

Creating School Climates That Foster Inclusive Community
Attitudes Toward Gender Nonconforming Students

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Abstract

Transgender students are a marginalized group of students who are calling for recognition and acceptance of their identities. Although Title IX assures students of freedom from discrimination based on sexual identity, many schools are struggling with policies that adequately provide these protections. Based on a previous qualitative study conducted by the author, this manuscript provides strategies that school counselors and other educators can implement to create a school climate that is safe, equitable, and fosters the well-being and success of transgender students.

Creating School Climates That Foster Inclusive Community

Attitudes Toward Gender Nonconforming Students

In the recent past, transgender students and their families have expressed the need for supportive school policies centered on equity and inclusivity that meet transgender students' needs in school settings. When schools provide support for transgender students presenting a new outward identity, school counselors are likely to be primary team members who assist transgender students, as well as the general student population, with questions or discomfort related to gender identity topics. Additionally, as shown in national media coverage, parents and community members often express dissent towards school policies that allow transgender students to self-select gender identity and restroom use. Because there may be exacerbated feelings of anxiety or anger from student or community members, school counselors should consider ways to help preserve a positive school climate while helping students adjust in healthy and positive ways (ASCA, 2016a).

School counselors design comprehensive school counseling programs supporting positive school climates to help students to not only reach individual potential for learning, but also to feel safe and valued. There has been a national spotlight on the issue of schools creating school policies that are inclusive of all students and, in particular, students who identify as lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ). The American School Counselor Association (ASCA) developed a position statement (2016b) for school counselors as they work with LGBTQ youth. The ASCA position statement posits that LGBTQ students experience challenges to their academic and personal/social development and report feeling unsafe in school

due to their sexual orientation, perceived sexual orientation, gender identity or gender expression. To guide school counselors, ASCA's position statement suggests that school counselors "promote equal opportunity and respect for all individuals regardless of sexual orientation, gender identity or gender expression," and "work to eliminate barriers that impede student development and achievement" (ASCA, 2016b, p. 1). Of course this mission applies to all students, but especially to marginalized student populations.

The latest edition of the *ASCA Ethical Standards for School Counselors* (2016a) addresses the ethical considerations of working with marginalized, in this case LGBTQ youth, and offers valuable guidelines supporting school counselors in their work to encourage the development of safe and equitable schools for all students. In spite of school policies and federal laws that support inclusion and protect students from bullying and harassment, school counselors may not be fully prepared to meet the needs of transgender and gender nonconforming students and their classmates (Goodrich & Luke, 2010; Luke & Goodrich, 2012). According to the American Pediatric Association, (as cited in Orr & Baum, 2015), children begin outwardly expressing their perceptions of gender identity between the ages of two and four. With this being said, schools will have students who are contending with gender-related social and emotional concerns with which they will need help and support in order to thrive as happy and successful members of the school community.

Today, more and more cases of transgender and gender nonconforming students are emerging in K-12 schools where families are asserting that schools honor the gender identity needs of their children as protected under Title IX of U.S. federal

law. As education professionals, we want all students to feel like valued members of the school community. But when school personnel don't understand the complexities of gender identity, transgender students are left to navigate complex issues without adequate support and guidance from school leaders. According to ASCA's ethical standard B.3.i, it is our duty as school counselors to expand our awareness and understanding of student multicultural needs and issues of social justice (ASCA, 2016a).

As an ASCA Scene discussion thread (September, 2016) reveals, school counselors are working with transgender students who wish to have their gender identity respected and acknowledged within the school. School counselors are also discussing the complexities involved in how to most ethically serve transgender students as there are concerns of confidentiality, working with minors, school policy, and federal laws with which to contend. In order for school counselors to best serve the transgender and gender nonconforming population of students, the *ASCA Ethical Standards for School Counselors*, (2016a) provide support and guidance to assist school counselors in serving this student population.

Definition of Terms

In order to fully advocate for and discuss transgender and other gender nonconforming student populations, it is important to understand the terminology within the LGBTQ community, as there are diverse linguistic and sociocultural connotations attached to the different terminologies within this community. In fact, the concept of *gender* itself is far more complex than a simple binary of male vs. female identity. According to Gender Spectrum, an organization committed to gender sensitivity and

inclusivity, gender is made up of three parts: (1) gender biology (our biological sex), (2) gender expression (how we outwardly present ourselves), and (3) gender identity (the way we feel about who we are), (Gender Spectrum, n.d.). In general, gender is not a simple matter of biological sex, but rather an internal construct of self-identity or, *who I know myself to be*. Therefore, discussion of gender identity is often very intrinsically tied to the self and, as a general rule; educators should use the preferred terminology of individual students.

