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# EXPLORING EQUITY ISSUES:

## Spotlight on the Needs of Transgender Students

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### **Disclaimer**

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## EXPLORING EQUITY ISSUES: Spotlight on the Needs of Transgender Students



How concerned would you be if you knew that more than 70 percent of the students within a subgroup in your district or community had been verbally harassed? What would you do if a quarter of these students had been physically bullied and more than 1 out of 10 physically assaulted? What if almost 50 percent reported skipping school or classes as a result? Unfortunately, this is the reality for far too many transgender and gender non-conforming (GNC) youth within our

public school settings (Greytak, Kosciw, and Diaz, 2009).

Recent reauthorization of the Educational and Secondary Education Act (ESEA), originally passed by the Johnson administration in 1965, has placed an important emphasis on improving programs and opportunities for ALL students. The titles of both “No Child Left Behind” and the “Every Student Succeeds Act” speak to this goal. As of the writing of this paper,

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however, administrative changes at the national level have raised questions on guidance in supporting LGBTQ students within our nation's schools.

The purpose of this paper is threefold. First, it articulates the need for protections for this group of students. Second, it reviews the shift from previous (2016) guidance revised in February 2017 by staff from the newly appointed Departments of Education and Justice. It concludes with some suggestions for actions and procedures that districts might utilize to support students, teachers, and families so that this subgroup of children are included in the goal of "every student succeeding." The content intentionally emphasizes supports for transgender students and families due to the aforementioned guidance shifts and increased recognition of these individuals within our schools.

### **NEED FOR SUPPORTS.**

Studies have found that transgender and gender non-conforming (GNC) students experience physical violence and a hostile school environment at an even higher rate than their lesbian, gay, and bisexual counterparts (GLSEN, 2013). A 2013 national survey found more than 70 percent of students who identify as lesbian, gay, bisexual,

transgender, queer or questioning (LGBTQ) reported having been verbally harassed in the previous year, with 36 percent physically harassed, and 17 percent physically assaulted (GLSEN, 2014). These high rates of bullying correspond to adverse health and educational consequences. Transgender and GNC students experienced higher rates of verbal harassment and were twice as likely to report feeling unsafe at school than their cisgender peers (GLSEN, 2014). Another national survey, conducted in 2011, found that 51 percent of respondents who were harassed or bullied in school reported attempting suicide, compared to less than 2 percent of the general population (Grant, et al., 2011). Some students also suffered harassment so severe it led 15% to leave a K-12 or higher education school (Grant, et al., 2011).

### **SHIFTING FEDERAL GUIDANCE.**

A shift in guidance from the Departments of Education and Justice came in February 2017 as a "Dear Colleague" letter rescinding a communication during the Obama Administration (May 2016) that specifically recognized gender identity in the Title IX federal law that bans sex discrimination in schools. The 2016 guidance letter specifically stated, "*The Departments treat a student's gender*

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*identity as the student's sex for purposes of Title IX and its implementing regulations. This means that a school must not treat a transgender student differently from the way it treats other students of the same gender identity. The Departments' interpretation is consistent with courts' and other agencies' interpretations of Federal laws prohibiting sex discrimination"* (USDOJ & USED OCR, 2016). As a result of Trump administration appointments and leadership changes within the Departments of Justice and Education, guidance published in 2017 rescinded the 2016 directive stating that, "...*the Department of Education and the Department of Justice have decided to withdraw and rescind the above-referenced guidance documents...*" and "*The Departments thus will not rely on the views expressed within them*" (USDOJ & USED OCR, 2017).

It is important to note, however, that while the more recent Dear Colleague Letter rescinds previous guidance, it also concludes with the following statement, "*Please note that this withdrawal of these guidance documents does not leave students without protections from discrimination, bullying, or harassment. All schools must ensure that all students, including LGBT students, are able to learn and thrive in*

*a safe environment. The Department of Education Office for Civil Rights will continue its duty under law to hear all claims of discrimination and will explore every appropriate opportunity to protect all students and to encourage civility in our classrooms."* It also makes a noteworthy shift away from federal guidance on the issue, emphasizing a shift to state and local control. This is seen in the statement, "*the Departments believe that, in this context, there must be due regard for the primary role of the States and local school districts in establishing educational policy*" (USDOJ & USED OCR, 2017).

The impact of this policy shift could be unfortunate in states that fail to provide guidance of their own to protect transgender students, or, in some states, pass laws that further stigmatize and cause harm to this group through laws that, as an example, require use of bathrooms "based on an individual's birth certificate" or "as determined by a person's chromosomes" (Dejean, 2017). Fortunately, an increasing number of states and local districts have, or are, in the process of adopting laws and/or policies that legislate protections and supports for LGBTQ students and their families.

