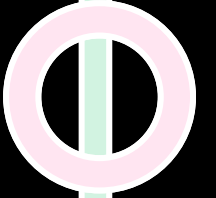


LGBTQIA+ ALLYSHIP IN THE SCHOOL AND LEGAL SYSTEM

Understanding the Basics





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Agenda

Terminology

LGBTQ+ youth in the court system (foster care and juvenile system)

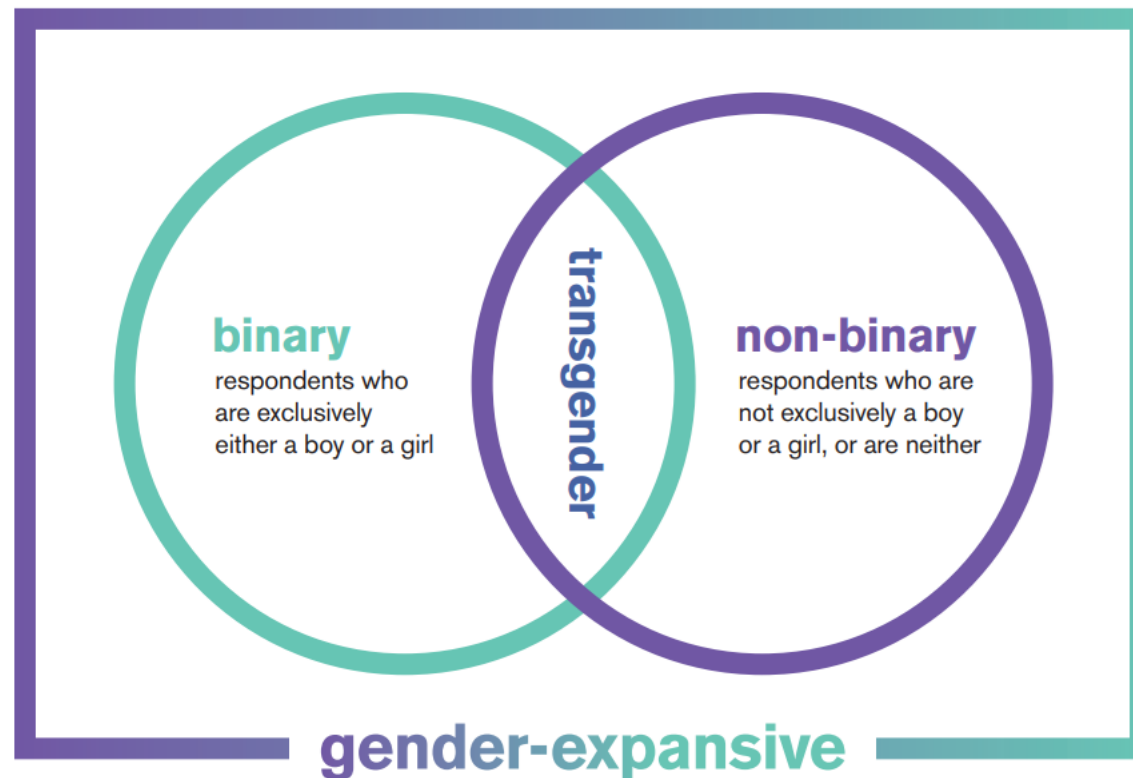
Allyship within the court system

Navigating the education system

Macro, Mezzo, Micro Skills to support LGBTQIA+ youth

UNDERSTANDING
THE
TERMINOLOGY





We use **gender-expansive**, rather than transgender, to describe all non-cisgender respondents because every person defines their identity differently. For example, some non-binary people identify as transgender, but not all do. It is imperative that we expand our understanding of terms and definitions to accommodate everyone's individual experience and self-identification process.

Cisgender

A term used to describe a person whose gender identity, expression, or lived experience aligns with what is typically associated with the sex they were assigned at birth.





Gender identity: A person's internal sense of being male, female, neither gender, or other gender

Natal (Assigned Sex) Sex: The assigned sex a person is given at birth; male, female, intersex

Gender Expression: The physical manifestation of a person gender identity through clothes, hair, voice, etc.

Cisgender: A person who identifies with the gender and natal sex given at birth

Transgender (trans or trans*): The descriptor used by those who do not identify with the gender they were given at birth. There is no "correct" way to be trans*. People who identify within the transgender community have a wide variety of identities.

Non-Binary: A person who identifies with or expresses a gender identity that is neither entirely male nor entirely female

Gender Nonconforming: Exhibiting behavioral, cultural, or psychological traits that do not correspond with the traits typically associated with one's sex according to societal gender norms

