



ORIGINAL ARTICLE

Boys, girls, and everyone else: Ontario public school board responses to gender diversity

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Abstract

Trans and nonbinary youth issue a challenge to K-12 schools, which regularly assume gender is binary and immutable. Although scholars have explored how educational institutions are responding to trans and nonbinary students, fewer have examined the assumptions implicit within these responses. By analyzing policy solutions as diagnostics of institutions' implicit representations of social problems, I examine how educational institutions construct the terms of membership for trans and nonbinary students. This article examines all publicly-available Ontario public school board documents ($N = 359$) including the terms "gender identity" and/or "gender expression." The findings show patterns in school board approaches. Roughly 80% of responses focus on a case-by-case, individual-level response. The remaining 20% adopt a systemic approach to trans and nonbinary inclusion. Few responses challenge binary-sorting practices. This article addresses the broader social issue of how public organizations deal with difference and the limits of individual accommodation responses to systemic inequity.

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RÉSUMÉ

Les jeunes transgenres et non binaires représentent un défi pour les écoles primaires et secondaires, qui partent régulièrement du principe que le genre est binaire et immuable. Bien que les chercheurs aient exploré la manière dont les établissements d'enseignement répondent aux étudiants transgenres et non binaires, ils sont moins nombreux à avoir examiné les hypothèses implicites dans ces réponses. En analysant les solutions politiques comme des diagnostics des représentations implicites des problèmes sociaux par les institutions, j'examine comment les institutions éducatives construisent les conditions d'appartenance des étudiants trans et non binaires. Cet article examine tous les documents des conseils scolaires publics de l'Ontario ($N = 359$) accessibles au public et comprenant les termes "identité de genre" et/ou "expression de genre". Les résultats montrent des tendances dans les approches des conseils scolaires. Environ 80 % des réponses se concentrent sur le cas par cas, au niveau individuel. Les 20 % restants adoptent une approche systémique de l'inclusion des personnes transgenres et non binaires. Peu de réponses remettent en cause les pratiques de tri binaire. Cet article aborde la question sociale plus large de la manière dont les organisations publiques traitent la différence, et les limites des réponses individuelles à l'iniquité systémique.

INTRODUCTION

I begin this article with two brief vignettes that illustrate what is at stake in educational institutions' responses to trans and nonbinary students. Ash¹ is a nonbinary high school student in the Peel Region. In 2018, I learned a bit about their experience from a parent of another student in Ash's class. After Ash came out as nonbinary in grade 10, students began bullying Ash and their closest friends. Despite urging from concerned parents, the school's principal neglected to intervene or even acknowledge that there was a problem with how the school community was responding to Ash's gender identity. The following year, Ash moved to another school.

In Jen Gilbert's (2014) book *Sexuality in School: The Limits of Education*, she recounts the story of another student, who began the school year as Matt, and completed the year as Jade. Upon learning about Jade's transition, her principal promptly wrote a letter to teachers and staff affirming the school's responsibility to welcome students exactly as they are and, as Gilbert writes, "to

creat[e] a space where Jade can explore the multiple possibilities for living in her body. In other words, the school tried to protect the ordinariness of Jade's life" (2014, p.90). Jade finished her final year of high school successfully; she was elected president of her school's student council and was accepted into the university of her choice (Callender, 2006). These two vignettes offer a reminder that how school leadership responds to and anticipates trans and nonbinary students can dramatically alter students' experiences of membership and belonging in their schools.

Despite the growing visibility of trans and nonbinary students, a binary gender logic still governs which washrooms students are permitted to use, which teams they may play for, and what they learn in sex education classes (Ingrey, 2018; Loutzenheiser, 2015; Miller et al., 2018; Sinclair-Palm & Gilbert, 2018; Slovin, 2021). The growing number of trans and nonbinary youth refusing² to deny their authentic gender identities in school challenges not only the logic of sorting students into categories based on the gender they were assigned at birth but also, the terms of student membership issued by educational institutions (Gilbert et al., 2018; Loutzenheiser, 2015; Slovin, 2021). In this article, I refer to the *terms of membership*, as a set of conditions for membership in school communities, either explicit or unspoken. These terms of membership dictate, upon whom membership can be confirmed. As I will discuss in detail in the pages that follow, membership is distinct from rights and legal standing; however, membership and rights have an imbricated and interdependent relationship. I argue that more than policy is necessary for trans and nonbinary students to be safe and supported in their schools.

In this article, I draw on political scientist Carol Bacchi's (2009) interpretive approach to policy analysis to examine how school board responses function as a diagnostic indicating implicit assumptions about how a policy "problem" is understood. Identifying the understandings underpinning educational institutions' policies and procedures is key to evaluating how these responses represent and enact the terms of membership for trans and nonbinary students (Bacchi, 2009). In this regard, I argue that how educational institutions construct trans and nonbinary inclusion determines how these institutions define the terms of membership for trans and nonbinary students. This article's objects of analysis are K-12 Ontario public school board institutional texts—policies, procedures, protocols, directives, and guidelines—that direct how teachers, administrators, and staff respond to and anticipate the membership of trans and nonbinary students in their schools.³ The findings of this study illustrate distinct patterns in school boards' approaches. This study shows that 80% of school board documents, representing 100% of school boards, address individual-level obstacles to trans and nonbinary student inclusion, typically by focusing on disciplining bullies to protect vulnerable students or accommodating individual students. Meanwhile, 20% of school board documents, representing 63% of school boards, take a systemic approach to trans and nonbinary inclusion, typically by producing statements affirming diversity or, less often, by challenging cisgender binary-based practices. This project addresses the broader theoretical question of how public organizations deal with difference, and the limits of an approach that relies on individual accommodation rather than addressing systemic inequities (Martino, Kassen et al., 2022; Wingfield, 2019).

THE POLICY CONTEXT OF TRANS AND NONBINARY MEMBERSHIP IN ONTARIO PUBLIC SCHOOLS

The growing presence and possibility of trans and nonbinary students in schools renders visible the extent to which educational institutions, schools, and school boards, rely upon a logic of gender as binary and immutable with regards to, for instance, which washrooms or locker rooms

students may use and which sports teams they may join (Travers, 2019). The trans and nonbinary student, either material or symbolic, demands that educational institutions reimagine their understandings of gender (Slovin, 2021). Educational institutions' willingness to revise normative understandings of and assumptions about gender is crucial to trans and nonbinary students' ability to thrive in their schools. Empirical evidence suggests that trans and nonbinary youth who are consistently referred to by their gender-affirming name and pronouns have improved mental health and well-being outcomes, and crucially, a greater sense of social acceptance and pride regarding their gender identity and body (Fontanari et al., 2020; Peter et al., 2021).

