

Book	AAPS Policies & Regulations
Section	5000: Student
Title	Transgender and Gender Nonconforming Students
Number	5011
Status	Active
Adopted	June 28, 2017

The purpose of this policy is to:

1. Foster an educational environment for all students that is safe, welcoming, and free from stigma and discrimination, regardless of sex, sexual orientation, gender identity, or gender expression;
2. Facilitate compliance with local, state and federal laws concerning bullying, harassment, privacy, and discrimination;
3. Ensure that all students have the opportunity to express themselves and live authentically.

Title IX Legal Statute

Title IX of the Education Amendments of 1972 ("Title IX") specifically prohibits discrimination on the basis of sex in federally-funded education programs and activities. The United States Department of Education's Office for Civil Rights has issued guidance recognizing that Title IX protects transgender students against discrimination based on their gender identity. Additionally, the U.S. Departments of Education and Justice have stated that under Title IX, "discrimination based on a person's gender identity, a person's transgender status, or a person's nonconformity to sex stereotypes constitutes discrimination based on sex" and asserted a significant interest in ensure that all students, including transgender students, have the opportunity to learn in an environment free of sex discrimination in public schools.

Scope

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, during a student's commute to and from school, and at bus stops. This policy also pertains to usage of electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and on school computers, networks, forums, and mailing lists, as well as any electronic communication that is directed at a student and which substantially interferes with the student's ability to participate in or benefit from the services, activities, or privileges provided by the school. This policy applies to the entire school community, including educators, school and District staff, students, parents, and volunteers.

Bullying, Harassment, and Discrimination

Discrimination, bullying, and harassment on the basis of sex, sexual orientation, or gender identity or expression is prohibited within the District. It is the responsibility of each school and all staff to ensure that all students, including transgender and gender nonconforming students, have safe school environments.

The Superintendent shall ensure that any incident of discrimination, harassment, or bullying is given immediate attention, including investigating the incident, taking age and developmentally appropriate action, and providing students and staff with appropriate resources and supports. Enforcement of anti-bullying policies should focus on education and prevention rather than exclusionary discipline. Complaints alleging discrimination or harassment based on a student's actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination, bullying, or harassment complaints (See Policy 5800 - Anti-Bullying/Cyberbullying.)

The Superintendent shall direct school administrators to make every effort to keep transgender and gender nonconforming students at the original school site. Transfers shall not be a school's first or preferred response to harassment of transgender and gender nonconforming students and shall be considered only when necessary for the protection or personal welfare of the transferred student or when requested by the student or the student's parent or guardian. The student or the student's parent or guardian must consent to any such transfer.

Privacy/Confidentiality

The Superintendent shall ensure that all personally identifiable and medical information relating to transgender and gender nonconforming students shall be kept confidential in accordance with applicable state, local, and federal privacy laws. School staff shall not disclose any information that may reveal a student's transgender status to others, including the student's parents or guardians and other school staff, unless legally required to do so or unless the student has authorized such disclosure. In the rare instance that a school is legally required to disclose a student's transgender status, the school should provide the student an opportunity to make that disclosure him or herself, where practicable. This would include providing the student with any support services the student would need to make the disclosure in a safe and supportive environment.

Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and what private information to share. The fact that a student chooses to use a different name, to transition at school, or to disclose their transgender status to staff or other students does not authorize school staff to disclose a student's personally identifiable or medical information. When contacting the parent or guardian of a transgender or gender nonconforming student, school staff should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise. (See "Student Transitions" below.)

Media and Community Communication

When communicating to the media or community about issues related to gender identity or expression, the Superintendent shall designate a single spokesperson to address the issue. Rather than directly commenting on the issue, other District and school staff shall direct parents and the media to the designated spokesperson. Protecting the privacy of transgender and gender nonconforming students must be a top priority for the spokesperson and all staff, and all personally identifiable and medical information shall be kept strictly confidential, in accordance with local, state, and federal privacy laws.

Names, Pronouns, and School Records

Every student has the right to be addressed by a name and pronouns that correspond to the student's gender identity. Regardless of whether a transgender or gender nonconforming student has legally changed their name or gender, schools will allow such students to use a chosen name and gender pronouns that reflect their identity. It is recommended that school staff privately ask transgender or gender nonconforming students how they want to be addressed in class and in the school's communication with the student's parents or guardians. Some transgender and gender nonconforming youth may feel most comfortable being addressed by gender-neutral pronouns or just referred to by their names (without pronouns).

If the student has previously been known at school by a different name, the school administration will direct school personnel to use the student's chosen name and appropriate pronouns. To ensure consistency among administrators and staff, every effort will be made to immediately update student education records (such as attendance reports, class rosters for substitutes, school IDs, transcripts, electronic records, etc.) with the student's chosen name and appropriate gender markers. Records with the student's birth name and gender will be kept in a separate, confidential file.

School staff or administrators may be specifically required by law to report a student's legal name or gender. In those instances, the Superintendent shall ensure practices are developed to avoid the inadvertent disclosure of such confidential information.

