Welcoming gender diversity in the early years: Interpreting professional guiding documents for gender-expansive practice

**ABSTRACT:** This research takes up the challenge of interpreting the two newest grounds of human rights protection across Canada - gender identity and gender expression - for professional practice in early childhood education. To date, no human rights tribunal ruling on these grounds has engaged early childhood education, and while the legal duty remains for early childhood educators to provide an environment free of gender identity and gender expression discrimination, the Ontario profession’s governing bodies have provided no explicit guidance as to how. This research bridges early years educators’ new and likely unfamiliar legal responsibilities in relation to both grounds, and everyday life in early years contexts. Findings demonstrate that ample support exists within the profession’s key guiding documents for “gender-expansive” practice, or, an approach to teaching children and supporting their development that both *expects* and *sustains* gender diversity. A similar analysis of guiding documents is needed internationally.

Keywords: early years, early childhood, gender identity, gender expression, gender-expansive

**Introduction**

This research takes up the challenge of interpreting the two newest grounds of human rights protection across Canada - gender identity and gender expression - for professional practice in early childhood education. Across all Canadian provinces and territories, early childhood educators are legally required to provide an environment for young children and their families that is free from discrimination on the grounds of both gender identity and gender expression. The process of amending human rights laws to include these two grounds began in the Yukon Territories in 2002, and took place in the province of Ontario via the 2012 passage of *Toby’s Act* (Act to Amend the Ontario Human Rights Code) (Kirkup, 2018). Despite their presence across Canada, these grounds are not well-understood among the general public, nor among actors in public-serving sectors.

Provincial and territorial human rights commissions - extra-judicial bodies with an educational and limited oversight mandate - have stepped up to guide institutions by provisionally defining gender identity and gender expression. Commission definitions vary little across provincial and territorial boundaries, such that the OHRC’s (2014) can be taken as exemplary:

*Gender identity* is each person’s internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person’s gender identity may be the same as or different from their birth-assigned sex (p. 3).

*Gender expression* is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person’s chosen name and pronoun are also common ways of expressing gender (p. 3).

Courts and human rights tribunals frequently reference commission materials in their decisions, and institutions use these materials to amend policy and guide practice in anticipation of legal precedent. Nevertheless, the lack of clear precedent-setting legal rulings has led to considerable uncertainty (see Kirkup, 2018). Among the few rulings to date, for example, there is a discrepancy as to whether gender identity *and/or* gender expression protections apply to transgender people alone (see Airton et al., 2019). Moreover, no ruling thus far has engaged the contexts in which early childhood education takes place. And while the legal duty remains for early childhood educators (ECEs) and their institutions to provide an environment free of gender identity discrimination *and* gender expression discrimination, the profession’s governing bodies and documents provide no explicit guidance as to how.

In what follows, we bridge early childhood educators’ likely unfamiliar legal responsibilities in relation to gender identity and gender expression discrimination, and the familiar domain of classroom life. Through a critical reading, this research demonstrates that ample support exists within the Ontario profession’s key guiding documents for a “gender-expansive” (Airton, 2018; Baum et al., 2012; Martino and Cumming-Potvin, 2018) early childhood practice. In our rendering, gender-expansive early years practice is an approach to teaching young children and supporting their development that both *expects* and *sustains* (see Paris, 2012; Paris and Alim 2014) childhood gender diversity, whether on the order of gender identity or gender expression. We argue that, despite making limited reference to gender diversity, the Ontario profession’s key guiding documents (*Early Learning for Every Child Today: A Framework for Ontario Early Childhood Settings* (ELECT) (BSEP, 2007), and (2) *How Does Learning Happen? Ontario’s Pedagogy for the Early Years* (HDLH) (OMOE, 2014) support and *even tacitly require* gender-expansive practice in early years centres, and a similar reading is possible internationally.

**A Conceptual Framework for Gender-Expansive Early Years Practice**

Our conceptualization of gender-expansive practice is proactive in that it seeks to prevent gender identity discrimination and gender expression discrimination, and not only respond to individual discrimination events. To begin thinking through how a proactive approach would impact early years education, consider how the OHRC (2008) defines discrimination: it “may be direct and intentional (for example, if a person or group treats another person differently on purpose because of a *Code* ground)” but may also be “subtle or covert. Intent or motive to discriminate is not a necessary element for a finding of discrimination – it is sufficient if the conduct has a discriminatory effect” (n.p.). In addition, “discrimination exists when rules, standards or requirements that appear to be neutral have a discriminatory impact on people identified by the Code” (n.p.). Within this frame are two basic forms of discrimination for which an institution may be held accountable: *interpersonal* - whether intentional or not - on the part of its actors, and *institutional*, or caused by structures like rules and routines.

What, then, is *gender identity discrimination* when it appears in the early years classroom? What does it look, sound or feel like in learning environments geared toward very young children? How might *interpersonal* and *institutional* gender identity discrimination play out differently? Who might be at risk from either form, and who might be caught up in its enactment, intentionally or not? We must ask the very same questions about *gender expression discrimination* when it appears in early-years classrooms, as it is a distinct ground. ECEs must proactively mitigate *each* form of discrimination.