Trans and nonbinary youth's ability to access gender-affirming names and pronouns is facilitated to a significant degree by supportive adult advocates. Developmental frameworks frame 'childhood and adolescence [] as malleable moments, times when, with 'proper' guidance and instruction, young people can be reared into (or out of) what is desired of them (Slovin, 2021, p.11). Because young people are regularly understood as unequipped or unauthorized to make decisions concerning gendered self-determination the parents of trans and nonbinary kids often act as crucial intermediaries for their children, actively creating ideological space for them to express their gender identity freely, and helping them navigate the transphobic opposition they often face in their schools and society at large (Meadow, 2018). Some teachers can and do play a similar role in trans and nonbinary youth's school experiences (Keenan, 2017; Meyer et al., 2016). Educational institutions may be—in some regards—well-positioned to adopt a consonant role, acting as intermediaries between their trans and nonbinary students and the cisnormative logics that circulate within schools and society.

While educational institutions may support and protect trans and nonbinary youth, some scholars assert that within schools "equality and inclusion are impossible" (Ball & Collet-Sabé, 2022, p.985). Since schools function to reproduce classed, raced, and gendered inequalities, one cannot take for granted that schools are a redeemable institution (Khan, 2012; McCready, 2012). For trans and nonbinary youth, harm can emanate not only from the presence of cisnormative logics within school communities, but also from educational institutions themselves (Keenan, 2017; Spade, 2015). Trans and nonbinary youth, alongside and including BIPOC youth are frequently harmed by the logics of schooling (Keenan, 2017; McCready, 2012). Schools frequently operate as "intolerable institutions" (Ball & Collet-Sabé, 2022), where trans and nonbinary students are sorted according to sex assignment at birth and taught the perils of straying from that assignment (Keenan, 2017). Today's young people articulate and demand more expansive and less restrictive understandings and expressions of gender than most of their institutions provide them with (Gilbert et al., 2018) and they carve out spaces beyond and within their formal school structures where they can continue to express and explore gendered self-determination (Slovin, 2021). In this regard, trans and nonbinary youth regularly negotiate, mediate, resist, and evade harmful cisgenderist logics imposed by and within their educational institutions. While there is no doubt that schools regularly function as sites of trauma and harm for trans and nonbinary youth (Peter et al., 2021), schools can also provide a safe(r) space away from home where youth can practice gendered autonomy protected from parental supervision. While, as Harper Keenan argues, schools operate "as a location to enforce state-defined gender" (2017, p.550; also see Spade, 2015), since gender identity and expression became entrenched in the Ontario Human Rights Code in 2012, trans and nonbinary students have had a greater claim to exert their right to gendered self-determination within their schools.

The Ontario educational system is subdivided into regions according to geography, as well as language (English and French), and religion (secular and religious). Of Ontario's 76 school boards, 33 are English secular, 30 are English religious (29 Catholic and one Protestant), four are French

secular, and eight are French Catholic. As of 2021, Ontario has 4844 schools, of which 3967 are elementary and 877 are secondary schools. Canada's most populous province, Ontario is home to 2.06 million students. If, as empirical research suggests, somewhere between 1.4% and 1.8% of youth are trans and/or nonbinary, we can expect that Ontario is home to anywhere between 29,000 and 37,000 trans and nonbinary students (Herman et al., 2022).

The policy environment for trans and nonbinary membership in K-12 educational institutions in Ontario is shaped by several factors, one of these is the broader legal environment (Martino et al., 2019). Over the last decade, trans people have received increased legal recognition in Canada, and in the province of Ontario. In 2012, the Ontario Human Rights Commission added "gender identity" and "gender expression" as prohibited grounds for discrimination. This addition to the Ontario Human Rights Code (The Code) was the result of the passing of *Toby's Act*, a tri-partisan bill supported by Ontario's three leading political parties (Airton et al., 2019; Martino et al., 2019). *Toby's Act* was the consequence of ongoing activism led by Ontario's trans and nonbinary communities (Airton et al., 2019; also see Iskander & Shabtay, 2018).

As a result of the inclusion of "gender identity" and "gender expression" in The Code, all public schools and school boards in Ontario have a legal duty to "ensure a school environment free from harassment and other forms of discrimination" in this regard (Ontario Human Rights Commission, 2019:n.p.). The Ontario Ministry of Education (The Ministry) obligates⁴ all public-school boards to adhere to The Code. Although The Ministry is responsible for ensuring that school boards comply with these obligations, it does not hold the authority to directly dictate school boards' policies regarding trans and nonbinary students. Nor does The Ministry ensure that policies necessarily translate into practice. In fact, research suggests there is a discrepancy between policy and practice, a discrepancy which diminishes school boards' impact in addressing barriers to the belonging of trans and nonbinary youth (Martino et al., 2022).

In Ontario, elected officials, educators, and school board administrators have pushed for education to extend beyond the purview of The Code's anti-discrimination legislation. In 2015, the Liberal Party premier of Ontario, Kathleen Wynne, unveiled a proposal for an updated health and physical education curriculum that would require school boards to educate students about gender identity, sexual orientation, and consent (Martino et al., 2019). Although the subsequent Conservative Party premier, Doug Ford, vowed to drastically revise the controversial curriculum, much of the original curriculum remains intact. Ford's 2019 curriculum differs from Wynne's 2015 with regards to teaching gender identity and expression in Grade 8, rather than in Grade 2. Additionally, the new curriculum requires school boards to provide online modules for parents who prefer to teach their children topics at home and allow parents to withdraw their children from any instructional material (Martino et al., 2019). After *Toby's Act* in 2012, school boards in Ontario, of their own accord, began incorporating "gender identity" and "gender expression" into the documents they authored (Martino, Kassen et al., 2022). Many school boards extended beyond compliance with The Code, directing these documents not only toward protecting students on the basis of "gender identity" and "gender expression" but also addressing the need to accommodate trans and nonbinary students. Less frequently, school boards also developed guidance for alternatives to binary-gendered practices, practices which often alienate trans and nonbinary students.