Gender-Fluid: A person who does not identify themselves as having a fixed gender

AMAB: Assigned male at birth

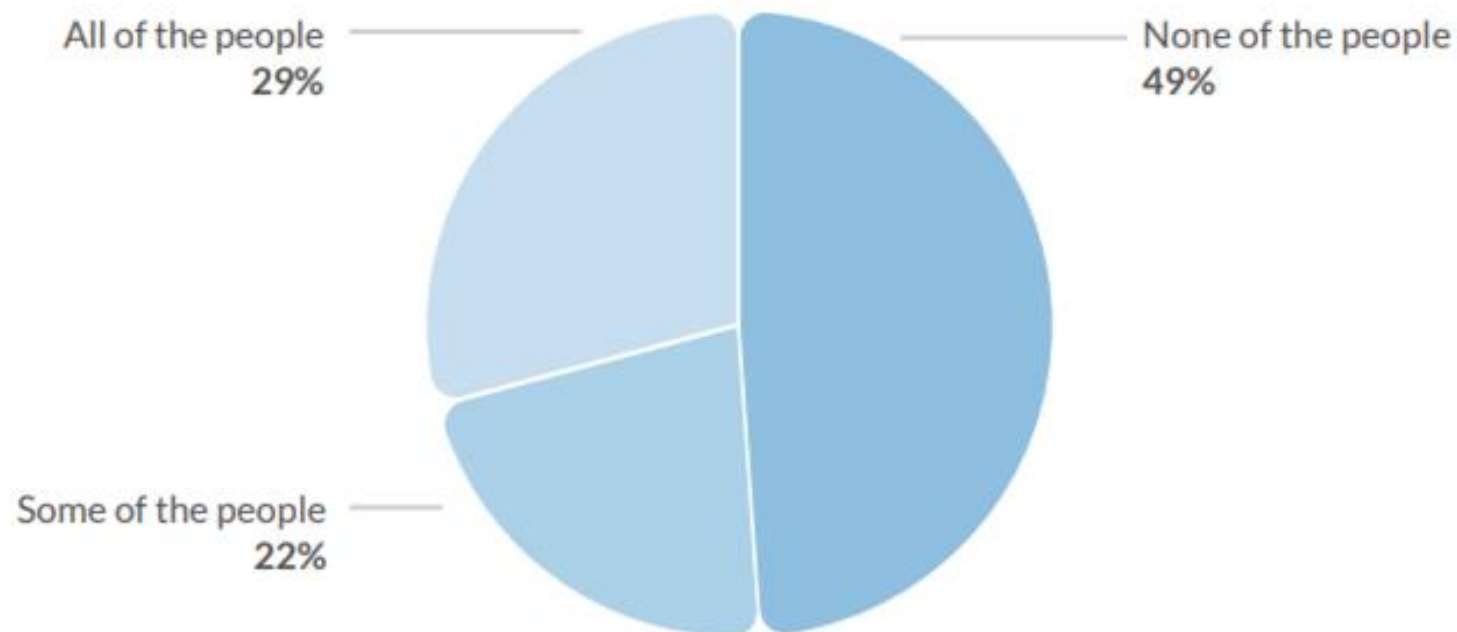
AFAB: Assigned female at birth

Pronouns: The terms society uses to identify people aside from a name (i.e. she/her, he/him, they/them, etc.).

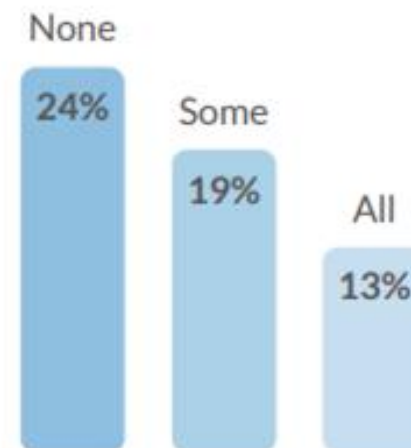
Intersex: Individuals born with any of several variations in sex characteristics including chromosomes, sex organs, sex hormones or genitals that, do not fit the typical definitions for male or female bodies.



If you live with other people, how many of them respect your pronouns?



Transgender & nonbinary youth who attempted suicide in the past year, comparison across the number of people they live with who respected their pronouns:

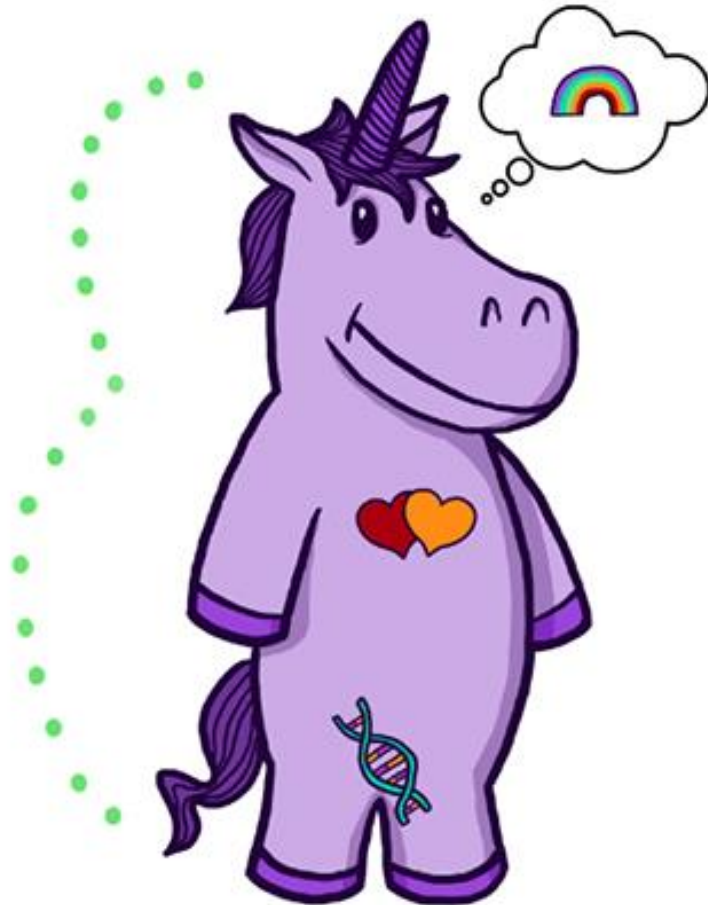


We need to use the right terms

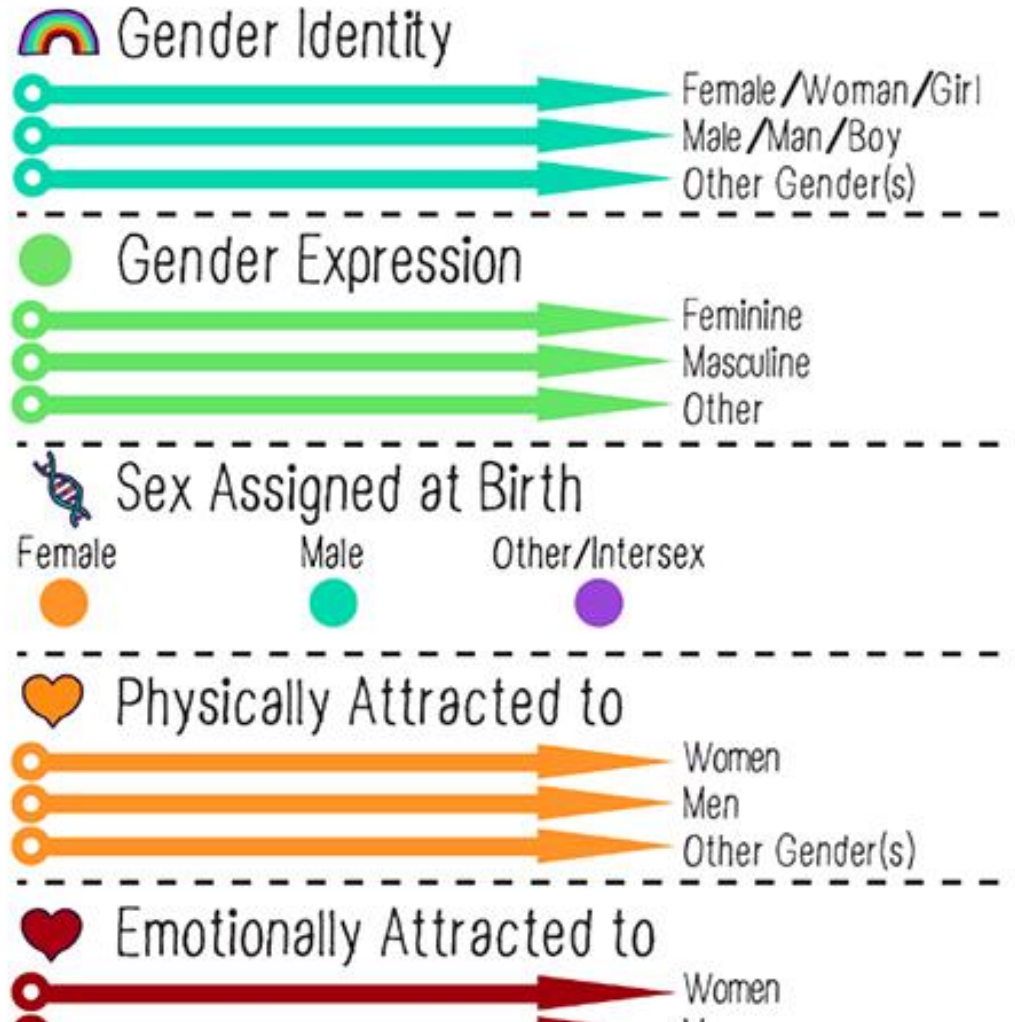
To support other individuals to use
the right terms!-Language matters!

