Creating rainbow–inclusive school policies and procedures

A resource for school boards, leaders, teachers, guidance counsellors, and school communities

Inside OUT

MINISTRY OF EDUCATION
TE TĀHUHU O TE MĀTAURANGA

Contents

Introducing InsideOUT

Development of this resource was led by InsideOUT, a national charity that works to give rainbow young people in Aotearoa New Zealand a sense of safety and belonging in their schools and communities. These are the goals to which we aspire and the beliefs that sit beneath them.

Our vision

All rainbow young people in Aotearoa New Zealand have a sense of safety and belonging in their schools and communities.

Our mission

- To work with young people, whānau, schools, community groups, youth services, government agencies, and other relevant organisations to provide safer schools and communities for rainbow young people.
- To foster the building and provision of resources, education, information, hui, and relevant tools that work to improve the health, wellbeing, and safety of rainbow young people.

Our kaupapa

These fundamental beliefs and assumptions sit beneath our resources, and all that we do in our work with schools:

- Being trans, gender diverse, intersex, or having a diverse sexuality is a natural and positive expression of human diversity. A person's sexuality, gender, or sex characteristics are not up for debate.
- A person's gender or sex may be an important part of who they are, but it is not the only part of their identity; it can also be shaped by their culture, ethnicity, socioeconomic background, religion, or disability.
- The adults within a school community have obligations to respect students' rights to safety, privacy, and inclusion within their whānau, school, and wider community.
- Respecting students' rights upholds their mana motuhake (self-determination) and mauri (energy, life force).
- Being proactive about creating welcoming learning environments, rather than waiting to react to students' needs or challenges, will make it easier for students to learn and thrive.

▌About this resource

Nau mai, haere mai!

We are excited to release *Creating rainbow-inclusive school policies and procedures*, our new resource on how schools can set up formal frameworks for ensuring equity and inclusion for their rainbow young people. In this introduction, we explain its purpose and how you might use it. Because language is such an important element of inclusion, there is also a note on that.

This resource has been developed in collaboration with rangatahi, trans- and intersex-led community organisations, whānau, school staff, and the Ministry of Education. Please see the acknowledgements for a list of these people, whose shared expertise gives it strength.

▌Purpose of this resource

Creating rainbow-inclusive school policies and procedures provides information and advice for boards of trustees, school leaders, and school staff as they lead the task of designing, implementing, and evaluating school policies and procedures related to rainbow young people. We know that school communities around Aotearoa New Zealand work hard to create welcoming and inclusive environments for all students, in keeping with their legal and professional obligations and personal ethics. However, there is a dearth of information about 'what works' to support the inclusion of rainbow students in particular.

This resource was created to help address that information gap. As well as providing general guidance, it offers examples of policies and procedures that schools can adapt to align with their unique vision and priorities for inclusion. There are also checklists you can use to help you review your current policies. By engaging with the ideas and suggestions in this resource, we aim to support your mission of ensuring all your students know that they belong, are safe, and are valued.

▌What is in this resource?

This resource has three main sections:
- **Section 1, He kōrero whakataki | Understanding the context**, is intended to stimulate your thinking about why there is a need for schools to develop policies and procedures that specifically address rainbow students. It outlines relevant legal and professional frameworks for your consideration and offers suggestions for how you might approach policy review and improvement.
- **Section 2, Ngā kaupapa here me ngā tukanga | Policies and procedures**, provides information and support for schools working towards establishing and/or implementing policies and procedures related to aspects of school that are important to rainbow young people.
- A set of **appendices** offers a list of useful resources to support your mahi, along with suggestions about where you can find further training and support.

Language in this resource

We use *rainbow* as an umbrella term to describe people of diverse genders, sexualities, and sex characteristics. It is an alternative to the term *LGBTQIA+* (lesbian, gay, bisexual, transgender, queer, intersex, asexual, and more). You can find definitions for all the terms used in this resource in a glossary that can be viewed or printed from our website.[1]

The term *sex* generally refers to our bodies' characteristics, while *gender* refers to the social and cultural roles and expectations that have traditionally been based on a person's sex.

In Aotearoa New Zealand today, babies are designated a sex at birth, usually by a medical professional and based on the external appearance of their body. The baby is then socialised into the gender roles and expectations associated with that sex. Many people wrongly assume that the sex assigned to a person at birth will always align with their gender.

Although sex is often thought of as binary (that is, female or male), in reality it exists along a spectrum. Around 1.7 percent of the world's population is born with *variations of sex characteristics* (VSC), such as chromosomes and hormones, that don't fit medical norms around female or male bodies. This is commonly known as *intersex*. The term *endosex* refers to people who are not intersex.

Transgender (trans) and *gender diverse* are umbrella terms for people whose gender is different from the one they were assigned at birth. Although some trans and gender diverse people see themselves as changing their sex or gender when they transition, others have been aware of their gender or sex from a very young age, despite having been assigned a different gender or sex at birth. Like all people, a trans person can be intersex or endosex, depending on whether or not they have a variation of sex characteristics.

The term *cisgender* refers to someone who is neither trans nor gender diverse. That is, their gender aligns with the one they were assigned at birth.

Gender expression refers to how we present our gender (for example, through our clothes, hairstyles, body language, and voice). A person's expression of gender does not always align with the gender they know themselves to be. For example, their gender expression might conform to their birth-assigned gender in situations where they do not feel safe expressing their actual gender.

People of all genders can express their gender differently throughout their lives, and their gender expression may even change day-to-day. The terms *gender expansive or gender nonconforming* are sometimes used to describe people who may not necessarily be trans, but express their gender in ways that differ from the expectations society has about how a person should express their gender.

Sexuality is an umbrella term that refers to a person's sexual behavior, the gender(s) a person is attracted to (orientation), and how they identify in relation to their sexuality. A person's sexuality can stay the same throughout their lives or it can be fluid. Sexuality and gender are different aspects of a person's identity – the many dimensions that make up their sense of self including culture, faith, political beliefs, and personal interests.

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1   https://insideout.org.nz/resources/

Rainbow students who belong to diverse ethnic or cultural groups may use culturally-specific language to describe their gender and sexuality, for example, *takatāpui, whakawahine* or *tangata-ira-tāne* (Māori), *fa'afafine* or *fa'atama* (Samoa), *hijra* (India), or *kathoey* (Thailand).

These terms represent distinctive cultural frameworks for understanding sex and gender and need to be understood entirely in their own terms, not viewed or interpreted through a Eurocentric lens. InsideOUT's resource *Making schools safer*[2] explores the intersections of gender, sex, sex characteristics, and culture, and the importance of recognising and respecting each of these dimensions of identity so that all students know that they are valued members of their learning community.

Students whose rainbow identity intersects with their identity within a minoritised[3] culture may experience additional challenges due to being part of more than one marginalised group. It's important to consider the impact of this when developing school policies.

Gender, sex, and sexuality may be important parts of a person's identity, but they do not determine who a person is. For many students, their rainbow identity is a source of pride and they may want people to openly recognise this aspect of who they are. For other students, their gender, sex, sex characteristics, or sexuality may be something they want to keep private. This looks and feels different to every student.

How might you use this resource?

We know that planning and self-review are collaborative processes involving whole school communities, including whānau, teachers, ākonga, and mana whenua. The resource will be useful for all community members as they work together to better understand and meet the needs of rainbow young people. It can also be used to provide ideas and starting points for discussion and development as you frame policies and procedures intended to facilitate inclusion for all students.

While this resource focuses on addressing disparities and needs, we urge you to take a strengths-based approach that recognises the talents and unique perspectives of rainbow young people and their contributions to the school community. How might their knowledge and expertise be utilised to enhance the learning and wellbeing of your whole community? How might this connect with your work with students belonging to other marginalised groups?

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2   https://insideout.org.nz/resources/
3   A minoritised group is a culturally, ethnically, or racially distinct group of people who are treated as inferior to another, dominant group, even when the group may be larger in terms of numbers.

This resource is designed to be used alongside existing resources for schools in Aotearoa New Zealand. Important examples include the following:

- *Relationships and Sexuality Education: A guide for teachers, learners, and boards of trustees*[4] contains important information about taking a whole school approach to relationships and sexuality education.
- An entry in the *Local Leading Local Curriculum Design* series[5] has important things to say about connecting a school's strategic aims to students' experiences of teaching and learning.
- One of the strategies discussed in the *Inclusive Education Guide to LGBTQIA+ students*[6] is "design[ing] inclusive school-wide systems and processes".
- InsideOUT's *Making schools safer* provides comprehensive information on supporting trans, gender diverse, and intersex students and their whānau.

The mahi involved in creating rainbow-inclusive schools will look different in every school. Every school will have its own starting point and aspirations for its students. It is a journey that is never-ending but deeply rewarding.

Wherever your school is in its journey, it will have a platform from which you can build. Acknowledge and address any limitations, but make sure you also recognise and celebrate your achievements. Listening to students' perspectives and having good intentions will ensure the journey is safe and rewarding for everyone.

▌ Ngā mihi maioha!

We would like to take this opportunity to thank all school staff and board members for the mahi they are currently doing to support rainbow students in their school.

No matter where your school is on its journey, the fact that your community is willing to put their time and energy into supporting rainbow students means a lot and can make a significant difference to their experience of school.

E rere ana te mihi aroha ki a koutou e ngā poutokomanawa o ngā taiohi takatāpui.

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4   Ministry of Education (2020). *Relationships and Sexuality Education: A guide for teachers, leaders, and boards of trustees*. Wellington: Lift Education. There are two guides, one for years 1–8, the other for years 9–13. They are available at https://health.tki.org.nz/Teaching-in-HPE/Policy-guidelines/Sexuality-education-a-guide-for-principals-boards-of-trustees-and-teachers

5   See "Local curriculum: Strategic planning guide (secondary schools): Creating coherence: Connecting planning and documentation with the lived curriculum". In *Strengthening local curriculum guide series*, available at https://nzcurriculum.tki.org.nz/Strengthening-local-curriculum/Leading-local-curriculum-guide-series

6   www.inclusive.tki.org.nz/guides/supporting-lgbtiqa-students/

Section 1.
He kōrero whakataki – Understanding the context

Recent analysis of the Youth'12 survey data recommended three areas to focus on to increase academic success among students with a diverse sexual orientation and gender identity: strong professional development for teachers, enabling those teachers to incorporate [rainbow-specific] topics into lessons, and ensuring that policy environments are safe for all students (extending to school ball partners, uniforms, and anti-discrimination policies).

