CRITICAL YOUTH STUDIES READER

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CHAPTER 14

Moving an Anti-Bullying Stance Into Schools: Supporting the Identities of Transgender and Gender Variant Youth

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Classrooms today contain students whose identities are constantly shifting and evolving. Often it is the teacher who lacks the embodied knowledge or social expertise to navigate new terrain when teaching students whose identities fall outside of teachers’ social, historical, political, and/or gendered networks. Understanding transgender (T) and gender variant and/or gender non-conforming (GV) youth and how to support their burgeoning identities in schools through both curriculum and policy, pose particularized challenges for teachers as they encounter how mythologized gender norms are deeply embedded in the social fabric of schools. Teachers today are being challenged with how to reconcile a binary-gendered past with an ever-evolving, non-binary present and the myriad gendered identities and complex realities of today’s students. An unfortunate reality that walks in the shadow of understanding the students’ shifting gendered selves is that any deviance from the norm (Miller, 2012) often brings on bullying behavior. This chapter discusses how school-wide policies impacting the school environment, an anti-bullying stance, and queering pedagogy can impact the classroom environment and generate a positive and affirming educational climate for TGV youth.

According to the 2009 GLSEN (The Gay, Lesbian & Straight Education Network) National School Climate Survey, secondary students who are either LGBTQ or gender variant and/or non-conforming—e.g., those students whose behaviors, mannerisms, expressions, and gender roles, and/or those whose appearance, whether through clothing, makeup, height, size, or weight, is non-conventional—accrue the worst bullying statistics in schools today. I highlight and hone in on their bullied statistics, because these students incur the highest prevalence of violence and suicidality (Markow & Fein, 2005; Sherer & Nickerson, 2010). I refer to bullying against these populations as queer bullying. By queer, I mean breaking binaries that reinforce compulsory, heteronormative norms for LGBTQ students and those whose gender expressions, mannerisms, roles, behaviors, and appearance are non-conforming, variant, or challenge the dominant gendered narrative.
LGBTQGV

The lesbian, gay, bisexual, transgender, questioning, and gender variant Millennial Generation history, or the LGBTQGV, is deeply embedded in the lives and deaths of the activists who fought for LGBTQGV freedoms of today, and arguably spans back to the 12th century when hostility toward homosexuality began to develop throughout European religious and secular institutions. The LGBTQGV are living in a time and a political climate in which they are now benefitting from the emotional, psychological, and physical labor of the LGBT activists in their quest for equality; for their equality. Their history includes once heated discussions about their marginalization in private living rooms (e.g., The Mattachine Society and the Daughters of Bilitis); it includes the pathologization of their sexual orientation in 1952, and later the depathologization in 1973 of homosexuality; it includes the pathologization of transgenderism in 1980, its renaming as a gender-identity disorder in 1984, and the pending re-pathologization of the diagnosis as gender dysphoria in May 2013; it includes those men who dressed as women at Compton’s Cafeteria who fought against the police in 1966; it includes the angry and violent protests by gay activists against police at the Stonewall Inn in 1969; it includes the beginning of Gay Pride marches around the country in 1970; it includes the tragic losses of the too-many-to-name who succumbed to the AIDS Holocaust; it includes the virulent attacks of hate against their population; and it includes the loss of their own suicide.

The history of the LGBTQGV’s also includes an increasing prevalence of more authentic, non-stereotypical representations of LGBT people in the media and on TV. The media help re-frame, represent, and disseminate positive strides made on behalf of the LGBTQGV community and those who identify themselves as members. Examples include an increased attention to same-sex marriage and domestic partnerships, President Barack Obama’s 2012 endorsement of marriage equality; political races that are won by openly LGBTQ candidates, TV shows and movies positively depicting non-stereotypical LGBTQ characters, and a growing number of out actors, musicians, athletes, and politicians. All of these help to provide positive images and an increasing acceptance and recognition of LGBTQGV people as a highly diverse group. Such “outness” provides positive examples of LGBTQGV individuals as normal people living productive lives in ways our society has never been given the chance to see or consider before. It also increases the likelihood that children in the next generation will experience such positive LGBTQGV representations as a normal part of their own worlds as they reach maturity and become leaders in our society.

