

How to Remove the Stigma? Effects of Protective Policy for Transgender: Based on Transgender-Inclusive Policies in Schools of California

Lin Jin *

Department of Sociology, University of Chinese Academy of Social Sciences, Beijing, China

* Corresponding Author Email: 20191043102@ucass.edu.cn

Abstract. With transgender gaining more visibility among the public, transgender students still experience stigmatization on campus. Based on this, the paper explores policy initiatives taken to promote greater trans-inclusive climates to remove stigma and policy limitations in schools in California. Firstly, transgender stigma is presented in three fields related to discourse, identity, and value. Employing policy analysis based on one case, which is a multidisciplinary research method that seeks to generate, assess, and disseminate policy-relevant knowledge. This paper also reviews the current policies of transgender protection in California, further examining the effects of the transgender-inclusive policies in one specific area and the limitations. Finally, this paper ends with some recommendations for what kind of revision or reform is anticipated to remove transgender stigmatization. This research not only stimulates further discussion of the transgender youth which is a relatively hidden group but also serves as the source in favor of changing policy to improve access to high-quality care and the advancement of the rights of transgender individuals.

Keywords: Transgender; Stigma; California; Inclusion.

1. Introduction

According to a Pew Research Center survey, 1.6 percent of adults in the United States identify as transgender or nonbinary, and more and more Americans claim to know a transgender person. With transgender gaining visibility among the public, more legislation is being enacted to ensure that transgender students are treated equally in schools. Since 2010, California has implemented a number of transgender protection laws with an emphasis on the inclusion and safety of transgender youth. Seth's Law (AB 9) (Ammiano 2011), for example, requires schools to broaden its anti-bullying practices to include more sexual and gender minorities; and the School Success and Opportunity Act (AB 1266) illustrates the part of current state laws with regard to protections for transgender students in K-12 public schools (referred to the years of publicly supported primary and secondary education accessible in the United States, spanning kindergarten through twelfth grade). California is the one and only state in the U.S. with LGBT-inclusive legislation concerning schools, making it an important case study to examine how changes to policies and reforms seeking to create inclusive environments may have an impact on institutional acknowledgment of transness, the circumstances of transgender living in schools, and the restrictions of these policies [1].

While the rising attention for transgender, the field of transgender studies is still very limited. Even in the academic research focused on sexual and gender minorities, research about transgender is rather scarce compared to others about lesbian, gay and bisexual, not to mention the current situation of transgender youth in the policy context. Therefore, this essay makes an effort to use transgender theory and queer theory to examine policy restrictions as well as efforts undertaken in California to create more trans-inclusive school environments. Specifically, this research will discuss: what are the current protective policies for transgender in California specific; what are the expected outcomes and the preferred policies; where lie the policy problems; how the policy performs, and what are the observed policy outcomes.

This article employs policy analysis as the main research method to explore the effects of policies targeting transgender protection in California. Policy analysis is a multidisciplinary research method that seeks to generate, assess, and disseminate policy-relevant knowledge. In that case, Policy analysis

is not limited to a particular analytical routine of specialist disciplines; additionally, the methodology is eclectic in amongst numerous scientific approaches, both qualitative and quantitative [2]. Considering the complication and diversities of the transgender issue, policy analysis serves as an appropriate research method to get a comprehensive and in-depth view.

This paper aims to foster a better understanding of the current situation of transgender youth and extend the existing studies of transgender based on the examination of the protective policies of transgender youth in California. To this end, the article is organized as follows. First, this research provides a background clarification: the conceptualization of stigma from the dominant perspective of stigmatization, and the main stigma encountered by transgender students as the marginalized at present. Second, this research presents and examines the practical effects of the protective policy for transgender in schools in California, by illustrating the words and statements used in the policies, and the problems between the lines, relating to the practical effects of transgender students using policy analysis. Finally, end with some recommendations for what kind of revision or reform is anticipated to remove transgender stigmatization.

Schooling is the critical period for one's recognition of sexuality and identity. Therefore, research on the policy effects of transgender students is vital to the authenticity of transgender stories. It benefits the academic level as well, by adding empirically representative materials of transgender in the set of schools, thus stimulating further discussion of the invisible individuals. More importantly, this research may serve as material to support a real change of policy to make more access to high-quality care and the advancement of the rights of transgender individuals.

