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Investigating Trans-Affirmative Education Policies and Practices in Ontario

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Graduate Program in Education

A thesis submitted in partial fulfillment of the requirements for the degree in Master of Arts

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by

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Graduate Program in Faculty of Education

A thesis submitted in partial fulfillment
of the requirements for the degree of
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ABSTRACT

This study uses a qualitative approach to investigate the development and influence of school-based trans-affirmative policies in the Ontario education system. It focuses specifically on three policy texts of three individual school boards: Durham District School Board's *Supporting Our Transgender Students*; Toronto District School Board's *Guidelines for the Accommodation of Transgender and Gender Non-Conforming Students and Staff*; and Thames Valley District School Board's *Guidelines for the Accommodation of Gender Diverse and Trans Students*. While space is devoted to a text-based analysis in terms of how such policies constitute or construct transgender and gender non-conforming youth along with the political significance of such constructions, this thesis focuses on those stakeholders such as educators and administrators who have some knowledge of the development and enactment of such policies. Five participants (all of whom have been or are presently educators) were interviewed and serve as an empirical source for generating knowledge about the policy-practice nexus. This qualitative case study research aims to deepen our knowledge of how the needs of transgender and gender minority youth are being understood and addressed in the school system. In adopting a case study approach, the research is not concerned to generalize about the formulation and enactment of trans-affirmative policies, but rather, to undertake an exploratory analysis that fosters critical reflection on the particularity of the processes involved in trans-affirmative policy formulation and practice in schooling and school board contexts. This study thus is concerned to examine the implications of such trans-affirmative policy processes for addressing the needs of transgender and gender non-conforming students in the school system as a basis for drawing out the significance for researchers and policy makers in the field of education.

KEYWORDS: transgender, gender non-conforming, gender diverse, trans-affirmative policy.

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CHAPTER ONE: INTRODUCTION TO THE RESEARCH PROBLEM

Introduction

Every human being is in a constant state of growth and change. Every moment our body is altered in a multitude of ways; whether it is the division of a cell, or through a process that is more tangible and visible to the naked eye, we are ever-changing. Human development is not static but a process involving continuous growth or change. As we grow, we mature, form our own opinions, perceptions and beliefs about the world around us, and these changes are subjected to a great deal of negotiation given specific contexts and the sort of power relations at play in these contexts. We are expected to find our place in the world through self-evaluation, and various intrinsic and extrinsic epiphanies. However, from the moment we are born, our gender is seemingly viewed as static by hegemonic societal discourse. For the most part, gender is ascribed to a newborn based upon his or her biological sex, and to deviate from this *decision* is viewed as deviating from certain gendered norms. Bornstein (1998) eloquently states that “the genders we’re assigned at birth lock us onto a course through which we’ll be expected to become whole, well-rounded, creative, loving people – *but only as men or as women*” (p. 1).

It is this very cisgender-based rationale, which underscores beliefs about gender as a binary system or framework.¹ The transgendered individual challenges this notion by troubling it. While Judith Butler (1990) encourages that all people challenge the gender binary through “performativity,” it becomes very clear that those who identify as transgender challenge the normative gender binary by simply identifying as such. In her book, *Undoing Gender*, Butler (2004) maintains that the regulation of gender is governed by specific norms, and existing outside

¹ In this paper, *cisgender* refers to an individual whose gender identity corresponds with their biological sex (i.e. a biological boy identifies as a male).

the norm creates a deviant label for the transgender individual who is unable to abide by these norms (pp. 41-42). Each and every individual has a right to gender expression and performance, and these rights should be perpetually maintained throughout pedagogical, curricular and policy intervention within the public school system.

Schools serve as one of the significant institutional settings in which students come to understand their own gender, and interact with gender identities that may differ from their own: “One group that is largely left out of discussions of education consists of transgender students and those who transgress societal gender norms” (Rands, 2009, p. 419). Despite their exclusion from these discussions, those in the public school system who identify as transgender or gender non-conforming tend to face higher levels of harassment and abuse from their peers, and in some instances, from educators. According to EGALÉ Canada, 68% of trans students reported being verbally harassed about their perceived gender identity and sexual orientation, 49% of trans students experienced sexual harassment in school within the last year, and 64% of Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) youth felt unsafe in their schools (EGALÉ, 2012, p. 5).

For many of these students, the public and gendered bathroom is a significant point of contention, where they experience much of this harassment. While the nation awaits the final decision regarding Bill C-279² – dubbed the “Gender Identity Bill” – and whether or not to legalize the right to gender identity and gender expression without fear of discrimination, it is vital for us to

² Bill C-279 would amend the Canadian Human Rights Act to include “gender identity” as a prohibited ground of discrimination. It also amends the Criminal Code to include gender identity as a distinguishing characteristic protected under section 318 (Open Parliament, 2014). In the last Parliament, the bill (then called C-389 and introduced by Bill Siskay) narrowly passed the House of Commons, but was killed by an election call, before making it to the Senate. Bill C-389 also sought to amend the Canadian Human Rights Act to include gender identity and gender expression as prohibited grounds of discrimination (Open Parliament, 2014). Bill C-279 is awaiting its reading at the Senate as of August 24, 2015).

understand what measures are presently in place to ensure that our students feel safe and welcome in their own schools. Presently, the Ontario Human Rights Code protects every person from discrimination and harassment based upon gender identity and gender expression, though Bill C-279 would introduce this protection on a national level and make such discrimination and harassment a violation of the Criminal Code of Canada.

[The Problem of Cisgender Privilege](#)

Perhaps no minority is more maligned, ostracized and misunderstood than the individual who identifies as transgender. While many are embracing those who identify as transgender or gender non-conforming, there is a somewhat expected resistance to these ideas of acceptance, inclusion and respect for transgender individuals. As Julia Serano (2009) explains in her book, *Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity*,

As a group, we have been systematically pathologized by the medical and psychological establishment, sensationalized and ridiculed by the media, marginalized by mainstream lesbian and gay organizations, dismissed by certain segments of the feminist community, and, in too many instances, been made the victims of violence at the hands of men who feel that we somehow threaten their masculinity and heterosexuality (p. 11).

Due to the extent of heteronormative and cisgender privilege, the struggles of gender minorities are often dismissed, unacknowledged or simply misunderstood (Canella & Viruru, 2004). In addition, with contemporary media increasingly containing depictions of transgender people, these very depictions have a tremendous impact on the lives of transgender people, primarily, on shaping their gender identity (McInroy & Craig, 2015, p. 1).

There are increasing representations of transgender people in media, with television shows broadcasting the experiences of the community (e.g. *Orange Is the New Black*, *Glee*, *Degrassi*, *Big Brother*, *America's Next Top Model*, etc.). These television shows tend to sensationalize

transgender people and do not necessarily depict the realities of their lived experience (i.e. elevated suicide rates, harassment, familial conflicts, discrimination or heightened rates of unemployment) (Namaste, 2000). While through a heteronormative lens, many cisgender women and men are faced with a bombardment of unrealistic images of the “ideal body,” the trans individual must face expectations imposed upon them by both gendered ideals; not only are they unable to fulfill physical expectations initially placed upon their biological sex, they also have to contend with societal expectations of the opposite gender that are imposed according to a rigidly defined cisgender framework.

These unattainable expectations are further complicated by what Bettcher (2007) refers to as a hopeless “double bind” in which the transgender individual is often required to “disclose ‘who one is’ and come out as a pretender or masquerader, or refuse to disclose (be a deceiver) and run the risk of forced disclosure, the effect of which is exposure as a liar” (p. 50). As a result of this double bind, a trans individual is either viewed as someone who is “pretending” and “dressing up,” thus being misrepresented as “really a boy, who dressed up as a girl,” or conversely, they remain invisible and live in constant fear of being viewed as a liar and risk violence if they are ever exposed (Bettcher, 2007). In this way, a transgender individual is unable to truly become the gender they desire based upon unrealistic physical expectations, as well as having to contend with the possibility of being deemed a “deceiver” or a “pretender” (Wyss, 2004). In order to fit into the sought after gender mould, Wyss (2004) utilizes Goffman (1959) to explain how a “person will examine others’ actions and appearances and will then use stereotypes to fit those others into certain culturally recognizable categories” (p. 711). As a result, when these categorizations turn out to be flawed because a MTF (male to female) trans individual, for example, is presenting as a woman, they are viewed as a “deceiver,” as their appearance does not

match their assigned sex. Further, the conceptualization of trans individuals as pretenders or deceivers aligns well with Goffman's distinction between those who are "discreditable" (i.e. having a stigma that they hide, but could be discovered at any point in time, with the risk of being viewed as a "deceiver", and, hence, as deliberately hiding their 'true' birth sex), and those who are "discredited" (i.e. those who have a stigma that others automatically see, which, in this case, is the "pretender" who is considered to be "dressing up" as a certain gender that is "misaligned" with their biological sex) (Goffman, 1963; Bettcher, 2007). In this way, we can see how the trans individual is perpetually *constructed* and "made sense" of through the imposition and endorsement of a cisgender binary system, and how through this construction, trans people may be represented as either pretenders or deceivers, whereby in both cases, a stigma is attached to them on the basis of the extent to which they deviate from such normative expectations.

Further, Serano (2009) explains this cisgender desire to "make sense" of the trans individual from a standpoint of "trans-interrogation," which seeks to explain *why* transsexuals exist in the first place. By intellectualizing the objectification of transsexuals, trans-interrogation is masked as a lack of acceptance, as it does not ask, "why do cissexuals exist" (p. 187)? In this regard, trans-interrogation asks questions that focus on the motivation of changing one's sex, and what the cause of this is (i.e. genetics or one's upbringing):

By reducing us to the status of objects of inquiry, cissexuals free themselves of the inconvenience of having to consider us living, breathing beings who cope not only with our own intrinsic inclinations, but with the extrinsic cissexist and oppositionally sexist gender discrimination (p. 187).

In the same way that the media has become obsessed with "intellectualization of objectifying" (p. 187) trans people, *cisgenderists* (Serano, 2009) have become just as eager to comprehend the origins of the trans individual. The issue with this obsession of trying to understand the existence of trans is not a matter of curiosity, but an act of

intolerance and a lack of acceptance. This is explained by Serano (2009) when she insists that “the unceasing search to uncover the cause of transsexuality is designed to keep transsexual gender identities in a perpetually questionable state, thereby ensuring that cissexual gender identities continue to be unquestionable” (p. 188). As a result, the sensationalized and perpetually questioned trans individual continues to be perceived and presented as an anomaly in the social context. It is thus important that the objectification of trans individuals is deconstructed and altered in order to promote an understanding of gender in terms of the spectrum or continuum as opposed to a dichotomous, neat, two-table binary system.

The creation and enactment of school policies yield the potential to inform administrators, educators, and, subsequently, students about the dynamism of gender and that diverging from a cisgender system does not necessitate a label of deviance. Trans-affirmative policies have the potential to normalize the lives of transgender and gender non-conforming students rather than sensationalize them in the manner that Western media and popular culture tend to do.

Statement of the Problem

Every student has a right to feel safe in his or her own school, and every student deserves to be treated equally, equitably and respectfully by the policies set in place by their respective school boards. With EGALE Canada reporting that many transgender students feel unsafe and/or are experiencing harassment due to their gender identity and/or expression, it is imperative that trans-affirmative policies and guidelines be developed and supported in the education system and to determine their impact. The primary problem located within this thesis is the disconnect between

the lived experience of transgender and gender non-conforming students and the politics that govern Canadian public school discourse based upon diversity rights (Taylor & Peter, 2011).

Presently, there is a gap in the research regarding how trans-affirmative policies have been formulated, how they are being disseminated, and how they are impacting the school environment (Gonzales & McNulty, 2011). Most significantly, there is a lack of understanding with regards to the response to these policies by administrators, educators, as well as the students they are meant to accommodate. Consequently, this study was conducted to generate knowledge about these policies and to investigate their effects, specifically, whether they have been effective in creating a nurturing environment for *all* students, and not just those who fall neatly into the gender binary. Initially, this study had hoped to conduct several interviews with policymakers and various stakeholders who created these policies. However, as the conceptualization developed, it became clear that the opinions and thoughts of educators and administrators were equally as important when analyzing the impacts of these policies. As such, the study is able to offer insight into not only perceptions of those who created the policies, but also of those who are able to see them at work within their schools.

[Aims and Purposes of the Study](#)

With Bill C-279 presently undergoing its second reading at the Senate (as of August 24, 2015), it is imperative to understand what policies are presently in place in the realm of public education, which allow students to express their gender without fear of discrimination and/or harassment while the Canada awaits the final ruling on Bill C-279. The overall purpose of this study is to gain insight into the public school policies presently in place that cater to those who identify as transgender and/or are gender non-conforming. By developing our understanding of these policies, and how they are being enacted at the school level, the strengths and weaknesses of

these policies will be better understood. As a result, these policies can be modified, or enacted more efficiently to better suit the needs of those who feel as though they are being discriminated against due to their gender identity and gender expression. This study aims to bring attention to policies of which many students and educators may not be aware. If these policies are not being utilized in a manner that is conducive to those that it aims to aid, then it is imperative that changes be made to ensure that they can better support transgender and gender non-conforming youth in schools. To help show the potential impact of Bill C-279, policies that are already in place must be seen as effective and necessary for students in the public school system. Additionally, they must be perceived as necessary in order to merit the need for national-based legislation. More acutely, this study continues to build upon the sparse existing pool of knowledge and understanding regarding current trans-affirmative school board policies and their enactment, as very little is known about the influence, impact and effects of these policies after their initial development.

In this study, the term *transgender* will be used consistently as it is seen, typically, as an umbrella term for those who do not identify as cisgender, and therefore, troubles the gender binary that tends to permeate the education system. In addition, *gender non-conforming* and *gender variant* will be used alongside *transgender* thus making an effort to include gender minority groups who choose not to identify as cisgender, or as transgender, but simply resist conforming to society's expectations of gender expression based upon the gender binary, expectations of either masculinity or femininity, or how they "should" identify their gender. Wells (2012), for example, defines gender variance in the following manner, which is consistent with my understanding of the definition throughout the thesis: "Gender-linked behaviours, which are different from those stereotypically expected of an individual's sex" (p. 4).

Further, I also use the term *gender fluid* in a manner that conveys a wider, more flexible range of gender expression, with behaviours that may change from day-to-day. When I use the term “gender fluid”, I do so with the conceptualization of those who transcend the typical confinements of gender stereotypes placed upon men and women (i.e. boys play football and girls play with Barbie). These individuals blur the idea that gender is static by exhibiting both female and male gender markers consistently. In this regard, I hope to maintain inclusivity for all those who do not associate or understand their gender identity as being contained within a gender binary system (Bornstein, 1998; Ingrey, 2012).

For the purposes of this research, the following school board trans-affirmative policies and guidelines are analyzed: Durham District School Board’s *Supporting Our Transgender Students* (2012); Toronto District School Board’s *Guidelines for the Accommodation of Transgender and Gender Non-Conforming Students and Staff* (2011); and Thames Valley District School Board’s *Guidelines for the Accommodation of Gender Diverse and Trans Students* (2013). These specific policies were chosen because they are the first to emerge in Ontario, which deal specifically with transgender and gender minority issues in the education system. Subsequently, interviews have been conducted with various stakeholders who either helped develop the documents, and/or have some familiarity or knowledge of the policy enactment³ within their respective school districts.

³ I follow the conceptualization and understanding of *implementation* and *enactment* as Ball, Maguire and Braun (2012) explain them in their book, *How Schools Do Policy: Policy Enactments in Secondary Schools*. Ball et al. view policy *implementation* as a “top down” or “bottom up” process of making policy work in the education system that are viewed as homogenous and de-contextualized organization that is an undifferentiated “whole” whereby various policies are slipped or filtered into place. In contrast, *enactment*, as understood by Ball et al, but also how it is conceptualized in this research, is a “dynamic and non-linear aspect of the whole complex that make up the policy process, of which policy in school is just one part” (Ball et al., 2012, p. 6). This focus on ‘enactment’ is taken up later in the chapter in the section devoted to the framing of critical policy analysis that informs my approach in the thesis.

In this capacity, the research has the potential to inform our understanding of the policy-practice nexus by building knowledge about how such policies are being interpreted and enacted with the view to enhancing critical reflection on interventions and pedagogical possibilities at the school board/local school level designed to address the needs of trans and gender minority youth.

The objectives of this study were exploratory and investigative. The aim was not to generalize about policy-making processes, but to reflect on and build insight into such processes as they relate to the enactment of trans-affirmative policies in specific school boards/school contexts. Due to the fact that gender expression is an intricate part of each person's day-to-day life, it is critical for school policy to go beyond the dichotomy of *male* and *female* to that of viewing gender on a spectrum and in a trans-inclusive way (Bornstein, 2013; Ingrey, 2012, 2013; Lane, 2009; Rands, 2009; Sumara & Davis, 1999; Bornstein, 1998). In this respect, considering the impacts of policies that are gender considerate has the potential to yield important insights into the politics of gender embodiment in schools and creates a space for critical reflection on the policy-practice nexus in terms of building understanding about how trans-affirmative policies are being taken up and translated into practice in schools. The following were the aims of this research study:

1. To provide a critical analysis of current school board trans-affirmative policies in Ontario, as a basis for building knowledge about how trans and gender non-conforming students, are being officially constructed or constituted;
2. To investigate the impact and enactment of these policies within their respective districts through interviews with policymakers, educators and administrators in schools who are familiar with such policies;

3. To generate knowledge and insight into trans-affirmative education policy-making processes and enactments in Ontario.

The study has the potential to inform trans-affirmative policy development and hopes to enhance critical reflection on policy enactment as it relates to supporting and addressing the needs of transgender and gender minority youth in the education system. By examining and analyzing the impact of trans-affirmative policies in the education system, the potential influence of national legislation that seeks to protect transgender and gender non-conforming people, such as Bill C-279, can be better understood, as well as encouraged.

Research Questions

The experiences of transgender students within the school system are just as significant as those of their cisgender peers (i.e. the gender identity whereby an individual's gender matches the sex they were assigned at birth). Those who deviate from normative gender identities challenge the very foundation of the public school system's tendency to categorize students by a gender dichotomy. These gender categorizations, such as the bathroom being segregated and allocated for strictly males or females, are in conflict with those who are of a certain sex, but identify as gender that is incongruent with their sex. It is this indirect challenging of the public school system that requires a need for policy to appropriately, and equitably, accommodate those who do not have the privilege to make their voices heard in the public school system. More significantly, given the research which reveals that transgender and gender non-conforming students experience significantly higher levels of abuse and harassment in school (Greytak et al, 2009; Kosciw et al, 2011; Wyss, 2004), it is vital that such school-based gender violence be addressed to ensure that the human rights of all students are respected and institutionally enforced. The following questions guided this study and have been addressed:

1. What can a critical policy analysis of trans-affirmative equity guidelines in specific school boards (Durham District School Board, Toronto District School Board and Thames Valley District School Board) reveal about the ways in which transgender and gender non-conforming students and their needs in schools are understood?
2. How are these policies and guidelines being utilized or employed by school boards and schools in Ontario?
3. How are teachers and administrators responding to these policies within their schools?

By answering these questions, this study is concerned with providing some insights into present trans-affirmative policies and practices and to reflect on the extent to which they are perceived or understood to be helping to meet the needs of trans and gender minority youth in the public education system. While not generalizable across a population, given the limited sample size, the knowledge and perspectives on the enactment and development of these trans-affirmative school based policies, generated by those who have some familiarity with them, have the potential to provide some insight with regards to future directions for research, and also to further inform future policy development. These perspectives from the ground, so to speak, also provide some exploratory insights into the complexities of and issues involved in the enactment of the policies and how these might further deepen understanding of the policy-practice nexus.

Understanding “Policy”

Frequently, the meaning of the word “policy” is taken for granted. It is assumed that there is a universal understanding of the term, and, therefore, it is used carelessly in every form of writing – from academic to journalistic forms. Policy, as Kogan (1975) states, is the operational statement of values, statements of prescriptive intent. The question, however, is whose values are validated in policy, and conversely, whose are not (Ball, 2012). It is a written proclamation of a

society's ideals and what is seen as significant, or conversely, in need of regulation. Policy is comprised of many different layers; various people are involved in the creation of policy texts, and these people have a vast spectrum of differing values, ideals and beliefs regarding what a policy should set out to achieve. In addition to this, once the policy is enacted, it shifts from the control of the policymakers to those whom it affects and to those who enforce it. There are many stakeholders in the creation of just one policy, and as such, it is important to understand that policy – as a definition – is vast and subjectively ambiguous; it is immensely dependent upon the context in which one is using the term.

Policy, in essence, is about trying to achieve a particular goal: “Given its promise to serve as a significant lever of change in an institution intended to serve all children and youth, education policy affects multiple dimensions of social welfare” (Honig, 2006, p.1). When considering the significance of these stakes and how they affect children, we must carefully, and concisely, scrutinize policy enactment in order to constructively develop its efficacy. By acknowledging the multitude of layers attributed to the creation of a policy and its subsequent implementation, it is crucial to understand that every individual who plays a role in its formulation and dissemination is a significant stakeholder in the effects that the policy will subsequently have. It is important to acknowledge that *implementation* is a crucial link between the progenitors' objectives and the proceeding outcomes of policy. Because *implementation* is rife with uncertainty and individualized interpretation, this process is difficult to control. Ball et al. (2012) examined *policy implementation* studies and how they “conceive of the school itself as a somewhat homogenous and de-contextualized organization that is an undifferentiated ‘whole’ into which various policies are slipped or filtered into place” (p. 5). De-contextualizing the institution of organization through the process of *implementation* aims to constitute universal and

generic policy measures, which can be applied to most if not all schools. This, as will be demonstrated, cannot be done as idyllically as policy developers may hope. Ball et al. (2012) further explain that “research texts in education policy rarely convey any sense of the built environment from which the ‘data’ are elicited or the financial or human resources available — policy is dematerialized” (p. 20) as well as de-contextualized.

It is important to underscore that policies do not enter the same school environment each time. Particularly,

Policies enter different resource environments; schools have particular histories, buildings and infrastructures, staff profiles, leadership experiences, budgetary situations and teaching and learning challenges (e.g. proportions of children with special educational need (SEN), English as an additional language (EAL), behavioural difficulties, ‘disabilities’ and social and economic ‘deprivations’) and the demands of context interaction. Schools differ in their student intake, school ethos and culture, they engage with local authorities and experience pressures from league tables and judgements made by national bodies... (Ball et al. 2012, p. 19).

To acknowledge the various factors at play is to acknowledge the key difference between *implementation* versus that of *enactment*. Enactment, as Ball et al. (2012) defined and separated from implementation, re-contextualizes the policy environment, considering situated contexts (e.g. locale, school history and intakes), professional cultures (e.g. values, teacher commitments and experiences, and “policy management” within schools), material contexts (e.g. staffing, budget, buildings, technology and infrastructure), and external contexts (e.g. degree and quality of support, pressures and expectations from broader policy contexts, etc). In this way, it is important to understand that policy enactment considers a multitude of factors at play that differentiate each school from the other, and that with enactment, there is a process of interpretation and translation that is overlooked and goes unconsidered in typical studies centered around “policy implementation.” This consideration of the various contexts within the schools that re-contextualizes them is

extremely important as it avoids homogenizing them and anticipating that one policy will have the same effects in each school locale or education context. As a result, it is important to differentiate between policy *implementation* and policy *enactment*, and this distinction will be addressed in this thesis.

Once the policy leaves the hands of its creators, it may very well succeed in its design objective, but also, it is just as likely to fail. This is precisely why making every effort to understand these trans-affirmative policies and their presence within each respective school district is especially important. As Ball (2015) explains, “the task for the policy researcher is to find out how a human being is envisaged in our present and the social practices that constitute this human being” (p. 3). In this regard, it is necessary to investigate and understand how transgender and gender non-conforming students are being perceived by stakeholders; we must comprehend the ideologies of not only the policy developers, but also those who will be enacting these policies in order to accommodate and address the needs of transgender and gender minority students. Due to the fact that the enactments of policies involve numerous contexts and stakeholders to consider, they are often “...‘contested’, mediated and differentially represented by different actors in different contexts (policy as texts), but on the other hand, at the same time produced and formed by taken-for-granted and implicit knowledges and assumptions about the world and ourselves (policy as discourse)” (Ball, 2015, p. 6). The profusion of ways in which these policies can be represented by various stakeholders through the text directly or the discourses they possess necessitate the investigation of trans-affirmative policies and how they have been received and taken up as a result of these complexities.

[Policy Analysis](#)

For the purposes of this study, policy is going to be utilized as both a *text* and a *process*, as explained by Ball (1993). The question “what is policy?” should not mislead us into unexamined assumptions about policies as “things”; policies are also processes and outcomes (Ball, 1993, p. 11). With respect to *policy as texts*, it is important to understand that policies are “representations which are encoded in complex ways (via struggles, compromises, authoritative public interpretations and reinterpretations) and decoded in complex ways (via actors’ interpretations and meanings in relation to their history, experiences, skills, resources and context)” (Ball, 1993, p. 11). In this regard, one can already see the complexities that revolve around defining policy. With so many key players involved in the creation of a policy, a universal definition is seemingly unattainable, along with the impossibility of attaining a universal interpretation and reading of the policy. In addition to *policy as texts*, there is also *policy as process*, whereby various individuals will interpret policies in differing ways. Some of these interpretations may conflict with others. For example, the way in which staff in one school may adhere to the guidelines set out by their respective school board may differ immensely from the way staff within another school responds to the very same (or similar) guidelines based strictly upon their implicit knowledges and assumptions (Ball, 1993).

My understanding and use of the word *policy* in this study will utilize Ball’s (1993) comprehension of the word as both text and a process. My use of the term understands that there are always multiple actors interacting with the policy, and that there are many diverse and contradictory values interwoven in both the enactment and the implementation of policy. Building upon the “policy as text” that Ball (1993) proposes and the manner in which policies are (multi)authored, read in a variety of settings, filtered, enacted, and creatively acted upon, it is important to understand the plethora of interactions that these policy texts have: “Few policies

arrive fully formed and the process of policy enactment also involve ad-hockery, borrowing, re-ordering, displacing, making do and re-invention [...] The onus is on schools to ‘make’ sense of policy where (sometimes) none is self-evident” (Ball, 1993, p. 8). Each school may interpret a policy differently (or conversely, choose not to interpret it at all), and so the written text does not necessarily result in the same actions being undertaken by each school. Policies do not simply end once they are created; their enactment is a significant tenet of what they become once they are passed as legislation. The manner in which one school interprets a policy may differ vastly from the manner in which a school in the same district interprets the very same policy. It is due to these unforeseeable interpretations that it is imperative to gauge whether these policies *have* achieved or *are* achieving what they were intended to accomplish, respectively.

Relevant to the idea of interpretation is the concept of *situatedness*. Situated interpretations are pitted against what else is at play, what consequences might arise from responding or not responding to the policy texts: “interpretations are set within the schools’ *position* in relation to policy” (Ball, 1993, p. 44). Here, it is necessary to stress that policy and its interpretation is exceedingly *subjective*, and, therefore, policy is quite multi-layered and complex once it leaves the hands of those who create it. It is for this reason that it is necessary to disassemble appropriately not only *how* it was created and by *whom*, but also *what* are the actual effects of these policies’ subsequent enactments. Only by attaining a full picture of policy – before and after its enactment – can we adequately interpret the success of their respective implementation. In order to interpret the potential success of trans-affirmative policies, it is necessary to question the effects of their implementation. Particularly, by assessing the success (or alternatively, the failure) of these policies, an accurate picture can be created regarding what

else can be done in order to alleviate any tensions or stresses trans students are facing that these policies may not be adequately addressing.

Specifically, this focus on *text* is primarily a language of documents, whereby the transgender student and their respective struggles and accommodations are represented through a party that chooses the diction inscribed within each document (Ball, 2010). Due to the fact that there is a great deal more emphasis placed upon the text work, as that is where stakeholders in each school extract much of their own individual interpretations of what is written, the discourse(s) behind these statements and how they are formed and made possible are rarely questioned. Much of the time, the progenitors of these policies fail to consider “the complexity of policy enactment environments and the need for schools to simultaneously respond to multiple policy (and other) demands and expectations” (Ball, 2015, p. 3), complementing the point that policy work is “often a piecemeal process of ‘fixing’ problems” (p. 4), where even sometimes the policy itself needs adapting, reconsidering, and reworking. Notably, this is the case if the policy is misrepresenting the needs and requests of transgender and gender non-conforming students, or even in conflict with another current policy.

Theoretical Frameworks

To make sense of the policies that will be analyzed, their subsequent effects on transgender students, and the conducted interviews, I draw on both queer and trans scholars to question the gender dichotomies present within the school system and its policies. In particular, Judith Butler’s (1990) theory of *gender performativity* will be used to highlight the politics of gender embodiment and gender expression. Butler (1993) maintains that what becomes viewed as “normal” or “natural” is understood through rearticulating and performing hegemonic gender norms that dictate masculine as strictly *male* and feminine as strictly *female*. However, she

brings forth the performance aspect of drag and cross-dressing to trouble gender binaries and explains how gender is performative, and that it can be challenged and it can shift based upon the acts with which one repeatedly engages. By using gender performativity theory (which I will explain in greater detail below), I directly challenge the social construction and situatedness of gender and, subsequently encourage policy to be progressively more inclusive of all gender identities within the public school system. Further, this theory will also be used to question whether or not the guidelines set forth by the school boards are inclusive or potentially damaging to transgender and gender minority students within their respective districts by troubling the misconception of gender as fixed, as well as exposing the heteronormative ideologies at play within the public school system.

In addition to drawing on Butler's work, I will also utilize Viviane Namaste's (2000) work, which focuses upon the daily concerns of transgender youth in the world. By drawing on Namaste's work, I demonstrate how transgender identities have been "erased" from the mainstream of public policy-making, but also demonstrate why it is important that their concerns and identities are met through the analysis of distinct policies within certain public school boards. In addition, Stryker's (1994) position and perspective on the politics of trans embodiment and subjectivity offers conceptual insight into gender expression and identification, whereby the definition of gender in Stryker's later work (2009) complements that of Judith Butler's definition: "Rather than being an objective quality of the body (defined by sex), gender is constituted by all the innumerable acts of performing it: how we dress, move, speak, touch, look" (p. 131).

Finally, I also draw upon Rands' (2009) *gender oppression matrix* to explain the complex sets of gender relations and hierarchies that transgender and gender non-conforming students

inevitably experience, and the gender privilege that they are denied. These frameworks inform the critical policy and qualitative data analysis for the study in that they direct attention to examining how gender expression, identification and embodiment are being understood and framed, both in terms of how they are inscribed in trans-affirmative policy texts, and how they are being interpreted by those familiar with enacting such policies.

