Inclusion of Gender-Diverse Ākonga

Recommendations for Schools

Grow Waitaha

Acknowledgements

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This document outlines areas in which schools can actively foster more inclusive learning environments for gender-diverse ākonga, recognising the roles that Boards of Trustees and school governance play in making education inclusive for diverse people. This is intended to support schools to review and implement practices that positively impact gender-diverse ākonga.

Schools have, or will inevitably have, gender-diverse ākonga, and creating safe and welcoming learning environments will lead to better outcomes for these ākonga, helping them feel safe to authentically be themselves. It is intended that school boards and school senior leadership use this to reflect on their practices and start to implement meaningful change in areas such as community consultation and strategic planning to make their learning environments more inclusive.

Grow Waitaha is a multi-year project designed to support schools in post-earthquake greater Christchurch through citywide educational transformation. This resource was written in 2022 by Jordan Mayes, Dr Gabrielle Wall and Grae Meek for the use of educators across Aotearoa.

We welcome ongoing feedback on how you have used this resource and what suggestions you would like to contribute. For feedback and suggestions please email: jordan@dandgconsulting.co.nz or gabrielle@dandgconsulting.co.nz

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Introduction

This document is intended to provide Aotearoa New Zealand school boards and senior leaders with background information on gender-diverse youth living in Aotearoa and the important roles that schools play in providing inclusive and safe spaces and policies. Through effective planning and protocols, schools have the capacity to empower gender-diverse identity and expression and allow for fair, safe, and welcoming learning environments and conditions. In considering the current status of mental health of gender-diverse ākonga in Aotearoa and the unique roles of schools and school governance, this report provides recommendations for school boards and senior leaders to play a more active role in supporting gender-diverse ākonga. Specifically, recommendations are made in terms of:

- Community consultation;
- Strategic planning;
- Local health curriculum;
- Professional learning and development;
- Considerations for same-sex schools; and
- Physical facilities and education briefs.

In particular, the National Education Learning Priorities (NELP) are considered in terms of the obligations that schools have to barrier-free access to education and inclusive learning environments. A workshop was also conducted with gender-diverse ākonga to capture their feedback and voice throughout this document. Their quotes are included throughout.

In considering the recommendations and issues raised in this document, **it is essential that schools realise they likely already have gender-diverse ākonga, or that they will inevitably have gender-diverse ākonga.** Through playing advocacy roles and creating safe learning environments, schools support gender-diverse ākonga to discover and openly be their authentic selves.

Many school-age tamariki are at an age and stage in their life where they are discovering themselves. The Youth'12 survey conducted in 2012 found 4 of 100 students reported they were either transgender (1.2%) or not sure of their gender (2.5%) (Clark, et al., 2014). Approximately half

of the transgender students wondered about being transgender before the age of 12, and 34.8% had disclosed that they were transgender to someone close to them (idem). Gender identity develops young with children being able to identify their own gender typically at 18-24 months and show signs of gendered patterns of behaviour and play (Steensma et al., 2013) explaining why half of transgender young people understood their gender prior to 12 years old. The number of ākonga identifying as gender-diverse is likely to be bigger as society progresses toward greater acceptance and awareness. Statistically, it is likely that schools in New Zealand will have gender-diverse ākonga now or in the future, whether these ākonga are "in the closet" or are openly expressing their gender identity.

Waiting to have an openly trans, non-binary or similar student will mean a school will need to address its spaces, policies, practices etc. to provide what this student needs at that time, and runs the risk of continuing with cis-normative[1] structures that support inequalities in social power that disadvantage gender-diverse youth. We suggest that being proactive in creating safe and welcoming learning environments for gender-diverse ākonga will lead to better outcomes for them while also creating safe environments for them to "come out" and authentically be themselves.

> "They need to be aware that there are probably going to be gender-diverse students there, and they need to be prepared on how they're going to deal with that. How to teach them, how to make them feel welcome. If you don't, they're going to feel so isolated, so broken, and so wrong." – Trans ākonga, he/him, 18.

> "When you see people around you who are gender-diverse, you think 'it's okay for me to be gender-diverse'." – Non-binary ākonga, they/them, 16.

Throughout this report, we will refer to **gender-diverse ākonga** as a blanket term to cover a range of non-cis-gender identifications. Please refer to the glossary of this report for various definitions and identities.

Alongside this document, we recommend several resources from Aotearoa advocacy groups and organisations. This work is intended to whakamana (acknowledge and support) these organisations and their resources, ensuring that school Boards and senior leaders know where to go for help and resources. InsideOUT, for example, have resources that specifically target schools and align with the work in this document (https://www.insideout.org.nz/resources). Rainbow Youth also have a repository of resources and links that may be of use for school staff (https://ry.org.nz/teachers).

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[1] Note that cis (gender) refers to those who identify with their gender assigned at birth, and cis-normative refers to the assumptions that all, or almost all, individuals are cis-gender. Refer to the glossary for explanations of cis-gender and transgender.

The following sections will create a case for school governance to consider their practices in creating inclusive and welcoming learning environments and their responsibility for upholding the wellbeing of all students, especially those who are at a higher risk for psychological distress and discrimination.

Education and Training Act 2020

The Education and Training Act 2020 is designed to "support the health, safety, and wellbeing" of all students (section 4) and instil in all students, an appreciation of the importance of "diversity, cultural knowledge, identity, and the different official languages" (section 5(4)).

Section 127(1) of the Act delineates the board's primary objectives in governing a school to ensure that:
a) Every student at the school is able to attain their highest possible standard in educational achievement; and
b) The school –
   i) Is a physically and emotionally safe place for all students and staff; and
   ii) Gives effect to relevant student rights set out in this Act, the New Zealand Bill of Rights Act 1990, and the Human Rights Act 1993; and
   iii) Takes all reasonable steps to eliminate racism, stigma, bullying, and any other forms of discrimination within the school; and
c) The school is inclusive of, and caters for, students with differing needs; and
d) The school gives effect to Te Tiriti o Waitangi, including by –
   i) Working to ensure that its plans, policies, and local curriculum reflect local tikanga Māori, mātauranga Māori, and te ao Māori, and
   ii) Taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori; and
   iii) Achieving equitable outcomes for Māori students.

The Education and Training Act 2020 makes a case for Boards and senior leaders to consider and actively address the wellbeing and inclusion of gender-diverse ākonga, ensuring that the school is a physically and emotionally safe place for students, maintains their rights, and takes steps to eliminate discrimination and discriminatory behaviours such as bullying toward them.

RainbowYOUTH and YouthLaw have a *Rainbow Rights in Aotearoa* accompanying website that provides accessible information on the legal rights of LGBTQIA+ in Aotearoa. Specifically, they discuss laws that affect schools or need to be understood by schools to uphold the rights of LGBTQIA+ youth in relation to the Human Rights Act 1993. Go to https://rainbowrights.nz/school for further details and answers to specific questions regarding how the law pertains to gender-diverse ākonga. Specific details on the legal obligations of single-sex schools are discussed later in this document.

National Education Learning Priorities (NELP)

The NELP are issued under the Education and Training Act 2020 that set out the Government's priorities for education (Ministry of Education, 2022). Schools will have an obligation to incorporate the NELP into their strategic planning and reporting under the new planning and reporting framework being introduced.

Objective one of the NELP is *Learners at the Centre*. This is shown in Figure 1 with two learning priorities.

OBJECTIVES

OBJECTIVE
1

LEARNERS AT THE CENTRE
Learners with their whānau are at the centre of education

PRIORITIES

1 Ensure places of learning are safe, inclusive and free from racism, discrimination and bullying

2 Have high aspirations for every learner/ākonga, and support these by partnering with their whānau and communities to design and deliver education that responds to their needs, and sustains their identities, languages and cultures

Figure 1: Objective 1 taken from the NELP.

In terms of this priority, the Ministry of Education has outlined 3 actions for schools and kura:

1) Ask learners/ākonga, whānau and staff about their experience of racism, discrimination and bullying, and use that information to reduce these behaviours
2) Have processes in place to promptly address and resolve any complaints or concerns about racism, discrimination and bullying
3) Create a safe and inclusive culture where diversity is valued and all learners/ākonga and staff, *including those who identify as LGBTQIA+,* are disabled, have learning support needs, are neurodiverse, or from diverse ethnic communities, feel they belong

Schools have an obligation under the NELP to ensure that places of learning are safe, inclusive, and free from racism, discrimination and bullying. With the changes being made to the planning and reporting framework due in 2023, schools will need to devise formal plans that explicitly align with the NELP and this priority.

The actions explicitly list LGBTQIA+ as needing to have a safe and inclusive school culture where they feel they belong. Under the LGBTQIA+ umbrella are those who are gender-diverse, such as transgender, non-binary, gender fluid, and other non-cis-gender identifications. While sexuality is also covered under the umbrella term of LGBTQIA+ (lesbian, gay, bisexual, and other sexualities) it is not the focus of this document. The following section will outline the importance of accounting for gender-diverse ākonga in school policy and practice.

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Gender Diversity in Aotearoa Education

The 2019 Counting Ourselves survey was a comprehensive national survey of the health and wellbeing of trans and non-binary people in Aotearoa (Veale, et al., 2019). This extensive survey found that 71% of those aged 15 and older reported high or very high psychological distress compared with 8% of the general New Zealand population. 56% had seriously contemplated suicide in the last 12 months and 37% had attempted suicide at some point. According to the Youth'12 survey (conducted in 2012), approximately 40% of transgender students had significant depressive symptoms, and nearly 50% had self-harmed in the previous 12 months (Clark, et al., 2014).