In the early years, *interpersonal* gender expression discrimination would likely see a child receive differential treatment on the basis of gender non-conforming clothing, hair, behaviour and/or interests. If *intentional*, a child could be explicitly told or shown by an ECE that how they are expressing gender is wrong, whereas children with gender-conforming gender expressions (e.g., boys with typically masculine clothing, hair, and interests) are not; for example, they could be explicitly re-directed away from gender non-conforming play because X “is not for them.” If *unintentional*, this could be a pattern whereby a gender non-conforming child receives less attention or interest from ECEs, who may be reluctant to reward or sanction gender non-conforming play or other behaviour. An example of *institutional* gender expression discrimination in the early years is the common practice of offering self-selected learning centres. This practice could enforce and reward gender conformity if, say, the learning centre themes are intensively gendered. If only the race car track and the home centre are available, this may prevent non-conforming girls or boys from playing according to their authentic interests i.e., expressing gender in their own way. Making a witnessed choice (Thorne, 1993) in front of peers and ECEs often results in gender-conforming behaviour in order to blend in.

While preventing gender *expression* discrimination clearly requires changes in educator disposition, this age group challenges any clear-cut elucidation of gender *identity* discrimination. If, as above, gender identity discrimination is something that only happens to transgender people and only when their transgender status is apparent, self-declared or disclosed by another, it follows that transgender people are likely shielded from the same while they are “passing” as a person of their assigned sex (if they are not out) or gender identity (if they are). In either instance, they would likely not be barred from accessing gendered spaces or activities (etc.), provided that they are accessing the wrong ones when appearing as a person of their assigned sex. At the centre of this formulation, however, is *someone who has articulated that they are transgender*. This requires an awareness of self as well as the capacity to articulate that self to others in a fairly complex way that is not forthcoming from a pre-schooler.

Adult- or adolescent-centric notions of gender identity discrimination commonly centre on refusal: for example, a transgender woman is refused entry to a women’s bathroom, or a nonbinary high school student excluded from a binary-gendered athletics program. A child in the early years classroom may be told that they are in the “wrong place” due to information that other children or adults possess about that child’s assigned sex, but it is harder to imagine that young child - who *may* come to articulate themself as transgender in the coming years - definitively stating their gender identity such that it supersedes the assigned sex *qua* gender information deployed to refuse their access. Put simply, a male-assigned child who is (passively or actively) dissuaded by ECEs from playing with “the girl toys” may register a welling-up that any adult would narrate as a feeling of invalidation, but not link this welling-up to their “sense of being a woman, a man, both, neither, or anywhere along the gender spectrum” (OHRC, 2014: n.p.). If gender *identity* discrimination means being told, in some way, that one is not who one is, but one is not yet able to clearly articulate their gender identity in a way that proximal adults will understand and respect, it is difficult to imagine how early years educators might prevent gender *identity* discrimination in their classrooms.[[1]](#footnote-1)

It is much easier to imagine gender identity affirmation in this context. Interpersonally, this aspect could look like ECEs affirming whatever gendered information any child shares with them (see Stafford 2013 for examples), even if what is shared changes, or if there is no other gender non-conforming indication. This gendered information may include a desire to be referred to by a name, pronoun or term misaligned with assigned expectations. Institutional gender identity affirmation could look like removing structures or routines that involve the “gender-based” division of children (e.g., “if you are a boy wearing green come get snack,” etc.).[[2]](#footnote-2) Notice, however, that this is indistinguishable from preventing institutional gender expression discrimination, as described above. Arguably, then, gender identity affirmation pertains to ECE motivation for taking action; it is a practice of developing structures which sustain the possibility that any child here could be transgender. After all, children who are transgender may not articulate this until long after they leave early years centres. This reality has spawned two fairly synonymous adjectives: “gender-creative” (see Ehrensaft, 2016; Meyer and Pullen Sansfaçon, 2018) and “gender independent” (see Pyne, 2014). Gender-creative and/or gender independent children may be “comfortable with their natal sex, yet…challenge us to expand the boundaries of gender’s well-worn categories” (p. 1), may “reject the terms of ‘boy’ or ‘girl’ altogether” (ibid.), or may “clearly and consistently identify with a different gender than expected” (p. 2). These terms hold space for children - including very young children - who do not live gender according to others’ expectations, but may not articulate themself (now or later) as transgender.

In line with our rendering of a gender-expansive practice, research has shown that gender identity affirmation within and outside of the family is associated with better mental health outcomes (Hill et al., 2010; Olson et al., 2016; Turban and Ehrensaft, 2016). To this end, the paediatric profession (at least in Canada) affirms the validity of all children’s gender identities and gender expressions regardless of whether these align with caregiver expectations or wishes (Canadian Paediatric Society, 2020). By age three, most children can identify themselves as “a girl” or “a boy,” which has been shown to also hold true for children whose gender identities are not the ones expected by their caregivers (Olson et al., 2015). That said, the Canadian Paediatric Society (2020) considers a fluid early childhood gender identity to be a variation of normal, and not in any way pathological: “[some children] may alternate between identifying themselves as ‘boy’ or ‘girl’, or even assume other gender identities at different times (sometimes even in the same day). This is normal and healthy” (n.p.).

