgender individual who has transitioned from "female-to-male" or "male-to-female"*
- Intersex
  - *Having both male and female sex organs*

2

1. Safety
2. Public policy
3. Equity, not equality
4. Community support
5. Pilot project

3

1. Safety

a) Safety for trans and gender non-binary students

b) Safety for all students

4

I. a) Safety for gender minorities

suicide. Controlling for people who responded "not applicable" to the bathroom access question, those who had been denied access to a school bathroom or other facility due to being trans[1] are 1.45[2] times as likely to have attempted suicide at some point in time compared to those who were not denied access to a school bathroom or facility. Additionally, those who had

Kristie L. Seelman PhD, MSW (2016): Transgender Adults' Access to College Bathrooms and Housing and the Relationship to Suicidality, Journal of Homosexuality, DOI: 10.1080/00918369.2016.1157998

- A transgender student is more likely than the average student to experience suicidal thoughts
- Disproportionately accelerated in the case of being denied access to bathroom and housing facilities

5

I. a) Safety for gender minorities

Such conflicts are common for kids who don't fit the gender binary. Older students will also avoid using the bathroom for an entire school day, which can lead to urinary tract infections and chronic constipation. That's why the U.S. Department of Labor cited restroom access as matter of "health and safety" in new guidelines for companies looking to integrate transgender employees.

http://www.takepart.com/article/2015/09/03/gender-neutral-bathrooms

- Emotional discomfort and peer pressure lead to students avoiding bathrooms during to day
- This leads to potential physical repercussions such as UTIs and constipation

6

I. b) Safety for all students

Do gender neutral bathrooms make people less safe?

No. The current gender specific situation is not safe for many transgender and non-transgender people. The reality is that gender specific bathrooms do not prevent sexual assault, and if anything, provides an illusion of safety that is not true. Women's bathrooms do not provide any physical barrier to potential predators, who can just as easily walk through an unlocked door that reads "Women" as any other unlocked door.

Multiple person gender neutral bathrooms could actually provide more safety, if carefully constructed, since they would be more public spaces and make it less likely that a woman would be alone. Places with multiple person gender neutral bathrooms report no complaints, no harassment, and no violence. (1) Multiple person gender

http://transwellness.org/resources/educational-materials/gender-neutral-bathrooms/

7

I. b) Safety for all students

Today, men and women, not assumed to be only heterosexual, are expected to function at work alongside one another, eat at adjacent seats in restaurants, sit cheek by jowl in buses and airplanes, take classes, study in libraries, and, with some exceptions, even pray together. Why is the multi-stall bathroom the last public vestige of gendered social separation? When men, gay or straight, can stand shoulder to shoulder at urinals without a second thought, is there much to back up the view that men and women must not pee or poop next to one another, especially if closed stalls would shield them from view? Women may have some distinctive sanitation needs, but why does that require a wholly separate space from men?

http://www.newyorker.com/news/news-desk/who-afraid-of-same-sex-bathrooms

8

2. Public Policy

a) US Department of Justice and US Department of Education
b) Oregon Department of Education
c) Joint Policy Brief (FAQ)
   a) American School Counselor Association
   b) National Association of Elementary School Principals
   c) National Association of Secondary School Principals
   d) National Association of School Psychologists

9

US Department of Justice and US Department of Education

Current Option: #1

Students may use the multi-stall gender segregated restroom of the gender with which they identify

- "A school may not require transgender students to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so." (US Department of Justice/ US Department of Education, 2016)

10

National Association of School Psychologists

Bathroom Access

- Trans people may look like their affirmed gender; however, they may not.
- Forcing trans or gender diverse people to use a gender segregated, multi-stall restroom may cause:
  - Confusion
  - Being told they are in the wrong bathroom
  - Being arrested
  - Being assaulted
- Conversely, no data showing that gender-neutral multi-stall restrooms decrease safety

(National Association of School Psychologists, WS 37, 2016)