The incorporation of marginalized groups into dominant groups often relies upon the concept of *accommodation*. A concept which has long been critiqued by critical-disability studies scholars as a strategy which implicitly operates to uphold notions of "normalcy" (Titchkosky, 2011). Following this logic, accommodation functions as a method for incorporating "non-normals" into a normative order, while preserving the legitimacy of the very structures and logics which alienate them (Clare, 1999; McRuer, 2006). In a similar manner, accommodating individual trans and

nonbinary students can function to obfuscate attention away from the challenge which these students pose to binary gender logics as well as structural obstacles to their belonging (Loutzenheiser, 2015). Trans legal studies scholar, Dean Spade (2015), argues that “meaningful transformation will not occur through pronouncements of equality from various government institutions” (2015, p.8). Though noting the importance of individual rights, Spade critiques the centrality of individual rights discourse to addressing the subjection of trans communities. Spade asserts the need to “demand more than legal recognition and inclusion, seeking instead to transform current logics of state, civil society security, and social equality” (2015, p.1). The school board documents reviewed in this study reflect and reinforce Spade’s assertion that rights—though crucial—are not sufficient for social transformation. In this regard, if school boards respond to the presence of trans and nonbinary students by assimilating students on a case-by-case basis into binary gender practices—or, alternatively, by making them exceptions to it—we must consider how this structures the conditions of and limits upon membership for trans and nonbinary students.

Cisgenderism as a frame for reading school board policies

Throughout this article, I regularly refer to the term *cisgender*. Although—as I will describe—this term is not without complexity and complication, the term *cisgender* is generally understood to refer to a person who is not trans. As Finn Enke (2012), drawing on the work of biologist Dana Leland Defosse, explains, the Latin root “cis” functions as a linguistic complement to “trans”:

Within molecular biology, *cis-* is used as a prefix [] to describe something that acts from the same molecule (intramolecular) in contrast to *trans-*acting things that act from different molecules (intermolecular)... Now, in common usage, *cisgender* implies staying *within* certain gender parameters (however they may be defined) rather than *crossing* (or *trans-ing*) those parameters. (2012, p.61, emphasis original).

The grassroots introduction of the term *cisgender* was important because it ontologically displaced *cisgender* bodies and identities as unmarked and, thus, naturalized (Enke, 2021).

The term *cisgender* is without neither complication nor complexity. Scholars have critiqued the ways in which the term lends itself to an implication that there exists a cis/trans binary, one which suggests that if one is not trans, they then must simply be cis. *Cisgender*, Enke argues, is a normative gendered status; and as Black feminist scholars, among others, have long argued, gender is a category entangled with race, class, sexuality, and ability (Clare, 1999; Crenshaw, 1991; Lorde, 1984). In this regard, to represent *cisgender* as a singular or essentialized category is to fall into a similar analytical trap that Black feminists, as well as queer and trans scholars, have rebelled against (Halberstam, 2011; Serano, 2007). Enke argues that to assume all people who are not trans “live in bodies which are ‘congruent’ with sex assign[ment] at birth grossly simplifies the vast range of ways that people experience gender identity and norms” (2012). In this regard, collapsing myriad identities within a cis/trans binary does not account for the experiences of intersex, nonbinary, and gender non-conforming people, among others.

Cisnormativity, in contrast to transphobia, refers to the structural and institutional advantages that privilege and normalize *cisgender* people and identities (Berger & Ansara, 2021). *Cisgenderism*, on the other hand, a broad oppressive ideology which encompasses cisnormativity, operates

... across a range of intentions, classifications, and identities. Cisgenderism can describe systems, values, and actions that occur in varied cultural contexts, including hostile or benevolent acts and intentional or unintentional acts. Thus, transphobia, cissexism, and genderism could be conceptualized as forms of hostile cisgenderism. In contrast to approaches that treat “cisgender” and “transgender” people as distinct classes of people, the cisgenderism framework views the notion that all people fit into a transgender–cisgender binary as an essentializing form of cisgenderism. (Ansara & Berger, 2021, p.120)

In this regard, cisgenderism offers an important theoretical framework for conceptualizing the ways in which all bodies and identities—both cis and trans—are frequently subject to gendered disciplining when they transgress normative gender roles. A cisgenderism framework attends to how normative gender logics are upheld by overlapping and imbricated systems of oppression, dispossession, and dehumanization including cissexism, transphobia, racism, settler colonialism, classism and class oppression, ableism, and heterosexism.

A cisgenderism framework shapes my work in several ways. I employ the words *trans* and *cis* in recognition of the complexity and contention that surrounds these concepts. I do not conceptualize trans and cis as complementary social locations inhabiting opposite sides of a stable binary. Youth that were once comfortably cis often question and move away from that social location, and trans youth may move through the world as stealth⁵ in ways that render cis passing privileges available to them. The categories trans and cis often spill into and over one another and cannot always be tidily delineated (Enke, 2012; Gilbert, 2014; Slovin, 2021). School policies and documents regularly imply a cis/trans binary in ways that do not reflect the messiness of gender identity. I draw upon cisgenderism as a theoretical framework for analyzing the school board documents I discuss in this article. While transphobia regularly functions as an emotional response to trans identities, often carried out at the interpersonal level, cisgenderism operates as an overarching oppressive framework bent on policing gender into normative expressions of (Ansara & Berger, 2021). All bodies—not just trans ones—can be made subject to the exclusion, alienation, and dehumanization reserved for bodies which disrupt a normative gender order.

Policy documents as articulations of the terms of membership

Belonging can be understood as a status of membership conferred not only by inclusion, tolerance, rights, and accommodation, but also through *recognition* (Gilbert et al., 2018; Glenn, 2011; Miller et al., 2018). Recognition requires an acknowledgement of one’s existence, accompanied by an affirmation of one’s belonging. In this article, I consider whether and how policy responses can operate as a site of recognition for trans and nonbinary students. I draw on Evelyn Nakano Glenn’s (2011) sociological concept of citizenship to consider how membership is conferred. Glenn’s work suggests that recognition, alongside rights, is crucial to membership and belonging.

