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Susan W. Woolley
Colgate University, swoolley@colgate.edu

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"When You Don't Believe Something Is Real, You Can't Actually Advocate for or Support It": Trans* Inclusion in K-12 Schools

Susan W. Woolley
Colgate University

Abstract

Drawing on interviews, ethnographic observations, and survey data, the author examines the ways teachers, administrators, and policy makers conceptualize and influence school environments for students of all genders. This article engages queer studies in education and disability theory to analyze the inclusion of trans* students in schools. Looking at the implementation of the New York City Department of Education's Transgender and Gender Nonconforming Student Guidelines in K-12 schools, the author questions how we can understand and address the gap between educational practice and policy to create schools that are inclusive of trans* students. How does the denial that transgender and gender non-binary students exist act as a barrier to implementation of the New York City Department of Education's policy? Administrators' and teachers' beliefs that trans* students did not exist in their schools structured ways in which such students were not seen, advocated for, or imagined.

Keywords: education policy, transgender, inclusion, K-12 schooling

Introduction

Seldom are schools safe places for trans*[1] students (Kosciw, Greytak, Palmer, & Boesen, 2014; Movement Advancement Project and GLSEN, 2017). According to the National Transgender Discrimination Survey, students who "expressed a transgender identity or gender nonconformity while in grades K-12 reported alarming rates of harassment (78%), physical assault (35%), and sexual violence (12%); harassment was so severe that it led almost one-sixth (15%) to leave school" (Grant, Mottet, Tanis, Harrison, Herman, & Keisling, 2011, p. 3). Moreover, GLSEN's 2015 National School Climate Survey found that "three-quarters (75%) of transgender students felt unsafe at school

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[1] Throughout this article, I use trans* with an asterisk to refer to a wide range of identities that fall under the trans umbrella such as transgender, genderqueer, gender fluid, gender non-binary, gender nonconforming, gender variant, gender expansive, gender creative, and otherwise non-cisgender. I draw from Avery Tompkins' (2014) discussion of trans* in *Transgender Studies Quarterly*'s inaugural issue, in that the asterisk "opens up transgender or trans to a greater range of meanings" (p. 26). Further, my use of trans* is informed by Jack Halberstam's (2018) position that "the asterisk holds off the certainty of diagnosis, it keeps at bay any sense of knowing in advance what the meaning of this or that gender variant form may be" (p. 4) as well as by Cáel Keegan's (2018) argument that trans* "indicates an unsettled condition that reflects historically racialized, classed, and gendered intracommunity politics about who counts as a trans subject, while simultaneously pointing at a range of undetermined potentials for interdisciplinary theoretical elaboration" (p. 12).

because of their gender expression, while 60% were forced to use a bathroom or locker room that did not match the gender they live everyday" (Movement Advancement Project and GLSEN, 2017, p. 3). School climate for trans* youth can be non-affirming, unhealthy, and even dangerous; yet, there is little understanding or national discussion about how to better serve this vulnerable population within the compulsory institution of schooling.

There is a growing body of educational research that identifies that the surveillance of bodies as gendered along a binary is taught to young people from the very first days of schooling and continues throughout secondary school (Woolley, 2015; Connell, 1996; Ferguson, 2001; Martin, 1998; Thorne, 1993). In schools, the hidden curriculum of gender regulates bodily comportments, practices, and embodiments, making gendered bodies and their movements appear natural and rigidly dichotomous (Martin, 1998). Individuals' experiences and subjectivities are constituted to a great extent by school policies, school-level processes, and the identity categories around which educational exclusions and inequalities revolve (Youdell, 2006). A variety of seemingly mundane aspects of schooling govern and reinforce schools' gender regimes, including dress codes, team sports, segregated bathrooms, different entrance lines for boys and girls, typically gender segregated courses like shop and home economics, and heterocentric sex education (Connell, 1996). These school structures reinforce heteronormativity and compulsory heterosexuality through rituals of heterosexual performance; regulate gender expression so that it is easily interpreted as masculine or feminine; and mete out penalties for those who cross gender boundaries or express gender in ways that do not match stereotypes assigned to their biological sex (Epstein, 1993; Khayatt, 1995; Renold, 2000).

Educational researchers tend to focus on the ways students' gender is produced and shaped in schools (Author, 2015; Connell, 1996; Ferguson, 2001; Martin, 1998; Pascoe, 2007; Thorne, 1993), but little focus is given to the ways in which teachers help produce gender, address gendered marginalization, and implement changes toward gender inclusion. Ethnographic research has analyzed how gendered school spaces shape gender identity and student experiences (Banks, 2005; Eckert, 1989), but few have examined how this affects transgender and gender nonconforming students (Woolley, 2015; Ingrey, 2014). Importantly, it has been shown that teachers and administrators often reinforce oppressive norms rather than actively work to fight them (Dessel, 2010). Even among teachers who attempt to address biased remarks of all kinds, biased remarks regarding students who do not conform to traditional gender norms are the least likely of any type of biased comment to be addressed by teachers (Bryan, 2014). Scholars working in this area have called for research to account for the ways critical pedagogy or diversity education inclusive of gender nonconformity influences school safety for gender variant children (ibid.).

