

## The School Counselor and Transgender/Gender-nonconforming Youth

(Adopted 2016)

### American School Counselor Association (ASCA) Position

School counselors recognize all students have the right to be treated equally and fairly with dignity and respect as unique individuals, free from discrimination, harassment and bullying based on their real or perceived gender identity and gender expression. School counselors work to safeguard the well-being of transgender and gender-nonconforming youth.

### The Rationale

School counselors are committed to the academic, career and social/emotional development of all students. Transgender and gender-nonconforming students and their families face increased risks as well as unique circumstances that often require additional guidance and recommendations to help ensure these students receive the same educational opportunities as their peers (Greytak, Ksciw, & Diaz, 2009). According to Greytak et al. (2009), 26 percent of transgender students were physically assaulted, (e.g., punched, kicked or injured with a weapon) in school in the past year because of their gender expression. Greytak et al. (2009) noted that the adverse health and educational consequences for transgender and gender-nonconforming students are even greater than those for lesbian, gay and bisexual students. School counselors recognize the overall goal is to ensure the safety, comfort and healthy development of all students, maximizing inclusion and social integration while minimizing exclusion and stigmatization.

### The School Counselor's Role

School counselors recognize that the responsibility for determining a student's gender identity rests with the student rather than outside confirmation from medical practitioners, mental health professionals or documentation of legal changes. School counselors collaborate with other school personnel to address district operations, programs, policies and activities that may put the well-being of transgender and gender-nonconforming youth at risk. Although the guidelines within this statement provide important suggestions, they cannot anticipate every situation that might occur.

Each student's unique situation should be addressed on a case-by-case basis, using a student-centered approach that includes ongoing student and parent/guardian engagement (as appropriate) and school personnel with a legitimate educational interest per the Family Education Rights and Privacy Act (FERPA). Title IX guidance and legal briefs issued by the Office of Civil Rights (OCR) have defined fair and equal treatment for transgender and gender-nonconforming students in relation to rights in areas such as student names and pronouns, student records, privacy, restrooms, student safety and dress codes (OCR, 2014). School counselors promote the use of best practices to inform their support of transgender and gender-nonconforming students such as the following recommendations offered by MSBE (2016):

- **Names and Pronouns.** School staff should address students by their chosen name and pronouns that correspond to their gender identity, regardless of whether there has been a legal name change.
- **Student Records.** When requested, schools should engage in reasonable and good-faith efforts to change current unofficial student records (e.g., class and team rosters, yearbooks, school newspapers and newsletters) with the chosen name and appropriate gender markers to promote consistency among teachers, substitute teachers, school administrators and other staff. School districts should comply if transgender students ask the district to amend their secondary educational records, including diplomas and transcripts after graduation, to ensure those requesting records (e.g., college admissions offices or potential employers) will only see the name and gender marker corresponding to the student's gender identity (Lambda Legal, 2014).
- **Privacy and Confidentiality Regarding Disclosures.** Transgender and gender-nonconforming students have the right to decide when, with whom and to what extent to share private information. When contacting the parent/guardian of a transgender or gender-nonconforming student, school staff should use the student's legal name and the pronoun corresponding to the student's assigned sex at birth, unless the student or parent/guardian has specified otherwise.

- **Restrooms.** Students should be allowed to use the restroom in accordance with their gender identity. Alternative and nonstigmatizing options, such as an all-gender or single-user restroom (e.g., staff bathroom or nurse's office), should be made available to students who request them but not presented as the only option. Any student who has a need or desire for increased privacy, regardless of underlying reasons, has the right to access a single-user restroom.
- **Locker Rooms or Changing Facilities.** Students should not be required to use a locker room that is incongruent with their gender identity. Locker-room usage should be determined using the guiding principles of safety and honoring the student's gender identity and expression. Some options include: 1) an adjusted changing schedule, 2) use of a private area in the facility (e.g., nearby restroom stall with a door, an area separated by a curtain, a physical education instructor's office in the locker room) and 3) use of a nearby private area (e.g., restroom, nurse's office). Any student who has a need or desire for increased privacy, regardless of the underlying reasons, may request the options listed above.
- **Physical Education Classes and Intramural Sports.** Students should be allowed to participate in physical education classes and intramural sports in accordance with their gender identity.
- **Interscholastic Sports.** Students should be allowed to participate in interscholastic sports in accordance with their gender identity, subject to state and federal civil rights laws.
- **Dress Code.** Students should have the right to express their gender at school, within the parameters of the school's dress code, without discrimination or harassment. The school's dress code should be gender-neutral and not restrict a student's clothing choices on the basis of gender. In the event the dress code has differing expectations or practices based on gender, students should be permitted to dress in accordance with their gender identity.
- **Gender-Based Activities or Practices.** Districts should evaluate all gender-based programs and practices and maintain only those that have a clear and sound educational purpose. When students are separated by gender in school activities, students should be allowed to participate in accordance with their gender identity. When considering overnight accommodations, solutions should be sought that are inclusive, respectful and acceptable to the student and, to the extent possible, do not impose an additional expense or burden on the student.

### Summary

School counselors promote affirmation, respect and equal opportunity for all individuals regardless of gender identity or gender expression. School counselors encourage a safe and affirming school environment and promote awareness of and education on issues related to transgender and gender-nonconforming students.

### References

Greytak, E., A., Ksciw, J. G., & Diaz, E. M. (2009). *Harsh realities: The experiences of transgender youth in our nation's schools*. New York: GLSEN.

Lambda Legal. (2014). *A transgender advocates guide to updating and amending school records: Frequently asked questions on FERPA*. Retrieved from [http://www.lambdalegal.org/sites/default/files/publications/downloads/factsheet\\_ferpa.pdf](http://www.lambdalegal.org/sites/default/files/publications/downloads/factsheet_ferpa.pdf).

Michigan State Board of Education. (2016). *State Board of Education statement and guidance on safe and supportive learning environments for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) students*. Retrieved from [http://www.michigan.gov/documents/mde/Item\\_B\\_SBE\\_Statement\\_and\\_Guidance\\_on\\_LGBTQ\\_515608\\_7.pdf](http://www.michigan.gov/documents/mde/Item_B_SBE_Statement_and_Guidance_on_LGBTQ_515608_7.pdf).

OCR's Questions and Answers on Title IX and Sexual Violence. (2014) at B-2. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.