- PRISM report (New Zealand Human Rights Commission, 2020, pp. 50-51)

As you know, the function of a school board is to set the strategic direction for a school in line with the values, aspirations, and expectations of the local community and the nation. While the task of management sits with the principal, it is the policies and procedures a board develops, in consultation with the local community, that determine how a school is to be managed. As the education system as a whole seeks to transform, connections are being made between strategic change at the policy level and what is happening in classrooms.

Inclusion has long been a goal for schools in Aotearoa New Zealand, one which our country has 'signed up to' in its National Curriculum and in a range of legal commitments and policy statements. Inclusion is present in the objectives of the Education and Training Act 2020 (Section 5(4)) and in the National Education and Learning Priorities (NELP).[7] It is there in the vision[8] for an education system that is inclusive and equitable.

So, what of rainbow young people? The first part of this section presents some information about rainbow young people in Aotearoa New Zealand today and the challenges they face. The second part looks at some of the national frameworks within which boards operate in creating school policies and procedures. Finally, you will find further guidance on how you might approach this mahi.

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7   www.education.govt.nz/our-work/overall-strategies-and-policies/the-statement-of-national-education-and-learning-priorities-nelp-and-the-tertiary-education-strategy-tes/

8   The vision emerged from Kōrero Mātauranga, a nationwide conversation about what we want education in Aotearoa New Zealand to be. https://conversation.education.govt.nz/conversations/shaping-a-stronger-education-system-for-all/

Rainbow young people in Aotearoa New Zealand

I would want LGBTQ [people] to be more accepted. I get gay jokes a lot and next to nobody knows I am so it makes me wonder how many students get hurt by these comments.

- Secondary student, Māori/NZ European

Being transgender means a lot to me. I can really be myself, I can show to this world truly who I am.

- Secondary student, Chinese

Like all students, rainbow young people have a right to safe and inclusive school environments that support their emotional, spiritual, mental, and physical wellbeing. However, many rainbow students still experience higher rates of discrimination and harassment than their non-rainbow peers. This can result in higher rates of mental health challenges and addiction issues.[9]

Some facts and figures

Rainbow young people make up a significant part of Aotearoa New Zealand's youth population. Findings from the Youth2000 studies[10] suggest that:

- In total, **16 percent** of the whole student cohort – four out of every 25 – reported they were "same-" or "multiple-sex" attracted, not sure of their attractions, or not attracted to any sex. Nearly one in ten (**9 percent**) said they were same- or multiple-sex attracted, and **7 percent** said they were not sure of their attractions or not attracted to any sex.
- Over two-thirds (**71 percent**) of same- or multiple-sex attracted students had disclosed this to someone close to them.
- Findings from the Youth'12[11] and Youth'19 surveys suggest that between one in four young people in every 100 reported that they either identified as trans or gender diverse (**1 percent**) or were questioning their gender (**between 0.6 and 2.5 percent**).
- Three-quarters (**73 percent**) of trans and gender diverse participants said they had started to identify this way before the age of 14.
- Two-thirds (**66 percent**) of the participants who answered a question about whether they had "come out" or told someone about "being transgender or gender diverse" said that they had told at least one person. Around half of these students (**52 percent**) had told "close friends" and close to a third (**31 percent**) had told "parents or caregivers".

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9   Lucassen, M.F.G., Clark, T. C., Moselen, E., Robinson, E.M., & The Adolescent Health Research Group. (2014). *Youth '12: The health and wellbeing of secondary school students in New Zealand: Results for young people attracted to the same sex or both sexes*. Auckland: The University of Auckland.

10   These figures come from the Youth'19 survey (2019), unless otherwise stated. See the most recent briefs on trans and same- and multiple-sex attracted students by Fenaughty et al. (2021) and previous publications from the 2012 survey (Youth'12), available at https://www.youth19.ac.nz/

11   Clark, T. C., et al. (2014). The health and well-being of transgender high school students: results from the New Zealand adolescent health survey (Youth'12). *Journal of Adolescent Health, 55*(1), 93-99.

- Fifty-three percent of rainbow students had come out to someone they love, but only **15 percent** felt that they could talk to their whānau about their rainbow identity.[12]

Despite the significant percentage of rainbow students in our schools, their experiences are often underrepresented in the curriculum and within school policies. Rainbow students also continue to face significant challenges due to isolation, homophobia, biphobia, transphobia, and discrimination.

The impacts of this are reflected in these statistics from the Youth'12 survey:[13]

- Rainbow students were **4.5 times** more likely to be hurt or bullied at school on an ongoing basis than their non-rainbow peers.
- **Fifty-seven percent** were worried someone would hurt or bother them at school.
- **Forty-three percent** had been hit or physically harmed on purpose at school in the last year. Between 2001 and 2012, there was no change in the amount of bullying that sexuality-diverse students were facing.
- Rainbow young people were **five times** more likely to commit suicide than other young people.
- Further, according to *Counting Ourselves*[14] over half of youth participants (**59 percent**) disagreed that it is safe for trans and non-binary students in their school to use a toilet or changing room that matches their gender.

Why this matters

Barriers and challenges such as these deny rainbow students access to the quality education we want for all our children and young people. Unsurprisingly, they have a significant impact on rainbow students' achievement in school.

Schools can work to reduce these disparities by making sure that rainbow students are visible in their school policy frameworks and that school staff follow these procedures.[15] In some cases, this can be as simple as updating existing school policies to specifically reference rainbow students. In others, it will require schools to develop new policies.

The impact of inclusivity can be powerful. Research shows that sexual minority students (for example, students who are lesbian, gay, bisexual, or pansexual) who feel a sense of belonging at school, and for whom teachers have high expectations, are almost four times more likely to achieve academically than sexual minority students who do not feel a sense of belonging.[16]

Consistent messaging about the importance of inclusion for rainbow students enables everyone in the school community to see and celebrate rainbow students' identities and achievements.

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12 Lucassen, et al. (2014).

13 Lucassen, et al. (2014).

14 Veale, J., Byrne, J., Tan, K., Guy, S., Yee, A., Nopera, T., & Bentham, R. (2019). *Counting Ourselves: The health and wellbeing of trans and non-binary people in Aotearoa New Zealand*. Transgender Health Research Lab, University of Waikato: Hamilton NZ. Retrieved from https://countingourselves.nz

15 *PRISM*, the NZ Human Rights Commission's (2020) report on rainbow people's rights, recommends that schools "implement anti-discrimination policies and guidelines [...] that explicitly name sexual orientation, gender identity and expression, and sex characteristics" (p 53).

16 Fenaughty, J., Lucassen, M. F., Clark, T., & Denny, S. (2019). Factors associated with academic achievement for sexual and gender minority and heterosexual cisgender students: Implications from a nationally representative study. *Journal of Youth and Adolescence*, *48*(10), 1883–1898.

▌ Legal and professional frameworks

The advice in this resource is informed by the legal and professional frameworks referenced below. For more information on the rights of rainbow young people, see InsideOUT's resource *Legal rights at school.*[17]

The Education and Training Act 2020

The Education and Training Act 2020 requires schools to "support the health, safety, and well-being" of all students, and to instill in each child and young person an appreciation of the importance of "the inclusion of different groups and persons with different personal characteristics" and "diversity, cultural knowledge, identity, and the different official languages".[18] Supporting rainbow students so that they are safe, included, and free from discrimination at school is important to ensure boards are meeting the universal requirements under the Act. It is also likely to contribute to better educational outcomes.[19]

Section 127(1) of the Act[20] identifies four primary objectives of a school board, which are to ensure that:

a. every student at the school is able to attain their highest possible standard in educational achievement

b. the school—

   i. is a physically and emotionally safe place for all students and staff

   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

   iii. takes all reasonable steps to eliminate racism, stigma, bullying, and any other forms of discrimination within the school

c. is inclusive of and caters for students with differing needs

d. the school gives effect to te Tiriti o Waitangi.

The National Administration Guidelines

The National Administration Guidelines (NAG 5(a)) state that each school board is required to provide a safe physical and emotional environment for students.[21]

The Privacy Act 2020

School boards need to ensure that documents containing students' personal information are stored and disclosed in accordance with the school's obligations under the Privacy Act 2020. Under Principle 11 of the Act, a student's personal information, such as their sex, gender, or sexual orientation, cannot be disclosed, unless one of the listed exceptions applies. This means that, except in rare cases, school staff cannot disclose a student's sex, gender, or sexual orientation to other staff, students, whānau members, or members of the wider school community without the student's express permission.

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17 www.insideout.org.nz/resources

18 See the Education and Training Act (2020), Section 5 (4).

19 Fenaughty, et al. (2019).

20 www.legislation.govt.nz/act/public/2020/0038/latest/LMS170676.html

21 Available at www.education.govt.nz/our-work/legislation/nags/. The NAGs are due to be repealed on commencement of the new strategic planning and reporting framework on 1 January 2023.

The Human Rights Act 1993

The Human Rights Act 1993 states that it is unlawful to discriminate on the ground of sex or sexual orientation.[22] While there is no specific reference to gender identity or expression in the Human Rights Act, the Human Rights Commission's report on rainbow people's rights states that "[A]n environment which is unsupportive of students with a diverse sexual orientation, gender identity and expression, or sex characteristics may be in breach of health and safety legislation and the Human Rights Act." [23]

The Bill of Rights Act 1990

Section 14 of the Bill of Rights Act 1990 affirms the right to freedom of expression. Rainbow students have the right to express themselves in a manner that aligns with their gender and sexuality, as well as the freedom to seek and receive information about their identities, rights, and support available to them.[24]

The Code of Professional Responsibility and Standards for the Teaching Profession

Inclusion is an important focus of *The Code of Professional Responsibility and Standards for the Teaching Profession | Ngā Tikanga Matatika mō Haepapa Ngāiotanga me ngā Paerewa mō te Umanga Whakaakoranga.*[25] Teachers in Aotearoa New Zealand commit to work in the best interests of learners by:

- promoting the wellbeing of learners and protecting them from harm
- engaging in ethical and professional relationships with learners that respect professional boundaries
- respecting the diversity of the heritage, language, identity, and culture of all learners
- affirming Māori learners as tangata whenua and supporting their educational aspirations
- promoting inclusive practices to support the needs and abilities of all learners
- being fair and effectively managing their assumptions and personal beliefs.

The Teaching Council provides examples of what these commitments look like in practice.[26] These include:

- creating learning environments (including online spaces) that are safe and inclusive and that promote the dignity and emotional wellbeing of all learners
- informing learners of the extent of confidentiality and the situations where information may be disclosed
- fostering a learning culture that celebrates diversity and inclusion and protects against discrimination
- using the correct pronoun for a learner's self-determined gender
- critically reflecting on how [their] own beliefs or bias may impact on their teaching practice and the achievement of learners with different abilities and needs, backgrounds, genders, identities, and cultures
- treating learners equitably, and recognising that treating learners fairly does not always mean treating them equally.