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in any education program or activity that receives federal funding. Although the Trump administration withdrew the 2016 Department of Education and Department of Justice's "Dear Colleague Letter" on transgender students, Title IX still ensures that transgender students have the right to be treated according to their gender identity. As of the time of writing, the Department of Education continues to interpret "sex" to include gender identity under Title IX. However,

"the practical effect of rescinding the guidance is that the federal government is no longer instructing schools that they have an obligation to treat transgender students with the same dignity as any other students including when it comes to restroom access, and that the government has signaled that it may not fully enforce Title IX's protections" (Movement Advancement Project and GLSEN, 2017, p. 6).

In 2011, California established the FAIR (Fair, Accurate, Inclusive, and Respectful) Education Act (Senate Bill 48), which compels the inclusion of contributions of LGBT people in textbooks, as well as public schools' social studies curricula. Since then, only the state of New Jersey has joined California in passing such a law requiring LGBT representation in the curriculum. Yet such policies have had little impact as administrators and practitioners are hesitant to implement changes (Leno, 2013; Leonardi, 2017). In 2013, two years after passing the FAIR Education Act, California enacted the School Success and Opportunity Act, the first state law protecting trans* students. In the same year, New York State passed Education Law 3201, which prohibited discrimination in public education based on a person's sex.

After a number of high-profile suicides by trans* youth in 2015, New York State issued a set of guidelines to ensure that all students regardless of gender identity or expression have equal access to educational programs and activities. At the time of print, New York State is one of fifteen states (CA, CO, CT, HI, IL, IA, MA, ME, MN, NJ, NY, OR, RI, VT, WA), plus the District of Columbia, that has a nondiscrimination law protecting students based on gender identity and guidelines for creating an inclusive learning environment.[2] In New York, state and federal policies—New York State's Dignity for All Students Act (DASA), New York State Education Law 3201, and Title IX—protect trans* students from discrimination based on their sex, gender identity, or gender expression in public schools. Yet, about 9 in 10 LGBTQ students in New York State regularly heard other students make negative remarks about how someone expressed their gender, such as not acting "feminine" or "masculine" enough, and 27% regularly heard staff make negative remarks about someone's gender expression (GLSEN, 2013). In 2014, the New York City Department of Education (NYC DoE) established recommendations for schools to create a safe and supportive school environment for trans* students. In March 2017, the NYC DoE revised and extended these recommendations considerably, publishing the Transgender and Gender Nonconforming Student Guidelines. In these guidelines, the NYC DoE asserts:

> It is the policy of the New York City Department of Education to maintain a safe and supportive school environment for all students free from harassment, intimidation, and/or bullying and free from discrimination on account of actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability, or weight. (New York City Department of Education, 2017, p. 1)

My research questions emerged from this policy context as I wondered how these guidelines were being implemented in practice and what kinds of challenges teachers and

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[2] While there are 15 states with such nondiscrimination laws in place to protect trans* students, as recently as 2017 seventeen states, including New York State, proposed legislation to ban transgender students from using the school facilities that match the gender they live every day (AL, AR, IL, KS, KY, MN, MO, MT, NC, NY, SC, SD, TN, TX, VA, WA, WY) (Movement Advancement Project and GLSEN, 2017, p. 7). For up-to-date information, see Equality Federation, http://www.equalityfederation.org/lac/antitrans.

administrators may find in implementing them. In this work, I question how we can conceptualize and address the gap between educational practice and policy in the case of creating K-12 schools that are inclusive of trans* students. It is our responsibility as researchers and practitioners to question what inclusion for trans* students in K-12 schooling looks like, and this is the primary question I take up in my research in New York City (NYC) schools.

Methodology

Data collection and analysis

This study draws on qualitative research methodology, weaving together ethnographic observations, interviews, surveys, and the collection of artifacts. The multiple sources of data I gathered—including audio-recorded interviews and transcripts, ethnographic fieldnotes, survey responses, and cultural artifacts generated by participants—enabled me to effectively triangulate patterns and recurring themes in my data and my research findings (Bogdan & Biklen, 2007). Using the framework of multi-sited ethnography (Marcus, 1995), I focused on multiple schools as sites where the NYC DoE policy is being implemented. In my ethnographic observational fieldnotes in schools, I focused on structures and practices that offer opportunities for inclusion or exclusion of trans* students, such as the curriculum; bathrooms and locker rooms; systems for tracking student information; gender segregation practices like lining up boys and girls separately; the visibility of LGBTQ people and topics; and resources available about being trans* (e.g., health center, gay-straight alliance or gender-sexuality alliance or GSA, counselor, social worker, etc.).

I used interviews to better understand teachers' and administrators' practices, perceptions, and ways of negotiating challenges they face trying to make schools more inclusive spaces for trans* students. Individual interviews provided me insight into participants' perceptions and understandings, processes of meaning-making and explanations of phenomena in their social worlds, as well as how they narrate and represent their experiences. Interviewing, as a qualitative mode of inquiry, calls on participants to answer and elaborate on their responses to open-ended questions, to narrate their stories and experiences, and to offer their interpretations of these experiences (Seidman, 2006). I collected survey data to get a sense of teachers' experiences across a wider range of schools, and for those teachers I interviewed, to gain more insight about their experience teaching and their school. As cultural and material records of information produced in school, artifacts help to round out a picture of how knowledge about gender is generated, contested, and negotiated. Some artifacts I collected include publicly available DoE communications, news articles about DoE teachers and schools in my study, educational materials from LGBTQ-related DoE professional development workshops, and LGBTQ visibility materials from the schools. All of these data sources – ethnographic, interview, survey, and artifacts – work to provide a more comprehensive picture of how trans-inclusive policy is being carried out in practice.

