

Transgender student rights emerging challenge for America's schools

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By Sabrina Holcomb

Transgender students were given new hope last week when the Department of Education found a Chicago-area school district in violation of anti-discrimination laws for denying a transgender student who plays on a girls' sports team full access to the girl's locker room.

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It's not the first time Obama administration officials have stepped into the fray over a school district's treatment of transgender students, but in past cases, they've always managed to reach a settlement. This time, the Chicago-area district is choosing to fight its case in court even though it faces the possible loss of federal Title IX funding—a cost few school districts can afford.

A growing number of districts may face similar challenges as momentum builds to protect the rights of LGBTQ, and specifically transgender, students.

Schools need to get ahead of this issue instead of playing catch-up in a crisis, advises Hilario Benzon, a classroom teacher currently serving as Diversity Administrator for Colorado's Jefferson County School district.

"Any district who says this is not an issue for them needs to know it probably will be an issue soon," Benzon cautions. "They just don't know about it yet."

It's not a coincidence the Illinois case involves shower facilities (the student was ordered to shower behind privacy curtains that single her out from the rest of the team). Schools that have made peace with accommodations for transgender students when it comes to dress codes, pronouns, and even sports teams have drawn the line at bathroom use (an emotionally charged theme that recently scuttled an LGBTQ rights referendum in Houston).

What many adults and students don't realize is that bathroom use is a make-or-break issue that drives many transgender students to skip school—resulting in a higher rate of suspensions and expulsions, health issues caused by not going to the bathroom, and in worst-case scenarios, the kind of isolation and ostracism that can lead to suicide or violence at the hands of other students.

Just being able to use the bathroom of the gender with which they identify would have kept more transgender students safe, given them their dignity, and ultimately kept them in school, say the students themselves.

"If students don't feel safe and free to be who they are in their school, we as educators have to ask the hard question of why," says Benzon, who insists that ensuring the safety and wellbeing of students, while giving them the opportunity and access they need to be successful, is one of the most important aspects of an educator's job.

Benzon is proud to work in a state that has legal protections for transgender students (Colorado is one of only 13 states, plus the District of Columbia, with laws that explicitly protect the "T" students in the LGBTQ rainbow). Citing years of experience as a student advocate, Benzon offers this advice to fellow educators and school districts to help them get out ahead of potential problems:

1. Lobby for anti-bullying and anti-discrimination laws that are specific rather than broad, to ensure that transgender students are identified as a protected group.
2. Develop a support plan for each transgender student in full collaboration with the student. The plan should cover all pertinent issues: correct name and pronoun use, access to bathrooms, access to sports teams, etc.

3. Leverage community partners, students, staff and families who have experience with this issue. An informed district makes better decisions.

"We can't do right by our students without talking about the issues that make us uncomfortable and getting to know each other as human beings," says Benzon. "I do a lot of social justice work, and it's harder to talk about someone when you know their name."

For transgender students, a name is a good place to start.

Be the one caring adult that makes a difference in a student's life. Download [*Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools*](#) and take NEA's Bullyfree Pledge.