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22   Human Rights Commission. (n.d.). Sexual orientation. www.hrc.co.nz/enquiries-and-complaints/what-you-can-complain-about/sexual-orientation/

23   New Zealand Human Rights Commission. (2020). *PRISM*. Wellington: New Zealand, p. 48.

24   www.legislation.govt.nz/act/public/1990/0109/latest/DLM225513.html

25   https://teachingcouncil.nz/content/our-code-our-standards

26   https://teachingcouncil.nz/content/our-code-our-standards

Developing, reviewing, and improving policies

Evaluating the effectiveness of the approach should not be done by school leaders alone. Teachers, parents, ākonga, and others in the school community also have a role here. In particular, every school should ensure that ākonga contribute their views and ideas to the school's approach. Ākonga should be involved in planning, identifying, accessing, and evaluating the school's policies, practices, and partnerships.

- Relationships and Sexuality Education guidelines[27]

Consultation with the wider school community is integral to creating and implementing school policies that reflect the values of the school and community. School boards that are just starting the process of establishing policies and procedures related to rainbow young people may like to begin with these reflective questions:

- How safe, welcome, and affirmed do rainbow young people feel at our school?
- What are the biggest barriers to our school being a safe and inclusive place for students and staff who are part of the rainbow community?
- How might the board ensure that the school is a safe and inclusive place for rainbow students and staff?

Boards might also consider ways to ensure their policies regarding inclusion for rainbow students align with their kaupapa, values, and commitments. When developing and implementing policy, it can help to explicitly relate these to the school's values, commitments to upholding Te Tiriti o Waitangi, along with other relevant legal frameworks (see pages 10-11).

The consultation process can be an opportunity to discuss rainbow issues as they relate to your school community, particularly in the areas of health and physical education, and ākonga Māori achievement and wellbeing. As all cultures have unique understandings of gender, sex, and sexuality, it's important to consider the implications of school policies and procedures for students from all cultural and religious backgrounds.

Where possible, provide whānau and school staff with learning resources to help ensure that all policies are developed in a way that is rainbow-inclusive and addresses any concerns that may arise. You will find suggestions in the appendices.

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27   See page 20 in the years 1-8 guide, and page 23 in the years 9-13 guide. https://health.tki.org.nz/Teaching-in-HPE/Policy-guidelines/Sexuality-education-a-guide-for-principals-boards-of-trustees-and-teachers.

Designating an adult at school to advocate for rainbow young people

It can be helpful to designate a staff or school board member to oversee implementation, community liaison, and ongoing support and review of policies and procedures specifically related to rainbow people in the school. This will provide your school with one point of liaison with wider rainbow communities and students' whānau. Ideally, this adult will work with the support of other people on the board and staff, including the pastoral care team. They may be, or work alongside, staff members involved in supporting your rainbow diversity group or queer straight alliance (QSA).

Working with rainbow diversity groups

Rainbow diversity groups or QSAs with an interest in advocacy may like to be involved in policy development or review, bringing the wisdom of lived experience to the process. They can also contribute ideas on how to co-create a local curriculum that makes rainbow people and experiences visible.[28] However, it is important not to assume that students will want to be involved at this level or that they will feel comfortable or confident doing so. When approaching a rainbow diversity group for input, be careful to avoid placing pressure on the group or any individual. Understand the value of what they share and the courage this may take. It's always good to consider ways that the school or staff can reciprocate the time and knowledge students contribute to the review process.

InsideOUT has two resources designed to support the establishment and maintenance of rainbow diversity groups. *Staff supporting rainbow diversity groups* is for teachers, guidance counsellors, and other school staff supporting groups of students who want to create a space for rainbow students and their friends to come together and address rainbow issues. There is a complementary resource for students, called *Starting and strengthening rainbow diversity groups*. You could use these to get further insight into how to work collaboratively with the rainbow students at your school.

Policy review cycle

Boards of trustees are expected to use their policy review cycle to evaluate their existing policies and procedures and ensure they are rainbow-inclusive. The oversight role of the board of trustees makes it possible for the strategic direction set in the school's planning documents to be enacted, not just in policies and procedures but also in the curriculum that is enacted in classrooms.[29]

A robust consultation process can help to ensure that any important issues not covered by existing policies or procedures can be incorporated into the school's policy framework.

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28 See the Local curriculum: Strategic planning guide in the *Leading local curriculum design series*. https://nzcurriculum.tki.org.nz/Strengthening-local-curriculum/Leading-local-curriculum-guide-series

29 NAG 2(b) available at www.education.govt.nz/our-work/legislation/nags/ The NAGs are due to be repealed on commencement of the new strategic planning and reporting framework on 1 January 2023.

Useful guiding questions include:

- How well do our policies and procedures uphold the rights of rainbow students in our school?
- To what extent are the specific needs and rights of rainbow students reflected in our school policies and procedures?
- How well do our procedures and procedures support staff to respond to the unique strengths and needs of rainbow students?

Note that rainbow terminology in Aotearoa New Zealand is constantly evolving, and so the language used in school policy and procedure documents needs to be reviewed, along with the content. We keep our glossary updated to help you with this.[30]

Ensuring that policies are known and visible

It is important that principals ensure that all students, staff, and whānau are aware of rainbow-inclusive policies and have access to them at all times. Rainbow students also need to know their rights at school. For this reason, policies and relevant procedures should be available on the school website and, when appropriate, communicated through the school newsletter and/or the school's social media platforms.

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30 https://insideout.org.nz/resources/

Creating rainbow-inclusive school policies and procedures

Section 2: Ngā kaupapa here me ngā tukanga – Policies and procedures

The following section provides information on policies and procedures that schools can implement to ensure they offer an environment that is safe and inclusive for all rainbow students, whānau, staff, and other community members.

Each subsection addresses an aspect of school that is relevant and important to rainbow students. There is explanatory information about why these issues are important and what schools can do to address them. You will also find checklists of points to consider when developing and reviewing your policies and procedures. There are also sample policies that you might pick up and adapt to your school context. Because the issues are interwoven, each section concludes with links to related sections.

The content doesn't cover all the issues that affect rainbow students, but these are what young people have told us are most important to them. The topics are ordered relative to the frequency with which InsideOUT receives requests for information and guidance.

This section covers policies and procedures related to:

- **Privacy and disclosure:** making sure that schools meet their obligations to protect the privacy of rainbow young people.
- **Rainbow-focused bullying and discrimination:** preventing and responding to rainbow-focused bullying and discrimination.
- **Names, pronouns, and gender:** correctly using students' chosen names, pronouns, and gender at school, when communicating with whānau and when entering information into student information management systems. This subsection also provides information on aligning school records with ENROL and the National Student Index (NSI).
- **Access to safe toilets and changing facilities:** ensuring that rainbow young people can choose and have access to toilets and changing facilities that they feel safe using and that affirm their gender.
- **Uniforms and dress codes:** creating inclusive school uniform and dress code policies.
- **Rainbow-inclusive curriculum:** making rainbow content and themes visible in the school curriculum.
- **Physical education and school sports:** ensuring that rainbow young people feel safe and supported in physical education classes and have equitable access to participation in school sports.
- **Dances, balls, and other school events:** creating inclusive school events for students of all genders, sexualities, and sex characteristics.
- **EOTC overnight trips and school camps:** ensuring that the needs of rainbow young people are factored into the planning and implementation of overnight trips.
- **Responding to community concerns:** responding to concerns, complaints, or questions about the rights of rainbow students or the school's approach to inclusion.
- **Professional learning and development (PLD):** offering professional development for staff, intended to make schools welcoming and inclusive places for rainbow young people.

2.1 Privacy and disclosure

The focus of this section is on ensuring that schools meet their obligations to protect the privacy of rainbow young people.

Why this matters

Rainbow students, like everybody else, have the right to freedom of expression.[31] They are entitled to talk openly about their gender and sexual orientation, to choose what personal information they share about themselves, and to choose when and with whom they share this information.

Despite this, rainbow students face unique challenges regarding their privacy. One of the challenges many rainbow young people face is the question of whether and when to 'come out' to others in their community.

The term *coming out* refers to the process of acknowledging one's own sexuality or gender and disclosing this to others. Importantly, a student's self-disclosure does not give anyone else permission to disclose the student's personal information, including to other staff or students, the student's whānau, or people in the wider community.

Staff need to be aware that disclosing a student's sexuality, sex, or gender to any other member of the school community can put students at risk of bullying and discrimination. If done without their permission, it may itself be construed as an act of discrimination or bullying.

Some students choose to use a name and/or pronoun at school that is different from those that they use at home. The reasons for this can be varied and complex, and their whānau may or may not be aware or supportive of their decision. Special care needs to be taken to ensure that students' privacy is protected, especially when communicating with home.

Note that there is no legal requirement for schools to inform parents or caregivers about a change of name, pronoun, or gender. This is considered personal information belonging to the student[32].

Related sections in this resource

- Names, pronouns, and gender, see page 22
- Legal and professional frameworks, see page 10.

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31 www.legislation.govt.nz/act/public/1990/0109/latest/DLM225513.html
32 See p. 12 of this resource, outlining Principle 11 of the Privacy Act 2020 regarding sharing personal information.

Privacy and disclosure policy checklist

Have we stated how rainbow students' privacy is protected under law in Aotearoa New Zealand?

☐ Yes ☐ No

Comments:

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Have we named and defined the unique issues pertaining to rainbow students and their privacy and safety?

☐ Yes ☐ No

Comments:

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Have we outlined the procedures staff members should follow to protect students' privacy when communicating with whānau or other members of the school community?

☐ Yes ☐ No

Comments:

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2.2 Rainbow-focused bullying and discrimination

I faced a lot of bullying [...] they made me feel bad and out of place for that.

\- Trans primary school student

There were three people in my class who kept being mean to me. The rudest said, "We'll see when you grow up." That was quite annoying.

\- Non-binary primary school student

The focus of this section is on preventing and responding to rainbow-focused bullying and discrimination.

Why this matters

Bullying and harassment of any kind can have serious and long-lasting impacts. As we have explained, rainbow students in Aotearoa New Zealand are at a significantly higher risk of being bullied at school than their non-rainbow peers.[33] Discrimination towards rainbow young people (for example, not allowing them to take a partner of their choice to a school ball) can imply that a school is unwilling to challenge gender norms that exclude rainbow young people. It can also lead to young people internalising the prejudice or stigma that is directed at rainbow people.

