

Transgender and Gender Non-Conforming Youth Recommendations For Schools

Transgender Law Center

www.transgenderlawcenter.org
info@transgenderlawcenter.org
(415) 865-5619 or 865-0176
1800 Market Street #408
San Francisco, CA 94102

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Overall Challenge: Discrimination & Harassment

Transgender students face severe discrimination and harassment in schools.

89.5% of transgender students report feeling unsafe in schools.¹ Transgender students are at higher risk of dropping out of school and of suicide.

Example of harassment:

*School was.... Hell. No one wanted to sit near me in the cafeteria. No one wanted to talk to me. I was treated like I had leprosy or AIDS. I was the freak kid. Kids would say, "Oh, hi, Lawrence." And I would speak back. And, "oh my God, you sound just like a girl." Guys wanted to pick fights. People would say just a whole bunch of vulgar tings to me. Every day I'd come home from school cryin'. Kids would yell from the school bus, "Faggot!" Throw stuff out of the windows. Made me hate kids, hate school, hate life."*²

-- Lawrence, 19 year old transgender youth

Overall Recommendations:

- A) To protect transgender and gender non-conforming students by creating an explicit antidiscrimination and anti-harassment policy – and to enforce these policies meaningfully.
- B) To train all teachers, administrators, counselors, and students in transgender sensitivity, in what it means to treat all people respectfully and equally.

The Oregon Equality Act (SB2) prohibits discrimination in public schools and charter schools on the basis of actual or perceived gender identity and/or expression.

California protects transgender and gender non-conforming students in public schools from discrimination and harassment. (AB 537: California Education Code 200 incorporating the Student Safety and Violence Prevention Act of 2000). So, in California, the above recommendations are the law. Minnesota and New Jersey have similar protections.³

Specific Challenges & Recommendations:

Challenge #1: Incorrect & Disrespectful Use of Names and Pronouns

Frequently, transgender and gender non-conforming students are not addressed by the appropriate pronouns or names. Having one's gender recognized and validated is important for emotional health.

As anyone can imagine, it is extremely disrespectful to be called by a pronoun or name one does not chose for oneself. It invalidates ones identity and self-concept. This lack of validation and recognition can and often does lead to depression and suicide.

Recommendation #1: Correct Names/Pronouns – According to Student Self-Identification

Transgender and gender non-conforming students have the right to be addressed by a name and pronoun corresponding to their gender identity. This is true regardless of whether the student has obtained a court ordered name or gender change. Intentionally addressing a student by the incorrect name or pronoun is a form of discrimination. The directive does not prohibit inadvertent slips or honest mistakes, but it does apply to an intentional and persistent refusal to respect a student's gender identity.⁴

Students who wish to use pronouns other than the masculine or the feminine (such as zie and hir) need to be respected equally.

Challenge #2: Lack of Appropriate Restroom Accessibility

Many transgender and gender non-conforming students have no access to bathrooms. Some are told to use the bathroom that does not correspond to their gender identity. Many are expelled from school because the school does not know where the person should use the bathrooms.

Recommendation #2: Gender Appropriate Restroom Accessibility

All students have a right to safe and appropriate restroom facilities. This includes the right to use a restroom that corresponds to the student's gender identity, regardless of the student's sex assigned at birth.⁵ Requiring the student to 'prove' their gender (by requiring a doctor's letter, identity documents, etc.) is not acceptable. The student's self-identification is the sole measure of the student's gender.

Challenge #3: Lack of Gender Neutral Bathrooms

Often transgender and gender non-conforming students do not feel safe in *either* the men’s or women’s restrooms. Many students are harassed in both women’s and men’s restrooms – because they are perceived to not be sufficiently stereotypically feminine or masculine.

In a transgender focus group, the Gay Straight Alliance Network found that the lack of safe bathrooms is the biggest problem that gender non-conforming students face. For instance, “One youth wouldn’t use the restroom at school. Instead, he would cross the street to a restaurant and use the men’s room there where people didn’t know he was biologically female.”⁶

Recommendation #3: More Gender Neutral Bathrooms

Where possible, school districts should provide an easily accessible unisex single stall bathroom for use by any student who desires increased privacy, regardless of the underlying reason. However, use of a unisex single stall restroom should always be a matter of choice for a student. No student should be compelled to use one either as a matter of policy or due to continuing harassment in a gender appropriate facility.⁹

If possible, we encourage more than one gender neutral bathroom.

Challenge #4: Lack of Locker Room Accessibility

Transgender and gender non-conforming students also face difficulties in locker room facilities. Gender non-conforming students are harassed, no matter what locker room they use. Often, transgender students are kept from going into any locker room.

Recommendation #4: Locker Room Accessibility

In locker rooms that involve undressing in front of others, transgender students who want to use the locker room corresponding to their gender identity must be provided an accommodation that best meets the student’s needs.

Such accommodations can include:

- (A) use of a private area within the public area (a bathroom stall with a door, an area separated by a curtain, a PE instructor’s office in the locker room)
- (B) a separate changing schedule in the private area (either utilizing the locker room before or after the other students)
- (C) use of a nearby private area (a nearby restroom, a nurse’s office)
- (D) access to the locker room corresponding to the student’s sex assigned at birth
- (E) satisfaction of PE requirement by independent study outside of gym class (either before or after school or at a local recreational facility).