The Counting Ourselves survey found that 49% of trans and non-binary students had been bullied in the 12 months with 11% being bullied several times a week or most days. The results from this survey showed rates of bullying approximately four times higher than bullying experienced by cis-gender secondary students in the Youth'12 survey. 62% who had been bullied said it was because of their gender identity or expression. The Youth'12 survey found that 17.6% of transgender students were bullied at least weekly, and more than half (53.5%) were afraid of someone at school. 49.9% of transgender students were hit or physically harmed by someone compared to 32.5% of non-transgender students in the survey (Clark, et al., 2014).

> "I had students pour toilet water over me to try [to] baptise the trans out of me." – Trans ākonga, he/him, 18.

35% of 15-19-year-old participants in the Counting Ourselves survey had faced discrimination at school compared to 13% in the general population found in the 2016 General Social Survey. 59% disagreed that it is safe for gender-diverse students in their school to use a toilet or changing room that matches their gender, and less than half had access to a unisex bathroom at their school. Students were often unaware of specific policies that relate to trans and non-binary students. 24% of students aged 14-19 felt that the school (teachers, coaches, or other adults) did not support them at all, and 18% said these people supported them 'a lot' (Veale, et al., 2019).

> "Teachers were blatantly transphobic to me. I went to the Dean, the Vice Principal, and they did nothing. They just told me to get over it." – Trans ākonga, he/him, 18.

> "[The school] did not respect my gender identity, or any of the young people's gender identities that I knew were gender-diverse." – Trans ākonga, he/him, 18.

The results from the survey indicate a strong mandate for schools to take further action in creating safe and inclusive environments in order to align with national priorities for inclusive learning environments. For many gender-diverse ākonga, schools are not safe and inclusive, instances of bullying for gender identity and expression are not taken seriously, and there is no access to non-gendered facilities or safe spaces. This was the lived experience of gender-diverse ākonga spoken to as part of the creation of this document.

Many trans and non-binary people in Aotearoa face severe mental health issues and psychological distress, disproportionate to the general population. While schools are often future-focused and value wellbeing in their strategic documents, achieving this will require many schools to take more proactive approaches in creating environments that are safe and empowering for gender-diverse ākonga.

Take home messages:

- While there is limited research on gender-diverse ākonga in Aotearoa, the statistics from the largest national survey of transgender youth reveal highly troubling mental health outcomes for this vulnerable community
- Transgender young people are over-represented in self-harm and suicide statistics compared to the general population
- Transgender young people are much more likely to experience bullying, particularly regarding their gender identity and expression
- Discrimination is often directed at non-cis-gender expression, creating unhealthy conditions for mental health
- Schools play an important role in creating safe environments for gender identity and expression

Given the statistics and findings regarding gender-diverse ākonga in Aotearoa, the remainder of this resource is dedicated to specific areas where school boards and senior leaders may proactively foster more inclusive learning environments that will allow for improved wellbeing outcomes, allow ākonga to live more authentically, and help ensure that school boards and leaders align their practices with the NELP considering the inclusion of gender-diverse ākonga.

PART ONE:
Community Consultation

One of the primary ways through which school boards and senior leaders may gauge their community in relation to gender diversity (whether directly or indirectly) is through community consultation[2]. As community consultation covers a range of topics and projects, this section precedes other sections that could include a component of community consultation.

Community consultation builds reciprocal relationships with the community whereby their voice is acknowledged and authentically included in decision-making processes. Community consultation is commonly used when schools are strategic planning, evaluating their vision and values, formalising their local curriculum, developing the health curriculum, redeveloping school sites or building a new site, and in many other areas where the views of the community need to be considered.

In Aotearoa, as of 2020 4.2% of the adult population identified as LGBTQIA+ with 0.8% identifying as transgender or non-binary[3]. While this may not seem a lot, we could still expect almost one in one hundred people to identify as gender-diverse with this likely growing as society becomes more accepting. When engaging with the community, it is unlikely that many parents will be gender-diverse themselves. They may have gender-diverse tamariki themselves or be aware of tamariki who are. Having gender-diverse tamariki also does not necessarily mean that the parents or family/whānau are accepting of this identification or sensitive to how school decisions affect gender-diverse ākonga. It is important that community consultation processes consider the views of gender-diverse populations, and if they are not explicitly included in consultation processes, the findings should be considered in terms of how they affect gender-diverse people (in alignment with the NELP).

We have included some useful links to Aotearoa-based advocacy and non-profit organisations at the end of this section that have information and resources to assist LGBTQIA+ youth, as well as some resources tailored specifically to schools. We recommend that in conducting community consultation, such as in the examples above, boards and senior leaders check these resources for any information that may be important for their consultation purposes, recognising the perspectives of LGBTQIA+ organisations.

How to Engage the Community

In engaging the community in decisions that may affect gender-diverse people, it is important that these views are authentically included. The areas in which schools consult their community will typically affect gender-diverse ākonga, such as strategic planning, curriculum, policy, and physical spaces (gender neutral bathrooms) among others.

Getting authentic feedback from the gender-diverse population can be difficult, as a community engagement with questions that single groups out may be seen as biased or unnecessary to some people in the community. It is important, however, that people have the chance to speak out about issues surrounding inclusivity and diversity and the many forms this comes in. For example, questions can be worded specifically around the diversity of the student population or local community. A question on school values could be worded as:

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[2] Note that "community consultation" is used in this section to be synonymous with *community engagement,* as both involve gathering and synthesising feedback from the community.
[3] Results taken from https://www.stats.govt.nz/reports/lgbt-plus-population-of-aotearoa-year-ended-june-2020

"What values are important for our school to meet the learning and wellbeing needs of our diverse student population? You might want to consider things like culture and ethnicity, LGBTQIA+ youth, physical and mental (dis)abilities, neurodiverse youth etc."

This ensures that the question is assessed with a diversity/inclusivity lens, and those participating in the engagement may consider gender-diverse ākonga with this prompt.

Some issues may be particularly pertinent to gender-diverse people. For example, consultation around the health curriculum should aim to explicitly include the voices of gender-diverse people in the community as the inclusion of such topics in the health curriculum will affect outcomes for trans and nonbinary people. In instances where the issue at hand requires input from gender-diverse people, schools should seek this feedback, turning to advocacy groups if necessary.

The modality of feedback channels is important to consider in gaining authentic feedback. This is true of every community group, but special consideration should be given to how gender-diverse people are included and kept safe. Face-to-face consultation is excellent at facilitating conversations and allowing the community to speak, however, these are often in the evening and often can be difficult for people in the community to attend. In these settings, people may not feel comfortable speaking up about issues pertaining to gender in front of others, particularly where there is some resistance from others. Online surveys can be effective tools for capturing voice, particularly where face-to-face is not possible or only captures the views of a few, but the wording needs to allow people to discuss gender diversity.

In any setting, the community should be reminded for what purpose their feedback will be used and assured that their feedback will remain anonymous and confidential. Schools should consider how different groups in the community can be included in consultation processes and how these groups are empowered to have a voice. For the gender-diverse population, we recommend allowing opportunities for them to provide feedback both online and face-to-face, ensuring that both of these modalities are safe and use inclusive language that allows them to freely contribute.

Engaging Students

Engaging with students should also be done thoughtfully. In seeking feedback specific to the gender-diverse community, schools should seek this feedback from gender-diverse ākonga where possible in a way that does not single them out or make them feel unsafe. For example, when writing

an education brief outlining future physical spaces, schools may discuss specific needs with gender-diverse ākonga they have, as these spaces will directly affect them. This could also include asking what they need to be safe while transitioning or exploring their identity.

"If the students don't feel safe with the teachers or administration, when you ask for feedback you won't get any." – Non-binary ākonga, they/them, 17.

Addressing individual students should ensure that the correct names and pronouns are used. This means not using a student's deadname (the name they used prior to transitioning that does not align with their gender) or misgendering them (referring to them as the gender they do not identify with). These are small behaviours that make a big difference for gender-diverse ākonga. Of those spoken with in creating this document, they recalled both positive and negative experiences with the use of names and pronouns. Some stated that little to no effort was made to refer to them correctly with teachers brushing off criticism as unimportant. These instances were particularly damaging as they felt that their identity was being invalidated by staff who were too lazy to make small adjustments to their speech. Some also listed positive experiences with staff who made efforts to recognise pronouns and name changes, corrected themselves and others when wrong, and normalised the use of pronouns.

"[The teacher] loved the word 'girls'. There were three openly trans people in that classroom." – Non-binary ākonga, they/she, 16.

"Teachers rolled their eyes at using pronouns. They misgendered a friend and when they were called out on it, they rolled their eyes and said 'eh, whatever'." – Non-binary ākonga, they/them, 16.

"They would not use correct pronouns. They would not use the correct name even though it was changed on the roll." – Trans ākonga, he/him, 18.

> "The teachers at the beginning of the year do a pronoun circle, then they usually do it again when new students join the class which is really good." – Non-binary ākonga, they/she, 16.