Why turn to the media to examine their impact on LGBTQGV students? Consider a typical adolescent tuning in to multiple media outlets and experiencing a popular culture that offers nothing but heteronormatively prejudicial beliefs that are validated in those media by celebrities, public officials, and other people in powerful positions. Now consider the impact those ubiquitous representations can have on a young person, how they might play out in an LGBTQGV child’s life in school, and how the child’s apparent violation of accepted norms is likely to be met with discomfort, fear, confusion, and even (too often) hatred, anger, and resentment.

LGBTQGV people are mostly forced to operate in a social context wherein they may often see, hear, and/or experience nothing but heteronormative messages about who they ought to be, and how they should look, act, feel, think, talk, move, and so forth. That alone leads members of this group to operate out of fear in order to protect their feelings and identities. But at the same time, we are seeing a shift (at least a slight one, but in many ways a dramatic one, given the 2012 elections, for example) wherein media outlets are representing LGBTQGV people in new ways—often very positive ways, and even in ways that make their identity a secondary, tertiary, or even non-existent issue. But because gender typing and heteronormativity are still dominant, members of this group...
face huge threats to their ways of thinking, feeling, and being in the world, while non-members, who do not access the positive media representations (or who reject them—and are taught to reject—those representations), are going to school with them. That leaves LGBTQGV™ students extremely vulnerable and likely to feel under siege much of the time, and it also leaves the door open for others to bully them because they are different. This ever-present and pervasive media split between representations of heteronormativity and positive portrayals of LGBTQGV people leaves no doubt about why we lack consensus regarding federal anti-LGBTQGV legislation that censors bullying or supports curriculum development.

These historical events have helped to shift public attention to the rights that LGBTQGV people should be afforded, and together, they mark a revolution in social consciousness and values that have shifted the right for LGBTQGV equality into the national spotlight. Such a history should be part of the elementary- and secondary-school curricula, and should be taught alongside any other civil-rights movements in the search for recognition, equality, and human rights. When these discussions are not part of the daily diet of school curriculum, it sends critical messages to our LGBTQGV™ youth, and their already vulnerable, budding identities, that their history, the positive representations of their lifestyles, and their lives matter less than those of their heterosexual peers. To that end, this chapter addresses a possible blueprint that draws critical attention to how to normalize secondary classrooms for TGV youth—populations who by far, are the most vulnerable to bullying, bullying, homelessness, drug-use, truancy, and dropping out of school (Greytak, Kosciw, & Diaz, 2009; Kosciw, Greytak, Diaz, & Bartkiewicz, 2010). This work honors those activists whose lived experiences are shaping and informing school curriculum, though they may not be around to see the fruits of their labor today.

School-Wide Policies Impacting the School Environment

Under Title 2, Public Education and the Safe Schools Act, schools are expected to protect students with binding laws and codes that mediate all forms of harassment. A student code of conduct is one common form of providing materials to students and parents, which are expected to clearly delineate the mandates of a respective school district. In the code of conduct, schools are expected to have cited discrimination and harassment policies that reflect both district as well as state policies (and sometimes even national policy), as well as provide reporting policies that are easy to follow. Many codes of conduct also cite current state and national laws so that parents are aware of the possible enforcement of a violation of the stated policies. Most schools require a signature of both the student and guardian as a means to ensure that the handbook has been read. Codes of conduct are expected to be clearly posted so that anyone entering the school is made aware of the school’s policies. What we also know is that while codes of conduct are de jure law, there is no way to completely surveil an entire school and enforce each and every rule or regulation.

Absences in discourse in codes of conduct about protecting LGBT students or laws that prohibit a positive discussion or portrayal of LGBT people can become largely divisive issues for students whose gender identity or gender expression is non-conforming. Such gaps or even the false representations of LGBT mythologies stigmatize and marginalize LGBT students when schools provide false, misleading, or incomplete information about LGBT people.