Gender Performativity Theory

The foundational concept of Judith Butler's (1990) gender performativity theory is that one's gender is constructed through a person's own *repetitive* performance of gender. Butler reasons that gender is not static, but rather, is the act of repeatedly exhibiting markers that are constantly in a state of negotiation. In this regard, we exhibit certain behaviours (e.g. the way we walk, speak and choose to dress) that consolidate an impression of being a man or being a woman. However, these behaviours never definitively or conclusively determine our gender, they are constantly in a state of being accomplished, but never being complete. As Butler reasons, "woman itself is a term in a process, a becoming, a constructing that cannot rightfully be said to originate or to end" (Butler, 1990, p. 33). A person's gender identity is solidified through the repetitive performance of gender, thus known as *gender performativity*. Specifically, Butler (1990) explains gender performativity as "the repeated stylization of the body, a set of repeated acts within a highly rigid regulatory frame that congeal over time to produce the appearance of substance, of a natural sort of being" (Butler, 1990, pp. 43-44). This repeated stylization is produced by "acts and gestures, articulated and enacted desires [that] create the illusion of an interior and organizing gender core, an illusion discursively maintained for the purposes of the regulation of sexuality within the obligatory frame of reproductive heterosexuality" (Butler, 1990, p. 173).

Despite repeated stylization creating an “illusion of an interior and organizing gender core” (p. 173), gender reveals no fundamental truths about the body, but rather, it is ideological through its social construction. It is Butler’s view that in order to be understood and socially recognized, it is important that a person’s gender must *also* be socially recognizable. However, this repeated stylization does not always produce “intelligible” genders that can be read and understood concisely by gender normative and heteronormative society.

Intelligible genders are those that are consistent with biological sex (cisgender), and those who “fail to conform to the gendered norms of cultural intelligibility” are deemed “unintelligible,” “incoherent” and “the very notion of ‘the person’ is called into question” (Butler, 1990, p. 23). Unfortunately, it is these unintelligible bodies, which fail to “matter” (Butler, 1993), and brings “attention to the fiction of the heterosexual system” (Ingrey, 2014, p. 27). Butler deems the transgender and gender non-conforming identity as those that lie at the very limits of intelligibility, disrupting the socially perceived coherency between gender and sex. Intelligible genders are “thinkable only in relation to existing norms of continuity and coherence” (Butler, 1990, p. 23).

To analyze school board policies using this framework allows for the deconstruction of the gender binary upon which the public school system is built, challenging it by proclaiming that gender is socially constructed, dynamic, and a performative function carried out by *every* person. It also brings into focus the reality that gender and heterosexuality are so fundamentally entwined that deviations from normative masculinities and femininities can throw heterosexuality into doubt (which Butler refers to as “intelligible genders”) (Renold, 2006, p. 493). As a result, when one deviates from normatively masculine or feminine traits, their sexuality is also questioned as they are transgressing normative, traditional expectations.

Therefore, what is required for heteronormative and cisgender standards to maintain their societal dominance is a continual repetition of these gender acts. Butler underscores gender's social construction, seeking to fight for those who do not conform to the gender binary and have been oppressed as a result of doing so. By drawing on Judith Butler's (1990) gender performativity theory, an analysis can be made of the present public school system condition, and why the guidelines brought forth by the respective school boards have been necessary in the first place as they maintain a heteronormative privileging, despite the seemingly trans-considerate nature of the guidelines.

Erasure of Transgender Identities in Politics

In her dissection of the erasure of transgender identities, Viviane Namaste (2000) asserts, "in Anglo-America, transgendered identities are conceived as a function of a lesbian/gay identity politics" (p. 64). The discussion in her book, *Invisible Lives*, is one fueled by public debate questioning the very existence of transgender identities as opposed to accepting that transgender people live in the world. Gender itself must be deconstructed and subsequently reconstructed in order to create a *spectrum* of legitimate identities, troubling and "moving beyond the binaries of gender in general and trans in particular" (Lane, 2009, p.137), and to "expand gender identities, rather than reify a binary gender system" (Namaste, 2000, p. 26). By developing a spectrum of legitimate identities and a universal acceptance of it, the bathroom problem (as will be discussed in Chapter Two) as well as other issues facing gender non-conforming students in schools, would ideally be non-existent. However, Namaste (2000) suggests that erasure is a defining condition of transsexual people, leaving their concerns and experiences largely unheard and unconsidered by policymakers and administration. Through discourse analysis, Namaste portrays multiple scenarios in which the providers of "help" do the exact opposite by creating and enforcing

institutional policies and structures that are *unhelpful* and occasionally even directly harmful toward gender diverse persons. It is this very analysis in which I centre myself and conduct the policy analysis of the various guidelines set out by the three selected school boards.

In order to appropriately gauge the ways in which these policies are helping, or conversely, not helping transgender and gender non-conforming students, it is imperative to understand whether or not issues of transsexual embodiment are being taken up. Once we understand this, it will inform our comprehension of how transgender subjects are being written into education policy. In turn, this will inform what understandings about the transgender community are being drawn upon in order to write them into policy or absent them from it.

Stryker (1994) provides a concise depiction of the transgender individual, outlining two strands of meaning associated with *transgender*. The first, and “original” meaning, as she puts it, refers to individuals who cross genders without seeking sex reassignment surgery. Her second conception of the transgender individual is far more diverse, encompassing “all identities or practices that cross over, cut across, move between or otherwise queer socially constructed sex/gender boundaries” (p. 251). Furthermore, Stryker proposes that all bodies are unnatural, created, formed, and transformed in and through modificatory processes. The transsexual body, specifically due to its modifications, is labeled “monstrous” (Stryker, 1994, p. 243). As a result of these modifications, transsexuals are believed to challenge assumptions about the allegedly “fixed” and “immutable” relationships of sex and gender identity, and tend to be lumped into the same category of those who are transgender and gender non-conforming by queer theorists. As Elliot (2009) points out “transsexuals do not seek to queer or destabilize categories of gender, but to successfully embody them regardless of gender orientation” (p.11; see also Namaste, 2000; Rubin, 1999; & Prosser, 1998). However, as Connell (2009) and Lane (2009) point out

such embodiment of norms is an ongoing process of negotiation and evolves over one's life's time.

It is particularly important to address the manner in which embodiment is being presented in trans-affirmative policies, and to what degree embodiment is being understood outside of heteronormative and cisgendered conceptions of it. Stryker's (2013) work in *The Transgender Studies Reader* engages with the broad scope of the field of transgender studies, indicating that it is concerned with...

...Anything that disrupts, denaturalizes, rearticulates, and makes visible the normative linkages we generally assume to exist between the biological specificity of the sexually differentiated human body, the social roles, and statuses that a particular form of body is expected to occupy, the subjectively experienced relationship between the gendered sense of self and social expectations of gender-role performance, and the cultural mechanisms that work to sustain or thwart specific configurations of gendered personhood (p. 3).

My framework is heavily interwoven within this dedication to deconstructing the normative beliefs regarding the gender binary, as well as the desire to “comprehend the assumptions regarding sex and gender, biology and culture...” (Stryker, 2013, p. 3). It is the duty of transgender studies to draw attention to questions of embodiment, and, as Stryker (2013) explains, “to correct the all-too-common critical failure to recognize ‘the body’ not as one (already constructed) object of knowledge among others, but rather as the contingent ground of all our knowledge, and all of our knowing” (p. 12). It is vital to assess whether embodiment – as a whole – is being addressed by policy in order to adequately gauge the extent of their inclusion, consideration, and the assumptions emerging from these texts. Butler (1993) views the materialization of bodies as something that occurs through regulatory norms. In this regard, “we have bodies that are produced through a process of reiteration of heterosexual norms and bodies that are produced as whatever falls

outside those normative boundaries –abjected bodies” (Elliot & Roen, 1998, p. 244).

Therefore, by troubling normative identities by directly opposing these normative boundaries, it becomes even more critical to gauge whether policies are addressing embodiment outside of the heteronormative and gender normative understanding of it.

Elliot and Roen (1998) offer an important assertion regarding embodiment by ascertaining that

The phenomenon of transsexuality teaches us that anatomical sex does not dictate gender, nor does it dictate the form of embodiment taken up by the subject. The transgendered person’s visible gender crossing reminds us that normative assumptions about the relationships between anatomical sex, gender, and bodies are in need of revision (p. 248).

As it stands, to thoroughly revise and critique trans policies was precisely the aim of this research study. Such a critique acknowledges the need to question the manner in which embodiment is addressed within present policy, as well as the discourses informing the constitution and inscription of transgender individuals in a trans-positive and sensitive context.

The Gender Oppression Matrix

Kathleen Rands (2009) has developed the gender oppression matrix in order to provide a “more powerful framework for explaining complex sets of gender privilege and oppression that individuals experience” (p. 423). The use of this matrix is particularly relevant for transgender students in schools as they are a part of both forms of gender oppression, as dictated by the gender oppression matrix. The first form of gender oppression is “gender category oppression” where oppression is based on the gender identity one is perceived to possess (Rands, 2009). In this respect, one is more privileged and less oppressed if they are regarded as a man, as opposed to a woman. If a transgender or gender non-conforming student straddles the line of which

gender they are or what gender they are *meant* to be, the ramifications lend themselves to oppression as opposed to privilege. This also lends itself to the secondary form of oppression. The second form of oppression is referred to as “gender transgression oppression” (Rands, 2009, p. x). This form of oppression emerges when those who are transgender cross gender lines in regards to their gender identity or gender expression. Those who reject gender categories altogether will be oppressed because their rejection of these categories means that they challenge the binary – either directly or indirectly (Rands, 2009).

Schools, no matter how much they may wish to imply differently, are rife with both gender category oppression and gender transgression oppression. In order to overcome this, it is imperative that policies direct a means in which these forms of oppression can be wholly terminated from the education system. By using the gender oppression matrix, my research will pinpoint where the chosen policies either eliminate or continue to reinforce cisgender privilege and oppression of transgender youth.

[Engaging with Debates About Gender](#)

Though I am drawing upon both queer and trans theorists, it is important to acknowledge that there is an ongoing debate between these scholars surrounding the conceptualization of gender variance. In doing so, I acknowledge that I am familiar with the epistemological underpinnings of these theories. It is important to acknowledge this awareness as I interact with these scholars throughout the policy analysis, as well as my interview data. Particularly, I understand there has been a divide insofar that trans and queer activists tend to view themselves as more transgressive, because unlike transsexual theorists, they do not seek to live as the opposite sex, but rather, to obscure the rigidity of gender and support the idea of its fluidity (Butler, 1990, 2004; Bornstein, 1994, 1998, 2013; Halberstam, 1998, 2005, 2006; Mackenzie, 1994), and even then,

some trans and queer theorists differ in regards to their accounts of gender embodiment. Some transgender theorists go so far as to assert that transsexuals have been “indoctrinated into essentialist gender beliefs that insist on body and gender matches” (Mackenzie, 1994, p. 24). Despite the separation, it is important to stress that both transsexual and transgendered persons have been both physically and emotionally attacked for their choices in regards to how to live gender variance. As a result of this, there has been great division and debate between transgender and transsexual scholars. Elliott and Roen (1998) acknowledge the *conformity/deviance binary* that is created as a result of this divide, “which pits transgender subjects who embrace gender fluidity as *gender outlaws* against transsexual subjects who embrace gender boundaries as *gender defenders* or conformists” (Martino, 2015, p. 2). I will detail the position taken up by transsexual theorists and by queer/transgender theorists here, and simultaneously demonstrate and acknowledge the heterogeneous nature of *trans*.

Transsexual identities are often misrepresented and misappropriated by transgender and queer theorists, such as Butler (1990, 2004), Bornstein (1994, 1998, 2013) and Halberstam (1998, 2005), where the essence of the transsexual identity is assumed to “represent a challenge to the discrete social categories of woman and man” (Elliott, 2009, p. 8-9). Theorists, such as Millot (1990) go so far as to view transsexuals as “victims of error” (p. 141) because they assume “that reconstructed genitals will lead to social acceptance in the chosen gender role” (MacKenzie, 1994, p. 24). Many transsexuals happen to lump themselves into an umbrella category of transgender, where their ascribed gender is assumed to critique gender binaries and point to the fluidity and constructed nature of gender. However, Namaste (2005) maintains that this is a mistake, as transsexuals do not *critique* congruence between sex and gender, but rather, they are on a “quest for re-embodiment that would *establish* congruence” (Elliot, 2009, p. 8). In

this regard, we see that transsexuals are not openly challenging the gender binary. Instead, transsexual persons are seeking to locate themselves *within* categories of a binary system. In this way, they are able to establish congruence between sex and gender, and henceforth, live their life as either a man or a woman, respectively. In other words, “transsexuals do not seek to queer or destabilize categories of gender but to successfully embody them” (Elliot, 2009, p. 11).

Unfortunately, the struggle to establish congruence between sex and gender is often “erased” (Namaste, 2000) from transgender and queer theorizing, which renders the experiences of transsexual persons invisible and seemingly inconsequential. Both Namaste (2000) and Salah (2007) maintain that placing transsexuals into the same category as transgender – which is viewed as transgressive by troubling the gender/sex dyad – delegitimizes the experiences of transsexuals while also misrepresenting the sought after goal of congruence between gender and sex. Butler (1990, 2004) and Wilchins (2002) maintain that for transsexuals to be considered politically progressive, they should abandon the desire to alter the terms of congruence between their sex and gender. This assertion implies that the only valuable aim is the transgender and queer “undoing” or “troubling” of gender normative and heteronormative categories, while simultaneously celebrating “the incoherent, the non-congruent and the illegible body” (Elliot, 2009, p. 13). Transgender and queer theorists perpetually blur and “trouble” (Butler, 1990) the concept of identity, challenging the gender binary and heteronormativity. In this way, their politics are considered more transgressive by embodying an unambiguous or unstable gender identity, as well as negating the ability to be read as either homosexual or heterosexual. Queer scholars, such as Butler (2004), explore gender identity disorder (GID), and acknowledge that transition is “contingent on the social and medical conditions in which it takes place” (Elliot, 2009, p. 14). In other words, one can only transition if the medical institution and the social

world deem it appropriate. Butler elaborates on this, insisting that by “choosing” to submit to these social conditions results in conformity, a loss of agency, and a subjection to the regulatory norms of a rigid gender order. In light of this, Wilchins (1997) challenges the diagnosis of GID, insisting that it stigmatizes transsexuals, resulting in far more harm than benefits.

Namaste (2000, 2005) and O’Hartigan (1997) refute these points, insisting, “transsexuals are stigmatized whether or not they are diagnosed as gender dysphoric” (Elliot, 2009, p. 16). Further, O’Hartigan (1997) adds that rather than questioning the implications of the diagnosis, it is imperative that we combat “prejudicial attitudes” (p. 45) and establish legislation that prevents discrimination. Bornstein (1994), however, places a positive light on those who are gender fluid, valuing these *gender outlaws* for challenging the gender binary. In fact, Bornstein goes on to proclaim that “the correct target for any successful transsexual rebellion would be the gender system itself” (1994, p. 83). This assertion devalues those who undergo surgery to attain congruence between their sex and gender, inadvertently deeming them *unsuccessful* transsexuals, as they do not seek to rebel against the gender system, but rather, fit into the binary. Bornstein refers to these individuals as *gender defenders* (1994, p. 74). It is queer scholars such as Bornstein, MacKenzie and Halberstam who want to make the body disappear, maintaining that anatomical sex should not be the “defining feature of a person” (Elliot & Roen, 1998, p. 242). However, for many transsexuals, the journey for a congruent anatomical sex and gender identity is a tremendous goal and a much sought after end point.

As a result, much of the academic work of transgender and queer theorists devalues the lives and experiences of transsexuals by deeming their quest for congruent gender embodiment as an “error” (Millot, 1990). However, Namaste (2005) refutes this point by stating that queer and transgender theorists must move beyond debates of identity and inclusion, and instead,

interrogate both the institutional and the social contexts that constrain the lives of transgender and transsexual persons. In this way, it is not the concept of identity that needs to be contested, but rather, the *context* that dictates the meanings that are ascribed to certain identities. It is in this sense that the focus needs to be not only on an analysis of the actual policies themselves in terms of the the constitution of trans and gender minority subjects but on their enactment.

Transgender individuals have also been the target of some feminists. For example, some culturally left feminists have verbally assaulted transsexuals (specifically, MTF [male-to-female] transsexuals), deeming them inauthentic women. Specifically, Raymond (1979) asserts:

...males who undergo sex-reassignment procedures remain deviant men and never become women. They use the appropriated appearance of the female body to invade women's spaces, particularly lesbian feminist spaces, in order to exercise male dominance and aggression over women and to subvert the feminist movement (Stryker & Whittle, 2006, p. 131).

This subversion of the transsexual identity is another way in which the identity becomes erased and undermined by social forces and scholarly works that seek to eradicate its presence. In this regard, even after a MTF individual undergoes surgery and identifies as a woman, she is not only viewed as being a “victim of error” by queer and transgender theorists, but she is also not viewed as a true woman by some feminist theorists, as well.

The debates between transsexual, transgender and queer theorists continue to be active and to create tensions. The transgender and the transsexual are often bound together beneath the same umbrella of *trans*, however, it is important to understand that each camp has a set of scholars who have differing views and often debate over various points of contention, as outlined above. Lane (2009), for example, discusses gender as a state that is in a perpetual state of becoming and evolving self-recognition. She maintains that “while arguments for a biological role in gender development need careful scrutiny, they should not be rejected out of hand,

especially when they stress nonlinearity, contingency, self-organization, open-mindedness, and becoming” (Lane, 2009, p. 137). Lane’s argument is that we must move from a conceptualization of gender from that which is static, to that which is dynamic. In this way, it is not the ideal to eradicate gender, but rather, to ameliorate its impact and effects on gender hierarchies.

Connell (2012) echoes this notion, but also, seeks to address gender hierarchies and their effects which speak to a commitment to *gender democratization* rather than gender abolition, where all of the privilege afforded to one gender is shared, whereby each gender is afforded the same privilege and benefits as any other. In this way, we understand gender to be dynamic and that privilege should be shared and evenly interspersed among *all* gender identities. Hines (2006) emphasizes the importance of utilizing a “queer sociology of transgender,” which enables “the recognition of difference while exploring lived experiences and competing narratives of difference” (p. 52). This requires an acknowledgement of the need to embrace tensions that are grounded upon an understanding of the diversity of trans-embodied experiences and knowledge that speak to both the fluidity of gender identity and a subjective investment in a specific gender identity: The task as Hines (2006) argues is to embrace the “tension between the queer conceptualizations of identity as fluid, and the subjective investment in identity, showing the complexities between rejecting and holding onto identity” (p. 64). In short, such a position refuses the crude distinction between those designated as *gender outlaws* and *gender defenders*, and acknowledges that there are complexities involved in any process of gender identification and embodiment that cannot simply be reduced to such binaries (see Lane, 2009). This requires an acknowledgement of the need to embrace tensions that are grounded upon an understanding of the diversity of trans-embodied experiences and knowledge that speak to both the fluidity of gender identity and a subjective investment in a specific embodied gender identity: The task as

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Conclusion

In this chapter, I have outlined the research problem and the purposes and objectives of my research to produce knowledge about the response by educators and administrators to trans-affirmative policies. More specifically, I have also outlined my concern to examine how trans-affirmative policies have been used to respond to the concerns of transgender and gender non-conforming students within the education system. I have shown how my analytic approach is informed by an understanding of policy *enactment* and how policies can be interpreted differently by various actors, which is based upon Ball’s (2015) dichotomization of policy as *text* and policy as *process*. Additionally, I have explained how my engagement with key gender and transgender theorists have informed the conceptualization of this study. These theories have served as effective tools in deconstructing and analyzing the policies and the responses of the participants in this study. I have highlighted the alignment of my study with Ball’s (2010) conceptualization of policy as “contested” and “subject to interpretation” as its enactment is highly dependent upon whose hands the policy is placed. As such, I have explained that my objective is to view policy as a discursive interactive process and to attain insight into how these interpretations are occurring and whether stakeholders have contested them. By doing so, this

study is concerned to offer some insight into the efficacy of trans-affirmative policies and their enactment in schools and communities.

In the following chapter of the thesis, I provide a review of the significant and relevant trans literature in the field of education. Chapter 3 will detail the design of the research study and the methodology with which this research is aligned. In Chapter 4, I conduct a critical policy analysis of three trans-affirmative policy documents developed by three different school boards in Ontario to examine how transgender and gender minority subjects are constituted and understood. Chapter 5 provides an analysis of the interviews and focuses on identifying key themes related to trans-affirmative policy development and policy enactment. In my final chapter, I discuss the implications of the overall study, the limitations of its design, as well as my suggestions for future research on this topic.

CHAPTER TWO: LITERATURE REVIEW

Introduction

Research related to transgender and gender non-conforming youth and schooling in the field of education has been largely absent until very recently. With respect to the literature pertaining to policy that is seeking to queer the public school bathrooms, there is very little available (Cavanagh, 2010; Ingrey, 2012). As Gonzales and McNulty (2011) state, journal articles frequently include the “T” in the acronym “LGBT,” despite not having transgender individuals represented within their data. The literature that exists regarding transgender individuals has tended to set its focus upon the experiences of college students or adults who identify as transgender, as opposed to transgender and gender non-conforming (Jacob, 2013; Cavanagh, 2011; Girshick, 2008; Hines, 2006; Ippolito & Levitt, 2014; Cashore & Tuason, 2009; Wilchins, Priesing, Malouf & Lombardi, 2002).

Rands (2009) reasons that “the scarcity of research on transgender issues in education is problematic because transgender people participate in the educational system at all levels” (p. 421). Furthermore, very little research has been conducted in regards to the potential implementation of policies that would help alleviate the heteronormative, gender normative and cisgendered expectations that are placed upon those who are transgender or gender non-conforming. The research that has been conducted and which informs my own research can be categorized into four specific categories: 1.) The school climate – the culture of schools and extent to which it is accepting of transgender and gender non-conforming students; 2.) The bathroom – the way in which the bathroom is a site of contention for students who are transgender and gender non-conforming; 3.) The curriculum – the way gender diversity is being taken up and taught within curriculum and suggestions for how a trans-inclusive curriculum

might be better integrated; and 4.) The laws, policies and guidelines – an examination of the trans-affirmative legislation and documents that currently protect transgender and gender non-conforming people in Canada and their educational relevance.

The School Climate

Many of the statistics in the existing literature on LGBTQ students' experiences in school point to an overwhelmingly hostile climate, specifically for these students. In 2011, the Gay, Lesbian and Straight Education Network (GLSEN) conducted a study of over 8,584 students between the ages of 13 and 20, inquiring into their perceptions of school climate. This study found that 63.5% of the LGBT students felt unsafe because of their sexual orientation, and 43.9% because of their gender expression. In addition, 81.9% LGBT students were verbally harassed (e.g., called names or threatened) in the past year specifically due to their sexual orientation, and 63.9% experienced the same harassment due to their gender expression (Kosciw, Greytak, Bartkiewicz, Boesen, & Palmer, 2012). This study sought to obtain a representative national sample of lesbian, gay, bisexual and transgender youth to underscore the fact that LGBT students face higher levels of victimization based on their sexual orientation and gender expression than their heterosexual and cisgender counterparts. The results of this research are consistent with a report conducted by the same group in 2009, where 90% of transgender students heard derogatory remarks, such as “dyke” or “faggot,” sometimes, often, or frequently in school (Kosciw et al., 2012, p. 12). The study used a full sample of 6,209 LGBT students, but focused specifically on the experiences of the 295 students in the survey who identified as transgender: “Over half of all transgender students had been physically harassed (e.g., pushed or shoved) in school in the past year because of their sexual orientation (55%) and their gender expression (53%)” (Kosciw, Greytak, & Diaz, 2009, p. 18).

The high degree of verbal harassment and victimization among the LGBT youth that the study exposes, translates into several problems for those who are transgender/gender non-conforming, and subsequently face a hostile school climate. With the exponential degree of bullying that those who identify as transgender or gender non-conforming experience, various problems arise, such as absenteeism, lowered academic achievement and poorer psychological well-being (Kosciw et al., 2012). The study suggests a number of solutions, ranging from Gay-Straight Alliances (with hopes to creating a more welcoming atmosphere), to comprehensive bullying/harassment policies and laws, which would “explicitly address bias-based bullying and harassment” (p. xvii). However, the posed solution of having supportive educators is one that much of the literature on supporting students who are transgender and gender non-conforming addresses, but also, yields mixed results.

In particular, Martino and Cumming Potvin (2015) sought to address the marginalization and silencing of sexual and gender minority issues in elementary schools. In their study, a case study approach is undertaken in order to reflect upon the pedagogical implications of employing texts that address gendered identities (e.g. *My Princess Boy*). More significantly, the educator is the primary focus of the study. In Martino and Cumming-Potvin’s (2015) interview with Tom – a public school teacher – he divulges views of both gender and sexual differences as being too complicated for elementary school children to discuss and comprehend. The question that is raised in this instance, then, is whether or not their apparent lack of understanding implies that they will not face these issues in some capacity, despite their young age.

Seemingly answering this query are Payne and Smith (2014) who conducted a study after they were called upon to help alleviate some of the stresses teachers were facing when realizing they had a transgender student in their class. Sensitive issues emerged within the experiences

these teachers had within their elementary school classrooms. In their respective training programs, school professionals have very few opportunities to reflect on the likelihood that at some point, they will be working with transgender and gender non-conforming students. This, as the study explains, leads to teachers feeling unprepared and anxiety-ridden when they find that they have a transgender child in their classroom. Despite the assertion Tom makes in Martino and Cumming-Potvin's (2015) research regarding the children being too young to engage with themes of "gender and sexual differences" (p. 89), Payne and Smith (2014) indirectly retort that "transgender children introduce the body – and, implicitly, sexuality – into the classroom" (p. 402). By claiming that his students are too young to engage with gender and sexual differences, Tom assumes that no child in his class is transgender, and that his students have not directly engaged with these themes already. This is a bold assumption, and one educator's experience in Payne and Smith's (2014) study offers an insightful rebuttal when she recalls that elementary school children are already questioning gender identity, regardless of their age:

Um, a few months ago . . . a couple kids approached me and they were saying, 'What's Alex? A girl or a boy?' . . . I said, 'Alex is Alex and Alex is happy with who Alex is. So if Alex's your friend, you, you know, that's who you accept Alex as. Your friend.' And they seemed to accept that and that made me happy. I was relieved when the children let it go. I was waiting for the other shoe to drop and it hasn't dropped yet... (p. 411)

This example reveals that children, despite being perceived as innocent and out of touch with these themes of gender identity and gender expression, are questioning them and interacting with them, whether their educators choose to acknowledge this reality or not. As such, it is important to acknowledge that introducing themes of gender variance into schools is not a reality for which students are ill-prepared, but rather one that will benefit both teachers and students in creating a more trans-inclusive space and understanding of gender diversity. By examining the degree to which these trans-affirmative policies

address this fact, this thesis is also able to explain why educators believe these policies to be ineffective in addressing their needs in a classroom environment, leaving them feeling a lack of preparedness.

Meyer and Pullen Sansfaçon (2014) reason “when a transgender or gender-creative child enters the school environment, school officials often see the child as a source of conflict and label them as the problem” (p. 82). With educators feeling underprepared and students – transgender or not – having little to no administrative support when it comes to understanding gender identity, it appears to play a significant role in the overt harassment faced by gender diverse students when they reach adolescence. The importance of teachers not only being well educated with regards to gender identity, but also have administrators who can support them should they need guidance in this regard is crucial in creating a trans-considerate space. In addition to the need for well-informed administrators and educators, Meyer and Pullen Sansfaçon (2014) state that “it is the current structures, policies, and cultures of school that are the problems to be fixed, and not the individual child” (p. 82).

Indeed, the problem is in the structures of the education system, as opposed to the child. Yet, a limited amount of the literature has tackled the ways in which policy can alleviate the stresses and concerns faced by transgender and gender non-conforming youth. Those who challenge the gender binary – as *gender outlaws* (Bornstein, 1994) – or who identify as transgender continue to be greeted with challenges to overcome, seemingly, on their own. One of these challenges (and amongst the most significant and dangerous) involves the struggle over which bathroom they want to use, as opposed to which bathroom they *must* use.

Bathroom Battleground

Public toilets in transit stations, malls, shopping centres, gas stations, sports arenas, concert halls, workplaces, schools, colleges and universities, restaurants, and bars are all – as interviewees explain – venues in which gender is subject to contestation and debate (Cavanagh, 2010, p. 52).

It is important to recognize – as the majority of the literature dictates – that just about every institution plays host to a gender-segregated system by which bathrooms are categorized by gender markers. Bathrooms with the familiar stick symbols representing either a man or a woman on their respective doors are “a perfect crystallization of all the gender norms in place” (Girshick, 2008, p. 134). The problem, however, lies just beyond these symbols marked on the bathroom doors (though the symbols themselves are an issue, but one that will not be tackled in this research). Kosciw, Greytak, and Diaz (2009) found that gender restrictions in schools emerged as an issue for gender minority youth with other genders in policies/practices regarding restrooms and locker rooms: “Some students said that they were only permitted to use the bathrooms or locker rooms of their legal sex, which sometimes exposed them to danger from other students or personal discomfort” (p. 77). The gendering of the public washroom is rationalized through a heterosexual safety narrative; “non-trans people invested in heteronormativity want bodies sorted into oppositional categories – male and female – allegedly for physical safety and security” (Cavanagh, 2010, p. 73).

Ingrey (2012) addressed the space of the bathroom as a site of regulation, as well as resistance for *all* gendered bodies. By looking at how Ontario secondary school students problematized and understood gender expression, this study is able to articulate the awareness secondary school students demonstrate and their insistence about “how a unit or a stall, in the form of a unisex washroom, might account for particular bodies, or how to think about bodies that cannot fit into the binary enclosures of men’s and women’s washrooms” (Ingrey, 2012, pp.

811 - 812). It is unsurprising that Ingrey (2012) found that students were recognizing “the problems of binary gender washrooms for non-normatively gendered students” (p. 812) as the following nation-wide surveys discovered that Canadian high schools were rife with the presence of both homophobia and transphobia.

Taylor, Peter, McMinn, Elliott, Beldorn, Ferry, Gross, Paquin and Schachter (2011) conducted a national survey of 3,607 Canadian high school students where they found that both heterosexual and LGBTQ students across the country stated “hallways, washrooms, and change rooms, in particular, are perceived as battle zones for LGBTQ students, places where bullies indulge in the perverse pleasure system of homophobia and transphobia by tormenting them” (p. 9). These findings are consistent with the results found by Johnson, Singh and Maru (2014) through the interviews they conducted with 15 transgender, queer or questioning (TQQ) participants who reflected on their high school experience. “Given that TQQ youth and their existence are challenging the gender binary that manifests in our school systems, these participants often encountered hostile school environments” (Johnson, Singh & Maru, 2014, p. 426). Those who are seen as transgender or as gender non-conforming trouble the gender signs on the bathroom doors. These individuals challenge the gender normative matrix (Rands, 2009) that was initially cemented by cisgenderists (Cavanagh, 2010).