Engaging with the entire student body should be done carefully in case there are ākonga who are not out yet. Something like focus groups may not be safe for gender-diverse ākonga to freely speak their mind if they feel they might be judged by their peers or outed. The language used should be inclusive and careful to not breach privacy or make them 'otherised'. The same applies to engaging parents and whānau. Care should be taken in discussing matters specific to LGBTQIA+ ākonga as some may not be out to their parents.

> "The only bad thing with [my current school] was when I wanted to change my name on the roll. The only option was for me to have parental permission, which forced me to come out to my mum. That part was iffy." – Non-binary ākonga, they/she, 16.

> "I haven't come out yet to my school. Teachers keep getting it wrong and they keep misgendering other students." – Non-binary ākonga, they/them, 16.

Concerns Around Gender Diversity

Issues of gender in schools can be accompanied by controversy often rooted in transphobia and a lack of understanding. Note that there are several groups in New Zealand who as part of their work or as their core purpose, conduct work in communities that directly harm gender-diverse people. This includes through schools, attempting to dampen gender-inclusive education and maintain 'woman-only' spaces.

As discussed earlier, gender-diverse ākonga are at a particularly high risk of negative mental health outcomes including self-harm and suicide. This is largely attributable to the discrimination they face in a cis-normative society. In the event that community consultation results in pushback from individuals or groups regarding policy and practice around gender diversity, we recommend that schools consider the potential harm that these dialogues may have. Schools should focus on protecting and maintaining the dignity of their ākonga, especially those at a heightened risk.

This also means that schools and boards should be prepared for how to deal with parents and people in the community who give feedback that goes against the interests of gender-diverse ākonga. Schools should engage with and acknowledge the views of their community, but how

feedback is used should be carefully balanced with what keeps ākonga safe and well and what requirements schools have to provide inclusive learning spaces. The following should be considered in situations where feedback on issues relating to gender diversity become controversial:

1) Under the NELP, schools are obliged to create a safe and inclusive culture where ākonga who identify as LGBTQIA+ feel they belong
2) Those expressing concern over gender diversity issues or who criticise such inclusive practices are coming from a place of concern for young people and have been influenced by different beliefs
3) Where action has not been taken to create safe and inclusive environments for gender-diverse ākonga, schools potentially contribute to the harm they may face
4) Given the mental health statistics of gender-diverse ākonga in Aotearoa, schools should be seeking to remedy these rather than potentially contribute to this problem under the guidance of anti-trans rhetoric.

In the context of a discussion or open forum where these views are expressed, schools should remain aligned with their vision and values and their obligation to provide a safe and inclusive culture.

Recommendations:

- Ensure the wording of community consultation processes is inclusive of gender-diverse populations.
- In some cases, it may be appropriate to directly seek the viewpoints of gender-diverse people, including seeking guidance from advocacy groups on issues pertinent to this community.
- Where possible, multiple modalities of engagement should be utilised, including both face-to-face and online surveys.
- Feedback channels should keep people anonymous and their feedback confidential, allowing them to be honest and not feel judged or exposed.
- Gender-neutral language should be used where possible. Single-sex schools may find this difficult. Refer to the section on single-sex school governance for assistance in this area.
- Ākonga who are openly gender-diverse should be consulted on matters that affect them, for example, physical spaces in schools.
- Where the student body is engaged, language should not single out those who are gender-diverse, draw unnecessary attention or expose them to judgement from their peers or being outed.
- Correct names and pronouns should be used when engaging with gender-diverse ākonga.
- Where feedback is received from parents or community members critical of gender-diverse identities, schools should consider whether this feedback helps or harms vulnerable ākonga and whether it aligns with their obligations under the NELP.

Additional Resources

InsideOUT, Responding to concerns about gender diversity and intersex inclusivity: https://jwgkbnuq.dreamwp.com/wp-content/uploads/2021/06/Responding-to-community-concerns.pdf

Gender Minorities, What is Transphobia?: https://genderminorities.com/2020/11/20/what-is-transphobia/

Rainbow Rights in Aotearoa: https://rainbowrights.nz/school

LGBTQIA+ organisations

InsideOUT: https://insideout.org.nz/

Rainbow Youth: https://ry.org.nz/

Gender Minorities: https://genderminorities.com/

Intersex Trust Aotearoa NZ: https://www.ianz.org.nz/

Tīwhanawhana: http://www.tiwhanawhana.com/

PART TWO:
Strategic Planning

It is a statutory requirement for school boards to develop and submit formal planning and reporting documents each year with requirements set out in the Education Act 1989. This is an opportunity for school boards and senior leaders to engage their school communities and make formal plans that affect positive change and create safe, inclusive environments for gender-diverse ākonga.

Changes to School Requirements for Strategic Planning

Taking effect January 1st 2023, annual school charters will be replaced with 3-year strategic plans and annual implementation plans. The structure of these plans is currently being decided by the Ministry of Education following consultation. Many schools have transitioned to a 3-year strategic plan cycle following the same guidelines currently in place for school charters.

The planning and reporting regulations and guidance material is expected to be available in mid-2023 for implementation by January 2024. The changes to the planning and reporting are needed to:

- Help focus on goals that move towards equitable and excellent educational outcomes and remove barriers to success
- Support relationships and partnerships between boards and their communities (beyond occasional consultation) to create feedback loops
- Reduce compliance burden on boards and make them accountable to their communities for ākonga outcomes

Strategic plans will be required to align with the NELP, and part of this will mean schools will need to explicitly plan for creating safe and inclusive cultures so students feel they belong. This includes gender-diverse learners under the umbrella of LGBTQIA+. Refer to Figure 2 below. The third action under Objective 1 specifies that schools are required to create a safe and inclusive culture where diversity is valued and LGBTQIA+ ākonga feel they belong.

Now is an opportune time for school boards to be considering how their school can be safe places of learning for gender-diverse ākonga.

School boards will need to explicitly show in their strategic plans how they give rise to the NELP, and therefore how they create these safe and inclusive cultures. Now is an opportune time for school boards to be considering how their school can be safe places of learning for gender-diverse ākonga.

The strategic planning cycle is an ideal opportunity for boards and senior leaders to consult on, and consider, the policies, practices, goals, and actions that support gender-diverse ākonga to live and learn as their authentic selves with input from the community. It is our observation that schools are starting to consider such things as more young people openly live as gender-diverse during

OBJECTIVE 1

LEARNERS AT THE CENTRE

Learners with their whānau are at the centre of education

1	**2**
Ensure places of learning are safe, inclusive and free from racism, discrimination and bullying	Have high aspirations for every learner/ākonga, and support these by partnering with their whānau and communities to design and deliver education that responds to their needs, and sustains their identities, languages and cultures
Ask learners/ākonga, whānau and staff about their experience of racism, discrimination and bullying, and use that information to reduce these behaviours	Partner with family and whānau to equip every learner/ākonga to build and realise their aspirations
Have processes in place to promptly address and resolve any complaints or concerns about racism, discrimination and bullying	Help staff to build their awareness of bias and low expectations, and of how these impact learners/ākonga, staff and whānau
Create a safe and inclusive culture where diversity is valued and all learners/ākonga and staff, including those who identify as LGBTQIA+, are disabled, have learning support needs, are neurodiverse, or from diverse ethnic communities, feel they belong	Identify and respond to learner/ākonga strengths, progress and needs, and learner/ākonga and whānau aspirations
	Build relationships with Māori, involve them in decision making, and partner with them to support rangatiratanga, and Māori educational success as Māori

Figure 2: Actions for Objective 1 of the NELP.

their school years, and future planning of schools is considering the inevitability of supporting gender-diverse ākonga.

The experience of the gender-diverse ākonga spoken to as part of this document was that schools have been very slow to implement meaningful change.

> "Nothing ever changed. It was a very stagnant school." – Non-binary ākonga, they/she, 16.

> "It took five years of me being in the school for them to even think about changing stuff." – Trans ākonga, he/him, 18.

Grow Waitaha

Community Consultation

While this already occurs in many cases, under the changes to planning and reporting, schools will be required to consult with their communities regarding their strategic direction and annual plans, ensuring that these align with the needs and priorities of the communities they serve. As discussed in the previous section, community consultation should consider the perspectives of diverse populations including gender-diverse ākonga. This could include the expertise of advocacy agencies in New Zealand, the perspectives of people who are part of the LGBTQIA+ community, and parents and other people who are allies to gender-diverse people.

Thorough community consultation ensures that strategic and annual plans are reflective of the priorities of the people the school serves as part of its educational community. This includes gender-diverse people who can provide helpful feedback on how the school can meet its obligation to create safe and inclusive environments.

As with the earlier section on community consultation, it is recommended that schools consider the feedback of gender-diverse people (and allies) in various areas of school functioning. Strategy contributes to various components of a school's day-to-day functioning including curriculum, wellbeing, achievement targets, physical spaces, community involvement, opportunities etc. These are areas where schools may deliberately include gender-diverse ākonga and approach their education and wellbeing strategically.

School Vision Statements and Values

Schools often have values of inclusion, diversity, family/whanaungatanga, opportunity or similar that state how they cater to the differing needs and students and provide a unique experience for all ākonga that allow them to thrive.

Schools often consult on their vision and values during strategic planning cycles, and this can be particularly true if the school is undergoing wider change, such as changing governance or planning changes to the campus. Consultation with the community can look at these values, how they fit the school community and current ākonga, and whether they meet the priorities of specific groups of people.