All members of school communities, including trustees, staff, students, and whānau, have a shared responsibility to create a respectful and inclusive environment that recognises, and effectively prevents and responds to bullying of every kind. This includes bullying based on a student's perceived or actual gender, sexuality, or sex characteristics. When rainbow-focused bullying or discrimination occurs at school, it is critical that staff have the awareness to recognise what is happening and the knowledge and tools to respond appropriately.

What we mean by 'bullying' and 'discrimination'

Bullying is deliberate, usually repetitive, behaviour involving the misuse of power with an intention to cause harm or pain. It involves an initiator/s (those doing the bullying), the target/s (those being bullied), and sometimes bystanders (those witnessing the bullying).

Bullying can:
- happen anywhere, in person or online (cyberbullying), and at any time
- be verbal, physical, or social (relational)
- be obvious or hidden
- cause short- and long-term harm to the targeted individual or group
- have negative impacts on bystanders and those who initiate the bullying, as well as on the person or group being targeted.[34]

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33 Ministry of Education. (2019). *He Whakaaro: What do we know about discrimination in schools?* (Report). www.educationcounts.govt.nz/publications/schooling/he-whakaaro-what-do-we-know-about-discrimination-in-schools

34 This definition of bullying is adapted from Bullying Free New Zealand, available at https://www.bullyingfree.nz/about-bullying/what-is-bullying/

Discrimination is when a person is treated differently or unfairly, compared with how another person in the same or a similar situation is treated.

Identifying and responding to rainbow–focused bullying and discrimination

Rainbow-focused bullying and discrimination have some areas of overlap. One example is intentional *misgendering*, when someone deliberately refers to another by a gender they are not. Another is when students are excluded from activities or groups on the basis of their gender, sexuality or sex characteristics.

Other forms of discrimination can look and feel different from bullying and may include negative stereotyping or denying the existence of rainbow people. The recognition of rainbow-focused bullying and discrimination, and effectiveness of responses will largely depend on staff and learners' awareness and understanding of rainbow identities.

Rainbow-focused discrimination can include *microaggressions*, which are indirect or subtle comments or actions that typically concern members of a marginalised group such as ethnic, gender, or sexuality minorities. Microaggressions are usually unintentional but can still cause harm or reinforce hurtful stereotypes.

Bullying or discriminating on the grounds of a student's perceived or actual rainbow identity is typically based on *homophobia*, *biphobia*, *transphobia*, or *interphobia*. These phobias arise from a sense of hatred, fear, or aversion towards people of diverse sexualities, genders, or sex characteristics.

Effectively addressing rainbow-focused bullying and discrimination in a school community requires a deeper examination of factors that may be contributing to it and to the various ways rainbow young people in the school community are experiencing it. See InsideOUT's resource *Rainbow-focused bullying prevention and response: a workbook* for schools for more information.[35]

Related sections in this resource

- Privacy and disclosure, see page 16
- Physical education and school sports, see page 40
- Dances, balls, and other school events, see page 44
- Professional learning and development, see page 54.

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35 https://insideout.org.nz/resources/

Bullying prevention and response policy checklist

Have we defined rainbow-focused bullying and discrimination and identified how to recognise it?

☐ Yes ☐ No

Comments:

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Have we ensured teachers and school leaders have strategies for identifying, preventing, and respond appropriately to any bullying that is based on sexual orientation, gender, and sex characteristics?

☐ Yes ☐ No

Comments:

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Sample policy: Bullying prevention and response

Preventing rainbow-focused bullying and discrimination

School staff and board members have a collective responsibility to prevent rainbow-focused bullying and discrimination and address the underlying causes of this behaviour. The school will take all practicable steps to:

- ensure that the ongoing development and review of the whole-of-school approach to bullying prevention and response includes specific measures addressing rainbow-focused bullying
- send a clear message that it does not tolerate any discrimination based on sexual orientation, gender, or sex characteristics
- protect students' privacy around their gender and sexual orientation to minimise the risk of 'outing' them
- name rainbow-focused bullying (such as homophobic, biphobic, transphobic, and interphobic behaviour) in the school's bullying prevention policies, procedures, and approaches (including the local curriculum, and any interventions around bullying and social and emotional learning), and discuss its effects with students
- implement scenario-based learning into teaching practices based on rainbow students' experience
- provide ongoing professional development opportunities for school staff to increase their competence and confidence in addressing rainbow-focused bullying and discrimination.

Responding to rainbow-focused bullying and discrimination

Appropriate school staff members will consistently and immediately address incidents of rainbow-focused bullying and discrimination. Staff will take all practicable steps to:

- take incidents of rainbow-focused bullying as seriously as other forms of bullying (such as those based on racism, xenophobia, ableism, and sexism) and follow the same reporting, disciplinary, and monitoring procedures
- intervene when witnessing microaggressions, slurs, or discriminatory behaviour
- trust and listen to any student who is being bullied without making assumptions about or judging their gender, sexual orientation, or sex characteristics
- clearly prioritise rainbow students' needs within any planned response, alongside other vulnerable groups
- help students access appropriate rainbow-friendly counselling or support (if needed or appropriate)
- be cognisant of the risks of involving parents or caregivers if a student has not yet told their whānau about their sexual orientation or gender.

2.3 Names, pronouns, and gender

It makes me feel happy. Like when [the teachers] get my pronouns correct, I feel like they are starting to catch on.

- Trans primary school student

At the start of the year, several of my teachers asked us to write down our preferred name and pronouns for them.

- Non-binary young person, *Counting Ourselves* participant

The focus of this section is on using students' chosen names, pronouns,[36] and gender at school, when communicating with parents/whānau, and when entering information into student management systems. It also provides information on aligning school records with ENROL and the National Student Index (NSI).

Data collection in student records and management systems is a complex and evolving area. Whatever constraints your school may be working within, your top priority is to uphold students' mana motuhake and support their wellbeing in any decision they make. This includes ensuring they are fully informed of their options, along with the constraints of the system.

Why this matters

Names and pronouns are important signifiers of who we are. Often, but not always, they say things about our culture and our gender.

Students can have various reasons for using a name and/or pronoun that differs from those assigned to them at birth. For some trans and gender diverse students, changing their name or pronoun is an important part of their transition.

Using a student's chosen name and pronouns shows respect for and acknowledges their self-determination. Importantly, research shows that using a trans or gender diverse young person's self-determined name and pronouns can significantly reduce depressive symptoms and suicidal ideation.[37]

Respecting students' wishes around names, pronouns, and gender

Trans and gender diverse students will have various wishes and needs around their name, pronouns, and gender.

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36 Most singular third-person pronouns in English reference gender (she/her/hers, he/him/his). The pronouns they/them/their are officially recognised as both singular and plural pronouns. In some languages, the third-person pronoun is gender-neutral (for example, ia in te reo Māori). Some people use neopronouns that are not officially recognised in English (for example, ze/zir/zirs). For more information on pronouns, see InsideOUT's video resource at https://insideout.org.nz/resources/

37 Russell, S. T, Pollitt, A. M., Li, G., & Grossman, A. H. (2017). Chosen name use is linked to reduced depressive symptoms, suicidal ideation, and suicidal behavior among transgender youth. *Journal of Adolescent Health 63*(4), 503–505.

They may want:
- staff and students to address them with a different name and/or pronouns than those used at home
- to change their name, pronouns and/or gender marker (for example, M, F, X) within a student management system
- to change the name and/or gender marker on their education records, so that these documents reflect and affirm their gender.

Some schools differentiate between a *social transition*, in which a student uses a new name and/or pronouns at school without updating their records, and a *systems transition*, in which a student changes their name and/or pronouns in the student management system as well.

Legally, there is no minimum age at which a young person can request to change their personal information. When a student requests that their personal information be changed, the school should consider their student's age, cognitive ability, and personal circumstances before deciding how to respond.

Regardless of which kind of change a student would like to make, it's essential that schools check with the student whether they have told their parents/whānau about their change of name, pronoun, or gender marker. This is an issue of safety because the student may not have support at home for such changes to be made. The school's primary responsibility is student safety, which includes affirming their gender and supporting them to make informed decisions.

Names, pronouns, and gender markers in student management systems

Schools in Aotearoa New Zealand use a range of providers for student management systems. The options for recording students' names, pronouns, and gender markers vary across systems and are constantly evolving. School staff should be aware of the functionality of the school's student management system in terms of how names, pronouns and gender are recorded (for example, if non-binary gender options can be recorded).

For instance, all student management systems used in New Zealand schools should as a minimum meet the Ministry of Education specification that student gender be recorded as male (which includes trans male), female (which includes trans female) or another gender, or to not state their gender. Some student management systems go further, for example, in Kamar students' gender identity can be recorded against a wider array of specific gender terms.

Information in student management systems should align with student preferences, as far as possible. We encourage schools to engage with their student management system provider about its functionality, and work with them to make system changes where required in relation to recording names, pronouns and/or gender.

Students' information can be updated as and when needed, not only when a student starts or changes schools. School staff should also understand what downstream impacts may result from any changes to a student's name, pronouns or gender – such as which names and/or pronouns are used in reporting, absence letters, and communications home that use information held in the student management system.

When a student requests that their name, pronouns and/or gender are changed in

a student management system, a staff member should talk to the student about the downstream impacts from making the requested changes. This is particularly important where the student has not discussed these changes with their parents/whānau, and/or does not want their parents/whānau to know at this stage (such as for privacy or safety reasons, see below). With this knowledge, the student can then make an informed decision as to whether they want to continue with changing their name, pronouns and/or gender in the student management system.

It can be useful for students to understand the wider implications of having their correct gender information in the school's school management system, SMS. This information is securely and anonymously used by the Ministry of Education in national and regional statistics and research. It can support research about trans and gender-diverse students' educational outcomes, which can help towards improving policies and supports.

Communicating with parents/whānau

From a privacy perspective, an individual has the right to privacy of their personal information. The Privacy Act 2020 provides that an individual's personal information cannot be disclosed to any person or agency unless an exemption under the Privacy Act applies, such as if the individual authorises it. As such, where a student has specifically requested that their personal information, in this case their self-determined name, pronouns and/or gender, is not disclosed to their parents/whānau, then the school should respect the student's request.

The school should only go against the specific request not to disclose a student's personal information where they are authorised or required to do so by law. The school will also need to consider how any changes made to the student's records in the student management system may impact communications sent to parents/whānau (see above).

ENROL and the National Student Index (NSI)

ENROL and the National Student Index (NSI) are Ministry systems that hold information about student identity, including legal names, preferred/chosen names, and gender. Students can record a preferred/chosen name if they have not changed their name legally. The two systems are connected: schools access and update the NSI identity data through ENROL.

