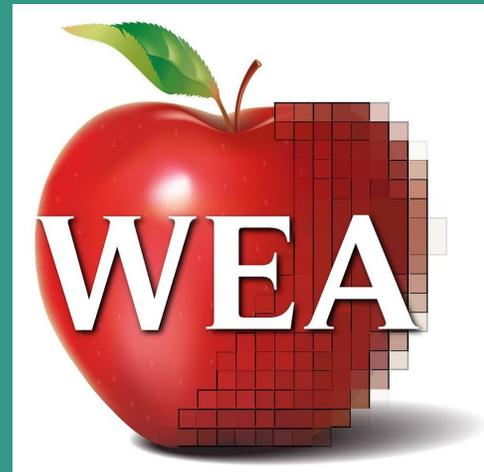


LGBTQ+ IN EDUCATION – NEA SAFE SPACE

- Created and Presented by Dirk Andrews and Jeny Gardner





Learning Target

As we engage in creating just and equitable schools, by the end of this training, you will understand LGBTQ+ issues in education, and how you can support all students within the school environment.





Norms

- Stay Engaged
- Speak your truth
- Experience discomfort
- Everyone Participates
 - Honor Time
- Use the chat for questions
 - Any additions?

Norms

- It's okay to agree to disagree with an opinion.



Who Am I



Dirk Andrews – Natrona County Education Association
President, Wyoming's NEA Director

He/Him/His

18 years in education – 4 as an ESP and 14 as a certified
teacher



Jeny Gardner – Northwest UniServ Director

She/her/hers

18 years in education – 7 years in California and 11 years in
Wyoming in the education field.



Vocabulary

cisgender /“siss-jendur”/ – adj. : a gender description for when someone’s sex assigned at birth. The word cisgender can also be shortened to “cis.”

LGBTQ+ – abbr. : LGBTQ is Lesbian Gay Bisexual Transgender Questioning. The + at the end is an effort to be more inclusive for those who don’t identify with any of the previously included identifications.

Non-binary - An adjective describing a person who does not identify exclusively as a man or a woman. Non-binary people may identify as being both a man and a woman, somewhere in between, or as falling completely outside these categories.



Vocabulary

drag king – noun : someone who performs (hyper-) masculinity theatrically.

drag queen – noun : someone who performs (hyper-) femininity theatrically.

cross-dresser – noun : someone who wears clothes of another gender/sex. Not to be confused with trans*

trans* – adj. : an umbrella term covering a range of identities that transgress socially-defined gender norms. Trans with an asterisk is often used in written forms (not spoken) to indicate that you are referring to the larger group nature of the term, and specifically including non-binary identities, as well as transgender men (transmen) and transgender women (transwomen).



Vocabulary

binder – noun : an undergarment used to alter or reduce the appearance of one’s breasts (worn similarly to how one wears a sports bra). **binding** – verb. : the (sometimes daily) process of wearing a binder. Binding is often used to change the way other’s read/perceive one’s anatomical sex characteristics, and/or as a form of gender expression.

Deadnaming- this occurs when someone, intentionally or not, refers to a person who’s transgender by the name they used before they transitioned. You may also hear it described as referring to someone by their “birth name” or their “given name.”

outing – verb : involuntary or unwanted disclosure of another person’s sexual orientation, gender identity, or intersex status.



Vocabulary

Neopronouns- a category of new (neo) pronouns that are increasingly used in place of “she,” “he,” or “they” when referring to a person. Some examples include: xe/xem/xyr, ze/hir/hirs, and ey/em/eir. Neopronouns can be used by anyone, though most often they are used by transgender, non-binary, and/or gender nonconforming people.

Confused by neopronouns?

We will discuss pronouns later but the beautiful thing about neopronouns is that it is ok to ask!



Vocabulary

More Vocabulary Terms Can Be Found:

<https://thesafezoneproject.com/resources/vocabulary/>



Who's in the room?

Drop in the chat the following information

- Who you are?
- What do you do?
- What are you hoping to get out of this training?



Dirk's Story



Toilets, Bowties, Gender and Me



<https://youtu.be/NCLoNwVJA-0>

Legal Information

Clearly, education employees should not engage in any discrimination against LGBTQ+ students or allow any discrimination to occur under their supervision but **WHAT DOES THIS MEAN??**





Legal Information

Clearly, education employees should not engage in any discrimination against LGBTQ+ students or allow any discrimination to occur under their supervision but WHAT DOES THIS MEAN??



