

# TRANSGENDER STUDENTS AND POLICY IN K-12 PUBLIC SCHOOLS: ACKNOWLEDGING HISTORICAL HARMS AND TAKING STEPS TOWARD A PROMISING FUTURE



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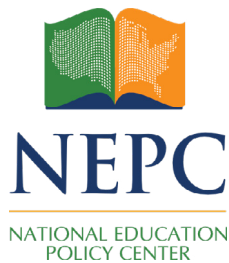


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## I. Executive Summary

Transgender and nonbinary (also sometimes collectively referred to as “trans”) students are ill-served by most existing school environments. They experience challenges trying to navigate institutions that, at best, are poorly designed to support them and that often work against them. Although some districts and states have developed laws and policies to improve students’ experiences, many are either ill-conceived, ineffectively implemented, or reinforce restrictive and inflexible structures regulating gender. Title IX, the federal law that prohibits discrimination “on the basis of sex” in educational institutions, has had—under different presidential administrations—radically different guidance and enforcement regarding transgender students since 2010. Federal courts have been consistent in protecting transgender youth from discrimination in public schools, but the extreme swings in guidance from the U.S. Office for Civil Rights have left many school leaders and others confused about rights and protections under Title IX.

In 2016 and again in 2021-22, a wave of anti-transgender legislation surged, with bills proposed to exclude transgender youth from appropriate bathroom facilities, sports participation, accessing healthcare, and updating legal documents to reflect their self-determined gender. A powerful body of recent research demonstrates the harms such legislation creates in schools and what measures can improve students’ experiences. This research, if heeded, can inform more effective laws, policies, and implementation efforts allowing trans students to thrive in school. At the same time, we argue in this brief that such useful laws and policies are insufficient to create conditions under which trans youth can succeed.

We conclude with a discussion of recommendations for policy and practice to create spaces in which transgender youth can fully engage with school. The recommendations are com-

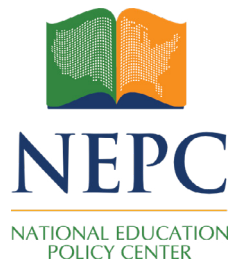
plex, and they differ from traditional policy recommendations in that they do not focus only on law and policy as the primary drivers of system transformation. Rather, we additionally emphasize the power of grassroots community organizing as a way of propelling change. We also offer questions that we encourage policy actors to consider as they develop and implement policies and advocate for improving conditions for transgender youth.

This brief, then, has two goals. It provides support for policy development and implementation, and it suggest processes and frameworks to improve school policy and practice for all youth. In doing so, we offer recommendations for federal, state, and local policy, and for implementation efforts at the local level.

## Recommendations

1. We recommend that *federal* policymakers ask themselves the following two questions when formulating policies related to transgender students in schools: How can the federal government reduce structural barriers and immediate harms facing trans students in school? How can we create policies that allow for gender self-determination? We suggest two key steps.
  - Ensure Title IX coordinators lead education and prevention efforts that implement the 2021 guidance from the Office for Civil Rights.
  - Pass the Student Non-Discrimination Act (SNDA) and Safe Schools Improvement Act (SSIA) and add text to the SNDA that includes protections for trans and gender nonconforming school district employees and to the SSIA that funds restorative justice programs.
2. We recommend that *state* policymakers ask themselves the following two questions when formulating policies related to transgender students in schools: How do laws reinforce inflexible structures surrounding gender and limit students' educational opportunities? How can we reduce these limits without creating new ones? We suggest two key steps.
  - Rescind laws and policies that limit or exclude transgender and gender nonconforming students from sports participation, accessing appropriate facilities, and healthcare.
  - Propose and pass bills that fund the development of interdisciplinary curricula developed by or in close consultation with trans community leaders that address gender and sexuality. These bills would include implementation plans that prioritize funded, ongoing professional development for teachers, administrators, and support staff, and they would contain accountability plans to ensure timely implementation and quality learning experiences for all.
3. We recommend that *local* policymakers ask themselves the following question when formulating policies related to transgender students in schools: How can we build communities that respect transgender youth and connect them to supportive resources? We suggest three key steps.