Awareness of gender expectations, including as a source of power and prestige, is common by age five. As children begin to register the impact of gender on their reception by and relationships with others, some stridently embrace *or* reject rigid gender expectations: for example, a girl going “through a stage of insisting on wearing a dress every day, or refusing to wear a dress even on special occasions” (Canadian Paediatric Society, 2020: n.p). A strident embrace of gender norms can lead to disciplinary relations with peers, such as insisting that only girls or boys are “allowed” to do, like, play with or wear some things (see Blaise 2005, 2012; Wohlwend, 2009).

By kindergarten, most children have a fairly stable gender identity including those who fall into the categories of transgender, gender-creative, or gender independent. That said, most markedly gender non-conforming children and those who experience clinical gender dysphoria (not necessarily the same group) do *not* grow up to be transgender adults, whereas “[gender dysphoria] that persists into adolescence is more likely to persist into adulthood” (Drescher and Byne, 2012: p. 504).

Given the positive outcomes associated with gender identity affirmation, we reiterate our insistence that a gender-expansive early years practice actively sustains the possibility that any child in the early years classroom might come to know themself as transgender or express gender in non-conforming ways, even if there are no “signs” in the present. Furthermore, we argue that gender-expansive practice requires bracketing one’s socio-historical repertoire of such “signs” because gender diversity is always changing (Airton, 2009, 2013, 2019). Interacting with every child as if their sense of their gender might change does not mean banishing gender altogether, or telling gender-conforming cisgender children that they are not who they are. This invalidation is as unconscionable in the case of cisgender children as it is for the transgender children who experience it on a regular basis. Rather, it means daily re-creating an environment conducive to each child’s gender health, which Hidalgo and colleagues (2013) define as each “child’s opportunity to live in the gender that feels most real or comfortable to that child and to express that gender with freedom from restriction, aspersion, or rejection” (p. 286). As we shall demonstrate, Ontario ECEs’ legal responsibilities in relation to gender diversity reflect a commitment to fostering each child’s gender health through gender-expansive practice. As we recognize both gender diversity *and* the education of young children to be contextually specific, the next section offers context for early years education in Ontario, Canada.

**The Ontario Context**

In Ontario, the professionalization of early childhood education follows a Canadian and international trend, reflecting broader shifts toward understanding early learning’s importance and the critical role of ECEs’ in supporting learning (Gananathan, 2015; McCuaig and Akbari 2014). An example of this professionalization was the establishment of the College of Early Childhood Educators in Ontario. In May 2007, the provincial government passed the *Early Childhood Educators Act* (updated in 2014 to the *Child* *Care and Early Years Act*)whichestablished the College (CECE, 2019).

The *Child* *Care and Early Years Act* (2014) recognizes that ECEs must have knowledge of developmentally-appropriate and inclusive practice in order to support the well-being of *all* children, and must understand their legal responsibility to provide an environment for young children and their families free from discrimination on all grounds; as of 2012 in Ontario, these include gender identity and gender expression. As a result, this research argues that ECEs’ professional knowledge base must include the manifestation and mitigation of gender identity discrimination, and gender expression discrimination. This is essential knowledge for sustaining gender diversity in the contexts in which they work.

Next, this research considers how gender-expansive practices fall under professional responsibilities as outlined in two guiding documents: (1) *Early Learning for Every Child Today: A Framework for Ontario Early Childhood Settings* (ELECT) (BSEP, 2007), and (2) *How Does Learning Happen? Ontario’s Pedagogy for the Early Years* (HDLH) (OMOE, 2014). Despite making no explicit reference to practices that welcome and sustain childhood gender diversity, this research suggests that the key guiding documents support and even tacitly require gender-expansive practice.

**Gender-Expansive Analysis of Professional Guiding Documents**

To reiterate, gender-expansive early years practice is an approach to teaching young children that expects and sustains childhood gender diversity. It is proactivein that it seeks to prevent gender identity discrimination and gender expression discrimination, whether interpersonal or institutional, and not only respond to discrimination events. Thus, gender-expansive early years practice welcomes the flowing intra-category gender expression diversity among all children, and actively sustains the possibility that any child might come to know themself as transgender.

The ELECT document is a guide for curriculum development and delivery in early childhood settings. It complements the *Child Care and Early Years Act* (previously *Ontario Day Nurseries Act)*, *Ontario Early Years Centre Guidelines* and the *Kindergarten Program* (BSEP, 2007), but is recognized as the foundational document in the Ontario early years sector (OMOE, 2014). Whereas the purpose of ELECT is to guide early years curriculum, HDLH (OMOE, 2014) guides pedagogy – approaches to teaching and learning – in Ontario early years centres. All licensed childcare program mission statements in Ontario must be consistent with HDLH. HDLH identifies four foundations of learning: belonging, well-being, engagement and expression. The foundations “apply regardless of age, ability, culture, language, geography, or setting” (p. 7), and regardless of gender identity or gender expression.

In is important to note that there is some confusion within the early years sector in regard to how ELECT (intended to guide curriculum) and HDLH (intended to guide pedagogy) guide practice given that ELECT is rooted in developmentalism and HDLD, in contrast holds a broader relational view of children. Thus, it important that educators (and researchers) reflect on the challenges associated with delineating curriculum and pedagogy, and analyse and reflect on the multiple perspectives that can and do guide our interactions with young children as they pertain to gender expansive practices.