Halberstam (1998) explains why the bathroom yields significant importance for transgender individuals by stating that it says, fundamentally, two different things:

First, it announces your gender is at odds with your sex...; second, it suggests that single-gender bathrooms are only for those who fit clearly into one category (male) or the other (female) ... The frequency with which gender deviant ‘women’ are mistaken for men in public bathrooms suggests that a large number of feminine women spend a large amount of time and energy policing masculine women. (p. 24)

Rasmussen (2009) elaborates on this concept by stating that "... toilets don't just tell us where to go; they also tell us who we are, where we belong, and where we don't belong" (p. 439). It is these statements that reveal the significance of bathrooms as identity markers and as legitimization of gender identity for those who struggle with asserting their gender identity among their peers. This is particularly significant in the education system, as identifying as transgender or being gender non-conforming is seen as a deviant act, and therefore unwelcome. With such a significant aspect of one's daily routine being heavily policed and contested, it is no surprise that attendance rates are particularly low amongst those who identify as transgender or gender non-conforming (Taylor et al., 2011). In this respect, educators and school officials face the unique challenge of proactively harnessing a more inclusive environment on behalf of the transgender community. Due to society typically viewing "transness" (the state of being trans-identified) (Green, 2010) as divergent and an unwelcome abnormality, it is most important for educators to curb these perceptions through educating their students on gender diversity.

[Teaching Gender Diversity](#)

Introducing the complexity of gender variance into a classroom is particularly difficult due to society's conditioning of viewing the gender binary as the norm, and anything outside of it as an aberration. Advocating for children who fall outside of this gender binary categorization of "male/female" and "gay/straight" is unequivocally important as questions about gender diversity are increasingly entering school conversations (between students, educators and administrators). Various scholars and researchers have begun to investigate the significance of introducing the discussion of trans and gender diversity into curriculum. I have reviewed significant literature earlier in the chapter which addresses how questions about gender diversity can subsequently affect school climate, specifically when teachers are not prepared to address such questions or

how to introduce such themes (Martino & Cumming-Potvin, 2015; Payne & Smith, 2014; Meyer & Pullen Sansfaçon, 2014). However, it is just as important to detail how introducing gender diversity into the curriculum itself can impact educator experiences in the classroom, as well as the experiences of students who interact with these topics.

The task of including these themes into curriculum is certainly not one that is to be anticipated as being easily and seamlessly integrated (Green, 2010). Teachers must face the considerations of inclusive pronouns, fear of parental backlash for introducing atypical themes, and the uncertainty of unpreparedness and inability to answer posed questions by their students. Nevertheless, despite these fears and uncertainties, it becomes increasingly important to discuss these realities as media continues to discuss and sensationalize the visibility of transgender identities (Serano, 2009; Marine, 2014; McInroy & Craig, 2015; Green, 2010). From 1952 – when Christine Jorgensen became one of the first transgender individuals to receive intense public attention – to 2015, where various media outlets perpetually cover Caitlyn Jenner’s transition, students are being exposed to these themes far more frequently than ever before. They are interacting with these themes through outlets that are, unfortunately, “solely based on sensationalism, exploitation, and negative stereotypes that play on ignorance, often portraying transpeople as predators aiming to deceive others into nonconsensual homosexual activity” (Green, 2010, p. 4).

Regrettably, there is very little literature conducted in the realm of trans sensitive curriculum and integrating such themes into curriculum (Green, 2010), and we cannot expect that students will actively utilize Bornstein’s *Gender Workbook* (Bornstein, 1998, 2013) to question the fabrication of gender as static. The problem with this is that while Bornstein (1998) states, “The way you live without gender is you look where gender is, and then you go

someplace else” (p. 14), transgender students or gender non-conforming students cannot simply go where gender is not because in the school system, gender is *everywhere*. Most notably, the curriculum is heavily gendered and heteronormative and inconsiderate of the lives of gender minorities. In *My Gender Workbook* (1998) and *My New Gender Workbook* (2013), Bornstein’s overarching aim is not to eliminate gender, but rather, to complicate it and politicize its social use. This is particularly useful in the realm of education and curriculum, as questioning gender and complicating its use would force educators and administrators to reevaluate the ways in which curriculum perpetuates a very narrow-minded gender binary that is quite exclusionary.

Green (2010) offers some insight into how we can begin to introduce these themes of gender diversity into school curriculum. Specifically, through sexual education curriculum, where students are already interacting with themes of the body and “normal” urges, such as sexual desire, this could arguably be an excellent area where discussions about transgender and gender non-conforming identities can be introduced. Beyond this, Green (2010) advocates for the “incorporation of trans identities into the overall discourse of cultural diversity, similar to the way that issues of race, sexual orientation, and cisgender equality are currently being addressed” (p. 6). In this way, the topics are addressed both through curriculum, in some respects, but also on incidental levels where opportunities for open discussion can present enhanced possibilities of enriching students’ understanding of all the facets of diversity, and most notably, that of gender diversity.

Green (2010), however, stresses that while it is important for educators to engage their students with these themes in the sexual education classroom, it is just as important that these lessons are not presented solely from the educators’ own experiences with and knowledge of them. Green (201) insists, “It is paramount for sexuality educators to seek out further information

about trans identities, be it from continuing education seminars, local events and panels, research and narrative literature, or personal community involvement” (p. 6-7).

Bryan (2012) offers her book, *From the Dress-Up Corner to the Senior Prom: Navigating Gender and Sexual Diversity in Schools*, as a valuable source for how educators can create a trans-inclusive environment and adjust their curriculum to follow suit. By providing an extensive glossary and relevant data through the use of scenarios, case studies and anecdotes, Bryan (2012) is able to provide educators with a comprehensive resource in understanding gender and sexual diversity. She acknowledges the complexity of gender and sexual diversity while offering readers strategies for change, along with examples of excellent pedagogical practices to confront these issues of complexity. Not only does Bryan (2012) focus on curriculum, but she goes so far as to address the importance of revising school mission statements to include gender diversity. For example, she explicitly problematizes the language used in mission statements:

Though the mission may assert “respect for the individual” or “valuing differences,” people may interpret those statements very differently. [...] It can be a common assumption – by parents, teachers, and students alike – that gender and sexuality diversity is not included in broad endorsements of “respect for others.” Therefore, explicitly identifying the components of GSD [Gender and Sexual Diversity] that are respected, valued, and protected provides a key reference point for all community members” (Bryan, 2012, p. 65).

Here, we can see how the importance of acknowledging gender diversity is not just needed in curriculum, but in a multitude of areas with respect to the education system.

Further, Bryan (2012) brings forth the importance of professional development in the scaffolding of educators’ awareness of gender diversity and their ability to address it pedagogically. She maintains that “most educators want to learn how to address gender and sexuality effectively and when teachers are given the opportunity and the resources,

they welcome the challenges presented by GSD professional development work” (p. 133). With Bryan (2012) actively stressing the importance of professional development programs to address gender diversity and prepare teachers accordingly for including it in their classroom to some degree, this is consistent with Green’s (2010) argument that educators must look outside of themselves and at various opportunities that will aid in their efforts to include gender diversity in their pedagogical opportunities.

Ryan, Patraw & Bednar (2013) add to the discussion of professional development and aiding educators in utilizing appropriate sources by stating that “Those who teach teachers must start sharing voices from a range of inclusive classrooms so preservice teachers know this work is possible and so they can see how their students may react to lessons they try” (p. 102). In this way, teachers can become more prepared to effectively integrate these lessons and address questions students may have about gender and sexual diversity. Just as important in attending these development programs and providing educators with assistance is “for educators to examine their own role in maintaining heteronormativity” (Bryan, 2012, p. 134) in order to address privilege that is not afforded to those who do not fall within the heteronormative.

Meyer (2010) acknowledges the manner in which gender diversity becomes entwined within curriculum, even when educators do not actively plan for it.

...Children [in elementary schools] are taught to explore various interests and experiences through creative play and other experiential activities in elementary school. Many of these games and activities are loaded with gender codes, such as the dress-up corner, building blocks and trucks, mini-kitchen sets, and even books in bins sorted by “boys’ interests” and “girls’ interests” (p. 7)

Of course, this is not just reserved for elementary schools and Meyer (2010)

acknowledges this by including the ways in which secondary schools also inadvertently

perpetuate heteronormative lessons through their curriculum, thus echoing Bryan's (2012) assertion that educators must stray away from neutrality and confront these underlying ideologies directly.

In secondary schools, the language arts curriculum is full of novels, plays, and poems of heterosexual romantic love, science and health lessons on reproduction, and historical examples of sex roles in society. Math classes often have tacit messages embedded in word problems and the information in charts and graphs often use sex as a category to organize and quantify information (Meyer, 2010, p. 8).

Meyer (2010) goes on to acknowledge ways in which both elementary and secondary schools can go about appropriately introducing themes of gender diversity into curriculum. This assertion is aligned with what other educators have made efforts to do.

Notably, in Martino and Cumming-Potvin's (2014) study, Janice – an elementary school educator – discussed her strategies for bringing gender and sexual diversity education into her classroom in strategic ways, such as “planning her use of LGBTQ-themed texts around the public school board initiative which supports the *Day of Pink* – an anti-homophobic and more broadly anti-bullying project” (p. 12). In this way, introducing themes that do not fall within heteronormative and cisgender frames of reference can be implemented in the spirit of embracing what Martino & Cumming-Potvin identifies as a depathologizing pedagogical approach. By centering her lessons on the upcoming school-sanctioned events, such as *Day of Pink*, Janice was able to effectively integrate LGBTQ-themed texts in order to expose her students to gender and sexual diversity. Specifically, she utilized “My princess boy and 10,000 dresses closer to the event, but was continually creating scaffolding platforms that built on student understandings about marginalized genders and sexualities well in advance so that ‘they are not freaking out’” (Martino & Cumming-Potvin, 2014, p. 13). By introducing gender

diversity into her lesson plans in such a way, she does not attract negative attention from parents due to the fact that is in accordance with ongoing school events. Further, Janice introduces creative means of challenging the traditionally heteronormative curriculum by creatively integrating activities that introduce her students to themes of gender diversity:

...I will do drama activities where you are in small groups and then pretend that there is a new student coming into our class from another city and the boy shows up in pink running shoes or the boy shows up in a dress. They do role plays and they act it out ... we'll stop and I'll ask them to imagine how that kid is feeling right now ... So what kinds of things might you say if a boy walked in wearing a dress and I also talk about how I am wearing clothes that I bought in the boys' department but nobody makes fun of me? So we talk about that and they are like, "Yeah I bought this at Wal-Mart" and I say, "Can you imagine if that boy right there showed up in a skirt?" No, he can't do that ... so we talk a bit about that (Martino & Cumming-Potvin, 2014, p. 14-15).

However, for many elementary school teachers, discussing concepts such as gender identity with their students is difficult; the thought is unsettling and the task seemingly impossible (Blackburn & Buckley, 2005; Rands, 2009; Williams, 2002; Meyer, 2008). Despite this fear that educators have about troubling the gender binary within their classrooms, Ryan et al. (2013) found "that children are, in fact, quite ready to learn about gender diversity. The study suggests that with carefully scaffolded lessons over time, gender diversity, like many other social issues, can be taught appropriately and effectively in elementary schools" (p. 101).

Introducing gender diversity into the curriculum is especially important in order to combat the "hidden curriculum" that Meyer (2010) insists is always in place within the school system, which indirectly teaches "very narrow and restrictive lessons to students about sex and gender as well as the sexualities that are valued at school, and by extension, society as a whole" (p. 61). Kumashiro (2000) explains this concept further, highlighting the point that the knowledge students are provided about the Other (in this

case, trans identities) “is either incomplete because of exclusion, invisibility, and silence, or distorted because of disparagement, denigration, and marginalization” (p. 32). He insists that these knowledges are taught through the hidden curriculum and not something that is directly imposed upon students. Rather, by only teaching about the normative, the Other is painted as a deviant counterpart. Bornstein (1998) explains the impact of this invisibility (but favourability) of the gender binary, explaining, “power is derived from the very invisibility of the gender/identity hierarchy. This makes gender, identity, and power each functions of each other, inextricably woven into the web of our culture beneath an attractive tapestry called the bipolar gender system” (p. 42). This gender system ensures that those who do not fit within the gender dichotomy are immediately stripped of any power and opportunity. The very curriculum in which transgender and gender non-conforming students are placed works to reinforce their insubordination, indirectly, by not considering their identities in the way that it does for those who fit within heteronormative and cisgendered frameworks (see Serano, 2009).

Considering the fact that gender is a concept with which students interact very early on in their lives, Meyer (2010) offers an excellent list of suggestions regarding adjustments to lessons or considerations educators can make in order to adequately address the complexities of gender diversity. She also cites why schools seem to be failing or particularly unwilling to include gender diversity within their curriculum, stating that “a study in Ontario reports that the fear of parental backlash is the most prevalent obstacle for why educators don’t respond to BGLQT issues in school” (p. 79).

Much of Meyer’s (2010) work and beliefs echoed those of Bickmore (1999) who, a decade prior, insisted that “gender role socialization, including the accompanying

(de)valuation of (homo)sexual identities, is an inevitable element of the ways children are guided to behave by the hidden curriculum of peer interaction and school activities” (p. 16-17). In her work, Bickmore (1999) explained how despite many parents’ and educators’ opinions that students did not really interact with themes of gender identity and sexuality (as evidenced by “Tom” – the educator – in Martino and Cumming-Potvin’s 2015 study) in the elementary school classroom, this is a misguided and incorrect belief. As such, Bickmore (1999) expresses the importance of educating children on themes of gender diversity and acceptance of difference early, insisting that “Giving children concepts, vocabulary, and strategies for handling gender role questions and homosexuality is likely to help them resist homophobic ignorance, to avoid unsafe practices, and to treat themselves and others respectfully” (p. 18).

Schneider and Dimito (2008) suggest that each educator carefully examines and considers their school environment in order to appropriately gauge when and where such lessons and concepts can best be integrated and in the least controversial of ways. This suggestion is complementary to that of Martino and Cumming-Potvin (2014) who, through their study found that “the role of teacher subjectivities, threshold knowledges, and embodied positionalities” were significant factors in “deploying LGBTQ-themed texts in the elementary classroom” (p. 18). As a result, it becomes clear through the literature that while gender diversity is quite important to introduce into curriculum, it is equally as important to consider both the environment and the educator’s own subjectivities to effectively deliver these deviations from the heteronormative curriculum.

[Laws, Policies and Guidelines](#)

There seems to be a cumulative understanding that transgender and gender non-conforming students are often ignored and that issues involving gender identity and gender expression are rarely included in school policies or practices (Greytak, Kosciw, & Diaz, 2009). It is important to note that *The Canadian Charter of Rights and Freedoms* is a national piece of legislation that has historically protected many marginalized groups. However, “gender identity” and “gender expression” remain absent from the Charter’s grounds of protected and equal rights:

Every individual is equal before and under the law and has a right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability (The Canadian Charter of Rights and Freedoms. [s. 15], 1982)

Despite the present exclusion of gender identity and gender expression from section 15 of the Charter, Randall Garrison tabled Bill C-279, *An Act to Amend the Canadian Human Rights Act and the Criminal Code (Gender Identity and Gender Expression)*. By adding both gender identity and gender expression as grounds upon which one can be discriminated, democratic rights of transgender persons in Canada would further be respected and enforced (Meyer & Pullen Sansfaçon, 2014, p. 79). The impact that Bill C-279 would make to the transgender and gender non-conforming community if it were to pass would be substantial. Not only would it encourage education-specific policies that revolve around this marginalized group in particular, but also as Meyer and Pullen Sansfaçon argue, the transgender community would be able to “benefit from key sectors of society such as education, employment, housing, and health care” (p. 79). However, Bill C-279 has yet to formally amend the Canadian Human Rights Act and the Criminal Code. Until then, it is crucial to analyze the present policies and guidelines in place that

transgender and gender non-conforming students can use as support during their educational experiences.

Meyer and Pullen Sansfaçon (2014) recommend that schools make an effort to examine points of tension and conflict within the school, and examine why these spaces are not inclusive, and seek ways to remedy the exclusivity these spaces present, in whatever capacity they can. Ball, Maguire and Braun (2012) indirectly refute this point by arguing that policymakers and lead policy actors “choose what policies they want to attend to, what they think will be of the most value and sideline any alternatives that do not fit with their agendas” (Ball, Maguire & Braun, 2012, p. 4). In this regard, policies are not implemented to remedy every situation that yields conflict, but rather, policies are enacted when they serve the interests of those who are enacting them, respectively. In most cases, the enactment of policy benefits the policymakers and the values that they consider most significant, which, considering the fact that most politicians who hold power are white, male and heterosexual, these interests are typically heteronormative.

In 2012, the Canadian Teacher’s Federation created a resource titled, *Supporting Transgender and Transsexual Students in K-12 Schools: A Guide for Educators*, which addresses the complexity many educators and administrators face with understanding the needs and struggles of transgender and gender non-conforming children. This resource “demystifies gender variance and empowers teachers to create safe, supportive, and inclusive learning environments” (Wells, Roberts, & Allan, 2012, p. IV). This document is particularly useful as it has a number of sections that outline the importance of proactively having measures in place that will help transgender and gender non-conforming students feel comfortable at school. Notably, this resource offers strategies

for not only aiding in helping a transitioning student do so successfully and unreservedly, but also places the emphasis on schools to create a “transition plan” by acknowledging that trans students are at a particularly high risk of victimization, and therefore, it is a school’s *responsibility* to minimize this threat by proactively creating a plan to eradicate this reality. The resource even encourages schools to be proactive and be prepared for backlash well in advance, stating, “If your school suffers criticism from the local community because of a transitioning student, staff should be prepared to defend the rights of all students to a safe, welcoming, inclusive, and equitable educational environment” (p. 34). This is important as it assures students who may feel that the school is an unsafe space that their educators and administrators are fighting on their behalf and support their gender identity.

Additionally, *Supporting Transgender and Transsexual Students in K-12 Schools: A Guide for Educators* acknowledges the importance of creating an inclusive classroom environment. Notably, it offers suggestions through neatly outlined steps that an educator can take in order to create a safe space. To create an inclusive space, an educator is encouraged to signal their support (by placing a rainbow flag, pink triangle, gender symbol, or rainbow sticker somewhere in the classroom); challenge transphobic comments and jokes; and, recognize transgender and transsexual people in society (i.e. Chaz Bono or Christine Jorgensen). By doing so, all students will progressively accept trans identities as normative and non-threatening.

Conclusion

In this chapter, I have discussed the sparse literature on transgender and gender non-conforming students whose identities present the heteronormative, gender normative and cisgendered

education system with a plethora of problems. Primarily, the literature, as reviewed in this chapter, has shown that the school climate is not welcoming to transgender and gender minorities, often subjecting them to elevated rates of victimization. Further, the physical spaces within schools are often not considerate of the needs of transgender and gender non-conforming students, insisting that their sex absolutely dictates the bathroom or change room they must use. Often, as shown by the literature, when transgender students challenge this, they are further victimized or seen as a “problem” (Taylor & Peter, 2011; Payne & Smith, 2014; Ingrey, 2012).

Furthermore, I also covered the literature that demonstrates the hidden curriculum presently in place in the education system that favours hetero- and gender-normativity and dictates what can and cannot be discussed; it is shaped by informal conversations and discussions between students and among school staff, by what relationships are permitted, open discussion in the cafeteria and between classes, social events such as dances and formals, and especially by what sports and activities are sanctioned for girls and boys in that community (Meyer, 2010). Some studies have gone on to consider ways in which curriculum can remedy the hetero- and gender-normativity that permeates the education system and how transgender and gender non-conforming students can be better included in the curriculum (Martino & Cumming-Potvin, 2014a; DePalma, 2014; Jacob, 2013; Kose, 2009).

Finally, I detailed which legal and policy frameworks are currently in place to rectify or eradicate any injustice or discrimination that transgender and gender non-conforming students may face. However, due to the fact that the voices of gender diverse students remain heavily stifled by agents of heteronormativity and cisgenderism, it has become clear that policies advocating specifically for the acceptance of all gender identities and gender expressions are imperative in order to advocate for those who cannot advocate for their own fundamental rights.

CHAPTER THREE: DESIGN AND METHODOLOGY

Introduction

This study was designed to gain insight into the public school policies presently in place in Ontario created for transgender and gender non-conforming students. A qualitative research methodology as well as a critical policy analytic approach informed by reading Ball's work was employed (Ball, 1993). These were the logical choices as first and foremost the study was not conducted with the aim of being generalizable, but rather, in the hope of generating insights into the trans-affirmative policy-practice nexus, given the lack of knowledge about this phenomenon at this point in time. In addition, qualitative research was effective as it allowed for improved understanding of complex social processes, to capture essential aspects of a phenomenon from the perspective of study participants, and to uncover beliefs, values, and motivations (Creswell, 2003; Malterud, 2001). Through exploratory, qualitative research, I was able to gain a more thorough, in-depth and complex understanding of policy-making processes and enactment as they pertain to addressing the needs of trans and gender minority students. It was the attention directed not only to the examination of policymakers' and stakeholders' key roles in the creation and enactment of these policies that is of importance in this study, but also the knowledge and perspectives of educators and administrators who have witnessed the role of these policies within their own communities. Inquiring about their interpretive understandings of the policies and their enactment lent itself to embracing a qualitative case study research design (Creswell, 1998, 2003; Patton, 2014; Yin, 2009).

A qualitative approach implies that the research will focus on "processes and meanings that are not measured... in terms of quantity" (Denzin & Lincoln, 2005, p. 10). In this regard, I analyzed the meaning and implications behind the policies and how they have affected and are

continuing to affect the realities of these students' lives. Denzin and Lincoln (2005) argue that qualitative research is meant "to understand the 'other'" (p. 2) which is why I selected this research method in an effort to comprehend not only the thoughts and ideas behind the creation of policies, but the ways in which transgender and gender non-conforming youth are being understood both in policy and practice. It is this attempt to understand the position of the Other – who is constituted as such by deviating from normative practices that are dictated by societally and institutionally sanctioned discourses – that drove my inquiries and cemented the necessity to use qualitative research methods in order to achieve this prospective understanding.

In qualitative research, the researcher is accepted as an ever-present and viable research instrument, whereby the researcher's own values and meaning-making is valued to the same degree as the participants' (Denzin & Lincoln, 2000). By being engaged and present in the research, as the researcher, I am afforded the opportunity to be reflexive. This reflexivity therefore allowed me to acknowledge my own background, perceptions and interests in the qualitative research process as a cisgendered male, while also focusing on the participants of my research and their own experiences and perceptions. Though I am not a member of the transgender community nor do I identify as a gender minority, I have several friends and peers who have faced discrimination, harassment, and who have been ostracized due to their transgender identity. As a result, while I may not be able to draw on personal experience in regards to being transgender, I can understand – to a degree – a number of the hardships imposed upon transgender individuals by simply identifying as such. As such, it is important, as a researcher, that I am able to offer an in-depth analysis and understanding of how transgender and gender non-conforming individuals are being understood, and whether these political

conceptualizations are sufficiently addressing the primary concerns of those who are gender diverse.

Due to the fact that this study required informed individuals regarding these trans-affirmative policies, purposive sampling was necessary as it selects “information-rich cases to study, cases that by their nature and substance will illuminate the inquiry question being investigated” (Patton, 2014, p.265). Though the initial conceptualization of the thesis was to interview policymakers because they had the vision to create these policies, it became clear that many educators and administrators earnestly sought to divulge their perceptions of these policies, and the policy’s role in the schools in which they were employed. Further, many policymakers were not keen to discuss these policies openly and either did not respond to advertisements or chose not to be interviewed. Nevertheless, each participant met the criteria of being – to some degree – informed about trans-affirmative policies and offered their own insight in regards to the efficacy of the policy and/or the creation of it. Below, I have provided a table and further description of each participant involved in this study.

Research Design

I adopted what I consider to be a case study design with a specific aim of being able “to gather comprehensive, systematic, and in-depth information” (Patton, 2002, p. 447) regarding trans-affirmative policies and their enactment. While my initial conceptualization was not to use a case study method, my research questions guided me in this direction. As Yin (2009) explains, “‘how’ and ‘why’ questions are *explanatory* and likely to lead to the use of case studies...” (p. 9). Due to the fact that two of my questions are rooted in the question of “how,” using the case study approach best served the interests of this study.

The specific case being studied in this research is the enactment of trans-affirmative policies in schools. In this way, it is categorized as an *intrinsic case study* (Stake, 2008) that sought to question the efficacy of these enactments through interviews (which are the units of analysis in this case study). Since the study is not looking at an individual or organization, and is instead examining the enactment of a policy, I acknowledged that it is not “easily defined in terms of the beginning or end points of the case” (Yin, 2009, p. 29). Further, though my study did not seek to generalize, it is important to acknowledge, “even intrinsic case study can be seen as a small step toward grand generalization” (Patton, 2002, p. 448). In this way, we can recognize that while my case study focus was narrow, the depth that it offers is a critical step in understanding how this case can provide insight into other trans-affirmative policy enactment cases. My aim is not to draw conclusions on behalf of what these policies have accomplished after their enactment, but rather, to provide a detailed case study through which “readers can experience these happenings vicariously and draw their own conclusions” (Patton, 2002, p. 450). By doing so, the case study approach affords the ability to provide in-depth insight into these trans-affirmative policy enactments.

While the policy analysis was complementary to understanding the initial aim of the trans-affirmative policies disseminated from each school board, it became clear that interviews were necessary to illuminate how the enactment of these policies were occurring (or whether they were occurring at all): “What details of life the researchers are unable to see for themselves is obtained by interviewing people who did see them” (Patton, 2002, p. 453). Each interview served as a unit of analysis that contributed to informing the case study, offering insights into the enactment of the trans-affirmative policies. This is important as it allowed me to “gather comprehensive, systematic, and in-depth information about each case of interest” (Patton, 2002,

p. 447). I chose interview participants who were able to illuminate the efficacy of trans-affirmative policy enactment through their knowledge of these policies. My line of inquiry during these interviews was not rigid and repetitive. Rather, although I was pursuing a consistent line of inquiry, my questions were spontaneous and based upon the responses I received from each participant (Yin, 2009). In this way, the conducted interviews were fluid and more so guided conversations than tightly structured.

Data Sources & Collection

The data collection for my research consisted of both primary and secondary sources. Firstly, I utilized policy texts (specifically, Durham District School Board's *Supporting Our Transgender Students*; Toronto District School Board's *Guidelines for the Accommodation of Transgender and Gender Non-Conforming Students and Staff*; and Thames Valley District School Board's *Guidelines For the Accommodation of Gender Diverse and Trans Students*) in order to comprehend the overarching intent of these documents, to inform my contextual background of the issues as perceived by the school boards, respectively, and also, to gather information about what has been done to support transgender and gender non-conforming students. These policies were selected by conducting an online search of all trans-affirmative education policies in Ontario. Specifically, the sought after policies were required to be trans-specific, and not passively mention transgender or gender diverse students (i.e. *Ontario's Equity and Inclusive Education Strategy*). As a result, the three selected policies were found to be the only policies in Ontario that directly sought to accommodate transgender and gender diverse students. To gain further insight into these policies, I also conducted semi-structured interviews with those who have had a significant role in either producing these policies

and/or disseminating them within the district-specific schools. Further, by drawing upon various trans and queer scholars, as well as my own interview data, I was able to explore my research questions with great depth to evoke deeper understanding (Creswell, 1998).

I selected the interview approach with respect to my research for several reasons. Firstly, it allows me to engage with my participants using an *informal conversational interview*, whereby the interview is open-ended and is informed by open-ended questions that seek open-ended responses. Though I am using an informal conversational interview guide, it is important to note that a lack of structure does not insinuate a lack of focus: “The overall purpose of the inquiry informs the interviewing,” (Patton, 2002, p. 323) though from there, the interviewer is free to go where the data and the respondents lead them with their respective answers (p. 343). Thus, the pre-established questions guided the interview, however, follow-up questions were formulated and posed, depending upon each participant’s varying answers. Secondly, and as Lofland (1971) states, “to capture participants ‘in their own terms’ one must learn their categories for rendering explicable and coherent the flux of raw reality” (p. 7). By learning the manner in which my participants conceptualized these policies, and the context from which they emerged, it was possible to comprehend not only why they were necessary, but also the extent of their effectiveness (both perceived and legitimate effectiveness). In order to acquire an understanding of how my participants understood the efficacy of these trans-affirmative policies and the context from which they emerged, various categorical questions had to be used throughout each interview. The questions that were used to inform my interview data included opinion and value questions (aimed to understand the cognitive and interpretive responses of policymakers and administration regarding the

policies); knowledge questions (in order to inquire about the creation and subsequent enactment of the policies); and background questions (used to gauge the extent to which the policymakers are informed enough to be the creators of such policies) (Patton, 2002). Finally, because each respondent provided me with a spectrum of varying information regarding the policies being analyzed, the informal interview process allowed for the modification of the questions: “Each new interview builds on those already done, expanding information that was picked up previously, moving in new directions, seeking elucidations and elaborations from various participants” (Patton, 2002, p. 342). As a result, there was a diversity of answers provided by the participants, which aided in adding meaningful voices and understandings of these trans-affirmative policies because each participant presented lucid views on their school board’s trans-affirmative policy.

I attained access to interviewees through purposive sampling. By selecting this sampling technique, I acknowledged that I was not seeking to be representative in any capacity, but rather, I sought to interview participants who would enrich my understanding of the policy texts I analyzed and would therefore garner a rich understanding for my study (Patton, 2002). More specifically, these participants either had a hand in either creating these texts, or they had first-hand experiences in seeing how these policy texts were or are continuing to be utilized within the schools for which they were created. Through my own contacts and those known to my supervisor I was able to gain access to five participants deemed appropriate for the study. Each interview with the acquired participants who were informed about the trans-affirmative policy within their respective school boards allowed me to address my research questions regarding the accommodation of transgender students’ needs within the public school setting through school board initiated policies.

Once the participants were acquired for interviewing, I met with each of them in person, though the option for Skype interviews or phone interviews were presented to each participant as an alternative option. Having met with each participant in person was significant, as it allowed me to see their responses to the posed questions, as each pause and physical action played a critical role in understanding what is behind the words of the participant's reply. This was also particularly significant for transcription, as "it is frequently the non-verbal communication that gives more information than the verbal communication" (Cohen, Manion, & Morrison, 2011, p. 426). However, I also comprehend that these understandings are partial and that, as a researcher, my own assumptions dictate how I chose to interpret gestures, pauses, mannerisms, and inflections. Nevertheless, being afforded the opportunity to meet with these participants in person allowed me to better understand their clarity and personal interpretation of these trans-affirmative policies.