- Reduce systems of sex/gender record keeping. Remove the display of sex/gender markers from records that have a wide audience (e.g., class rosters, report cards, and test scores) and make it easier for students to have their preferred name listed on such documents. Prioritize student privacy in considering access to these records.
- Create district guidance and funding structures that educate and equip school administrators, educators, and families to develop trans-competent knowledge about gender with ongoing professional development, tools, and resources led by trans community leaders.
- Design and implement policies and systems that create support networks for trans students in schools such as the following:
  - supporting gender and sexuality alliances;
  - providing access to trans-competent and supportive adults;
  - providing trans-competent health and safer sex education;
  - fostering peer-to-peer support networks; and
  - facilitating connections with local queer/trans community groups and social services.



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## II. Introduction

Transgender and nonbinary youth are in every community. Growing numbers of young people are proudly asserting identities and ways of being that fall under the category of transgender or trans,<sup>1</sup> highlighting the gender diversity in K–12 schools. The term “transgender” refers to individuals whose gender and/or self-expression transcends prescriptive medical assignment. It includes people who identify as: agender, gender fluid, gender creative, gender independent, gender-free, gender nonconforming (GNC), nonbinary, trans boys, trans girls, and other terms not listed. “Cisgender”<sup>2</sup> is a term that refers to individuals whose gender is consistent with social expectations based on their sex assigned at birth. For example, a child designated female at birth who identifies as a girl or woman is cisgender. In the most recent Gay, Lesbian and Straight Education Network (GLSEN) National School Climate Survey (NSCS), of the 16,713 LGBTQ youth respondents (ages 13–21), 51% identified as cisgender, 28.2% as transgender, 15.1% as “nonbinary”<sup>3</sup>, and 5.3% as questioning their gender.<sup>4</sup> This illustrates the gender diversity in school-age youth and the need to improve laws and policies through more expansive concepts of gender.

In this policy brief, we summarize the research on transgender youth. We draw from critical trans politics<sup>5</sup> (CTP) as a framework for policymakers and educators to examine the limits and possibilities of law and policy to meaningfully transform the conditions of the lives of transgender people. Grounded in these perspectives, we conclude with a discussion of key lessons from this research as well as recommendations for policy and practice that hold promise for creating spaces in which transgender youth can fully engage with school to learn, grow, and thrive.



### III. Literature Review: Transgender Youth in Schools

Schools are often painful places for transgender students. The 2019 GLSEN NSCS reported that 56.9% of LGBTQ youth experienced verbal harassment and 21% were physically harassed based on their gender expression.<sup>6</sup> Transgender (83.3%) and nonbinary (68.7%) students were more likely to report gender-based victimization at school compared to cisgender LGBTQ students (36.8%). Transgender youth also were more likely to miss school and to have changed schools than were cisgender youth.<sup>7</sup> Results from the 2015 U.S. Transgender Survey indicate that 17% reported leaving a K-12 school due to the severity of mistreatment.<sup>8</sup> The impact of gender nonconformity on peer relationships was examined by Toomey and colleagues who reported that “young adolescents who do not conform to gendered norms are at greater risk for peer victimization” when compared to peers who conform to gender role expectations.<sup>9</sup> They also found that victimization in school due to gender nonconformity has long-term effects into adulthood and is related to overall life satisfaction and experiences with depression.<sup>10</sup> Whereas trans youth are most impacted by gender normativity, trans-misogyny,<sup>11</sup> and transphobia, Toomey’s research indicates that all youth experience harms resulting from these forces in schools and communities.

Research consistently shows that sex-segregated spaces—particularly bathrooms—are sources of ongoing trauma for transgender youth.<sup>12</sup> Research on sexual assault in schools shows that trans and nonbinary students experience high rates of sexual assault (17%-25%) and higher rates of sexual assault when schools have restrictive policies about restroom and locker room access.<sup>13</sup> Studies found poorer mental health outcomes (including depression and suicidality)<sup>14</sup> and reduced feelings of school safety and well-being<sup>15</sup> when students were denied access to bathroom facilities aligned with their self-determined gender. At school, 70% of trans students avoid bathrooms because they feel unsafe or uncomfortable, 60% were forced to use facilities that did not match their gender, and 75% felt unsafe because of their gender expression.<sup>16</sup>

*In school-based research, little attention has been paid to the complexity of transness.*

Recently, studies of transgender youth have focused on sources of resilience and strength. Two sources of resilience identified by Travers and colleagues are: affirming relationships and access to resources. Access to resources such as stable housing, food security, mental health supports, affirming healthcare, and the ability to change schools emerged as important protective factors in this study. Other studies emphasized the value of familial supports,<sup>17</sup> self-determining one’s gender, accessing supportive educational systems, and having connections to a trans-affirming community.<sup>18</sup> The positive impact of these supports is important to consider when developing policies and practices designed to improve the experiences of transgender youth in schools.