Citizenship is not just a matter of formal legal status; it is a matter of *belonging*, which requires *recognition* by other members of the community. Community members participate in drawing the boundaries of citizenship and defining who is entitled to civil, political, and social rights by granting or withholding recognition. (Glenn, 2011, p.3, emphasis original)

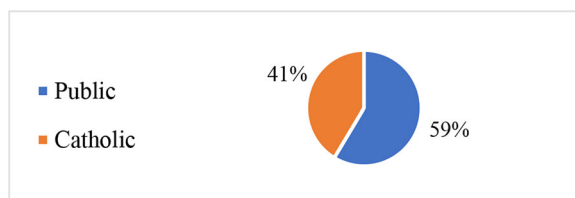
Glenn argues that membership and belonging also derive from recognition granted by community members, not only a formal legal status. In this regard, then policies and other legislative instruments are more effective at conferring membership when they recruit community member recognition, rather than when they solely assert legal, political, or social rights. And, as I will discuss in the findings section of this article, educational institutions adopt several approaches to addressing the membership of trans and nonbinary students in schools. What seems most important to recognize here, however, is that policies offer insight into how organizations identify and understand their role in conferring membership (Bacchi, 2009). Studying the experiences of trans and nonbinary youth in educational institutions necessitates simultaneously grappling with these documents and recognizing their limits (Loutzenheiser, 2015; Sinclair-Palm & Gilbert, 2018). Although school board documents and policies are important for securing the membership of trans and nonbinary students within their schools, policies in and of themselves are not necessarily a solution. As Lisa Loutzenheiser argues, policies hinge upon “the recognition of individual rights and the possibility of a youth speaking themselves into existence” (2015, p.109). Although policies and individual rights are an important part of trans and nonbinary student recognition and membership, these alone are unlikely to confer belonging. Through examining how school boards address the presence and possibility of trans and nonbinary students, I elucidate the conditions school boards set for trans and nonbinary students’ membership and belonging, and the obligations schools hold to these students.

An interpretivist approach to policy analysis can further shed light on the ways in which educational institutions represent the terms of membership for trans and nonbinary students. Political scientist, Carol Bacchi’s (2009) “*What’s the Problem Represented to Be?*” approach to policy analysis investigates policy responses as a diagnostic for examining how policy problems are represented. Through examining a policy solution, the researcher can gain insight into underlying assumptions about a problem. Alongside a conceptualization of the social problem is an understanding of the school board’s responsibility, or lack thereof, to addressing the problem. For example, policies that assert trans and nonbinary students ought to use the locker room corresponding to their gender identity, envision the social problem to be trans and nonbinary students’ discomfort in an ill-suited locker room, rather than the practice of sorting oneself into a binary logic of gender. Policies that direct trans and nonbinary students to change in an alternate space, separated from other students, may envision the social problem to be the discomfort of cisgender students (or their parents) with the nudity or presence of trans and nonbinary students. Neither of these policies, on the other hand, represents the social problem to be the broader practice of sorting students according to binary gender, or of undressing in locker rooms altogether (see also Loutzenheiser, 2015). Without an understanding of how the social problem of trans and nonbinary inclusion is constructed, we cannot adequately imagine new practices in which trans and nonbinary students are already and always anticipated within the terms of membership (Fields, 2008).

The literature that I have reviewed suggests that, first, school boards may have a crucial role to play improving the experiences of trans and nonbinary students in their schools (cf. Ball & Collet-Sabé, 2022), and second, in Ontario, Canada school boards are responding to the possibility and presence of trans and nonbinary students with school policies and documents; however, school board responses vary significantly in their aim, approach, and effectiveness. Together, Glenn (2011) and Bacchi’s (2009) approaches provide a useful analytic framework to consider how educational institution policies can function as a diagnostic indicating the terms of membership school boards implicitly set for trans and nonbinary students. In this article, I examine how school board policies and documents function as a diagnostic indicating implicit assumptions about how the policy “problem” is understood. Identifying the understandings that underpin educational

TABLE 1 Ontario public school boards documents including “gender identity” and/or “gender expression”.

School board	No. of school boards	No. of documents
Public	33	205
Catholic	30	154
	= 63	= 359

FIGURE 1 Documents, by school board type. [Color figure can be viewed at wileyonlinelibrary.com]

institutions’ policies and practices is crucial for identifying the terms of membership for trans and nonbinary students (Bacchi, 2009). I argue that how educational institutions construct trans and nonbinary inclusion determines how these institutions define the terms of membership for these students.

RESEARCH DESIGN AND METHODS

Dataset

To investigate how Ontario school board policies represent the issue of trans and nonbinary student membership, I performed an analysis of relevant Ontario school board documents. Specifically, the dataset for this project included all publicly available Ontario K-12 public school board documents that include the terms “gender identity” and/or “gender expression” ($N = 359$). The terms “gender identity” and “gender expression” were selected because these are the terms recognized by The Code. These documents range in publication date between 2012 and 2018. Data was collected in Spring 2019 by Dr. Lee Airton and colleagues, who generously shared their dataset with me. The documents in this dataset include policies, procedures, protocols, guidelines, directives, and several miscellaneous documents regarding “gender identity” and or “gender expression.”

In Ontario, Catholic school boards are publicly-funded. Although it is beyond the scope of this article to consider ways in which religion and religious affiliation is important for how school boards construct the terms of membership for students, Catholic ($n = 29$) and Protestant ($n = 1$) school boards—hereafter referred to as “Catholic”—school board documents have been included in this analysis. Table 1 and Figure 1 illustrate the composition of the dataset which includes Catholic public and secular public (hereafter referred to as “public”) school boards.

It should be noted that Table 1 does not illustrate how every school board, both public and Catholic, has authored at least one document which discusses “gender identity” and/or “gender expression.” Figure 1 illustrates that public and Catholic school boards have authored roughly 60% and 40% of the documents in the dataset, respectively. The content included in these documents ranges from a single mention of “gender identity” and/or “gender expression” to an entire document directed toward accommodating or anticipating trans and nonbinary students. The

median number of documents per school board is 5 and the mean is 5.5. The range of documents authored by school boards ranges between 1 (Moosonee) and 14 (Lakehead and Kawartha Pine Ridge). Eight documents differed significantly from the remaining 351 documents in the dataset and were excluded from the analysis as a result. Excluded documents included the following: three terminology lists, three memos regarding the provincial government's changes to Ontario's Health and Physical Education curriculum, one list of gender diverse books, one document directed toward identifying worrisome sexual behavior in young children, and one document about internet credibility. These documents were excluded because they had significantly different formats, objectives, and content than the remaining 351 documents.

Language and content used by one school board is frequently used by another school board (also see Loutzenheiser, 2015), and the acknowledgements sections in the documents regularly convey appreciation to staff at other school boards for contributions that facilitated the development of their own documents. As a result, these documents are best understood not as static, sole-authored documents, but as part of a conversation occurring across a community of school boards.