With the explicit permission of each participant, the interviews were all audio-recorded (they were made aware of this both verbally and through the informed consent given to them before the interview). The interview was then transcribed for subsequent analysis. With respect to transcription, Cohen, Manion and Morrison (2011) stress the significance of making note of not only the verbal, but the non-verbal, as well. This plays a significant role in the analysis process. Generally, in qualitative data, the analysis is heavily interpretive; the researcher must decide what to include and where to set his or her focus: "The researcher has to consider whether to focus on the items that the participant mentions or reiterates the most, or whether to deem important those items that arise when the participant wanders from the point or changes the subjects" (Patton, p. 427). In doing so, I was able to revisit the reiterations made by participants due to the

audio-recording of interviews, while being able to steer conversations back to the point when the participant lost their train of thought. By being afforded the opportunity by each participant to audio-record the interviews, selecting where to set my focus was made exponentially easier.

The duration of interviews varied between twenty-five minutes to an hour, respectively. It was my fear that exceedingly short interviews would disallow a favourable rapport. However, it is my estimation that each interview ended with an honest and commendable rapport being established as each participant was encouraged to speak freely when they answered the posed questions, and each of the interviews progressed more as a conversation than a formal interview. It was important to me, as a researcher, to build rapport with each participant in order to gain their trust and confidence: “Rapport is built on the ability to convey empathy and understanding without judgment” (Patton, 2002, p. 366). By building rapport with each respondent, it was my hope that honest answers – facts, beliefs and opinions – would emerge throughout the duration of the interview. In addition, I sought to cement trust and honesty with each participant by maintaining that their confidentiality and anonymity would be assured as participants in my study.

Each participant was required to give informed consent by signing a letter of information detailing what the research study was about and that if they wished to revoke their participation at any time, they were free to do so. They were also given the choice of location, had they wanted to meet in person for the interview (Gubrium & Holstein 2001). In addition, the benefits for participating in the study were not simply one-sided. For those who created the guidelines, there were favourable results in having these

policies analyzed in that more attention was drawn to their commendable efforts in seeking to make the public school system more equitable for transgender and gender non-conforming students. In addition, for those who were more involved at the public school level, such as educators or administrators, their feedback helped strengthen their school's solidarity with and commitment to supporting students by engaging in a reflective examination of equity policies and how they were being maintained and enacted – if at all.

Initially, as I anticipated speaking with several policymakers, I feared that because this was my first experience with fieldwork and my interview skills were limited, I would have difficulty speaking with authority figures. Relevant here is the notion that Cohen, Manion and Morrison (2011) bring forth regarding the aforementioned complexity of interviewing “powerful people,” and their experience in the realm of interviews and curbing questions to suit their agenda and favour their public image: “[Powerful people] are well able to deal with interviewers, to answer and avoid particular questions, to suit their own ends, and to present their own role in events in a favourable light” (Cohen, Manion & Morrison, 2011, p. 173). My pursuit of honesty and holistic interviews is significant with respect to policymakers, as they are perceived as “powerful people” (Cohen, Manion, & Morrison, 2011, p. 172). It is understood that those in a position of power seek to curb public opinion in their favour through the use of interviews and various public platforms (Cohen, Manion, & Morrison, 2011). By establishing rapport through an informal conversational interview, I hoped to avoid fabricated facts and data from these respondents. I hoped that by ensuring the protection of each participant's confidentiality, I would be able to retrieve honest and humble

answers regarding the contributions the policies have made. The promise of confidentiality would allow these policymakers to reflect honestly about the work they had enacted without ramifications regarding their status and quality of their work as policymakers. As it so happened, there was only one policymaker interviewed who had an absolute hand in the creation of the policies being studied, and their answers were honest and forthcoming, acknowledging both the policy's strengths and weaknesses. In acknowledging the weaknesses of the policy that they helped create, this participant had no qualms about discussing where the policy falls short. As such, there was no apparent manipulation of answers to make the policy seem idyllic or overwhelmingly successful to preserve an image of excellence with regards to this trans-affirmative policy.

Data Analysis

My data analysis began with the policy texts with which I chose to inform my contextual background and that were the foundation of my study. By reading through much of Ball's (2015, 2012, 2010, 2006, 1993) work, I adopted a critical policy approach. In light of this, I drew heavily upon his distinction of *policy as text* and *policy as process*. In doing so, I was able to not only focus on the manner in which these policies were enacted by various schools (depending upon the school environment, the resources, the investment, etc), but also, I was able to critique the written text and that which was *omitted* from being written into each policy, and what the implications of these omissions may be.

In conducting a *critical* policy analysis, I find that it is important that I explain a *document analysis*. A document analysis "requires that data be examined and interpreted in order to elicit meaning, gain understanding, and develop empirical knowledge" (Bowen, 2009, p. 27). I closely examined each policy text in order to generate inquiries

regarding the creation of these texts and their subsequent enactment. According to Bowen (2009), document analysis serves five specific functions:

1. Documents provide data on the context within which research participants operate (i.e. the necessity for these policies);
2. Information contained within documents can suggest some questions that need to be asked and situations that need to be observed;
3. Documents provide supplementary data, proving to be valuable additions to the knowledge base;
4. Documents provide a means of tracking change and development;
5. Documents can be analyzed as a way to verify findings or corroborate evidence from other sources (pp. 29-30).

Analyzing the policy texts that I had chosen involved both content analysis and thematic analysis whereby “content analysis is the process of organizing information into categories related to the central questions of the research” (Bowen, 2009, p. 32). In terms of this study, the content analysis centered upon whether these trans-affirmative policies are achieving their intended purpose. The thematic analysis, however, organizes emerging themes into categories that are subsequently analyzed. This analysis involved “a more focused re-reading and review of the data” (p. 32). As predicted, each document contained similar themes and addressed similar hurdles that the school board believed the transgender community faced within public schools. Each document yielded similar statistics regarding the elevated rates of victimization for transgender students that were initially reported by the EGALÉ Canada report (2012). My analysis of the policies informed the second phase of analysis concerned with the interviews that I conducted.

An initial coding process was conducted once the interviews were complete, at which time major themes were identified. Each participant's responses were coded into five thematic categories. Each response was arbitrarily colour co-ordinated to aid in categorization and to represent the identified themes: 1) policy vs. curriculum (red category); 2) persistent discrimination (green category); 3) visible representation (blue category); 4) the bathroom problem (orange category); and 5) failure to implement policy (purple category). Throughout the entirety of the research process, critical theoretical accounts (namely, those inspired by queer and trans scholars) were used, primarily in the stage of data analysis. In addition to the themes uncovered by the critical policy analysis, the data analysis regarding the interviews was conducted both concurrently during the time of the interviews and thereafter, thus affording an overlap in the themes discovered in the policy analysis, as well as in the interview data analysis. This concurrent form of data collection and data analysis "generate[s] an emergent understanding about research questions, which in turn informs the sampling and the questions being asked" (DiCicco-Bloom & Crabtree, 2006, p. 318). Through this process, *saturation* occurred, whereby no new themes or data emerge, which signals that data collection is complete. Saturation began to emerge by the fourth interview and by the completion of the fifth, the themes remained consistent and unsurprising.

The data analysis conducted on the interviews illuminated the necessity of trans-affirmative policies in the education system, as well as the efficacy of these policies in addressing the issues that transgender and gender non-conforming students experience within the public school system. My goal with this thesis, beyond producing understanding in the realm of trans-affirmative policies, was to produce research that

could potentially be a catalyst to enact change and benefit a minority population that is often misunderstood. This intention informed the entire thesis from its initial conceptualization of research questions to the analysis of the data with reflection on its implications for fostering gender justice in the education system.

Participant Profiles

<u>PSEUDONYM</u>	<u>GENDER</u>	<u>CURRENT ROLE IN EDUCATION SYSTEM</u>	<u>YEARS OF EXPERIENCE IN EDUCATION</u>
Rebecca	Female	Former Administrator	32 Years
Grace	Female	Substitute Teacher	2 Years
Dean	(Transgender) Male	Elementary School Teacher	27 Years
Michael	Male	Policymaker	17 Years
Daniella	Female	Administrator	5 Years

I have decided to include profiles of each participant in order to provide a more concise overview of each individual's background, as well as the degree to which they are informed about trans-affirmative policies within their respective schools/locale. Below, I include a brief summary of their experience in the education system, how many years they had taught or held their current position, from where their interest in gender and transgender issues emerged, as well as their personal pseudonyms that I ascribed to each participant myself. Below, I have also provided a chart that succinctly summarizes these points with respect to each participant.

Rebecca

Rebecca reported having 32 years of experience in the classroom, teaching everything from Kindergarten to University classes. Her experience spans between two provinces, five school boards and numerous schools. She had been a superintendent and acting vice-principal. Additionally, she received a Bachelor degree, a Bachelor of Education, and a

Master's degree in Education. She had also earned her principal's qualifications for Ontario, and is certified to teach Special Education, as well. At the time of the interview, she stated that she was working on completing her doctorate. Rebecca vocalized that she identifies as queer, and stated that she is "very informed about trans issues." She expressed that she has been interested in issues of equity since she was a child and that her sexual identity aids in fueling her interest in the field of transgender and gender issues. Rebecca also acknowledged that she played a role in the composition of The Durham District School Board guidelines during its development.

Grace

Grace recently attained her Bachelor of Education degree in 2012 and was hired as a substitute teacher for intermediate senior classes. She specifically teaches Visual Arts, French and Special Education classes. Grace stated that she has been supply teaching for two years (since 2013). Her interest in transgender and gender issues emerges from her identifying as a "sexual minority" and that because she addresses the issues revolving around that on a constant basis. She also stated that she works for a local LGBTQ support group for youth, and as a result, her interest in issues revolving around equity stems from both personal and professional experiences. She has expressed that she is well informed about The Thames Valley District School Board's guidelines after having sought them out on her own.

Dean

Dean has been a teacher for 27 years. He has always been an elementary school teacher. He has received his Bachelor degree, a Bachelor of Education degree, as well as a Master's degree in Education. He taught full-time in Ontario, and part-time as a supply

teacher in British Columbia before relocating back to Ontario soon after. He openly identifies as a transgender male. Born a female, Dean underwent numerous surgical procedures to transition fully from female to male. This was done while he was employed as a teacher during which time he had to take a leave of absence in order to complete the surgeries. Dean's interest in transgender and gender issues come from his own experiences as a transgender male, and as someone who has experienced homophobia and transphobia throughout his career as an educator. He acknowledged that he has not received jobs he's applied for specifically because of his gender identity. He admitted that he is not well versed with his school's trans-affirmative policy that I showed him, however, he acknowledged that he is well versed in many other trans-affirmative policies and the attempts made to enact them.

Michael

Michael has worked as an educator for 17 years, and presently heads a team that is dedicated to reduce and combat gender-based violence. All of his work has been centered upon equity issues and he was the lead writer in one of the school board trans-affirmative policies analyzed in this study. He offered many suggestions to another policy document that is also looked at in this study. He has aided many schools in addressing issues of accommodation, creating plans of accommodation and collaborating with administrators in harnessing a more accepting school environment. He described the trans-affirmative policies as imperfect, but that they serve a significant purpose in its reactivity. His philosophy on addressing trans issues that go unconsidered is the need to reestablish power by showing those who have power why they need to share it in order to create equitable experiences for all.

Daniella

Daniella has been a principal for her current school board for five years. Prior to that, she acted as a vice principal at a rural school. Currently, she serves as the acting principal for a Junior Kindergarten to Grade Six school, which has approximately 375 students. She has a Bachelor degree, a Bachelor of Education degree and a Masters in Education. Her interest in transgender and gender issues stems from having taken equity courses and due to her recent experiences of having a student in her school transitioning from female to male. She had significant contact with her Equity Officer once the child's parents announced that he was transitioning, and so while she is a novice with respect to trans issues, she has dealt with them profusely over the last year by attempting to accommodate a seven-year old transgender child in her school.

Conclusion

In this chapter, I provided an overview of the methodology, data collection, and the data analysis associated with carrying out this qualitative research study. I outlined the rationale for utilizing a qualitative inquiry approach as a means to best achieve the aims of the study. I also detailed the necessity to use a case study methodology in this study as it provides a holistic, in-depth investigation into the enactment of trans-affirmative policies. As the aim of my study was to garner an understanding of how trans-affirmative policies are enacted and the degree of their efficiency, I employed informal, semi-structured qualitative interviews to enrich my case study and offer an in-depth understanding and thick descriptions of the attitudes and thoughts regarding these enactments (Cohen et al., 2011). My decision to use purposive sampling to gather a small sample size of five participants (one administrator, two educators, one former

administrator and one policymaker) provided me with “information rich cases” that allowed the study to obtain individuals who are well-informed about these trans-affirmative policies. Additionally, I provided participant profiles of each participant who was interviewed in the study. As a result of the chosen methodology, I feel that the construction of this study was a success due to the fortunate attainment of the sought after number of participants, along with the illumination of robust insights enabled by adopting a case study research design.

CHAPTER FOUR: POLICY ANALYSIS

Introduction

In this chapter I provide a critical policy analysis of three trans-affirmative policy documents developed by three different school boards in Ontario. My purpose is to examine how transgender and gender minority subjects are constituted and understood with the view to investigating the political ramifications of the various discourses that inform these policies. The trans-affirmative policies implemented by the Toronto District School Board, the Durham District School Board and the Thames Valley District School Board are the first in Ontario that aim to serve the interests of those who identify as transgender.

Prior to engaging with the critical analysis of these documents, there are a number of important aspects of these policies to commend. These school boards are progressive in understanding that gender identity and gender expression are not acceptable grounds for abuse, harassment or neglected protection. Each of the three guidelines stress the significance of creating a welcoming classroom for students. Further, much of each school board's recommendations overlap with one another, citing the importance of creating a safe space in bathrooms, the school halls, and within the classroom. They each also set out their own definitions of "transgender" and various other LGBTQ terms that may easily become blurred by the general populace. While these guidelines are not flawless, it is important to commend their existence in the first place, and each school board's attempt at making schools in their district places that are seemingly more equitable for all students. In this chapter, I analyze each document's structure, focus, what is included (and excluded), as well as its strengths and weaknesses, respectively.

The Durham District School Board's "Supporting Our Transgender Students" Guidelines (2012)

Each of the guidelines set out by the respective boards have both positive and negative aspects about them that are important to address. This particular document begins by providing two important definitions of *transgender* and *transphobia*. Many interpretations of transgender differ from person-to-person, and therefore, understanding how each school board chooses to define the term is especially significant due to the underlying assumptions that are bound to each definition. With respect to the Durham District School Board's definition, "transgender", "transition" and "transsexual" seem to be interwoven concepts, as they explain a *transgender* individual as,

A person whose gender identity, outward appearance, expression and/or anatomy do not fit into conventional expectations of male or female. Some describe it as being born in the wrong body. Some opt to change/reassign their sex through hormones and/or surgery and some change their outward appearance, or gender expression, through clothing, hairstyles, mannerisms, etc. (Durham District School Board, 2012, p. 5).

This definition is one that is congested with confusion, and would be better modified to be understood as an umbrella term that is interwoven with concepts such as gender expression, gender embodiment, transsexual identity and gender identity. Further, it muddles the barrier between gender and sex that queer scholars have worked tirelessly to disassemble (Butler, 1990; Bornstein, 1998; Wilchins, 1997). It also makes no reference to gender being fluid, or as something placed upon a vast spectrum (Bornstein, 1994, 1998, 2013). One can easily trouble this definition by simply inquiring as to where the term "cross-dresser" falls into place (Butler, 1990). However, this does not necessarily make an individual *transgender*. In this way, one can see how the definition decided upon by the Durham District School Board has certain epistemological limits. Nevertheless,

due to the fact that the entire document is centered upon understanding transgender students and how to accommodate them, this is an excellent way to begin the document.

The Durham District School Board's guidelines aim to alleviate the numerous barriers faced by these students. In fact, the document outlines a number of these barriers at the beginning of the document to ensure that educators and administrators are aware of them:

Trans students experience verbal and physical harassment, assault, teasing, social exclusion, and have their property stolen or damaged at higher rates than any other student group. In addition, the more frequent harassment that trans students experience, the lower their grades and educational aspirations (1). These students also drop out of school at higher rates than other students because of feeling unsafe (2). Some use drugs to cope with this stress (3), some contemplate suicide (4) (Durham District School Board, 2012, p. 5).

It is significant that the school board acknowledges these barriers as it demonstrates an understanding that transgender and gender non-conforming students face a plethora of barriers strictly due to their gender identity and that the board is familiar with the reports that have illuminated these elevated incidences of transphobia (EGALE Canada, 2012; Taylor et al., 2011). However, "policy enactment involves creative processes of interpretation and recontextualisation – that is, the translation through reading, writing and talking of text into action and the abstractions of policy ideas into contextualised practices" (Ball et al., 2010, p. 549). As such, to simply acknowledge the alarming rates of transphobia in schools is not enough to address them and to appropriately enact this policy. Instead, what is required is a creative group of key actors – administrators and educators – who are more than just "subjects in the policy process" (p. 549).

Despite the problem with the definition of transgender that is provided at the outset, the document redeems itself by making a distinction between those who are

transgender and those who are gender non-conforming later on. For example, the document stresses that gender non-conforming children are not necessarily transgender, but rather,

...become gender normative over time or their style of expression may continue to defy gender expectations as adults. Some of these children grow up to be gay, lesbian or bisexual and some grow up to be heterosexual. Some of these children are or will become transgender” (p. 7).

This highlights the fact that gender non-conformity is not a straightforward and simple concept of identity, but rather, one that shapes differently from individual to individual. This section is also important as the document rectifies the convoluted definition it put forth initially by giving an example of what is classified as *transgender*: “... Someone whose inner gender identity does not match the gender they were assigned at birth based on their biological anatomy. For example, a transgender child self-identifies as a girl but was born with the anatomy of a boy (or vice versa)” (p. 7). This definition is clear and concise with respect to how the school board understands *transgender*. The definition is also accompanied by an example to strengthen the understanding of the term and to convey it in the way that the board seeks for it to be understood.

Equally important is the next subsection entitled, “What Can DDSB Schools Do To Support Trans Students and Parents” where the initial sentences highlight that the board’s aim is to create more inclusive schools: “Don’t wait until you ‘get’ a trans student to enforce supportive policies and a welcoming environment. You already have trans students but do not know it yet” (p. 8). This is a significant acknowledgement as the board document encourages its schools to be proactive in creating a gender inclusive environment instead of simply waiting for a student to announce their gender diversity. It maintains the understanding that transgender and gender non-conforming students are

present regardless of whether it is a known fact or not, and therefore, appropriate accommodations must already be in place without a blatant request for it. Kumashiro (2000), for example, highlights that “schools need to be and to provide *helpful* spaces for all students” (p. 28), especially for students who face the barriers that were highlighted at the beginning of the document. Consequently, an immediate strength can be pinpointed in this document, strictly because of this acknowledgement. In this section of the document, there is also the assertion that teachers should make themselves more approachable and principals must continuously be informed through reports of incidences (e.g. bullying, harassment, requests for accommodation) and subsequent action. This can aid in creating a more welcoming and gender considerate school environment.

The next section of the document outlines the importance of utilizing inclusive language, which is a significant hurdle for teachers when attempting to create a more inclusive space. The document offers comprehensive charts that help educators understand proper pronouns for transgender and transsexual students in the classroom.

Table 1: Preferred Ways of Addressing Transgender People

Transsexual females—identified as male at birth	To be addressed as ‘she’
Transsexual males—identified female at birth	To be addressed as ‘he’
When you are in doubt of an individual’s gender	Address an individual as ‘they’

Reprinted from “Durham District School Board: Supporting our Transgender Students” (p. 9).

Just as importantly, this section encourages that teachers simply *ask* students how they wish to be addressed: “Trans people should always be addressed and accommodated in the gender in which they present, unless they specifically request otherwise. If you are unsure, please ask the person how they prefer to be addressed” (p. 8). This is significant

Table 2: To Create A Welcoming Environment for Transgender People

Post signs using open inclusive language	‘all welcome’
Provide options on forms requiring gender	‘gender: _____’, ‘other: _____’
Be aware of accessibility in your schools	‘unisex washrooms’—where possible

Reprinted from “Durham District School Board: Supporting our Transgender Students” p. 9.

as it simplifies an otherwise difficult hurdle for educators of transgender students.

Daniella – an administrator interviewed in this study who discussed some of the hurdles her school had to address when accommodating a transgender student – explained that using the correct pronouns were definitely one of the most difficult aspects of the accommodation, but certainly most important:

The hardest part was wrapping their heads around calling her a he. Just pronouns. And I remember when we were planning, that’s what the person at the Ed Centre said, “you must do this from now on.” And it was like, “Oh, never thought of that.” You know, you think of the name, okay, get the name. Even that’s hard. But the pronouns are really, really important.

Styker (2009) explains this difficulty, noting that “changes in language structures usually happen very slowly and pronouns are among the linguistic elements most resistant to change, so trying to speed up a change of usage can sometimes sound forced or strange” (p. 22). The difficulty of knowing which pronoun to use is even further exacerbated when having to adjust this usage while a student is in the process of transitioning (as was the case for the student in the aforementioned interview) is difficult for teachers, but certainly not an impossible feat. Daniella confirmed that the transgender student’s teacher has since conditioned herself into using the appropriate gender pronoun, and so have the student’s classmates.

Further, the Durham policy text continues to petition for an inclusive space by encouraging school staff to abide by their equity statements; developing a school policy for using washrooms that correspond with a student’s gender identity; ensuring a student’s right to participate in gender-segregated sports and gym activities; integrating trans-sensitivity into staff professional development (as noted to be particularly important

by Bryan, 2012 & Ryan et al., 2013); train staff to confront transphobia in the school; supporting the implementation of a GSA (Gay-Straight Alliance); and having trans-themed texts in the school library.

The next section (and one of the most commendable) offers valuable recommendations for how educators might incorporate discussions about gender into all aspects of the curriculum, which is an important advance in shaping and educating students in challenging gender norms. For example, the document outlines that teachers may consider providing students with materials depicting characters in non-gender stereotyped ways. When studying classical literature that may contain gender stereotypes, educators are encouraged to discuss this with students, including the connection to social norms and evolution of societal issues (Durham District School Board, 2012 p. 11). These strategies echo Green (2010) who advocates for the inclusion of themes of gender diversity into school curriculum. The inclusion and consideration of a spectrum of gender identities in curriculum and constantly questioning them, as encouraged in the Durham guidelines follow Rands (2009), who argues for a gender-complex perspective of education, where teachers “constantly question the ways in which gender is operating and what the consequences are” (p. 426). In doing so, teachers challenge the gender oppression matrix by taking “into consideration the complex sets of privilege and oppression that students and teachers experience based on their gender categories, gender expressions, and the gender attributions others make of them” (p. 426). The suggestions that the document makes in terms of including gender diversity evidently encourages both students and teachers to question the normative gender binary, cisgenderism and

heterosexism in society by considering alternatives and *why* they are pathologized, thus truly echoing Rands' call for a gender-complex approach to education.

The document concludes by offering a number of definitions (e.g. gender identity, gender expression, transition) to clear up any misconceptions or misunderstandings that may have been raised whilst reading the guidelines. The document also offers the contact information for two different community support centres for transgender youth, should a student need to be directed to additional support outside of the school itself. It is favourable for each of these documents to have resources for both students and educators to utilize should they feel that they need more assistance in being accommodated, and offering accommodations or considering gender diverse needs that would otherwise go unconsidered.

Despite the many excellent features and acknowledgements that the document makes, it is important to note where the Durham District School Board guidelines could use some reparations and reconsiderations in terms of how they go about addressing the issues faced by transgender and gender non-conforming students in the education system. Notably, the document's recommendation to "support the implementation of a transgender-inclusive GSA (Gay-Straight Alliance) in the school" falls short by leaving it at simply that. At first glance, this suggestion is a valuable one, and it is important to acknowledge that the school is supporting sexual diversity in this way.

The significant issue with GSAs is that they leave out transgender and gender non-conforming students just by the title alone. There's no presence of a "T" that signals a supportive group for transgender students. Greytak, Kosciw and Boesen (2013) offered this to be the case, noting, "Some GSAs do not actively address transgender issues" (p.

48). To remedy this alleged exclusion, the document should heed Gonzales and McNulty's (2010) suggestion where the Board (and their schools) may "want to consider including transgender in the club's name (the term Gay-Straight Alliance, although widely recognized, excludes bisexual, transgender, questioning youth, and children of LGBT parents)" (p. 182), as students who are transgender may feel as though this otherwise supportive club is not supportive of *them* or simply does not include *them*. Dean – an openly transgender elementary school teacher who vocalized many barriers that trans students and staff face – specifically acknowledged this dilemma:

But even so, I find it kind of problematic. A G-S-A. Because it's G. It's not the other thing. And you can go ahead and say, "Well, it means everyone." Oh, that's so nice! Like the certain policies where the definition of homophobia included transphobia in the appendix.

Here, Dean not only problematizes GSAs by their title alone, but he also brings up the point of tendencies to consolidate definitions of homophobia and transphobia. This is problematic as there are significant differences between homophobia and transphobia. Lumping the terms together is to aid in the "erasure" (Namaste, 2000) of the struggles endured by trans individuals. In the same way, GSAs contribute to this covert erasure by *implying* that transgender and gender non-conforming youth are welcome without explicitly stating so. Gonzales and McNulty (2010) acknowledge how the erasure and absence of transgender identities from school support groups (i.e. GSAs) may be remedied through school counselors who are in a position where they can organize collaboration between LGBT-supportive clubs (such as the GSA) and trans community supportive groups (such as those outlined at the end of Durham's guidelines). By doing so, schools can "establish a sense of solidarity among student groups and further empower transgender youth" (p. 182).

An aspect of this policy that will be further discussed in the data analysis and findings is the encouragement made by this document for schools to “develop a school policy that ensures the right to use a washroom that best corresponds to the student’s gender identity” (p. 9). This seems supportive and considerate, but what must be questioned is whether administrators and educators are following through in developing such a policy where transgender and gender non-conforming students are feeling accommodated in this regard. Specifically, what is being done for transgender and gender non-conforming students who have not vocalized their gender diversity? This question of identification in terms of coming out as trans or as a gender minority has further implications regarding the necessity for a broad based education and curricular intervention beyond one that is focused on merely accommodation of those who self-identify as trans. What is needed is a commitment to building knowledge and understanding about the politics of gender expression and embodiment while attending to questions of cisgender privilege and its impact on the entire school community.

The participants interviewed in this study, for example, have not seen such school policies created or discussed revolving around the public school bathroom, nor have many of them heard the documents referenced by their administrators. This is not to say that every school is avoiding or circumventing the process of proactively offering accommodation, however, when the policies are not acknowledged or discussed by administrators, this produces a silencing effect, whereby the barriers that the policy aims to address are instead ignored by administrators who do not deem these barriers important. “Policies are ‘contested’, mediated and differentially represented by different actors in different contexts...” (Ball, 2015, p. 6), we must therefore acknowledge that

different actors may interpret policy in a variety of ways. However, a consistent issue, as will be seen in the continuation of the policy analysis, is that policies are typically *reactive* to the bathroom problem, in that a student must formally *request* to use a bathroom corresponding to their gender identity.

The Durham guidelines do not outline in detail how a student is to be accommodated with respect to bathrooms in terms of the school developing an appropriate policy. The onus is thus placed on school administrators to create such a document. However, “...since most schools are stretched to the limit, with staff working over the number of hours, they’re not going to introduce anything substantially new” (Ball, 2012, p. 5), which leaves the onus for creating an accommodating bathroom policy on the school overshadowed by other external pressures with which schools are perpetually faced. However, “individual policies and policy-makers do not normally take into account the complexity of policy enactment environments and the need for schools to simultaneously respond to multiple policy (and other) demands and expectations (Ball et al., 2010). Therefore, any responsibility placed upon administrators and educators to formulate an accommodating school bathroom policy is overshadowed by arguably more immediate priorities. This onus imposed upon the school to develop such a policy as opposed to placing the responsibility on the student to request accommodation is a deviation from what both the Thames Valley District School Board and the Toronto District School Board guidelines ask with respect to the washroom.

[*The Thames Valley District School Board’s “Guidelines for the Accommodation of Gender Diverse and Trans Students” \(2013\)*](#)

The Thames Valley District School Board and the Toronto District School Board guidelines have far more similarities to one another than with the Durham District School

Board. Both documents begin by citing the Ontario Human Rights Code, explaining that those who are discriminated against or harassed due to their gender identity or gender expression are legally protected by the provincial legislation. The citing of the Ontario Human Rights Code is followed – in both documents – by references to numerous policies that make every effort to uphold protecting all members of their respective community from discrimination and harassment through the Safe Schools Policy, Harassment Policy, Bullying Prevention and Intervention Policy and Procedures, Violence in the Workplace Policy, and Equity & Inclusive Education Policy (Thames Valley District School Board, 2013; Toronto District School Board, 2011). Though this seems promising for those who have faced discrimination based on their gender identity, this protection has often been ignored as evidenced by the elevated rate of transphobia in Canadian schools (Kosciw, 2009, 2012; Taylor et al., 2011; EGALE, 2012).

When Dean – the transgender elementary school educator – was asked about speaking to his principal about his concerns regarding how co-workers reacted to them post-transition, it was an issue that wasn't given much weight:

There are sometimes some people who are cool, and uh, but a lot of the times they can't see me in a multiple dimensional way. They're like, "no, you're the guy we always met." That's it. Like I can't talk to them how I feel about being ostracized...

Evidently, the "new" gender identity is not something that is easily accepted by staff at the school. Therefore, it leads one to inquire, if the staff are having trouble accepting their co-worker's transition, how are they going to accommodate a transgender child? The answer to that question is written in the next section of the document, outlined by "accommodation based on request." Once the student makes a request, the board and the school are to take reasonable steps to provide the requested accommodations. This is an

important section to outline, as while it is seemingly a progressive step, there are numerous problems to consider with basing accommodation upon request. The section itself is outlined as follows:

Upon request, the TVDSB will take reasonable steps to provide accommodation to students who state that the Board’s operations or requirements do not coincide with their right to free gender expression and/or gender identity. The Board will balance its decision on how to best accommodate the student with several factors including: the dignity of the person making the request; the goal of inclusiveness; health and safety concerns; the cost of the accommodation to the Board and the effect of the accommodation on the Board’s ability to fulfill its duties under Board policies, the Education Act and the Ontario Human Rights Code (p. 3).

The request can be made by the student, or conversely, by the parent or guardian.