Access to Gender-Segregated Activities and Facilities

With respect to all restrooms, locker rooms or changing facilities, students shall have access to facilities that correspond to their gender identity. Schools may maintain separate restroom, locker room or changing facilities for male and female students, provided that they allow all students equal access to facilities that are consistent with their gender identity. Students, including nonbinary students, should determine which facilities are consistent with their gender identity.

Any student who is uncomfortable using a shared gender-segregated facility, regardless of the reason, shall, upon

the student's request, be provided with a safe and non-stigmatizing alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, requiring a transgender or gender nonconforming student to use a separate space threatens to publicly identify and stigmatize the student as transgender and should not be done unless requested by a student. Under no circumstances may students be required to use gender-segregated facilities that are inconsistent with their gender identity.

Where they exist, schools shall designate facilities designed for use by one person at a time as accessible to all students regardless of gender. However, under no circumstances may a student be required to use separate facilities because they are transgender or gender nonconforming. The District is encouraged to incorporate single-user facilities and greater privacy into new construction or renovation, and to assess ways to increase privacy for all students in existing facilities.

Physical Education Classes and Intramural and Interscholastic Athletics

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Furthermore, all students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity, under the guidelines established by the Michigan High School Athletic Association (MHSAA).

Other Gender-Based Activities, Rules, Policies and Practices

As a general matter, schools should evaluate all gender-based activities, rules, policies, and practices — including classroom activities, school ceremonies, and school photos — and maintain only those that serve an important educational purpose. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

Dress Code

Schools may enforce dress codes pursuant to District policy, but any such dress codes may not be based on gender. Students shall have the right to dress in accordance with their gender identity and expression, including maintaining a gender-neutral appearance within the constraints of the dress codes adopted by the school. School staff shall not enforce a school's dress code more strictly against transgender and gender nonconforming students than other students.

Student Transitions

The school shall accept the gender identity that each student asserts. There is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected. The assertion may be evidenced by an expressed desire to be consistently recognized as the sex consistent with their gender identity. Students ready to socially transition may initiate a process to change their name, pronoun, attire, and access to preferred programs, activities, and facilities consistent with their gender identity. Each student has a unique process for transitioning. The school shall customize support to optimize each student's equal access to the District's educational programs and activities.

Training and Professional Development

The District shall conduct training for all staff members on their responsibilities under applicable laws and this policy, including teachers, administrators, counselors, social workers, and health staff. Information regarding this policy shall be incorporated into training for new school employees.

To the extent funding is available, the Superintendent shall implement ongoing professional development to build the skills of all staff members to prevent, identify and respond to bullying, harassment and discrimination. The content of such professional development shall include, but not be limited to:

1. terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents;
2. developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression that protect student privacy;
3. developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyberbullying;
4. classroom-management practices, curriculum, and resources that educators can integrate into their classrooms to help foster a more gender-inclusive environment for all students;
5. school and District policies regarding bullying, harassment, discrimination, and suicide prevention and responsibilities of staff.

Publication

This policy will be distributed annually to students, parents/guardians, and staff, and it will also be included in any student codes of conduct, disciplinary policies, student handbooks, and school websites.

DEFINITIONS

These definitions are provided not for the purpose of labeling students but rather to assist in understanding this policy and the legal obligations of school and district personnel. Students may or may not use these terms to describe themselves or their experiences.

BULLYING: Written, verbal, or physical conduct, including via electronic communication, that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in, or benefit from, a program or activity of a public school or local educational agency; or to create a hostile or abusive educational environment, adversely affecting a student's education, including acts of verbal, nonverbal, or physical aggression or intimidation. This includes bullying that is based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion, or another distinguishing characteristic. This also includes conduct that targets a student because of a characteristic of a friend, family member, or other person or group with whom a student associates. Bullying is frequently referred to as harassment when it pertains to a characteristic protected by non-discrimination laws.

GENDER EXPRESSION: The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

GENDER IDENTITY: A person's deeply held sense or psychological knowledge of their own gender, which can include being female, male, another gender, or no gender. Gender identity is an innate and largely inflexible part of a person's identity. One's gender identity can be the same or different than the gender assigned at birth. The responsibility for determining an individual's gender identity rests with the individual. Children typically begin to understand their own gender identity by age four, although the age at which individuals come to understand and express their gender identity may vary based on each person's social and familial development.

GENDER NONCONFORMING: A term for people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify as multiple genders. Other terms that can have similar meanings include gender diverse or gender expansive.

NONBINARY/GENDERQUEER: Terms used by those who identify with neither, both, or a combination of genders.

SEXUAL ORIENTATION: A person's romantic and/or physical attraction to people of the same or opposite gender or other genders. Transgender and gender nonconforming people may have any sexual orientation.

TRANSGENDER: An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned gender at birth.

TRANSITION: The process in which a person goes from living and identifying as one gender to living and identifying as another. Transition is a process that is different for everyone, and it may or may not involve social, legal, or physical changes. There is no one step or set of steps that an individual must undergo in order to have their gender identity affirmed and respected.

Source Documents: [GLSEN Model District Policy On Transgender and Gender Nonconforming Students](#), Revised February 2016

THE SCHOOL DISTRICT OF PHILADELPHIA: 252 Transgender and Gender Non-Conforming Students (pdf attached)