If a child has attended an early learning service, they will already have been issued with an NSN before they start school. The student's name and gender information from NSI will then be passed through to ENROL at the time of their enrolment. If the child has not attended any early learning service, then the school will create an NSN and add the student's name and gender at the time of their enrolment. This will be populated through to ENROL. Gender is self-identified, so it can be recorded as different from the student's sex marker recorded on official identification documentation (e.g., birth certificate/passport).

Amending a student's gender in ENROL

A school can amend a student's gender in ENROL themselves, as gender is not a locked field in ENROL, although it is a mandatory field. It is possible that different school staff have different levels of access and permissions in ENROL, so talk to leadership or administrative staff about the best way to do this.

As of July 2024, ENROL only has M and F options for recording gender. There is no

ability to record a gender outside of M and F. As such, a school can only amend a student's gender in ENROL where the gender is being changed from male to female or female to male. The NSI will be automatically updated with any change to gender made in ENROL.

Work is currently under way in the Ministry of Education to improve central data collection systems to allow for the collection of diverse gender data, and to improve these processes for trans and gender diverse students

Amending a student's legal name in ENROL

Generally, a school can amend a student's legal name in ENROL when the student's ENROL record is unverified (unlocked). Amending a student's legal name requires evidence of an official name change, unless this is correcting an error/misspelling and evidence is already held.

A name field is locked/verified when an official form of documentation has previously been used to verify the student's identity. This affects whether changes can be completed in ENROL at the school level. If a field is unlocked, the school can make changes; if it is locked, the school will not be able to amend the student's name in ENROL and must instead contact the Ministry's Channels Team (e.admin@education. govt.nz) for the requested changes to be made in ENROL. To support this request for change, the school should send the Channels Team some form of official documentation to re-confirm the new identity.

Legal name requirements

There are some organisations that are required by legislation to produce official documents using the legal name of the student (for example, NZQA qualifications). This means that senior students sitting external NCEA exams will be given exam entrance slips with their legal names on them rather than their chosen name. This can be an upsetting experience for trans and gender diverse students, especially at a time of heightened stress.

Amending a student's preferred name in ENROL

If there is no change to a student's legal name but there is a need to record the student's known/chosen name, a school can add a 'preferred' name to the student's ENROL record. Ticking the 'Known as at my school' box will ensure that the student's chosen name is shown on ENROL searches. The NSI will be automatically updated to include the student's chosen name. The NSI refers to the student's chosen name as the 'preferred name'.

Related sections in this resource

- Privacy and disclosure, see page 16.

Names, pronouns, and gender policy checklist

Have we identified students' various needs and wishes around their name, pronouns, and gender?

☐ Yes ☐ No

Comments:

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Have we outlined a consistent and affirming approach to meeting students' needs around changing their name, pronouns, and gender on new and existing enrolment records?

☐ Yes ☐ No

Comments:

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Have we ensured all school staff receive consistent information regarding a student's personal information, and the procedures to maintain students' confidentiality?

☐ Yes ☐ No

Comments:

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Sample policy: Names, pronouns, and gender

Enrolment

If a student is enrolling in the Aotearoa New Zealand education system for the first time, parents or caregivers are legally required to provide an official identification document (such as a birth certificate or passport) to verify that the student is entitled to enrol for free education.

When a student enrols, the school will identify what their affirmed name, pronouns, and gender are and ensure that these are correctly recorded in the student management system (SMS) and ENROL. Students can request to have their name and/or gender updated if this information changes or is incorrect.

Supporting students to change their name, pronoun, and/or gender as part of a social transition

If a student is changing the name, pronoun, or gender they use in day-to-day school life, a designated staff member will:

- with the student's permission, notify relevant members of the school community of the student's name, pronoun, and/or gender or support the student to do this themselves
- use the student's new name and/or pronouns when addressing the student in the school environment and in documents where the student wants their name and pronouns to be used (such as certificates).

Changing a student's name and gender marker as part of a systems transition

Students can request a change to their name, pronouns, and/or gender marker on student records and management systems. The school will give the student options, such as the option to enter a new name on the student management system without changing their name in ENROL or other student records. If parents/whānau have access to the SMS, an application that integrates with the SMS, or it is used for reporting, emails home, or notifications about absences, you should advise the student that their parents/whānau will be able to see the changes made to their pronouns and gender in the SMS.

Students (or their parents and whānau, if involved) are not required to legally change their name or gender on identity documents or provide the school with evidence such as a mental health assessment or diagnosis of gender dysphoria before requesting these changes.

To change a student's details on the student management system, the school will take the following steps:

1. Discuss the implications of this decision with the student, including outlining ways that the system is used to communicate with home. If necessary, the school will provide support to the student to discuss this change with their parents/whānau.

2. Update the student's name and/or gender on the student management system.

3. If the student requests to change their name and/or gender on ENROL, the school will do so where they are able.

4. In the case of a locked student record, the school will work with the Ministry of Education to amend a student's name.

5. The school will then ensure that a student's self-determined name and gender are consistently entered into all the appropriate education records, including in student management systems (SMS).

Communicating with whānau about names and pronouns

Some students choose to use a name and/or pronouns at school that is different from those they use at home. In these instances, the school will ensure the student's privacy is maintained in all communications, including those with parents and whānau.

The process of communicating with parents/whānau about names and pronouns will differ depending on a student's situation. When engaging with students on this matter, it is important to consider the emotional wellbeing of the student, and their relationships with their parents/whānau.

The school will:

• ask students which name and/or pronouns they would like staff to use when contacting parents/whānau

• ask students which name and/or pronoun teachers should use at parent-teacher interviews and in school-home communications

• ensure all relevant staff members are aware of the correct names and pronouns to be used on school reports and other correspondence, and use these accordingly.

If a student wishes to receive support from the school in engaging with their parents/whānau, staff will work closely with the student and their parents/whānau to facilitate a conversation and reach a resolution. The school will also identify any additional support that could help the student and/or their parents and whānau to work through this issue.

Related sections in this resource

• Privacy and disclosure, see page 16.

2.4 Access to safe toilets and changing facilities

We only have one unisex toilet in the gym, but we need more than one in the school.

- Secondary school student, NZ European

The school I attend is quite accepting of trans and non-binary people. There are gender-neutral bathrooms for people who aren't comfortable using binary ones, but it is only one bathroom, and many people aren't aware it's not gendered. It was only implemented around 2 years ago. There are no gender-neutral changing rooms.

- Non-binary young person, *Counting Ourselves* participant

The focus of this section is on ensuring that rainbow young people can choose and have access to toilets and changing facilities that they feel safe using.

Why this matters

Everyone has the right to use toilets and changing facilities in safety and in private, and no student should experience stress related to everyday needs. Many trans, gender diverse, and intersex young people do not feel safe using toilet and changing facilities that do not align with their gender.[38] In some schools, rainbow students need to walk long distances to access the only gender-neutral toilet at their school. In others, they are forced to decide whether to use a gendered toilet or wait until they get home to use the toilet.

Providing gender-neutral toilets

Gender-neutral toilets should be located in areas of the school that are practical to access and do not require a key or special permission. Where possible, there should be multiple options, particularly in large schools, to avoid students needing to walk long distances to use a toilet. Ideally, gender-neutral toilets will be separate from accessible toilets, so that students with accessibility needs are not disadvantaged.

It is understandable that a temporary solution (such as using the sick bay toilet) might be necessary in some instances. However, this should only be temporary while a more equitable solution is reached.

If a school cannot provide appropriate single-stall or gender-neutral facilities, students need to be able to choose which toilets or changing facilities they want to use.

Designating and building gender-neutral facilities

Boards of trustees should consider the school's capacity to build new gender-neutral facilities and prioritise building these. If building new facilities is not feasible in the short-term, the board should consider making existing facilities gender-neutral.

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38   Veale, J., Byrne, J., Tan, K., Guy, S., Yee, A., Nopera, T., & Bentham, R. (2019). *Counting Ourselves: The health and wellbeing of trans and non-binary people in Aotearoa New Zealand*. Transgender Health Research Lab, University of Waikato: Hamilton NZ. Retrieved from https://countingourselves.nz/

New gender-neutral toilets must comply with the New Zealand Building Code.[39] The Code states that each facility must:

- be in a self-contained unit with full-height doors and walls to maintain privacy
- contain a toilet, basin, and sanitary item disposal area
- be located so that access is not through an area restricted to one sex and is accessible to students with accessibility needs.

Reference to facilities in education legislation

Some schools are hesitant to allow students to use a toilet or changing area that aligns with their gender, because they are concerned this would break a rule. However, there are no rules or requirements in the Act or from the Ministry of Education that prevent schools from allowing trans, gender diverse, and intersex students to use gendered toilets or a mix of gender-neutral and gendered toilets.

Related sections in this resource

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39 www.education.govt.nz/school/property-and-transport/projects-and-design/design/design-standards/toilet-reference-design/

Toilets and changing facilities policy checklist

Have we made visible the school's commitment to ensuring trans, gender diverse, and intersex students feel safe to use toilets and changing facilities that align with their gender?

☐ Yes ☐ No

Comments:

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Have we developed consistent protocols for supporting trans, gender diverse, and intersex students to use the facilities that correspond with their gender?

☐ Yes ☐ No

Comments:

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Sample policy: Safe access to facilities

Access to gendered facilities

All students have the right to be respected and affirmed as their gender. The school will support trans, gender diverse and intersex students to use the facility that aligns with their gender.

The school will take all reasonable measures to ensure the student feels safe using these facilities. If a student indicates they would like peer support when using these facilities, a trusted staff member will work alongside them to ensure they have support. For example, a student might want a friend or trusted peer of the same gender to accompany them when using their chosen facility.

Staff are expected to intervene if they witness or receive reports about remarks or behaviour that discriminate against any student using a facility of their choice.

Access to gender-neutral facilities

The school will ensure that there is at least one gender-neutral toilet and changing room option available at school for students to use if they want. Wherever possible, the school will provide gender-neutral facilities that do not require restricted access so that student's rights to privacy are maintained.

Where opportunities arise, the school will explain to all students that privacy and safety are important for all students when using facilities and that the school does not tolerate any form of harassment or bullying. Trans, gender diverse, or intersex students will never be made to use a separate facility against their wishes.

The school will outline details of gender-neutral facilities and communicate these in a document, stating the type and location of the facility and including any accessibility notes. The school will ensure that these details are readily available to every student.

2.5 Uniforms and dress codes

I would also make the uniform unisex, so people can have a choice of shorts, skirts and pants no matter what gender they are.