In the following section, ELECT and HDLH is analysed through the conceptual framework for gender-expansive early years practice developed in the first half of the article, resulting in three broad themes: (1) supporting belonging, well-being, and gender identity development through relationships; (2) reducing discrimination by fostering expression; and (3)a planned play-based curriculum is powerful for cultivating curiosity and affirming gender diversity.

***Theme 1: Supporting belonging, well-being, and gender identity development through relationships***

Both ELECT and HDLH emphasize the relational character of healthy early childhoods. The ecology of support in which each child is embedded includes relationships between ECEs and family members, between ECEs and children, between children and their family members, and among children themselves. Supporting children means supporting these relationships, and ELECT’s second principle highlights this: “[p]artnerships with families and communities strengthen the ability of early childhood settings to meet the needs of young children” (BSEP, 2007: p. 5). HLDH emphatically asserts that “[f]ostering good relationships with children and their families is the single most important priority for educators in early years programs” (OMOE, 2014: p. 24).

Despite taking a more developmentalist perspective to early years education, ELECT recognizes that “[f]amilies live in, and belong to, multiple communities that may support or thwart their ability to support young children’s optimal development” (BSEP, 2007: p. 9). Transgender children whose gender identities are affirmed by their family members are virtually indistinguishable from cisgender children using common markers of mental health (Olson et al., 2016). Conversely, as previously discussed, parental disaffirmation places transgender children or adolescents at a significant mental health risk. Children who are gender non-conforming but not necessarily transgender (e.g., boys perceived to be somehow “feminine” or girls perceived to be somehow “masculine”) may also experience the erosion of their parent or guardian relationships when the latter become focused on “correcting” their gender expression.

ECEs are well-placed to offer accurate information and strategies for supporting all children’s healthy gender identity development and gender expression, particularly when family members are placing their children’s well-being and the parent-child relationship at risk due to misconceptions about gender. Knowledgeable ECEs can educate parents and caregivers about childhood gender diversity when families lack the knowledge of how to support their gender-creative child. For example, if a parent were to express grave concern about their child’s gender non-conforming behaviour, an ECE could provide accurate information, as follows:

* Gender non-conforming behaviour in early childhood, or at any age, is not pathological. It may or may not continue beyond the early years, but either way gender non-conforming behaviour (or its absence) does not predict a child’s gender identity or sexual orientation.
* Playing with gender is normal, healthy, and does not alter a child’s gender identity. It is impossible to alter anyone’s gender identity, at any age, whether or not they are transgender. Gender identity cannot be changed by rewarding gender-conformity or by withholding support for or discouraging gender non-conformity.
* Whether a child comes to identify as transgender or not, affirming how that child identifies and expresses gender *now* leads to the best mental health and well-being outcomes.

ECEs can also support relationships by encouraging family members to follow a child's lead and avoid imposing their own views on development; this includes encouraging families not to draw excessive (even affirming) attention to gender non-conforming play or other behaviour. Similarly, ECEs should not “flag” a child or speak to their parents based on a child’s gender-non-conforming play; this runs counter to HDLH’s guidance that ECEs “[connect] with each child…recognizing and valuing his or her unique spirit, individuality, and presence” (HDLH, 2014: p. 26). Lastly, this research notes HDLH’s emphasis on taking a strength-based approach to supporting families, including in relationship to their children’s gender health (Hidalgo et al., 2013), because “[w]hen educators establish positive, authentic, and caring relationships with families and provide a safe, non-judgemental environment for shared learning, everyone benefits” (p. 31). Therefore, ECEs should emphasize to parents their unique power to support positive outcomes for their children when they affirm how their children identify and/or express gender. In sum, by partnering with families to counter misconceptions, listening to their concerns, and providing evidence-based strategies, ECEs can help strengthen the relationships that children depend on.

The ELECT document insists that “[b]enefits are greatest when there is planned programming for children and their families and relationships with families are based on mutual trust and respect and are sensitive to family culture, values, language and composition*”* (p. 9). If a child’s family includes transgender and/or gender non-conforming people, that family’s culture includes gender diversity. However – and remembering that gender identity discrimination is mitigated by practicing as though any child present could be transgender – ECEs may not know whether a child’s family includes transgender people. It is, therefore, critical to assume that this *is* the case, in *every* case. Children’s relationships with their family members must not be eroded through exposure to unaddressed (and therefore sanctioned) gender identity and/or gender expression discrimination in the early years centre. To this end, we suggest that ECEs should use the guiding questions from HDLH in considering whether their practices and structures are gender-expansive (we have adapted them to our topic *in italics*):

* “Consider your program – its philosophy, mission, policies, and daily practices. How do the program’s values reflect and affect your relationship with each child? With each family? Is everyone’s voice valued? How would an observer know” (p. 28)?
  + *Is your program committed to supporting every child regardless of non/conformity with expectations related to their assigned sex?*
  + *How would a member of a gender-diverse family know that they are welcome and valued here?*
* “Which policies and practices may be barriers to establishing relationships and ensuring the meaningful participation of *[gender-diverse]* children? Of all families” (p. 28)?
* “What else can be done to strengthen relationships and ensure social inclusion, participation, and a sense of belonging for each child and family *[regardless of gender identity and/or gender expression]*” (p. 28)?
* “How can you connect with community partners to better support the mental health and well-being of *[gender-diverse]* families and children” (p. 34)?