Qualitative data analysis

I analyzed data systematically in three phases using grounded theory (Charmaz, 2014). Phase one encompassed an initial reading of the entire dataset for familiarization. Phase two involved systematic inductive coding to generate codes and identify themes and patterns within the dataset. Inductive codes included, for example, "bullying," "long list of variables," "detailed accommodation protocol," and "washroom accommodation." For phase three, I used deductive coding to verify codes in the dataset and to sort documents into the four categories discussed in detail in the sections that follow. In all three phases, documents that only discussed gender diversity sporadically or briefly were scanned for the following keywords "gender identity," "gender expression," and "trans." Where these keywords appeared, data was analyzed two paragraphs preceding, and two paragraphs following the keyword. Additionally, I analyzed all headings and subheadings in each document. I used Nvivo for data analysis.

FINDINGS

The findings of this study show that Ontario educational institution documents discussing "gender identity" and "gender expression" vary with regards to how they construct the terms of membership for trans and nonbinary students depending on two factors: the level at which they conceptually locate the social problem and the extent to which they engage with the issue of trans and nonbinary student inclusion.

I found that Ontario school boards tend to represent the problem of trans and nonbinary students' membership as occurring at one of two levels: individual or systemic. As I will discuss, *individual-level* documents conceptualize trans and nonbinary students' membership as something that can be affirmed on a case-by-case basis, unique to each student, and these documents focus attention exclusively on individual students. Conversely, *systemic-level* documents are directed toward broader practices or processes which alienate trans and nonbinary students in schools. Figure 2 demonstrates that 80% of documents are directed toward the individual, rather than systemic level. Public and Catholic school boards are identically proportioned in this regard.

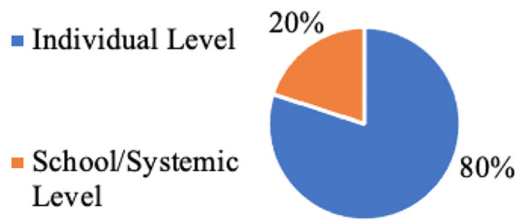
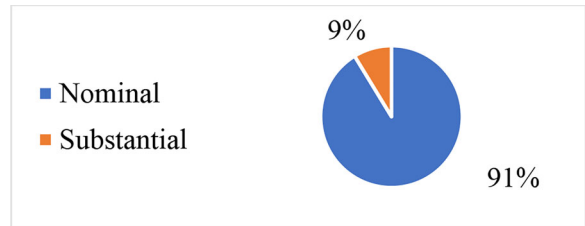


FIGURE 2 Representation of the social problem. [Color figure can be viewed at wileyonlinelibrary.com]

FIGURE 3 Degree of school board engagement. [Color figure can be viewed at wileyonlinelibrary.com]



School boards also represent the issue of trans and nonbinary student membership as either a nominal or substantial issue. As I will discuss, “Nominal” documents engage with “gender identity” and/or “gender expression” only briefly, where these social locations are included in a list of identity variables alongside race, disability, and about 10–12 others. On the other hand, “Substantial” documents represent the membership of trans and nonbinary students as a substantial social problem, discussing the topic at length.

Figure 3 illustrates that roughly 90% of school board documents provide nominal, rather than substantial attention to gender identity and expression. Public and Catholic school boards understood the issue of trans and nonbinary membership as a nominal issue in 86% and 99% of documents, respectively. When sorted according to these two axes—the degree of engagement and the location or level of the problem—the school board documents fall into one of four mutually exclusive types. Table 2 describes these types and Figure 4 illustrates the distribution of the documents.

In the subsections that follow, I describe each type of response in detail, drawing on examples from school board responses. For each type, I outline how school board responses construct the social problem of trans and nonbinary student membership and I provide critical interpretation.

Bullying policies: Gender diversity represented as an individual, nominal social problem

In this section, I examine school board responses which represent gender diversity as an individual, nominal social problem. School boards have established policies which I refer to as *Bullying Policies*; these documents outline procedures and protocols for disciplining students who bully trans and nonbinary students. The social problem, in *Bullying Policies*, is represented as the individual students who bully gender diverse students.

School boards authored significantly more *Bullying Policies* than any other kind of document. Three quarters of documents in the entire sample fell into this category of response (see Figure 4). Although every school board in Ontario has authored at least one *Bullying Policy*, most have

TABLE 2 Typology of school board documents.

Location of “problem”	Degree of engagement	
	Nominal	Substantive
Individual level	<p>Bullying Policies:</p> <p><i>Problem:</i> students who bully trans and nonbinary students</p> <p><i>Solution:</i> discipline students who bully with strategies such as suspension and/or expulsion</p> <p><i>Terms:</i> trans and nonbinary membership enabled by interventions to stop bad actors</p>	<p>Accommodation Policies:</p> <p><i>Problem:</i> trans and nonbinary students do not fit neatly into binary-based school practices</p> <p><i>Solution:</i> address the needs of individual trans and non-binary students</p> <p><i>Terms:</i> trans and nonbinary membership enabled by case-by-base procedural exceptions</p>
Systemic level	<p>Diversity Declarations:</p> <p><i>Problem:</i> lack of recognition for gender (and other forms of) difference</p> <p><i>Solution:</i> declaring the value of/need for diversity</p> <p><i>Terms:</i> trans and nonbinary membership enabled by proactive affirmation</p>	<p>Beyond the Binary Guidelines</p> <p><i>Problem:</i> gendered processes and practices that alienate trans and nonbinary students.</p> <p><i>Solution:</i> adjust practices which assume cisgender identity/expression</p> <p><i>Terms:</i> trans and nonbinary membership enabled by adjusting systemic practices</p>

- Bullying Policies
- Diversity Declarations
- Accommodation Policies
- Beyond the Binary Guidelines

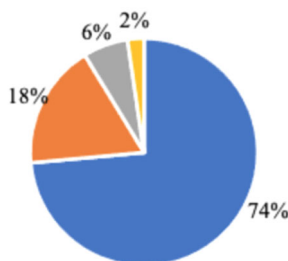


FIGURE 4 Distribution of school board responses. [Color figure can be viewed at wileyonlinelibrary.com]

authored several, some school boards have authored as many as eleven Bullying Policies. These responses represent the problem as bullying, not only of trans and nonbinary students, but also bullying of myriad other identities which are represented as vulnerable. Documents in this category incorporate “gender identity” and “gender expression” into a long list of diversity variables represented as at-risk, including race, religion, socioeconomic status, and a number of others. For example:

The behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, *gender identity*, *gender expression*, race, disability or the receipt of special education. (Algoma District School Board, 2014, p.2, emphasis added)

In Bullying Policies, trans and nonbinary youth are framed through a discourse of risk, oppression, and victimization (Rasmussen et al., 2004; Slovin, 2021). Within these policies, there is no substantive engagement with, for example, the school-based practices that might make trans and nonbinary students more vulnerable to bullying. School boards' reliance on Bullying Policies suggests that a fundamental, if not primary, way school boards understand their responsibility to trans and nonbinary students is through disciplining the students who have bullied them. Beyond providing a rationale for punitive recourse, these responses may do little to support trans and nonbinary students. The list of diversity variables, in which "gender diversity" and "gender expression" are included, not only flattens the ways in which power often operates between and among students across various axes of identity, it also suggests that trans and nonbinary students' membership is dependent on their supposed vulnerability.