The following definitions are taken from the National Center for Transgender Equality and the Gay, Lesbian & Straight Education Network (GLSEN), the leading national education networks focused on ensuring respect, acceptance, and safety of LGBTQ students. It is important to keep in mind that terminology describing transgender and gender nonconforming students can differ based on culture, region, individual preference, and other factors. Although this is not an exhaustive list, it includes some of the more common terminology. This paper will focus on both transgender and gender nonconforming student populations.

- *Gender Identity*: a person's deeply felt sense, or psychological knowledge of being male, female, both, or neither. Gender identity can be the same or different than the gender assigned biologically at birth. All people have a gender identity.
- *Gender Expression*: the outward presentation of how a person expresses gender to others, typically through clothing, hairstyle, preferred name, body language, and mannerisms. People express their gender along a continuum from feminine to masculine.
- *Transgender*: a person whose gender identity is different from what is generally considered typical of the biological sex assigned at birth.

- *Gender Nonconforming*: a person whose gender expression differs from what is considered typical for the biological sex assigned at birth.
- *Gender Expansive*: Conveys a wider, more flexible range of gender expression, with a range of interests and behaviors. Expanding beyond traditional gender stereotypes. It reinforces the notion that gender is not a binary, but a continuum; and that many children and adults express their gender in multiple ways.

The use of appropriate pronouns is particularly salient when working with transgender and/or gender nonconforming populations. While some transgender individuals prefer *she* or *he* as it relates to their own gender identity, the LGBTQ community supports the use of *they/their* pronouns, even when referring to singular individuals, in recognition of the expansive nature of gender identity for many LGBTQ individuals.

Risks Transgender Students Face

Even if transgender students choose not to identify themselves to their families or schools for fear of harassment or discrimination, many may feel under-supported and perhaps fail to understand how the gender nonconforming experience truly impacts their own educational success (Kosciw, Palmer, Kull, & Greytak, 2013; Little, 2001; Nichols, 2016). According to the Human Rights Campaign in their document, *Schools in Transition* (Orr & Baum, 2015),

Transgender students themselves may struggle with a variety of issues in seeking to be authentically seen, including the fear of social rejection and mistreatment or abuse from peers. As a result, many of these students hope to escape notice and to simply survive rather than flourish. (p. 1)

If transgender students feel safer concealing their identities rather than asserting and developing self-identity, healthy enrichment of self-concept may be suppressed and, therefore, interpersonal relationships may be interrupted (Brown, Leigh, & Barton,

2000). The failure to kindle school-based relationships can have dire consequences for all students and especially transgender students who may already feel under-supported at home or in the classroom.

Social relationships cultivated from feelings of safety, support, and belonging have been shown to directly impact academic performance in all students, yet safety, support, and belonging are aspects of the educational experience that are consistently inadequate for gender expansive students. According to McKibben (2016), transgender students face the highest rates of verbal and physical harassment, which often results in truancy and academic underachievement. Research indicates that, “children who have non-conforming gender identities and expressions...are common targets of bullying and harassment” (Slesaransky-Poe, Ruzzi, Dimedio, & Stanley, 2013, p. 30). Some aggressions are done-so openly whereas other forms of aggression include microaggressions, such as making others feel intimidated from a glare, or overt language in a public space that it meant to demean others. When overt behavior as well as microaggressions are identified and addressed, transgender students, as well as all students, are protected from bullying and aggressive behaviors.

Certainly, there is the potential for all transgender students to feel isolated or insecure in their school environments. This is concerning in that isolation impacts student emotional wellbeing as well as academic and, ultimately, professional success. These issues can be exacerbated when transgender-specific issues come to a head and school officials are forced to make choices regarding the accommodation of not only the transgender student, but all students in the building. Naturally, this decision centers primarily around bathrooms and locker rooms; an often a heated decision in

which the common compromise of isolated, private bathrooms or locker rooms for transgender students often arises. However, some transgender students, such as Lila Perry, a Missouri student, express not wanting to be segregated from everyone else. When the school district she attended offered her separate restroom facilities to use (neither the designated girls or boys restroom), she responded in recent CNN interview, “I am a girl. I am not going to be pushed away to another bathroom” (Grinberg, 2015, para. 3) Her response shows that she was averse to being treated as different from not only girls or boys, but as different from *everyone*, as if she didn’t truly belong with either group of peers. Students enjoying high levels of connectedness, belongingness, and strong relationships at school have been shown to have reduced dropout rates and delinquency (Christenson & Thurlow, 2004; Demanet & Van Houtte, 2012; McNeely, Nonnemaker, & Blum, 2002) and increased self-esteem and resilience (Bryan et al., 2012), factors that could certainly positively impact transgender students who, research indicates, are at risk for attrition and low self-esteem.