In addition to supporting children’s relationships of care and dependence and given what is known about gender expression discrimination among children themselves, ELECT’s and HDLH’s shared emphasis on supporting healthy peer relationships can also be interpreted through a gender-expansive lens. In describing the foundation of belonging, HDLH insists that “[e]nabling children to develop a sense of belonging as part of a group is also a key contributor to their lifelong well-being. A sense of belonging is supported when each child’s unique spirit, individuality, and presence are valued” (p. 24). A child’s sense of belonging can be at risk when they are subjected to unwelcome gender norm enforcement by their peers, which can be passive (e.g., avoidance or ostracism) or active (e.g., targeted harassment). HDLH offers indicators that ECEs can use to gauge a child’s sense of belonging (p. 26) and well-being (p. 32) in the program, and we have adapted these in relation to gender (in italics). For example, does every child:

* “participate fully in ways that are most comfortable to them” (p. 26) *(e.g., freely access spaces and activities that are not only those typically engaged in by children of their assigned sex, and without sanction from other children)*;
* “notice similarities and differences between self and others and respond positively to the uniqueness, differing capabilities, and perspectives of others” (p. 26) *(e.g., describe how they differ from others on the order of gender identity and gender expression)*;
* “experience a sense of competence, autonomy, and agency as they participate at their own pace throughout daily experiences and interactions” (p. 32) *(e.g., share their gendered knowledge and experiences with other children and adults; correct others who mis-gender them)*; and
* [exhibit signs of] “developing a strong sense of self and the ability to value their own unique identity” (p. 33) *(e.g., create drawings or representations of themself that align with their gender expression; describe what they know or like about their gender)*?

If the answer to any of these questions is negative, this indicates that the early years space is in need of a shift toward more gender-expansive practices.

***Theme 2: Reducing discrimination by fostering expression***

Taken together, ELECT and HDLH mandate that early year’s centres be free from discrimination on a variety of grounds, echoing their legal responsibilities in keeping with the *Ontario Human Rights Code*. ELECT Principle 3 acknowledges that centres must planfor meaningful engagement and equitable outcomes for all children, which does not happen without purposeful planning and attention to how learning environments and interactions influence children’s opportunities. While Principle 3 broadly discusses equity, diversity, and inclusion, it does make two specific references to gender. The first requires ECEs to “take into account the differences each child and family brings to an early childhood setting including appearance, age, culture, ethnicity, race, language, gender *[expression,* *gender identity]*, sexual orientation, religion, family environment and developmental abilities” (p. 11; added text and emphasis). In the previous section, we discussed ECEs’ responsibilities toward gender-diverse children and families. This research elaborates on the second reference to gender in Principle 3, focused on removing preconceived notions about gender while addressing prejudice and counteracting bias; this is an ongoing process of checking “curriculum and pedagogy against program standards that reflect inclusion and accessing expertise” (p. 13), and in some cases hiring “[a]dditional early childhood practitioners with specific expertise who can build and support capacity…to support inclusion” (p. 13).

ELECT’s action-oriented and process-based approach to fostering equitable early years climates is supported by HDLH’s pedagogical recommendations on “[f]ostering communication and expression in all forms” (p. 41). HDLH encourages authentic conversation between ECEs and children in which “adults show respect for what the child is interested in and what the child is trying to communicate and are also willing to share their own perspective in a positive and meaningful way to continue the exchange” (p. 41). However, gender diversity is frequently yet passively sanctioned in everyday conversations wherein gender-conforming interests and gender binary-based observations (e.g., that X is a boy/for boys) are affirmed, and others are not.

Echoing ELECT’s process-based account of equity, HDLH’s guidance on fostering children’s communication and expression every day can be read through a gender-expansive lens. Whereas common-sense (and often binary) knowledge about gender is regularly conveyed to children as “just how things are,” the preceding quotation suggests another path for ECEs when gender comes up in conversation with children: *explicitly state that this is the ECE’s own experience or perspective (about gender, boys, girls, men, women, etc.) that they are sharing, and that other people have different ones*. Other gender-expansive communication practices are as follows (adapted for the early years from Airton, 2018):

* answering a question (“is that a boy or a girl?”) with a question (“why does that matter? Would you play with them either way?”);
* questioning children’s automatic gendering of toys and materials, characters in books, images, etc. (e.g., “Hmm. It does not say that [X] is a [boy]. I wonder why we are thinking that. Can girls do [what X is doing, etc.]?”);
* and using ‘unlikely’ pronouns for unnamed characters in picture books (e.g., “I’m so glad the firefighter came and brought [her or their] big truck!”).

We conclude this second theme from this gender-expansive analysis of ELECT and HDLH with a caution about gender conformity as a function of *time* in the early years classroom. The duration of another person’s focus or interest can be interpreted as affirmation (or not) of what one is sharing. Consider formal moments like show-and-tell or circle sharing, or informal conversations wherein children are informally sharing about their lives with an ECE. The gender binary produces some (gender-conforming) things as intuitive and not requiring explanation, but produces other things as “complicated” or “excessive.” When we invite children to speak about their families, for example, we may feel like a child is “sharing too much detail,” or “taking too long” when in fact their family exceeds our commonsensical ideas about family composition or roles. And so, we invite ECEs to notice when their attention is wandering from a child’s sharing, or when they find themselves becoming impatient; similarly, ECEs can greet *all* children’s sharing about their gendered experiences with palpable interest even if these seem mundane. These gender-expansive practices reflect HDLH’s insistence that an early years “program can foster communication and engagement [by] providing time, space, and materials to encourage expression through creative material that reflect children’s capabilities as well as their social and cultural background” (p. 43). We suggest early years centres consider this guiding question from HDLH in relation to gender diversity: “How can you make sure that every child, regardless of [their] communication abilities, is heard” (p. 45)?’

