

Challenges to Inclusivity: An Investigation of Transgender Policy Implementation at a Suburban High School

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Abstract

The national policy context regarding transgender students' rights has been volatile in recent years. New York State's Department of Education has a transgender policy in place, yet local school districts around New York State do not. This qualitative case study examined how district and school staff perceived the knowledge and effectiveness of transgender policies. Findings suggest a policy breakdown created by key stakeholders at both the district and school levels that leave transgender students vulnerable.

Transgender students appear to be a small but growing community. The findings from research on transgender, non-binary, and nonconforming (collectively referred here as "trans") students, indicate that this group is marginalized in most school environments (Meyer, 2022). Herman et al. (2022) reported that from 2017- 2020 the number of students identifying as transgender had nearly doubled. Their analysis, based on government health survey data, estimated that 1.4 percent of 13- to 17-year-olds and 1.3 percent of 18- to 24-year-olds were transgender, compared with about 0.5 percent of all adults.

School administrators are tasked with addressing the needs of trans students. In 2022 NYS adopted the Professional Standards for School Leaders (PSEL) standards to address issues of diversity, equity and inclusion. Their application to trans students is contained in the statement, school leaders are to act as inclusive leaders and "equity-oriented change agents" (Maxwell, Locke, & Scheurich, 2013, p. 1).

Gender inclusivity leadership is a growing area of concern especially related to trans students. A transgender person is an individual whose gender identity does not match stereotypes or the sex assigned to him or her at birth (Beese, & Martin, 2018). There has been increased research focusing on meeting the needs of these students and their subsequent impact on school districts (Beese et al., 2018; Cicero, & Wesp, 2017; Craig et al., 2018; Macgillivray & Meyer et al., 2022).

Statement of Problem

Although some districts and states have developed laws and policies to improve the experiences of trans students, many are either ill-conceived, ineffectively implemented, or reinforce restrictive and inflexible structures regulating gender (Omercajic & Martino, 2020). In addition, the complexity of the experience of trans in school environments is further heightened by their special status within the larger LGBTQ group. Some researchers argue that the trans population should be viewed separately from the LGBTQ community. They identify trans as having greater gender minority stress than other LGBTQ groups due to the marginalizing ideologies and social norms of the privilege accorded to cisgender people (Riggs and Treharne, 2017).

Gaps in Research

There is an extensive body of literature that exists for district administrators related to policies pertaining to the bullying and harassment of transgender students (Agge-Aguayo et al., 2017; Atteberry-Ash et al., 2019; Craig et al., 2018; Hafford-Letchfield et al., 2017). However, researchers have not analyzed the perception toward and effectiveness of district policies, or lack thereof, at the secondary school level. Additionally, scant literature was found that analyzed communication issues about trans students within schools. This includes intra-staff communication. Lastly, there is a dearth of literature focused on the exploration of school district personnel's perspectives on the effectiveness of how school districts address the challenges and threats to transgender students (Agge-Aguayo et al., 2017; Atteberry-Ash, Kattari, Speer, Guz, and Kattari, 2019; Craig et al., 2018; Hafford-Letchfield et al., 2017).

Research Question

What are the perceptions of district and school personnel regarding the effectiveness of district and school policies and procedures for addressing potential challenges and threats to transgender youths?

Theoretical Framework

This study used a five-stream Policy Implementation framework developed by Kingdon (1996) and refined by Howlett (2019). This framework was aligned to the issue of transgender policy and practice implementation in schools because it focuses on the actors and events active in the implementation phase of public policy-making. Although the stages (agenda setting, policy formation, decision-making, policy implementation, and policy evaluation) are interconnected with traversing factors, our focus was on the Decision-making and Implementation stages.

Field Setting

This case study took place in a suburban school district in the New York City metropolitan area consisting of one high school, one middle school, one 4-5 school, and two K-3. Approximately 1,300 students are currently enrolled in the high school.

Participants

The selected participants were three district-level employees Jack (superintendent), Tom (Assistant Superintendent), and Matt (Assistant Superintendent), two Board of Education members (Frank and Angela), administrators included Principal (Rob), and two Assistant Principals (Liz and Carmine), and seven support staff members. The support staff included a school social worker (Patty), two school psychologists (May and Ken), and five guidance counselors (Mia, Olivia, Kim, Emily and Ava).

Data Collection

This qualitative, intrinsic case study utilized a purposeful sampling strategy. This method was appropriate as it provided an extensive investigation of a specific student group (Myers, D., (2013). This study included data collection from interviews with district-level, building-level administration, Board of Education members, and support staff. This study also included an analysis of documents and focus groups of Board of Education members and guidance counselors. Interviews took approximately 30-40 minutes each. Documents analyzed included minutes from Board of Education meetings, the Dignity for All Students Act form, school board policies, student agenda books/calendar, curriculum documents from the school's health classes, U.S. Department of Education's "Dear Colleague Letters" from 2016 and 2017, Title IX, and other Office of Civil Rights papers.