In school-based research, little attention has been paid to the complexity of transness. Individuals can experience a trans identity in many ways: some identify exclusively with manhood or womanhood, whereas others have more fluid experiences of gender that may be especially difficult to record in legal identity documents. A recent study found that trans students who embodied aspects of femininity seemed to be the most heavily targeted for violence and harassment.<sup>19</sup> Studies addressing this complexity revealed conflicting results

(e.g., no differences,<sup>20</sup> more hostility toward trans male students,<sup>21</sup> and nonbinary students assigned female at birth<sup>22</sup>), but most found important differences. This encourages us to consider nuanced distinctions across the diverse category of “transgender”<sup>23</sup> when thinking about policy and implementation.

Meyer and Regan<sup>24</sup> found that many studies examined victimization, risk narratives, and the extensive harms that transgender youth experience at school.<sup>25</sup> Few studies, however, considered how race and class interact with gender. The small number of early studies that addressed trans youth of color emphasized their vulnerability,<sup>26</sup> higher risk for HIV,<sup>27</sup> and mental health concerns.<sup>28</sup> Later studies looked at positive identity development,<sup>29</sup> resilience,<sup>30</sup> and factors supporting their success, including school belonging,<sup>31</sup> familial supports,<sup>32</sup> access to resources,<sup>33</sup> and connecting with an activist transgender community of color.<sup>34</sup> This body of research is important to draw from given the great diversity within the trans community, as is addressing related issues of race, class, sexuality, and dis/ability if policy and practice reforms are to be effective.

In addition to studies attending to the realities experienced by trans youth, a growing body of research focuses on challenging gender essentialism in the curriculum and teacher and administrator learning (pre-service and in-service) to support transgender youth.<sup>35</sup> To create the context for trans youth to cultivate belonging and build affirming relationships with adults, educator preparation programs, curriculum design, pedagogical practices, and in-service professional learning efforts all need attention. We move on to a discussion of recent developments in policy.

## **IV. Recent Developments in Policy**

To better situate current policy concerns, we provide an overview of current policy shifts in two subsections: policies that aim to support individual students, and policies that attempt to shift the status quo.

### **Policies That Aim to Protect Individual Students**

Several recent efforts have provided some support for individual students. At the federal level, the Obama administration strengthened Title IX by clarifying protections for transgender students<sup>36</sup> and expectations for Title IX coordinators<sup>37</sup> with Dear Colleague Letters (DCL). Such DCL documents are issued by the federal government to provide legal guidance on how federal laws are to be interpreted, applied, and enforced. These are written by employees of federal offices including the Department of Education and the Department of Civil Rights and, in the case of Title IX, distributed to educational institutions receiving federal funds. Although DCL are not legally binding and do not undergo the formal and lengthy process of official rulemaking, these provide insight into how the current administration interprets, applies, and intends to enforce existing laws. As well, DCL documents can be accompanied by educational materials and resources to help institutions respond and comply with the guidance.



A DCL distributed in 2016 made a strong clear shift in guidance, directing that schools “... must allow transgender students access to such facilities consistent with their gender identity.”<sup>38</sup> This letter was written to provide “significant guidance” by including information and examples about complying with legal obligations. In the letter, the Department of Justice and Department of Education clarified the purpose of Title IX to prohibit sex discrimination in federally funded educational programs and activities. The authors stated that “this prohibition encompasses discrimination based on a student’s gender identity, including discrimination based on a student’s transgender status.” The letter provided explicit examples:

A school’s Title IX obligation to ensure non-discrimination on the basis of sex requires schools to provide transgender students equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns.

The letter further directed that they “. . . must allow transgender students access to such facilities consistent with their gender identity.” This provided visibility and a set of principles for schools to apply while simultaneously placing transgender students in the center of a culture war, as was evidenced by several states introducing anti-trans bills prohibiting trans people from using public, sex-segregated facilities that do not match the sex assigned to them at birth.<sup>39</sup> This effort was an important step by the federal government, but the Trump administration rescinded those protections.<sup>40</sup> Rescinding the 2016 DCL left schools with no clarity or support on how to work with transgender students and their families. As a result, it left many students and educators confused about what could and should be done when a transgender student was being denied access to facilities and protection from discrimination at school. In spite of the Trump administration’s actions, however, lower courts have clarified the rights of transgender students and ruled in favor of transgender students in Title IX and equal protection cases.<sup>41</sup>

Fortunately, in June 2021, the Biden administration’s Department of Education announced that Title IX will be interpreted and enforced to include protections for transgender youth<sup>42</sup> and issued detailed educational resources available on their website including a fact sheet on Supporting Transgender Youth at School.<sup>43</sup> Although the definition of “sex” under civil rights laws has been clarified to include sexual orientation and gender identity with the Bostock Supreme Court decision<sup>43</sup> and the Biden administration’s executive order,<sup>44</sup> schools are still hostile places for trans youth. Thus, it remains essential to address state laws and district policies.