If one’s identity is denied rather than affirmed, healthy development of self-concept is interrupted and, therefore, interpersonal relationships can be hindered. When students are focused on both intrapersonal and interpersonal conflicts, the ability to focus on academic instruction is impacted. In many cases transgender students are also focusing on basic safety concerns further limiting the ability to adequately learn and develop positive peer relationships in school. School mission statements convey the message of a district-wide belief that every student succeed. If this is to be the case, that every student achieves success, then school climates will support the wellbeing of

diverse students by promoting policies that are supportive of safe school environments and have respect for gender diversity.

What does the law say?

All students have the right to equal educational opportunities free of harassment, bullying, and discrimination. Title IX of the Education Amendments of 1972, a federal law, prohibits sex and gender discrimination in education programs and activities that receive federal financial assistance. Since this is the case, school superintendents will be inclined to uphold federal laws in the school system (Kurt & Chenault, 2017). If schools do not uphold the laws they are susceptible to the loss of federal dollars for their school district which could have a dire impact on educational provisions for all students in the school district.

Although Title IX does not explicitly prohibit discrimination on the basis of sexual orientation, gender identity or gender expression, it does prohibit harassment directed at an any student that is sexual in nature (Lhamon & Gupta, 2016) and that discrimination or harassment based on gender variance constitutes sex discrimination (National Center for Transgender Equality, 2014). Some states have laws, enforced by state civil or human rights agencies, prohibiting discrimination based on gender identity, expression, or sexual orientation (National Center for Transgender Equality). But, regardless of the existence of state laws specific to the protection of transgender students, schools have a responsibility to address complaints of sexual harassment and are required to have a designated representative to investigate cases of suspected violation of Title IX laws. The Title IX district representative is responsible to oversee

complaints of sexual harassment and to identify and address any problems that are unveiled as a result of the investigation (U.S. Department of Education, 2016).

Transgender and gender nonconforming students are protected under numerous acts such as the Equal Access Act, Family Educational Rights and Privacy Act, and, of course, the First Amendment. These legal rights entitle transgender and gender nonconforming students to: equal access to hold and maintain school-affiliated student organizations that are commensurate with other student groups; protection of personal information including school records; and freedom of expression to wear clothing consistent with one's gender identity.

Schools and Families: A Collaborative Approach

In a study conducted by Kurt and Chenault (2017), school administrators expressed the importance of schools and families working together to develop a plan for how to best meet the needs of transgender students while adhering to state and federal laws and school policies. One barrier that schools can face concerns not understanding about a transgender student within the school population and their specific needs. If families do not know to whom they can contact in the school system, or if they don't feel comfortable discussing the needs of their transgender child, a barrier to meeting the needs of the child may arise. This does not imply that all transgender students need to disclose personal information regarding gender identification. Shared information is only necessary if the student has school-based needs or concerns.

Therefore, in order for families to be able to aptly reach out to schools, it may be helpful for schools to clearly indicate the pathways of communication available to parents and families so that conversation about their transgender child can be initiated.

Because confidentiality is protected by federal law the choice to communicate with the school is the right of the child and their guardian(s). This can become a complicated situation, however, if school personnel notice indicators that a student is expressing gender-related needs, such as asking teachers to address them by certain pronouns or a new name. When this issue arises, school personnel are faced with the dilemma of discussing the issue with the student as well as how and what to discuss with the student's parents or guardians.

If schools provide clear information that enables families to reach out to the school, families can begin the collaborative process with school personnel, such as classroom teachers, school counselors, principals, and administrators to discuss the needs and concerns of their child and how to best move forward in meeting these needs. Once this process is initiated a team with appropriate school members can be formed. Team members should consist of individuals that *need to know* and will assist the student as an advocate. Typically this would include the classroom teacher, the school counselor, the principal, and any other school personnel the student or guardians wish to include. The superintendent may also need to be included in the team dependent upon district needs and policies. It is important to keep in mind that the team should be designed with the student's consent. It is not necessary for all of the student's teachers to be involved.