I called on the help of two undergraduate research assistants, as well as a professional transcriptionist to transcribe the interview recordings. I coded and analyzed fieldnotes, artifacts, and interviews using Discourse Analytic techniques in order to examine how language in action produces gender normativity (Jaworski & Coupland, 2006; Wooffitt, 2005). Using MAXQDA, I organized, coded, and analyzed my data to reveal emerging themes, patterns, and anomalies. In this process, I wrote analytic memos discussing evidence that confirmed or disconfirmed the patterns I identified.

Sites and subjects

During the 2016-2017 school year, I carried out ethnographic site visits in 19 different schools and at three NYC DoE Professional Development events related to LGBTQ issues in education. The 19 sites spanned New York City's five boroughs, with the fewest sites (1) and fewest participants (5%) from Staten Island. Similarly, I only visited one school in the Bronx, but teachers from the Bronx made up 13% of my interview participants. I visited three schools in Queens, but Queens teachers accounted for just 5% of my interview participants. I visited seven schools in Manhattan and seven in Brooklyn. Although over a third of my sites were located in either Manhattan or Brooklyn, 29% of my interview participants teach in Manhattan schools, while 48% teach in Brooklyn. Of the 19 sites in my study, 37% were in high poverty schools, 42% in mid-high poverty, 16% in mid-low poverty, and 5% in low poverty schools.[3]

I recruited teachers through various means beginning with emails to principals for permission and circulation at their schools per the Department of Education's direction. After initial contact was made with all 1,835 public K-12 schools in New York City and approved by the NYC DoE, I reached out for participants through local teacher education programs as well as listservs like the United Federation of Teachers, NYC Teaching Fellows, NY Collective of Radical Educators, GLSEN, and the Trans and Non-Binary Educators Network. I employed purposive sampling to select interviewees, and I recruited teachers who had a particular interest or history in supporting trans* students in schools. Although I began by recruiting teachers to participate in interviews, it quickly became clear that principals and other school staff had important information and perspectives to share, as well as the desire to do so. I expanded my subject pool beyond teachers, and in total, I interviewed 52 teachers, eight principals and two deans, eight GSA coordinators, three guidance counselors, two social workers, and seven paraprofessionals. I also interviewed three policy makers and employees at the New York City Department of Education. To compensate participants for their time, I made a $45 donation to their school or the donorschoose.org cause of their choice.[4] I also collected survey data from a small sample size of 80 teachers, many of whom I interviewed either before or after they completed the survey. For this study, the survey data served as further

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[3] According to the National Center for Education Statistics, high-poverty schools are defined as those where more than 75.0 percent of the students are eligible for FRPL (free/reduced-priced lunch), mid-high poverty schools have 50.1 to 75.0% students eligible, mid-low poverty schools have 25.1 to 50.0% students eligible, and low-poverty schools have 25.0% or less students eligible for FRPL. https://nces.ed.gov/programs/coe/indicator_clb.asp

[4] This was with the exception of the DoE employees who could not accept compensation for our meeting.

explanatory information about the teachers' schools and experiences to complement what I learned in their interviews.

In reaching out to principals and recruiting participants, there was a range of reactions to my call. Some of the folks who participated had some stake in supporting trans* people or issues—for example, they may have identified along the trans* spectrum, or as queer, or were close to someone who does. Others had colleagues or friends who identified as LGBTQ, and they were interested in ways to support this demographic. Other participants may have been motivated by the compensation, not necessarily their experience or interest in the topic of my study. There was another group of participants who felt strongly opposed to trans* people's rights and the NYC DoE's policy, and a last group that declined to participate.

The racial demographics of my interview participants were: 53% white, 16% Latinx, 14% Black, 10% multiracial, 5% Asian, 1% Native American. Interestingly, 46% of my sample identified as straight or heterosexual, while 54% identified on the LGBQ spectrum. Of the LGBQ population in my sample, 55% self-identified as queer, 13% as gay, 13% as bisexual, 11% as lesbian, and 8% as flexible. In terms of gender, 58% of my participants identified as cisgender women, 26% as cisgender men, and 16% as transgender or somewhere on the trans* spectrum. The participants whose words are represented and discussed in this article identify across a wide variety of identity markers: (Puerto Rican, Polish, Russian, Bengali, Jamaican, West Indian, Black, Latinx, Southeast Asian, mixed race, white, Catholic, Baptist, Jewish, Hindu, Muslim, atheist, large bodied, woman, trans, transmasculine, male, queer, bisexual, and straight). Throughout this article, I intentionally exclude identifying markers and information about my participants so as to protect their anonymity. Revealing specifics about how they identify, what kind of school they work at, or in what borough unnecessarily risks disclosing who my participants are. What is more important to consider is that they are the perspectives and experiences of K-12 teachers and administrators across the vast New York City public school system.