11

Oregon Department of Education

Current Option #2
Single Stall Unisex Bathroom

"Based on a recent OCR finding against an Illinois school district, it is recommended that alternative accommodations, such as a single "unisex" bathroom or private changing space, should be made available to students who request them, but should not be forced upon students or presented as their only option." (ODE, 2016)

12

National Association of School Psychologists

Bathroom Access

- Forcing students to use single stall rest room is inadequate because:
  - Students separated from peers
  - School safety issues of a locked door and a little room
  - Lose socialization that occurs
  - Peers notice student is forbidden or unable to use multi-stall bathroom: exposes trans student to taunting
  - The student must be "outed" to other staff, or be questioned by staff who don't know and expelled from that bathroom

(National Association of School Psychologists, WS 57, 2016)

13

School Principals, School Counselors, School Psychologists

Equitable Option #3
Multi-Stall Gender Neutral Restrooms

"Gender neutral can also refer to multi-stall bathrooms that can be used by anyone regardless of gender. These are bathroom where it is likely that one would encounter people of any gender at the sink or coming in and out of stalls. Having some of all multi-stall bathrooms declared "gender neutral" dispenses with labeling them as "male" or "female" instead option for signs that indicate anyone is able to use that facility."

ASCA, GS, NAESP, NASP, NASSP (2016)
Transgender Students and School Bathrooms: Frequently Asked Questions

14

Taylor Duey I've been told that the new building will have gender neutral bathrooms. It's too bad that I won't be around to see it but I'm glad it's happening. I strongly urge people to sign and raise money for our bathrooms as a FTM and just because the bathrooms at Lincoln are something out of a horror story.
Unlike · Reply · 8 · May 16 at 8:47pm

Adrienne George Absolutely am behind this! I would have felt more comfortable in one. I never came out per se, but I am bigender and use he/she pronouns, but when I feel more like an Adrien than an Adrienne, I don't feel comfortable enough to use the men's room, but using the women's restroom feels bizarre too.
Unlike · Reply · 3 · May 18 at 9:11am

Taylor Duey I feel that so strong
Like · Reply · 1 · May 18 at 9:12am

Diverse Students' Voices Lincoln Facebook Page Community Discussion

15

Multi-Stall Gender Neutral Restroom Advantages

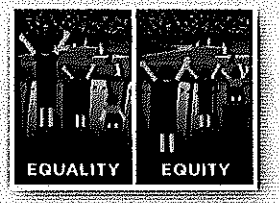
"As someone who doesn't identify as male or female I find it would be a good option because sometimes I wouldn't necessarily feel comfortable going into one bathroom or the other," King said.

KGW News at Lincoln High School, 5/13/2016 retrieved from http://www.kgw.com/news/education/national-transgender-bathroom-rules-has-little-impact-at-portland-schools/191021881

Diverse Students' Voices

16

3. Equity



- Equality
  - giving people the same things in order to enjoy safe and healthy lives
- Equity
  - giving people *what they need* to enjoy safe and healthy lives

http://sgbv-resource.ca/en/concepts/equity/distinguish-between-equity-and-equality/

17

Equality is not equity

- Equality dictates that all students have access to a restroom
- Based on the history of violence and discrimination toward transgender and gender diverse people, fears of using any gender segregated multi-stall bathroom or single stall unisex bathroom may be justified (not equitable)
- Asking gender diverse students to identify as a singular gender is an aggression against them and their culture (not equitable)
- How would your education be affected if you had to deal with fear and aggression every time you wanted to go to the restroom?

18

3. Equity

On a scale of zero to six, where zero signified "completely straight" and six meant "completely homosexual," more than a third of the young demographic chose a number between one and five, indicating that they were bisexual to some degree. Only 24 percent of their older counterparts identified this way.