For schools that have not previously considered the inclusion of gender-diverse ākonga, this may be an opportunity to assess how their current vision and values apply to this community and whether the vision and values translate into actions that support gender-diverse ākonga to be safe and valued. This does not mean that the vision statement and values need to explicitly list the LGBTQIA+ community, as schools will be seeking ways to make all communities feel welcome and valued, but they can be explicitly listed in the strategic document on how the values relate to strategic objectives and actions.

Schools should also consider their approach to honouring Te Tiriti, as often this is considered in schools promoting their vision and values. The comprehensive approach to honouring Te Tiriti benefits not only Māori aspirations but also creates an inclusive environment based on the value of manaakitanga, which includes and makes space for all identities in our kura.

Community consultation in this area may provide schools with useful evidence for how gender-diverse ākonga are represented by the vision and values. For example, a value of 'diversity' might be actioned in the school with regards to cultural/ethnic groups, but some students may feel that LGBTQIA+ are not adequately represented in things like student groups, indicating an area for development for schools valuing diversity. The ākonga who contributed to this document felt that schools were starting to incorporate pride groups and safe spaces, but this often did not feel authentic or was interpreted as a way to get them to be quiet on such issues.

> "They had an LGBT group. But the way they had it made it seem like it was a hassle. They made it such a hassle to have an environment for those people." – Non-binary ākonga, they/she, 16.

Inclusive Curriculum

Strategic planning often has implications for the planning and delivery of a school's local curriculum. This includes what topics are covered and how these address issues of gender diversity. Transgender, nonbinary, and intersex people often do not see themselves in the curriculum (InsideOUT, 2021). The following section discusses the local health curriculum with several topic areas that can be covered to be inclusive of gender-diverse identities.

In terms of the strategic and annual plans, school boards may choose to make explicit how gender diversity and LGBTQIA+ issues are to be authentically included in the curriculum. Such goals include:

- Revising the health and physical education curriculum to cover a range of issues affecting LGBTQIA+ communities (in ways that are developmentally appropriate) including risks and outcomes for health in gender-diverse communities.
- Assessing how the current curriculum meets the needs and priorities of diverse ākonga groups.
- Assessing how various curriculum areas may cover issues pertinent to LGBTQIA+ communities including social sciences.
- Inclusion of pride and awareness days/weeks/events.

Gender-diverse ākonga engaged in this process discussed several opportunities for the curriculum to be more inclusive. This includes specific teaching around gender-diversity, such as in classical studies, learning about famous and mythical figures who were gender-diverse. Subjects such as English may include more diverse literature, and subjects such as maths that often use fictional examples of people may include gender-diverse pronouns. These are very subtle ways that staff can incorporate more inclusive language and subject material into their curriculum delivery.

"It would be really cool to see it in the teaching of certain subjects. Like in classics there was a lot of teaching around it." – Trans ākonga, he/him, 18.

"I couldn't focus in maths because of how often they say he/she in the examples. I just think 'why would they need to always say that?'." – Non-binary ākonga, they/them, 16.

"In maths it's always 'Bob and Mary went to the dairy'. Just normalise it. They always do 'he/she', just put 'they'!" – Trans ākonga, he/him, 18.

Student Wellbeing

Wellbeing outcomes are often a focus of strategic documentation. Schools should make explicit plans for how the wellbeing of all students is addressed, including the wellbeing of gender-diverse ākonga.

Behavioural management should address the heightened risk of gender-diverse ākonga to various forms of bullying and discriminatory behaviour by peers. The Ministry of Education has identified rainbow students (LGBTQIA+) as being at a significantly higher risk of being bullied at school compared to non-rainbow peers (Ministry of Education, 2019). Exposure to bullying and violence can have lasting negative impacts, including negative psychological outcomes as discussed earlier in this paper.

Schools should address bullying and discriminatory behaviours, particularly if this is something that the school commonly experiences. This includes behaviours such as misgendering (referring to someone as their gender assigned at birth that they do not identify with, including incorrect use of pronouns), deadnaming (using someone's name that they had prior to transitioning that no longer matches their gender identity), and exclusion from activities with peers. Goals in this area may include:

- Revising school bullying policies to ensure that LGBTQIA+ ākonga are protected from bullying and discriminatory behaviours.
- Adopting PB4L, restorative practices, and/or any other initiatives to address bullying and discrimination in the school.

Schools should also address the wellbeing needs of gender-diverse ākonga and track their progress against wellbeing indicators, ensuring that there are ways to measure progress and identify areas for further development. Goals may include:

- Establishing measurable wellbeing indicators for students, including indicators specific to various ākonga identities.

- Measure wellbeing outcomes for ākonga, including instances of discrimination based on their identities.
- Evaluate wellbeing initiatives for LGBTQIA+ ākonga against pre-determined wellbeing indicators.

Reporting

A common component of strategic planning is reporting. This includes reporting to staff, ākonga, and parents/whānau. There should be regular feedback in various forms on how the school is performing in terms of its strategic direction. Schools may also report specifically on strategic outcomes relating to minority groups, including LGBTQIA+. This should be done carefully so as to not single out individuals, particularly as they might not feel safe to be out or highlighted as a "statistic".

Gender-diverse ākonga should be engaged with in regard to their progress in school. This includes their wellbeing, how the school is supporting them with their wellbeing, and how their identity is included and respected within the culture of the school.

Recommendations:

- Schools should ensure their strategic planning processes include addressing issues pertinent to gender-diverse ākonga.
- This includes seeking feedback from gender-diverse ākonga and people in the community, as well as advocacy groups and allies where appropriate.
- Schools should assess how gender-diverse ākonga are represented in the vision and values of the school. Where there are gaps, these should be addressed in community consultation.
- In developing goals and plans, schools should consider whether the vision and values are being met and whether this improves educational and wellbeing outcomes for gender-diverse ākonga.
- In strategic planning, schools should assess where in the curriculum topics addressing gender diversity are covered and find opportunities to explicitly teach about these issues, including through social sciences and the health and physical education curriculum areas.
- Pride and awareness days/weeks/events should be included in schools to raise awareness and advocate for gender-diverse people.
- Strategic goals and actions around bullying and discrimination should aim to reduce instances of these behaviours directed at gender-diverse ākonga.
- Schools should be aware of wellbeing issues that gender-diverse ākonga face and have up-to-date wellbeing indicators that measure improvement in these areas.
- Strategies to improve wellbeing outcomes for gender-diverse ākonga should be measured against predetermined indicators.
- School reporting should not single out students or make them feel reduced to a statistic.
- Gender-diverse ākonga may be engaged with more earnestly.

Additional Resources

InsideOUT, Making Schools Safer: https://jwgkbnuq.dreamwp.com/wp-content/uploads/2021/11/Making-Schools-Safer.pdf

Bullying Free NZ, a guide for Board of Trustees: https://bullyingfree.nz/schools/a-guide-for-board-of-trustees/

Ministry of Education, Improving school planning and reporting: https://www.education.govt.nz/our-work/legislation/education-and-training-act-2020/education-and-training-act-2020-improving-planning-and-reporting/

InsideOUT, Starting and Strengthening Rainbow Diversity Groups: https://jwgkbnuq.dreamwp.com/wp-content/uploads/2021/05/Starting-and-Strengthening-Rainbow-Diversity-Groups-Digital.pdf

TKI, Make LGBTIQA+ content and themes visible across the curriculum: https://inclusive.tki.org.nz/guides/supporting-lgbtiqa-students/make-lgbtiqa-content-and-themes-visible-across-the-curriculum/

InsideOUT, Join this Chariot, Christian Schools Supporting Rainbow Students' Wellbeing: https://insideout.org.nz/wp-content/uploads/2021/06/Join-this-Chariot.pdf

PART THREE:
Local Health Curriculum

The local health curriculum is something decided by schools. Boards and senior leaders engage their communities to help determine curriculum content and delivery.

What to Cover

In brief, the health curriculum could cover some or all of the following areas following community consultation:

- Biological sex and challenging the gender binary
- Hormones and their effects on the body and relationships to understandings of gender
- Understanding transgender, nonbinary, and intersex, and their communities
- Sex, gender, expression, and sexuality and distinct dimensions
- Cis-normativity, bias and discrimination
- Cultural representations of gender
- Pronouns, names, and respectful language
- Representation in media

> "In health, they focus more on contraceptives and things like that. There's only the odd week that you get to learn about the rainbow community." – Non-binary ākonga, they/them, 16.

These topics should be split to cover audiences of different age groups, ensuring that mature topics are not covered too early, but that from a young age, ākonga are exposed to topics of gender and expression that could help them have a better understanding of other people when they are older. The curriculum should be designed to prepare ākonga to be global citizens who are respectful of other groups of people and who understand their own identity and the identity of others. This will ensure better outcomes for gender-diverse ākonga in their communities.

Boards must consult with their local communities regarding the delivery of the health curriculum every two years, according to the Education and Training Act 2020. In this process, boards will enter a reciprocal relationship with the community, sharing draft statements and receiving feedback and ideas. This is the opportune time to understand the community's views surrounding diversity and explore topics that may have a significant impact on gender-diverse students.

Where appropriate, schools may also refer to various advocacy groups for advice on the local health curriculum that may support gender-diverse ākonga, whether they are currently present in the school or not.

The local curriculum should also be supplemented by wellbeing and pastoral support for ākonga who may be gender-diverse or on a journey of self-discovery. This ensures that beyond learning, ākonga are supported in understanding their identity, have spaces to ask personal questions, and can be connected to external supports.