Researcher positionality

As a white, cisgender, queer woman who is an academic researcher and professor, I experienced the social privilege of being granted access to schools and participants for this study. My professional status, whiteness, and cisgenderness further aided this access, as I was viewed as somehow normatively belonging to the space of schools despite my clear outsider status as a researcher from outside the district. Similarly, my professional status and whiteness also made it more difficult for me to gain the trust and admittance of some principals and schools. As someone who is cisgender working on trans* issues in schools, I aim to be an ally to trans* and other marginalized people. Doing this work means sometimes leveraging my cisgender privilege to advocate for others, and at other times seeking out collaborators amongst my trans* participants, research assistants, and colleagues. Through this process, I have tried to put the voices and concerns of trans* educators, administrators, and students at the front of what I do and to pay attention to the ways my cisgender privilege can structure my understanding of gender. I rely

on and am deeply grateful for the feedback and guidance of my trans* colleagues and participants. As a queer-identified woman with queer political commitments and a scholar in queer studies with queer theoretical leanings, this work is shaped by my positionality.

Policy in Everyday Practice

Despite taking expansive approaches toward implementing New York City Department of Education policy, schools have adopted recommendations in irregular fashion. Administrators' reactive approach toward implementing gender inclusive policy and practices in schools is justified by the logic that trans* students do not exist in their presence. The refusal and denial of trans* existence coupled with perceived absence and invisibility contribute to the faulty logic that trans* students are not present and do not need inclusion or access to K-12 schooling.

Reactive approach toward implementing policy

The NYC DoE's guidelines call for schools to take a proactive approach toward implementing these support systems for all students regardless of how they may identify. Yet, most participants described their school's approach as reactive—of reacting and working toward supporting trans* students only if and when someone disclosed their non-cisgender identity to the school administration. From there, schools worked with the specificity of that particular case and setting to consider accommodations. One teacher described the situation as, "We just have to work with what we have, and if it comes up we'll deal with it, but there's no actual plan to deal with it. And just because they are silent, doesn't mean that they don't exist or that there isn't a need to address it" (Interview with AV77, 4/10/17). This teacher further considered how coming out and disclosing oneself as trans* could impact a student's educational experience in their school, commenting:

> I think the biggest challenge is just that there's no support from the powers at large – the administration. …. I don't know how my administration would react, and I don't know what I could do to support them, and I think the biggest challenge is not knowing how this school would respond to something like that. (Interview with AV77, 4/10/17)

Reactive approaches reproduce the exceptionalism of trans* identities while refusing to acknowledge their possible presence, or as one teacher pointed out that, "trans people have always been here" (Interview with HF43, 4/3/17). Talking about educating students about trans* people, this teacher continued:

> You've always gone to the bathroom with trans people, and it never mattered, and you probably didn't know, right? So, they can just, like, them knowing that trans people exist, that trans people are not tropes, …. that they should always assume that it is a part of their world. (Interview with HF43, 4/3/17)

This teacher's normalizing approach positions trans* people as a normal, not exceptional, part of their social world. I found there were a number of outstanding teachers teaching about LGBTQ topics, and transgender people in particular, and

their proactive and normalizing approach helped to make trans* people just another part of the curriculum and the school and classroom communities.

For many, the basis for taking a reactive approach was the belief that one does not need to act until there is a student present who is declaring themselves trans* and asking for accommodations. The most common response that I received from principals—of the 1800+ to whom I sent my recruitment materials—was that *those students are not at my school*. The belief that trans* students did not exist in schools, and by extension, in society, meant that trans* students were not seen. Despite the high probability that some gender nonconforming, gender non-binary, or transgender student has attended or is attending any of the New York City public schools, they were not necessarily recognized. Trans* students were invisible to the administration, which was made audible through their very denial. It is possible that not all trans* students want to be seen and that some chose not to disclose their identity. Eve Sedgwick (1990) argues that the closet is structured by double-binds that make coming out simultaneously compulsory, yet forbidden. If one conceptualizes such nondisclosure as remaining in the closet, then coming out as trans* is similarly compulsory, yet forbidden. The threats of violence for gender nonconformity are real, so in some cases the closet is the safest place to be. Yet, if a student was not out as trans* to many administrators and teachers, they were believed to not exist in that school.

Expansive approaches to trans* inclusion
The NYC DoE takes an expansive approach to inclusive practices and ways to implement their policy for supporting trans* students in their schools. Their guidelines suggest changes that schools can make in order to be compliant with the policy, such as using students' chosen names and pronouns, corresponding names on student records and information systems, reviewing and eliminating gender-based practices without clear pedagogical purpose, avoiding gendered dress codes (e.g., requiring girls to wear skirts), providing opportunity to participate in physical education and sports, and addressing restroom and locker room accessibility.

Based on the 19 schools that I observed and the 42 schools my participants taught in, my findings suggest that the most inclusive schools for trans* students share certain traits. The schools that were most accommodating of their trans* students' needs had in place systems for tracking students' chosen names and pronouns and which to use with whom; professional development with staff about meeting LGBTQ students' needs; the incorporation of LGBTQ topics into the curriculum; an active GSA; and some version of gender neutral or all gender bathrooms. Unsurprisingly, the most accommodating schools had LGBTQ visibility represented in the form of out LGBTQ staff and students, as well as in school materials and posters hanging in the hallways, LGBTQ sections in the library, and LGBTQ resources in classroom collections.