In Bullying Policies, suspension and expulsion of students who have been identified as bullies is represented as the primary mechanism for securing the membership of trans and nonbinary students. The following example illustrates how Bullying Policies rely on suspension and expulsion as a mechanism for disciplining students.

Principals must suspend a student and consider referring that student for expulsion for any incident under subsection 306(1) of the Education Act, including bullying, that is motivated by bias, prejudice, or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, *gender identity*, *gender expression*, or any other similar factor (e.g. socio-economic status, appearance) (Hamilton Wentworth District School Board, 2017, p.6, emphasis added)

Punitive strategies, such as suspension and expulsion are not brought to bear equally on students. Empirical evidence suggests that the use of discipline as a mechanism for creating positive school climates has profoundly negative outcomes for students who are already marginalized in terms of race and class (Irwin et al., 2013). Progressive discipline approaches lead to "inconsistent policy implementation and unequal outcomes for students" (Milne & Aurini, 2017, p.30). For instance, researchers have found that, controlling for socioeconomic status, Black youth are more likely than white youth to face exclusionary punishment (Milne & Aurini, 2017; Irwin et al., 2013). Bullying Policies operate to construct the terms of membership for trans and nonbinary students in two ways: first, through suggesting that bullies—rather than institutional practices—are the primary obstacles to trans and nonbinary student membership (Quinn & Meiners, 2013). And, second, through exacerbating existing inequalities among students, particularly with regards to race and class. Scholars have pointed to the limits of an "interventionist" framing, through which harm and vulnerability are the primary, if not sole, focus of research on 2SLGBTQ+ youth in schools (Gilbert et al., 2018). This framing not only represents 2SLGBTQ+ youth as devoid of agency, it also fails to take into account how these youth also experience belonging and community within their schools (Gilbert et al., 2018).

Although the titles of many Bullying Policies tout the concept of prevention—for example, "Bullying Prevention and Intervention Procedure"—these documents follow a punitive recourse model, in which the protection of trans and nonbinary students occurs *after* bullying has been perpetrated. In this regard, the recognition of trans and nonbinary students is only accomplished reactively and discursively, rather than proactively and materially (Airton et al., 2019).

Accommodation policies: Gender diversity represented as an individual, substantial social problem

Another approach, adopted in 6% of responses, represents the social problem as an individual-level problem requiring a substantial intervention. In this section, I examine responses which focus on a substantial accommodation of individual trans and nonbinary students. I refer to these responses as Accommodation Policies. Although Accommodation Procedures attend to significant barriers for trans and nonbinary students, this response falls short of recognizing systemic barriers to these students' membership.

Accommodation Policies detail how administrators, teachers, and/or staff are obligated by the school board to accommodate individual trans and nonbinary students regarding, for example, washroom or locker room access, sport team participation, and pronoun use. These documents outline detailed procedures for responding to accommodation requests from students. Accommodation Policies suggest that trans and nonbinary students' membership is established and affirmed when educational institutions modify binary-gendered school practices for individual trans and nonbinary students on a case-by-case basis.

In Accommodation Policies, a focus is placed on the individual student, for whom the educational institution "... shall fulfil specific requests on a case-by-case basis, individualized to best meet the needs of the student..." (Limestone District School Board, 2019, p.3).

Board and school staff must consider each student's needs and concerns separately. Each transgender and gender non-conforming student is unique with different needs. An accommodation that works for one student cannot simply be assumed to be appropriate for another. (Hastings & Prince Edward District School Board, 2017, p.7)

Certainly, an individualized focus is important for attending to each students' unique needs and situation, rather than advocating for a one-size-fits-all response. Regardless, an emphasis on a case-by-case to accommodating the individual can function to draw attention away from the more difficult task of reimagining practices that assume all students to be cisgender (Gilbert et al., 2018; Loutzenheiser, 2015; Payne & Smith, 2012; Travers, 2019). This case-by-case response also requires students to initiate the accommodation process themselves, through making a claim trans or nonbinary gender identity (Loutzenheiser, 2015). Students whose gender identities are evolving may not be able to access these accommodations. Implicit within this policy response is an assumption that few students will require accommodation; as a result, systemic institutional change is not necessary. Addressing the membership of trans and nonbinary students at an individual, rather than structural, level proves easier than challenging the cisnormative practices and logics that assume gender is binary and immutable.

In Accommodation Policies, accommodation and rights are tightly linked discourses. For example:

Under the Ontario Human Rights Code, employers, unions and service providers have a legal responsibility to accommodate people because of their gender identity. (Kawartha Pine Ridge District School Board, 2016a, p.2)

These guidelines set out the UGDSB's best practices related to accommodation based on gender identity and gender expression... It is intended that this document will

support students, staff and community members in that the rights of those whose gender identity and gender expression do not conform to traditional social norms are protected. (Upper Grand District School Board, 2016, p.3)

In these documents, a rights-based discourse functions as the rationale and justification for individual accommodation. Rights, however, Glenn (2011) argues, are not always sufficient for securing substantive citizenship. Though legal rights are important, Glenn argues, they are often not enough to impact a felt sense of belonging. Although Accommodation Policies do the crucial work of enabling trans and nonbinary students to access the accommodation they need, these policies do little to disrupt the need for accommodation itself.

Accommodation Policies also require students to make a request for accommodation:

Accommodation based on request HPEDSB will take reasonable steps to provide accommodation to people making a request based on their right to free gender expression and/or gender identity. (Hastings & Prince Edward District School Board, 2017, p.7)

A written request is required from the student or parent/guardian, or staff member requesting accommodation. (Limestone District School Board, 2019, p.3)

In both these examples, the burden of request is placed on the student. The fact that these documents require trans and nonbinary students to make a request for recognition is problematic (Loutzenheiser, 2015), particularly given the fact that substantive membership is often a prerequisite for making claims or requests in the first place (Glenn, 2011).

Although Accommodation Policies are important for trans and nonbinary students, they are not directed toward restructuring the binary gender organization of schools; instead, they outline detailed procedures for accommodating individual trans and nonbinary students *within* this binary order. These documents represent the problem to be—not the cisnormativity which characterizes school logics—but, rather, the difficulty trans and nonbinary students have fitting into the binary.