Typically, when bullying is based on race, color, national origin, sex, disability, or religion, bullying overlaps with harassment and schools are legally obligated to address it. Under federal law, when bullying and harassment overlap, federally funded schools (including colleges and universities) have an obligation to resolve the harassment. When schools fail to resolve the issue of a protected class, they are likely violating one or more civil-rights laws that are enforced by the U.S. Department of
Education’s office or the U.S. Department of Justice. Violations typically fall under one of these civil rights categories:

- Title IV and Title VI of the Civil Rights Act of 1964,
- Title IX of the Education Amendments of 1972,
- Section 504 of the Rehabilitation Act of 1973,
- Titles II and III of the Americans with Disabilities Act,
- Individuals with Disabilities Education Act (IDEA).

According to GLSEN, due to egregious absences of bullying and discrimination laws that protect students’ sexual orientations and gender identities, some states have adopted “Safe Schools Laws.” These laws are further delineated into two major categories: fully enumerated anti-bullying laws and nondiscrimination laws.

Fully enumerated anti-bullying laws prohibit bullying and harassment of students based on sexual orientation and gender identity. According to StopBullying.gov (2013), fully enumerated means that bullying may include, but is not limited to, acts based on actual or perceived characteristics of students who have historically been targets of bullying. The website provides examples of such characteristics, and it makes it clear that bullying does not have to be based on any particular characteristic.


**Figure 14.1: Enumerated anti-bullying laws by state that protect students based on sexual orientation and gender identity. (Source: GLSEN, 2013).** Fifteen states enumerate protection of students based on sexual orientation and gender identity and thirty-five states have not enumerated anti-bullying laws.
Non-discrimination laws by states provide protection from discrimination to LGBT students in public schools, but do not use the words *bullying* or *harassment*. Of the non-discrimination laws, some only protect students from discrimination based on sexual orientation but *not* on gender identity. Thirteen states and the District of Columbia protect students on the basis of sexual orientation and gender identity, and Wisconsin provides protection on the basis of sexual orientation only.

**Figure 14.2:** This map shows which states have non-discrimination laws that apply to schools and protect students on the basis of sexual orientation or sexual orientation as well as gender identity. (Source: GLSEN, 2013)

There are also states that have laws which purposefully stigmatize LGBT students, and which prohibit local school districts from having enumerated anti-bullying policies. "No promo homo" laws forbid local or state education teachers from discussing gay and transgender issues (including sexual health and HIV/AIDS awareness) in a way that could be viewed as positive. In some states, teachers *must* portray LGBT people in a negative or inaccurate way. Currently, eight states have adopted "no promo homo" laws: Alabama, Arizona, Louisiana, Mississippi, Oklahoma, South Carolina, Texas, and Utah; and Missouri and South Dakota prohibit school districts from having enumerated policies.

So while we have no federal anti-bullying law, LGBT students do have some levels of protection. Title IX and Title IV do not prohibit discrimination based solely on sexual orientation, but they protect all students, including students who are LGBT or those perceived to be LGBT, from sex-based harassment. Likewise, under Title IX, LGBT students are protected from forms of sex discrimination if they experience harassment based on their actual or perceived sexual orientation.
An Anti-Bullying Stance

Currently, there is no federal anti-bullying law. States must take it upon themselves to create anti-bullying laws. Forty-nine of 50 states have anti-bullying laws in place (Montana is the only state without an anti-bullying law), and several states have comprehensive anti-bullying laws. Though comprehensiveness varies by state, we are starting to see rough legislative reforms in states such as New York, New Jersey, and Massachusetts. To date, Massachusetts has one of the strictest and toughest anti-bullying laws in the country. It requires teachers and other school staff to report bullying to the principal or another administrator picked to handle reports when they see or become aware of it. It requires yearly training for teachers and staff on prevention and intervention related to all forms of bullying, and it calls for instruction on heading off bullying for students in every grade as part of the curriculum (Miller, 2013). Were tougher anti-bullying laws present in each state, we would likely see a decrease in the number of casualties and bullycides, those who take their own lives due to being bullied.