Many sites had designations as inclusive and bias-free schools from GroundSpark's Respect for All Project, and some of the teachers and administrators wore OUT for Safe Schools® badges from the national campaign to visibly identify trusted adults to LGBTQ students. A few of these schools were beginning to pay

attention to gender inclusive language, and had changed mundane practices in their everyday routines, such as welcoming "Good morning, guys, gals, and non-binary pals" at the start of morning announcements. These schools tended to take a holistic approach toward educating their students and to center their socio-emotional development. Some of these schools offered services beyond what one might think of as falling within the limits of education, such as providing food, prom dresses, and winter coats.

In the most inviting schools, there was a culture of acceptance and celebration of LGBTQ people, while in other cases LGBTQ people were merely tolerated or met outright hostility. At the sites where the school climate was not positive for LGBTQ students, one of the most challenging aspects was addressing hurtful language, and the schools struggled to educate students about the power of their words. Even in the most accommodating schools, offensive language was still prevalent but the teachers and students had developed routines for calling out and educating about the hurtfulness of language like "that's so gay" and "she/he" or intentionally misgendering a student.

Interestingly, many of the schools successfully creating inclusive educational environments for trans* youth are also working toward or have already implemented Restorative Justice practices. Dialogue about grievances proved to be the most effective methods for mediating young people's conflicts and supporting LGBTQ students who had been targeted or victimized at these schools. Schools with Restorative Justice processes tended to have more resources and support systems for their trans* students, such as student clubs like GSAs, counselors, support groups, trans* representation in curriculum and library books, and school policies aimed to protect trans* students from discrimination. Teachers, principals, and students at these schools reported positive learning environments that were not void of problems, but supportive overall.

Lack of uniform implementation

Across schools, teachers, and administrators, I observed a lack of uniform implementation or awareness of the DoE's guidelines on supporting transgender and gender nonconforming students. In contrast with most inclusive schools for trans* students that I describe above, there were schools that I visited and that my participants worked in where there was no training or discussion of the NYC DoE guidelines and few structures, if any, in place to support LGBTQ or gender variant students. I interviewed members of the NYC DoE, who acknowledged this lack of awareness of the guidelines was common. Referring to the guidelines, they said:

> We ask in our training if participants have seen these and they say no. We ask, because your principal provided you with these… a lot of them don't remember hearing about it from their principal, don't think that their principal provided it to them, and it can be a lot to expect somebody to go back to their school and inform their school principal about these policies. And so, we do need to do more to reach principals so that they know that these are the policies, and it is your responsibility to message these down to your staff. (Interview with NYC DoE, 1/9/17)

The NYC DoE specifies that the responsibility of ensuring school staff and students are familiar with the guidelines falls on principals or their designees (NYC DoE, 2017, p. 8). In many cases, teachers had to seek out this information for themselves.

I observed, as well as discussed, with principals, deans, teachers, and staff various practices in their schools that conflicted with the NYC DoE's guidelines. Schools held onto gender segregation practices like having different color graduation robes for boys and girls, different parts for boys and girls to sing in a song at graduation, dress codes that enforced sex stereotypes such as requiring girls to wear skirts, and dividing along binary gender groupings. Dress codes were suspended, however, for special spirit days such as "Gender Bending Day," in which students were invited to dress up as "the opposite" gender in a binary model of gender as masculine/feminine, boy/girl, man/woman. In practice, Gender Bending Days looked like girls wearing baggy clothes and boys wearing short skirts, fake breasts, and heels, hypersexualizing and mocking feminine gender performance. Gender bending on "Gender Bending Days" is sanctioned for cisgender heterosexual people to perform in an ironic fashion, not as a celebration of gender variance in identity and expression.

Although dividing students by binary boy/girl or male/female lines is discouraged by the NYC DoE, as well as research on pedagogy and gender (see Woolley, 2015), one third of my survey participants said that students were divided into binary gender groupings 'sometimes to always' at their school. Lining up students by gender was commonplace, but even more so at the elementary level. One teacher explained, "I try to do boy and girl lines when we're lining up because, you know, we try to make the classrooms as evenly as possible" (Interview with ST62, 3/24/17). The balance hinged on the binary was justified in terms of maintaining order and policing behavior. This teacher continued,

> Some of my boys this year are a little rowdy, and they need a girl next to them to calm them down and be like, 'Stop. You're not doing the right thing.' Other times, it's easier to have a boys' line and a girls' line because, especially in the beginning of the year, they can't go to the bathroom by themselves. We have to take them to the bathroom that's down the hall, so it's easier to keep track of them. (Interview with ST62, 3/24/17)

The order imposed in separating students by boys and girls was more valued than a student's autonomy not to be categorized by gender in order to go to the restroom.