States with protective guidelines

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provide helpful direction for districts and schools that want to proactively address the challenges for students that, until now, many educators and parents have known little about. It is often only through direct experience and contact that school personnel begin to understand the trials experienced, and supports needed, for LGBTQ students. For states and districts where there is little guidance, a list of resources and references at the end of this paper can provide material for discussion, insight, and models for states and districts to consider.

### **HOW TO BE PROACTIVE IN ADDRESSING CHALLENGES.**

Community and staff awareness and their reactions to LGBTQ issues can vary and sometimes be unpredictable. The topic can easily become a hot button issue for schools and districts. For this reason, being proactive is one strategy to consider for addressing school community reactions. While not necessarily an easy topic to raise, initiating dialogue and discussion before issues become personal can sometimes result in more productive and less reactionary responses than when dealing with urgent student matters after they have arisen. For some districts, however, the courage of individual LGBTQ students and families

provides an essential catalyst for change within a community.

In the Fall of 2017, the Harvard Ed Magazine article, “Goodwill Not Enough,” asked the question, “Are educators getting the training they need to better understand and support transgender students?” Within the article an important note is made by the principal of a regional high school who says, “Most of us have a close friend or family member who is gay, lesbian or bisexual while far fewer have a close friend or family member who is transgender. This can make it difficult to understand and support this group” (Hough, 2017).

The following list, while not exhaustive, suggests some practices to build awareness and to promote more inclusive school environments for LGBTQ students and families.

### For School Boards and Community Members:

- Proactively schedule information sessions for board and community members to provide opportunities for stakeholder dialogue and discussion.
- Review, modify, or create school policy aligned with state and federal law.
- Work with other local entities and organizations to promote greater

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community awareness and understanding.

- Anticipate privacy and individual student needs when designing renovations or new building projects (e.g., consider adding gender-neutral facilities).

### For Administrators, Faculty, and Staff:

- Provide professional learning opportunities on applicable laws, regulations, and the specific needs and concerns affecting lgbtq students.
- Build awareness that student gender transitions are unique individual processes that can happen at any time and have implications relative to the privacy and supports desired by students and/or their families.
- Define and identify roles and responsibilities for staff most likely to act as resources and guides when students, parents, or staff have questions or need support.
- Develop and share talking points to help guide staff communications and maintain student confidentiality (Orr, Baum, et al., 2015).

### For Parents and Students:

- Act proactively rather than reactively when addressing concerns.
- Identify and communicate resources that students and families can access for support both within and outside of

school (literature, support groups, counseling, etc.).

- Support a student's or family's choice in how, or if, they want to disclose transgender status.
- Develop systems and procedures to support individual students who might be fearful or choosing not to disclose to parents or family.

### For Everyone:

- Identify districts, schools, and individuals who have already made progress dealing with the issues; schedule opportunities to learn from their experiences.
- Schedule engagements and opportunities to hear from transgender individuals and/or their parents to develop greater staff and community understanding.

### **CLOSING.**

Knowing that I have a transgender daughter, a friend was kind enough to send me a link to a radio broadcast that captured the hopes and desires I have for my daughter as well as so many other individuals and families experiencing similar realizations. In an essay written and read by Will, an 8th grade student, Will comments, "It took me a long time to realize and sort out who I really was. It was a realization, not a decision. The decision part came

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with what I decided to do with my realization.” He goes on to say, “The support I received was absolutely incredible.... This experience has taught me to be thankful for the people who surround me, because so many people in my position are not as lucky. Being fully accepted is truly a miracle, a miracle I am living every day. A miracle I hope to continue to live, and I hope others get to live it too” (Malloy, 2016).

There is much we can learn and do within our schools to help students like Will realize full acceptance. Will’s full essay broadcast can be accessed at <http://ripr.org/post/i-believe-rhode-island-acceptance>.