However, there are several factors to consider here. Firstly, not every child openly shares their gender identity or the fact that they are transgender with their parent or guardian, and so the parent making a request would be out of the question. In this case, the child may also not be well equipped to seek the accommodations that they require in order to feel at ease. Particularly, students may have a “lack of access to information [which] prevents many young people whose gender differs from the dominant model from having the language to name their experiences and feelings” (Rands, 2009, p. 421). This results in their inability to seek what they truly need. Though the document acknowledges that parents or guardians may not be fully aware of their child’s gender identity in another section, there is an underlying discourse throughout the document that a student will be able to voice their accommodation requirements, and this is not necessarily the case.

Secondly, a student may not feel comfortable making a request, regardless of whether or not they are aware of what they need to feel accommodated. It is not certain that a transgender child is going to be fully open about their gender identity, and therefore, the issue arises that when guidelines are centered upon “accommodation based

upon request” they are being *reactive* instead of *proactive*. Grace – a substitute teacher who identifies as a sexual minority – emphasized this point and brought this issue to light when asked about the efficiency of the policy:

Um, [Pause] the thing that I – my issue with the... [Pause] the policy is that it’s reactive. So yeah, it’s very reactive in that students or staff have to approach somebody and say, “hey, this is an issue for me. Please do something about it.” Instead of being proactive and saying, “Okay, well how can we make this space safer for people who might be experiencing discrimination based on their gender expression or identity?”

This reactivity presents a problem as trans students may feel that they are unable to rise to the expectations of this requirement for them to *request* accommodation. They may not feel as though they can make such a request or trust someone to do so on their behalf without fearing consequences, especially in light of the prevalence of transphobia and the desire to avoid stigmatization (Taylor et al, 2011). Trans youth often report feelings of shame, fear and self-consciousness as a result of the harassment that they experience (Wyss, 2004). In addition, the “conceptualization of those who do not follow the dominant model of gender identity as ‘disordered’ is a manifestation of and has contributed to the oppression of transgender people” (Rands, 2009, p. 420). As such, gender variant individuals may feel intimidated or wish to avoid a stigma, and therefore, will not openly seek accommodation out of fear of being labeled as “disordered”. These feelings result in difficulty of forming meaningful and substantial relationships. Further, many transgender and gender non-conforming students “are rarely given a choice about going to a particular school [...] leaving them compelled to enter an environment where they may be assaulted on a daily basis” (Wyss, 2004, p. 715). Having to endure high rates of victimization and feelings of shame or fear undeniably make the prospect of trusting an educator (or a classmate) with their gender identity in order to be accommodated in a

way the document hopes increasingly difficult and unlikely. In this regard, the reactive and overly individualized nature of the policy serves as a weakness and, therefore, the likely result is an enforcement of the proverbial closet and hence an exacerbation of existing trans invisibility in the school system.

This fear of victimization results in transgender and gender non-conforming students to feel as though they must maintain what is rationalized as “normal” through reiterative and citational practices” (Butler, 1993, p. 2). By doing so, they remain in the proverbial closet and perpetuate the invisibility of trans identities (Namaste, 2000). This leaves gender diverse identities excluded and unconsidered from the naturalized heteronormative and gender normative order that permeate throughout the education system, denying them the affordances and privileges that are otherwise never questioned, and by those who fit within the gender binary. This accommodation stipulation fails to address the broader issue of transphobia that leads to enforcing the closet in the first place. Rather than addressing the “disturbingly high and often daily” (Wyss, 2004, p. 715) harassment and violence experienced by transgender and gender non-conforming students, there is merely an attempt to accommodate, which falls short of addressing more dire issues of transphobia and victimization. This policy, while doing an admirable job in attempting to address the struggle of accommodating transgender students through a public gendered space, places the onus for accommodation on the student in particular, which is ineffective as many transgender students may not feel as though they can voice their needs adequately or without negative repercussions. This is primarily due to transphobia and its omnipresence in any given school.

The section that follows *accommodation based upon request* outlines all of the definitions at the beginning, and also, addresses a wider breadth of terms that were not acknowledged in the Durham document (i.e. cross-dresser, intersex, two-spirit and gender queer). This is significant as the way in which the Thames Valley District School Board chooses to define the term “transgender” is done while keeping the definition of transsexual entirely separate; the lines are not blurred. They do so by focusing entirely on gender identity and gender expression – the act of exhibiting gender markers – as opposed to that of undergoing sex reassignment surgery. This distinction is significant, as some children who have a gender identity that is different from their biological sex do not necessarily feel the need to undergo sex reassignment surgery immediately, nor do they necessarily pursue that avenue as they mature. Though, unlike the Durham guidelines, this policy does not necessarily define the difference between transgender and gender non-conforming, which may serve to confuse educators and administrators who come across the term but are not provided with a concrete definition in this document.

The section following the definitions outlines specific guidelines for students and how educators and administrators must accept all students for who they are, regardless of their gender identity. Of particular significance is the paragraph in this section, which acknowledges that the resolution for one student may not be consistent with resolutions for others: “Board and school staff must consider each student’s needs and concerns separately. Each gender diverse and trans student is unique with different needs. An accommodation that works for one student cannot simply be assumed to work for another” (p. 5). This section also stresses the importance of privacy and maintaining a student’s wishes to be called by a certain name and pronoun strictly confidential, unless

expressed otherwise by the student. In this section, the guidelines are very specific about how schools should converse or contact a trans student's parents when necessary:

A school should never disclose a student's gender diversity or trans status to the student's parent(s)/guardian(s) without the student's explicit prior consent. When school staff contact the home of a gender diverse or trans student, the student should be consulted first to determine an appropriate way to reference the student's gender identity (p. 5).

This is laid out concisely, and the text would be difficult to misinterpret or get lost in translation amongst other administrators and educators, as Ball (2012) suggests tends to happen when various actors come into contact with the same document. As such, this particular segment is a strong point in the document as it first and foremost values the privacy of the gender variant student.

The following section (and one that brings a point of discord within the guidelines) is the discussion of school records and how the "school will change a student's official records to reflect a change in the legal name upon receipt of the documentation that such a legal name has been changed" (Thames Valley District School Board, 2013, p. 5). While it is understandable that the alteration of official school records should warrant rigorous measures, it is also an unlikely reality for students under the age of 17 who may wish that this were the case. According to Service Ontario (2015), in order for a child to alter their own birth certificate documentation, they are required to face several hurdles beforehand, including: an Application for Change of Sex Designation on a Birth Registration of a Child completed by a person with legal custody (e.g. a parent), a Payment form, a Statutory Declaration for a Change of Sex Designation on a Birth Registration of a Child completed by a person with legal custody (e.g., a parent), a consent form providing written consent of the child, a consent form providing

consent of all persons with legal custody of the child, proof of notice to all persons with legal access to the child, a letter signed by a practicing physician or psychologist (including a psychological associate) authorized to practice in Canada that includes the statements necessary to support the child's requested change, all previously issued birth certificates and certified copies of the child's birth registration, and an application form for a birth certificate submitted with applicable fees.

This is an immense process for a child to endure in order for their gender identity to be recognized officially by the school board. It is also impossible for them to complete if they are in conflict with their parent or guardian about their gender identity to begin with. Nevertheless, though the school will not change official records unless this process is undertaken, it is still reassuring that the student is able to make the request to be addressed to have a certain name or pronoun changed and be accommodated in that regard, and further, without their parent or guardian being informed of this request.

The subsequent section outlines the students' right to "safe restroom facilities and the right to use a washroom that best corresponds to the student's gender identity" (p. 9), a gender-neutral dress code, and that "students can exercise their right to participate in gender-segregated physical education (P.E.) class activities in accordance with each student's gender identity" (p. 9), as well as in any other gender segregating areas (including housing accommodations on field trips on a case-by-case basis). This section of the document is commendable in that it lists idyllic statements that will accommodate transgender and gender non-conforming students best. However, beyond the text that is written, there is no other textual support that highlights *how* these accommodations can be carried out. For example, the document mentions that schools should "integrate trans-

sensitivity and advocacy training into staff professional development curricula” (p. 9). However, there is no insight or conceptualization of what this sensitivity education may look like, or what resources a school may turn to in order to implement this education. In this way, the enactment of this policy places an emphasis on creative processes of interpretation and re-contextualization in order to produce the textual outcomes that the document necessitates (Ball et al., 2010).

Next, the document signifies the importance of allowing and encouraging the development of a GSA.

Schools should support the development of a trans-inclusive GSA (Gay-Straight Alliance) or similar group, developed and named by the students. They should support actions, activities and campaigns that are trans-positive and create awareness about trans-phobia, gender stereotypes, and gender-based violence (p. 7).

Here we see that while the document acknowledges the importance of a GSA, it allows the creativity of calling it another name and potentially introducing a “T” or “Transgender” into the title, which was not evident in Durham District School Board’s guidelines. As Gonzales and McNulty (2010) assert, this is particularly important as it informs transgender and gender non-conforming students that there is room for them in such a club and they are welcome.

The guidelines conclude with three separate appendices. Appendix A concisely outlines the legal responsibilities schools have on behalf of The Ontario Human Rights Commission’s Policy on Discrimination and Harassment Because of Gender Identity. It explains what is considered discrimination and harassment. Further, it places the legal responsibility on schools to accommodate: “The duty to accommodate Under the Code, employers, unions, landlords and service providers have a legal duty to accommodate

people because of their gender identity.” Unfortunately, the onus is still imposed upon the gender diverse student, should they wish to be accommodated. However, once a school receives the request, they must follow through on providing the accommodation to the student (provided the request is within reasonable grounds). It also maintains the importance and responsibility for schools to maintain a student’s privacy and confidentiality.

Appendix B is incredibly useful in this document as it outlines ways in which schools can be made more inclusive spaces for gender diverse students. It addresses common mistakes in alienating transgender or gender non-conforming students and how schools can effectively consider these often overlooked errors. These suggestions include: listening to a student when they entrust you with their gender identity, avoid and consider reinforced gender stereotypes, interject when gender-specific terms are used as insults (e.g. “homo,” “gay” or sissy”) and listening to concerns or complaints from gender diverse students. This appendix is an excellent addition to the document and offers some insights to both educators and administrators about questioning any internalized heteronormative values they may inadvertently impose upon others.

Appendix C, the final section of the document, mirrors the efforts of the Durham document by providing schools with community resources (i.e. Lesbian Gay Bi Trans Youth Line, Kids Help Phone, Regional HIV/AIDS Connections, Open Closet Youth Group & Alphabet Community Centre) that educators, administrators and even students can utilize should they need additional assistance or advice on how to appropriately accommodate a student who may not be able to verbalize their needs. This contributes to the document’s strengths as it acknowledges that it is not the only source to which

educators can turn when they require assistance with transgender and gender non-conforming students.

However, there is a critical weakness that is mirrored relatively consistently between each policy in that curriculum as a site for trans-affirmative intervention and education is simply not addressed (Green, 2010; Bryan, 2012; Martino & Cumming-Potvin, 2015). Durham District School Board's guidelines briefly outline some ways in which this can be done, though it is not to a substantial degree. Moreover, there are no pedagogical interventions suggested that seek to introduce topics that deviate from heteronormative, gender normative and cisgender subject matter. This accentuates a tremendous limitation amongst *all* of the policies, which tend to focus, primarily, on accommodation. This focus is couched in the board's overarching emphasis on a safe schools approach, relying too heavily on a fundamental discourse of accommodation without any consideration for the need for curriculum development and guidance regarding trans specific and inclusive knowledge, and building understanding about the politics of gender expression and embodiment.

This omission of curricular intervention in the policies is accentuated by utilizing Ball's (2012) *policy as text*. As Ball (1993) asserts, "policies do not normally tell you what to do; they create circumstances in which the range of options available in deciding what to do are narrowed or changed" (p. 12). The problem with the absence of curricular intervention on behalf of trans specific knowledge from these policies, in this case, is that without the option of pedagogical intervention, it will likely not be considered. In this way, the Thames Valley and Toronto District School Board documents only provide potential accommodation strategies as opposed to addressing transphobic, cisgendered,

heteronormative and gender normative curricular concerns, resulting in a tremendous limitation in these documents.

The Toronto District School Board's "Guidelines for the Accommodation of Transgender and Gender Non-Conforming Students and Staff" (2011)

The Toronto District School Board is the first to produce a set of guidelines that were developed to specifically address the concerns of transgender and gender non-conforming students and staff in Ontario. Though the Thames Valley District School Board's guidelines echo much of what was written in this document, there is much that is noteworthy with respect to this school board's approach. The document begins by citing the Ontario Human Rights Code, just as the Thames Valley guidelines does. In the same vein, the document's proceeding section also follows this inclusion with explaining that accommodations are based upon *request*. However, this document elaborates by explaining how the Board will handle such requests:

The Board will balance its decision to accommodate on several factors, such as undue hardship, including: the cost of the accommodation to the Board; health and safety risks to the person requesting accommodation and to others; and the effect of accommodation on the Board's ability to fulfill its duties under Board policies and the Education Act (p. 4).

This presents a bit of a problem in that the board reserves the right to refuse a request of accommodation, though the reasons for doing so appear to be relatively understandable. However, it results in one questioning what is considered "undue hardship"? One can consider undue hardship the inconvenience of dealing with public backlash. For example, DePalma (2014) cites "considerable outcry from some conservative groups" when books addressing variant sexualities in schools were introduced. In a similar way, if these groups are involving media or begin protesting the creation of gender neutral bathrooms or the presence of a transgender or gender non-conforming student in their own child's

classroom, would a school consider dealing with this group “undue hardship” and deny a student’s request for accommodation? As such, the troubling of this justification can be reinforced by Ball’s (1993) *policy as text* and *policy as process* where these policies can be decoded in complex ways through actors’ interpretations of them. Specifically, how does the school board define “undue hardship”? Nevertheless, the section solidifies that “there is no age limit on making an accommodation request,” and they can be made “in the form of a verbal request, a written request, by e-mail communication or even a request that was dictated and recorded.” (p. 4). This detail is not offered in the Thames Valley guidelines and ensures that schools understand this section in a descriptively comprehensive manner.

The following section offers a comprehensive list of terms that include both *transgender* and *gender non-conforming* (unlike the Thames Valley guidelines) in order to address any confusion school staff may have about gender identity or any terminology utilized in an accommodation request. The importance of including this distinction is that the school board acknowledges that there is a need to recognize there is a gender *spectrum* and transgender does not necessarily cover all forms of gender expression. The rest of the terms are consistent with the Thames Valley terms. The subsequent section also mirrors that of the Thames Valley guidelines where the document recognizes that “Each transgender and gender non-conforming student is unique with different needs. An accommodation that works for one student cannot simply be assumed to be appropriate for another” (p. 6). The same expectations for privacy are outlined here as those in the Thames Valley guidelines in that a school should never disclose a student’s gender non-conformity or transgender status to the student’s parents without the student’s consent.

This section also details the importance of adhering to a student's preference of pronoun and that not doing so is a violation of the student's basic human rights. However, similarly to the Thames Valley guidelines, there is a lack of insight with regards to how teachers may begin to integrate pronoun usage into the classroom, as it is not only educators who must alter the use of their pronouns, but students, as well. Switching to preferred pronouns is not always easy, as Califia (2013) explains, it had actually become more difficult to assert a preference for male pronouns even in the midst of transitioning: "Even when there was polite compliance, I felt like the other person's eyes were flicking from my chest up to my face, and inside they were silently saying, 'Yeah, right'" (Stryker & Whittle, 2013, p. 435). If this reaction was felt by an adult who was transitioning, surely a student would face just as much discomfort in this regard. As such, suggestions or recommendations for curricular resources in implementing the use of gender pronouns for a gender diverse student should be included in the policy so as not to perpetuate the erasure of these students' identities because they feel intimidated about voicing gender diversity and introducing the complexity of gender pronouns.

The next section, which differs (commendably) from the Thames Valley document, is the one regarding washroom access, where the document explicitly states that "requiring students to 'prove' their gender (by requiring a doctor's letter, identity documents, etc.) is not acceptable. A student's self-identification is the sole measure of the student's gender" (Toronto District School Board, 2011, p. 7). This is not stated in the "Washroom Access" segment of the other two documents, and, therefore, can be misinterpreted or misread by administration or staff at various schools. As Ball explains in understanding *policy as process*, various individuals can interpret policies in differing

ways (Ball, 1993), and so misinterpretation from what the progenitors of the policy intended may occur without having concrete and concise wording present within the document. Therefore, it is important that the Toronto District School Board highlights that proving one's gender is not required for bathroom use within this section of the document in order to prevent misunderstanding.

Just as importantly, the document stresses that school dress codes should remain gender-neutral, and that "School staff must ensure students can exercise their right to participate in gender-segregated sports and physical education (P.E.) class activities in accordance with each student's gender identity" (p. 7). It also outlines the same expectations that students should be afforded "the right to a safe change-room that corresponds to their gender identity" (p. 7). Unlike the Thames Valley guidelines, this section does not list only what accommodations must be made, but rather offers a paragraph of instances when such accommodations should be considered. In this way, there is not as much creative liberty as the Thames Valley guidelines tend to offer to administrators and educators. The text is direct and instructive, eliminating the possibility for misinterpretation (Ball et al., 2010).

The next section offers a particularly important claim regarding the fact that "the existence of transgender people is erased or only included in a highly stigmatized way in classrooms, as well as in the media and popular culture" (p. 8), thus echoing Namaste's (2000) insistence that trans identities are frequently unconsidered or overlooked in a plethora of ways. The absence of these identities in school curricula are amongst the many ways this erasure occurs, and it is commendable that the document acknowledges this. As already pointed out, such a curricular focus is absent from the Thames Valley

policy text. As such, the document insists “librarians must acquire trans-positive fiction and non-fiction books for school libraries and encourage the circulation of books that teach about gender non-conforming people” (p. 8). Realizing the importance of having books available in schools that include trans content and representation is critical in terms of ensuring that gender minority students have access to text in which they can see themselves represented (Bryan, 2012; Naidoo, 2012). It also shows an alternative stream of visible representation for transgender students who are primarily learning from a curriculum that is cisgender focused and heteronormative. Unfortunately, nothing is said about how trans-considerate resources should be introduced into curriculum, but rather, the document simply expresses that “school board and school staff are expected to challenge gender stereotypes and integrate transpositive content into the teaching of all subject areas” (p. 8). Again, this is left entirely up to the interpretation of educators and whether they follow through with these expectations can either perpetuate the erasure of these identities by failing to challenge cisgender norms, or conversely, they can introduce these themes into the classroom and enlighten their students about the gender spectrum. It is imperative that teachers introduce these themes into the curriculum as transgender and gender non-conforming students often contribute to their own erasure:

... It is often a requirement upon oppressed people that we smile and be cheerful. If we comply, we signal our docility and our acquiescence in our situation. We need not, then, be taken note of. We acquiesce in being made invisible, in our occupying no space. We participate in our own erasure. On the other hand, anything but the sunniest countenance exposes us to being perceived as mean, bitter, angry or dangerous (Frye, 1983, pp. 2-3).

By being consistently presented with this double bind, transgender and gender non-conforming students will often hesitate to introduce the complexity of gender diversity into a classroom unless it is initially brought up by their educators.

Additionally, upon making transgender learning material available to students, it is equally as important to have someone available who can answer any questions a student might raise after reading this material, regardless of whether the student's gender identity. More importantly, it is essential to ensure that such material and trans-informed and affirmative content is incorporated into the curriculum (Martino & Cumming-Potvin, 2014, 2015; DePalma, 2014; Bryan, 2012). Even if students have some familiarity, it may only be drawn from scattered images of transgender people in popular culture – particularly from sensationalistic talk shows” (Wentling, Windsor, Schilt, & Lucal, 2008, p. 52). This necessitates the aforementioned visibility of transgender role models and authority figures within the school. Of course, this visibility of trans and gender variant identities is not enough in terms of addressing anti-oppressive education.

The presence of role models who can be visible representatives of transgender and gender non-conforming students is certainly important, as it alters the effects of a regime or culture of hegemonic and gender normalization (Martino, 2008). Nevertheless, though role models are significant, there are other considerations that schools must make in order to create a safe and inclusive space for gender diverse students. Unfortunately, some of these considerations are absent from the policy texts. Primarily, “educators need not only to acknowledge the diversity among their students, but also to embrace these differences and to treat their students as raced, gendered, sexualized, and classed individuals” (Kumashiro, 2000, p. 28). In doing so, teachers can begin the process of incorporating trans-affirmative and gender diverse content into curriculum. By introducing trans-affirmative content into curriculum, educators are able to bring about visibility into the classroom to enrich their students' understanding of different identities,

and also develop the students' empathy (Kumashiro, 2000). However, this is not to imply that education should centre its focus solely on the Other. Rather, education should set its gaze on questions of gender privileging, cisgenderism, gender policing and gender regulation. To confront these realities through education is a significant step in addressing their impact, and subsequently, creating a more understanding and trans-inclusive school environment. Kumashiro (2000) echoes this point:

Educators and students need to examine not only how some groups and identities are Othered, that is, marginalized, denigrated, violated in society, but also how some groups are favored, normalized, privileged, as well as how this dual process is legitimized and maintained by social structures and competing ideologies (pp. 35-36).

Despite the heteronormative and cisgender focused curriculum in schools, in addition to a lack of transgender authority figures within schools, libraries *are* seeing an increase in LGBTQ materials (Naidoo, 2012). However, these are not necessarily as *visible* and attainable as one might expect. Dean explains this reality:

I do know that my perfectly well meaning, sweet, friendly librarian who used to be at my school would hide the books that were about "sensitive topics," like gay things, really high up so that none of the children could get at them. I mean, you know, the younger children. Maybe the [grade] 7's and 8's might be able to reach them, if they looked in that area. It's like we're putting them up without putting them up. We'll put them up and never ever talk about them or encourage anybody to look over there.

Unfortunately, this is another example of where the enactment of the policy (or rather, the lack thereof), is at odds with the intentions of those who had created the policy. However, this is not to say that every school is met with this sort of resistance. It is simply the experience of one educator within one school. Nevertheless, just one school is enough to make the struggles of any transgender or gender non-conforming child far more difficult

with the absence of formidable representation, both in terms of transgender authority figures and trans-positive fiction and non-fiction literary works.

The document's next section cites the Ontario Education Act, illustrating that every school must support the creation of a GSA. It is worth noting that these guidelines also insist that it should be "a trans-inclusive GSA (Gay-Straight Alliance)" (p. 8). The fact that it openly states the importance of iterating that it should be *trans-inclusive* goes a step further than the Durham guidelines in simply suggesting that schools support a GSA, but plant the idea that it should be *trans-inclusive* because the "T" is absent from the name of the club, typically. While this is a commendable addition that was not evident in the other policies, the absence of the term "transgender" or the "T" from the name GSA is still an issue that contributes in the erasure of transgender students and the community supports they require (Namaste, 2000).

Finally, the Toronto District School Board document is not specifically just for students. It has a section dedicated to accommodating transgender and gender non-conforming staff, as well. This is a crucial difference and an incredible feature that the other two do not possess. The guidelines advise that "school leaders should make an effort to hire and retain transgender and gender non-conforming staff" (p. 8). This is of particular importance, as visible representation for the transgender community continues to be rather scarce within our society and culture. Though Canada's national discourse has begun to discuss the accommodations required for transgender individuals, it continues to be met by various cisgender opposition groups, who remain ignorant on transgender issues and the rights they seek to be afforded. As many forms of contemporary media are beginning to have visible depictions of transgender people

where both transgender and non-transgender gain knowledge about transgender issues (McInroy & Craig, 2015, p. 1), it becomes increasingly more important for transgender students to have these representations in their immediate lives and in their schools. As discovered by McInroy and Craig (2015), “media representations of transgender youth both online and offline were multifaceted and influential” (p. 9). However, it is important to note that media representations are easily distorted, which will be discussed in a subsequent section within this thesis (see Bettcher, 2007; Serano, 2009).

Unfortunately, despite the need for transgender representation in schools, it does not appear that this requirement is being actualized. There are a variety of factors at play here that makes visible representation difficult for someone who identifies as transgender. According to Dean, both homophobia and transphobia play a role in the inability to actualize this representation in schools:

I had a lot of trouble then with homophobia. I know that I didn't get one job because of that, because while I was teaching at that job on a Long Term Occasional basis they were telling me, “Yeah, make sure you apply. You have a great rapport with the kids; you're going to get it. No problem.” You know, stuff like that. But then, uh, something happened where the kids figured out about me. And I don't know what happened.

Soon after the children in the school began discussing this educator's sexuality, and the subsequent involvement of parents, the educator was moved to a new school entirely.

This may not seem to be a big problem in theory, however, when making an effort to attain a position of power, it is, on the contrary, quite problematic. Dean, who identifies as trans, also spoke to this struggle, and the need for visible representation in positions of power:

They just keep not doing it. I went through everything, and they wouldn't sign for me before to apply even for a VP [vice principal] acting position. They wouldn't

even let me *apply*... [They said] “We don’t know you well enough.” Well, they don’t know me well enough because they keep moving me around!

This presents a critical hurdle with respect to the policy seeking visible representation, but not being able to follow through on the request itself and implement measures to ensure that this visible representation is actually occurring. It also cements the fact that policy *creation* yields significant differences and disconnects from policy *implementation*.

This is not to say, however, that the educators within schools are not afforded their own rights. The Toronto District School Board’s guidelines are the only document to also outline the rights of those who are employed by the board. Much of these rights mirror the same accommodations as those afforded to transgender students, where washroom access is to match one’s gender identity, and the right to dress in a manner consistent with one’s gender expression. In the guidelines for employees, however, there is far more information regarding transition and how the school and the school board will support any staff member that seeks to transition. Unfortunately, not much is said for support *after* a transition is officially made.

The document concludes with the same assortment of appendices as the Thames Valley guidelines, however, one key difference is the way Appendix C offers an outline on how to support an employee of the school who is transitioning. It outlines the expectations imposed upon the employee, the school and the Board. The Human Rights Office, the transitioning employee and the employee’s manager all meet and together form a transition plan (i.e. date of transition, how to inform students of the change, changes to records, etc). The planning is extensive and is a resource that will likely be used reactively when a staff member vocalizes that they would like to transition,

however, it is certainly a helpful outline of what administrators can expect from such a situation.

The remainder of the document offers the same suggestions for making the school a safe space for transgender and gender non-conforming students as those that are suggested in the Thames Valley guidelines. It also offers its own numerous resources for teachers and administrators to utilize in the community to whom they can reach out, should they deem that they need the extra support. Nevertheless, despite some of the difficulties this policy has seen with respect to implementation, it is certainly the best of the three in its attempts to address all the concerns and sought after accommodations of *both* staff and students.

However, it is important to note that in this document, just as in the others, while some struggles and barriers faced by the trans community are addressed, not *all* of them are acknowledged so openly and readily. These policies directed towards accommodating transgender and gender non-conforming students are preoccupied primarily with accommodation, tending to avoid the need to eradicate transphobia and introduce a trans-affirmative curriculum. In doing so, schools can begin to move beyond just a focused based primarily on accommodation, and, instead, begin to work on normalize these identities through trans-considerate curriculum. The lack of understanding regarding what transgender students require based upon their gender identity had been brought up by a number of participants in this study, whereby accommodation is rendered ineffective. This is due to the fact that those who create the policies (as well as make the decision on whether or not to enact them and to what degree) do not tend to be transgender or gender variant, thus misunderstanding how to properly address issues of transphobia within the

school, as well as a restrictive curriculum that is primarily cisgendered and heteronormative. This leads to the struggles of transgender students being misrepresented and misunderstood by those who created the policies.

Conclusion

In this chapter, I have provided an analysis of three policy texts of three individual school boards: The Durham District School Board's, *Supporting Our Transgender Students*; The Toronto District School Board's *Guidelines for the Accommodation of Transgender and Gender Non-Conforming Students and Staff*; and The Thames Valley District School Board's *Guidelines For the Accommodation of Gender Diverse and Trans Students*. Each document had particular strengths and weaknesses that were outlined. Notably, the Toronto District School Board and Thames Valley District School Board both placed a great deal of emphasis on "accommodation based upon request" whereby transgender or gender non-conforming students must explicitly request their desire to be accommodated, thus cementing the policy as being rooted in reactivity.

Despite the reactivity of these policies, each document stressed the importance of not simply waiting for a student to reach out. There was a unanimous acknowledgement between each text that every school has a child struggling with gender identity in some degree, and therefore, it is important for schools to consider ways of making the experiences of these students less alienating through heteronormative curricula and gender binaries that work against their every day choices.

However, only Durham provides some instruction regarding how to introduce gender diversity into curriculum. Toronto District School Board and Thames Valley District School Board omit the discussion of a trans-inclusive curriculum in favour of an

emphasis on accommodation. In this way, the policies do very little to invoke any substantial change or shape views regarding transgender and gender non-conforming students through an espoused commitment to trans-affirmative curriculum development and intervention. Durham District School Board makes an attempt to consider curriculum, though it is not overly thorough or necessarily adequately informed and developed.

The primary focus in each document is on accommodation. However, accommodation does not address incidents of victimization committed due to transphobia or because a student deviates from a cisgendered and heteronormative system and way of being in the world. In this way, these policies do not address many of the barriers and issues faced by transgender and gender non-conforming students and hence fail to address the systemic effects of cisgendered privilege.

CHAPTER FIVE: INTERVIEW THEMES & FINDINGS

Introduction

In this chapter I identify the themes that emerged from my study and also provide an overview of the findings based on the interviews with the five participants who have knowledge of trans-affirmative school board policies. The themes were categorized into five groups that address the initial research questions, whilst providing significant insight into the opinions of educators, administrators and to the multilayered difficulties of effectively accommodating transgender and gender minority students in light of the policies. The themes are grouped as follows: 1) The role of policy, as well as curriculum as sites of intervention; 2) Discrimination faced by not only students, but by trans and queer educators within the public school system; 3) The need for visible representation among faculty; 4) The policies' shortcomings in addressing gender-neutral bathrooms; and 5) A lack of implementation occurring within the school systems that have trans accommodating policies.

The Significance of Policy and Curriculum

Throughout all of the interviews, there was often an inadvertent discussion that led to questioning whether trans-affirmative policy or trans-affirmative curriculum would be more beneficial in accommodating transgender and gender non-conforming students and making the public education system more equitable and safe. This was particularly noteworthy as curriculum is not considered in these policy documents, only being afforded a brief mention in the Durham District School Board's guidelines. In other words, the actual policy articulation itself is built upon and perpetuates the need to address accommodation over anything else (i.e. curricular intervention). Much of the

discussion tended to situate in this territory where many of the participants spoke to the fact that while policy is beneficial, it is not necessarily the most helpful in educating those who are ignorant to struggles faced by transgender staff and students. Grace, a supply teacher of two years, was particularly optimistic about the current trans-affirmative policy, its current social relevance and the discussion surrounding it:

Well, we have to start from somewhere. Right? So right now, this is our starting point. This is... It's current. People are talking about it. People are disagreeing with it. People are agreeing with it. It's a good place to start talking. Um, but it can't stay at that. Same way as this [the trans-affirmative policy]. This is going to have to evolve and change. Um, [Pause] but, you know, [Pause] it can't just remain a discussion of private enclosed places like the washroom. Um, [Pause] I don't even know where the discussion is going next after this, because it happens all the time that you get a topic that gets a lot of buzz and then *poof*, it's gone. Right? And if people don't pick it up, don't run with it, don't engage with that conversation on different levels, then, you know...