The Gender Unicorn

Graphic by:
TSER
Trans Student Educational Resources



To learn more, go to:
www.transstudent.org/gender



● Gender identity is self identified

Age 2

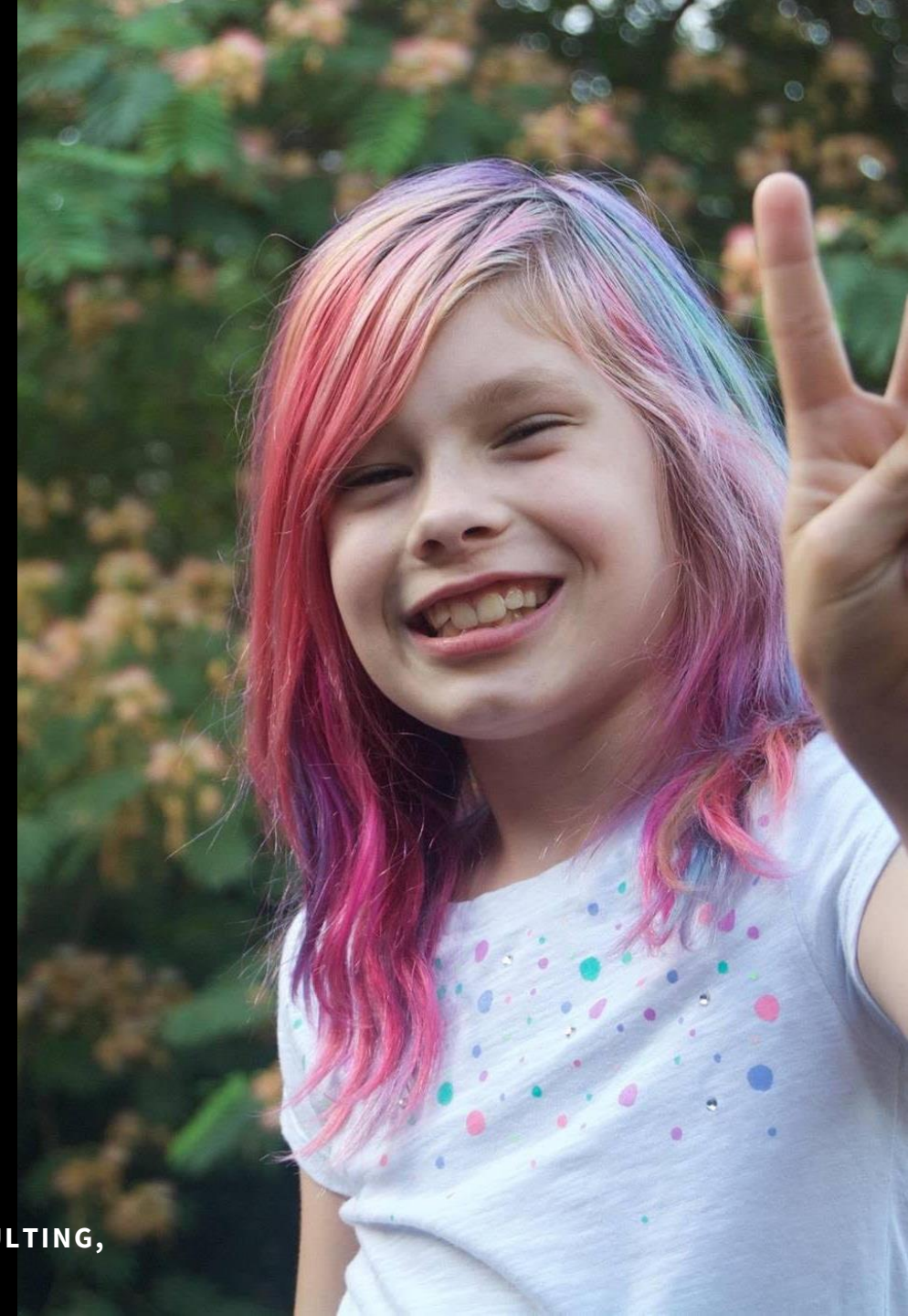
Children become conscious of the physical differences between boys and girls.

Age 3

Most children can easily label themselves as either a boy or a girl. Become conscious of societal roles.

Age 4

Most children have a stable sense of their gender identity.





LGBTQIA+ YOUTH IN FOSTER CARE

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● LGBTQ+ Youth and Welfare System

- [Supporting Your LGBTQ Youth: A Guide for Foster Parents \(childwelfare.gov\)](https://www.childwelfare.gov)
- Approximately 170,000 children, youth, and young adults ages 10 to 20 are in foster care in the United States (U.S. Department of Health and Human Services [HHS], Children's Bureau, 2020).
- Youth who identify as lesbian, gay, bisexual, transgender, questioning (LGBTQ+) are overrepresented in foster care (Human Rights Campaign, 2015), with at least three studies estimating about 30 percent of youth in foster care identify as LGBTQ+ (Baams et al., 2019; Matarese et al., 2021; Sandfort, 2020)



● How LGBTQ+ Youth Enter the Legal System

- Many LGBTQ+ youth face neglect or abuse from their families of origin because of their sexual orientation or gender identity. A recent study found that over 30% of LGBTQ+ youth reported suffering physical violence at the hands of a family member after coming out.
- In addition, many LGBTQ+ youth — 26% according to one study — are forced to leave their families of origin as a result of conflicts with their parents regarding their sexual orientation or gender identity.