When it comes to gender, over a third of Generation Z (as I guess we have to call them now) strongly agreed that gender did not define a person as much as it used to—only 28 percent of millennials felt similarly. Over half, 56 percent, of Gen Z said that they knew someone who went by gender neutral pronouns such as "they," "them," or "ze," compared to 43 percent of people 28 to 34.

http://www.out.com/news-opinion/2016/3/11/less-50-teens-identify-straight-says-new-study

More students than ever identify as queer and gender non-binary

19

3. Equity

Diversity in Community

- Transgender students
- Students who do not identify within the gender binary
- Intersex students
- Parents/caregivers whose children are a different gender from them
- People with caregivers or personal attendants who are a different gender from them
- Cisgender students not previously aware of gender privilege

- *All of these people deserve equity in access*
- *(Oregon State law now defines non-gender-binary as a third gender category; schools will be expected to comply in registration and access)*

20

3. Equity

Palmer High School opens first gender-inclusive restroom in a public school in southern CO

- The first gender-neutral bathroom in in a high school in the US.
- Two Seattle Schools followed (Nathan Hale, Chief Sealth)
- A safe space for kids who don't fit the gender binary
- Zero discipline incidents

21

4. Community Support

Lincoln Students

- Queer-Straight Alliance
- Black Student Union
- MEChA (Latino Student Union)
- Asian Student Union
- Pacific Islander Student Union
- Native American Student Union
- South Asian Student Union
- Feminist Club
- Dyslexic Student Union
- Jewish Student Union

22

4. Community Support

Lincoln Parents & Staff

- Cardinal Families Health Action Network
- Site Council/PTSO
- Student Support Team
- Equity Team
- Safety Committee
- Lincoln Staff
- Lincoln Administration

23

4. Community Support

Portland Public Schools: Gay Straight Alliances

- Cleveland
- Grant
- Madison
- Wilson
- Jefferson
- Franklin
- Roosevelt
- Benson

24

4. Community Support

Greater Lincoln Community: Letters of Support

- Outside In
- Basic Rights Oregon

25

Paving the Way

Lincoln's history of social justice:

- Student-led anti-bullying presentations beginning 2007
- Dramatic reductions in bullying across the board
- According to the Oregon School Wellness Surveys from 2012 and 2014, LGBT reports of harassment indicated that rates declined from 7.8% to 2.1%
- Health class surveys revealed a decrease in LGBT-intolerant comments from an average of 9 per day in 2007 to on average 2.5 per day in 2015
- Instances of students' positive intervention have increased from 25% to 40%

26

Timeline of Student Advocacy

- September 2015: Queer-Straight Alliance (QSA) suggests gender-neutral bathroom
- October 2015: Draft student presentation; approached Principal Chapman
- October 2015: Consultation with Student Leadership Team
- November 2015: Presentations on gender to Lincoln students
- November 2015: QSA representatives at Leadership Class 9th grade anti-bullying presentations
- November 2015: QSA middle school anti-bullying presentation
- November 2015: Consultation with national advocacy organizations
- December 2015: Parent Health Action Network informed, consensus achieved, HAN purchased physical sign for the bathroom
- January 2016: Gathered official support from Lincoln Student Diversity Unions and other PPS schools
- February 2016: Gathered support from Lincoln parents and community organizations
- March-May 2016: Finalizing Pilot Project proposal with stakeholders

27

Student-Led Presentations

- Difference between sexual orientation, sex, gender identity, and gender expression, emphasizing the spectrum of identities within genders and sexualities
- Potential of multi-stall gender inclusive restroom
- Audiences:
  - Student Leadership class (anti-bullying leaders)
  - Freshman P.E. classes
  - Sophomore health classes
- More information and QSA representatives within Lincoln's Student Leadership Team anti-bullying presentations to 9th grade students

28

Parent & Staff Presentations

- February-June 2016
- Audiences:
  - Lincoln Staff Meetings
  - Parent Health Action Network
  - Site Council/PTSO
- Difference between sexual orientation, sex, gender identity, and gender expression, emphasizing the spectrum of identities within genders and sexualities
- Plans and feedback for gender inclusive multi-stall restroom