LGBTQ+ Students:

- Should have equal access to educational services and programs
 - Fair treatment in grading
 - Fair treatment in discipline
- A learning environment free from harassment or bullying (from students or staff)

Legal Information



- LGBTQ+ students/employees are legally protected under the “equal protection” clause of the 14th amendment of the Constitution and under Title IX of the Education Amendments Act of 1972.
- Employers cannot discriminate against employees for reasons related to sexual orientation or gender identity. Discrimination based on “sex” is prohibited, where “sex” includes sexual orientation and transgender identity. Current case law makes it clear when Title IX prohibits discrimination based on sex, the definition of sex includes “gender non-conformity.” *Bostock v. Clayton Cty., Ga., 140 S. Ct. 1731, 1741 (2020)*
- Discrimination can look different case to case but the most common include termination, failure to hire, failure to promote, and harassment.
- Districts can adopt policies to protect LGBTQ+ employees/students but it cannot contradict current caselaw. Basically, districts can choose to offer more protections not less.

Legal Information

- Title IX is a federal law that protects employees and students against discrimination because of LGBTQ+ status. Districts should all have a Title IX complaint procedure. Students and employees should be aware of this procedure and how to file a complaint.
- School districts must have a Title IX coordinator to handle these complaints. The office of civil rights also provides a procedure for alleging a violation of Title IX that districts should be aware of. (Who is yours?)
- The current interpretation of the law generally means that any policy that prohibits transgender students or employees from using facilities or participation in activities based on their self-identified gender is a potential violation. *Parents for Privacy v. Barr*, No. 18-35708 (9th Cir. 2020); *Grimm v. Gloucester County School Board*, No 19-1952 (4th Cir. 2020)





Legal Information

- The “equal protection” clause of the 14th amendment of the Constitution has also been applied to transgender students regarding bathroom use.
 - A unisex and/or private bathroom may be offered to (or requested by) a student who doesn’t feel comfortable using a gendered restroom because of their gender expression or gender identity. However, rulings have made it clear that forcing transgender student to use a restroom that conforms with the gender assigned at birth or a gender-neutral stall bathroom (think separate but equal issues) violates their rights under Title IX and the Equal Protection Clause. *Drew Adams v. School Board of St. Johns County, Florida*, No. 18-13592 (11th Cir. 2020)
 - While Wyoming has no current court rulings on the issue, currently federal legal rulings show that preventing transgender students from using restroom that conforms with their self-identified gender is a violation of Federal Law. Any attempts by a district or school to adopt policy contrary to this are likely illegal under current law.
 - *Parents for Privacy v. Barr*, No. 18-35708 (9th Cir. 2020); *Grimm v. Gloucester County School Board*, No 19-1952 (4th Cir. 2020)



Legal Information

- Education employees should use a student's proper pronouns and preferred name. Once a student has made these clear it is also the education employees' responsibility to require others under their supervision to do the same. Continued failure to do either of these is considered a form of harassment/discrimination. (“Dead naming”)
- Employees should also exercise caution advocating for a specific students. LGBTQ+ status may be unknown to others, including their own family. It is unwelcomed and HARMFUL to “out” students. Avoid identifying a student as LGBTQ+ to other students, employees, or family members unless the student has clearly done so themselves.
- This means, if a student discloses their LGBTQ+ status you should not (and are not obligated to) disclose this information to colleagues, parents, administrators, other students or anyone else. Making it important to have clear district policies in place for reporting harassment, bullying and other Title IX complaints.



Legal Information

There may be concern from educators that if a student's identity and their pronouns and restroom choice frequently changes, that this may result in disruption, confusion or inconvenience.

- A school cannot legally base any actions that would restrict this student's exercise of their identity on a harm that may be speculative or hypothetical.
- If addressing the student's gender identity does actually impact the function of the school or the educational process in a significant way, there may be a basis to enact some kind of guidelines or restrictions to address this while trying to minimize any harm to the student. This is an unexplored area of the law and the parameters are not yet well defined.
- It is clear, though, that to follow Title IX, schools and teachers must make reasonable efforts to make sure that students' gender identities are respected regardless of how they identify.