Data Analysis

Two coding cycles were used to analyze data. The first cycle which was line by line open coding combined an inductive and deductive approach to the data and enabled the researchers to provide a narrative analysis. Atlas-ti was the computer assisted qualitative data analysis software (caqdas) used in this study. Second cycle coding enabled a

cross-analysis of the data leading to the development of themes aligned to the research questions. The last analysis cycle was axial coding that enabled analyzing categories into emerging patterns.

Policies

Although the Title IX federal law covers all public schools receiving federal funding, there have been several interpretations of the law in reference to transgender youth. Based on the "Dear Colleague Letter" issued in 2011 by the U.S. Department of Education Office of Civil Rights, transgender youth could theoretically legally sue for protection under Title IX for sexual harassment and sexual violence. Because of legal challenges to this interpretation, President Biden in Executive Order 14021 of 2021 clarified the status of trans by specifically identifying 'sexual orientation' and 'gender identity' protection against discrimination and sexual violence (Kingkade, 2022). The Dignity Act was signed into law on September 13, 2010, and took effect on July 1, 2012. It focused on the concepts of tolerance, respect for others and dignity for all groups including areas of sexual orientation and gender identity. The Dignity Act further amended Section 2801 of the Education Law by requiring Boards of Education to include language addressing The Dignity Act in their codes of conduct.

Literature Review

This review of the literature found federal and state policies impacted transgender students on a multitude of levels (Colvin, 2019; Crissman et al., 2020; Jarpe-Ratner et al., 2021; Kull et al., 2016; Schuster et al., 2016; Watkins et al., 2017; Wernick et al., 2014; White et al., 2018). These factors affected school culture and climate, school strategies and procedures, and gender inclusivity. School culture, climate, and experiences were found to be critical for transgender students as they continue to function within a system of shared values, norms, safety concerns, and student outcomes (Crissman et al., 2020). School-based Gay-Straight Alliance (GSA) clubs were found to be a voice for transgender students that could create a system of accountability, and most importantly, safe spaces (Bishop et al., 2011; Colvin, 2019; Craig et al., 2018; Kull et al., 2016; Silveira et al., 2016; White et al., 2018). Perceptions about school safety, including bullying and harassment, and trans-phobia were found to be critical as they intertwined with many elements, including climate and gender inclusivity (Atteberry-Ash et al., 2019; Craig et al., 2018; Hatford-Letchfield, 2017; Meyer et al., 2016; Russell et al., 2016; Wernick et al., 2014). The importance of support staff and professional development were found to play an important role in the lives of transgender youth (Colvin, 2019; Craig et al., 2018; Jarpe-Ratner et al., 2021; Russell et al., 2016). Finally, a lack of gender inclusivity and a hidden curriculum has been found in the literature to affect transgender students. The review of literature has shown that federal and state government policies were found to help and hinder transgender youth.

Figure 2		
Policy Implementation School & District Levels	Perceived Levels of Policy Effectiveness for Transgender Inclusivity	Perceived Levels of Policy Protection offers for Transgender Students
Boards of Education /Superintendent	High	High
Principal and Assistant Principals	Moderate	Moderate
High School Staff (Social worker, guidance counselors, psychologist)	Low	Low

Findings

Above, we explore the three major findings that emerged from the data analysis. **Figure 2** references the research question by identifying the variations of trans policy perceptions by participant groups.

Lack of Alignment of Perceived Levels of Policy Effectiveness & Protection

The DASA Code of Conduct guided decision-making for the actions of district/school personnel at all levels, however, the three levels of the district organization differed on the effectiveness of policy in the support of trans students. The Board deemed the DASA policy to be effective in addressing trans issues. Board members in interviews and focus groups concurred, with trustee Angela, "The transgender element has been included in the DASA and the Code of Conduct, there's nothing on the front burner as far as policies that are being looked at or are being moved forward with." Board member Frank added, "The only thing that we had was the issue with the bathrooms (single-stall bathroom) and that was addressed and taken care of. Nothing really has come up since then. We don't need any additional policies." Angela during the focus group added, "Through the enforcement of the Code of Conduct, all students' needs are being met".

These views were supported by district personnel. The superintendent agreed, "The state requires us to have a DASA policy. Although the transgender (student policy) piece is not a requirement we update each policy with the lens of making sure all students are included in that policy design." Tom an assistant superintendent supported the inclusivity of the DASA policy, "the building team uses DASA to support all students, and certainly transgender students fall in that category." Matt another assistant superintendent, maintained the comprehensiveness of DASA to ensure "that all issues that maybe a student might have, no matter the student, whether it's a transgender or not, has equal rights as everyone else and could be treated fairly across the entire school day."

