

Transgender and Gender Nonconforming Students Guidance Document

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New York State Board of Regents
Committee on P-12 Education

OVERVIEW

- ▶ The New York State Education Department is committed to promoting inclusive, safe school environments for all students in our state so they can focus on learning and succeed in school and life.
- ▶ The Dignity for All Students Act (DASA) is designed to prevent bullying, harassment and discrimination but does not go far enough to address the needs of Transgender Students and Gender Nonconforming Students.
- ▶ In fact, this a group of students who are overlooked and bullied more often than Lesbian, Gay or Bisexual students.

What is Transgender?

- “Transgender” is an umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they were assigned at birth.
- Many transgender people may be prescribed hormones by their doctors to change their bodies. Some undergo surgery as well. But not all transgender people can or will take those steps.
- Transgender is the “T” in the acronym **LGBTQ** which stands for Lesbian, Gay, Bisexual, Transgender, and Questioning.

Transgender by Numbers

- One study estimates there are 700,000 transgender people in the United States. *Gary J. Gates, The University of California Williams Institute, April 2011*
- Another study reports that 90% of Americans say they personally know someone who is lesbian, gay, or bisexual, but only 8% of Americans say they personally know someone who is transgender. *Pew Research Center, A Survey of LGBT Americans, 2013.*
- Because these numbers are few, these students are often overlooked, and they also experience different struggles than their LGB peers.

Discrimination specific to Transgender Individuals

- ▶ In 2012, 53% of LGBT homicide victims were transgender women. The majority were transgender women of color.
- ▶ In 2013, 72% of LGBT homicide victims were transgender women.

National Coalition of Anti-Violence Programs

Rates of Student Suicide

All Students: More than one in every 10 high school students reported having attempted suicide; nearly 1 in 6 students between the ages of 12–17 have seriously considered it.

LGBTQ: More than 30% of LGBTQ youth report at least one suicide attempt within the last year.

Transgender Students: More than 50% of Transgender youth will have had at least one suicide attempt by their 20th birthday.

National Suicide Statistics, Center for Disease Control and Prevention (2014)

Important Facts related to Violent Incidents Involving Transgender Individuals

- On March 11, 2015 the National Coalition of Anti-Violence Programs (NCAVP) reported they have responded to 13 LGBTQ homicides in 2015.
 - NCAVP believe seven of the incidents have been intimate partner, family or stalking violence-related and six have been hate violence-related.
- Last month (March 2015) it was reported that an 18-year old named Blake who made headlines last year when he was crowned Prom King has died (apparent suicide)
 - *"I'm still a person. And trans people are still people. Our bodies just don't match what's up (in our heads). We need support, not people looking down at us or degrading us or overlooking us. We are still human."*

New York State Transgender Student Guidance Document

- To assist school districts to continue to foster an educational environment that is safe and free from discrimination for all students, regardless of sex, sexual orientation, gender identity, or gender expression; and
- To complement existing resources made available by the Department such as the Dignity Act Guidance Document released in 2013 called the *NYS DASA: A Resource and Promising Practices Guide for School Administrators & Faculty*.

http://www.p12.nysed.gov/dignityact/documents/DignityForAllStudentsActGuidance_POSTING.pdf

Overview of Proposed Guidance Document

- ▶ Definitions
- ▶ Understanding Gender Identity
- ▶ Common Areas of Concern, including Examples
 - Names and Pronouns
 - Privacy, Confidentiality, and Student Records
 - Gender-Based Activities, Rules, Policies, and Practices
- ▶ Resources, Education and Training for School Districts and Communities

States Prohibiting Discrimination on Basis of Gender Identity and Expression: School Guidance Developed

Connecticut Safe School Coalition

Guidelines for Schools to Provide Guidance for Transgender & Gender Non-Conforming Students

http://www.sde.ct.gov/sde/lib/sde/pdf/equity/title_ix/guidelines_for_schools_on_gender_identity_and_expression2012oct4.pdf

Massachusetts Department of Elementary and Secondary Education

*Safe and Supportive School Environment:
Nondiscrimination on the Basis of Gender Identity*
<http://www.doe.mass.edu/ssce/GenderIdentity.pdf>

Washington Superintendent of Public Instruction

Prohibiting Discrimination in Washington Public Schools
<http://www.k12.wa.us/Equity/pubdocs/ProhibitingDiscriminationInPublicSchools.pdf>

States With Laws Prohibiting Discrimination

The State of California Passed a Transgender Law Prohibiting Discrimination:

California Department of Education Code Section 200

State Board of Education adopted a new Chapter 9 on Access and Equity, including Lesbian, Gay, Bisexual, and Transgender Students

<http://www.cde.ca.gov/ci/rl/cf/documents/chapter9sbeadopted.pdf>

California School Boards Association Policy Brief: Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students

<http://www.csba.org/~media/E68E16A652D34EADA2BFD9668B1C8F.ashx>

The State of Vermont Prohibits Discrimination on Basis of Gender Identity and Sexual Orientation:

Vermont Department of Education

Anti-Discrimination State Law considers schools places of public accommodation, therefore may not discriminate on the basis of sexual orientation or gender identity

<http://legislature.vermont.gov/statutes/section/09/139/04502>

NYS Local School District Policies

New York City Department of Education

Pursuant to the New York City Human Rights Law, the New York City Department of Education has issued guidance regarding transgender students within the jurisdiction of NYC DOE. While it does not apply statewide, it can be used as a reference as to what one New York district has adopted for transgender students.

<http://schools.nyc.gov/RulesPolicies/TransgenderStudentGuidelines/default.htm>

Shenendehowa Central Schools

Bathroom and Locker Room Policy: A student or staff member shall not be required to use a locker room or bathroom that conflicts with the student's or staff member's gender identity exclusively and consistently asserted at school/work. A private, single use bathroom and/or alternative changing facility shall be made available to any student in need of additional privacy.

http://shenet.org/DL_BOE/BOE_Policies/BOE5000policies/BOE5645.pdf

THANK YOU!