- Secondary school student, undisclosed ethnicity, contributor to *Education matters to me* report

I don't feel comfortable in the gendered uniform ... I think mufti would be preferred, because everyone would be comfortable, but if a uniform is required, have a non-gendered one. I think our principal is old fashioned with this stuff, and LGBTQ+ stuff in general, because even the formal only just allowed same-sex couples. We need to catch up.

- Secondary school student, non-binary, NZ European, contributor to *Education matters to me* report

School uniforms often reinforce gender norms and binaries, so schools should offer gender-neutral clothing choices when reviewing school uniforms. All ākonga should be able to wear any of the uniform items available. Labelling uniform items by gender is an exclusionary practice.

- Relationships and Sexuality Education guidelines[40]

The focus of this section is on creating inclusive school uniform and dress code policies.

Why this matters

Many people enjoy and value expressing themselves through their clothes, and our choice of clothing can impact how other people view us. Trans, gender diverse, and intersex students can have specific needs around clothes and uniforms that need to be addressed if they are to feel safe and comfortable at school.

Students have the right to wear any uniform their school provides, as long as it complies with their school's uniform rules and dress code.[41] Having gender-inclusive uniforms and dress codes can positively impact all students by allowing them to fulfill their cultural and comfort needs.[42]

Creating inclusive school uniforms and dress codes

The Relationships and Sexuality Education guidelines encourage schools to review their uniform policies "so that all the school's uniforms are inclusive and don't reinforce outdated, Eurocentric, and exclusionary notions of gender".[43]

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40 See page 21 in the years 1–8 guide, and page 24 in the years 9–13 guide. https://health.tki.org.nz/Teaching-in-HPE/Policy-guidelines/Sexuality-education-a-guide-for-principals-boards-of-trustees-and-teachers.

41 www.hrc.co.nz/our-work/sogiesc/trans-people-facts-information/

42 New Zealand School Trustees Association | Office of the Children's Commissioner. (2018). *Education matters to me: Key insights*. Wellington: Author. https://nzsta.org.nz/assets/Education-matters-to-me/Key-insights-A-starting-point-for-the-Statement-of-National-Education-and-Learning-Priorities.pdf

43 See page 21 in the years 1–8 guide, and page 19 in the years 9–13 guide. https://health.tki.org.nz/Teaching-in-HPE/Policy-guidelines/Sexuality-education-a-guide-for-principals-boards-of-trustees-and-teachers.

Here are some ways your school can do that:

- Allow students to choose whether to wear a dress, shorts, trousers, or skirt. If your school is 'single-sex' and does not have alternative uniform options, consider adding some.
- Organise all uniform lists by item, rather than by gender. For example, list a 'skirt' as a single item rather than as part of a 'girls' uniform.
- Allow trans and gender diverse students who wish to wear a uniform that affirms their gender to do so without having to speak to a counsellor or obtain written permission.
- Take all practicable steps to allow students to wear a uniform that aligns with their culture (for example, Pacific students may wish to wear lavalava).
- Use gender-neutral language in the school dress code, so that regulations apply to all students equally. For example, if your dress code specifies constraints around jewellery, make-up, and hair length, these rules apply to all students.
- Take this same guidance into account when determining the uniform to be worn for sports or special occasions.

Bullying prevention related to clothing and uniforms

Students can sometimes be bullied for their choices around clothing and uniform. As part of taking a proactive and holistic approach to creating rainbow-inclusive schools, it's important to ensure that there is consistent and positive messaging around people's right to freedom of expression. This needs to be supported by a quick response to any incidents of bullying related to how a student dresses.

Related sections in this resource

- Physical education and school sports, see page 40.

Uniforms and dress codes policy checklist

Have we developed consistent guidelines for students and staff about implementing gender-inclusive school uniform options and dress codes?

☐ Yes ☐ No

Comments:

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Have we outlined the processes the school will follow to ensure all students' safety, comfort, and sense of school belonging, regardless of gender or body type?

☐ Yes ☐ No

Comments:

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▍ 2.6 Rainbow–inclusive curriculum

> *At school, they tried to teach a unit on LGBT sex ed[ucation] [...] and it was 2 hours during school and they split the class in half and made us debate topics. Nothing we learnt or any of the debates ended in ways that affirmed my identity.*
>
> – Trans man, *Counting Ourselves* participant
>
> *With a lot of classes, like sexuality education, I didn't know a lot about my future, because they only talked about boys and girls.*
>
> – Trans primary school student

The focus of this section is on ensuring that rainbow content and themes are visible in the school curriculum.

Why this matters

Curriculum is at the heart of what schools do. It can reinforce messages about who and what is valued in students' communities. Whose stories matter, and what do people think about them? Rainbow people's experiences and histories are not necessarily presented negatively in current school curricula. Most of the time, they are simply not included.[44]

Integrating positive representations of people's diverse identities across the school curriculum can help learning communities to challenge assumptions that being *heterosexual* or *cisgender* (that is, non-rainbow) is the 'norm' and enables students from marginalised groups to see themselves reflected in their learning. It can also help students to develop empathy for people who have different lived experiences to their own. Making rainbow topics visible in the school and classroom curriculum can provide teachers and students with opportunities to critically discuss and challenge rainbow-focused discrimination and the beliefs that underpin it.

What is rainbow–inclusive content?

Rainbow-inclusive content refers to learning material and topics that represent and affirm rainbow people and their experiences. Content might include references to rainbow history, people, and themes, such as same-gender relationships, gender diversity across cultures, and intersex people's experiences. It can also include references to broader values, such as inclusion, acceptance, or strength in diversity. These can help students to develop empathy for diverse groups, including rainbow people.

Section Three of the Relationships and Sexuality Education guidelines[45] offers guidance on integrating rainbow-inclusive concepts at all year levels. The guidelines include tables that break down the key learning at each curriculum level.

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44 Thursdays In Black. (2017). *"In our own words": student experiences of sexual violence prior to and during tertiary education.* Wellington: Author, page 20.

45 See pages 28–29 in the years 1–8 guide and pages 31–33 in the years 9–13 guide. https://health.tki.org.nz/Teaching-in-HPE/Policy-guidelines/Sexuality-education-a-guide-for-principals-boards-of-trustees-and-teachers.

The descriptors of key learning are aligned with the strands and achievement objectives of the health and physical education learning area of the New Zealand Curriculum. The tables are intended to help schools design relationships and sexuality education programmes that support students to learn and make progress in this critical aspect of their learning and development.

As well as the specific curriculum and advice in Section Three, the guidelines discuss consent, respectful relationships, and identity and include comprehensive information on rainbow concepts and issues. They foreground the importance of a whole-school approach to relationships and sexuality education and of having a school culture and localised curriculum that acknowledge and support diversity.

Teaching rainbow–inclusive content safely

It's important that school leaders and teachers take all practicable steps to ensure that rainbow content is taught in a safe and age-appropriate way. This may include:

- accessing resources, training, and other forms of support to help build teachers' confidence and capability in teaching rainbow-inclusive content (see the appendices on page 60)
- making rainbow issues an integral part of professional conversations, curriculum development, and professional learning and development
- making rainbow inclusivity part of the criteria for selecting teaching and learning resources
- inviting local rainbow organisations or speakers into the classroom, to speak with students about rainbow-inclusive content.

As with policy development rainbow diversity groups may be keen to work alongside staff in making the curriculum more rainbow-inclusive. However, rainbow students and diversity groups should not be called on to educate staff or their peers about rainbow issues without their expressed interest and without careful attention to their safety.

Related sections in this resource

- Professional learning and development, see page 54.

Rainbow–inclusive curriculum policy checklist

Have we provided guidance for curriculum leaders and teachers on integrating rainbow-inclusive content based on the learning areas in the New Zealand Curriculum?

☐ Yes ☐ No

Comments:

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Have we set expectations for ensuring that rainbow-inclusive content is taught in a safe and age-appropriate way?

☐ Yes ☐ No

Comments:

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Have we identified and made contact with people who can help guide us in co-creating and implementing a rainbow-inclusive curriculum?

☐ Yes ☐ No

Comments:

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_____

Have we made rainbow inclusivity part of our expected criteria for decisions about curriculum resources?

☐ Yes ☐ No

Comments:

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Have we invited rainbow students to share what they would want to see in the curriculum?

☐ Yes ☐ No

Comments:

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Sample policy: Integrating rainbow-inclusive content into the curriculum

The school will encourage curriculum leaders and teachers to take all practical measures to integrate rainbow-inclusive content into the curriculum. This will be done in a way that aligns with the school's values and our commitment to providing inclusive and safe learning environments for all students.

Teachers and curriculum leaders will be encouraged to:
- incorporate rainbow-inclusive content along with content that acknowledges and values other forms of diversity (such as ethnicity, culture, learning needs, and religion)
- consider how rainbow-inclusive content reflects Māori and Pacific understandings of gender and sexuality, to ensure that these topics are taught in a culturally sensitive way
- where relevant, use existing resources that provide ideas on integrating rainbow-inclusive content and learning materials
- design activities that enable students to experience inclusion at the same time as learning about it
- discuss rainbow inclusivity as part of the regular curriculum review cycle.

2.7 Physical education and school sports

I kinda want to do the cross country, but the bad thing is [...] I'm scared that people will bully me because they are separated into girls' and boys' groups.

– Non-binary primary school student

The focus of this section is on ensuring that rainbow young people feel safe and supported in physical education classes and have equitable opportunities to participate in school sports.

Why this matters

Physical education classes and school sports are two areas of school life that are often heavily gendered, from the clothes students are required to wear to the teams they are allowed to play in. This can be a catalyst for *gender dysphoria*, the distress that is caused by the mismatch between a person's gender and that which they were assigned at birth. Physical education classes and sports can also present situations in which rainbow students experience higher rates of bullying, harassment, and discrimination. Schools have an obligation to create safe and inclusive physical education and sporting environments in which rainbow students can enjoy participating alongside their peers.

Students experiencing gender dysphoria

Consideration should be given to students who experience gender dysphoria as a result of physical activity or wearing tight fitting clothes. They should be given choice as to what they wear and be encouraged to participate at a level they feel comfortable with.

The school should explore all opportunities to provide individual private changing areas for students in physical education classes. Once appropriate facilities have been identified, the school should take measures to inform all students of these options and explain that any student is welcome to use these spaces.

Sports teams

When playing team sports during physical education, students should be able to play as part of a team that is affirming of their gender. Making mixed-gender sports teams available to all students at co-educational schools is a great way to include students who might feel less comfortable in gendered sports teams.