One middle school in Brooklyn celebrated their "Girls' Expo" and "Boys' Expo" days, continuing with this tradition despite the DoE's call for schools to review and eliminate gender segregation practices that do not serve a clear pedagogical purpose (NYC DoE, 2017, p. 8). In the Girls and Boys Expos students were separated "by female and male" as most administrators and teachers referred to these groups, using binary sex and gender categories interchangeably. The content and guest speakers varied across the two expos to reflect the sex/gender of their audience. At this school, at least one transgender student was forced to go to an expo in line with their sex assigned at birth, but out of line with how they identify and express their gender. The assistant principal explained that "the boys' and girls' summit was a big thing because the intentions are great, but here, this one student

doesn't identify as female or girl, but is being forced to go to the girls' summit despite the fact they identify as being male" (Interview with JM13, 5/25/17). Without forethought and possibilities for choice, requiring a student to participate in a gender-segregated activity can not only be embarrassing and delegitimizing for a student, but also runs the risk of inflicting trauma and/or a gender dysphoric episode.

The implementation of all-gender restrooms, gender-neutral restrooms, and single-stall occupancy restrooms spanned a wide range and was the most contested of accommodations I examined across the schools in my study. Resistance to adding such a bathroom was largely framed and understood through the notion of limited resources and the zero-sum game. That is, in order to accommodate some students and give them a resource like a safe bathroom, it was seen by teachers and administrators as necessarily taking away something from someone else. I collected data during the 2016-2017 school year, and thus, my data reflects how restrooms were addressed *before* Chancellor Fariña announced the Single Stall Student Restrooms Initiative on May 2, 2017. Although the implementation of accessible restrooms for transgender and non-binary students is an important site of intervention, the topic is outside of the scope of this article. I suggest further research be conducted on how the Single Stall Student Restrooms Initiative is being implemented in NYC schools.

Refusal and denial

A few participants reported working with administrators and teachers who were antagonistic toward LGBTQ students or who discouraged their staff from wearing Out for Safe Schools® badges. In some schools, LGBTQ people were not out about their LGBTQ identity, choosing not to disclose their gender and/or sexuality with their co-workers for a complex assortment of reasons. In most schools, LGBTQ topics were not spoken about nor represented in the curriculum. Most participants indicated they heard language like "faggot" and "that's so gay" frequently at school, with the exception of those who worked in small alternative schools, which tend to have an ethos based on respect for diversity, as well as in transfer schools, which often have higher percentages of LGBTQ students who have been pushed out of their previous schools.

The DoE implemented an online system for tracking students' information that allows for students to designate their preferred name and pronouns. Many trans* students use this technology, and there were administrators and teachers who acknowledge and respect their wishes, but this was not the case in all schools. Some teachers were aware of, but refused to adhere to and implement the NYC DoE's guidelines. Their rationale was grounded in ideological beliefs, pragmatic concerns, and for some, a zero-sum logic of resources and rights. One teacher explained her stance:

> I absolutely do not believe that you should require teachers to call a kid by a certain pronoun, or to respect their wishes in a name that is not the name that's on your enrollment. What you're doing is you're setting teachers up to get in trouble for yet another thing and, you know, when there's an

administration that's out to get a teacher, or there's a student that's out to get a teacher, and they call them, they refer to them as she and it was supposed to be he, or the other way around, like, suddenly the teacher's open to disciplinary action. So, when you grant rights to one group of people, you're taking them away from somebody else. And teachers are enough of a target. I just don't ever want gender to become something that is my responsibility. You come in here, boy or girl, whatever. It's on a sheet of paper: a name is on a sheet of paper and that is what I will go by. I don't want to get involved in your politics. And just because you feel, or some child feels that they have the right to express their individuality in any way they want doesn't mean that you can force me into whatever little dream world you got going on there with who you think you are. I don't give a shit who you think you are. I'm a teacher. I'm teaching content. Who you are is your own business. Keep it out of my classroom. I think that's dangerous territory for teachers for that to become our responsibility to respect their wishes. Screw that. They're children, you know? Your parents will tell you, tell us what gender you are and I will go by that because it's on our form. In my classroom, I will make sure that, you know, we are fair and open, and I will protect them as the children they are, no matter what their gender, but saying that I need to behave a certain way, I need to use certain words, I need to use certain names, just opens me up for getting in trouble and it's not my job at all. (Interview with MM70, 4/12/17)

For this particular teacher, the risk to a teacher who could face disciplinary action was more important than the risk to a student who could face a teacher unwilling to affirm their name, pronoun, or gender. Respecting a student's wishes and their sense of self fell outside of what this participant thought should be a teacher's responsibility.[5] Instead, the vulnerability of teachers who are already targeted and may be subject to disciplinary action because they use the wrong name or pronouns is more important to consider and protect than any individual student who "feels that they have the right to express their individuality in any way they want" or who lives in a "little dream world" (Interview with MM70, 4/12/17). By referring to a student's gender identity as a "little dream world," this teacher indicates that she deems their gender—and by extension, their humanity and self—invalid, non-existent, and not based in reality.