### **Acknowledgments**

The content in this paper was developed and authored by Stephen Hamilton. Steve, a former principal and school board member in Vermont and Massachusetts is a parent of a transgender daughter. He can be reached at [shamilt @ mac.com](mailto:shamilt@mac.com)

### **Federal and State Guidance and Related Documents**

- May 2016 Dear Colleague Departments of Education and Justice Guidance Letter <http://i2.cdn.turner.com/cnn/2017/images/02/22/colleague-201605-title-ix-transgender.pdf>
- February 2017 Dear Colleague Departments of Education and Justice Guidance Letter <http://i2.cdn.turner.com/cnn/2017/images/02/23/1atransletterpdf022317.pdf>
- Guidance to School Districts for Creating a Safe and Supportive School Environment for Transgender and Gender Nonconforming Students (New York State Education Department). [http://www.p12.nysed.gov/dignityact/documents/Transg\\_GNCGuidanceFINAL.pdf](http://www.p12.nysed.gov/dignityact/documents/Transg_GNCGuidanceFINAL.pdf)

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- Arcadia, OCR, and DOJ Resolution Agreement. U.S. Department of Justice and Office for Civil Rights Resolution Agreement citing required corrective actions to be taken by the district.  
[http://www.nclrights.org/wp-content/uploads/2013/09/Arcadia\\_Resolution\\_agreement\\_07.24.2013.pdf](http://www.nclrights.org/wp-content/uploads/2013/09/Arcadia_Resolution_agreement_07.24.2013.pdf)
- Notification Letter to Arcadia (CA) Unified School District (U.S. Department of Justice, and Office for Civil Rights). Letter citing allegations of sex-based discrimination.  
<http://www.justice.gov/crt/about/edu/documents/arcadialetter.pdf>

## Video and Audio Resources

- Harvard EdCast With Jeff Perrotti, Director of the [Massachusetts Safe Schools Program](#) for LGBTQ students  
<https://www.gse.harvard.edu/news/17/08/harvard-edcast-supporting-transgender-students>
- Huffington Post Video. Debi Jackson speech given at the Unity Temple on the Plaza in Kansas City. Jackson shares the story of her daughter who, when four years old, transitioned from male to female.  
[http://www.huffingtonpost.com/2014/07/15/debi-jackson-transgender-child\\_n\\_5588149.html?utm\\_hp\\_ref=gay-voices](http://www.huffingtonpost.com/2014/07/15/debi-jackson-transgender-child_n_5588149.html?utm_hp_ref=gay-voices)
- YouTube Repost: [https://www.youtube.com/watch?v=mkHx\\_2dpEbw](https://www.youtube.com/watch?v=mkHx_2dpEbw)
- This I Believe Rhode Island: Acceptance (Will Malloy on Rhode Island Public Radio).  
<http://ripr.org/post/i-believe-rhode-island-acceptance>

## Other Resources

- Parents Families and Friends of Lesbian and Gays (PFLAG). Support for families, allies, and individuals about the unique issues and challenges facing people who are LGBTQ.  
<http://community.pflag.org/page.aspx?pid=212>
- New York City Chapter: <http://www.pflagnyc.org/>



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- Family Acceptance Project. A research, intervention, education, and policy initiative that works to prevent health and mental health risks for lesbian, gay, bisexual, and transgender children and youth.  
<http://familyproject.sfsu.edu/>
- Gay, Lesbian, and Straight Education Network (GLSEN). National education organization focused on ensuring safe schools for all students.  
<http://www.glsen.org/>
- Gender Spectrum. Organization with mission to provide gender sensitive and inclusive environments for all children and teens through consultation, training, and events designed to help families, educators, professionals, and organizations understand and address the concepts of gender identity and expression.  
<https://www.genderspectrum.org/>
- Goodwill Not Enough. (Ed., Harvard Ed Magazine). Article expounding on the question: Are educators getting the training they need to better understand and support transgender students?  
<https://www.gse.harvard.edu/news/ed/17/08/goodwill-not-enough>
- Schools In Transition: A Guide for Supporting Transgender Students in K–12 Schools (NCLR, Gender Spectrum, NEA, ACLU, and HRC Publication). Guide geared toward the needs of K–12 students, incorporating specific distinctions and recommendations.  
[https://www.nea.org/assets/docs/Schools\\_in\\_Transition\\_2015.pdf](https://www.nea.org/assets/docs/Schools_in_Transition_2015.pdf)
- Supportive Families, Healthy Children (Family Acceptance Project, San Francisco State University). Information and support booklet for gay and transgender families.  
[http://familyproject.sfsu.edu/sites/sites7.sfsu.edu.familyproject/files/FAP\\_English%20Booklet\\_pst.pdf](http://familyproject.sfsu.edu/sites/sites7.sfsu.edu.familyproject/files/FAP_English%20Booklet_pst.pdf)
- Welcoming Schools. Organization that offers professional development tools, lessons aligned with the Common Core State Standards, and many additional resources for elementary schools on diversity, preventing bullying, and supporting transgender and gender expansive students  
<http://www.welcomingschools.org/>

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