***Theme 3: A planned play-based curriculum is powerful for cultivating curiosity and affirming gender diversity***

A final emphasis of ELECT and HDLH that, in this analysis, supports and requires gender-expansive practice is play-based curriculum. ELECT’s Principle 4 charges ECEs with considering their learners’ particular characteristics in curriculum planning; this involves developing “specific goals for children that support self-regulation (behaviour, emotion and attention), identity, social inclusion, health and well-being” (p. 14), and not only foundational skills. A curriculum that supports identity and social inclusion is one that attends to gender diversity. In conceptualizing gender-expansive early years practice, we offered an example of play-based curriculum that does the opposite: reinforcing and even rewarding gender-conforming choice by providing e.g., only a race car track and home centre as free play options. Boys and girls tend to gravitate towards different play spaces as they find pleasure in “getting it right” (MacNaughton, 2006). Children learn early on how they should position themselves in the learning environment according to dominant gender expectations; therefore, educators must consider the ways in which they unconsciously mark play spaces as “for girls” or “for boys” and influence children’s play choices. ELECT holds that “[t]he understanding that what one believes and what others believe may not be the same is a critical element in the development of theory of mind that is acquired around four years of age” (p. 14; citing the research of Astington 1993). We observe that this easily extends to gender, given that young children tend toward enforcing contextual gender norms on each other. As “[e]ffective settings take advantage of play and embed opportunities for learning in the physical environment and play activities” (p. 15), play can become a powerful tool for affirming gender diversity in the early years. ECEs can be proactive by examining the decisions they make when planning lessons and designing the learning environment.

One area of proactive gender-expansive practice is examining the materials available. When these materials offer all children a range of ways to explore gender, they accord with HDLH’s guidance that ECEs provide “a wide variety of interesting objects and open-ended materials for children to explore with their senses, manipulate, and investigate” (p. 37). Like their age peers, gender-creative (etc.) young children are “most likely to engage in long, complex episodes of play and demonstrate interest in learning when educators value their ideas and contributions to the Curriculum” (p. 35). The researchers suggest the strategies below to help all children to feel as though their experiences of gender are valued in the early years:

* creating and using materials that represent a variety of gender expressions, including of boys, girls, men and women who express gender in both conforming and non-conforming ways;
* being intentional in how and when to set out different stereotypically-gendered materials, toys, and dress-up clothes, such as having a “pirate day” for everyone in which all children are encouraged to participate (in lieu of having pirate and princess options in the dress-up area on all days);
* integrating books with transgender and/or gender non-conforming main or secondary characters when selecting books on a particular theme (e.g., bullying, friendship, family) so that these books are seamlessly integrated into the curriculum;
* being non-reactive (either negatively or positively) if a child expresses a gender non-conforming play or other preference (e.g., putting on “the wrong” costume), and intervening only if other children or staff react in a disciplinary fashion (in a way that produces this reaction as the problem, not the play itself);
* similarly, modelling a calm and normalizing engagement in gender non-conforming play by doing so yourself (with or without a child’s initiation);
* and responding to children’s gender norm enforcement with gentle scepticism (e.g., “why can’t she play this game with you [boys]? That does not make sense to me”).

Lastly, our research encourages ECEs to recognize gender-creativity as a form of deep creativity, as “[a] child’s ability for joint planning and assigning roles during pretend play with other children is related to the child’s level of theory of mind or ability to understand that others have beliefs, desires and intentions that are different from one’s own” (BSEP, 2007: p. 16). A gender-expansive mindset would enable an ECE to recognize and greatly value a child’s creativity if they can deviate from stereotypical gender expectations during play, or seamlessly integrate another child’s gender non-conforming play into their own.

**Conclusion**

In this article the researchers bridged ECEs’ legal responsibilities in relation to gender identity and gender expression, and the more familiar domain of the early years classroom. This research argues that considerable support exists within Ontario’s key guiding documents for gender-expansive practices in the early years. Furthermore, Canadian ECEs’ legal responsibilities in relation to gender diversity seamlessly reflect a commitment to fostering each child’s gender health, including through gender-expansive practice. Despite focusing on early years documents in Ontario, this article’s conceptual framework and suggestions for gender-expansive practice can be applied more broadly given a striking similarity in how the protected grounds of gender identity and gender expression are defined across Canada and internationally (see Kirkup, 2018).

In summary, findings demonstrate that support exists within the profession’s key guiding documents for a gender-expansive early years practice. The findings of our gender-expansive analysis are summarized in the following five overarching suggestions for professional practice:

1. provide accurate information (e.g., that behaviour etc. that does not align with expectations based on a child’s sex assignment is normal, not pathological);
2. “go with it” (e.g., if a child engages in gender non-conforming play, do not intervene or overreact, whether positively or negatively);
3. affirm children’s gender identities and gender expressions, as this teaches children that they are the authority on who they are;
4. find teachable moments (e.g., question children’s automatic gendering of others); and
5. examine materials through a gender-expansive lens (e.g., create and use materials that offer a variety of gender representations).