The school level administrators had varying and different views of policy decision-making and effectiveness. They recognized that DASA was the key district support policy for trans students, however they stressed the limitations of DASA. Both principal Rob and Assistant Principal Carmine agreed, "The only policy we are aware of is the DASA and the

Code of Conduct." Rob added, "In spite of not having formal transgender Board-approved policy... over time we end up kind of back-filling with (school) practices that align with what you're doing day to day operationally." Carmine, Assistant Principal indicated, "I have not been made privy to any policies, procedures, guidance documents, etcetera, that specifically address transgender students or the greater LGBTQ+ community and there is nothing in place in district or on the building-level."

The data from school-based staff differed markedly on the issue of polices to guide decision-making relative to trans. They pointed to several procedural issues: "Emily noted, "I believe our school psychologist may think that she's the point person on transgender issues and I don't know if she doesn't want to involve more people that need to be." Guidance counselor Olivia spoke to how tough the process can be without clear procedures for applying to college as a transgender student, "I just had a recent occurrence where a transgender person applied for an onsite visit at a college, and I did not know the transgender student, and gave a different name on the applications and during the onsite visit."

Fragmentation of Intra-staff School-Based Communication

A key strand found within the data was the lack of communication within the support staff. The guidance focus group described their frustration as a communication issue among staff members, especially on how the counselors learn of their transgender students in their caseload. Guidance counselor, Emily noted, "I believe our school psychologist may think that she's the point person on transgender issues and I don't know if she doesn't want to involve more people that need to be." This example highlighted how important transgender student information would get disseminated to the staff. School counselor Mia concurred, "Usually, we are informed because there is some kind of conflict, and we have to actually work to resolve a conflict. Usually, we're not aware prior to that." The communication of documents related to transgender students was unavailable. One particular challenge took place at the beginning of the school year when a guidance counselor discovered she had a transgender student due to an incident. School counselor Ava added, "Yeah, I wasn't aware of that [gender support plan] either until a student was really opening up to me or wanted me to kind of help her with stuff. And

then when I brought it up to our psychologist, she said that she handles all of that and she has a form and that was it."

Lack of Community and Stakeholder Support for Policy Protection

A common thread among the participant groups was the lack of affirmation and recognition of the trans student population. All participant groups identified the challenges to trans policy created by the personal views of staff and community individuals. The Board member Angela stated, "we have not received any pressure to develop any new transgender policies. On the contrary, we have received feedback from the community urging us not to pursue any additional policies in this area." Superintendent Jack explained, "We believe that a transgender student policy could happen in the future, but based on the current political climate, it is unlikely at this time." Principal Jack acknowledged that, "there have been few parental conversations that would encourage the development of extended transgender policy and considering the current political climate we would be reluctant to bring the issue to the district or Board." The comment by psychologist May was representative of the high school staff, "we suffer from minimal potential buy-in from both staff and community."

Discussion

This study found the perceptions of policy implementation were not aligned across key stakeholder groups. The findings support the current literature that suggest the lack of district and school policy exposes the systematic erasure and invisibilization of trans youth in schools and eschews the necessity of addressing the institutionalization of cisgenderism and cisnormativity in the education system (Marino et al., 2022).

The policy implementation framework indicates that trans policy was developed top down from the federal and state levels. Once this trans policy decision was made it was assumed districts and schools would have the resources and knowledge needed to carry it out (Hupe and Hill, 2016). The finding of the fragmentation of policy perception by administrators in this study identified that the breach in the flow of policy implementation occurred at both the district and school levels. The district Board and superintendent indicated dependence on the expertise of the principal and staff to implement the trans policy. However, at the school level the 'cost' of high implementation and compliance was identified as too disruptive to the school climate and intra-staff relationships.

The finding referencing the lack of community and staff support for trans policy highlighted the viewpoints of educators in response to the increasing visibility of trans youth in schools. The responses of participants at all levels highlighted resistance to trans policy as a critical institutional and systemic barrier for transgender students in the education system. This case study served as an illustrative exemplification of the problem of trans inclusion face in due to a culture driven by cisnormativity. Lennon and Mistler

(2014) define cisgenderism as "the cultural and systemic ideology that denies, denigrates or pathologizes self-identified gender identities that do not align with assigned gender at birth, as well as resulting behavior, expression and community" (p. 63). In this study the Board and superintendent level participants denial of potential issues at the building level was apparent and confirmed the findings of researchers who claim the absence of trans-affirmative policies and practices (Neary & Cross, 2018; Martino & Cumming-Potvin, 2019).

The fragmentation of intra-staff school-based communication relative to transgender youth is a new finding and not identified in the trans literature. One might hypothesize that there would be greater alignment on issues related to trans among key staff including the psychologist, social worker, and guidance counselor. The data revealed the siloing of information related to trans.

Conclusion

In conclusion, it is clear trans-affirmative policy must be conceptualized within the broader school and community cultural context. The conditions for trans students cannot be exclusively bracketed within the LGBTQ. Trans students require more explicit protections and recognition through district and school policy and practices.

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