Through the frame of the zero-sum game, this teacher articulated her resistance to implementing an all-gender or gender-neutral bathroom in her school, as she believed it would issue special treatment, not rights or accommodations, to non-cisgender students at the expense of cisgender students. She asserted that granting rights to one group of people meant taking them away from somebody else. She continued, "When you start granting rights and saying that the schools must comply,

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[5] The New York City Department of Education asserts, "Every student is entitled to be addressed by the name and pronoun that corresponds to the student's gender identity that is consistently asserted at school. Students are not required to obtain parental consent or a court ordered name and/or gender change as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity. Teachers and other school staff should be made aware of and honor a student's request to be referred to by the name and gender that corresponds to their gender identity" (NYC DoE, 2017, p. 6). I interpret this guideline as specifying that it is the responsibility of teachers and staff to respect a student's wish to be referred to by their preferred name and gender, despite the opinions of people like participant MM70.

how many resources are we diverting for one or two kids who, you know, may or may not even be there in order to comply with something that is vague?" (Interview with MM70, 4/12/17). The payoff of securing a safe and supportive educational environment for these students does not justify the diversion of resources, as this teacher sees it. This teacher's speculation about the presence or absence of trans* students who "may or may not even be there," points to her disbelief that they are present in her school.

In some schools, there was disbelief that trans* students are present, or in some cases, that transgender people even exist. Teachers reported working with colleagues who doubted the realness – the authenticity and the legitimacy – of their trans* students. One teacher mentioned that "what was revealed is that some teachers were just like, 'I don't really. Like, I don't believe that people are trans'" (Interview with AC83, 4/3/17). Another teacher articulated this tension in the following way:

> One of the things that feels hardest is with the other adults in the building. I've had conversations with them where it's just like, you don't get to decide that someone else isn't real. And that's essentially what you're doing by being uncomfortable and sort of scoffing at it, having to 'accommodate' somebody else's – what you think of as – imaginary identity, and that's really tough, right? When you don't believe something is real, you can't actually advocate for or support it. (Interview with HF43, 4/3/17)

Doubting the authenticity of a trans* student's identity undermines their right to self-determination, but scoffing at a person mocks their right to declare who they are. When a teacher denies the reality of their students' experiences and identities, there is no foundation on which to build relationships and to educate. Teachers cannot support or accommodate someone they do not believe is real, authentic, or valid. The logic of absence, as evidenced by invisibility and illegibility, structures how these teachers imagine and implement inclusion for trans* students.

Epistemologies of Exclusion

Principles of universal design and equitable use would posit that making changes such as adding an all-gender bathroom that is accessible, including LGBTQ topics and people in the curriculum, or respecting a student's desire to be referred to by a particular name and pronouns, benefits everyone—transgender or not. So, on the one hand, schools could implement the DoE's guidelines proactively regardless if they have trans* students present or out in their school for the benefit of all. On the other hand, if teachers and administrators do not think that trans* students are real, or that gender variance is real, then why implement guidelines for a population they do not believe exists?

When disbelief structures how one thinks of a person or a population of students, their invisibility and silence reinforces one's belief that they do not exist, and thus, can justifiably be excluded. Through refusal and denial, trans* students are treated like a justifiably excludable type, which acts as a barrier to implementation of gender inclusive policy and practice. Disability studies scholar, Tanya

Titchkosky, analyzes how the everyday narration of disability acts as a social power that reproduces the status quo even as the material environment changes. Titchkosky looks closely at the ways disability is conceptualized as absent or non-present, and I extend her argument to think about the ways trans* students are perceived as not present in schools. Titchkosky (2008) writes:

> One way disability *is* represented in everyday life is as a justifiably excluded type… As a justifiable absence, *this conception of disability acts as a barrier* to inclusion for some disabled people. Unless the relation between environment and its participants is theorized and thereby disturbed, disability will continue to be included as an excludable type. (p. 46)

This logic justifies excluding certain people such as disabled people and trans* people by saying that they somehow are not present.

Here, absence is a useful presence. Saying such people are not present, even though empirically not true, justifies a mythical absence as part of the productive sensibility maintaining the status quo. That is, as not perceivable, perceivable only as a question, and absent from representation, according to Titchkosky's argument. In this way, the social organization of disability or gender variance as an absent presence is expressed as an excludable type of people. The *perceived* absence of trans* students in K-12 schools justifies principals and administrators not implementing the NYC DoE's policy guidelines through this logic of an excludable type. Such perceived absence, coupled with active denial of their existence, reproduces the exceptionalism and heightened visibility of trans* students. Moreover, their perceived absence calls on trans* students to out or disclose themselves in order to be visible and counted, so that they may possibly access certain services and resources, despite the safety and comfort issues that raises at their schools.