A comprehensive stance on anti-bullying must be seamlessly tied to law, education, and preventive health care. Miller (2013) enumerated a wish list of interventionist anti-bullying stances, which included:

1. Legislatively preclude it by putting in place a systems-based anti-bullying program in every school in the country.

2. Implement an anti-bullying curriculum in which students take anti-bullying classes every year during their pre-K–16 preparation.

3. Have a federally appointed official serve as a “minister of anti-bullying” who studies and views successful models of anti-bullying programs for use in local systems (based on models such as those found in the United Kingdom and Sweden).
4. Fund anti-bullying programs at the federal level and reward states and schools that show reductions in bullying.

5. Tie anti-bullying to preventive mental health and health-care screenings so that prevention/intervention becomes a standard aspect of our citizenry’s annual check-ups.

Since these stances have yet to be enacted, states and schools are encumbered with developing stances that can reduce bullying.

What Schools Can Do to Support TGV Students

Research does support that some teachers are ably working with the lesbian-gay-bisexual-transgender continuum (Clark & Blackburn, 2009; Meyer, 2007; Miller, 2009; Parker & Bach, 2009; Weinberg, 2009), and are effectively applying it to classroom curriculum and the like, but teachers are likely to be grossly unfamiliar with how current gender theory has rapidly moved into adolescent discourse and is practiced by them each and every day that they enter and exit school grounds. By understanding the current research and conversation related to non-binary representations of gender issues in middle and secondary high school English, math, science, art, physical education, and history classrooms, teachers can challenge normative constructs of gender, masculinity, and femininity that reproduce gender inequalities and gendered violence, and that hinder the human development of young people. To be effective and to hold teachers and students accountable, teaching about non-binary representations of gender across curricula must be placed in a social justice and/or human rights context and integrated into an anti-bullying stance in a school’s code of conduct—or a queering of pedagogy. Such stances must proactively seek to disrupt gender typing and heteronormativity, which have provided limited and narrow lenses for how youth fit into society. By moving beyond the gender binary, the invisibility of those who have once been silenced and marginalized can be decreased, and discourses around gender—which are also privileged, inequitable hierarchies of power and privilege in the classroom—can be reshaped and can inevitably become more equitable.

Moving Beyond the Gender Binary

Discussing laws and exclusionary practices in school curricula that exclude LGBT people can set the tone for how to bridge past to current practices relating specifically to TGV students. Understanding beyond the gender binary can mediate how teachers approach the changing identities of students, and provide them direction for queering pedagogy. Beyond, first and foremost, is postmodern and futuristic, and implies and recognizes that there is a foundation from which other ideologies emerge in its location on the binary. Likened to Felski’s (1996) work on transsexuality, the beyond “remain[s] attentive to disjunction and nonsynchrony in the experience of temporality while simultaneously acknowledging systemic connections and relationships among discrete cultural practices” (p. 348). For instance, when we consider binary concepts, they are the unspoken and yet agreed upon dominant ideologies that are reinforced institutionally, and exist to maintain popular understandings on myriad topics such as law, education, government, and religion. Often when the binary is challenged in any of these institutions, people become uncomfortable or destabilized because the binary is, in itself, an ideology that can be understood by the masses as it secures and safely localizes dominantly held beliefs and morals. Gender, gender identity, and gender expression tend to conjure destabilization because they do fall outside of, and challenge, the binary.

The binary mediates how relational ideas are often socially constructed as pairs to frame a continuum, but such ideas are not necessarily oppositional. An example of this would be the Jungian symbolic archetype of light versus darkness. These concepts recur and exist in collective unconscious, and reinforce the binary and meaning-making in myriad contexts. Light often means good, goodness,
faith, right, etc., while darkness infers evil, lack of faith, fallen, and wrong. Typically, these archetypes are paired in stories, art, and in various cultural milieus. So while they may be opposite one another, there is an implication of their opposing natures, and they may not be overtly oppositional (though they can be). The same is true for the binary pairing of law and anarchy. Law implies right, morally correct, conformity, and acceptance of social norms and mores; while anarchy means an abhorrence of law, nonconformity, and rejection of and/or disdain for social norms and mores. These concepts often participate unconsciously opposite one another through acquiescence to social norms that are indoc- trinated into people from early in one's life. Like light versus darkness, law and anarchy are not always overtly oppositional, but they do operate on the unconscious mind to maintain order in society.