School coaches and adults involved in school sports have a responsibility to make sure all students feel safe and included in sports settings. This includes breaking down barriers to rainbow students' participation and calling out any transphobic, homophobic, interphobic, or sexist discrimination on the sports field or in training. It also involves ensuring that all students have safe facilities to change in.

Remember that a student's sex assigned at birth is personal information. The school must comply with its obligations under the Privacy Act 2020. This means not disclosing a trans or intersex student's status to other students, team members, or coaches, unless the student has expressed on their own accord that they want this to happen.

Competitive inter–school sports

Competitive inter-school sports are often managed by governing sports bodies, independent of schools. Inclusive school sports associations should allow trans and gender diverse students to participate in the team that aligns with their affirmed gender, regardless of whether they are taking gender-affirming hormones.

Where possible, check the region's sports council guidelines to see whether there are any specific rules in place for each sport at a primary, intermediate, or secondary school level, and whether these include any references to trans, gender diverse, or intersex students.

Currently in Aotearoa New Zealand, there are no laws or official best practice guidelines for trans young people in competitive sports. If sports associations or management resist a student's request to play on the team that aligns with their affirmed gender, have resources available to support and advocate for the student. This might include the latest research about trans youth participation in sport and on the benefits of gender-inclusive sports environments for everyone.[46]

It's essential to maintain a student's right to privacy by not 'outing' them to other students, team members, or coaches without their consent. Letting people know that a student is trans or intersex can put the students at risk of bullying or discrimination.

Managers of sports teams should also ensure that students have access to appropriate toilets and changing areas when playing offsite. This might include consulting with the student beforehand about what facilities they feel safest using and enquiring in advance about gender-neutral options at sports sites.

Related sections in this resource

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46 The US documentary *Changing the Game* (2019) provides insight into the issues young trans athletes face in their sports. It could be used as an educational tool for school staff and the wider school community. The links on its website can be of use in teaching and learning design. See www.changinggamedoc.com/

Physical education and school sports policy checklist

Have we ensured safe and inclusive access to sports and physical education for rainbow students?

☐ Yes ☐ No

Comments:

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Have we outlined processes for responding to and preventing rainbow-focused discrimination in sports settings?

☐ Yes ☐ No

Comments:

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Have we provided guidelines for supporting trans, gender diverse, and intersex students to play in inter-school sports and at competitive level?

☐ Yes ☐ No

Comments:

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Sample policy: Addressing rainbow-focused discrimination in sports settings

Coaches, managers, health teachers, and all the adults involved in sports settings are responsible for creating a safe and welcoming climate for all students.

Rainbow students will always be treated the same way as their peers. They will not face discrimination based on their sport uniform choice, sexuality, sex characteristics, or gender.

Where appropriate, coaches and teachers will be offered resources on rainbow students' experiences and issues to help them identify and appropriately respond to homophobic, biphobic, transphobic, and interphobic discrimination. This includes supporting people in instances where discrimination occurs due to a lack of awareness around rainbow identities.

Any incident of rainbow-focused discrimination in sports will be treated the same way as any other form of discrimination. Staff or parents concerned will follow the bullying reporting procedures outlined in the school's Bullying Prevention and Response policy.

2.8 Dances, balls, and other school events

> *One of my favourite moments at the school ball was observing the senior management team welcome a gender diverse student who had chosen to wear a ball dress for the first time. It wasn't the dress – it was the way the student was celebrated and affirmed by our leadership team.*
>
> – Secondary school teacher
>
> *Having the teacher who facilitates our QSA be the one who checks student tickets as they arrive at the ball helps to make sure each rainbow student feels welcomed and celebrated.*
>
> – School leader

The focus of this section is on creating inclusive school events, with a focus on social occasions such as dances and balls.

Why this matters

School events, such as dances, balls, and formals, can be an exciting time for students. However, requirements around dress codes and/or not allowing same-gender partners can make these events stressful for rainbow students.

InsideOUT believes that young people have the right to wear and express themselves however they choose, including at school balls and dances, as long as their choices align with their school's code of conduct and dress code. We also believe that same-gender or gender diverse couples should be allowed to attend events together. We agree with the Human Rights Commission[47] that excluding students on the grounds of their sexual orientation or gender is discriminatory, and that means it is unlawful.

Beyond legal considerations, inclusive events are an opportunity to model, affirm, and celebrate gender and sexuality diversity within the school. This can make school events memorable for all the right reasons. Such events can then play an important role in building a culture in which gender and sexuality diversity are valued and all staff and ākonga feel safe, as explained in the Relationships and Sexualtity Education guidelines:

> *Events to which partners are invited, such as school balls, provide an authentic opportunity to ensure inclusion. It should be clear to all that same-gender as well as different-gender and gender diverse partners can attend. (Before such events, schools can provide information about how ākonga can keep themselves safe before, during, and after the event. They should offer ākonga opportunities to discuss that information.) [...] School events should welcome diverse families with a range of structures, actively including same-sex, trans, and gender-diverse partners and community members.[48]*

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47 www.hrc.co.nz/enquiries-and-complaints/faqs/school-ball/

48 These points are from a list in *Relationships and Sexuality Education: A guide for teachers, leaders, and boards of trustees*: *Years 9–13* describing some of the ways schools can build a culture in which gender and sexual diversity are valued and all staff and ākonga feel safe (see p. 22). See also p. 20 in the years 9-13 guide. https://health.tki.org.nz/Teaching-in-HPE/Policy-guidelines/Sexuality-education-a-guide-for-principals-boards-of-trustees-and-teachers.

Related sections in this resource

- Rainbow-focused bullying and discrimination, see page 18
- Uniforms and dress codes, see page 33.

School dances and formals policy checklist

Have we outlined the school's stance on dress codes and partner choice in relation to school dances, balls, socials, formals, and other similar school events?

☐ Yes ☐ No

Comments:

Have we outlined processes for preventing and responding to rainbow-focused discrimination at a school event?

☐ Yes ☐ No

Comments:

Have we planned how to discuss with students how to keep themselves safe before, during, and after school events?

☐ Yes ☐ No

Comments:

Sample policy: Dances, balls, and other school events

Dress code and partner choice

Students are permitted to wear any form of attire to a school event, regardless of their gender or sex characteristics, as long as it adheres to the event's dress code in all ways. Students can formally attend the school event with a friend or partner of any gender, if they so wish. They do not need to provide the school with any notification of this. School leaders will be available to discuss this policy with parents and caregivers, should they request it.

Preventing and responding to rainbow-focused bullying and discrimination at a school event

Before and during the event, organisers will take all practicable steps to communicate to students and their friends, and whānau that the event is a welcome and safe place for everyone. This could include putting affirming messages around the venue. Rainbow-focused discrimination will not be tolerated before, at, or after the event.

If an incident of rainbow-focused discrimination takes place, staff members and other adults running the event and/or witnessing the behaviour will respond by taking the following steps, where practicable:

- Let the person or group who initiates the behaviour know that their language or actions are unacceptable.
- Let the person or group affected by the behaviour know that you or another trusted adult support them and are available to talk to at any time during the event.
- Report the incident as one would with other discriminatory incidents, consistent with the school's Bullying Prevention and Response policy.

Students who witness discriminatory incidents of any nature at the event will be encouraged to inform a trusted staff member or adult supervisor. Staff members will then follow the same procedures to address the behaviour, as outlined above.

2.9 EOTC overnight trips and school camps

In the past, school camp has created extra anxiety for some gender diverse students, and one way we have been able to reduce this stress has been by allowing students the freedom to room with other students they are comfortable with, not with students of the same sex or gender. This has allowed gender diverse students to engage more fully in the camp experience.

- Secondary school dean and teacher

The focus of this section is on ensuring that the needs of rainbow young people are factored into the planning and implementation of overnight trips.

Why this matters

Schools are obliged to provide safe and inclusive emotional and physical spaces for all students whenever they are engaged in school-based activities. This includes when going offsite, such as on overnight trips or school camps.

School overnight trips are important and valuable educational experiences, but they can also be a stressful time for students. Rainbow students may experience unique challenges on overnight trips when it comes to sleeping arrangements and facilities because of the ways in which activities and spaces are organised by gender. With adequate planning, schools can reduce these challenges and focus on learning and fun.

Noho marae

When attending noho marae, it's important to remember that marae will have different tikanga around trans, gender diverse, takatāpui, and intersex people. For example, some marae have tikanga around sleeping arrangements, such as splitting the room into *taha wahine* and *taha tāne* (a girls' side and a boys' side). Where possible, consult with the marae manager(s), hapū, or iwi affiliated with the marae before the visit to discuss options for trans and intersex students and come to a solution that upholds the mana of everyone involved.[49]

Ensuring students' privacy and safety

When planning overnight trips, consider the fact that some students might not have disclosed their identity to all adults or students on the trip. Do not disclose a student's sex, gender, or sexual orientation to other students or parents unless the student has expressed on their own accord that they want this to happen.

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49 InsideOUT's *Pōwhiri Guidebook* is a helpful resource for tikanga on pōwhiri in general, however it should be noted that the information doesn't reflect the tikanga or kawa of every marae. Available at http://insideout.org.nz/powhiri-guide-book/

Managing concerns and risks

Some schools are hesitant about accommodating the needs of trans and gender diverse students when it comes to sleeping arrangements because they are worried that there will be a negative response from the parents or whānau of other students. It's important to note that there are no specific requirements in the Education and Training Act determining how schools should approach separating students by gender, nor are there any rules that would prevent a student sleeping in the same space as students of their affirmed gender.

Related sections in this resource

- Rainbow-focused bullying and discrimination, see page 18
- Access to safe toilets and changing facilities, see page 29
- Responding to community concerns, see page 51.

EOTC overnight trips and school camps policy checklist

Have we outlined the procedures staff will take to identify and address students' needs around facilities and sleeping arrangements during EOTC?

☐　Yes　☐　No

Comments:

Have we addressed possible concerns and perceived risks related to permitting rainbow students to use and sleep in spaces that affirm their gender or sexual orientation during EOTC?

☐　Yes　☐　No

Comments:

Have we identified anything else we need to do to ensure rainbow students can participate in EOTC safely and fully?

☐　Yes　☐　No

Comments:

Sample policy: overnight trips and camps

When planning an overnight school trip, organisers will take all practicable steps to ensure that facilities are safe and available for all students at the site or accommodation. These may include changing rooms, toilets, showers, and sleeping areas.