Legal Information

- To comply with Title IX, schools and teachers should allow students to dress in a gender non-conforming manner, allow them to select their preferred pronouns and name and use the bathroom they feel best conforms with their gender identity. Students should also be allowed to change their gender expression and pronouns if they choose, and the school should honor the student's choice.
- A student with a gender fluid identity may identify differently over time and may want to change their pronouns or restroom multiple times to fit that.
 - Since this is an emerging issue, there is no clear guidance from the government or courts as to how to ensure equal treatment in this situation.
- The approach that is most consistent with current case law is to allow the student to change how they choose to identify and what pronouns and restroom to use at any time as their identity changes. As a practical matter, this requires ongoing individual communication with students to understand how they wish to be identified to avoid misgendering the student.



Legal Information

- Caselaw that define the circumstances for the participation of transgender students in sports is not fully developed and may change in the near future.
- With the intent to enforce Title IX in a way that protects transgender students and recent caselaw protecting transgender students, any law or policy that blanketly prohibits transgender athletes from participating in sports consistent with the gender identity is potentially in violation of the law. However, guidelines that define the circumstances for the participation of transgender students in a way that is not overly restrictive may be more acceptable and pass legal scrutiny.

Do's and Don'ts



When someone asks you to use a different pronoun:

DON'T What? 'Zie' isn't a real pronoun. Don't you have something more **normal** that you use?

DON'T But it's not grammatically correct to use 'they' as a singular pronoun.

WHY?

You are not the being asked to evaluate this person's gender identity or preferred terminology.

I'm not familiar with those pronouns. Could you go over them with me so I know I'm using them right?

DO ✓

Oh, of course. I'll do my best!

DO ✓

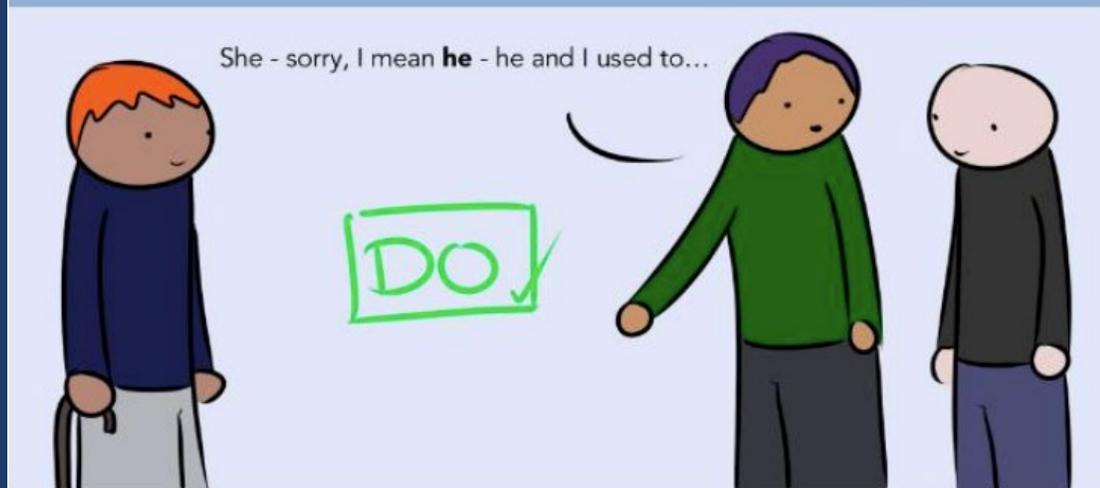
Do's and Don'ts



When you accidentally misgender someone:



Your mistake should not turn into a weird self-flagellation 'make me feel better' moment. It's really not about you.



Do's and Don'ts

Do ask others for their name and pronouns and use the correct pronouns each time you refer to them.

Don't make assumptions about the pronouns a person uses.

Do try to ask for a youth's pronouns in private or confidentially. This will give them an opportunity to disclose this information, even if they haven't told their guardians.

Don't reveal someone's gender identity and affirmed pronouns in front of others without their permission. This also applies to someone's sexual orientation and relationship status.





I'm HERE

We are excited that NEA-LGBTQ+ Caucus supports this work by offering “I’m HERE” badges that educators can wear. By wearing the badge, you tell everyone that you are a safe person to discuss LGBTQ+ issues. Affirming LGBTQ+ youth couldn’t be easier than by identifying yourself as a safe and supportive person.