What are the barriers to implementing policy designed to create safe and supportive school environments for trans* students? Are the barriers attitudinal, structural, or relational? In this case, are the barriers ones of imagination, or are they epistemological? Dean Spade (2011) warns us that law reform strategies like anti-discrimination laws and hate crime laws beckon us to join the neoliberal order, overly rely on a model of individualized bad behavior rather than the structural violence of binary gender, and hide and preserve the conditions of subjection. Spade (2011) takes up the "question of whether legal recognition and inclusion are felicitous goals for trans politics" (p. 33). This question, in particular, engages with the problem that "neoliberalism holds out a false promise of inclusion" (Mitchell & Snyder, 2015, p. 63). Beginning with the epistemological and empirical questions of how one identifies a trans* person, the burden of proof falls on those made to be invisible (and simultaneously hyper visible), misrecognized (and illegible), and not imagined. The persistence of being invisibilized creates both material and discursive violence that impacts how we might imagine one's presence and belonging. The logic of who is imagined as present and not present shapes epistemology and ways of knowing one's world. Moreover, assumptions about who is and is not present shape access considerations. Alison Kafer (2013) explains that "the inability to value queer lives is related to the inability to imagine disabled lives. Both are

failures of the imagination supporting and supported by the drive toward normalcy and normalization" (Kafer, 2013, p. 45). In the myopia that normalcy and normalization produce, how might one see and recognize the range of gender expression humanity encompasses? Mired in normality, how might one come to see what one cannot imagine? "Who benefits from normativity being the precondition of access itself?" (Adair, 2015, p. 467). In this way, lack of imagination and lack of access shape normativity, reproducing trans* marginalization and invisibility.

Openings: Concluding Thoughts

While the NYC DoE guidelines and policy are comprehensive, how they are implemented in practice varies considerably across its 1800+ schools. Having support structures and protocols for care in place in schools may proactively create a more inclusive learning environment for trans* students. One teacher reminds us to be wary of reductive checklists or boxes that fail to capture the complexity of a whole person:

> I think the way that the DoE and other folks wish it to be is that a kid shows up and is like, 'here's my certificate of transness, I was this thing, and now I'm this thing. Take me from this box to this box. These are all the things that I want and need,' when like, how we actually support kids is like, we don't know, I don't know … the way we actually support trans kids is by like, I mean, there's no formula, it's a process. You just listen and talk and reformulate and figure things out and are supportive of the person as a human being. Not like here's a checklist of what we do for trans kids. (Interview with CK24, 5/25/17)

The guidelines offer schools suggestions for things they can do to be compliant with the policy. For schools just beginning to implement changes, the areas covered in the guidelines and the examples given can serve as a kind of checklist. The guidelines provide a detailed list of practices and structures to develop, as well as those to edit or eliminate. But, as the teacher above warns us, the checklist cannot be everything we do or the only places in which we see trans* students. Because "there's no formula," supporting the needs of trans* students involve listening, reformulating, and being "supportive of the person as a human being" (Interview with CK24, 5/25/17). Such support cannot be reduced to a checklist, but should meet an individual's emergent needs. Inclusion has to be about opening up our approach to attending to trans* students' needs and to their emergent processes—allowing for the possibility that the ways they identify and make themselves legible may shift, while refusing to impose the violence of naming or solidifying gender. At the same time, inclusion must proactively implement structural changes without relying on the presence, visibility, and thus, vulnerability, of marginalized people.

What if the barrier to implementation of policy is denial, belief that someone or something doesn't exist, and unwillingness to see or to imagine? Diversity initiatives, anti-discrimination policies, and lip-service to inclusion do not enact the structural changes needed to create more just educational institutions. Is it necessary for trans* people (self-identified, out, and visible, and thus vulnerable, as such) to

populate the public body or the student body of a school in order to be seen, included, and protected from discrimination? What if no one populates that public body as far as school officials may recognize? "Who is included or excluded in our political imaginaries?" (Kafer, 2013, p. 153). How do we hold schools accountable for including students they cannot or do not want to imagine? Why should the burden of legibility fall on trans* students rather than on schools as inclusive institutions charged with implementing inclusive practices for trans* students?

This work asks us to consider whose risk matters more? In what ways? Who decides what is real? Or valid? How do denial and disbelief structure possibility for trans* students? How do silence and invisibility structure their very absence and presence? By dismissing trans* students as a justifiably excludable type, or as not real, teachers and administrators choose to ignore their needs and fail to support or advocate for them. Rather, trans* students deserve respect, self-determination, and recognition of their humanity, and all schools should be resolute, yet flexible and emergent, in making trans* inclusive structures and practices throughout their institution. Spade (2011) calls for a trans politics that "finds solidarity with other struggles articulated by the forgotten, the inconceivable, the spectacularized, and the unimaginable" (p. 33). It is in this space of imagining that we might "assemble trans and disability such that rather than cohering as new transnormativities, they do not strive to manifest wholeness or to invest in the self as coherent and thereby reproduce liberal norms of being" (Puar, 2014, p. 80). By embracing the unimaginable and resisting externally-imposed coherence onto gender expression and embodiment, school officials would be better positioned to see and include their trans* students.

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Author

Susan W. Woolley is Associate Professor of Educational Studies and LGBTQ Studies at Colgate University. She currently serves as the Interim Director of the Women's Studies Program and the Incoming Director of the LGBTQ Studies Program, and she is enthusiastic about queer, feminist, and trans* inclusive curriculum and pedagogy. Her research focuses on gender and sexuality in schools and the educational experiences of LGBTQ youth, and her articles have been published in the journals *Gender and Education*, *TSQ: Transgender Studies Quarterly*, *Journal of Language and Sexuality, International Journal for the Sociology of Language*, and *Anthropology & Education Quarterly*. Susan W. Woolley is a Presidential Fellow for the Council on Anthropology and Education as well as a recognized Diversity Scholar by the National Center for Institutional Diversity at the University of Michigan.

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