Diversity declarations: Gender diversity represented as a systemic, nominal social problem

Diversity Declarations are a frequent policy response made by school boards. Of all the school board documents analyzed, 18% of the documents (65 documents) were this type. These documents briefly mention gender diversity in a long list of a dozen or so “diversity variables.” The examples below illustrate how gender diversity is framed in these documents.

In the Keewatin-Patricia District School Board, we believe that all students can learn regardless of their race, ancestry, place of origin, ethnic origin, colour, citizenship, religion, gender, sexual orientation, *gender identity and expression*, age, socio-economic status, family and marital status, or disability. (Keewatin Patricia District School Board, 2014, p.2, emphasis added)

Acceptance: An affirmation and recognition of people whose Race, Ancestry, Place of Origin, Colour, ethnic origin, citizenship, Creed, Sex, Sexual Orientation, Age, *Gender Identity and expression*, Marital Status, Family Status, abilities, or other, similar characteristics or attributes are different from one's own. (Toronto District School Board, 2018, p.22, emphasis added)

As the reader can perceive, these documents affirm the need for and value of diversity; however, they offer no description of a method or process by which greater acceptance and appreciation of diversity can be cultivated within schools; nor do they address the power relations that impede this acceptance. They are, simply put, only declarations.

Scholars have argued that diversity discourse is often implicated in reproducing and legitimizing the very same power relations that it claims to ameliorate (Ahmed, 2012; Berrey, 2015; Wingfield, 2019). Furthermore, practices which call for harmonious heterogeneity may, in fact, function to maintain unequal power relations (Ahmed, 2012; Berrey, 2015). These responses express a commitment to diversity without indicating any meaningful actions. Sara Ahmed's (2012) work on the politics of documentation in UK racial diversity documents, suggests that diversity documents often function as indications of institutional performance, rather than as imperatives for or indicators of change. Ahmed argues these documents may, in fact, operate to conceal and sustain racism within organizations. These documents "... can block action, insofar as the document then gets taken up as evidence that we have 'done it'" (2012, p.599). In this regard, Diversity Declarations may function not as a tool for institutional change, but as an assertion that diversity has already been adequately "done" within the educational institution.

Beyond the binary guidelines: Gender diversity represented as a systemic, substantial social problem

"Beyond the Binary Guidelines" are a much less frequent document response taken by school boards; they represent only 2% of the sample (seven documents) (see Figure 4). This response advocates for moving away from practices which assume the majority of students are cisgender. Beyond the Binary Guidelines point to the cisgenderism inherent in many school practices and assert that sorting students according to gender can alienate not only trans and nonbinary students, but many others. Furthermore, this type of response advocates for limiting and/or ceasing these practices wherever possible. For example:

Avoid lining boys and girls up in separate lines or asking girls to stand up or boys to stand up at different times during activities in circle time. This may put students who do not conform to rigid gender roles in an awkward situation. Gender variant children may not see themselves the way you see them. (Durham District School Board, 2012, p.10)

In addition to advocating against binary gender practices, Beyond the Binary Guidelines also often address systemic imperatives, such as curriculum changes:

Change that focuses on curriculum development and pedagogical intervention is essential in order to provide knowledge and deep awareness that gender is not only an identity and expression, but a system that influences all of us, and shapes our

relationships, in and out of school. (Greater Essex County District School Board, 2016, p.6)

In contrast to Accommodation Policies, which attend to accommodating the needs of individual trans and nonbinary students on a case-by-case basis, Beyond the Binary Guidelines address systemic barriers to trans and nonbinary student membership. Instead of envisioning the individual trans and nonbinary student as an exception to be accommodated, Beyond the Binary Guidelines seek to transform the practices which do not anticipate the membership of trans and nonbinary students.

Beyond the Binary Guidelines are directed toward expanding understandings of gender, for the benefit of all students, irrespective of gender identity. For example:

Everyone has a gender identity, and as such, all students benefit from critically thinking about gender' (Greater Essex County District School Board, 2016, p.1).

These documents speak against cisgenderist assumptions about a cis/trans binary by emphasizing how all students can benefit from unlearning constraining gendered scripts.

Messages that expand understanding of gender empower students and staff rather than limit them. Encouraging all members of our community to develop the interests and skills that matter to them is self-affirming and motivating. (Kawartha Pine Ridge District School Board, 2016b, p.2)

These guidelines suggest that by anticipating the membership of trans and nonbinary students, schools can embrace the challenge that these students' issue to normative practices around gender. These responses put forward this challenge as one which can benefit all students, not solely trans and nonbinary students. Furthermore, unlike Accommodation Policies, Beyond the Binary Guidelines do not require trans and nonbinary students to make a claim or request for recognition. Instead, the membership of trans and nonbinary students is anticipated.

Beyond the Binary Guidelines also offer strategies for anticipating trans and nonbinary students in situations that rely on binary understandings of gender, such as accessing washrooms and locker rooms.

Ensure that all students know they have access to a washroom/change room that best corresponds to the student's lived gender experience. Also ensure students have access to a private single use washroom which is gender-neutral and does not require a student to ask permission or request a key. A transgender student will not be required to use a separate facility because of the preferences or negative attitudes of others. (Trillium Lakelands District School Board, 2013, p.14)

Where possible, schools will also provide an easily accessible all-gender single stall washroom for use by any student who desires increased privacy, regardless of the underlying reason. Use of an all-gender single stall washroom should be an option students may choose, but should not be imposed upon a student by the school because of the student's gender identity. (Toronto District School Board, 2013, p.7)

These guidelines regarding washrooms anticipate the fact that if the only spaces available to trans and nonbinary students are gender-neutral, use of these spaces can function to further alienate them (Greey, 2022; Ingrey, 2018). This response also acknowledges that washrooms and locker rooms are often sites of bullying for all students, not only trans and nonbinary students (Peter et al., 2021). Making single-use facilities available to all students not only permits all students to access the reprieve of privacy in a single stall restroom, it also allows trans and nonbinary students to access these spaces without risking being outed. This response also anticipates that trans and nonbinary students may be more comfortable accessing the single gender facilities of their gender identity, than gender-neutral facilities, and that mandating trans and nonbinary students to use a separate facility is not an acceptable approach.