In 2021, 36 different states considered legislation that would ban or restrict opportunities for transgender youth to participate in school sports.<sup>45</sup> Sports are part of the educational opportunities offered by schools and contribute to feelings of belonging at school. Sixteen states (and Washington, DC) currently have guidance that facilitates participation by transgender youth in school sports.<sup>46</sup> The Transgender Law and Policy Institute provides policy guidance for transgender children in recreational sports including evidence to support the position that “transgender children should be allowed to play sports in their affirmed gender.”<sup>47</sup> GLSEN also provides model policy resources that state transgender and nonbinary students “can participate in sports on a team or in competition based on their gender identity.”<sup>48</sup>

Bullying and harassment laws also have been used to try and protect students from violence. Although some form of an anti-bullying law exists in all 50 states, in 2021, only 21 states and DC have laws that prohibit bullying or harassment based on “gender identity”<sup>49</sup> and only 17 states and DC have non-discrimination laws listing gender identity as a protected class. Research demonstrates students feel safer and experience less harassment in states that have enumerated protections.<sup>50</sup> These laws can be a helpful baseline to clearly communicate who is protected from bullying and harassment, but any law or policy that requires exclusionary forms of punishment goes against building supportive school communities. Such laws or policies create negative school climates and punish students of color<sup>51</sup> and LGBTQ youth<sup>52</sup> more than White, cisgender, heterosexual students due to the uneven application of these policies by educators. This application of disproportionate discipline is often attributed to unconscious bias on the part of White, cisgender, heterosexual educators. Anti-bullying policies that list gender identity and expression as protected categories, combined with restorative justice programs and other non-exclusionary disciplinary practices, avoid these dangers.

“Bathroom bills,” or bills that restrict access to single-gender public facilities, also are on the rise. Such restrictions limit the ability of all students to access safe bathrooms in public spaces.<sup>53</sup> Alternative policies affirm the rights of all students to safe bathrooms. For example, this Washington State document<sup>54</sup>:

Public schools must allow students to use the restroom that corresponds to their gender identity. Any student—transgender or not—who requests greater privacy for any reason should be given access to an alternative restroom, such as a staff restroom or health office restroom. However, school staff cannot require a student to use an alternative restroom because of their transgender or gender nonconforming status.

Other jurisdictions have enacted laws requiring any single-user bathroom be signed as available for people of all genders, thereby reducing the need for additional individual accommodations,<sup>55</sup> or have required the inclusion of “an appropriate number of gender-neutral restrooms . . . into the design of new schools and school renovations.”<sup>56</sup>

Many school districts have created policies and guidance that signal support for transgender students. A loud chorus of over 17,000 scholars and educators called for trans-affirming actions in an open letter to the Biden administration in April 2021,<sup>57</sup> and advocacy groups have drafted model policy language to guide such efforts.<sup>58</sup> These documents provide support to trans youth and their families, but they also may create narrow guidelines that often do not consider nonbinary or agender students, thus limiting their impact on improving the experiences of all trans students.<sup>59</sup> Language that narrowly reinforces binary gender norms excluding many trans students unintentionally undermines policies intended to affirm gender diversity.

## **Policies That Aim to Shift the Status Quo**

In 2021, only six states<sup>60</sup> have legislation that amend curricular standards to include LGBTQ+ communities.<sup>61</sup> These bills require instruction in the social sciences to include his-

torically marginalized communities and their contributions throughout U.S. history.<sup>62</sup> Curriculum bills can break a longstanding silence about gender and sexual diversity in public schools and address patterns of oppression and normativity. They contest normative discourses about what is appropriate and/or allowed in education spaces. Further, they locate the problem not only in individual behaviors but also in a culture that has long failed to acknowledge homophobia and transphobia or affirm gender and sexual diversity.<sup>63</sup> Even as these curriculum laws have promise, they deserve examination. First, these bills typically focus on mere inclusion of LGBTQ people. Including diverse identities disrupts the repetition of normative worldviews throughout curriculum, but inclusion alone does not address the ways that cisheteronormativity<sup>64</sup> functions as a normalizing discourse.<sup>65</sup> Second, these bills only address social studies and ignore possibilities in other areas such as language arts, sciences, math, and health and sexuality education. Third, adoption does not ensure successful implementation.<sup>66</sup> If teachers have not been provided the opportunity to develop their own knowledge on the subjects, they may avoid the topic or provide incorrect information that can be harmful to students.