● How LGBTQ+ Youth Enter the Legal System

- Some LGBTQ+ youth enter the system for skipping or dropping out of school – steps some take to avoid the harassment and discrimination they face. A recent study found that over 80% of LGBTQ+ students reported verbal harassment because of their sexual orientation or gender identity while at school.
- As a result of lack of acceptance and abuse in the home and at school, a disproportionate number of youth living on the streets are LGBTQ+ (20-40%). LGBTQ+ youth make up approximately 9.5% of the youth population.





CAN WE TALK?

NETFI



WHAT ARE YOU TALKING ABOUT?!



Can we talk?

WE TO
NEED TO
TALK



We need to talk.



What are we even talking about?



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psych



WE NEED TO TALK

LGBTQ YOUTH INCARCERATED IN THE JUVENILE JUSTICE SYSTEM

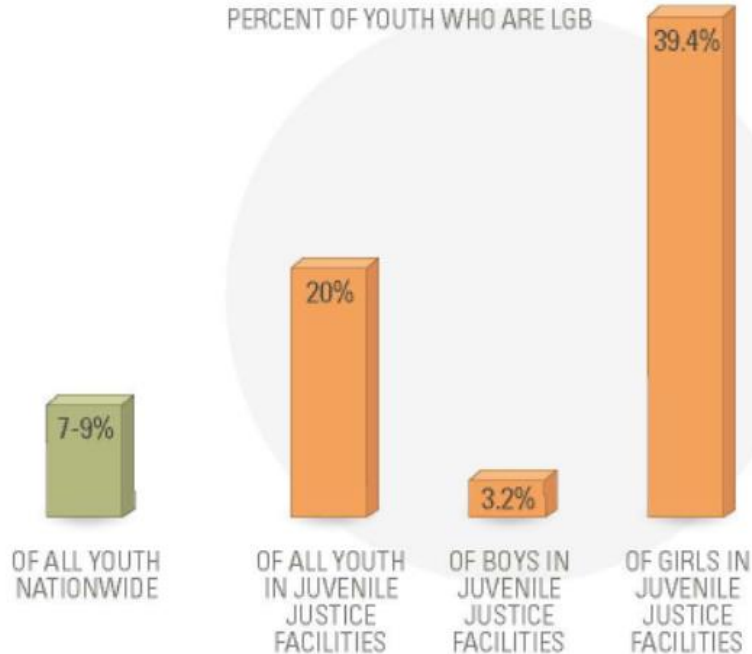
UNJUST: LGBTQ YOUTH INCARCERATED IN THE JUVENILE JUSTICE SYSTEM

June 2017

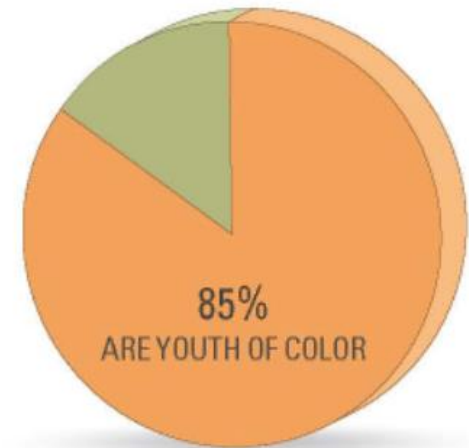
THE FACTS

LGB YOUTH OVERREPRESENTED IN THE CRIMINAL JUSTICE SYSTEM

PERCENT OF YOUTH WHO ARE LGB



OF LGBT AND GENDER NON-CONFORMING YOUTH IN JUVENILE JUSTICE FACILITIES





Nearly 40% of incarcerated girls identify as lesbian, gay, or bisexual and 85-90% of incarcerated lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) youth are youth of color. Overall, the percentage of incarcerated LGBTQ youth is **double** that of the general LGBTQ youth population.



Homelessness

- LGBTQ YOUTH ARE AT MORE THAN DOUBLE THE RISK OF HOMELESSNESS COMPARED TO NON-LGBTQ PEERS.

Homelessness and Housing Instability Among LGBTQ Youth

28% of LGBTQ youth reported experiencing homelessness or housing instability at some point in their lives – and those who did had two to four times the odds of reporting depression, anxiety, self-harm, considering suicide, and attempting suicide compared to those with stable housing.