Grace affirmed that though the policy has surfaced during a social movement with respect to transgender rights, it is crucial that the conversation regarding policy and the importance of trans accommodation within schools is not seen as fulfilled simply because these guidelines have been created. It has to develop and grow, as accommodation is not enough. Though we now have documents outlining measures to accommodate trans and gender non-conforming students, we also *must* address the absence of transgender identities in curriculum. Addressing this absence of a trans-considerate curriculum must begin with teachers questioning their own views. Kumashiro (2004) argued

...that challenging oppression requires more than simply becoming aware of oppression, and this is because people are often invested in the status quo, as when people desire repeating what has become normalized in our lives. Change requires a willingness to step outside of this comfort zone. (p. 46)

Therefore, the presence of policy is a noteworthy step, as Grace explained, however it is rendered ineffective unless educators can address their own subconscious desires for

learning and teaching within a gender binaric framework. Just as Rands (2009) argues for a more gender-complex approach to education, Kumashiro (2002) insists that transforming ones thinking from a simplistic mode of thought about gender to a complex one will result in a more successful enactment of policy as educators will be more open to it. The presence of a social movement and a progressive policy that seeks to include transgender and gender non-conforming students requires that all who come into contact with it are able to accept that gender is not a binary. This cannot be done until an educator is able to challenge their own normative ideologies.

While acknowledging the fact that the presence of policy is commendable, Dean, an elementary school teacher, believes that it is insufficient, as there is no follow-up after it is distributed to various schools. More importantly, teachers are not adapting their teaching methods to be trans-inclusive with respect to curriculum. One of the reasons for this seems to be that Professional Development and sensitivity training are not being provided with respect to trans issues. Documents, such as the Canadian Teachers' Federation's *Supporting Transgender and Transsexual Students in K-12 Schools: A Guide for Educators* (2012), for example, encourage school counselors to "attend sessions on sexual minority and gender identity issues at teachers' conventions or to organize a professional development in-service session for school and/ or district staff" (p. 34). However, very little information or recommendations are outlined for the development of gender and sexuality education for teachers and administrators or for curriculum development. In this regard, it makes executing a trans-inclusive curriculum difficult due to a lack of resources or instruction. As already indicated, the problem is that

the actual policy texts are built upon an exclusive focus on accommodation, resulting in the erasure of the need for trans curricular development and pedagogical intervention.

Kumashiro (2000), for example, expresses the importance of not only altering the school environment, but also the school curriculum. In doing so, he explains how the Other is framed in education, typically, as a normalizing stereotype that needs to be critically interrogated or deconstructed. Kumashiro's (2000) discussion of the two forms of knowledge (as outlined below) within curriculum is particularly relevant here as, presently, the education system is laced with these forms of knowledge that do not satisfactorily address broader questions of cisgender privileging and Othering of trans and gender non-conforming individuals:

The first kind of knowledge is the knowledge about (only) what society defines as "normal" (the way things generally are) and what is normative (the way things ought to be). In this case, Otherness is known only by inference, and often in contrast to the norm and is therefore only partial. Such partial knowledge often leads to misconceptions. [...] The second kind of knowledge is about the Other but encourages a distorted and misleading understanding of the Other that is based on stereotypes and myths. In other words, the second kind of knowledge is partial, i.e., biased (p. 31-32).

There is much that needs to be addressed in order to transform a gender normative curriculum into one that is trans-inclusive. Kumashiro (2000) insists that not only must we include specific units that include the Other and teach to their history and experience, but we must also teach about Othering and privileging and integrate knowledge for and about the Other into the curriculum and not just in one or two lesson plans. In doing so, we can begin to combat cisgenderism that is latent within the school curriculum. Serano (2009) asserts that this begins not by shattering the gender binary, but rather, by challenging all forms of *gender entitlement*, which occurs when an individual privileges their own perceptions, interpretations and evaluations of the gender of others over the

way the Others may understand themselves. In doing so, we can begin to eradicate assumptions regarding both the gender and sexual identity of others, and instead, listen to their own account of the politics of gender embodiment and identification as basis for embracing what Stryker (2006) refers to as trans desubjugation. This is a significant first step in shaping and removing processes of othering those who are not cisgender and privileging those who are.

Michael, one of the progenitors of his board's trans-affirmative policy, noted that, currently, there is only one area of curriculum that is required to consider the needs and boundaries of gender diverse students, which is the physical education area of curriculum. This participant believes that depending upon how that is received by educators, we may see more changes in the future:

...The only that we have, is the change to the, um, Health and Phys-Ed curriculum that was just recently released, which is the only curricular expectations that speak specifically to gender identity and trans population. There's no other curricular expectations that lay that out specifically. So, uh, how that looks in terms of how it's taken up in schools because it's still vague and wide enough to drive a truck through the way expectations are set up, again there's no P.D. that's been attached to it, no money that's been attached, so we'll see how that's embraced by Health and Phys-Ed teachers everywhere.

With respect to discussions of gender diversity in the Health and Physical Education curriculum, Green (2010) would insist that this is an area where students are already interacting with themes of the body and imposed gender roles. However, Green goes on to stress the importance of not only addressing these themes of gender variance in Health and Physical Education classes, but also, weaving the subject matter on “both systematic and incidental levels” throughout the entire curriculum (p. 6). Addressing gender embodiment and gender expression with the context of understanding the systems of Othering and privileging that impact all students is central to an anti-oppressive pedagogy

that moves beyond an exclusive focus on the trans and gender non-conforming student as an object and target of scrutiny. By altering perceptions that women are (and should be) normatively feminine and men are (and should be) normatively masculine we can begin to remove the lack of understanding pertaining to the politics of gender expression and gender embodiment.

Concurrently, while we develop understanding of gender expression and gender embodiment through curriculum, we can also begin to erode the transphobia that results from ignorance and misunderstanding of a system that is built on cisgender privilege. For example, when conversations about a trans individual shifts to sexuality (i.e. an individual who is MTF and is attracted to women results in questions being raised about their sexual orientation as either heterosexual or homosexual), Namaste (2005) points out that “the majority of transsexuals do not make sense of their lives in lesbian/gay terms” (p. 4), and “they have little interest in questions of identity or in the cultural analysis of gender” (Elliot, 2009, p. 8). This is significant as there is a tendency to minimize the trans identity to one based solely on the nature of their sexuality post-transition or once they have announced their gender identity. This leads to the “erasure” and misunderstanding of the complexity and evolving self-understandings of their gender identities over time, a matter which Lane (2009) recognizes as an evolving state of continual becoming. Addressing questions of gender justice in terms of a consideration of the politics of gender embodiment can lead to what Connell (2009) claims is more aligned with a commitment to gender democratization. This would involve educating more about the problem of gender hierarchies and their impact on all human beings rather than a focus on eradicating gender per se.

While this policy is primarily focused upon accommodation, it was still necessary to question whether there has been any hint or drive to encourage a trans-inclusive curriculum, rather than strictly focusing on accommodation. Michael spoke to this concern, claiming that he has not witnessed any effort to employ a trans-inclusive by administration. Rather, the onus is placed more so on educators to harness an accepting learning environment encouraged in the trans policy guidelines despite the fact that there is an inadequate focus or, rather, an absence of a curricular or pedagogical focus in these guidelines. Steering a school to become more inclusive regarding gender identity, as Michael explains, is not based upon the need to develop a trans-informed curriculum:

Uh... [Long pause] I personally don't see that there's been any drive by the ministry to embed gender diversity education in the curriculum anymore than it already is. There's kind of an emphasis in the Education Act that you're responsible for doing it, and it's something that's supposed to be done under the Accepting Schools Act that is sort of a daily, uh, making sure that you're being inclusive, and respectful and all that sort of stuff. [...] But I understand the nature of gender identity is not a learning outcome. [Laughs] In the curriculum, do I think that's going to happen anytime soon? I don't. No more than there's a learning outcome for students to learn what race means. So there's sort of this notion that that work is school climate work that everybody needs to do from K to 12 on an age appropriate level not connected to curriculum, and there's no support for it.

Due to the fact that curriculum has not seen any notable change, policy will fall short unless the two work in conjunction, or rather, unless the actual policy includes such a pedagogical or curricular focus in the first place. Particularly, there has been no drive to orient Professional Development Days to focus explicitly on gender identity or encouraging diversity through a lens that focuses upon transgender and gender non-conforming students' struggles. In addition, it has been noted that teachers are not effectively trained or instructed on addressing complicated issues regarding gender identity (Smith & Payne, 2014; Green, 2010; Macgillivray & Jennings, 2008; Sherwin &

Jennings, 2006; Athanases & Larrabee, 2003). The Public Health Agency of Canada (2010) developed a report entitled, *Questions & Answers: Gender Identity in Schools*, which acknowledged, “While educators may recognize the need to address issues of gender identity in the school, many teachers and school administrators are not sufficiently trained and may not feel comfortable taking on that role” (p. 8). Unfortunately, educators are not seeing this trans focus being incorporated into Professional Development that is being offered through their respective school boards.

This absence may be in part, as Rebecca explained, due to the lack of accountability:

Um, you know, it’s not effective. There’s no accountability for follow-up. Are teachers using inclusive language – trans-inclusive language? Are teachers including this group, um... in their lessons? Are they addressing otherness? Are they addressing cross-curricular integrated curricular approach? Meaning in a math class. Social studies we can do. Language we can do. We’ve got some books there. But are they really using every teaching opportunity? No.

Rebecca’s answer prompted what was similarly discussed with each participant in regards to what needs to change if it is not solely policy. The answers were all similar among the participants in terms of what was required to address these issues. Each participant spoke to the necessity of educating teachers in a manner that scaffolds them to be more inclusive in their lesson plans and sensitivity to all identities. The reason behind this necessity is that teachers must constantly juggle the reality that “students are in the thick of deciding what to actually do with their more gendered and sexually mature bodies, while others are spectating from a distance” (Bryan, 2012, p. 198). Educators need to be perceived by their students as instructional leaders who are instrumental in shaping their education about gender diversity, not only in the classroom, but outside of it, as well. This highlights the importance of introducing trans-inclusive education to help

students move beyond viewing their peers through cisgendered and heteronormative lens (Green, 2010; Serano, 2009; Martino & Cumming-Potvin, 2014). The success of this trans-inclusive approach involves not only addressing the ways in which students are Othered and deemed as deviant, but also the ways in which many students (and on a macro level, members of society) are favoured and privileged as cisgendered subjects (Kumashiro, 2000).

This position is consistent with the recommendations set out by the *Supporting transgender and transsexual students in K-12 schools: A guide for educators* document, which states, “The more educators work to break down sex role stereotypes and gender policing behaviours, the more inclusive their classrooms will become for all students who are questioning their gender and exploring facets of their identity” (Wells, 2012, p.14).

Echoing this point, Kumashiro (2000) adds that,

Learning about and hearing the Other should be done not to fill a gap in knowledge (as if ignorance about the Other were the only problem), but to disrupt the knowledge that is already there (since the harmful/partial knowledges that an individual already has are what need to change) (p. 34).

This signifies that the politics of gender and trans embodiment specifically are not to be ignored and rendered invisible by the education institution, but rather, discussing gender diversity in curriculum can be used to disrupt cisgendered and heteronormative values (Namaste, 2000). Rebecca – who has taught a variety of different grades, has worked as an administrator and been on a number of boards – outlines a number of areas that the education system must reevaluate in order to instigate visible efforts of inclusivity occurring:

What is it that we need? [Pause] Sensitivity training is putting it lightly. Um, but, we definitely need Gay Straight Alliances in Elementary as something I started to work on – at the elementary level. We know that grade 6, 7 and 8 is a vulnerable

age, and an age when people start their sexual– the questioning of their sexuality. Where school and sexuality become issues. We should be honing in on the middle school years. On sensitivity training, specifically for trans people to help the teachers of that age talk about it, teach about it, and integrate it into the classroom so that the school climate is more welcoming. And, the curriculum is more integrative including all gender variant people. Um. More sensitivity training for principals, I would suggest, for sure.

Each participant emphasized the importance of educating teachers, administrators and all staff within the school system about the spectrum of gender and the transgender identity. As described in the critical policy analysis, besides one school board, there is little to no curricular intervention outlined in the trans policies. There is also no mention of appropriately educating school staff and administrators about transgender and gender non-conforming students.

The task of ensuring that students are respectful of diversity (without specifically mentioning transgender and gender non-conforming students) is left to a school's Code of Conduct. Michael stressed that the Code of Conduct created by his board explains the manner in which students are expected to behave and treat transgender and gender non-conforming students. It is up for debate as to whether a Code of Conduct is sufficient in harnessing respect and understanding for those who deviate from gender normative constructions of identity. Michael explained that while the Code of Conduct is important, with a lack of proper education regarding issues of gender sensitivity for teachers to guide students and explain why this respect is written into the Code of Conduct, students have a difficult time understanding respect for *all* people rather than just respect for their cisgender peers (as taught by the hidden curriculum).

... That's related to the Code of Conduct for students. So that work is supposed to inform students about how they should be behaving, and when they don't behave that way, they get punished. So we've really set up the system terribly in the sense that staff who are expected to give the message haven't been properly trained.

There's no focus on what that training should look like for staff in a regular curriculum day. There's no emphasis of the priority for that within the curriculum itself. And students who need the information to be able to understand how to create a respectful environment don't necessarily get it from the staff – because they haven't received the training – get punished when they don't behave that way. [Laughs]

Michael suggests that simply writing the expectation of respect into the Code of Conduct is insufficient. Rather, what is necessary here is to provide an understanding of *why* this respect is necessary, and beyond that, we must introduce Connell's (2009) concept of *gender democratization* into the education system in order to shift gender hierarchies so that privilege is not reserved only for those who identify as cisgender. In this way, gender is not completely eliminated from the classroom and pedagogy, but it simply “seeks to equalize gender orders, rather than shrinking them to nothing” (Connell, 2009, p. 146). By reordering gender hierarchies, privilege is extended to *all* gender identities, regardless of whether or not a student situates him or herself in the gender normative binary or as gender non-conforming.

What is required, then, is an approach that reconsiders the way gender is being addressed (or not being addressed) in the classroom. Teachers require further education on how to acknowledge gender consciously within their pedagogical approach. Rebecca provided her opinion on where the education of teachers regarding gender identity should begin by pointing out what she viewed as a core problem: “The underlying issue is, of course, uh, understanding what gender is versus biological sex.” Rands (2009) elaborates on this view, arguing for a “gender-complex approach” where educators are encouraged to constantly question the ways in which gender is operating and the consequences of this operation for those who fall within the gender binary system, and for those who deviate

from it. It is through this gender-complex approach that educators can begin to understand the politics of gender embodiment (Stryker, 2008):

Gender-complex educators are aware of the ways in which the gender oppression matrix and heterosexism work in tandem to privilege certain groups of people and oppress others and take action to challenge the gender oppression matrix and heterosexism (Rands, 2009, p. 426).

In doing so, these teachers are able to help students understand gender embodiment, gender expression and the social construction of gender on a micro level so that they can notice and understand these processes on a macro level outside of the classroom.

The question about building this understanding about gender was a significant emphasis of discussion amongst participants and an area where Rebecca felt a great deal of the professional development must be focused. Rebecca built upon Michael's testimony on what kind of education teachers need to have in order to garner an accepting environment within the classroom and throughout the school:

We need to educate anyone involved in schools on gender being a social construction. It's socially constructed. We are not assigned gender. It's put on you based on your biological sex. And what does gender variance look like? And to show them the whole spectrum of genders between the two binaries. And to teach them about that in order to reduce the gender policing that does go on in the schools.

Michael agreed with respect to educating teachers regarding LGBTQ issues, and issues of diversity, in general. However, he acknowledged that while this is an aspect of the system that needs to be addressed, it is simply not being done:

We know it's not being done. It's not mandatory. The college hasn't made it mandatory. [...] You can do an entire... you could do an entire section on just gender diversity. You can do an entire section on just transgender and transgender students. So, you know, we'll see what the college does, but um, they also haven't sort of mandated that the faculties are responsible for any mandatory equity course, let alone, a course specifically around gender diversity or education on any sort of sexually diverse populations, even though there's tons and tons of data to show exactly those two groups and how much they're underrepresented and,

yet, you know, compared to their peers they're not achieving as high, they're more likely to drop out, um, they're more likely to, you know, um, be subject or victims of bullying. They're more likely to suffer from mental health issues; related to depression, body image, or eating disorders and a whole range of other things. We're seeing more and more data as schools get really good at collecting stats, but not a lot of specific programming, certainly in faculties and even in terms of professional development, the ministry is pushing out some great stuff in terms of obligations for boards, that's point on what the research is showing without any professional development support; no money, no plan, no standardized professional development.

In this regard, a population that is in need of educators and faculty who are sensitive to their issues and can respond appropriately to their concerns are not being appropriately educated to do so. Michael addresses the elevated rates of victimization that transgender and gender non-conforming students face, particularly in the education system. He notes that despite these alarming statistics, there is very little in the realm of programming and teacher education being done to help diminish these high rates of transphobia. Here, Rands' (2009) gender-complex approach encourages educators to question their own privilege, as well as becoming more observant in the classroom in order to be able to pinpoint how they are perpetuating the gender binary instead of invoking a trans-inclusive pedagogy. Of course, simply pinpointing this privilege of the gender binary is not enough, because while "nuanced observations may raise awareness of gender complexity in the classroom, it is critical to follow such observations with ways to address resistances, work through crises, and allow teachers to interrogate their reactions" (Rands, 2009, p. 428). As a result, educators can begin to mould their classroom into a trans-considerate environment.

However, it is not easy for educators to acknowledge where privilege is being afforded to some students and not others when they have been conditioned by society to only think in terms of a gender binary system. Green (2010) advises that

At a minimum, educators should be able to explain the differences between biological sex, gender identity, gender expression and sexual orientation, help participants understand that transness is a natural part of spectrum of human experience, and provide basic information on the scope of discrimination faced by transpeople (p. 7).

Beyond that, Green (2010) goes on to suggest seeking out educators who can teach about the diversity of experiences within the community, thus offering other perspectives and ideas about gender expression and gender embodiment, other than a constrained outlook on the matter.

A significant problem appears to be the epistemological complexity of representation with respect to transgender and gender non-conforming identities. In the study conducted by DePalma (2014), teachers found that teaching about homosexuality was far easier than introducing transgender and gender fluidity in the curriculum because homosexuality is represented in literature through “clear-cut characters who behave in familiar and unthreatening ways” (p. 9). This complexity of trans embodiment, as explained above and according to Namaste (2000), rather than educators taking upon the task of teaching about trans lives solely on their own, they can seek the opinions and insights of the trans population in order to preserve the voice of transgender and gender non-conforming identities. This “reflexive sociology” can aid in creating an educative and reflexive space for youth (Rooke, 2010). By creating a space where students can “explore their self-understandings of their sexed and gendered selves and interrogate some of the cultural incitement to gender intelligibility” (Rooke, 2010, p. 659), we can begin to expand an understanding of gender expression and embodiment beyond just the cisgendered understanding of these intelligibilities.

Beyond educators lacking the appropriate education surrounding issues of gender variance, it appears as though administrators are also not being educated in issues of gender identity and, therefore, many educators are left to fend for themselves, and hunt for the relevant resources when faced with these issues as they are held accountable if they do not deal with the situation suitably. Michael, for example, explained that teachers in his district tend to face this reality and are expected to seek assistance of their own accord:

So, it's uh, if you're a teacher in the system, even though the expectations are very high, you're, uh, tools that you're set up with the first day that you're in class are very minimal. So unless you go look for it yourself, and don't get me wrong, we've got lots of staff who are fantastic and do just that, uh, you... [Pause] you're on your own. And you don't realize it's an issue until someone begins to hold you accountable down the road for not doing your job.

Grace agreed with the sentiment that teachers undoubtedly require more training, stating, "Anybody who works in the school should have some sort of sensitivity training. Um. [Pause]. We all do the workplace safety training." When prompted about how and where developing this understanding and education for teachers would take place and who would run such a program, Grace answered simply:

P.D. Day [Professional Development Day]! We do everything online for um, [Pause] for WSIB [Workplace Safety and Insurance Board], stuff like that. I think it's possible to put together modules that you have to complete in order to stay employed. That's already been done. It's not a far stretch. Um. [Pause]. I mean, training will only do so much, but...

Green (2010) provides the idea that these Professional Development Days should revolve around, first and foremost, unpacking teachers' understandings about gender completely before they can adequately expect their students to do the same. Both Payne and Smith (2014), as well as Green (2010), found that "teachers are quite blunt about the degree to which they already feel unsettled and unprepared when it comes to teaching about gender

and sexual diversity” (p. 133). Therefore, it is clear that teachers are willing to combat their feelings of unpreparedness by educating themselves on gender diversity in order to create an inclusive classroom environment for all of their students (Payne & Smith, 2014; Green, 2010).

Dean, however, did not believe that education about gender diversity through Professional Development Days was efficient. When I suggested that educating teachers and administrators about transgender issues, sensitivity and accommodation could be administered through P.D. Days, Dean responded by explaining one of his own experiences at a P.D. Day revolving around homophobia:

[Rolls eyes and scoffs] P.D. Days. You know, I went to, uh, a P.D Day once on homophobia and I had to leave. I already knew all the stuff and it was really flippin’ depressing. And they were talking about the statistics and all the hate crimes and like... I don’t know. I can’t say that it got better. [Laughs]

Dean elaborated thereafter about schools making an effort with respect to introducing LGBTQ friendly materials into curriculum as discussed at the very same P.D. Day. He noted the obstacles that educators are faced with when they try to implement these materials into their lesson plans, despite the insistence about doing so when attending Professional Development Days. He outlined that while resources may be provided to educators in some manner, the delivery of these materials is not being executed well, and so practice is falling short:

Like that’s always this thing where you say curriculum and materials, what can we come up with? And so there are novels that we find. And, uh, there’s been great stuff written by ETFO [The Elementary Teacher’s Federation of Ontario], you know. Um, I can’t think of the name of the document right now, like, it’s got it by age; it’s got it by what thing it covers. It’s got handouts or talking points and all associated with the books. But what happens is that the books... they have a very short market time. And, you know, when they’re on queer topics, and so you make this whole lesson plan, or whatever it is. Resource based on this book and then you can’t get a hold of the book. I don’t want to suggest that there’s any

other kind of organized people out there burying those books and burning them, [Laughs] but I'm not as jade- or *unjaded* as I used to be.

Dean's experience with making lesson plans that address queer topics has been met with an inability to acquire resources despite these resources being listed and recommended by the school board as viable curriculum tools to assist teachers in being inclusive. This lack of access suggests that although policies are created to be inclusive and to accommodate trans students, it is not enough as curriculum is failing to follow suit by ensuring that tools of implementation are available. This is a key reason as to why it is crucial for trans-inclusive curricular expectations to be written into trans-affirmative policies.

Prosser (1998) asserts that examining transsexual and transgender narratives in curriculum will result in introducing a more expansive discussion of gender and gender embodiment, leading to a deeper understanding of a spectrum of identities.

In order to execute a curriculum that is considerate of transgender and gender non-conforming students, the education of teachers with respect to gender diversity is crucial. The participants in this study noted the need for prospective teachers to be trained in social justice education when attaining their Bachelor of Education degree. Rebecca, in particular, elaborated on this point:

Okay, well we know change is going to happen in instructional methodologies, strategies, ideology... Um, social justice education gets promoted when teachers are put into the system and trained. So is this being taught in Teacher Ed? Um, superficially, and a little bit. Um, but not enough. So from the grassroots, first of all, we're not, um, educating from the top down. So that when teachers enter and the policy is there, it's not being acted on. Um, I mean, if you're asking my opinion, policy is not going to change practice. Policy is not going to make it better. But it is better than not having any policy.

The common consensus across each interview seemed to turn to the importance of integrating trans-affirmative education into curriculum, as well as educating teachers in

being sensitive to transgender and gender non-conforming students' struggles. Thus, the importance of "sensitivity training" was stressed repeatedly. The question that was inadvertently addressed and answered is whether or not policy is enough. Many participants had the same answer. Rebecca immediately refuted the idea of policy being sufficient.

...No. People are afraid of anything different from the male/female binary. Right? Like the majority of people in general don't know people or [haven't] met people who are trans. So they're not sure how to deal with that. So they need exposure. Majority of my colleagues who are trans and educators are in the closet and fearful of being out.

This fear of being vocal about one's sexual and/or gender identity is not something that is an isolated occurrence. As a result, it is necessary to trouble the idea that policy is an absolute resolution to eradicating struggles faced by transgender and gender non-conforming students and staff. This is particularly important as curricular intervention is absent from the trans-affirmative policies. Every participant spoke to the need to create a trans-inclusive curriculum and noted its absence from these policies. Currently, there are no known initiatives in creating professional development programs revolving around gender identity. Discrimination against minorities with respect to gender and sexual identity continues to be rampant in the education system.

Persistent Discrimination

Despite the school board's various steps in creating schools that are accepting, equitable and safe through the development of various policies and documents (i.e. The Accepting Schools Act, The Safe Schools Act, Ontario's Equity and Inclusive Education Strategy, Bullying Intervention, Bullying Prevention and Intervention Policy and Procedures, etc.), the participants expressed the view that these policies have not entirely succeeded in

achieving their desired goals. In particular, Rebecca brought up the fact that schools are inadvertently being discriminatory in not helping struggling transgender students by hiring facilitators as they did previously when EQAO scores revealed an achievement gap issue:

We hired – we hired literacy facilitators, math facilitators for, uh, when our scores were very low. And in the era – the peak of neoliberal EQAO days - and we had to bring those schools up in those eras. There was a lot of money forked out in those two areas. Why can't we do it when we're talking about preventing some children from killing themselves and committing suicide? Hm. Yes. We could be hiring facilitators just for this.

Here, Rebecca suggests that when it is transgender or gender non-conforming students who are at risk, there is a lack of support by administration to address the barriers faced by these students. The implication in Rebecca's assertion is that heteronormativity and cisgenderism permeate the education institution, belittling, or conversely, blatantly ignoring the numerous barriers faced by trans and gender diverse students. Specifically, in an institution that is rampant with transphobia and elevated victimization rates for trans youth (Johnson, Singh & Maru, 2014; Meyer & Pullen Sansfaçon, 2014; Kosciw et al., 2012; Taylor et al., 2011; Wyss, 2004), it becomes important to address systemic factors that perpetuate gendered hierarchies and which privilege cisgendered identities over all others (Eckert, 1989; Namaste, 2000). As DePalma (2014) points out such cisgender norms are prescriptive and have a regulatory function in terms of “defining the normal or natural, they can exclude certain people and groups that become defined as abnormal and unnatural” (p. 3). Butler (1993) explains that sex is “not simply what one has, or a static description of what one is: it will be one of the many norms by which the ‘one’ becomes viable at all, that which qualifies a body for life within the domain of cultural intelligibility” (p. 2). In this way, the bodies that “matter” (Butler, 1993) are those that

are deemed culturally intelligible and recognizable through the repetition of regulatory norms, and those that are unintelligible are viewed as abnormal and unnatural. As a result, those who deviate from or stand outside of the heteronormative and cisgender frames of reference and intelligibility, those who through their repudiation are rendered as “abject bodies” (Butler, 1993), and are subsequently subjected to becoming targets of transphobia due to discomfort and a lack of understanding. To remedy this, it becomes particularly important to introduce literature that incorporates trans and gender non-conforming bodies and themes so that gender normative and heteronormative assumptions can be explicitly questioned in a safe and reflexive space (Rooke, 2010; Martino & Cumming-Potvin, 2014; Bryan, 2012).

When asked why schools are not actively hiring facilitators more readily and making their presence known and available to transgender and gender non-conforming students, Rebecca answered, “Uh, well, it has to do with uh... [Pause] The underlying overall heteronormative ideology that rules our educational institutions.” She proceeded to simplify this statement by asserting that the system is simply ignorant and is not truly equitable in the way that it presents itself. She used an example where the amount of material available for students who do not have heterosexual or cisgender parents or family members are far below what is available to students who do have cisgender and heterosexual parents.

It’s ignorance. It’s ignorance. And that binary system is dominant. It is part of um, the normative thinking, the normative ideology. Um, and that others, our others – we take care of them; “Yeah, we’ve got one book. So and so has two mommies.” Whatever in the library. And yeah, we’re good. We do not honour all people in our educational system.

However, Dean – who is transgendered and has experienced both homophobia and transphobia - explained that this is not the only way in which the education system continues to discriminate against those who cannot and do not identify as heterosexual and/or cisgender. He explained how difficult it is for a transgender educator to attempt to socialize with other educators who are cisgender. This educator explained how despite the various policies in place at the school level, his colleagues are not as accepting as the school board tends to believe:

You know, it takes a lot of nerve to go to a staff function or walk into the staff room when they know you're the plague walking in, but I would go to like a – an end of year party or whatever. And I'd make an effort, move around, talk to people. Every time I would go to a new pod of people, they'd stay long enough to be polite and the conversation wrapped and their – it's like they're chomping at the bit to get away from my vicinity as soon as they could. Well then, I'd move over to the next place and those people would leave. And then I'd move over to the next place, and everywhere I went, people would leave.

This response to Dean's transition is due to the fact that he had violated what everyone has always known and been taught, that is, "gender is intransigence" (Connell, 2012, p. 868). Dean felt as though his presence at the staff function introduced a rupture of the gender binary, where his gender embodiment re-established understandings about changing bodies and changing structures of gender relations (Connell, 2009). While this is troublesome as it shows that ignorance and resistance are present even amongst employees of the school board, it is even more so bothersome that this was not one isolated incident. Specifically, Dean went on to discuss how his transition has been an insurmountable obstacle in his desire to become an administrator:

I'm sorry, but you know, in the past, I didn't just make it up, like, "hey what a good idea, I'd like to become an administrator." No, I had people telling me, "You should go into administration." Principals. Like, I had at least five principals. And one was there only there for two weeks. Like, she was subbing in

or whatever when someone else was sick. And she was like, “Oh, you would be great at this. Make sure you apply.” You know? Now what’s the difference?