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Handling Gender Diversity in the Curriculum

While there is a strong case for including gender diversity in the local curriculum, this needs to be handled carefully and earnestly with the local community. With the local health curriculum, it is important that parents are aware of what their tamariki are being taught. They may be able to provide supplementary education at home and talk to their tamariki about what they are learning.

This, however, can be problematic in situations where families have differing views on what is appropriate to be taught in a school environment. Topics surrounding gender are likely to garner some resistance from people in the community. As previously discussed, while there can be resistance, schools should keep in mind the benefits of supporting an at-risk community and their obligations to provide a safe and inclusive learning environment as this negative community feedback is likely fuelled by transphobic rhetoric that does not have the health and wellbeing of gender-diverse ākonga in mind.

InsideOUT has an excellent resource to support schools in discussing gender issues with their community. This is included in the additional resources below as a downloadable PDF. There are several things that people should consider when discussing the inclusion of gender diversity in the health curriculum:

- Gender-diverse ākonga are more likely to experience bullying and poorer health outcomes compared to cis-gender peers. Critical thinking can challenge assumptions and stereotypes.
- Including this education is beneficial to the wellbeing of gender-diverse ākonga.
- Cis-gender ākonga gain a greater understanding that will help them be more empathetic to other gender identities.
- Health education including gender diversity and variations in sex characteristics benefits everyone's understanding of the human body. Concepts of a 'normal' body and of a gender and sex binary are challenged.
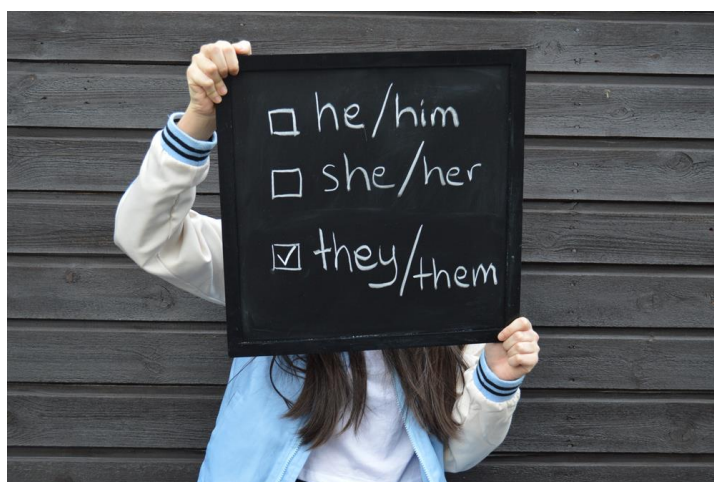
The health curriculum also offers opportunities to challenge discriminatory ways of thinking and address common misconceptions.

> "We're not freaks. We're not perverts. [Our identities] can be used as a slur, you can get a lot of hate for being a certain way." – Trans ākonga, he/him, 18.

This includes the idea that teaching about gender diversity may 'confuse' young people. However, people live outside of the gender binary and this is a natural part of human diversity. These people have always existed and have been excluded from the curricula in the past.

There is also the idea that people can claim or pretend to be another gender. This is a matter of distinguishing gender identity and gender expression. There is a difference between dressing as the opposite gender and someone's identity. People who are gender-diverse face many challenges and it is not something that people 'choose lightly', knowing that they will face discrimination throughout their life. Pastoral support should assist ākonga with any difficulties they are facing surrounding their identity in a way that affirms their feelings, without discarding their experience.

Schools do not decide whether or not someone is gender-diverse, and only ākonga can know this about themselves. Schools are one of the channels of support for ākonga and can support them in their journey of self-discovery, but providing education does not 'make' ākonga gender-diverse.

Misconceptions and criticisms of gender diversity pose a significant risk to ākonga with these identities. Concerns the community have for the safety of all ākonga cannot negate the safety of those who are gender-diverse and have a right to an education that protects and empowers them.

Schools should reject ideas that gender diversity is a social contagion. These have been perpetuated by a theory of 'rapid onset gender dysphoria', an idea discussed primarily in the context of data from a single online parental survey and propagated by certain groups that don't have the interests and wellbeing of gender-diverse people in mind. This idea hypothesises a social contagion of gender dysphoria from youth vulnerable due to mental or neurodevelopmental disorders, but recent studies of adolescent clinical data do not support any conclusions that gender dysphoria is a socially contagious phenomenon (Bauer, Lawson, Metzger, & Trans Youth CAN! Research Team, 2022). Where people in the community argue that ākonga will be 'convinced' or 'pressured' to become gender-diverse because of other ākonga or because it is popular, this argument is in bad faith and not congruent with adolescent research.

Recommendations:

- Schools should consult their local community on health and relationships topics every two years.
- Issues of gender diversity should be included in consultation processes surrounding the curriculum.
- Different topics should be covered at different age levels, ensuring that the material is appropriate to the audience.
- What is included in the local health curriculum should be communicated to parents and whānau.

- Local advocacy groups should be approached for advice on the local health curriculum where appropriate to support topics of gender diversity.
- The local health curriculum should be supplemented with appropriate wellbeing and pastoral support for ākonga so they can safely explore their identity should questions arise.
- Schools should be prepared to face criticism from the community regarding the inclusion of sex education and topics related to gender diversity. This includes countering transphobic rhetoric that harms gender-diverse people.

Additional Resources

InsideOUT, Responding to concerns about gender diversity and intersex inclusivity: https://jwgkbnuq.dreamwp.com/wp-content/uploads/2021/06/Responding-to-community-concerns.pdf

TKI, Plan sexuality and gender education years 1-8: https://inclusive.tki.org.nz/guides/supporting-lgbtiqa-students/plan-sexuality-and-gender-education-years-1-8/

TKI, Plan sexuality and gender education years 9-13: https://inclusive.tki.org.nz/guides/supporting-lgbtiqa-students/plan-sexuality-and-gender-education-years-9-13/

InsideOUT, Making Schools Safer: https://jwgkbnuq.dreamwp.com/wp-content/uploads/2021/11/Making-Schools-Safer.pdf

PART FOUR:
Professional Learning and Development

Professional Learning and Development (PLD) is necessary to ensure that schools are equipped to deliver inclusive education to gender-diverse ākonga through having staff appropriately trained in such practices. PLD for understanding LGBTQIA+ ākonga may be included in the strategic planning cycle as schools formally work toward creating more safe and inclusive learning environments. This ensures staff are upskilled and competent in engaging with gender-diverse ākonga, disenabling discrimination in learning settings, and integrating rainbow themes within teaching content.

InsideOUT has an excellent resource on creating inclusive school policies and procedures, including structuring PLD to make schools safe places for LGBTQIA+ ākonga. This is used as a reference guide for this section and is included in the additional resources.

Inclusion of Ākonga

Where schools have a rainbow/diversity group of ākonga, they may be included in providing the PLD. However, this needs to carefully consider the needs of ākonga as it may be too much exposure, too triggering or could open them to risks. Where ākonga are included in this process, this should be facilitated by a member of staff who is familiar with them and able to lead the sessions, enabling ākonga to share their experiences while keeping them safe. In many cases, ākonga do not or will not feel safe talking with staff about their identity. This is particularly true for those who are untrusting of others where cis-normative structures are well-embedded in the school.

> "If individual [staff] create a healthier environment, giving their own pronouns first, showing they're open to other identities first, the information [we give] could be used nicely. I'm a bit untrusting, people always have unconscious biases." – Non-binary ākonga, they/them, 17.

Students could be involved in the following:

- Identifying topics (things that are important to them)
- Identifying areas for improvement in the school
- Providing personal experience and anecdotal evidence
- Teaching appropriate language and protocols for communicating with/about gender-diverse ākonga
- Making a plan for improving school practices

If not directly involved in the delivery of PLD, ākonga may act in an advisory role with a member of staff liaising with them regarding topics for staff PLD. This could be someone who has played the role of an ally to them, such as a staff responsible for organising pride events or running an LGBTQIA+ group at school. Note that LGBTQIA+ staff may also wish to contribute to the content and delivery of PLD.

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Finding Content

We recommend working with advocacy groups in Aotearoa, such as Rainbow Youth (https://ry.org.nz/), InsideOUT (https://insideout.org.nz/), Gender Minorities (https://genderminorities.com/) etc. They may provide advice on PLD areas. It is particularly important that gender-diverse and LGBTQIA+ people are involved in some way to ensure that the content is relevant, up-to-date, and respectful of current issues.

Gender Minorities have PLD including a 2-3 hour course on supporting transgender people and a 30-minute presentation on being an ally at https://genderminorities.com/workshops-and-seminars/. They may also consult on a school's delivery of PLD.

PPTA has a rainbow task force that can be contacted for support in PLD related to gender diversity.

PPTA: https://www.ppta.org.nz/communities/lgbtiq/

Schools may also use the NZEI portal to access PLD related to inclusive education.

Te Ngākau Kahukura provides resources and webinars in various areas specific to rainbow populations. This includes webinars in the youth sector available at https://www.tengakaukahukura.nz/youth-sector-webinar-series. Their key readings include topics that may be of interest to schools and staff including language, bullying, supporting whānau, and conversion practices (https://www.tengakaukahukura.nz/key-topics).