FEB. 3, 2022



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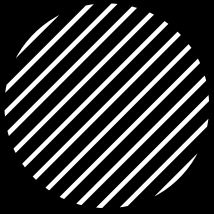
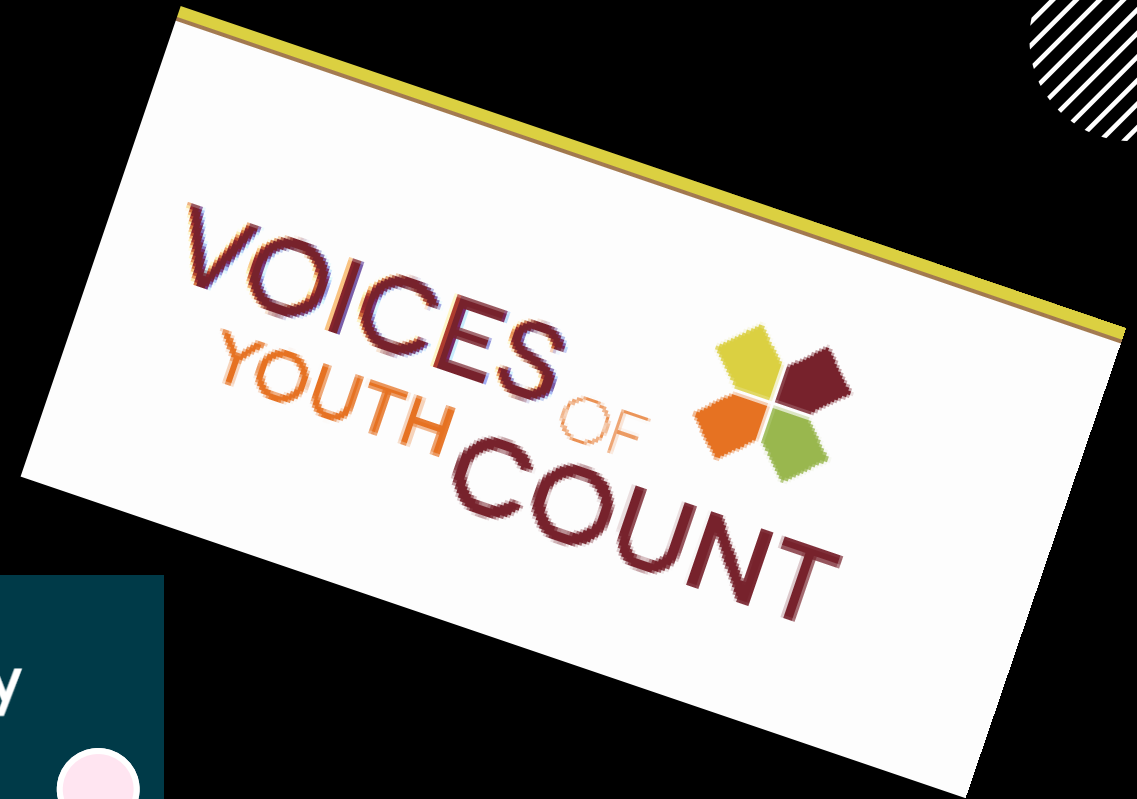
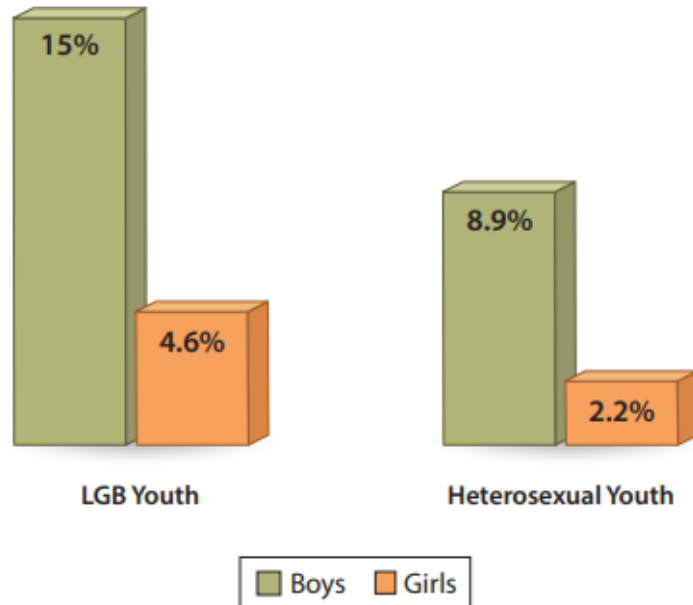
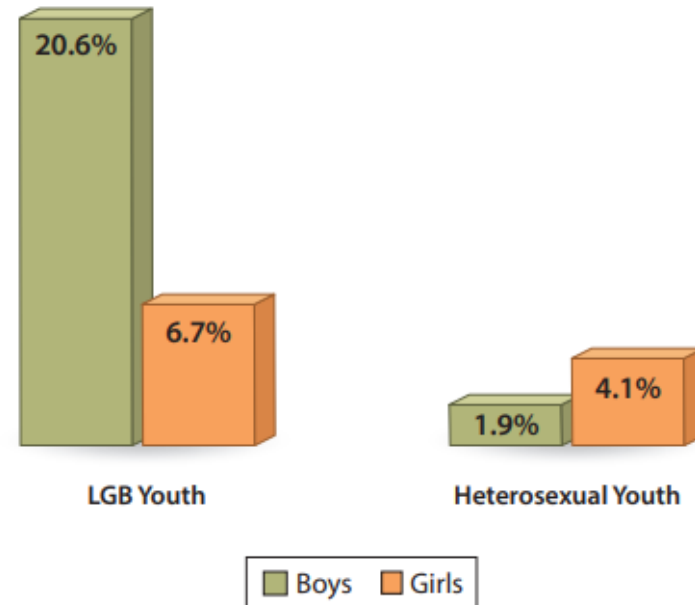


Figure 1: LGB Youth Report Higher Rates of Sexual Contact with Staff



Source: Wilson et al., "Disproportionality and Disparities among Sexual Minority Youth in Custody," *Journal of Youth & Adolescence*, 2017.

Figure 2: LGB Youth Report High Rates of Peer Sexual Assault



Source: Wilson et al., "Disproportionality and Disparities among Sexual Minority Youth in Custody," *Journal of Youth & Adolescence*, 2017.

● The Importance of Allyship

- LGBTQ+ youth who have at least one accepting adult were 40% less likely to report a suicide attempt. –Trevor Project, 2019
- Only 19/50 states have anti-bullying laws for sexual orientation and gender identity (Human Rights Watch, 2020) *Washington DOES*
- As of August 7th, 2020, the total number of trans identified individuals murdered surpassed the entire number of trans identified individuals murdered in all of 2019. No arrests have been made in all murders this year.



● What YOUR Support Looks Like

- Introduce yourself with your pronouns and ask every youth what their pronouns are (you don't "know" pronouns just by looking at someone).
- If working with gender-diverse clients, ask them what pronouns/name they use with different individuals (due to safety) and respect their wishes.
- State at the beginning of any meetings the name/pronouns of the youth (if they aren't in the meeting or don't want to make the statement).



● What YOUR Support Looks Like

- On legal documents, if you need to use the youth's birth name (and not chosen name) ensure the chosen name is listed in parenthesis.
- If an individual in a meeting using the incorrect pronouns/name, correct them.
- If you don't know- ask.
- Use the term chosen pronoun(s) or pronoun(s). Avoid using the term "preferred pronoun."
- As a TIP: When using they/them pronouns (in writing or in speaking) while discussing a single individual, continue to use plural language. "This is _____ they are a 15-year-old youth who entered the foster system due to neglect in August."



- As a Commissioner/Judge (and even an attorney), I have struggled with the appropriate way to address someone whom I know has a different gender identity than their outward appearance. What is the appropriate way to address someone – I have asked “What is your preferred pronoun?” Should we be asking everyone this question?
- Are Mr. and Ms. [last name] still OK to refer to persons in cases? Do you ever use Mx (Mix?) and/or when should you use Mx?
- Recently I was in a hearing in which the pro se opposing party was referred to by both “he” and “she” depending on who was addressing them. Nobody asked what the party’s preferred pronoun was, and truthfully, I chickened out in asking them directly because it felt inappropriate to call attention to the issue. Instead, I used “they” and “them” when referring to the party. What is the best practice in this type of situation?
- When representing a client who is being addressed by opposing counsel/judge/etc. with the wrong pronoun, is it appropriate to correct them on behalf of the client or should we defer to the client to correct them if the client sees fit?
- What is the number one issue facing the trans/non-gender conforming community right now, and how can allies help move towards change?