Applying these examples to the discussion of "beyond the gender binary," the beyond recognizes the foundation of its inception, or rather, the institutionalization of the theoretical ideologies from which it emerged, but it also challenges its genesis by constructing emerging ideological language, which cannot fit into neat boxes that will satisfy status quo ideology. And so, the beyond the gender binary is one of the areas that tends to make people uncomfortable, because it is not easily understood, nor is it dominantly accepted.

The word, queer, is a transitional word for understanding the movement from the gender binary to the non-binary. Traditionally, queer was a pejoratively held term against the LGBT community, but has been reappropriated by activists and academics as a way of taking back power and pivoting this word into a term of empowerment. Though the term itself has become quite normalized within the LGBT community, if one is in the "know," it has become a bridge often synonymously used for the LGBT acronym, but is still on the margin of larger social and heteronormative acceptance. Queer can help make sense of moving beyond the gender binary, as it is an umbrella term that many prefer, both because of convenience (easier than gay, lesbian, etc.), and because it does not force the person who uses it to choose a more specific label for their gender identity or sexual orientation.

Although several theories on gender have been fundamental in shaping dominant perspectives on gender, this discussion on understanding moving beyond the gender binary is premised on Judith Butler’s (1990) notion that gender is performance, which is an outgrowth of prior feminist theories on gender. Butler suggested that the given identity of the individual is illuminated by the gender that one performs. Butler said, "gender is an identity tenuously constituted in time, instituted in an exterior space through a stylized repetition of acts" (p. 140). She went on to suggest that gender is a "surface signification," and that gender "is created through sustained social performances" (p. 141). Butler essentially argued that the individual is a subject, capable of action—not an object to be constructed. Such reasoning infers that people have agency in how they invite and embody an identity. Building from this premise, then, by inviting in discussion about gender in classrooms, we can begin to see how any identity can take on various gender-performed roles.

Gender identity is therefore an individual’s personal sense of his or her correct gender along a continuum between normative constructs of masculinity and femininity (Miller, 2009), while gender expression is one’s choice and/or manipulation of gender cues: such as with hair, clothes, and makeup (Chase & Ressler, 2009, p. 23). Gender expression may or may not be congruent with or influenced by a person’s biological sex. Sexual identity or sexual orientation refers both to how people identify biologically on a continuum between female and male, and to whom they are sexually and/or affectionately attracted. If we are to have a truly pluralistic understanding about gender, gender identity, and gender expression, we must begin to inform ourselves about the emerging politics and discourse on non-normative representations of gender so that we can inform our own students about current and accurate information that will prepare them for real-world understandings. In fact, bringing them into their own histories of the LGBT movement and the current policies which are and are not in place about state and federal bullying laws can develop into interdisciplinary units that can inform and empower them to become agents of change.
If we move from the stance that gender is socially constructed, we can begin to see how that can inform our observations of gender performance in school contexts. As many of us are aware, students bring with them identities from their lives about which we, as teachers, may lack understanding. Students today perform gender outside of the space-time continuum in which many teachers were socialized. And so, this brings a burgeoning excitement to the classroom that invites close observation from which we can all learn.

**Conclusion: Moving Beyond—Adding the TGV and More to the LGB/Straight-Heterosexual Binary**

When we talk about non-normative gender, or gender non-conformity, or even gender variance, we enter into territory that students seem to be more comfortable discussing than do their teacher counterparts. In fact, much of our contemporary learning as a society about gender non-conformity has come from peer groups; talking with youth; attending house parties; following Facebook discussions; reading research, magazines, young adult books, and novels; and watching non-mainstream film. In order to add the TGV to the LGB acronym, we need to unpack some of the ideology behind transgender theory.