School-Based Support for Transgender Students

There are numerous approaches school personnel, including administrators, teachers, and counselors, can take to help create a school environment that feels safe and supportive to all students while valuing individual needs and meeting high academic

standards. These support strategies center around policy creation and enforcement intended to protect transgender students and communicate the school's values pertaining to an inclusive, supportive school community. In addition to policy, school personnel have a duty to communicate with all students and students' families about the school's commitment to the safety and inclusivity of all students. School counselors can spearhead these efforts by serving as a reference point for other school personnel working to maintain a supportive climate for transgender students in the building as well as working with transgender students and their families as they collaborate with school officials on policy creation. They can also serve as the primary advocate for transgender students' needs and accommodations as they and their families work with administrators to design the most optimal accommodation plans (Kurt & Chenault, 2017).

ASCA has clear ethical standards that support the dignity, safety, and autonomy of students (ASCA, 2016a). Understanding the unique challenges that transgender and gender nonconforming students face is a step towards helping this student population address the internal and external barriers to individual success and well-being. Because the LGBTQ community has been historically marginalized and pathologized (ALGBTIC Competencies, 2009; Kurt & Chenault, 2017) treating transgender students with autonomy and respect is especially important when working with this population (ASCA, 2016, Standard A.1.f). School counselors should be aware of the multiple pressures and challenges these students may face from both external and internal forces and how these forces impact the student's development of identity and sense of autonomy. In the spirit of honoring student autonomy, school counselors should not immediately assume

what the student needs, but rather should begin by offering the student support and understanding. Through conversations, school counselors can garner a sense of individual student needs and work towards developing a plan to assist the student and student population.

School counselors can be a helpful source of information for transgender students. Students may experience a range of emotions about gender, sexuality, fitting in, friendships, etc. Because these complexities are unique to each individual, it may be exceptionally helpful to offer the student information about LGBTQ related issues. Students who learn about LGBTQ issues in school have reported feeling their school was safe for those with nonconforming gender expressiveness (Russell, McGuire, Toomey, & Anderson, 2010). ASCA ethical standards (2016a) emphasize the importance of providing referrals to students for helpful community resources as indicated in standard. Standard A.6.e suggests that referrals should be free of personal bias, while another suggests that the referral should be done in good faith so that students have options to choose resources they find most appealing as opposed to a limited endorsement of counseling options (ASCA, Standard A.6.b).

Taking into consideration the history of marginalization experienced by transgender and gender nonconforming populations, it's important that counselors maintain a concrete yet adaptable collection of support strategies and best practices designed to optimize the feelings of safety and inclusivity experienced by transgender students. To these ends, the following section outlines some strategies that can be used by school counselors (as well as other school personnel) working to accommodate transgender students in their schools.

Create a Safe Space for Students

ASCA (2016a) Standard A.10.e stipulates that school counselors “understand students have the right to be treated in a manner consistent with their gender identity...” (p. 5). To these ends, special concern should be taken with transgender students as they are not only questioning themselves but may be faced with questions from others. Transgender students need to feel that they have a space where they are safe and accepted without having to justify or defend who they are. Of paramount importance is respecting the gender identity of the student as misgendering a student can cause a great deal of distress. Building relationships with others within a safe, accepting environment can be a crucial component of helping transgender students feel engaged and committed in school while they are navigating personal identity issues as well as the formation of positive self-esteem.

Listen to Student Needs

Talk with students to learn individual wants, needs, and fears. Inform the student of the school policies (ASCA, 2016a, Standard A.1.g) and discuss ways to navigate both the student’s needs and school policies so the transgender student knows what to expect and can plan their path with autonomy. Talk about safety concerns both within the school as well as outside of the school. Finally, talk about support systems that are available to the student (Standard A.1.i). It is especially important to find out the degree of support the student receives from home. If home support is limited or non-existent, the student may need additional support and guidance to navigate complex family of origin issues.

Protect Student Confidentiality

School records should also indicate the preferred gender identity of the student (such as class rosters, the school yearbook, etc.) except in the case of documents that require a legal change. School records should be kept in a secure location that ensures student confidentiality, per confidentiality laws ensured under FERPA. This means that the right to confidentiality belongs to the student, not the school. Therefore, the student determines which pronouns and name by which to be identified. Furthermore, the student determines who is privy to gender identifying information.