Use the QR code on the back of the badge to access the “I’m HERE” Toolkit with links to a variety of LGBTQ+ issues, organizations, and resources.

However, the resources are also available without the badge. You can find them by visiting

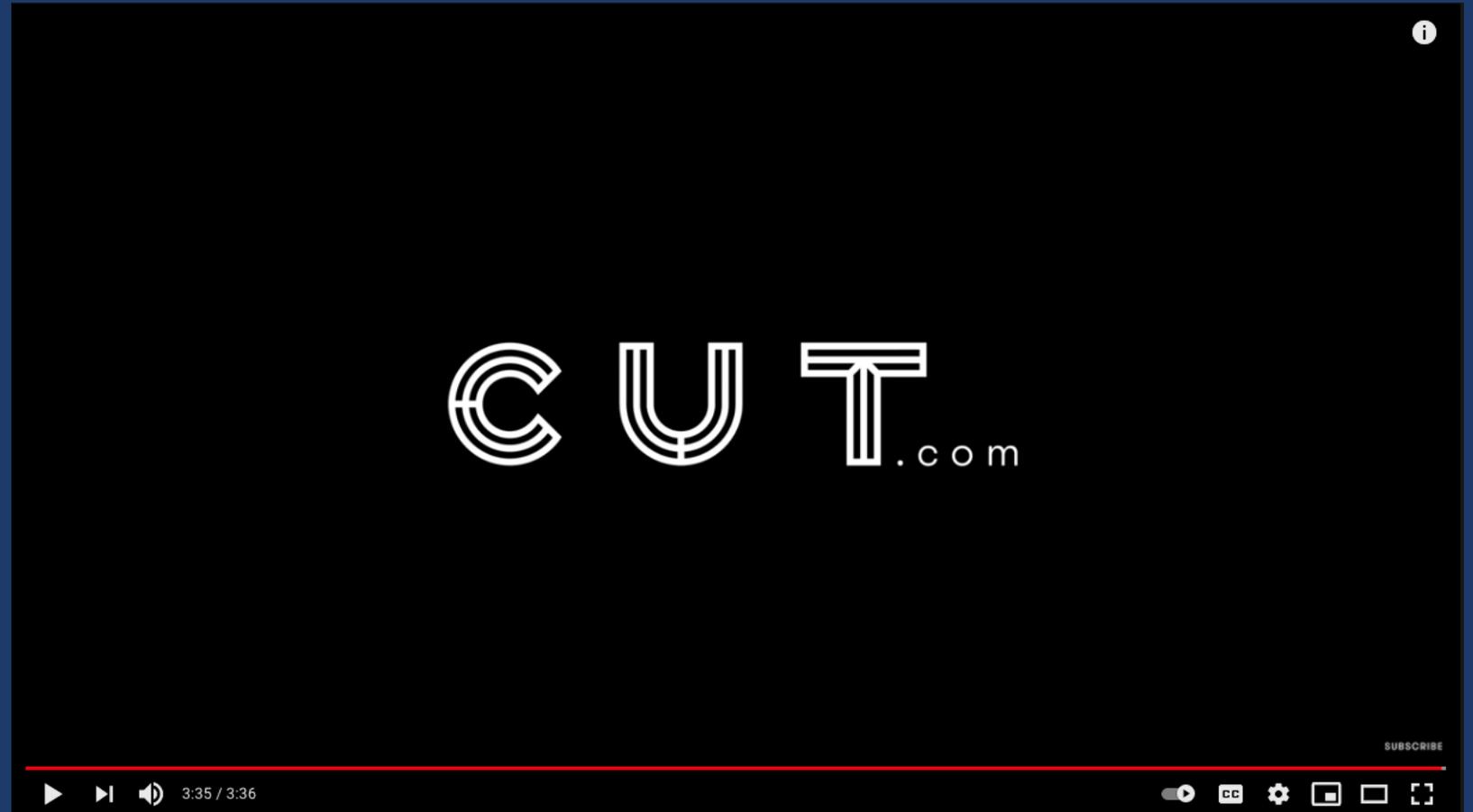
<https://www.nea-lgbtqc.org/imhere.html>

Q and A



Links/Titles for additional resources will be dropped in the chat. If you have questions that haven't been answered, please raise your hand. We will call on you to unmute and ask your question.

Pronouns Video



<https://youtu.be/Nn1TC7VEpf4>