The word *transgender* entered the English vocabulary in the 1980s from the transsexual and transvestite communities to describe individuals whose gender identity is different from their biological sex (Cromwell, 1997, p. 134). A *transgender person* (refers to the T on the LGB continuum) is one who has the experience of having a gender identity that is different from one’s biological sex. A transgender person does not have to medically transition or have gender-alignment surgery to identify as transgender. *Transgender* has become an umbrella term for non-conforming or non-normative gender identity and gender expression, but a transgender person who does have gender-alignment surgery is referred to as transsexual. Gender-alignment surgery is the actual establishment of one’s affirmed sex via legal and medical steps. Other terms often used by the transgender community are *trans woman* or *trans man*, which are informal descriptors used relative to one’s affirmed gender. Some variants include *trans person* and *trans folk*. *Transsexual people* typically refers to those taking all available medical and legal steps to transition from their assigned sex to their affirmed sex. Transitioning across the sexual binary can go from female to male (FTM) or male to female (MTF), and some people become stealth, hiding their transsexual history (Wenzel, 2007).

Adding transgender to the continuum of LGB suggests that the continuum of LGB/straight-heterosexual is no longer binary, because it disrupts and confounds dominant ideologies of gender. The transgender person has become a contested site where dominant ideologies on gender can no longer be located or codified because

> the gender-ambiguous individual today represents a very different set of assumptions about gender than the gender-inverted subject of the early twentieth century ... and the transgender body has emerged as futurity itself as a kind of heroic fulfillment of postmodern promises of gender flexibility. (Halberstam, 2005, p. 18)

Martin (1995) told us that gender flexibility carries with it “a powerful commodity” (p. xvii) that can be used discriminatorily against the transgender person or the person whose gender identity and expressions challenge the binary, but that so, too, does it carry powerful social and economic capital which pushes away from being located in the binary. Thus, other expressions of gender will continue to emerge that also lack location on the binary continuum. Subcultures connected to emerging nuances of non-normative gender identities that evolve over space and time will have great power economically and culturally and will continue to push social barriers in new and exciting directions.

We have much to understand when we observe how people identify. Take, for example, a biologically born male who performs masculinity but identifies as a woman; or consider a biologically born female who performs the male gender and wants to transition but wants to be a gay man. One’s sexual
orientation is no doubt part of this matrix of exciting expressions of non-normative gender. A transgenders may have an orientation that is heterosexuality, asexual, bisexual, pansexual, or homosexual, regardless of the person's biological sex. Other identifiers that move us beyond an LGBT/straight-heterosexual non-binary include terms such as label-free, genderqueer, gender creative, pansexual and/or omnisexual, and genderfluid. When we reflect on what we once knew to be binary, i.e., the LGBT/straight-heterosexual continuum, we can now locate emerging identities that push us beyond the binary and into spaces where we can begin to shift the discourse and queer pedagogy about gender identity, gender expression, and sexual orientation that support our LGBTQ populations.

This work, I hope, has provided readers with suggestions for ways to move forward with courage and intent as teachers begin to push harder for inclusion of TGV students and their protection in schools. Teachers can be proactive about bullying by queering pedagogy and including the history of LGBTQ people, by challenging heteronormative discourse, by teaching about gender and gender identity across discipline lines, and by being vigilant when bullying happens. Until we have equal protection for all students across all differences and contexts, we must continue to challenge hegemonic ideology, be on the front lines fighting for the rights of our students, and be relentless in our efforts to not only make change happen but to embody that change.

Notes

1. Schools in England are legally required to have an anti-bullying policy, as stated in the Education and Inspections Act (EIA) of 2006 (Smith, Smith, Osborn, & Samara, 2008).
2. Schools in Sweden are required by law to have an anti-bullying policy (Friisen, Jonsson, & Persson, 2007).
3. Some individuals who transition may not be transitioning from one gender to the other and may balk at gender categories altogether. What is important in working with trans youth is to ask a person how the person would like to be referred to.

References

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Holistic gender. A transgender, pansexual, or homosexual perspective beyond an LGBT-straight gender creative, pansexual and dual to be binary, i.e., the LGBT+ that push us beyond the binary dogmacy about gender identities' populations.

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