However, we know that when teachers implement LGBTQ-inclusive curricula, students report feeling safer.<sup>67</sup> Implementation of new curricular mandates is often complex, messy, time-consuming, and context specific.<sup>68</sup> It takes time to update curricular materials, review and adopt updated textbooks, and update the content of teacher preparation programs, all of which are essential steps in any curriculum reform. These steps are all necessary to help schools challenge and disrupt normalizing systems of gender. If such implementation steps are not taken by the state, and teachers are not supported to help lead curriculum change, these bills become empty gestures that prevent further action to improve schools.

Finally, many locally designed school policies offer processes for making changes to student names and gender markers in databases. Drawing on the work of Heath Fogg Davis,<sup>69</sup> there is a need for careful re-examination of student record keeping to reduce the reliance on and sharing of students' sex/gender<sup>70</sup> marker and legal name. By schools removing the display of sex/gender markers from records open to a wide audience (e.g., class rosters, report cards, test scores), student privacy can be protected and the ways that sex/gender are recorded and displayed can be limited. Schools can also make it easier for students to have their preferred name listed on such documents. With so many other new technologies offering ways to verify identities and ensure accurate tracking of individuals through bureaucratic systems, sex/gender markers are generally outdated and unnecessary.

## V. Discussion and Analysis

The limitations of policy mirror the limits of law. Law and policy are tactically useful but do little to change the power of institutions to categorize children's bodies or break down a system of script making for which genders are normal and which are not.<sup>71</sup> Further, many policies task students with leading the process for solving a set of problems they did not create. We see policy not only as one step to create the context for ongoing work to improve school cultures but also as insufficient given the much related work needed to transform environments into less hostile and more supportive spaces for trans students. One important step is to educate yourself and be ready to ask questions about current policies and structures from

a critical perspective.

Scholars of trans studies assert that for communities to successfully address challenges for trans youth in schools, centering the experiences and knowledge of the trans community (including trans youth) is essential.<sup>72</sup> These scholars argue that such conversations both empower trans youth and enable the communities as a whole to learn from the diverse identities, experiences, and knowledge of their trans members.<sup>73</sup> In particular, Dean Spade's critical trans politics (CTP) approach<sup>74</sup> offers a framework for understanding how law and policy have harmed trans people. Spade's framework encourages examining laws and policies for the purpose of identifying ways in which they may obscure social, cultural, economic, and structural issues and preserve restrictive gender norms. As a theory that attends to the intersections of gender, race, dis/ability, and economic justice, CTP encourages us to ask how laws and policies obscure larger social, cultural, economic, and structural issues and preserve restrictive gender norms. Oppressed groups are "encouraged to seek 'equality' under the law to win liberation"<sup>75</sup> because "there is an idea [in the U.S.] that liberation should be sought through legal change." This focus on legal changes narrows the scope of demands for justice and does little to change the material conditions of oppression. Spade does not suggest ignoring law altogether but instead suggests that law and policy should be used as tactics to disrupt systems. Understanding power as too complex for any one law or policy to "fix" can aid in imagining transformative change. It is also useful to question what laws and policies say about themselves and their impacts. As well, it is informative to undertake a careful examination of the systems that organize our lives in ways that become naturalized while simultaneously marginalizing substantial portions of the population. Instead of changing the material conditions of people's lives regarding education, housing, healthcare—resources people need to have equitable "life chances"—law often "rearranges just enough to maintain the current arrangements."<sup>76</sup> Laws and policies regularly operate as "distractions"<sup>77</sup> from addressing broader structural issues.

*It is useful to rethink what is possible to make schools more hospitable environments for trans youth.*

School administrators, school boards, and policymakers can rethink how they frame and address the problem of gender-based oppression in schools. Law and policy typically depend on narrow definitions of categories like gender, which can risk oversimplifying how we understand its meaning. For example, Spade and other trans scholars and activists<sup>78</sup> point out that no singular definition of "transgender" exists. When institutions develop policy that relies on defining transgender, they risk codifying a narrow definition of "trans" and create new mechanisms that focus on regulating gender rather than the redistribution of material resources.