The difference of why this substitute principal thought Dean would be an excellent administrator in comparison to his current principal was that this substitute principal had no idea that Dean had undergone a transition and altered his sex to be consistent with this gender identity. However, the participant’s transition has seemingly plagued his path and desire to becoming an administrator. As Kumashiro (2002) notes, those who are perceived to be transgender or gender non-conforming are immediately Othered because they are “often defined in opposition to groups traditionally favored, normalized, or privileged in society, and as such, are defined as other than the idealized norm” (p. 32). However, when this label is unknown, as Dean’s was unknown to this substitute principal, the individual is viewed as a representation of the “idealized norm” and not one who deviates from it. As such, he was viewed to be deserving of the same affordances and privileges as those who are not Othered.

Dean further explained how he had been a victim of a hate crime, having been cornered and beaten due to his transition. This resulted in the development of post traumatic stress disorder, where the assault has induced a great deal of psychological struggle. Due to this incident, Dean elaborated upon how the stigma of being transgender is always something that he has to consider:

I don’t know, and there’s people who would’ve signed things, and who would’ve done things that I can’t go talk to anymore without worrying about what they’re going to think about me being a different gender now. So sometimes I think that maybe I might just not be... [Pause] able to stand everything and the PTSD might get too much for me again and I might just have to stop.

In this respect, we see a system of oppression occurring in a way that has prevented Dean from being promoted to the sought after administrative rank, seemingly, due to his gender

identity. Specifically, he has been victimized personally outside of the work place, but he has also been, in his own view, prevented from being promoted to an administrative position because of his transgender identity. As Dean explained, the discrimination is not just occurring systematically and covertly, but it is being committed blatantly by other educators in a way that is visible to those at whom it is directed and in a way that is visible for the public:

I mean, even at university one of my professors [...] showed a video with, uh, children in elementary school learning about, you know, like the two gay dads, the two dads and the two moms, and like, things like that. And they were talking about it on the bench and things like that. And, we did a graffiti walk [where one word had to be written that represented what they had just watched] around later, 'cause they like to make the university do the things that they want the elementary students to do. I don't know. So, one of the people who was in my small class wrote "abomination" on that page.

This discrimination is directed at those who identify as LGBTQ and emerges from ignorance of the lived experiences of those who identify as such. Particularly, heterosexuality, just as the gender binary has become socially sanctioned, leading others to embrace heterosexuality within a binary gender system. As Butler (1990) notes, "Gender is not only an identification with one sex; it also entails that a sexual desire be directed toward the other sex. The sexual division of labor is implicated in both aspects of gender – male and female it creates them, and it creates them heterosexual" (p. 99). If one deviates from this understanding, or challenges it (in the way that a transgender or gender non-conforming person may challenge and bring about questions of sexuality), discomfort arises and is voiced in the way that Dean has experienced above. With administrators having an opinion about transition and some of Dean's coworkers voicing their opposition to the fact that he is deviating from his ascribed gender, it comes as no

surprise that even children and parents began to voice their awareness of this teacher's transgender identity, which subsequently spread throughout the school district.

But sure enough, they figured out [about his gender identity]. And boy, did it make a difference. The principal, when I did apply for the job and didn't subsequently get it, she told me it was because I didn't have good rapport with the kids. [Laughs] And so it goes on like that.

This resulted in Dean having to switch schools and begin to reconstruct a rapport with new administrators and colleagues, which entailed the revelation of his gender identity. Soon after, a similar situation occurred and Dean had to switch schools yet again, making it particularly difficult for him to establish a commendable rapport with administrators to earn a sound recommendation for his sought after administrator position.

While I acknowledge that many educators continue to face discrimination for numerous reasons, here we can see that as a transgender person, he has had to cross significant hurdles. Dean spoke specifically about his experiences as a transgender educator and having to endure numerous instances of discrimination. One manner in which this ignorance and discrimination can be addressed is the manner that was suggested in the previous section. That is, educating staff and administrators about a spectrum of gender expression and embodiment is important so that they can develop an awareness of the extent and nature of transphobia and cisgender privilege. By unpacking the preconceptions that staff have, students can be expected to do the same, aiding in the formulation of a curriculum and environment that is trans-inclusive.

With both systemic and personal obstacles seemingly ever-present in the life of a transgender educator, one must consider and ponder the school boards' request and desire expressed in the trans policies that encourage visible representation with respect to hiring more educators who are transgender and gender non-conforming in order to afford

transgender students individuals who can represent them and who are in a better position to understand their experiences and any struggles they may have with their gender identity. However, by encouraging this visible presence of educators who are gender diverse, struggles such as Dean's are likely to become more frequent. It is irresponsible to expect that a trans educator will endure the injustice by which those who identify as transgender or gender non-conforming are bombarded. It is a question of the necessity and politics of trans representation. However, representation is not enough and certainly not the answer. For how can policy expect educators to willingly endure the perils of injustice and compromise their personal safety for the sake of *being visible*? This is irresponsible to request of anyone. Instead, policies should centre upon a broader commitment to trans-affirmative curriculum development and pedagogical intervention (Bryan, 2012; Green, 2010; Martino & Cuming-Potvin, 2014).

The Paradox of Visible Representation

With all of the guidelines encouraging schools to have visible representation in the form of transgender educators and administration, it is worth inquiring as to why, then, there appears to be very little of this visibility within the respective school districts. The participants in my study all spoke to the need for visible representation in the form of educators and administrators who are transgender, or at the very least, LGBTQ. Rebecca that visible representation was important in order to invoke change and challenge gender normativity and cisgenderism:

I think we need visibly – visibility. I think community trans people, like from 5-19 in Toronto. Out trans people in the education sphere need to deliver it. I think that principals just delivering it in an equity session as a part of their site management plan [...] I wish more people were out and visible. I wish more queer people were out as teachers and there was less fear to be out. It would certainly be more helpful for kids to have role models out there.

While Rebecca expressed the need for visibility in the education system, she also explained that the sought after queer and trans visibility, which is simultaneously resulting in many LGBTQ educators remaining closeted, is due to fear of facing discrimination from their students, peers and administrators. In her view, to battle discrimination in the workplace and the education system, visible representation must begin to occur in order to counteract the imposed subjugation:

Well, research shows that... [Pause] In this topic, research does show that work place discrimination is harsh and still active. Even though we have all the Human Rights Code and Charter. You know, it's subtle, and it's not always overt discrimination. And it can be an ongoing, daily form of discrimination that makes workplace a quiet, constant harassment for the queer person that's out. So, when that's continuing, um, and going on, uh, I don't know if it's going to be changing if people come out. It's going to take a while. I think it's visibility that's needed and training and leadership to change the school climate so that it's more inclusive.

The problem with Rebecca's assertion, however, is that with elevated rates of discrimination and harassment occurring due to transphobia, there is very little incentive for educators to come out as such if they will be put at risk of being victimized. To place themselves in an immensely vulnerable position simply to be a beacon to which transgender and gender non-conforming student can look is not going to result in a significant change in the school climate. Rather, the emphasis should be on Rebecca's latter point in that staff education must be conducted in order to improve the experiences of students who are Othered (Kumashiro, 2000). Instead of educators outing themselves and purposefully placing themselves into elevated risks of victimization, what should be addressed is pedagogical intervention that can adequately alter negative perceptions of transgender and gender diverse individuals. Kumashiro (2002) offers four different approaches that can be used to challenge oppression in schools: education for the Other,

education about the Other, education that is critical of privileging and Othering, and education that changes students and society. The fourth category is most significant as it will be the catalyst to challenging oppression and altering the school climate.

Dean – an educator who is open about his trans identity – spoke to the reality of the struggle of being a visible transgender teacher and talked specifically about his visibility actually serving as an obstacle to his professional pursuits. Specifically, when he asked the principal of his school to recommend him for an administrative role to the district’s superintendent, she would not do so. Dean believed it was because of his transition:

She knows about me [his transition]. And it’s never going to change in her mind, what the heck is, you know... They should be jumping at the, you know, on this opportunity to do more um, like it’s a part of their plans [taps policy document on the table] they’re supposed to implement VPs and administrators who are [gender variant]. It’s like, you know, how women were supposed to get hired, well now they’re supposed to be hiring, you know, marginal people.

In this instance, Dean expressed frustration about the need for visibility and the call for visibility with respect to the policy documents being created, but administrators’ reluctance to follow through and help LGBTQ educators attain higher positions within the education system. He explained that while schools are making an effort to accommodate students and ensure that they feel safe, it is meaningless unless educators also feel that the environment is safe and nurturing, regardless of their sexual identity, gender identity or gender expression:

It’s like got to be a safe and inclusive place for everyone. It can’t be a horrendous place for staff and then a safe place for students. It just can’t be. It has to be... everything [has to be] renovated. And if they don’t bring people at the top levels who can actually speak to the experience and, and help anybody, then, they’re not serious about it.

The fact, as many participants explained, is that although it is positive that the school board is seeking to have visible representation with regards to the employment of transgender educators and administrators in schools, it is quite difficult for a transgender or gender non-conforming individual to pass all the hurdles that stem from a point of disadvantage. Dean specifically compared the lack of transgender visibility in schools to that of the Federation of Women's Teachers' Association of Ontario (FWTAO) and how they were forced to merge with the Ontario Public School Men Teachers' Federation (OPSMTF), resulting in the covert subjugation of women in the field of education:

Let's face it, the odds of somebody getting over all the barriers... [Pause] and getting their Masters and their principal qualifications, like, from this much disadvantage point, it's the same like ETFO can't bring themselves to give those uh, marginalized seats. They always argue about it and then they come back to merit based. Like they're going to go merit based. They were forced to go female-male, because of the merge between the Men's Federation and Women's Federation, when Men's Federation beat on the Women's Federation so much, legally, that they couldn't stand on their own anymore and they were forced to join them. But, well, they had to come in with a, you know, we allow to have a certain percentage of the P.D funds under the Women's Issues Control and they were allowed to have women's seats. You know, just to make it sort of, you know, what is that word when it's... affirmative action! Yeah. So, affirmative action exists for women. But really, not so much. Maybe you don't know but whenever, um, the pay goes up for women's work, it gets either taken over by men or something like, it's still not ever equal for very long. [Sighs] Anyway. So, if you can't do it for women, how are they going to do it for gay people and trans people, I don't know.

Dean spoke to the barriers that prevent an individual from properly climbing the career ladder in order to attain not only equal pay, but also equitable job opportunities, in general. Specifically, by drawing on the comparison of unequal pay between women and men, a rhetorical question is raised: if women and men are still fighting for equity, how can we go about introducing an entire spectrum of "deviant" gender identities that want the exact same thing? The solution is one that seemingly has yet to be fulfilled and that

has many layers as gender continues to be a point of contention in education. This difficulty to attain occupational opportunities that are readily available to cisgender people echoes the invisibility and everyday challenges faced by trans and gender non-conforming individuals to which Namaste (2000) and Prosser (1998) referred. Their struggles often go unheard and unaddressed.

Though policies are encouraging schools to hire teachers who identify as LGBTQ, the participants in this study have not seen this being actualized. In particular, Dean has expressed the numerous hurdles that he has faced due to his transgender identity. With visible representation being a significant point of contention due to the hurdles that are experienced by those who are vocal about their gender and/or sexual identity, it is unsurprising that there are structural issues to consider, as well. As conceptions of gender continue to be expanded, questioned and challenged, the public bathroom is an area that many turn to as a powerful symbol that dictates how far the troubling of gender has come. Every participant acknowledged the complexity that comes with the bathroom and the struggles that many students face with respect to this typically gendered space.

[The Bathroom Problem](#)

With gender being perpetually challenged and all of the guidelines stressing the importance of accommodating students with respect to their gender identity and providing gender neutral bathrooms or a bathroom in which they can feel safe, it is no surprise that all of the participants had something to say about the nature of the public school bathroom. Rebecca acknowledged that before we can address all of the struggles of transgender and gender non-conforming students, it is most important to address their immediate physical needs:

Schools do not have gender-neutral bathrooms. Some do. A lot don't. [...] Physical needs. Maslow's Hierarchy of Needs. Right? Kids can't wait to pee until they get home. [...] And that's where we know the bullying happens – outside of the teacher's sight. Phys-Ed change rooms, bathrooms...

The importance of students' physical needs being met is something perceived as absolutely critical by the participants in this study, but also something that has been acknowledged within the guidelines set out by each of the school boards, respectively. However, participants seemed to echo one another's agreement that the way that the guidelines address the problem of the bathroom and accommodating students is not being done effectively and in a manner that does not make it entirely safe for students.

Particularly, the "accommodation based upon request" segment of the guidelines makes the *requesting* of the accommodation particularly dangerous and serves as a process of outing the student. Rebecca described this segment of the guidelines as "...ostracizing and making someone feel more marginalized, and different from the norm." Grace agreed with this sentiment: "Yeah, I think that the real weakness is the, um, accommodation based on request." When asked to elaborate on why this is perceived as a weakness within the policy, Grace's answer echoed those of the other participants:

Well, I think that it creates a bit of a problem in that a student – anybody – might know that, you know, don't fit female, but they don't really know if they want to fit in male. So having that binary there established and saying, "Well, you have to fit into one of these and if you don't, you have to out yourself" when you might not even know what that means yet. Right? So, knowing that you're not the same as a binary isn't the same as knowing definitively, "I identify as trans." "I identify as queer."

This idea was elaborated on further, stressing the fact that in order to be accommodated, students must out themselves, and that, in turn, increases the very risk of being victimized. The notion of requiring a student to out themselves based upon their gender identity and their need for accommodation are paradoxical to the very creation of the

policies, as they all cite the EGALE Canada report that published the alarmingly high statistics of trans student victimization occurring within schools (Taylor et al., 2011). By requiring students to out themselves for the purpose of accommodation, they are placed at higher risk of victimization. Cavanagh (2011) draws on Namaste (200) to explain that “to have one’s gender identity questioned is to be shamed and ostracized in the public eye. Part of what it means to come undone is to be effaced or rendered invisible” (p. 54).

When asked how teachers and students might be able to circumvent this process of having to vocalize the nature of their gender identity in order to be accommodated, the answer was not so apparent. Grace explained the limits of accommodation, noting that it risks further marginalization:

It [the policy] asks people to out themselves and mark themselves as different, which then puts them at a higher risk of being victimized. Um, [pause] I don’t know what the answer for that is. I think that different people might find different solutions. Maybe, I would hope that there’s somebody they can talk to and... “Based on request” – I don’t know if it says it in here if it has to be the actual student who makes the request. Because having a friend ask would be a solution as well. Um. I don’t know if it would be possible to anonymously ask or make a request. But it is a barrier in, you know, receiving the accommodations that are promised in this.

By placing the onus on the students to not only out themselves, but also claim their own transgender identity and the subsequent required accommodations, these policies continue to allow heteronormative and cisgender privilege to dominate within the schools. It denies a spectrum of legitimate gender identities and, therefore, does not truly address the bathroom problem directly. As Namaste (2000) has expressed, this inability to address the concerns of transgender students has perpetuated the erasure of their identity, as well as leaving their experiences unheard and unconsidered, to a meaningful degree, by policymakers and administration. In fact, placing the onus on the student to

request accommodation leads to the risk of Othering them and their identity, delegitimizing their sense of self. Namaste (2000) explains what this process of Othering does to a transgender individual: “it forecloses a consideration of the diversity of identities, bodies, and experiences among transgendered people, and it does not begin by inquiring how transsexuals locate themselves in the social and institutional world” (p. 43). In this way, requiring students to request accommodation either renders them invisible by leaving them feeling frightened to make such a request, or it perpetuates the risk of victimization by demonstrating *who* is deviating from the gender binary system.

The accommodation based upon request within each document presents another problem that needs to be examined. While still maintaining the dominant gender binary, the policies create the aforementioned “other” gender category, in which a student must situate themselves if they are not cisgender. The creation of an “other” gender category, as Namaste (2000) further explains when conceptualizing the erasure of transgender identities, “allows for a transgender identification but also denies a simultaneous identification with the gender of ‘man’ or ‘woman’ while collapsing the different ways of identifying as transgendered and living one’s life” (p. 44). If a student must request to be accommodated, with respect to a bathroom, for example, they are already being viewed as something other than a “normal” boy or girl. While they are free to identify as transgender, this *request* places them outside of the gender binary that these policies still manage to reinforce, while also attempting to accommodate transgender and gender non-conforming students. In addition, it continues to reify and make noticeable the privileges that are afforded to those who fit within the gender binary. As Johnson (1997) explains, “privilege exists when one group has something of value that is denied to others simply

because of the groups they belong to, rather than because of anything they've done or failed to do" (p. 23). This system of having trans or gender non-conforming students voice their difference reinforces Rands' (2009) gender oppression matrix.

To examine the way in which the gender oppression matrix takes place within the school, we must comprehend cisgenderism (Serano, 2009). As Serano (2009) explains, cisgenderism is a form of prejudice whereby non-binary gender expression or gender fluidity are ignored, denied or stigmatized. If an individual does not keep their ascribed gender consistent with their sexed body at birth (i.e. exhibiting masculine traits and being a biological male or exhibiting feminine traits as a biological female), a stigma is immediately ascribed to them. This is consistent with O'Hartigan's (1997) reasoning that a trans individual does not require a medical diagnosis of gender dysphoria to be stigmatized; trans embodiment alone warrants a stigma on its own in a system that privileges cisgender embodiment. However, this is not to say that we must eradicate gender completely in order to produce an equitable space for all people. Connell (2009), for example, rejects the strategy of degendering and, hence, gender abolition in favor of a "strategy of gender democracy," which involves a specific commitment to "equaliz[ing] gender orders rather than shrinking them to nothing," a position which, she claims, "assumes that gender does not, in itself, imply inequality"(p. 146). Thus, Connell identifies this tension in terms of divergent politics organized around gender abolition versus gender democratization.

Recall the gender oppression matrix (Rands, 2009) has two forms; the first form is "gender category oppression" where oppression is based on the gender identity one is perceived to possess, and the second form of gender oppression is "gender transgression

oppression” where those who reject gender categories altogether will be oppressed because their rejection of these categories means that they challenge the binary – either directly or indirectly. Cisgenderism, which favours the gender binary, entwines itself with the gender oppression matrix to ensure that the cisgender values and privileges are viewed as more significant than any other (in this instance, than that of transgender and gender non-conforming students). By ensuring that trans and gender non-conforming students must proclaim their desire for accommodation, heteronormative and gender normative agendas are placed above those that challenge them so that they can be properly regulated and monitored. As a result, while transgender students are not absolutely stripped of the right to use a bathroom that corresponds with their gender identity, they are denied the simplicity of entering whichever bathroom they feel comfortable by having to make a *request* to be accommodated.

In addition to this necessity of requesting accommodation, *gender performativity* plays a role, as Butler (1990) theorizes gender as something that exists in doing, in its perpetual repeated performance. “The transgender position is the unintelligible, that which defies the binary order, that which is excluded” (Ingrey, 2013) and therefore, requires permission (through “accommodation upon request”) in order to be managed and controlled by disciplinary power. These unintelligible acts are forced to seek acceptance and accommodation by asking for recognition, not just due to their unpredictability and incomprehensibility, but also to avoid disrupting the heteronormative and gender normative ideologies that permeate the social institution and its established structural mechanisms.

Transgender and gender non-conforming students struggle with spaces such as the bathroom, due to the cisgender surveillance by their peers. Specifically, the pressures associated with these physical spaces, which are heavily gendered and perpetually under peer surveillance, require a distinct choreography and if one falls out of step with this, they are immediately stigmatized. For example, in North American bathrooms, men are typically prompted to stand and women are expected to sit: “The vertical body is erect and discernible, masculine and autonomous. The horizontal body is feminine, and relational, unstable, leaky, or ill-defined in the hygienic (and phallogentric) imagination” (Cavanagh, 2011, p. 8). This gendering of the washroom has to do with both the heteronormativity and the gender normative system intolerant of those who lack access to cisgender privilege. Those who are outside of this privilege, that is, those whose gender expression and embodiment deviates from the gender binary and gender normative system are most likely to be at risk of this inspection (see Wyss, 2004). Thus, we can see why transgender and gender non-conforming students require private or gender-neutral bathrooms to feel alleviated from this panoptic gendered surveillance. If a student is to fall out of line with this “toiletty habitus” (Inglis, 2002), they are placed at greater risk of victimization.

Beyond the problem of the “accommodation based upon request” within the guidelines is the very fact that gender-neutral bathrooms present a dilemma in the minds of those who believe that such a space will lead to higher victimization. In fact, with Bill C-279, many opposition groups have emerged, claiming that many will falsify their sexual identity in order to easily victimize the opposite gender. Grace addressed this issue:

I mean there are always going to be people who oppose and they'll find brilliant ideas. Because, you know, people who want to assault somebody need to find excuses to do so [sarcastic tone]. It comes into a larger conversation about the justification of harassment. The washrooms don't – 'Cause you know, I've heard the same argument, "Oh, well, gender neutral washrooms, they will..." What was it? Oh, people will use them just to have sex. People are going to have sex if they want to have sex. Kids are going to do that at school. They already do. They don't need the gender-neutral washrooms to do that. So you can only hope that the more those opposition groups come up, the stronger the opposing voice will be. And I think that youth have a huge role to play in that because they are the ones in school, they're the ones using it. They're the ones who have asked for it. They're the ones who have already put themselves out on the line in order to get this. Um, [pause] policymakers, administrators, teachers need to listen to those voices and trust them. I think that there's something in there [the guidelines] about trusting the youth voice. And they probably know better than you what's going on in the washrooms that they use [laughs].

It's important to note that a gender-neutral bathroom does not necessarily point to a multi-stalled bathroom that affords students the opportunity to intermingle or create situations where sexual conduct becomes easier to initiate at school. Single-stalled gender-neutral bathrooms eradicate the problem of *requesting* accommodation, while also evading the fear of numerous students in one washroom. However, Grace stresses the importance of having a declarative voice that can combat the opposition in order to fight for the rights sought out by students. If students are seeking a gender-neutral bathroom, as they do in certain washrooms across Canada then it is important to follow through on delivering and implementing it appropriately.

Unfortunately, the "accommodation based upon request" is a reactive measure invoked by these documents so that no proactive interventions need to be taken until they are sought after by trans students themselves. In this way, trans students continue to be forced to voice their deviation from the cisgender system and to out themselves in a manner that can very well perpetuate their victimization. Though the policy seeks to be

equitable, follow-up must be considered in order to ensure that enactment has ensued adequately, and to gauge where the policy can be improved.

Lost in Translation: Failure to Implement

With policies affecting the course of every single person's daily life, whether directly or indirectly, proactive enactment is what brings their effects into the forefront of social conscience. Every participant in this study spoke primarily about the implementation of the trans-affirmative policies, and voiced their opinions regarding the success, or conversely, lack thereof pertaining to the implementation of these policies. The core of every interview was centered upon how well these policies have fulfilled their purpose and most of the participants – who are policymakers, educators, administrators, or have been at some point – found that the policies have not fulfilled their designed objective.

When asked specifically about the success of the policy, Rebecca, who aided in the creation of one of the policies, immediately discounted the success of most of these guidelines:

Is it being implemented in practice right now? And has it been? I cannot speak for that particular board because I haven't worked there for two years now. Um. [Pause] I can only speak to it from... more of an academic view and all of my research that we know that um, the gender policing in school definitely honours a binary, excludes, um, transgender people. Uh, does not understand the gender variant group... at all. Do not understand that, you know, the people running the school districts are part of the heteronormative ideology; part of the gender policing [...] Um, you know, it's not effective. There's no accountability for follow-up.

In this way, we can see the reality of Ball's (2006) insistence that "the enactment of text relies on things like commitment, understanding, capability, resources, practical limitations, co-operation and (importantly) inter-textual compatibility" (p. 46). In this particular instance, Rebecca seems to be implying that there is a lack of commitment, due

to the lack of accountability imposed upon administrators, and subsequently, educators. One may question as to *why* there is a lack of commitment, and we can turn to the view that by being trans-inclusive, policies interrupt the cisgender privilege currently in place. The struggle for power and equitably distributing it in a manner that reinforces Connell's (2009) gender democratization is where a significant point of contention has surfaced.

Michael outlined this problem when discussing power:

...That's what the entire discussion is about... for those who have [power] and those who don't. And uh, you try to educate and show those who have it why they need to share it, and those who don't [have power]...how to get it.

Through Michael's statement, we can see that there is an understanding that at the heart of policy enactment is the need to relinquish power (i.e. cisgender privilege) and afford others equity. This gender democratization would, in turn, preserve "gender good – the many pleasures, cultural riches, identities and other practices that arise in gender orders and that people value" (Connell, 2009, p. 146). The primary obstacle, then, is persuading those who have the majority of the power (in this case, policymakers) to *share* it and afford privilege to all gender identities, rather than just those who are cisgender.

Despite the perceived failure of most of the school boards, Rebecca openly acknowledged that there are school boards who are more progressive in the development of their trans-affirmative policies than others:

Well, I mean... X School Board is excellent, very inclusive. They have practical ideas, they tell how to as a building – as a school – how to help somebody transition, proper use of pronouns, paperwork. Um, they seem to be very progressive in that.

When asked about the apparent success that the specified school board has seen with respect to being inclusive through their policy, Michael, who helped create the guidelines for this board spoke to the fact that they approached the implementation of the guidelines

in a very strategic manner. Primarily, this participant heads a team that is called into schools within that district school board and they tailor-make a plan to address any problem being faced with respect to equity. This plan reinforces all of the trans-affirmative text that is written in the guidelines, including the accommodation of all who need to be accommodated. As he notes, it is school specific:

...That's also why we tailor-make it. 'Cause unless it feels right, smells right and looks right. Because the school has to live with it long after you're gone [...] And they need to make it grow, and live, and work for them. So, they need to invite us in. And at the beginning, that is not how schools, you know, operate. They want you to come in with a one-size-fits-all quick-dash solution and check it off the list. Um, but slowly, as, you know, administrators have seen our work across the district and seen success in changing student behaviour, and seeing, you know, climate shifting in their schools... And when change begins to happen that they haven't seen before and they didn't think was possible. Amongst their staff, amongst their students, um, it's resonated. And so we, you know, we can't keep up with the demand now. So, surprisingly enough. There are certainly schools that have never asked us to come. We'll just assume they're doing great!

It is somewhat unsurprising that employing this strategy to help reinforce the trans-affirmative policies has seen success. If one examines these policies in the way that Ball (1993) understands them through *policy as text*, we can rationalize the apparent success of this school board's policy enactment. Considering the fact that one of the writers of the trans-affirmative policy is on this team that enters schools and helps administrators make their schools more trans-inclusive (if that is what the administrator is truly seeking to accomplish), this policymaker is *committed* to the enactment of this policy. These particular circumstances of policy enactment and mediation are noteworthy in that they draw attention to the crucial role of being informed and having knowledge about transgender equality at the board level. This team of educators are equipped with the knowledge and the skills to provide invaluable support to schools in their efforts to support transgender and gender non-conforming youth.

Michael, who was involved in the production of one of the school board guidelines goes on to talk about the context specificity of enactment when these guidelines see some use within their schools and what situations one might expect in schools:

I rolled that out to all the superintendents, and they took it back to their family of schools meetings and their principals. And then requests come to us, predominantly, but also schools come to us for support when they've got transitioning students. [...] It's a range. So we definitely get the, um, you know, post-incident calls. Um, however, because anybody can invite us. So if a parent contacts me, or a student contacts me, or an administrator contacts me... [he and his team enter the schools and discuss the reason for being contacted and address any issues being faced by the school]

Nevertheless, despite pointing out some of the successes that the schools in this particular school board have enjoyed with respect to seeing trans-affirmative policies enacted and utilized, all of the participants still maintained that policies are simply not enough to accommodate students and create an inclusive environment. Rebecca and Dean noted that policies, once created, tend to be forgotten about once they are completed and go unconsidered. Rebecca elaborated on this point:

Most policies sit on the shelf of administrators' office and collect dust, unless their superintendent is making them accountable for doing staff training. But then again they're not being held accountable because they're not following up to make sure that the policies are being implemented in practice. So there's definitely policy-practice gap. That's for sure.

The administrator in their respective school had not told most of the participants in this study about the trans-affirmative policy created by their board. Rather, they had sought out the policy through their own motivated self-interest in learning more about the documents. Grace explained how her own interest had guided her to learn about the policy, but many teachers are likely to remain in the dark about its existence.

I read about it. I heard about it in the news and so I sought it out. And read it. [...] I have no idea about other teachers. I think it really depends on interest, on investment. So, teachers who have a student who has talked to them are going to be more sensitive to that and maybe go out of their way to find resources and facilitate things in their school. And I think that if you don't know about it, it's very easy to continue not knowing about it.

Dean also acknowledged that he had not seen this policy without having done some research on his own about it: "Have I ever seen these guidelines? No. I saw some guidelines that were a precursor to this because I looked them up on the website myself." This seems to insinuate that there is a lack of commitment by administrators to make the presence of trans-affirmative policies known in their schools. The implication behind educators having to seek out these documents on their own emphasizes yet another manner in which trans identities are rendered invisible and it is by the lack of discussion regarding the policies that involve them and are meant to confront the challenges that they face at school (Namaste, 2000). In this way, not only do these trans-affirmative policies fail to include curricular intervention, they perpetuate the veiling of trans identities by not being discussed or enacted appropriately.

Due to a lack of commitment, it is unsurprising, then, that the participants of this study have not seen any follow-up by those who have created the policy, or by administration, to ensure that these policies are meeting their designed objective to appropriately accommodate transgender and gender non-conforming students. Rebecca insisted that accountability and follow-up are imperative to ensure the success of any policy:

Policy... you know, you've got the policy, but there has to be follow-up and accountability. Um, [Pause] there was a four-year plan. Was it the 2008 Safe Schools Act? Four year plan for schools to start progressively dealing with LGBTQ issues. And I remember by 2009 "each school SHALL" [fulfill certain goals]. And I remember being in one school and we were at 2012 and we hadn't

even started 2009 goals. Right? And there was reluctance to start a GSA because the principal wanted to go take it to the parent's council for approval.

In this way, we can point to Ball's (1993) *policy as discourse* to pinpoint the fact that "it does not matter what some people say or think, only certain voices can be heard as meaningful or authoritative" (p. 15). If the authoritative voice does not seek to enact the policy meaningfully, then the purpose of its creation is lost. Specifically, if an administrator does not disseminate this policy and make the staff aware of its presence, then those for whom the policy is made (in this case, transgender and gender non-conforming students) continue to be ignored and rendered invisible. "Leadership is a means of reworking and narrowing the responsibilities of the practitioner by excluding 'extraneous' issues that are not directly connected to performance outcomes" (Ball, 2010, p. 128). With these guidelines not being mandatory and disassociated from any official requirement for accountability, they fall on the backburner and the significance of trans issues are viewed as less valuable than outcomes that are measurable.

Similar to Rebecca, Dean also used the Safe Schools Act as an example of how policy is not necessarily going to make waves unless there is an administrator who actively supports its cause and truly believes in the goals of the policy.