Navigating the Education System for Gender Expansive Youth





LGBTQ+ EDUCATION EXCLUSION REPORT

[EDUCATIONAL EXCLUSION 2013.PDF \(GLSEN.ORG\)](#)

THE **TREVOR** PROJECT
NATIONAL
SURVEY
ON
LGBTQ
YOUTH
MENTAL
HEALTH



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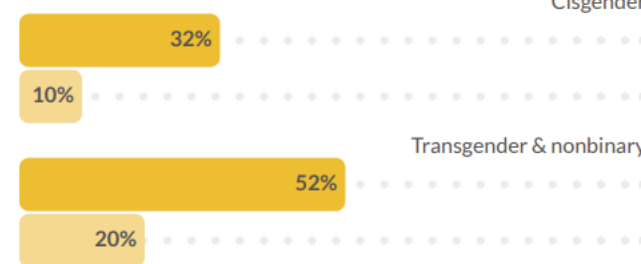
DENARO, IN

12% of white youth attempted suicide compared to **31% of Native/Indigenous youth**, **21% of Black youth**, **21% of multiracial youth**, **18% of Latinx youth**, and **12% of Asian/Pacific Islander youth**.

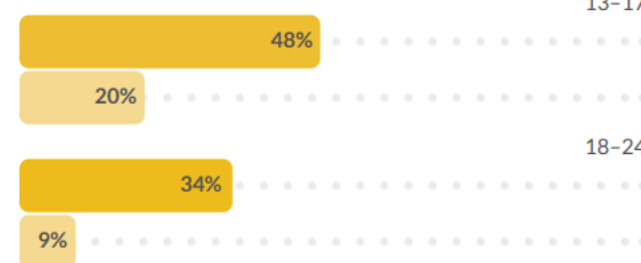
LGBTQ youth who:

● Considered suicide ● Attempted suicide

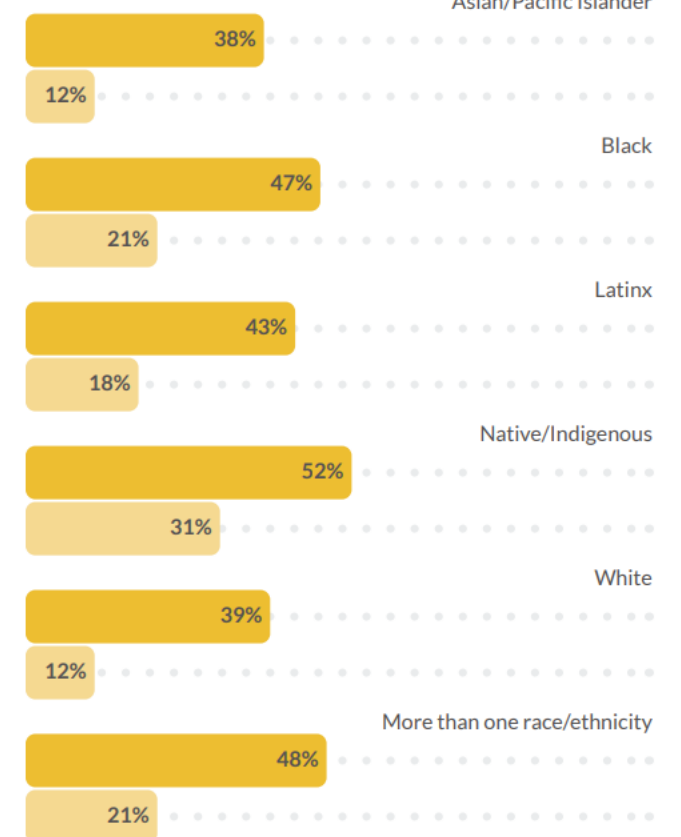
By gender identity



By age



By race/ethnicity






Affirming Gender!

SUPPORTING TRANSGENDER & NONBINARY YOUTH

Affirming **transgender and nonbinary youth** by respecting their **pronouns** and allowing them to change **legal documents** is associated with lower rates of attempting suicide.





75% of LGBTQ youth reported that they had experienced discrimination based on their sexual orientation or gender identity at least once in their lifetime.

More than half of LGBTQ youth reporting that they had experienced discrimination based on their sexual orientation or gender identity in the past year.



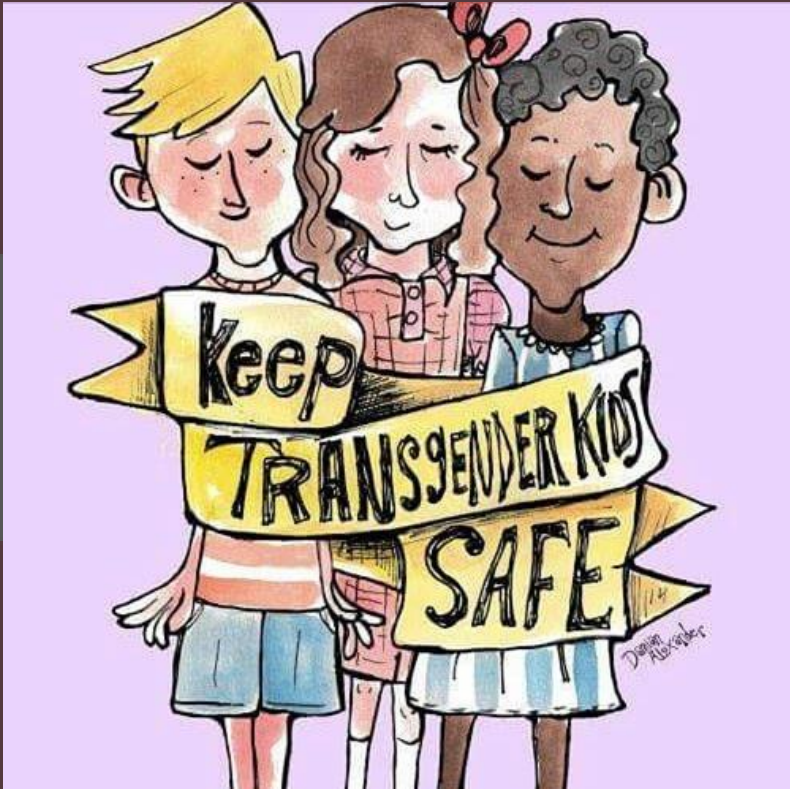


Only
16% of all
gender-expansive
youth hear positive
messages about being
LGBTQ in school

Only
16% of all
gender-expansive
youth always
feel safe in the
classroom

Compared to **32%** of
cisgender LGBTQ youth

US Protections in Schools



- Transgender youth are protected from discrimination under **Title IX** (U.S. Department of Education).
- **Title IX** is a federal civil rights law that prohibits discrimination based on sex in federally-funded education programs and activities.
 - Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and Office of Civil Rights (OCR) accepts such complaints for investigation.