It is useful to rethink what is possible to make schools more hospitable environments for trans youth. Individualized, temporary solutions that have been built based on the known presence of a single transgender student also can be re-examined. These solutions ignore systemic inequities pervasive in schools and favor students whose families can leverage various forms of social and economic capital (e.g., race, wealth, culture) while advocating for their child. Constrictive and harmful ideas about gender, often intertwined with white supremacy, are common features of most school communities and have harmful impacts on all students. Schools can be created that do less to categorize and define students' bodies

and more to support students to learn and grow. There are tensions, however, between such law and policy reform and what CTP suggests. At the same time as they offer opportunities for learning and community building, schools are also bureaucracies that typify bodies and track student progress. As such, it is likely that institutions of schooling will resist some recommendations presented here. We present CTP as a guiding framework so that readers might engage a more critical relationship to policy. Legislation that prioritizes resource development and distribution is a way forward, but at the same time legislation is insufficient. Implementation and education also are essential components to any initiative to transform school cultures.

## **Reframing the Problem**

School policies and practices aimed at supporting marginalized students often seek to achieve these goals through the regulation and punishment of the behavior of individual “bullies,” rather than by changing the institutional conditions producing normative systems of gender that allow sexist, homophobic, and transphobic behaviors to go unchecked.<sup>79</sup> Policies and practices often only address the needs of individuals. For some trans students, this helps with name changes, bathroom access, or sports participation. Both approaches, however, ignore systems that reinforce dominant understandings of an idealized “normal” body as well as toxic gender and cultural norms. By not addressing the matrix of power that creates normal/abnormal, policy perpetuates the very harm it seeks to correct. We encourage stakeholders to consider the following questions: What could policies do to transform toxic school cultures? How can they support trans people and all others who suffer from harms caused by patriarchy, trans-misogyny, sexism, homophobia, transphobia, ableism, and racism by attending to those systems and their intersections explicitly? Can we use policy to ensure trans students get connected to essential community supports and resources? Even when policies are in place, there is often insufficient clarity or guidance to eliminate transphobia<sup>80</sup> or to alter the climate to promote healthy and full participation by trans students, meaning that implementation challenges must be addressed.

## **Implementation**

Policy change is an important start, but it is not enough. Attention to implementation and education are essential to address homophobia, transphobia, and cisheteronormativity. Many stakeholders can lead changes, including administrators (i.e., superintendents, principals, equity directors, Title IX coordinators), teachers, and family members. One key district leader who can lead such efforts is the Title IX coordinator. However, even though districts are required by law to appoint a Title IX coordinator, recent research indicates that these administrators are hard to find and are often uninformed about Title IX guidance.<sup>81</sup> As such, they often fail to prioritize education and prevention efforts and focus exclusively on responding to formal complaints when filed. Equity directors are leaders appointed in many districts who are tasked with leading districtwide diversity, equity, and inclusion efforts and should be involved in leading and supporting such implementation initiatives. Principals and teachers remain essential to successful change efforts in school buildings. The clear and consistent support of principals is needed for the proactive facilitation of schools that



are welcoming to trans students, as is their support of teachers in their efforts to notice and disrupt harmful systems of normativity. Leadership can move schools toward becoming sites of belonging, care, and success for transgender youth. Limited funding for education means principals and teachers are already stretched thin and priorities are often dictated by test-driven evaluation standards. Addressing these structural issues can make such changes possible and sustainable. Trans youth need familial support and affirming adults at school. Policy initiatives can include education and resources for families and all adults in their lives.

## IV. Recommendations

Listed below are concrete steps that federal, state, and local policymakers can take to improve conditions for transgender youth in school. However, we recognize that policy implementation is context-specific and requires on-the-ground decisions to be made based on local context. For this reason, we frame each set of recommendations in the context of larger questions. In the spirit of trans scholarship, we encourage readers to reflect on these questions and bring them back to their communities for conversation.

1. We recommend that *federal* policymakers ask themselves the following two questions when formulating policies related to transgender students in schools: How can the federal government reduce structural barriers and immediate harms facing trans students in school? How can we create policies that allow for gender self-determination? We suggest two key steps.
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## Notes and References

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- 1 While these terms may be new and confusing to some readers, the important shared element is that gender can be defined and understood in many ways that aren't currently captured in official legal categories. The complexity of transness will be discussed later in this brief.
- 2 The prefix "cis" comes from Latin and means "on the same side as" where trans means "on the other side."
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