You know what? Here's an example. It's not the same thing, but there was a policy that came out where you had to report about bullying [The Safe Schools Act]. [...] So there's this like really, like, finally, they're going to hold people accountable for bullying. I'm so excited. [...] You know, and - and I'm like, "Yes!" I get into school, and I'm like, "Oh I haven't heard anything about this. Oh, I haven't heard anything about this. Oh, it's getting close to the implementation time, I really haven't heard anything about this!" I mean, teachers are legally responsible to fill this form out, and I haven't heard about this. [...] It's a staff meeting! He's talking about it! Oh... he's just telling us that he doesn't want us - no blizzard of paper down at the office."

Dean used the example of the Safe Schools Act, where teachers were held legally responsible to fill out forms about having read and understood the document. In this particular instance, the participant explained that despite the fact that the mandatory policy held educators legally responsible, it still befell upon administration to properly implement the policy and ensure that teachers understood the policy and read through it.

I mean, he basically said, “Don’t bug me with filling out these forms.” And we’re legally responsible! This is how we implement things. It depends only on the principal, which is the only reason why I would like to be principal! Okay, it’s not the only reason. It’s one of the many! But I’d like to be able to create an actual safe school! [...] But... no. It’s not being implemented.

We can bring this lack of initiative back to Ball’s (2012) questioning of values and their social context. Specifically, we must inquire about whose values are validated in policy, and conversely, whose are not? In this case, while the trans-affirmative policies are created *specifically* for transgender and gender non-conforming students, we can see that their values and their concerns are placed below those of administrators who lack the initiative to implement these policies effectively. Due to the fact that “policies project images of an ideal society” (Ball, 2012, p. 1), we can rationalize that not only does an ideal society, with respect to these trans-affirmative policies, lack a need for trans-inclusive education, but the lack of implementation of these policies also implies that an ideal society is not one that is interested in accommodating gender diverse identities. The authoritative allocation of values seemingly places the values associated with gender embodiment and the knowledge about gender diversity well below the values of cisgenderism. This can be seen in the lack of implementation, reflective of the society that also struggles to accept transgender and gender non-conforming identities (see Cronn-Mills, 2015; Hines & Sanger, 2010; Namaste, 2000).

Speaking to whether the trans-affirmative policy has visibly made any sort of impact within his school, Dean denied that there was a noticeable difference:

Well, you know what? I was away for two years, right? And so you think if things had shifted, I would have noticed a difference. And I don't notice much of a difference. I- I'm talking about my school, though.

Rebecca insisted that the problem stems from ignorance and a lack of understanding on the part of those who do not comprehend and/or accept transgender people. This ignorance strips away the impact and potential that this policy can make when those who do not understand the struggles of transgender people continue to remain ignorant and uninformed on the issues.

We have a serious problem. We have a serious problem with not accepting transgender people. We have a serious problem of fearfulness. Uh, being fearful of transgender people. Not understanding gender variance. Serious problem with teachers' use of language and discourse where it's excluding gender variant people.

Rebecca believes that because of the ignorance and lack of understanding due to dominant hetero and gender normative ideology, policies that seek to accommodate and tackle the struggles faced by those who are transgender and gender non-conforming are failing to be implemented, echoing the opinions of many of the other participants involved in this study.

However, Michael explained why these guidelines may be seen as more so reactive and why some educators may not have seen it fully in practice:

Uh, after you have your first transition at the school, I think that administrator, because now that they have a case of it, they realize the barrier removal questions. Right? And so, I think, like anything else in life, once you've got some experience under your belt, and you're also a bit more comfortable with the issue and the document itself, you're going to see the full potential of it. 'Cause in those cases where we've gone in and assisted an accommodation, the administrator realizes, "oh wow, there's all of this other stuff I can do, too." Um, then they are more likely to use it.

This lack of comfort on behalf of the administrator in Michael’s statement is one that brings the discussion back to the need for education with respect to both educators and administrators. By discussing gender diversity openly through teacher education programs, not only can administrators and educators subsequently disrupt cisgendered and heteronormative values (Namaste, 2000), but they can also reduce their discomfort about addressing the complexity of the issue. By increasing knowledge about gender diversity, educators and administrators can create a safe space *proactively*, harnessing an environment where “gender normativity could be temporarily cast off and transgendered and transsexual embodiment could be expressed with comfort, as seemingly straightforward boundaries between male and female could be explored, blurred and crossed” (Rooke, 2015, p. 664).

Conclusion

This chapter has provided a description and analysis of my participants’ experiences and understandings of trans-affirmative policy and the efficiency of the enactment of these documents. Overall, the interviews revealed several themes regarding not only where the policies are failing, but also what schools must address outside of just policy in order to create a trans-inclusive space at school. The findings revealed that each participant did not believe that these policies were sufficient enough to create a trans-inclusive space. The common belief among the participants was that not only was accommodation being addressed poorly, that is, through the request of accommodation for physical needs, but also that curriculum is also not becoming trans-considerate. Further, participants believed that educators who identified as LGBTQ were far more likely to be

discriminated against, despite these trans-affirmative policies calling for increased visible representation for this group.

Additionally, the findings detail how the gender binary is honoured over all other categorizing systems within the educational institution. Specifically, educators continue to use the “he/she” pronouns (though all of the policies encourage educators to avoid doing so), and assume that all students fit into the dichotomous classification of gender; for example, when teachers address the class as “boys and girls,” the aforementioned dichotomized bathrooms, and additionally, when teachers categorize students into “boy” and “girl” groups or lines (Brill & Pepper, 2008). While these policies acknowledge being considerate of pronouns and encouraging a student to speak up if they wish to be addressed by another pronoun, there is nothing concrete to prevent these situations from arising, and teachers are not being educated on how to avoid these mistakes.

The analysis was informed by my engagement with Butler’s (1990) notion of *gender performativity*, Namaste’s (2000) argument of the erasure of trans identities, and Rands’ (2009) *gender oppression matrix*. Through the use of these scholars, the findings presented in this chapter were made comprehensive. Specifically, I applied Judith Butler’s *gender performativity* to explain how those who do not or cannot conform to gendered norms of “cultural intelligibility” (Butler, 1993) are deemed unintelligible and, as a result, called into question (Butler, 1990). The transgender and gender non-conforming identity disrupts the believed congruency between gender and sex and are required to be regulated, and, therefore, are forced to seek acceptance and accommodation by asking not just due to their unpredictability and incomprehensibility, but also to avoid disrupting the heteronormative and cisgender ideology that permeate the system and its established structural mechanisms. Namaste was used as a prominent

voice in understanding issues of embodiment, misrepresentation and the erasure of voice in this study to portray how “transsexual lives [...] are seen to represent implicit, or better, explicit critiques of a heterosexist gender order that prescribes and legitimates some forms of gender expression while punishing and delegitimizing others” (Elliot, 2009, p. 6). Serano (2009) and Ball (1993, 2012, 2015) were used to detail how trans identities were subject to *cisgenderism* (Serano, 2009) and devalued, leading the trans-affirmative policies to be ineffective in their designed objective. Finally, the findings detailed how educators promote gender-stereotyped, cisgendered and heteronormative ideologies by failing to challenge them in the classroom; by failing to challenge the gender oppression matrix, educators are promoting it and opposing the very identities of transgender and gender non-conforming students. These findings have outlined that not only do schools require proactive policies that consider *all* identities, but also professional development opportunities are necessary in order to enrich curriculum and promote trans-considerate lesson plans created by teachers.

Finally, I believe that it is important to note that the findings of this study are used as an inference and a point of insight and not a generalization of the views of all teachers and administrators. The purpose of this study was to utilize these interviews as a means to invoke further insight, theorizing and discussion regarding trans-affirmative policies and how educators and administrators are reacting to the presence of these policies within their schools. Each participant acknowledged the importance of having these conversations and how transgender identities are excluded from the naturalized heteronormative order that permeate throughout the education system, denying them the affordances and privileges that are otherwise never questioned, and by those who fit

within the cisgender binary system. These discussions have created implications for future research, which will be discussed in the final chapter.

CHAPTER SIX: CONCLUSION

Introduction

In this thesis, I have introduced, investigated and analyzed three trans-affirmative policies: The Durham District School Board's, *Supporting Our Transgender Students* (2012); The Toronto District School Board's *Guidelines for the Accommodation of Transgender and Gender Non-Conforming Students and Staff* (2011); and The Thames Valley District School Board's *Guidelines for the Accommodation of Gender Diverse and Trans Students* (2013). The focus on these texts involved undertaking a critical policy analysis involving the framing of transgender equality in terms of an emphasis on accommodation and an erasure (for the most part) of trans-affirmative curriculum development. In addition, I also conducted a qualitative case study, which involved interviewing five participants who were familiar with and had knowledge about at least one of the trans-affirmative school board policies. This empirical focus enabled me to investigate and reflect on questions related to the conundrum of trans-affirmative policy enactment in Ontario Schools. This focus on enactment was considered necessary given that very little research has addressed this topic.

Due to the fact that the literature is sparse with respect to trans-affirmative policies, conducting an in-depth analysis of the efficacy of these policies in specific board contexts is far more substantial than making an effort to generalize. As a result, a smaller sample was used in order to unearth the underlying beliefs of the participants of the study, thus allowing for an information rich case study and in-depth analysis of into trans policy enactment in schools. As a result, I was able to build upon and deepen current understanding regarding the limits, possibilities and future directions pertaining to the

needs of transgender and gender non-conforming youth. By engaging in this research, I have detailed why trans-positive education must go beyond structural accommodation and reconsider the usefulness of further developing curriculum that embraces trans-informed insights into gender embodiment and gender expression in order to truly consider the needs of transgender and gender non-conforming students and staff. In doing so, I have determined the limits of accommodation and why a reform agenda that focuses on curriculum development and pedagogical intervention is essential in order to provide knowledge and deep understanding about the politics of trans embodiment and gender embodiment (See Rooke, 2010).

Further, by utilizing queer and trans theorists, I have explored the complexity of trans issues beyond structural accommodation, and how various considerations must be made. Through queer gender theorists, such as Butler (1990), I detailed the importance of considering that gender is a dynamic category, in which performativity is conducted continuously and that heteronormativity is challenged by the mere presence of a trans child in an otherwise heterosexist social institution. However, often queer theorizing is pitted against transsexual theoretical accounts, which are grounded in material embodiment of living and experiencing gender (Martino & Cumming-Potvin, 2015). As a result, queer theorists are often organized around a celebratory discourse that affirms the *gender outlaw* (Bornstein, 1994) who contests the gender order, whereas transsexual theorizing is epitomized by the figure of the gender defender who supports the gender order (Elliot & Roen, 1998). Stryker (2008) and Namaste (2005) have both pointed out that the emphasis on gender identity by queer scholars tends to obscure transsexuals' concern with social and political processes involved in transitioning. However, in this

study I have utilized both trans and queer theories because of their potential to offer analytic resources that have enabled me to make sense of the complexity of trans embodiment and the presence of transgender and gender non-conforming youth in the education system. In doing so, I have been able to point to the insufficiency and limitations of accommodation and that curricular reform is mandatory in order to properly educate both students and staff in understanding the politics of gender expression and embodiment as it pertains to both trans and gender variant people.

By drawing on theorists who are both at conflict with one another and whose ideas also overlap, I was able to tease out the gaps in the policy-practice nexus and to address the question of enactment with regards to addressing the role of heteronormative and cisgendered ideologies at work in the education system. My work on recognizing these conditions for trans-affirmative policymaking and intervention is centered on a commitment to an ethic of gender democratization, which is not consistent with troubling gender binary categorizations as if embracing a gender identity can ever be thought of as a fixed or static life project (Lane, 2009; Martino, in press).

Implications of the Study

This study has several implications to consider. At the core of the examined trans-affirmative guidelines and policies, there is a genuine attempt to alter both the gender normative and heteronormative spirit haunting the education system that does not afford transgender and gender non-conforming students the same privileges as their cisgender counterparts. The enacted trans-affirmative policies only seem to address accommodation and what should be done, once these accommodations are requested. However, there are implications for what should be done in order

to remedy the hurdles faced by both transgender and gender variant students and transgender staff.

Firstly, this study indicates that there is a continued need for educators and administrators to pay close attention to the processes that society has come to see as naturalized with respect to how gender is understood, practiced, regulated, resisted and reformed. It is only by doing so that all students can begin to comprehend the complexities of gender identity and embodiment, which account for both gender fluidity and gender investment. Egbo (2009) suggests that teacher education programs must not only include diversity training for teacher candidates, but also suggests that teachers make an effort to observe their own biases and the inequities these perpetuate. By doing so, they will be able to “uncover omissions and inclusions that are informed by hegemonic assumptions about minoritized groups” (p. 189). This addresses the lack of education that many participants noted contemporary teachers lack, and also begins to address curricular inadequacies with regards to considering transgender and gender non-conforming students. Further education in creating an equitable environment in the classroom, as well as with regards to teachers engaging in critical reflection with respect to their own pedagogical approach is vital. This critical education will ideally result in educators being more “aware of and sensitive to the needs of their diverse students” (p. 189). A team of educators and administrators who are well equipped with the proper education surrounding the needs of transgender and gender non-conforming students will have a significant impact in not only accommodating these students, but also in creating a more trans-inclusive curriculum.

In addition to educating teachers with respect to creating an inclusive atmosphere and harnessing a classroom that is equitable and considerate of all gender identities, it is equally as important to not simply disregard these trans-affirmative policies. This study has unearthed,

potentially, why it is that one school board seems to be experiencing a great deal more success with respect to their gender diverse students in comparison to others. This can be attributed to individuals like Michael, who have been asked to tailor-make and execute school specific plans in addressing any problems that arise. Here, we can see the importance of school administrators, staff and students reaching out to have a third party, who has trans-informed knowledge and understandings, educate about what it means to be gender diverse and how to appropriately accommodate transgender students in a way that does not elevate their risk of victimization. It would be prudent to have teams such as these who can effectively assist administrators and educators in the implementation of these guidelines. It would be particularly important for administrators to consider reaching out to teams such as this proactively as “failure to effectively and seriously respond to a transgender student’s concerns or request for support may make a school vulnerable to legal action” (Ludeke, 2009, p. 16). However, motivation to address the human rights of trans and gender minority students and for developing a trans-affirmative curriculum in schools should be driven by an ethical commitment to addressing human rights rather than by concerns about legal repercussions.

Further, with schools witnessing more and more students questioning their gender identity and seeking to comprehend the spectrum of varying genders, educational institutions will continue to be confronted with how to provide resources and equitable accommodations for this population. In addition to staff and administrators requiring a deeper understanding of the issues that face this community, this study has actively troubled the requirement bestowed upon gender diverse students to *request* accommodation. With transgender students challenging what is often considered private by introducing the complexity of gender identity and its relationship

to the sexed body, it is important that schools deeply consider the necessity of students safely accessing these gender-segregated areas without having to request to do so.

Finally, schools might consider building a library that yields trans and queer resources from which students of all identities will feel comfortable utilizing. By deviating from the strictly gender normative pedagogy in which schools use, we can effectively disrupt the heteronormative and gender normative systems by which schools are governed (Sumara & Davis, 1999). By doing so, the education system becomes far more inclusive and considers the identities, and subsequently, the needs of all its students. Blackburn and Buckley (2005) believe that by establishing a queer pedagogy, and subsequently, making resources available to gender diverse students, we can “educate students about the interconnections among sexuality, identity, and literature” (p. 202). This, subsequently, establishes the gender diverse as a legitimate identity, as opposed to an unknown Other that is ostracized, labeled, and “inconveniently” accommodated. With educators in this study citing the importance of both trans and queer literature to offer insight, schools might consider not only introducing more prominent forms of literature that offer themes outside of heteronormative and cisgender frameworks, but using them as leading resources to harness and encourage inclusivity and gender diversity. There are several authors who offer characters and themes that lie outside of the common gender normative and heteronormative frames of reference and offer insightful themes that can be incorporated into curricula and into school libraries. Martino and Cumming-Potvin (2015), for example, investigated how queer and trans texts might be utilized to “foster reading practices that open up imaginary possibilities for embracing the affirmation of non-normative and more expansive forms of desire and gender expression” (p. 3). The research found the need for educators to be

introduced to important knowledges that can aid in their reflection on issues of gender expression and sexuality (Martino & Cumming-Potvin, 2015).

Building upon the need for trans-based texts, highly teachable materials that high school libraries might consider viable additions may be: *Luna* (Peters, 2004); *Hello, Cruel World: 101 Alternatives to Suicide for Teens, Freaks, and Other Outlaws* (Bornstein, 2006); *How Beautiful the Ordinary: Twelve Stories of Identity* (Cart, 2009); *Almost Perfect* (Katcher & Bobak, 2009), and *Being Emily* (Gold, 2012). Each of these books includes trans characters and the struggles that they face in their day-to-day lives, respectively. Each character questions the dynamism of identity and comes to terms with their non-normative gender identity in some manner. For example, in *Luna*, a sixteen-year-old named Regan tells the story of her older sister who is transgender and how during the day, her brother Liam carries the façade of being a male. However, by the end of the day, he wears his sister's clothing and changes her name to Luna, which means, "moon", to reflect that her true identity could only be seen at night. The content of the novel is mature, but it offers a realistic narrative of gender identity and the importance of supporting family and friends.

In the same vein, some literature that middle school libraries might consider to be commendable additions are: *Freakboy* (Clark, 2013); *My Princess Boy* (Kilodavis & DeSimone, 2011); *It's A George Thing* (Bedford & Julian, 2008); and *A Girl Named Dan* (Mackall & Graef, 2008). Each of these books offers the concept of gender identity and the fluidity of gender, providing children with an understanding of gender expression. By introducing texts such as these into libraries and into the curriculum, students will be able to engage in the critical processes that allow them to understand the subjectivity of identities, as opposed to Othering groups of people due to superficial and heteronormative preconceptions of identity that have

been essentialized. Thus, this study contributes to the implication of queering libraries to be beneficial in creating a more welcoming atmosphere for gender diverse students.

Limitations and Difficulties

As with any study, it is crucial to acknowledge any and all of the limitations of the investigation. First, I acknowledge that the sample size for this particular study was small and therefore the findings in this study are by no means generalizable. With that being stated, it is also important to note that this study was never meant to be generalized, but rather, to provide some insight into an area of the field that has very little research with regards to illuminating how trans-affirmative policies are being received, and what impact they are having within the education system. By conducting in-depth interviews with informed individuals, though not generalizable, some snapshots and insights were provided into the context specific dynamics of policy enactment as it relates to addressing the needs of transgender and gender variant youth and trans-affirmative education more broadly.

Similarly, because there is very little previous empirical research conducted in this area, there was not as much literature available to inform this work as much as one would see in a study that is tackling issues that are not as “new” or emergent as trans-affirmative school board policies have only very recently been developed. As such, this study utilized both an exploratory approach in order to understand the current and relatively new phenomena occurring in the realm of trans-affirmative policies, but also made an attempt to utilize an explanatory angle with the sparse existing research which was however, facilitated by an engagement with both the queer and trans-informed literature.

Suggestions for Future Research

This thesis was conceptualized and defined as an in-depth and focused look at trans-affirmative policies. It has offered insight into not only how educators, administrators and policymakers have responded to trans-affirmative policies, but also how trans-affirmative policies have been used to respond to the concerns of transgender and gender non-conforming students within the education system. Participants in this study explored and spoke to themes about gaps in the policy-practice nexus, a lack of visible representation, discrimination that queer and trans educators face, the issue of bathroom accommodation, and the inconsistency of implementation regarding trans-affirmative policies, in general. This study was conducted solely to garner insight into the thoughts and beliefs of educators and administrators about the efficiency of these policies and not universalize perceptions about these policies.

Implications for future studies are plentiful with respect to what this study has unearthed. First and foremost, because this study was not conducted to be generalizable, and worked within the confines of a small sample, a new research up-taking may involve attaining a larger sample size. This can be conducted in an effort to attain a more comprehensive understanding about how a larger number of educators and administrators are responding and/or utilizing these guidelines to create a more inclusive and accommodating atmosphere within their schools, respectively. Further, it can also verify why schools who reach out to third parties may seemingly welcome more success with respect to trans-inclusivity and consideration than those who do not do so.

Additionally, future research may also be interested in gauging student response to these policies, and whether their presence within schools have been noticed by those

they are meant to aid. Future researchers, therefore, may wish to explore how students feel these policies have or have not addressed their concerns and whether their administration is making gender inclusivity and gender justice a priority. In short, it is important to unearth whether these policies have aided in curbing the startlingly high rate of harassment and bullying that this community faces in the education system (Wyss, 2004, Taylor et al., 2011). Attaining transgender student testimonies would help gauge the success of these policies, given the fact that each one has been present within the system for a minimum of two years (as of this thesis' completion).

Future research may also look to gauge how “accommodation based upon request”, as written in the policies, has been received by schools and how transgender students feel about the onus of their accommodation being placed upon them. With these spaces being heavily gendered and monitored by students, it would be insightful to speak to the student body within schools to understand how introducing unintelligible identities into such a space has affected school climate or encouraged administrators and educators to seek assistance with such accommodations. In addition, researchers may also wish to question how gender neutral bathrooms have been received by schools that have implemented them, in order to understand whether proactively introducing these bathrooms may help dissipate harassment faced by students who wish to feel comfortable using such a space at school. Furthermore, analyzing the result of introducing these bathrooms may address the potential for eliminating the need for transgender students to request the use of a bathroom that adheres to their gender identity to simply having one present. If these bathrooms have seen success in a multitude of ways, it could be advised

that schools begin to work on introducing these spaces to accommodate students proactively rather than reactively.

Finally, future research may wish to explore how incorporating equity and diversity education into preparing teachers may create a more inclusive education system and, particularly, how this education may open up curriculum to become more gender inclusive by having teachers trained in sensitivity issues and considerations. By exposing future educators to the idea of having gender diverse students in their classrooms, and how to accommodate them indirectly, a foundation of support and acceptance for all identities can be established in all classrooms. Additionally, having administrators engage with professional development that prepares them for leading socially just schools. This research can complement the work of Kose (2009), who recommends that principals aspiring to lead and inspire teachers and their schools on issues of social justice and equity “should reflect on, understand and develop their own social identities and commitments to diversity and social justice” (p. 656). By doing so, the forging of a healthy and accepting school environment, which is supportive of gender diverse identities, can be established. By investigating the nature and provision of professional development, future research can look to ways of addressing gender diversity in the school system in ways that assist both educators and administrators in forging trans-affirmative accepting school environments and developing trans-informed curriculum.

[Concluding Thoughts](#)

Following Cook-Sather’s (2007) invitation to link the academic with the personal, I have found that I have gained valuable insight about issues that are otherwise silenced without active troubling and inquisitorial processes, such as the experiences of transgender or

gender non-conforming educators in the education system, the absence of trans-inclusive curricular and pedagogical intervention and the need for administrators and educators to be educated on gender diversity so that they can properly accommodate and include gender diverse students. As Freire (1982) so eloquently stated,

The silenced are not just incidental to the curiosity of the researcher but are the masters of inquiry into the underlying causes of the events in their world. In this context research becomes a means of moving them beyond silence into a quest to proclaim the world (p. 30).

Research can be transformative and create productive spaces for those who have been marginalized and silenced. I have always expressed a great deal of empathy for children and students who struggle against structures that they, alone, have to combat with little to no support. In linking my research with my compassion for these students, I hope to contribute to a future where proclaiming one's gender identity is as casual as a conversation about what to have for breakfast.

Due to the fact that I cannot represent the transgender community on a personal level, as I do not identify as transgender myself, I hope that by making an effort to understand the struggles faced by this community, and subsequently trying to enlighten others about these struggles, I have provided a sufficient and supportive voice on behalf of those who do not have the opportunity to speak for themselves, or conversely, are silenced when they do. The repetitive iterations of gender that each person exhibits (Butler, 1990) can form the basis for shifting the discussion in order to truly dissect the juggernaut that is the much-believed essentialism of both gender and sex.

I take the side of Butler when I affirm that the fight to appropriately legitimize the needs of transgender and gender non-conforming students must begin by subverting and reexamining the politics of gender embodiment within our society. To change the way

our society operates, we must embark upon change within our culture, and not outside of it. If we deconstruct the way society views gender and the politics of embodiment, this can lead to change in political culture, as well as a more liberal perspective on gender identity in its entirety. Judith Butler iterates this fact concisely:

If identities were no longer fixed as the premises of a political syllogism, and politics no longer understood as a set of practices derived from the alleged interests that belong to a set of ready-made subjects, a new configuration of politics would surely emerge from the ruins of the old (Butler, 1990, p. 149).

In this way, we can hope to construct a political system that is not rooted in the heteronormative and cisgendered, but one that honours all identities equally, and with it, policies that serve the interests of all people.

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APPENDICES

APPENDIX A: SEMI-STRUCTURED INTERVIEW GUIDE

The following is the semi-structured interview guide that was utilized:

What can you tell me about yourself and your experience in the education system? How many years of experience do you have in the education system? What is your current role/position?

Can you tell me about your background, experience and interest in addressing gender and transgender issues?

Can you tell me about the current school board policy that deals with transgender, gender minority and gender identity issues? (i.e. what you know about its development, how it was formulated, who was involved)

Was there a specific committee involved in the development of the board's policy? Can you talk to me about how the committee was formed, and the rationale behind the selection of those committee members? Were trans people and trans youth from the community consulted or involved?

Were you involved in the creation/development of *this* policy? What can you tell me about your involvement or knowledge and/or experience with the policy?

What is your overall assessment of the policy? Do you think it is a good policy? Why? What do you consider to be its particular strengths? Are there any weaknesses or gaps?

Is there anything in the current policy that you would change or add?

Can you tell me what factors influenced the development of the current policy?

Are you aware or do you know of who had the biggest influence in making decisions regarding what is included in the policy?

Was there anything that sparked the school board's action to create this policy?

What impacts have you seen this policy have in schools?

What feedback have you and/or your colleagues received regarding the policy?

Were there any trans or gender non-conforming individuals who impacted the policymaking process? In other words, can you talk about whether or not input from trans community members and trans youth had an impact on decisions that were made about the board's policy?

Overall, what are your thoughts about the school board's trans policy and its overall impact? Do you think that the policy is making a difference?



LETTER OF INFORMATION

My name is Kenan Omercajjic and I am a graduate student at the Faculty of Education at the University of Western Ontario. I am currently conducting research into the development and implementation of trans-affirmative policies in the education system in Ontario. This study seeks to gain insight into the public school policies presently in place that cater to those who identify as transgender or are gender variant. By developing our understanding of these policies, and how they are being enacted at the school level, we can develop a greater understanding and knowledge about how transgender youth are being supported in the education system.

Through your inclusion in the study, you will be asked to agree to be interviewed about your experiences and knowledge of the policy texts that this study seeks to investigate. If you haven't any experience, awareness or understanding of the school board policy being examined, your inclusion in the study will be forfeited. You will be interviewed for one hour and the interview will be audio taped. However, you may still participate even if you do not wish to be audio taped during the interview. You are free to decide where you would like these meeting to be conducted (face-to-face, Skype, telephone, or whatever medium you prefer). If you would like, I will meet with you again once I have transcribed my interview and you can review the interview with me. If there are sections that you would like me to edit or delete we can do so together.

The information collected will be used for research purposes only, and neither your name nor information, which could identify you, will be used in any publication or presentation of the study results. All information collected for the study will be kept confidential. I will store the tape-recorded interview in a locked cabinet in my home for five years after the research is conducted (as is mandated by Western University's protocol) and then I will delete the tape and shred the documents. I will use transcribed interview for my research.

There are no known risks to participating in this study.

Participation is voluntary. You may refuse to participate, refuse to answer any questions or withdraw from the study at any time.

If you have any questions about the conduct of this study or your rights as a research participant, you may contact the Director, Office of Research Ethics, The University of Western Ontario.

CONSENT FORM

PROJECT TITLE: Investigating Trans-Affirmative Education Policies and Practices in Ontario

STUDY INVESTIGATOR'S NAME: Kenan Omercajic

I have read the Letter of Information, have had the nature of the study explained to me and I agree to participate. All questions have been answered to my satisfaction.

Participant's Name (please print): _____

Participant's Signature: _____

Date: _____

Person Obtaining Informed Consent (please print): _____

Signature: _____

Date: _____



Western
Research

Research Ethics

**Western University Health Science Research Ethics Board
NMREB Full Board Initial Approval Notice**

Principal Investigator: Dr. Wayne Martino
Department & Institution: Education\Faculty of Education,Western University

NMREB File Number: 106308
Study Title: INVESTIGATING TRANS-AFFIRMATIVE EDUCATION POLICIES AND PRACTICES IN ONTARIO
Sponsor:

NMREB Initial Approval Date: March 11, 2015
NMREB Expiry Date: March 11, 2016

Documents Approved and/or Received for Information:

Document Name	Comments	Version Date
Revised Western University Protocol	Clean copy of revised Western University Protocol	2015/03/01
Instruments	Proposed interview guide	2015/02/14
Revised Letter of Information & Consent	Clean copy of revised letter of information/letter of consent	2015/03/01
Advertisement	Clean copy of revised advertisement	2015/03/01

The Western University Non-Medical Research Ethics Board (NMREB) has reviewed and approved the above named study, as of the NMREB Initial Approval Date noted above.

NMREB approval for this study remains valid until the NMREB Expiry Date noted above, conditional to timely submission and acceptance of NMREB Continuing Ethics Review.

The Western University NMREB operates in compliance with the Tri-Council Policy Statement Ethical Conduct for Research Involving Humans (TCPS2), the Ontario Personal Health Information Protection Act (PHIPA, 2004), and the applicable laws and regulations of Ontario.

Members of the NMREB who are named as Investigators in research studies do not participate in discussions related to, nor vote on such studies when they are presented to the REB.

The NMREB is registered with the U.S. Department of Health & Human Services under the IRB registration number IRB 00000941.

KENAN OMERCAJIC

EDUCATION

- MA**, from Western University, Equity & Social Justice 2015
Thesis: “Investigating Trans-Affirmative Education Policies and Practices in Ontario.”
Advisor: Wayne Martino
- BA**, from Western University June, 2013
Major in Criminology

HONORS AND AWARDS

- Queen Elizabeth II Aiming for The Top Scholarship** 2009
The Queen Elizabeth II Aiming for the Top Scholarship is designed to recognize students who have shown academic excellence at the high school level and to assist students with financial need.

RESEARCH EXPERIENCE

- Investigating Tans-Affirmative Education Policies and Practices in Ontario**, Western University, London, Ontario 2015
Advisor: Wayne Martino
- Interviewing administrative staff
 - Transcription and data analysis

COMMUNITY SERVICE

- London Anti-Human Trafficking Committee**
Member & head of web-design, London, ON, 2013-2014

LANGUAGES

- English:** Advanced Listener, Advanced Speaker, Advanced Reading and Writing
- Serbo-Croatian:** Advanced Listener, Advanced Speaker, Proficient Reading and Writing