Given that this article’s conceptual framework for gender-expansive early years practice differentiates between interpersonal and institutional discrimination, we close by noting an irony that characterizes our suggestions: they are largely interpersonal, or, things that we are asking individual ECEs to do in the course of their daily work. This bears directly on the working conditions of ECEs, and as such it is worth acknowledging that ECEs are rarely provided with paid time to plan or access resources that would allow them to integrate gender-expansive practices (i.e., having the time to locate and integrate books with transgender and/or gender non-conforming characters). These challenges are exacerbated by the additional strained practical environments that ECEs work in which include the high number of children in their care and minimal breaks. These structural issues serve to undermine the abilities of ECEs to uphold their professional obligations in all areas of their practice. As such, we want to stress the need for broader structural changes that would allow the time and space for ECEs to enhance and make changes in to practice. Indeed, seemingly unrelated systemic changes and issues raised in ECE collective bargaining bear directly on the capacity of early years centres to offer an environment that welcomes gender diversity. The welcome offered to transgender and/or gender non-conforming children and their families in the early years centre will be strengthened to the extent that ECE working conditions are improved.

Overall, gender-expansive practices materially manifest ECEs’ legal duty to develop a centre community that validates *all* children’s ways of living gender. We hope that this research has provided a starting place for our colleagues in the early years field.

**References**

Airton L (2009) From sexuality (gender) to gender (sexuality): The aims of anti-homophobia education. *Sex Education* 9(2): 129-139.

Airton L (2013) Leave ‘those kids’ alone: On the conflation of school homophobia and suffering queers. *Curriculum Inquiry* 43(5): 532-562.

Airton L (2018) *Gender: Your guide - A gender-friendly primer on what to say, what to know, and what to do in the new gender culture*. Avon, MA: Adams Media (An Imprint of Simon and Schuster).

Airton L, Kirkup K, McMillan A and DesRochers J (2019) What is "gender expression"? How a new and nebulous human rights construct is taking shape in Ontario school board policy documents. *Canadian Journal of Education* 42(4): 1154-1182.

American Psychiatric Association (2013) *Diagnostic and Statistical Manual of Mental Disorders 5th Edition*. Washington DC: Author.

Astington JW (1993) *The child’s discovery of the mind*. Cambridge, MA: Harvard   
 University Press.

Baum J, Brill S, Brown J, Delpercio A, Kahn E, Kenney L and Nicoll A (2012) *Supporting and caring for our gender expansive youth: Lessons from the Human Rights Campaign's Youth Survey.* Washington DC: Author. Retrieved from www.hrc.org/youth-gender

Best Start Expert Panel on Early Learning (2007) *Early Learning for Every Child Today: A   
 framework for Ontario early childhood settings.* Retrieved from   
 http://www.cfcollaborative.ca/wp-content/uploads/2010/10/ELECT.pdf  
Blaise M (2005) A feminist poststructuralist study of children “doing” gender in an urban   
 kindergarten classroom. *Early Childhood Research Quarterly* 20(1): 85-108.  
Blaise M (2010) Kiss and tell: Gendered narratives and childhood sexuality. *Australasian   
 Journal of Early Childhood* 35(1): 1-9.  
Blaise M (2012) *Playing it straight: Uncovering gender discourse in the early childhood   
 classroom*. New York: Routledge.  
Brill S and Pepper R (2008) *The transgender child: A handbook for families and   
 professionals*. Jersey City, NJ: Cleis Press.  
Canadian Paediatric Society (2020) *Caring for Kids*: *Information for parents from Canadian   
 paediatricians.* Retrieved from: https://www.caringforkids.cps.ca/handouts/gender-  
 identity.  
Child Care and Early Years Act, SO, c 11, Sch 1 (2014) Retrieved from   
 http://canlii.ca/t/52cgn  
Childhood Educators (CECE) (2019) About us: *History of the College*.   
 Retrieved from https://www.college-ece.ca/en/About-Us/History-  
College of Early Childhood Educators (CECE) (2019) About us: *History of the College*.   
 Retrieved from https://www.college-ece.ca/en/About-Us/History- College of Early  
Drescher J and Byne W (2012) Gender dysphoric/gender variant (GD/GV) children and   
 adolescents: Summarizing what we know and what we have yet to learn. *Journal of   
 Homosexuality* 59(3): 501-510.  
Ehrensaft D (2016) *The gender creative child: Pathways for nurturing and supporting   
 children who live outside gender boxes*. New York: The Experiment.  
Gananathan R (2015) *Legal and policy implications for early childhood professionals in   
 Ontario’s kindergarten programs* (Unpublished doctoral dissertation). Toronto, ON:   
 University of Toronto.  
Hidalg MA, Ehrensaft D, Tishelman AC, Clark LF, Garofalo R, Rosenthal SM... and Olson,   
 J (2013) The gender affirmative model: What we know and what we aim to learn.   
 *Human Development* 56(5): 285-290.

Hill D B, Menvielle E, Sica KM and Johnson A (2010) An affirmative intervention for families with gender variant children: Parental ratings of child mental health and gender. *Journal of Sex & Marital Therapy* 36(1): 6-23.