2. Literature Review

California has always been regarded as a pioneer in the field of movement and legal acknowledgment of lesbian, gay, bisexual, and transgender (LGBT) individuals' equality and protections., and since 2010, California has implemented a series of transgender protection laws aimed at ensuring the safety and inclusion of transgender kids. However, a majority of the protective policies for transgender students have been focusing on how to ensure safety and remove the stigma on the individual level, which is criticized by scholars with anti-bullying points. Stigma is a major cause of poor health in transgender people, both directly and indirectly through limiting access to health-protective resources. Stigma can have a negative impact on transgender health on several levels, including structural, interpersonal, and individual levels [3]. Thus, some scholars suggest that the legislation appears to be individualized as insufficient and temporary solutions facing systemic issues of stigma. Though legislative efforts have been made, the actual improvement in the comprehensive conditions that marginalize transgender students still seems negligible.

While the political and public arguments about transgender rights and equality has intensified, the transgender studies have expanded quickly in three areas in the United States: identity and social locations, institutional frameworks, and quantitative research to transgender identities and lives [4]. To begin, some academics apply the intersectional lens to transgender studies, demonstrating how social location and identification characteristics like class, race, and sexual identity, influence transgender people's relationships and experiences. Others pay attention to the line between the identity practices and the "bodywork" of transgender people. As to the institutional and organizational contexts, the line of inquiry examines how the idea of the gender binary supports and strengthens the ways in which transgender people's subjectivities and experiences are negatively impacted [1], including the opposition and violence from cisgender persons over gender-segregated public bathrooms, dressing rooms, and team sports [1,5,6,7,8]. Finally, in the popularity of qualitative research that demonstrate an epistemological concern, increasing numbers of social scientists have continuously made an effort to carry out empirical research inclusive of transgender respondents to capture their worldviews and feelings [9, 10].

Although transgender research has increased in gaining roots within a variety of branches of sociology, such as the social movements literature and historical sociology [11,12], there are still gaps

in the field. Firstly, the bulk of massive quantitative surveys still feature solely male and female gender identity categories. Which indicates an inclination to the experiences of transgender people? Moreover, little social science research has been done about the experiences of elderly transgender people, and There is much of opportunity for debate about transgender and gender nonconforming people's lives, including insights into occupation, race, and education [4].

To conclude, California, as the pioneering state in the United States with LGBT-inclusive laws affecting schools, serves as an important case study for examining how policy revisions and reforms to improve school environments may influence institutional recognition of transness, transgender living in schools, and the restrictions of these policies. Plus, although emerging studies suggest that Stigma makes transgender people vulnerable to stress, which leads to mental and physical health issues. However, research on the actual impacts of legislative protection to minimize stigma against transgender students is lacking. On top of that, although transgender research is gaining visibility in several fields within social sciences, exploration with a focus on transgender stigma from the policy perspective remains scarce, not to mention the careful examination accompanied by critical insights from school environments. Based on the stated consideration, this research takes the transgender-inclusive policies in schools in California as an example to illustrate the policy effects of the removal of transgender stigma, which may help fill the stated gaps in transgender studies.

3. Transgender Stigma

This article uses the term 'transgender stigma' to refer to the negative experiences and attitudes faced by transgender people, and there are various types of stigma that could negatively impact transgender's health and well-being. To obtain a nuanced understanding of transgender stigma, this paper draws on the field, a core concept that could be compared to the practical mastery of the 'rules of the game' in Bourdieusian theory of practice [13], to expose that power never goes away and it works in the different practical fields of stigma faced by transgender on discourse, identity, and value.

3.1 In the Field of Discourse

Discourses, or narratives, relate to acts that systematically shape the objects about which individuals discourse in Foucauldian contexts [14]. In the field of discourse, transgender people are likely to be pathologized and included in existing diagnostic criteria as diseased. For example, transgender individual who seeks to modify their bodies is oftentimes rejected to have access to medical treatment or surgeries if they are unable to generate narratives that meet the standards set by the professionals and institutions made up of non-transgender people. Thus, transgender persons often adjust their behaviors to cater to the recognition and image in the heads of non-trans healthcare doctors in an attempt to improve the possibility of receiving appropriate care as well as avoiding stigma. This occurs throughout the whole transgender youth since some researchers find out that transgender minors also approach healthcare in a strategically similar way as transgender adults [15]. Therefore, it is medical logic that produces them as problematic patients, which differs from non-trans patients doing the identical procedures, against the very purpose that it is designed to treat. The field of discourses serves to expose the helpless situation of transgender people anxiously exercising their physical autonomy born to be theirs and tremendous worries about the intervention and deprivation from professionals and authority, a non-trans group knowing nothing about transgender practice but holding the power of ruling the discourses in medical system at the site of language and words.