OSPI Protections for WA State LGBTQIA+ Youth

- As of August 1, 2011, school districts in WA are required to adopt state policy & procedure that expressly prohibits the bullying, harassment, and intimidation of scholars based on sexual orientation and gender expression and identity (RCW 28A.300.285).
- On February 23, 2017, Superintendent Reykdahl published a letter stating that WA state law will continue to protect transgender scholars from discrimination in school, which includes names and pronouns, dress codes, scholar participation in sports and physical education, harassment, and students' use of restrooms and locker rooms.
- Civil rights laws prohibit discrimination and discriminatory harassment on the basis of gender expression and gender identity in WA state public schools.

Chapter 28A.642 RCW | Chapter 392-190 WAC | Chapter 49.60 RCW

OSPI – Gender in Learning Standards

| | | | | | |
|---|---|--|---|---|--|
| <p>Understand there are many ways to express gender. H1.Se5.K</p> | <p>Explain that there are many ways to express gender. H1.Se5.1</p> | <p>Understand there is a range of gender roles and expression. H1.Se5.2a</p> <p>Understand importance of treating others with respect regarding gender expression. H1.Se5.2b</p> | <p>Explain that gender roles can vary considerably. H1.Se5.3a</p> <p>Understand importance of treating others with respect regarding gender identity. H1.Se5.3b</p> | <p>Identify how friends and family can influence ideas regarding gender roles, identity, and expression. H2.Se5.4</p> <p>Demonstrate ways to show respect for all people. H4.Se5.4</p> <p>Define sexual orientation. H1.Se5.4</p> | <p>Describe how media, society, and culture can influence ideas regarding gender roles, identity, and expression. H2.Se5.5a</p> <p>Promote ways to show respect for all people. H8.Se5.5</p> <p>Identify trusted adults to ask questions about gender identity and sexual orientation. H2.Se5.5b</p> |
|---|---|--|---|---|--|

Helping Navigate the Education System Law

- 504s are NOT necessary for gender expansive youth
- By law, all students are allowed to use the bathroom of their choice based on their gender identity
- Bathrooms should NOT be locked

Helping Navigate the Education System Law (HIB)

- RCW 28A.600.477(states that every school district shall designate one person in the district as the primary contact regarding the anti-harassment, intimidation, and bullying (HIB) policy.

WA state defines harassment, intimidation or bullying as any intentionally written message or physical act, motivated by race, color, religion, ancestry, national origin, gender, sexual orientation, **including gender expression or identity**, mental or physical disability or other distinguishing characteristics, when an act:

- Physically harms a student or damages the student's property.
- Has the effect of substantially interfering with a student's education.
- Is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment.
- Has the effect of substantially disrupting the orderly operation of the school.



If A Gender Expansive Youth is Impacted by HIB

Request

Request to file a FORMAL complaint and have it in writing to the school administration

Request

Request to connect directly with the designated district official of anti-HIB

Request

Request to see specific information regarding the actions and timeline that the school and district will take to protect your child

Keep

Keep a timeline of communication

- (HIBs can be filed against school staff OR students)



Example of Written Complaint

- “I am writing as the guardian/social worker/lawyer etc. of _____ to file a formal complaint of Harassment, Intimidation and Bullying of my child _____. This is in direct response to the incident that occurred on _____ at the school _____. I would like to set up a phone conversation with the administrator and the designated district official of anti-HIB to issue a formal complaint.”



Names and Pronouns



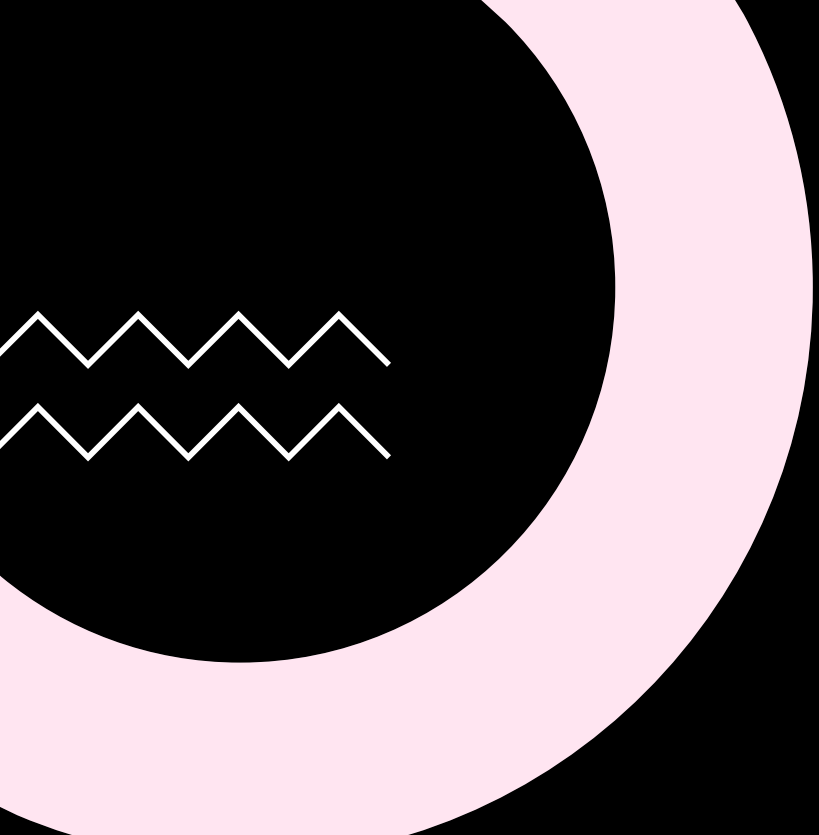
All school districts have a School Information System (SIS) that can put chosen name AND pronouns of youth in the system.



All youth have a legal right to use their chosen name and pronoun.



Meet with administrators (if needed) prior to the transition to a new school to ensure correct information is in the system.



Physical Education Requirements

- Under Washington state law, Physical Education is part of basic education and a requirement for high school graduation.
- Students may be excused from physical education (but not health) (RCW 28A.230.050). Students who are excused from physical education must "demonstrate competency/mastery in the knowledge portion of physical education in a district approved competency assessment that is aligned to Physical Education K-12 learning standards, in accordance with written district policy" (WAC 180-51-068). Physical education credits are mandatory core credits.



Physical Education Waivers



An individual student may be excused from participation in physical education on physical disability, employment, or religious belief, or because of participation in directed athletics or military science and tactics or for other good cause. Students and families must complete a waiver.

Students may pursue credit for physical education by demonstrating proficiency/competency. This could include passage of a Classroom-Based Assessment to demonstrate competence in health and fitness and/or Participation directed athletics, which includes both school athletic programs and community-based organized athletics.





Health and Sexual Education

[Senate Bill 5395](#), passed by the Legislature and Washington voters in 2020. It requires all public schools to provide comprehensive sexual health education (CSHE) by the 2022–23 school year.