If a rainbow student requests to sleep in a specific space, a teacher or staff member will:

- consult with the student (and, with the student's permission, their whānau) about their desired sleeping arrangements and facilities
- provide students with options (such as sleeping in an area that aligns with their gender, sharing a sleeping space with close friends, or having access to a private sleeping area and bathroom)
- where applicable, support the student and their whānau to develop a support plan ahead of the trip to make sure that the student's needs are clearly communicated to all relevant staff and adults
- where applicable, take all practicable steps to follow through with the support plan so that the student feels safe and is able to participate.

If the school receives questions or concerns from the wider school community about students sleeping in an area that affirms their gender, the staff members leading the event will explain to them the rationale of the school's policy. They will draw on research, legislation, case studies, and other resources to explain how these actions support the safety and inclusion of all students.[50]

The school will take all practicable steps to mitigate risks of inappropriate or discriminatory behaviour, including having adults available to address any such behaviour that arises. Staff members will inform accompanying adults of the school's policy around EOTC and overnight stays as part of the Health and Safety protocols.

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50 For an updated list of helpful resources and research, see https://insideout.org.nz/resources/

2.10 Responding to community concerns

The focus of this section is on responding to concerns, complaints, or questions about the rights of rainbow students and the school's approach to inclusion.

Why this matters

Members within or outside the school community may approach the school with concerns, complaints, or questions about the school's rainbow-inclusive learning material or students' access to gendered spaces, such as toilets and changing facilities. Concerns or complaints of this nature might come from the whānau of rainbow or non-rainbow students, staff, members of the wider school community, or other community members. The concern may be expressed verbally, through a written formal complaint, or via the school's social media platforms.

Staff knowledge and experience

Ideally, staff members involved in responding to complaints of this nature will have prior knowledge or experience of working with rainbow students (for example, they might be involved with supporting the school's rainbow diversity group). If this is not feasible, provide staff with resources and professional development opportunities to help them have these conversations with whānau and other community members.

Related sections in this resource

- Privacy and disclosure, see page 15
- Names, pronouns, and gender, see page 22.

Community concerns policy checklist

Have we outlined how school leaders will respond to community complaints or concerns about rainbow-related issues?

☐ Yes ☐ No

Comments:

Have we updated the school complaints policy to ensure it specifically references rainbow students?

☐ Yes ☐ No

Comments:

Have we communicated the school's commitment to supporting rainbow students and taking an affirmative approach when responding to concerns, regardless of the nature or severity of the concern or complaint?

☐ Yes ☐ No

Comments:

Sample policy: Responding to community concerns

Responding to rainbow-related complaints or concerns

If a community member queries an aspect of the school's rainbow inclusiveness, the school will take all practicable steps to fully understand the query, engage in constructive communication with the community member, and if necessary provide relevant resources to the complainant that support the school's affirmative stance. The school will address each case on an individual basis. If necessary, the school will seek further guidance from rainbow organisations, such as InsideOUT.

Addressing whānau concerns

If a concern is raised by whānau about a student's personal information regarding their rainbow identity, a designated staff member will first consult with the student on how they want to proceed. Some rainbow students may not be open about their rainbow identity at home for safety reasons. This can place the school in a difficult position, where they must balance the student's needs and wishes with the whānau member's natural concern for their child.

The school will take the following steps to address concerns of this nature:

- Prior to communicating with whānau, a trusted staff member will ask the student how much information they feel comfortable sharing with their whānau.
- If a student does not want the school to talk to their parents about their rainbow identity (including using certain names and/or pronouns), the trusted staff member will clearly communicate to the student's whānau the school's obligation to maintain the privacy of the student concerned.
- If the student says that they are comfortable with a designated staff member talking to their whānau, the school will follow existing mediation or resolution procedures. The school will work to achieve positive outcomes for both the student and their whānau.

Resolution procedures may differ depending on the student's age, their relationship with their whānau, the level of involvement whānau have in their child's education, the types of support whānau may need, and the school's general approach to communicating with whānau.

2.11 Professional learning and development (PLD)

Teachers and coaches are often not trained in regard to students with diversity in SOGIESC [sexual orientation, gender identity and expression, and sex characteristics] and can unintentionally cause harm. Recent analysis of the Youth'12 survey data recommended three areas to focus on to increase academic success among students with a diverse sexual orientation and gender identity: strong professional development for teachers, enabling those teachers to incorporate SOGIESC topics into lessons, and ensuring that policy environments are safe for all students.

– PRISM report (Human Rights Commission, 2020, p. 50)

The school itself is pretty good, all things considered. There's still work that needs to be done, and teachers need to brush up on educating their students, but it is pretty good [...] the majority of the student body is super supportive.

– Non-binary young person, *Counting Ourselves* participant

The focus of this section is on supporting teacher professional development in relation to making schools welcome and inclusive places for rainbow young people.

Why this matters

Offering educational opportunities for staff to learn about making their schools safer for rainbow students is critical to the effective implementation of rainbow-inclusive policies. Professional learning and development opportunities can build staff confidence in engaging with rainbow students, calling out rainbow-focused discrimination, and integrating rainbow themes and content across the curriculum. They can also help staff develop an appreciation for different cultural understandings of gender, sexuality, and relationships.

Schools have an obligation to provide a safe physical and emotional environment for staff, as well as students. Rainbow-focused PLD creates opportunities for building understandings and strengthening connections among staff members, who may themselves be part of a rainbow community.

Involving the school's QSA or rainbow diversity group in professional learning

Rainbow students are likely to be able to help identify specific PLD needs in this space, and potentially have a valuable role to play in suggesting topics and issues for focus. However, as discussed on page 39, asking a rainbow individual or group within the school to engage too openly can be felt more as a pressure than an opportunity. It may open students to risks that are not apparent to others. For this reason, training sessions or workshops should be facilitated by a rainbow organisation with relevant expertise, such as InsideOUT. The learning can then happen in consultation with members of the school's rainbow community if this is what they wish.

As previously suggested, engagement with rainbow students is best undertaken by a designated staff member who already has a relationship with them, such as a staff member supportive of the school's rainbow diversity group. This person can facilitate communication about the outcomes students seek and how they would like to see PLD progress. This engagement is an opportunity to give students a genuine say in how things are for them at school and the relationships and learning they experience there.

Involving rainbow staff members in PLD

Rainbow staff may be willing to share their experiences and expertise in the context of such learning experiences, and may even wish to lead them. They may also be available and keen to advocate for rainbow students. But as with drawing on the capabilities of students, this should not be an expectation. There may be a variety of reasons why a teacher does not want to take the lead in this mahi. These may include hurtful past experiences, and the ongoing risk of bullying and discrimination in the present.

If rainbow staff do want to run PLD for your school, it is important to still consult with external providers alongside this to ensure the information provided is up-to-date and culturally inclusive.

Both PPTA and NZEI have rainbow taskforces that can offer rainbow teachers support.

Professional and learning development policy checklist

Have we stated the school's commitment to offering staff training opportunities around rainbow inclusivity?

☐ Yes ☐ No

Comments:

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Have we outlined processes to enable ongoing learning among staff about rainbow-inclusive practices?

☐ Yes ☐ No

Comments:

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Have we provided guidance on involving students or rainbow diversity groups appropriately in PLD?

☐ Yes ☐ No

Comments:

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Sample policy: Commitment to providing rainbow-inclusive PLD

The school will plan and resource professional learning opportunities on rainbow inclusivity as part of the school's wider PLD programme. It will consider how it prioritises different types of inclusivity training and how rainbow-inclusive practices fit in with the school's PLD priorities overall.

The school will:

- ensure staff are aware of the school's policy around rainbow inclusivity, making it part of induction for new members of staff
- ensure staff have opportunities for professional learning on rainbow inclusivity, both in standalone sessions and integrated into other learning opportunities
- invite parents, whānau, mana whenua, and other members of the school community to participate in professional learning on rainbow inclusivity
- facilitate ongoing learning by developing and regularly updating a database of resources and contact information for staff interested in learning more about rainbow inclusivity
- support students who approach staff members about providing learning opportunities to staff (for example, giving a presentation on rainbow-inclusive language at a staff meeting).

Āpitihanga – Appendices

Appendix 1. Useful resources

InsideOUT

Please visit InsideOUT's website for a full list of our resources, including:
- *Making schools safer: A guide for schools supporting trans, gender diverse, and intersex students*
- *Rainbow-focused bullying prevention and response workbook*
- *Staff supporting rainbow diversity groups*
- * Starting and strengthening rainbow diversity groups*
- *Legal rights at school*
- *Join this chariot: Christian schools support rainbow students' wellbeing*

Ministry of Education

- *Relationships and sexuality education: A guide for teachers, leaders, and boards of trustees*[51]
- *Bullying prevention and response: a guide for schools*[52]
- *Positive behaviour for learning (PB4L): Deter Bullying*[53]
- *Reference design: Toilets*[54]

PPTA

- *Bullying prevention guidelines*
- *Ensuring emotionally and physically safe changing rooms and toilet facilities*
- *Providing choice in school uniforms*
- *Promoting active supervision and inclusive coaching practices*[55]

Other helpful resources

- *Bullying Free New Zealand*[56]
- *Takatāpui: Part of the Whānau*[57]
- *Ko tātou tēnei | This is us (CORE Education)*[58]
- *What we wish our teachers knew (InterACT Youth)*[59]

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51 https://health.tki.org.nz/Teaching-in-HPE/Policy-Guidelines/Relationships-and-Sexuality-Education
52 www.education.govt.nz/assets/Documents/School/Bullying-prevention/MOEBullyingGuide2015Web.pdf
53 https://pb4l.tki.org.nz/Deter-Bullying
54 https://www.education.govt.nz/school/property-and-transport/projects-and-design/design/design-standards/toilet-reference-design/
55 All the PPTA resources listed above can be found at: https://www.ppta.org.nz/communities/lgbtiq/document/226
56 www.bullyingfree.nz/
57 https://takatapui.nz/
58 https://core-ed.org/research-and-innovation/ko-tatou-tenei-this-is-us/
59 https://www.genderinclusivebiology.com/newsletter/what-we-wish-our-teachers-knew-brochure-from-interact-advocates

Appendix 2. Further training and support

InsideOUT is happy to help schools implement the advice in this resource. Please contact your local Schools Coordinator or hello@insideout.org.nz for more information.

Our Schools Coordinators often work a small number of hours in large regions, so at times it can be hard for them to keep on top of what is happening in every school. Please reach out for whatever support you need and we will do our best to help.

InsideOUT is always interested to hear from schools about what has worked for them in creating rainbow-inclusive policies and procedures. We offer advice based on experiences that schools have shared, so your insights can help us in our ongoing work with other schools.

InsideOUT's resources are constantly being updated. Please check our website for the latest information.

He kupu aumihi – Acknowledgements

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