29

5. Pilot Project Implementation

Restroom:
- One of Lincoln's four girls' multi-stall restroom renamed "gender neutral"

Location:
- Junior hall, first floor, front of the building, close to office, opposite auditorium

Rationale:
- High traffic area
- Queer-friendly area, currently queer-friendliest restroom
- Near classrooms of Mr. Sudermann (QSA advisor) and Mr. Fox (Queer Studies teacher)
- No remodeling necessary (no cost)
- Easy to monitor

30

Monitoring

1. Planned daily monitoring by staff and by QSA students. Log physical conditions and student behavior/comments (data included in Pilot Project reports)
2. Tracking discipline referrals. Responsibility:
   - Vice principals
   - Safety committee
3. Students
   - Anti-Bullying and QSA Posters in Restrooms
   - Student self-policing and public comments (QR code)
4. "Reporting out" to BESC quarterly and annually

How do you like our new bathroom?

Ask your questions
Show your support
Voice your concern

31

Discipline referrals

- Hypothesis: Adding a gender neutral bathroom will not significantly increase or decrease the number of discipline referrals marked "Other" or "All Other"
- Current Dashboard data for the past five years
  - Classroom incidents: Average = 43
  - "Other" or "All Other": Average = 16
  - "Bathroom" as a location was only disaggregated in 2012-2013; we included bathroom in "Other" for that year
- Systems Discipline Goal: Use "Bathroom" as a location code if incident occurs in any bathroom. Cite GN Bathroom if incident occurs in Gender Neutral Bathroom. Include this information separately and in "Other" and "All Other" composite category for research comparisons
- Overarching Goal: Decrease all bathroom related offenses. Approximate number of incidents for significance: 3. (Included in Pilot Project report)
- Responsibility: Safety Committee

32

Gender Support Plan

(Plan of Action for Future Education & Evaluation)

Lincoln Students

- October 2016 Student-Led Anti-Bullying Presentations
  - Continued information on gender/orientation
  - Discussion of location of restroom
  - Rules for conduct linked to Lincoln Character Traits
  - Anti-Bullying posters and rules for conduct in restroom
  - Reporting mechanisms
- Lincoln Cardinal Times (student newspaper) November 2016
- Inclusion of material in Queer Studies classes
- Student Diversity Union Assembly November 2016
- Inaugural Celebration November 2016
- Collection of data from QR code

33

Gender Support Plan

(Plan of Action for Future Education & Evaluation)

Lincoln Faculty and Parents

- August 2016 All Staff meeting
  - Continued information on gender/orientation
  - Discussion of location of restroom
  - Rules for conduct linked to Lincoln Character Traits
  - Anti-Bullying posters and rules for conduct in restroom
  - Reporting mechanisms
- Administration Bulletin to Parents September 2016
- Lincoln Cardinal Families Health Action Network Courageous Conversation October 2016
- Health Action Network Information Website, Emails

34

Pilot Project Summary

- Discipline data, quantitative and qualitative
- Lincoln's anti-bullying and school climate record
- History of specific training in gender issues
- Gender Support Plan
- Reported out to BESC quarterly and annually

MULTI-STALL GENDER NEUTRAL RESTROOMS:

Private enough to maintain comfort; public enough to maintain safety

35

Community Impact

- Promotes inclusive attitude in midst of national conversation
- Template for other PPS schools and all PPS rebuilds
- Prompts more inclusive/extensive gender education
- Creates important conversation about equity and inclusivity in high school classrooms
- Reducing "othering"
- Prepares students for college climate

36

PPS Impact

- Helps Portland Public Schools accomplish its goals:
  - to provide a welcoming and supportive environment for (trans and gender diverse) students
  - to ensure a positive school experience in which they can thrive academically within an affirming school community
  - to be a model for other school districts in working with transgender students and their families

37

Our Ask

- Permission to Implement Sign on Restroom in November
- BESC point person(s) to whom to report our data

38