3.2 In the Field of Identity

The discourse power held by CIS normativity extends to the field of identity as well, implicating that the self-identity of the transgender individual is also interwoven and shaped by relations of power. While "cisgender" refers to people who acknowledge that their gender identity corresponds with the sex category to which they were assigned at birth, "transgender" has already come to be used as an

umbrella term for people whose gender identity is not necessarily consistent with the sex category to which they were assigned at birth (including transman, transwoman, crossdresser, shemale transgay, translesbian and so on), the individual identities of transgender are frequently in practice defined as predetermined categories inherently formed according to a ready-made heterosexual pattern. Born in the heterosexual matrix [16], in which gender and sexuality are inextricably linked, constructed aligned with heterosexual norms, there is little information on non-traditional gender to aid transgender individuals in personal identity development. It has been so long since the absence of transgender narratives, especially in public and educational areas. For instance, textbooks used in teacher training hardly define transgender. Moreover, transgender people rarely dominate their representation in front of the public, and the negative narratives as well as misunderstanding of transgender people in the media have already caused an inhibitory impact on their coming out processes. All of the stated factors trapped transgender people in the struggles of self-identification and stigmatization due to the paucity of public acknowledgment and the manipulation of cisnormativity discourse power.

3.3 In the Field of Value

The pathologization and stigmatization lead to the dehumanization of transgender in the field of value. Dehumanization refers to an attitude toward one's partial or total denial of humanistic features, and it often occurs when people talk about outgroups that are recognized as different and of otherness. The reason why people dehumanize outgroup individuals has to do with the consideration of maintaining the group status quo, protecting resources and privileges, and keeping the outgroup members off their place. Through the media, transgender people with advantageous social power or an inclination of violence may be exemplified to construct the image of transgender people gaining power over non-trans people, which expands the negative attitudinal and stereotypic responses to the transgender outgroup.

4. Transgender inclusive policies and effects of the practice: In Schools of California

California is located in the Western United States along the Pacific Coast, which is the most populous and the third-largest state of the country with approximately 39.2 million residents across a total area of nearly 423,970 km² [16]. According to the Gallup Daily Tracking Survey (an American leading survey which focuses on combing through publicly available sources of information and publications), the number of LGBT adults accounts for 5.3% of the whole population of the state, and the population of transgender is proximately 218,400. Apart from holding a large number of LGBT population statistically, California has also been considered a leading state when it comes to legal equality and protections for LGBT communities, and these efforts to create a more inclusive school climate are presented in the public schools. For example, one of the states with anti-discrimination legislation that safeguards K–12 students based on gender identity and sexual orientation is California. By contrast, until May 2021, almost half of all U.S. states still lack laws prohibiting discrimination [18]. Thus, this article will employ policy analysis to explore the contexts and effects of policies focused on transgender inclusion in the schools of California.

The inclusive policies are set to address the obstacles faced by transgender students who experience discrimination physically and socially in which gender-exclusive policies and practices dominate several areas of campus life. For example, the majority of schools and institutions fall short of meeting the basic healthcare requirements of transgender students. In general, the basic requirements for transgender adult health care include a psychological assessment, frequently followed by treatment before hormone therapy. Nevertheless, most of the campus counseling staff lack basic knowledge and training in transgender issues thus being unable to provide adequate support to transgender students (Making campus more trans-inclusive). Similarly, the design of school facilities such as dormitories, restrooms, and locker rooms have rarely recognized and responded to

transgender needs, ignoring the existence of trans people on campus. Inclusionary policies, on the other hand, may contribute to a more accepting environment for transgender youth. For example, the University of California - Riverside's health and counseling centers have previously mandated their employees to attend transgender training courses directed by the school's LGBT departments, making available healthcare sources for transgender students to reach out on campus.