In addition, when navigating this aspect of student support, school counselors should first inform transgender students of the parameters of confidentiality and school policy so they are aware of their rights to informed consent (ASCA, 2016a, Standards A.2.b, A.2.d) The role of the school counselor, in part, is to help students with concerns that affect well-being and development. When students seek out the support of the school counselor, school counselors should honor student confidentiality as he or she processes information and feelings surrounding gender conformity/nonconformity. Many transgender students may struggle in that there is limited support and understanding of who they are and how the transgender experience impacts them. In some cases, students may lack healthy, or even safe, support systems at home. School counselors will need to carefully assess situations that could potentially put the student in danger. If this is the case, it may mean not sharing information with parents/guardians until the student gives consent and there is assurance the student would not be placed in foreseeable harm. School counselors are obligated to work together with families and need tools to be able to balance the needs of students and well as the rights of their

parents or guardians to make decisions on their child's behalf (Standards A.2.f, A.10.d, B.1.a, B.1.i).

Create a Transition Plan

It is helpful for school personnel to develop a transition plan that includes the specifics of how the student will transition in the school environment, what information will and will not be shared, and how adults in the building will respond to questions or aggression from others. If a student expresses a desire to outwardly transition gender in the school environment, creation of a transition plan can ensure clarity of the process for the student, parents, and school personnel. Transition plans outline the steps that will be taken and how the process of transition will occur as well as some guidelines of how to handle potential difficulties. Transition plans need to include:

- Discussion about the student's name and documentation that will and will not be changed. This discussion also needs to include how to secure private documents that cannot be changed.
- Determination of *need to know* information. The student and student's family will determine with whom and what private information will be shared.
- Use of restroom facilities, locker rooms, and athletic membership.
- Support services in the school and student access to such services.
- How faculty and staff will handle harassment or bullying behavior of any sort toward the transitioning student.

Sample transition plans can be found in the document, *Schools in transition: A guide for supporting transgender students in K-12 Schools* (Orr & Baum, 2015).

Know School Policy and Federal Laws

School administrators can take steps to create clear anti-harassment policies that specifically prohibit harassing language and behaviors based on gender and gender identity expression (Russell et al., 2010). In order to optimize effectiveness of these policies, policies should be clear to all school members and consistently enforced if breached. As such, transgender and gender nonconforming students should be considered when developing district policies. In addition, these policies should not require medical documents as proof of treatment as these are, in most cases, not appropriate (GLSEN, 2013). Beyond official school documents that must report gender, other documents should allow students to represent themselves as the gender identity expressed by the student.

Furthermore, it is important to have supportive school administration and school policies that align with the ASCA guidelines. However, this may not always be the case. It may be helpful for schools to have school policy established before a situation arises. This would be helpful because policies offer guidance to families and the school and show a path to begin navigating the complexities of student transitioning. When policies are not in place, students and families may be put in a position of fighting with the school to establish these procedures, a responsibility transgender students and their faculty should not have to undertake.

Advocate and Educate Others

ASCA supports the role of school counselors in advocacy efforts and providing appropriate referrals to community resources that may provide additional support to transgender students, their families (ASCA, 2016a, Standard A.6.b), and the school

(Standards B.2.a, B.2.i, B.2.k, B.2.m, B.2.o, B.2.p). School counselors are obligated to advocate for the learning needs and equitable treatment of students in the school environment. This may necessitate offering trainings and educational literature to faculty, staff, and administrators so they are equipped with information about transgender and gender nonconforming students that lends to a deeper understanding of the rights and needs of this student population. To these ends, faculty and staff can maintain knowledge about appropriate language for identification of transgender students through specific training or faculty development. Language should be consistent with the way in which the students identify themselves. Teachers should also be aware of how to respond to negative comments and actions based on gender and gender identity expression to help stop harassment (Greytak, Kosciw, & Boesen, 2013; Russell et al., 2010). Further, faculty and staff should communicate to students that any gender biased harassment, along with other forms of harassment, is not acceptable and ensure that students know how to report harassment and where to get help if they themselves experience harassment (Russell et al., 2010).

Summary

Transgender and gender nonconforming students are asking for the same rights and privileges that all students ask for, to have the opportunity to learn in school environments that are equitable, safe, and supportive. When educators understand the laws, school policy and student needs, they are positioned to maintain inclusive and equitable academic and social experiences for students in the school setting and, perhaps, the community beyond the school walls. By continuing to learn about the

needs of the transgender student population, educators can continue to provide services that help all students achieve to their highest potential.

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