For schools looking to determine their own content, they should refer to advocacy websites and find topics on gender diversity that can be formatted into PLD for staff to build their understanding of gender and create safer spaces. Rainbow Youth, for example, has a Gender101 resource page on their website that can provide important context for PLD. Gender Minorities have a Transgender and Intersex101 page with several resources on understanding Transgender and Intersex individuals, how to be supportive and act as an ally, and appropriate language and words. Some of these resources are included in the additional resources below.

The gender-diverse ākonga who contributed to this document discussed some of the positive experiences that they have had with staff who have shown a degree of understanding and curiosity about gender identities. While some schools have been difficult places for these ākonga to feel welcome and safe, the experience of a staff member validating their experience with correct pronouns and names, offering their own pronouns, correcting their errors etc. has made a lasting positive impression on them.

> "When I got my name changed on the roll finally, I didn't really have to tell the teachers, they just used my name automatically. One of my teachers found out my preferred name from another teacher and they changed what they called me." – Non-binary ākonga, they/she, 16.

> "[One of my teachers] is really good at addressing the class, like 'guys, girls and other flavours'. They double check people's pronouns and he offered his own pronouns." – Non-binary ākonga, they/them, 16.

> "[One teacher] is amazing. They accidentally misgendered a friend and they were great at correcting themselves." – Non-binary ākonga, they/them, 16.

> ### Recommendations:
>
> - PLD should be included in schools' strategic plans to cover issues around diversity
> - Gender-diverse and LGBTQIA+ ākonga may be included in the planning and delivery of school PLD but schools should consider how they are kept safe in this process.
> - Authentic consultation with LGBTQIA+ ākonga may inform PLD topics.
> - Advocacy organisations may be consulted for PLD advice or may provide topics to be included in PLD.

Additional Resources

InsideOUT, Creating rainbow-inclusive school policies and procedures: https://www.insideout.org.nz/wp-content/uploads/2021/11/Creating-rainbow-inclusive-school-policies-and-procedures.pdf

Gender Minorities, Professional Learning and Development: https://genderminorities.com/workshops-and-seminars/

PPTA, Rainbow teachers: https://www.ppta.org.nz/communities/lgbtiq/

TKI Inclusive Education, Provide professional learning to build all staff understanding of students who identify as LGBTIQA+: https://inclusive.tki.org.nz/guides/supporting-lgbtiqa-students/provide-professional-learning-to-build-all-staff-understanding-of-students-who-identify-as-lgbtiqa/

TKI Inclusive Education, Supporting LGBTIQA+ students: https://inclusive.tki.org.nz/guides/supporting-lgbtiqa-students/

Rainbow Youth, Gender 101: https://ry.org.nz/gender-101

Gender Minorities, Transgender and Intersex101: https://genderminorities.com/find-transgender-info-services/resources/transgender-and-intersex-101/

Gender Minorities, Study and School: https://genderminorities.com/find-transgender-info-services/resources/study-and-school/

Bullyingfreenz, LGBTQIA+: https://www.bullyingfree.nz/about-bullying/lgbtqia

NZ Human Rights Commission, Trans People Fact Sheet A: https://www.hrc.co.nz/files/3914/2378/4856/TGI-Fact-Sheet-A.html

NZ Human Rights Commission, Trans People Fact Sheet B: https://www.hrc.co.nz/files/2014/2378/4854/TGI-Fact-Sheet-B.html

Northwestern, The Family Institute, Inclusive Language Guide: https://counseling.northwestern.edu/blog/inclusive-language-guide/

September 2022

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PART FIVE:
Considerations for Single-Sex Schools

Some of the issues raised in this document may pose some challenges for single-sex schools in Aotearoa. Single-sex education is reasonably common in Aotearoa, and challenges arise when ākonga identify as a gender other than the gender assigned at birth (i.e. the gender of the school's special character), or those who may be transitioning. Schools may remember a recent story of a student undergoing transition at Christchurch's all-boys school, Christ's College in 2019[4]. They were supported by the school to stay at school as female and supported in their transition.

Schools are increasingly facing the fact that they have, or will someday have, gender-diverse ākonga and they need to prepare for this. As discussed earlier, there is much groundwork schools have to put in regarding curriculum and policy to create safe and inclusive learning environments for gender-diverse identities. For single-sex schools, it is important to plan how this can be effectively managed to maintain the safety, wellbeing, and dignity of gender-diverse ākonga while also considering the relationship the school has with its community.

For gender-diverse ākonga spoken with as part of this project, their experience with single-sex education has not been positive. This is largely due to feeling that the school does not make enough allowances for gender-diverse ākonga in terms of the language used and the ways they express themselves.

> "They don't even have the bare minimum. They changed the name on the roll and put the pronouns but always say 'she', 'girls', 'ladies'." – Non-binary ākonga, they/she, 16.

> "They like to pretend [gender-diverse] students don't exist. It got so bad to a point that in drama class, the gender-diverse students were purposefully cast in female roles, even though they auditioned for the male part." – Trans ākonga, he/him, 18.

> "Anything LGBTQ they won't do it, it's too controversial. But how is it controversial? It's who I am." – Trans ākonga, he/him, 18.

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[4] https://www.stuff.co.nz/national/education/113794515/transgender-student-gets-backing-to-stay-at-allboys-christs-college-as-a-female

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Rainbow Rights

The following is informed by Rainbow Rights in Aotearoa and Community Law (free legal help). Refer to the additional resources for these web pages.

Single-sex schools can refuse to enrol ākonga based on their sex. Because of anti-discrimination laws, ākonga have the right to be enrolled in single-sex schools that match their identity. For example, anti-discrimination laws indicate that a transgender girl would be able to access an all-girls school.

For ākonga already enrolled in a single-sex provider, should they begin to transition and/or identify as gender-diverse, they may talk to their school about this and then follow a process to enable the student to transition at the current school. Schools can ask for proof of intention to transition (such as medical evidence) when enrolling if the identity documents do not show the correct gender marker. If gender has been legally updated to match identity, then medical evidence does not need to be provided.

Under the Privacy Act, ākonga have the right to have information about them held by the school be correct. Following transition, schools must attach a version of the information to the file of the gender-diverse ākonga. Ākonga also have a right to privacy and schools should not disclose gender identity to others without permission unless necessary.

In the event that a school does not recognise gender after being informed by the gender-diverse ākonga, they may make a complaint to the Human Rights Commission.

While schools are not legally required to have gender-neutral bathrooms and changing rooms, the Ministry of Education's Sexuality Education guidelines (2020) state that trans, non-binary and intersex ākonga should be able to choose a toilet and changing room that matches their gender identity. If schools do not have the facilities to enable this, ākonga may request these. These may be self-contained units, remain full privacy, and include a toilet, basin, and sanitary item disposal area. While this is not a legal requirement, schools should consider the rights of gender-diverse ākonga in accessing these facilities in alignment with best practices. This will avoid complaints against the school.

Uniform options should be made available that match the identity of gender-diverse ākonga. There is not a specific law around this, but the Ministry of Education suggests offering gender-neutral clothing choices. Again, schools should consider the rights of gender-diverse ākonga and avoid complaints about not providing these.

"I wore black pants and got in trouble. They said I had to wear 'woman's pants'. They're pants, no one can tell the difference!" – Trans ākonga, he/him, 18.

The above indicates that it is in schools' best interests to:

- Adhere to advice from the Ministry of Education and Human Rights Commission with regards to best practices in supporting gender-diverse ākonga
- Allow entry to ākonga who identify with the gender of the school's special character
- Allow ākonga who transition to stay at school, and update their information accordingly (gender markers, names, etc.)
- Protect the identity of ākonga without unnecessarily outing them
- Provide appropriate toilet and changing facilities for gender-diverse ākonga that gives privacy
- Provide uniform alternatives and gender-neutral uniform options
- Seek support and advice from gender-diverse ākonga and their whānau to better know how to best support them
- Seek support and advice from the Ministry of Education and rainbow advocacy groups when dealing with challenging circumstances in providing education to gender-diverse ākonga

Making Plans

Considering the legal implications above and previous cases of gender-diverse ākonga enrolled at single-sex schools, it makes intuitive sense for single-sex schools to plan ahead. boards and senior leaders at single-sex schools should implement a plan to introduce provisions that support gender-diverse ākonga, seeing this potentially as an inevitability rather than a random chance. Ultimately, planning will cover some things laid out in this document, but should include the following:

- How gender-diverse ākonga are included in the school's mission, vision, and values
- Specific goals and actions that can make a more safe and inclusive culture in the school
- What uniform options can be made available (such as gender-neutral uniform options)
- Whether current facilities (such as toilets and changing areas) are currently fit-for-purpose and what more can be supplied
- What wellbeing and pastoral supports are available for ākonga seeking help around their identity
- Communication and media plans and how to communicate intentions to the community and media who approach the school

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Some of the messaging around single-sex schools can also be unintentionally exclusive. For example, a vision statement of "creating strong women" or "preparing young men" are cis-normative, and while they appear innocuous, they do not include gender-diverse ākonga, whether they are living as this identity during school or not. A culture that is built around sex and gender in this way results in many gender-diverse people coming out (and in some cases transitioning) **after** they finish school as they do not feel included in the school's culture. Schools might consider the removal of gendered language in subsequent strategic planning cycles.