Hines S and Santos AC (2018) Trans\* policy, politics and research: The UK and Portugal. *Critical Social Policy* *38*(1): 35-56.

Kirkup K (2018) The origins of gender identity and gender expression in Anglo-American human rights law. *University of Toronto Law Journal* 68(1): 80-117. http://doi.org/10.3138/utlj.2017-0080

Klemmer CL, Rusow J, Goldbach J, Kattari SK and Rice E (2019) Socially assigned gender nonconformity and school violence experience among transgender and cisgender adolescents. *Journal of Interpersonal Violence* Advance online publication. [https://doi.org/10.1177/0886260519844781](https://doi.org/10.1177%2F0886260519844781)

MacNaughton G (2006) Constructing gender in early-years education. In *The SAGE   
 Handbook of Gender and Education*, edited by C. Skelton, B. Francis, and L.   
 Smulyan: 127-138. London: Sage.

Martino W and Cumming-Potvin W (2018) Transgender and gender expansive education research, policy and practice: reflecting on epistemological and ontological possibilities of bodily becoming. *Gender and Education* 30(6): 687-694.

McCuaig K and Akbari E (2014) *Early childhood education report 2014.* Toronto, ON:  
 Atkinson Centre for Society and Child Development, OISE/University of Toronto.

Meyer EJ and Pullen Sansfaçon A (eds) (2018) *Supporting transgender and gender creative youth: Schools, families, and communities in action* (Rev. Ed.). New York, NY: Peter Lang.

Olson KR, Durwood L, DeMeules M and McLaughlin KA (2016) Mental health of   
 transgender children who are supported in their identities. *Pediatrics* 137(3).

Retrieved from: https://pediatrics.aappublications.org/content/pediatrics/137/3/e20153223.full.pdf

Olson KR, Key AC and Eaton NR (2015) Gender cognition in transgender children.   
 *Psychological Science* 26(4): 467-474.

*Ontario Human Rights Code*, RSO (1990) c H 19.

Ontario Human Rights Commission (2008) What is discrimination? In *Human rights at work* (3rd ed.; n.p.). Toronto, ON: Author. Retrieved from http://www.ohrc.on.ca/en/iii-principles-and-concepts/2-what-discrimination

Ontario Human Rights Commission (2014) *Policy on preventing discrimination because of gender identity and gender expression.* Toronto, ON: Author. Retrieved from http://www.ohrc.on.ca/sites/default/files/Policy%20on%20preventing%20discrimination%20because%20of%20gender%20identity%20and%20gender%20expression.pdf

Paechter C (2017) Young children, gender and the heterosexual matrix. *Discourse: Studies in the cultural politics of education* 38(2): 277-291.

Paris D (2012) Culturally sustaining pedagogy: A needed change in stance, terminology, and practice. *Educational Researcher* 41(3): 93-97.

Paris D and Alim HS (2014) What are we seeking to sustain through culturally sustaining pedagogy? A loving critique forward. *Harvard Educational Review* 84(1): 85-100.

Pyne J (2014) Gender independent kids: A paradigm shift in approaches to gender non-  
 conforming children. *The Canadian Journal of Human Sexuality* 23(1): 1-8.

Robinson KH (2008) In the name of 'childhood innocence': A discursive exploration of the   
 moral panic associated with childhood and sexuality. *Cultural Studies Review* 14(2):   
 113-129.

Russell ST, Pollitt AM, Li G and Grossman AH (2018) Chosen name use is linked to   
 reduced depressive symptoms, suicidal ideation, and suicidal behaviour among   
 transgender youth. *Journal of Adolescent Health* 63(4): 503-505.

Stafford A (2013) *‘Is it still a boy?’ Hetero/gender normativity in kindergarten* (Unpublished doctoral dissertation.) University of British Columbia: Vancouver,   
 British Columbia. Retrieved from: http://circle.ubc.ca/handle/2429/45701

Stockton KB (2009) *The queer child, or growing sideways in the twentieth century*.   
 Durham, NC: Duke University Press.

Taylor C and Peter, T., with McMinn TL, Elliott T, Beldom S, Ferry A, Gross Z,   
 Paquin S and Schachter K (2011) *Every class in every school: The first national   
 climate survey on homophobia, biphobia, and transphobia in Canadian schools. Final   
 report*. Toronto, ON: Egale Canada Human Rights Trust.

Thorne B (1993) *Gender play: Girls and boys in school*. New Brunswick, NJ: Rutgers   
 University Press.

Turban JL and Ehrensaft D (2018) Research review - Gender identity in youth: Treatment   
 paradigms and controversies. *Journal of Child Psychology and Psychiatry* 59(12):   
 1228-1243.

Wohlwend KE (2009) Damsels in discourse: Girls consuming and producing identity text   
 through Disney princess play. *Reading Research Quarterly* 44(1): 57-83.

1. A transgender adult or adolescent entering an early years space because, for example, they are the parent/guardian or other family member of an enrolled child could easily experience gender identity discrimination of the kind described in this paragraph. It is vital for early years educators to welcome and support children’s family members. [↑](#footnote-ref-1)
2. We have placed “gender-based” in scare quotes here to index how “gender-based” divisions of children, and their enforcement are generally not based on a child’s internal sense of themself (i.e., their gender identity), but on assumptions related to their assigned sex. [↑](#footnote-ref-2)