There are limitations to this approach; however, *Beyond the Binary Guidelines*' strongly worded approach, provides guidelines instead of policy instruments for school boards. Instead of mandating change, *Beyond the Binary Guidelines* advocate for educational institutions' ethical obligations to anticipate trans and nonbinary students. As a result, *Beyond the Binary Guidelines* have less "teeth" than Accommodation Policies and Bullying Policies, which are ballasted by legal justifications (Miller et al., 2018).

It is important to note the meagre attention paid to race in all the document types in the dataset. Race and/or ethnicity are regularly mentioned as part of the "diversity variables" lists in Bullying Policies and Diversity Declarations; however, within the documents that substantially engaged with gender diversity—Accommodation Policies and *Beyond the Binary Guidelines*—race and/or ethnicity receives little attention. Two Accommodation Policies mention race, culture, and ethnicity in a list of identity variables that may shape trans and non-binary students' experiences. Only three documents, all *Beyond the Binary Guidelines* documents, shown below briefly address the intersection of racism and gender identity/expression:

Trans students of visible minorities, racialized groups and diverse faith groups experience additional challenges because of the systemic racism and oppression to which they are often subjected. These challenges can compound the stress of transition and further marginalize them. (Durham District School Board, 2012, p.5)

Trans students of colour and diverse faith groups experience additional challenges because of the systemic racism and oppression to which they are often subjected. These challenges can compound the stress of transitioning and further marginalize them. (Greater Essex County District School Board, 2016, p.4)

When a transgender student is a visible minority, they can experience additional challenges. (Trillium Lakelands District School Board, 2013, p.11)

The documents above briefly address how racism and anti-Blackness impacts trans and nonbinary youth; however, these excerpts resemble declarations rather than actionable commitments. Lisa Loutzenheiser (2015) has argued that when school boards fail to meaningfully engage with the experiences of BIPOC trans and nonbinary students, they represent the trans and nonbinary student as a white and a settler. These colour-blind policies can function to alienate BIPOC students through the very policies that aim and claim to advocate on behalf of them. Although the excerpts above signal that there exist compounded and intersectional barriers to the substantive citizenship of BIPOC trans youth, the documents do not meaningfully engage with these barriers. Crenshaw (1991) pointed to the single-axis orientation of law, and who it imperils. And a

single-axis framework often remains a condition of law and policy. The documents analyzed in this article are not an exception to this.

CONCLUSION

In this article, I have argued that school board responses are constructed in relation to how school boards understand their responsibility to trans and nonbinary students. I have illustrated how these responses tend to fall into two categories with regards to an understanding of where the social problem is located (Bacchi, 2009): at either an individual-level or at a systemic-level. School board responses also fell into two categories regarding the degree of intervention they provided: nominal and substantial. Nominal school board responses only included “gender identity” and “gender expression” briefly, in a long list of diversity variables. As I have demonstrated, these responses do little more than mention the terms “gender identity” and “gender expression.” Substantive school board responses, on the other hand, can provide a meaningful resource for trans and nonbinary students. Accommodation Policies provide students and staff with a resource with which, on a case-by-case basis, students may assert their right to be accommodated within binary-gendered practices in their school. The responses that I have categorized as Beyond the Binary Guidelines, on the other hand, envision a post-accommodation strategy, suggesting alternatives to practices that rely on binary understandings of gender. I have argued that these four school board responses—Bullying Policies, Diversity Declarations, Accommodation Policies, and Beyond the Binary Guidelines—represent vastly different understandings of educational institutions’ responsibilities to trans and nonbinary students.

In terms of making the greatest impact on trans and nonbinary student membership, an ideal school board response would include both Accommodation Policies and Beyond the Binary Guidelines. In this regard, students could point to Accommodation Policies to manage their involvement in binary-gendered practices, while—simultaneously—school boards would update and revise procedures and practices involving gender through consulting Beyond the Binary Guidelines. The benefit of Beyond the Binary Guidelines is that they seek to shift school practices and cultures to anticipate trans and nonbinary students. The drawback of this approach, however, is that as guidelines they have little procedural weight; Beyond the Binary Guidelines do not require compliance, as Accommodation Policies do. Although Beyond the Binary Guidelines target systemic and structural changes, they also rely on individual teachers and staff to implement them. In this sense, Accommodation Policies may provide a short to mid-term set of procedures, while Beyond the Binary Guidelines offer a mid to long-term set of suggestions. School board responses that adopt these approaches in tandem likely offer the most effective approach to anticipating the membership of trans and nonbinary students.

Although examining how these responses construct and represent the social problem of trans and nonbinary student membership offers important insights into how educational institutions understand their responsibilities to gender diversity and trans-inclusion, there exist limitations to studying these responses without attention to how they are implemented (Martino, Kassen et al., 2022; Martino, Omercajic et al., 2022). The findings of this study point to the need for more ethnographic research to examine how these responses are implemented and the impacts these policies and guidelines have on students. LJ Slovin’s (2021) ethnographic dissertation tracing the school experiences of trans and gender nonconforming youth is an example of this crucial work. More research could also investigate the impact local issues have on how school boards respond to the membership of trans and nonbinary students. For instance, to what extent are these responses

spurred by social movements and sociolegal events occurring in the region? Future studies could also consider the importance of individual actors involved in both writing and implementing these responses. Scholarship is needed to consider how educational institutions can reimagine the membership of trans and nonbinary students. What responses are necessary—we might ask—to make schools a site which extends our collective imaginary beyond binary gender, a space which “encourage[es] civic connection and cultural critique” with regards to gender diversity (Miller et al., 2018, p.356). This imperative requires creating institutions where students like Jade and Ash, whose stories were described in the opening vignettes, are always and already anticipated as full members in their schools.

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ENDNOTES

¹This is a pseudonym.

²I use this phrasing in recognition of the fact that trans and nonbinary youth have existed and attended schools long before our current sociopolitical moment (Gill-Peterson, 2018). There is an important distinction between suggesting that an increasing number of youth are coming out as trans and nonbinary—perhaps because they feel safe(r) doing so—and claiming that a rising number of youth are *becoming* trans. As Gill-Peterson has pointed out, the rhetoric portraying transness as an epidemic-like cultural phenomenon is currently being deployed by American and Canadian lawmakers to justify the criminalization and dehumanization of trans and nonbinary youth. This rhetoric is not only historically inaccurate, it also has fatal consequences for trans and nonbinary youth.

³For an analysis of similar BC policy documents also drawing on Bacchi’s approach, see Loutzenheiser (2015).

⁴This obligation is enacted through the Education Act, and the Ministry of Education’s Policy/Program Memorandum No. 128.

⁵Undetected as trans, assumed to be cisgender.

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