The legislative efforts for transgender inclusion mainly concentrate on two aspects in schools of California: (1) the growth of anti-bullying and anti-discrimination regulations that consider sexual orientation or gender identity abuse to be a crime, and (2) the establishment of administrative offices inside the system for transgender students [1]. Accordingly, this research examines the contents of policies around the interaction between regulations and stigmatization, further exploring where the problems of the proposed solutions lie and what alternatives may exist.

San Francisco Bay Area has stood at the forefront as an LGBT community hub [19,20], and therefore this paper uses the secondary data collected from Berkeley Unified, one large school district in Berkeley City where the author is located in San Francisco Bay Area for policy analysis with more than 10,000 students who are currently attending. According to the two aspects that the legislative efforts primarily focus on, three types school policies were investigated: non-discrimination rules, anti-bullying policies, and policies specifically dealing with transgender children. Additionally, policies are reviewed to see how they align with state laws which refer to the mentioned Seth's laws.

The results indicate that the school district of Berkeley Unified has followed the policies since Seth's Law was put into effect, and these policies are beneficial to providing approaches for transgender students to access support and resources. Specifically, the policies provide a discourse space for transgender youth with institutional legibility and acknowledgment that focuses on the individual challenge, assisting in the removal of transgender stigma and violence against them, resulting in a more inclusive school climate. Tufts University and the University of Oregon, for instance, have left gender Information blank on housing applications for students, as does Duke University's admission application (Making campuses more inclusive of transgender).

However, the more extensive policy is not inherently better, and it is important to point out that there are still limitations of the trans-inclusive policies.

For one thing, the limitation has to do with the endogenous limits of law due to that policies are based on laws. Although these regulations may assist certain transgender children in approaching administrative channels, it appears that they lay the duty for change mostly on the individual and avoid changing school systems' institutional structures to define what types of gender are normal and which are not. [21]. And the criteria or the understanding of it is based on the narrow or superficial recognition of non-transgender people, lacking conversations with trans people across the legislation process.

Moreover, the policy has largely ignored the stratified conditions of transgender youth when giving meaning to transgender. By doing this, transgender schooling appears to be excluding the racialization, immigration, displacement, and wealth distribution conditions, and transgender youth suffering is regarded as a singular issue of sexual and gender perspective. However, A single-issue battle does not exist because no one lives a single-issue life, and the oversimplified approach simply reverts everything to the normative lens that frames fixed and affirmative identity as the norm in the absence of recognizing the value and status of what it means to be transgender. For instance, The practice of dress regulations is heavily racialized, with the goal of encouraging docility toward authority and decentralizing indigenous and students of color, rarely challenging the racialized and gendered administration authority and regulation circumstances, not to mention the removal of transgender stigma.

5. Conclusion

Transgender faces three practical fields of stigma on discourse, identity, and value, with power perpetuating through all the different fields. As to transgender protection, especially transgender

inclusion from the perspective of policy, transphobia and trans-inclusive climates have dispersed due to the constant implementation of trans-inclusive policies. However, there are still some limitations of the current policies through the careful analysis of one specific area in California, which has long been a pioneer for transgender protection, making efforts toward trans inclusion.

While the policies focused on transgender inclusion have helped improve the inclusive circumstances in school, transgender students still suffer from the limitations of these policies in which reform may maintain the existing systems of discourses, and deepen the power systems of stratified resource distribution. Specifically, this essay challenges community members and school administrators to reconsider critically how they frame the "issue" of gender diversity in their own school contexts. How do the schools define the identity of transgender? Has the voice of transgender people ever been heard and valued? Have transgender individuals got the real chance to speak for themselves instead of constant compression of their discourse space? Also, this essay calls for a serious re-examination of the personalized, temporary approaches to transgender inclusion now in place. Gender stereotypes, heteronormativity, and CIS normativity are all typical in most school communities and have negative consequences for all students. However, they are always being ignored and invisible in the transgender-inclusive policy systems. Thus, Schools ought to do a better job of classifying and describing kids' bodies and providing enough room for them to study and develop as whole, diverse individuals.

However, there are several limits to this research. For one thing, the effects of trans-inclusive policies are hard to evaluate due to the lack of supportive materials and the subjectivity of the existing materials. For another, the data used for analysis is not drawn from the firsthand material, leading to potential deviation and incompatibility. In short, this paper is only a preliminary discussion on the policy analysis of transgender protection, thus further discussion is expected.

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