

The School Counselor and Transgender and Nonbinary Youth

(Adopted 2016, revised 2022)

ASCA Position

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

The Rationale

School counselors are committed to all students' academic, career and social/emotional development, regardless of gender identity, gender expression and gender attribution (GLSEN, 2022b). Transgender and nonbinary students and their families face increased risks as well as unique circumstances that often require additional support and recommendations to help ensure these students receive the same educational opportunities as their peers (Kosciw et al., 2020). Research shows 83.3% of transgender and 68.7% of nonbinary youth reported being victimized at school due to their gender (Kosciw et al., 2020),

The adverse health and educational consequences for transgender and nonbinary students are even greater than those for lesbian, gay and bisexual students. Students with supportive adults in their building are less likely to feel unsafe or to miss school and more likely to have higher GPAs, to pursue postsecondary education and to feel a higher sense of belonging in school (GLSEN 2022c). School counselors recognize the overall goal is to ensure the safety, comfort and healthy development of all students, maximizing inclusion and social integration while minimizing exclusion and stigmatization.

The School Counselor's Role

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

Each student's unique situation should be addressed on a case-by-case basis, using a student-centered approach that includes ongoing student and parent/guardian engagement (as appropriate) and school personnel with a legitimate educational interest per the Family Education Rights and Privacy Act (FERPA). Title IX guidance and legal briefs issued by the Office of Civil Rights (OCR) have defined fair and equal treatment for transgender and nonbinary students in relation to student names and pronouns, student records, privacy, restrooms, student safety and dress codes (OCR, 2021). School counselors promote the use of best practices to inform their support of transgender and nonbinary students, such as the following recommendations offered by the National Center for Transgender Equality (2021):

- **Names and pronouns:** School staff should address students by their chosen/affirmed name and pronouns corresponding to their gender identity, regardless of whether there has been a legal name change.
- **Student records:** Schools should make every effort to use students' chosen/affirmed names on student records, even if a legal name change has not been made. This includes making changes in the school's student information system, so the affirmed name is the one that appears on most printed unofficial materials (e.g., rosters, diplomas, student IDs, yearbooks, school newspapers, etc.) while the legal name is kept in a segregated, confidential file. If students have not disclosed their gender identity to a parent or guardian and as a result their name and/or gender marker cannot be changed on their student records, their chosen/affirmed name should be noted as a "preferred name" in the system. This affirmed name should be used by staff and peers, according to the transgender or nonbinary student's wishes. Attendance rosters and ID cards should reflect the student's wishes regarding name and/or gender marker/pronouns, regardless of recorded name and gender on student records. The legal name should be used only where specifically required. Districts and schools should determine which uses require the legal name, including whether it is required for specific testing or reporting purposes (GLSEN & NCTE, 2020).
- **Privacy and confidentiality regarding disclosures:** Transgender and nonbinary students have a FERPA-protected right to privacy; this extends to students' gender identity, birth name, sex assigned at birth and medical history. Schools must make every effort to only reveal information about students' gender identity when others have a legitimate educational purpose, which does not include mitigating possible discomfort of others. This right to privacy and prohibition of disclosing students' gender identity extends to students' parents/guardians, with whom schools should work collaboratively, directed by students' comfort about what and with whom to share their confidential information.
- **Restrooms and locker rooms:** Students have the right to use restrooms and locker rooms matching their gender identity. Schools should work with transgender and nonbinary students to ensure they feel safe and can use the selected facilities with dignity. Upon request from any student requesting additional privacy, schools should provide alternatives such as single-user bathrooms and curtains or stalls in changing areas.
- **Dress code:** Schools have the right to implement a dress code as long as it does not discriminate against students based on gender identity, including by prohibiting some students from wearing attire that is approved for use by other students. Students have the right to express their gender while complying with the dress code, and the dress code must be equally enforced among transgender, gender nonbinary and their cisgender peers.

GLSEN offers additional guidance (2022a):

- **Physical education classes and intramural sports:** Students should be allowed to participate in physical education classes and intramural sports aligned with their gender identity.
- **Interscholastic sports:** Students should be allowed to participate in interscholastic sports aligned with their gender identity.
- **Gender-based activities or practices:** Gender-based programs in school districts should be evaluated to ensure they are offered with students' best interests in mind and have a clear, educational purpose. Students should be allowed to participate in these programs in accordance with their gender identity. Policies regarding overnight accommodations should be made well in advance to ensure solutions are developed that are respectful, inclusive and allow for transgender and nonbinary youth to fully participate with no additional burdens compared with their cisgender peers.

Summary

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

References

GLSEN & NCTE (2020). Model local education agency policy on transgender and nonbinary students. Retrieved from: <https://www.glsen.org/activity/model-local-education-agency-policy-on-transgender-nonbinary-students>

GLSEN. (2022a). Changing the game: Game plan for administrators and athletic directors. Retrieved from <https://www.glsen.org/changing-the-game>

GLSEN. (2022b). Gender triangle education guide. Retrieved from <https://www.glsen.org/sites/default/files/2019-11/GLSEN-Gender-Triangle-Education-Guide.pdf>

GLSEN. (2022c). Improving school climate for transgender and nonbinary youth. Retrieved from: <https://www.glsen.org/research/improving-school-climate-transgender-and-nonbinary-youth>.

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National Center for Transgender Equality (NCTE) (2021). *Fact sheet on U.S. Department of Education policy letter on transgender students*. Retrieved from <http://www.transequality.org/sites/default/files/ED-DCL-Fact-Sheet.pdf>

US Department of Education, Office for Civil Rights (OCR) (2021). *Enforcement of Title IX of the education amendments of 1972 with respect to discrimination based on sexual orientation and gender identity in light of Bostock v. Clayton County*. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/202106-titleix-noi.pdf>

Resources

<https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-tix-202106.pdf>

<https://www2.ed.gov/about/offices/list/ocr/docs/ed-factsheet-transgender-202106.pdf>

<https://safesupportivelearning.ed.gov/events/webinar/lessons-field-supporting-transgender-nonbinary-students-k-12-schools>

<https://www.glsen.org/essa-implementation>