It is not an acceptable accommodation to deny a student’s opportunity for physical education either through *not allowing* the student to have PE or by *forcing* the student to have PE outside of the assigned class time. *Requiring* a transgender student to use the locker room corresponding to the student’s sex assigned at birth is likewise prohibited.¹⁰

Challenge #5: Lack of Access to Sports and Gym Class

Often, transgender and gender non-conforming students are forced to be on a sports team that does not fit their gender identity. This is yet one more way in which transgender and gender nonconforming students are not taken seriously and are told that their identities are not valid.

Being repeatedly told that one's self perception is invalid is extremely psychologically harmful.

Recommendation #5: Sports and Gym Class

Generally, students should be permitted to participate in gender-segregated sports and gym class activities in accordance with the student's gender identity. In some situations, legitimate *questions about fairness in athletic competitions will need to be resolved on a case-by-case basis. This exception will not, however, apply to participation in gym class where the activity is recreational instead of competitive.*

Gender Segregation in Other Areas:

This directive outlines the main areas where students may find themselves segregated by gender. It does not, however, purport to identify and address all such circumstances. As a general rule, any other time students are segregated by gender (i.e. classroom discussion, field trips, or support/counseling groups) students must be permitted to participate in accordance with their gender identity.¹¹

We also question the need for gender segregated activities.

Challenge #6: Inappropriate Dress Codes

Often students are required to wear clothing that is inconsistent with their gender identity. For instance, Pat Doe, a male to female (*TransActive Note: A more respectful term is "affirmed female"*) transgender student was told that she could not wear girl's clothes. Every single day, first thing in the morning, she had to go to the principal's office, where the principal would look at her and decide if she was dressed enough like a boy. This student brought a suit against the school, a suit which she won.¹²

Recommendation #6: Students Can Dress According To Their Gender Identity

School District can enforce reasonable student dress codes for the purposes of maintaining a safe and orderly school environment, and ensuring that the school can fulfill its educational mission. However, all School District employees must respect the right of a student to dress in accordance with the student's gender identity.¹³

Further, students should not have to chose between male and female clothing. Some students are most comfortable in clothing that is not clearly male or female or that is a combination of the two.

Challenge #7: Unsupportive Families

Some transgender and gender non-conforming students are not openly so at home because of safety reasons. “Transsexual youth who are open about their identity face extreme abuse and rejection from families and peers. Many are forced to leave their home communities and survive on the streets.”¹⁴

Recommendation #7: Confidentiality

A school should never disclose the student’s gender non-conformity or being transgender to the student’s parents unless the student consents.

Challenge #8: Lack of Role Models & Access to Accurate Information

Often, transgender students feel like they are all alone in the world. There are very few transgender role models in schools. There are no books in schools that teach about transgender and gender non-conforming people.

Often schools reinforce stereotypical gender norms. Further, schools do not teach students that there are gender options beyond female and male. In fact, most school structures reinforce a gender binary-centric model: male and female segregated bathrooms, male and female segregated locker rooms, male and female segregated sports teams and activities, etc.

Recommendation #8: More Role Models & Access to Accurate Information

Schools should make an effort to employ transgender and gender non-conforming teachers. Schools should have books about transgender and gender non-conforming people. Schools should make sure that everyone is aware that there is a great human gender diversity that certainly includes female and male, but also encompasses a non-binary gender spectrum.

Prepared by Jody Marksamer and Dylan Vade

Footnotes

- ¹ Gay Lesbian Straight Education Network (GLSEN) National School Climate Survey, 2001.
- ² From Shannon Minter “The Human Rights of Lesbian, Gay, Bisexual, Transgendered, and Questioning Youth: Key Issues Under the United Nations Convention on the Rights of the Child.”
- ³ See www.transgenderlaw.org
- ⁴ The above paragraph is the draft recommendation from the California Safe Schools Coalition, a coalition of civil rights activists working to enforce AB 537.
- ⁵ The above paragraph is the draft recommendation from the California Safe Schools Coalition, a coalition of civil rights activists working to enforce AB 537.
- ⁶ Transgender Focus Group, Santa Barbara, April 21, 2002.
- ⁷ Shawna Virago from Community United Against Violence (CUAV) at San Francisco Human Rights Commission LGBT Advisory Committee Meeting Sept. 24, 2002.
- ⁸ San Francisco Human Rights Commission, Summer 2001.
- ⁹ The above paragraph is the draft recommendation from the California Safe Schools Coalition, a coalition of civil rights activists working to enforce AB 537.
- ¹⁰ The above two paragraphs are the draft recommendation from the California Safe Schools Coalition, a coalition of civil rights activists working to enforce AB 537.
- ¹¹ The above two paragraphs are the draft recommendation from the California Safe Schools Coalition, a coalition of civil rights activists working to enforce AB 537.
- ¹² *Pat Doe vs. John Yunits*, Superior Court of Massachusetts, 2000..
- ¹³ The above paragraph is the draft recommendation from the California Safe Schools Coalition, a coalition of civil rights activists working to enforce AB 537.
- ¹⁴ Paul Gibson, L.C.S.W., “Gay Male and Lesbian Suicide,” from the REPORT OF THE SECRETARY’S TASK FORCE ON YOUTH SUICIDE, Vol. 3 (U.S. Department of Health and Human Services, 1989.) From Shannon Minter “The Human Rights of Lesbian, Gay, Bisexual, Transgendered, and Questioning Youth: Key Issues Under the United Nations Convention on the Rights of the Child.”