Recommendations:

- Single-sex schools should consider the inclusion of gender-diverse ākonga as an inevitability and prepare accordingly
- Ministry of Education and Human Rights Commission best practices and guidelines should be adopted in considering the rights of gender-diverse ākonga in single-sex schools
- The legal rights of gender-diverse ākonga must be upheld at all times
- Schools should seek advice from ākonga and parents/whānau around how best to support gender-diverse ākonga in a single-sex school setting
- Single-sex schools should make a plan for how to include gender-diverse ākonga, including covering things such as bathrooms and uniforms
- Strategic planning may consider removing gendered language from vision and values

Additional Resources

Community law, Rainbow rights: https://communitylaw.org.nz/community-law-manual/schools-kura-chapter-4-health-safety-and-wellbeing/health-safety-and-wellbeing/rainbow-rights/

Rainbow Rights in Aotearoa: https://rainbowrights.nz/school

New Zealand Human Rights Commission, Supporting trans students: https://www.hrc.co.nz/files/3914/2378/4856/TGI-Fact-Sheet-A.html

InsideOUT, Legal Rights at School: https://jwgkbnuq.dreamwp.com/wp-content/uploads/2021/11/Legal-Rights-at-School.pdf

PART SIX:
Physical Facilities and Education Briefs

One big change that boards and senior leaders can have a significant influence on is the physical facilities present in the school. This is a long-term change that can signal a school's dedication to inclusive spaces and involves consultation with the community and school staff on how the physical spaces of the school can align with the aspirations they have for teaching and learning. This includes how the physical spaces can be accessible and inclusive, and often this is tied directly to the vision and values of the school. Schools often provide things like ramps, wide doors, handrails etc. to cater to differently-abled ākonga, and multilingual signage to show dedication to cultural inclusiveness and assist people in the community navigate the school. The same can, and should, apply to catering to gender-diverse ākonga.

The Education Brief

The vehicle through which schools design and implement these spaces to meet this vision is the *education brief*. This document is drafted by a school with the assistance of a Navigator and it outlines things like:

- The mission, vision, and values of the school, and how these were decided and how they are shown in the school's culture
- The character, history, and cultural responsiveness of the school
- Teaching and learning systems and management structures
- Key spaces and requirements for a renovation/new build

These are written prior to a school renovation/rebuild or when a new school is being constructed. The document is used by both the Ministry of Education and the architects to plan how the school will be laid out and what spaces and resources will be included. The different sections speak to one another, that is to say, the vision and values of the school should influence teaching and learning systems and what spaces the school needs.

Schools often have values of diversity, inclusion, respect etc. This often means that schools need spaces that respect the different identities of ākonga and the cultural make-up of the school community. As stated above, the physical elements of the school make it more inclusive for differently abled ākonga and those of other cultures. The same can be done for gender-diverse ākonga.

The education brief is often informed through consultation. That is to say, staff, students, and the wider community have a say in the spaces that the school requires given its character. This helps the school write the education brief to ensure that the school build/renovation meets the various needs of the people in the community they serve. The consultation process may or may not include the voices of gender-diverse people. As discussed in the community consultation section, where this voice is not captured, schools may seek advice from advocacy groups and allies to help determine how the physical spaces can be more inclusive of gender-diverse ākonga.

By including gender-diverse ākonga in the planning process, schools may dedicate space to this in the education brief, specifically in section 3.2: Future focus on cultural and inclusive education.

Inclusive Physical Spaces

Inclusive spaces for gender-diverse ākonga would likely include the following things:

- Gender-neutral bathrooms that maintain privacy and safety and *all* ākonga
- Where gender-neutral bathrooms are not within scope, there should be private bathrooms that are easily accessible and preferably do not 'otherise' gender-diverse ākonga
- Inclusion of sanitary item disposal areas in toilet areas
- Private stalls/cubicles in changing areas that are private
- Inclusive signage (i.e. avoiding sex-specific signage)
- Adequate space for wellbeing support (not exclusive to gender-diverse ākonga, but all ākonga who may require ongoing support)

Regarding bathrooms, TKI specifies how toilets comply with New Zealand Building Code. This includes each facility being in a self-contained unit with full-height doors and walls to maintain privacy. Each facility contains a toilet, basin, and sanitary item disposal area (where required). Each facility must be located so access is not through an area restricted to one sex.

It is important to note that gender-neutral does not mean that it is exclusively used by gender-diverse ākonga. There are various reasons a student may want additional privacy, and this can help normalise these facilities and not make ākonga feel singled out.

The issue of bathrooms and changing can create significant distress for gender-diverse ākonga. It can result in awkward, unwanted conversations, instances of bullying and discrimination, and where ākonga avoid facilities, physical discomfort may result. Schools should consider whether everyone has access to a bathroom and changing area that they can use without issue, and how important this is to ensure everyone is healthy.

> "As a trans person, I don't feel comfortable going to the toilet most of the time. I get yelled at, called slurs, and kicked out. Where am I supposed to go?" – Trans ākonga, he/him, 18.

While there may be some short-term solutions (such as using a staff toilet or the sick bay), it is not necessarily an equitable solution and singles out ākonga. Schools should aim to create spaces that gender-diverse ākonga can use alongside other ākonga, such as through gender-neutral bathrooms.

Recommendations:

- When considering a new build or school renovation, boards and senior leaders should consider how physical spaces can better cater to gender-diverse ākonga
- Community consultation as part of the education brief should include the voices of gender-diverse people, LGBTQIA+ and allies
- Where direct feedback is not possible, schools might consider consulting rainbow advocacy groups
- Schools should implement several things that can make physical spaces more inclusive, such as gender-neutral bathrooms, private changing areas, gender-inclusive signage, and ensuring there is accessible space for wellbeing support for all ākonga

Additional Resources

TKI, Inclusive Education, Provide accessible, gender-neutral toilets:
https://inclusive.tki.org.nz/guides/supporting-lgbtiqa-students/provide-accessible-gender-neutral-toilets/

TKI, Inclusive Education, Provide safe spaces, changing rooms and school trips:
https://inclusive.tki.org.nz/guides/supporting-lgbtiqa-students/provide-safe-spaces-changing-rooms-and-school-trips/

InsideOUT, Creating rainbow-inclusive school policies and procedures: https://www.insideout.org.nz/wp-content/uploads/2021/11/Creating-rainbow-inclusive-school-policies-and-procedures.pdf

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Summary of Recommendations

- Ensure the wording of community consultation processes is inclusive of gender-diverse populations.
- In some cases, it may be appropriate to directly seek the viewpoints of gender-diverse people, including seeking guidance from advocacy groups on issues pertinent to this community.
- Where possible, multiple modalities of engagement should be utilised, including both face-to-face and online surveys.
- Feedback channels should keep people anonymous and their feedback confidential, allowing them to be honest and not feel judged or exposed.
- Gender-neutral language should be used where possible. Single-sex schools may find this difficult. Refer to the section on single-sex school governance for assistance in this area.
- Ākonga who are openly gender-diverse should be consulted on matters that affect them, for example, physical spaces in schools.
- Where the student body is engaged, language should not single out those who are gender-diverse, draw unnecessary attention or expose them to judgement from their peers or being outed.
- Correct names and pronouns should be used when engaging with gender-diverse ākonga.
- Where feedback is received from parents or community members critical of gender-diverse identities, schools should consider whether this feedback helps or harms vulnerable ākonga and whether it aligns with their obligations under the NELP.

Strategic planning:

- Schools should ensure their strategic planning processes include addressing issues pertinent to gender-diverse ākonga.
- This includes seeking feedback from gender-diverse ākonga and people in the community, as well as advocacy groups and allies where appropriate.
- Schools should assess how gender-diverse ākonga are represented in the vision and values of the school. Where there are gaps, these should be addressed in community consultation.
- In developing goals and plans, schools should consider whether the vision and values are being met and whether this improves educational and wellbeing outcomes for gender-diverse ākonga.
- In strategic planning, schools should assess where in the curriculum topics addressing gender diversity are covered and find opportunities to explicitly teach about these issues, including through social sciences and the health and physical education curriculum areas.
- Pride and awareness days/weeks/events should be included in schools to raise awareness and advocate for gender-diverse people.
- Strategic goals and actions around bullying and discrimination should aim to reduce instances of these behaviours directed at gender-diverse ākonga.
- Schools should be aware of wellbeing issues that gender-diverse ākonga face and have up-to-date wellbeing indicators that measure improvement in these areas.

- Strategies to improve wellbeing outcomes for gender-diverse ākonga should be measured against predetermined indicators.
- School reporting should not single out students or make them feel reduced to a statistic.
- Gender-diverse ākonga may be engaged with more earnestly.

Local health curriculum:

- Schools should consult their local community on health and relationships topics every two years.
- Issues of gender diversity should be included in consultation processes surrounding the curriculum.
- Different topics should be covered at different age levels, ensuring that the material is appropriate to the audience.
- What is included in the local health curriculum should be communicated to parents and whānau.
- Local advocacy groups should be approached for advice on the local health curriculum where appropriate to support topics of gender diversity.
- The local health curriculum should be supplemented with appropriate wellbeing and pastoral support for ākonga so they can safely explore their identity should questions arise.
- Schools should be prepared to face criticism from the community regarding the inclusion of sex education and topics related to gender diversity. This includes countering transphobic rhetoric that harms gender-diverse people.

Professional learning and development:

- PLD should be included in schools' strategic plans to cover issues around diversity
- Gender-diverse and LGBTQIA+ ākonga may be included in the planning and delivery of school PLD but schools should consider how they are kept safe in this process.
- Authentic consultation with LGBTQIA+ ākonga may inform PLD topics.
- Advocacy organisations may be consulted for PLD advice or may provide topics to be included in PLD.