Ask a school what curricula they will be using and how it meets the requirements to support gender expansive youth and gender inclusivity. (See next slide for requirements)

Comprehensive Sexual Health Education Implementation | OSPI (www.k12.wa.us)

Requirements by Grade Band

Grades K-3

Grades 4-5

Grades 6-8

Grades 9-12

What is currently required?

No sexual health content is currently required for grades K-3.

If districts choose to provide sexual health education, it must be consistent with new CSHE requirements.

New Requirements

Beginning in the 2022-23 school year, schools must provide [social-emotional learning](#) (SEL) to students in grades K-3, consistent with SEL Standards and Benchmarks. SEL provides skills to do things like cope with feelings, set goals, and get along with others. No sexuality content or curriculum will be required, although districts **may** choose to offer additional instruction in alignment with K-12 Learning Standards for Health Education.





3 PRACTICE AREAS of Social Work



MICRO

Working directly with individuals or families on everything from access to housing, healthcare, and social services to treating mental, behavioral, and emotional disorders.



MEZZO

Working with groups and organizations such as schools, businesses, neighborhoods, hospitals, nonprofits, and other small-scale communities.



MACRO

Working towards large-scale systematic change by crafting laws, petitioning governments for community funds, organizing social groups, and molding social policy.

● Micro Skills

- VALIDATE:
 - *Thank the youth for sharing.*
 - “Thank you for sharing that with me. I feel honored that you shared that with me.”
- ASSURE:
 - *Let them lead you in how to be supportive.*
 - “How can I support?”
 - “What do you need from me?”
- ASK:
 - *Normal and respectful tone (Remember why we are asking)*
 - “Have you spoken to anyone else about this?”
 - “I’m so glad you have such a strong support system.”
 - “I feel honored you feel safe with me.”



● Macro Skills

- Attention to office environment: personal pictures, posters, decorations
 - Safe Zone signs, rainbow flags, HRC symbols
- Using inclusive language
- Avoid assumptions
 - Gender expression does not equate to sexual orientation
 - Gender expression does not relate to more maladaptive sexual behaviors
- Review confidentiality procedures to help the youth feel more confident that their privacy will be protected
- Think about your bathrooms or other “gendered” areas in your spaces



● Mezzo skills

- If a youth comes out to you and wants to talk about coming out to their family, supporting the youth with lining up resources and practicing/role playing the conversation.
- If the youth is not out at school and they want to come out at school, discussing with them who they would talk to and what that would look like. Lining up resources and practicing/role playing the conversation.
- Building a list with the youth of safe people, agencies, organizations in their life.



● Macro Skills

- Focus on the youth's personal strengths
- Promote appropriate and effective problem-solving and coping skills
- Respect the name, pronouns, expression
- Be a good role model for your colleagues



● Macro Skills

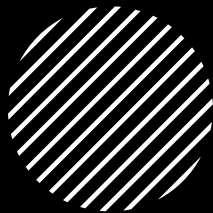
- Don't assume the youth you work with are heterosexual or binary-notice you can't tell by looking at someone
- Maintain confidentiality
- Be aware of your own biases and attitudes
- Learn from people who are informed
- Allyship is a verb- it exists when the youth is away from us





Mistakes to Avoid

- Phrases
 - “How can you be sure?”
 - “Really!?”
 - “Have you really thought about this?”
 - “How do you know this isn’t a phase?”
 - “It seems like life will be so hard”
- Critique
 - Be cautious of criticism regarding their “outness”
- Stereotyping
 - Sexual activity
 - Expression
 - They’ve told everyone





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- Innovative Behavioral Consulting, LLC
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Resources

- [Support for parents of LGBTQ - Strong Family Alliance](#)
- [2018 Gender-Expansive Youth Report - Human Rights Campaign \(hrc.org\)](#)
- [HRC-2019-Bi-Youth- Report.pdf](#)
- [Know Your Rights_0.pdf \(glsen.org\)](#)
- [Prohibiting Gender-Affirming Medical Care for Youth - Williams Institute \(ucla.edu\)](#)
- [Mental Health and Timing of Gender-Affirming Care | Pediatrics | American Academy of Pediatrics \(aap.org\)](#)
- [Pubertal Suppression for Transgender Youth and Risk of Suicidal Ideation | Pediatrics | American Academy of Pediatrics \(aap.org\)](#)





RESOURCES

The Trevor Project —
Saving Young LGBTQ
Lives

Pediatric Gender Health
Program | Mary Bridge
Children's

Gender Clinic
(seattlechildrens.org)

Home - Ingersoll Gender
Center

PFLAG |



Gender Support Plan

Microsoft Word -
Student Gender Support Plan.doc
x (prismic.io)



– Confidential – Gender Support Plan

The purpose of this document is to create shared understandings of how the student's authentic gender will be accounted for and supported at school. School staff, caregivers (if appropriate) and the student should work together to develop the document. Ideally, each will spend time completing the sections and then come together to review them and confirm shared agreements. Use the action planning section at the end of the document to track items requiring any follow-up. Please note that there is a separate document to plan for a student formally communicating a change in their gender status at school.

| | |
|--|------------------------------|
| School/District _____ | Today's Date _____ |
| Name Student Uses: _____ | Pronouns Student Uses: _____ |
| Name on Birth Certificate: _____ | Sex Assigned at Birth _____ |
| Date of Birth _____ | Student's Grade Level _____ |
| Sibling(s)/Grade(s) _____ / _____ / _____ | |
| Parent(s), Guardian(s), or Caregiver(s) /relation to student _____ | |
| _____ / _____ | _____ / _____ |
| _____ / _____ | _____ / _____ |
| Meeting participants: _____ | |

PARENT/GUARDIAN INVOLVEMENT

Guardian(s) aware of student's gender status? Yes/No Support Level: (none) 0 1 2 3 4 5 6 7 8 9 10 (High)

If support level is low what considerations must be accounted for in implementing this plan? _____

PRIVACY: CONFIDENTIALITY AND DISCLOSURE

How public or private will information about this student's gender be (check all that apply)?

____ District staff will be aware (Superintendent, Student Support Services, District Psychologist, etc.)

Specify the adult staff members: _____

____ Site level leadership/administration will know (Principal, head of school, counselor, etc.)

Specify the adult staff members: _____

____ Teachers and/or other school staff will know

Specify the adult staff members: _____

____ Student will not be openly "out," but some students are aware of the student's gender

Specify the students: _____

____ Student is open with others (adults and peers) about gender

____ Other – describe: _____

____ If the student has asserted a degree of privacy, what steps will be taken if that privacy is compromised, or is _____