Considerations for single-sex schools:

- Single-sex schools should consider the inclusion of gender-diverse ākonga as an inevitability and prepare accordingly
- Ministry of Education and Human Rights Commission best practices and guidelines should be adopted in considering the rights of gender-diverse ākonga in single-sex schools
- The legal rights of gender-diverse ākonga must be upheld at all times
- Schools should seek advice from ākonga and parents/whānau around how best to support gender-diverse ākonga in a single-sex school setting
- Single-sex schools should make a plan for how to include gender-diverse ākonga, including covering things such as bathrooms and uniforms
- Strategic planning may consider removing gendered language from vision and values

- When considering a new build or school renovation, boards and senior leaders should consider how physical spaces can better cater to gender-diverse ākonga
- Community consultation as part of the education brief should include the voices of gender-diverse people, LGBTQIA+ and allies
- Where direct feedback is not possible, schools might consider consulting rainbow advocacy groups
- Schools should implement several things that can make physical spaces more inclusive, such as gender-neutral bathrooms, private changing areas, gender-inclusive signage, and ensuring there is accessible space for wellbeing support for all ākonga

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Glossary

Please refer to Gender Minorities for a detailed glossary:
https://genderminorities.com/glossary-transgender/

Gender / gender identity

An internal sense of being male or female, neither of these, both, etc. The term 'gender identity' is falling out of favour to some as one does not simply identify as a gender, but is that gender.

Transgender

A person assigned a sex and gender at birth which they disagree with.

This is an umbrella term for people whose gender identity and/or gender expression differs from what is culturally associated with what they were assigned at birth. There is a range of terms included within this definition, and while some people might fit this definition, they may not consider themselves to be transgender. It is best to use the descriptive term preferred by the individual.

The term transgender is not indicative of sexual orientation, hormonal makeup, physical anatomy, and how one is perceived in daily life. Someone who is transgender does not need to undergo a transition or change their physical attributes to be recognised as transgender.

Transsexual

An older term originally coined by clinicians, and still preferred by some people who have changed or who seek to change their bodies (such as through hormone replacement therapy or various surgeries and medical treatments). Some people do not like this term due to the focus on medical transition. Many who identify as transsexual prefer this term and see medical transition as an important distinction from the experience of dissonance and dysphoria that is often the cause of medical needs.

This is not an umbrella term as 'transgender' is. It is best to ask what term an individual prefers rather than presume.

Trans

An abbreviation of transgender. Used as an umbrella term in a similar way.

By placing a gender term afterwards, i.e. trans man or trans woman, it refers to someone who is transgender expressing themselves as a man or woman, although they were not assigned that gender at birth. Rather than refer to someone's assigned sex at birth as "born a man" or "born a woman", refer to "assigned male at birth" or "assigned female at birth". A trans man is, and always has been, a man, thus referring to them as being born a female disregards their lived experience of sex and gender.

Trans*

With an asterisk (trans-star), this means someone is not cis-gender, but not necessarily a trans woman/man either.

Cis / cis-gender

In Latin, 'cis' means 'on the same side of', meaning on the same side of gender. Cis-gender people identify (more or less) with the gender assigned to them at birth. It is not an insult, but a neutral descriptor. When differentiating between a trans woman and a non-trans woman, it would not be appropriate to say "a woman and a trans woman", as both are women, so it would be appropriate to say "a cis woman and a trans woman".

Cishet

A contraction of cis-gender and heterosexual, and means a person that is both.

Gender expression or presentation

The physical expression of gender through clothing, hairstyle, voice, make-up, body shape, body language, interests etc. This includes anything that outwardly expresses and characterises a person's expression of gender.

Sex

The system for assignment and classification of people, typically as male or female. This includes sex assigned at birth, legal sex, and perceived sex. Note that this is different from gender and expression.

Sex is also not fixed or immutable. Neither anatomy nor physiology is defined by a single criterion such as genitals, chromosomes, hormones, or fertility.

The sex binary

This is a system of viewing sex as two categories, male and female, with matching sets of chromosomes, hormone levels, reproductive organs, and secondary sex characteristics. This assumes sex is an immutable biological fact and does not allow for other possibilities or anatomy. This system is oppressive and causes marginalisation for people not fitting within the binary including trans and intersex people.

The gender binary

This is a system of viewing gender as two categories, male and female, and no other genders can exist within this system. Gender is neither fixed nor immutable, and no physical criterion defines one's gender.

Non-binary

Umbrella term for genders other than female/woman/girl or male/man/boy. A trans non-binary person does not identify within the gender binary having been assigned one of these genders at birth.

Transition

This is a process of transitioning from being seen as one's birth-assigned gender to their actual gender. This includes social elements such as clothes, hair, name, changing gender markers, changing physical expression such as binding breasts or wearing breast forms etc. It may include medical treatments such as laser hair removal, hormone replacement therapy (HRT), or various surgeries.

There is no singular right or wrong way to transition, and one does not need to undergo medical treatments to be trans.

Queer

This is broadly used to reject heteronormativity. Originally it was a slur reclaimed by Black, trans, disabled, HIV+, and other more marginalised rainbow people who could not assimilate to mainstream white gay culture.

Sometimes this term is also used to include not cis-gender people, though some reject this. It should be used carefully as it is a reclaimed slur and could result in offence.

Genderqueer

Similar to queer, this term is specific to rejecting binary genders. They may identify as neither male nor female, and may not see themselves fitting within gender labels.

Intersex

A range of conditions where someone has a variation of sex characteristics from birth (as opposed to taking hormones or having surgeries). This variation means sex characteristics are ambiguous in the context of the sex binary.

Someone may not know they have an intersex condition until puberty and their body changes differently than expected. A diagnosis of an intersex condition usually occurs at birth.

When an infant is born with ambiguous external genitalia, parents and clinicians typically assign sex and perform surgeries to conform the body to that assignment. This is being increasingly recognised as unethical and abusive as many intersex people have undergone potentially harmful medical procedures without consent. Surgeries will also often occur throughout childhood, subjecting children to ongoing painful surgery to match a gender assignment.

There are also more subtle signals of intersex, such as differences in chromosomes or other biological markers, making this much more common than people may be aware of.

Being intersex does not necessarily imply anything regarding gender, orientation, or trans status.

Gender fluid / bi-gender

Gender fluid identity indicates shifting between different genders or presentations. Some people have both male and female sides to their personality and switch between them.

Bi-gender is more static, inhabiting two or more genders at once.

Agender

Someone who feels neutral in their gender or who rejects the influence of gender on their person. This is separate from anatomy, birth assignment, and pronoun use.

Androgyne

Someone who feels both masculine and feminine, or has a gender expression with both characteristics.

Gender dysphoria / euphoria

Gender dysphoria clinical term refers to the dissonance between one's assigned gender and their personal sense of self. Some people are now referring to this as gender incongruence as people do not see their body as reflecting the gender they identify as. This is a psychological condition that can be assisted through affirming care. This is different from body dysmorphia which may be experienced by cis-gender people also. It describes the feeling of not seeing one's body as ideal or right, not specific to gender.

Gender euphoria, conversely, is the comfort or joy that someone experiences when thinking about their body and physical attributes aligning with their gender identity.

Transphobia

This consists of three main types. Stereotypes, prejudice, and discrimination. Stereotypes include ideas that trans people are not real, are delusional, or are dangerous. Misconceptions play a large role in stereotyping gender-diverse people. Prejudice includes feelings of fear, anger, discomfort, distrust, disgust, or hatred directed toward trans people, likely due to stereotypes. Discrimination is actions, such as excluding people or taking away rights based on prejudice.

Trans Exclusionary Radical Feminism (T.E.R.F) refers to a sub-section of radical feminism that focuses on removing transgender human rights, legal protections, healthcare access, and supportive social environments based on the principles of biological essentialism. They believe that biology supersedes culture and all other influences.

While not all anti-trans campaigners or extremists are TERFs, all TERFs are anti-trans extremists.

Deadname

The birth name of a gender-diverse person when they have changed their name as part of their transition (often a name that does not align with their gender identity).

Misgender

Referring to a gender-diverse person with a word, such as a pronoun or form of address, that does not reflect the gender they identify with.

Takatāpui

This is a te reo Māori term that is used similarly to "rainbow person" or "rainbow community" or LGBTQIA+. This can refer to both Māori and non-Māori, however, usually, only Māori refer to themselves as Takatāpui when speaking English.

Whakatāne and Whakawāhine

Translated as 'to become a man' and 'to become a woman', these are transgender terms in te reo Māori. The name Whakatāne (the region in Aotearoa) commemorates a chieftainess, Wairaka, who with the help of other women saved a canoe that went adrift after the men went ashore. Women were not allowed to paddle, and Wairaka said "Kia whakatāne au I ahau" ("I will act like a man").

Tāhine, or ira tāhūrua-kore

Mixed-gender or non-binary. Tāhine is a blend of Tāne and Wahine.

Irawhiti

Transgender, or gender that changes, transfers, or crosses over. Irawhiti specifies transgender specifically and the term irawhiti takatāpui is being used to describe transgender people rather than the generic takatāpui.

See https://genderminorities.com/glossary-transgender/ for more terms in te reo Māori.

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