

Book	Policy Manual
Section	200 Pupils
Title	Nondiscrimination-Transgender and Gender Expansive Students
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## **Purpose**

The district is committed to creating a safe and inclusive learning environment for all students that is free from discrimination, regardless of sex, sexual orientation, Gender Identity, or Gender Expression and to ensuring that every student has equal access to all components of the educational program.

## **Authority**

The purpose of this policy is to facilitate compliance with district policy and state and federal laws concerning bullying, harassment and discrimination. This policy covers conduct that takes place 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, school networks, school forums, and school mailing lists, as well as conduct covered under the district's policy regarding cyber-bullying. This policy applies to the entire school community, including educators, school staff, students, parents/guardians, and volunteers.

## **Definitions**

**Sex Assigned At Birth Or Assigned Sex:** Refers to the gender designation recorded on an infant's birth certificate, should such a record be provided at birth.

**Gender Identity:** Refers to one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted most or all of the time, or for which there is other evidence that the Gender Identity is sincerely held as part of the individual's core identity.

**Gender Expression:** Refers to external cues that one uses to represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

**Transgender:** An adjective describing an individual whose Gender Identity is different from the individual's assigned sex. "Transgender boy" and "transgender male" refer to an individual assigned the female sex at birth who has a male Gender Identity. "Transgender girl" and "transgender female" refer to an individual assigned the male sex at birth who has a female Gender Identity.

**Transgender Student:** A student who consistently and uniformly asserts a Gender Identity different from the student's assigned sex most or all of the time or for which there is documented medical evidence that the Gender Identity is sincerely held as part of the student's core identity.

**Gender Transition:** The process in which transgender individuals begin asserting the sex that corresponds to their Gender Identity instead of the sex they were assigned at birth. During Gender Transition, individuals begin to live and identify as the sex consistent with their Gender Identity and may dress differently, adopt a new name, and use pronouns consistent with their Gender Identity. Transgender individuals may undergo Gender Transition at any stage of their lives, and Gender Transition can happen swiftly or over a long duration of time.

**Gender Stereotypes:** Refers to stereotypical notions of masculinity and femininity, including expectations of how boys or girls represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

**Gender Expansive:** A term for people whose Gender Expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.

**Bullying:** An intentional electronic, written, verbal or physical act or a series of acts (a) directed at another student or students (b) that is severe, persistent or pervasive, and (c) that has the effect of doing any of the following:

1. Substantially interfering with a student's education;
2. Creating a threatening environment; or
3. Substantially disrupting the orderly operation of the school.

Bullying, as defined in this policy, includes cyber-bullying. Bullying may include acts that occur outside of school if those acts are intentional, electronic, verbal or physical, are directed at another student or students, are severe, persistent or pervasive, and have the effect of (i) substantially interfering with a student's education; (ii) creating a threatening environment; or (iii) substantially disrupting the orderly operation of the school.

**Harassment:** Verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, religion, or sexual orientation, when such conduct: (1) Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment; (2) Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or (3) Otherwise adversely affects an individual's learning opportunities. For purposes of this policy, harassment on the basis of gender includes harassment on the basis of transgender or Gender Expansive status.

**Gender-Segregated Facilities:** Refers to facilities and accommodations, which are separated by gender, used by students at school or during school-sponsored activities and trips, and include, but are not limited to, restrooms, locker rooms, and overnight facilities.

## **Guidelines**

### **Bullying, Harassment and Discrimination**

Complaints alleging discrimination or harassment based on a person's actual or perceived Gender Identity or expression are to be taken seriously and handled in a manner consistent with Board policies, law and regulation.[1][2]

### **Privacy and Confidentiality**

The district shall ensure that information and educational records relating to a student's transgender or Gender Expansive status shall be kept confidential to the extent required by applicable state and federal privacy laws.

When contacting the parent or guardian of a transgender student, district staff should use the student's legal name and the pronoun corresponding to the student's sex assigned at birth unless the student, parent, or guardian has specified otherwise.

### **Names and Pronouns**

Upon a student's request, the student shall be addressed by a name and pronoun that corresponds to the student's Gender Identity. A court-ordered name or gender change is not required, and the student need not change his or her official records.

### **Student Records**

The district is required to maintain a permanent student record that includes a student's legal name and legal gender. However, to the extent that the district is not legally required to use a student's legal name and gender on other school records or documents, such as school IDs, classroom rosters or the yearbook, the district will use the name and gender preferred by the student, if the student has so requested. The district will change a student's official record to reflect a change in legal name or gender only upon receipt of documentation that such change has been made pursuant to a court order, or through amendment of state or federally-issued identification. In situations where district staff are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, administration and school staff shall adopt practices to avoid the inadvertent disclosure of information which may reflect a student's transgender status.[3]

### Medical Treatments or Procedures

District staff should not require proof of medical treatments as a prerequisite for respecting the student's Gender Identity or expression. If any objective basis should occur that would justify questioning whether a student's asserted Gender Identity or expression is genuine, information may be requested of the student to show that the Gender Identity or expression is sincerely held.

### Dress Code

Individual schools within the district may enforce dress codes pursuant to Policy 221 - Dress Code. Students shall have the right to dress in accordance with their Gender Identity, within the constraints of the dress code adopted by the school. District staff shall not enforce a school's dress code more strictly against transgender and Gender Expansive students than other students.[4]

### Student Transitions

When a student notifies the district that the student is transitioning, the school shall hold a meeting with the student and parents (if they are involved in the process) to ascertain their desires and concerns and to discuss a timeline for the transition. District staff shall train school administrators and any educators that interact daily with the student on the transition plan and timeline for transition.

### Gender-Segregated Facilities

With respect to all gender segregated facilities, including restrooms, locker rooms, changing facilities, or overnight facilities, district students shall have access to facilities that correspond to their Gender Identity. Under no circumstance should any student be required to use Gender-Segregated Facilities that are inconsistent with their Gender Identity.

The district may make individual-user options available to any student who voluntarily seeks additional privacy.

### 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. Regarding interscholastic sports teams, the district will follow the Pennsylvania Interscholastic Athletic Association's (PIAA) rules regarding mixed-gender participation. Under these rules, the PIAA will accept the school principal's decision as to the student's gender. In this situation, the principal will identify the student in accordance with his/her Gender Identity, unless the student requests otherwise.

### Other Gender-Based Activities, Rules, Policies and Practices

As a general rule, in any other circumstance where students are separated by gender, for instance at field trips, classroom activities, school ceremonies and school photos, each student should be permitted to participate in a manner consistent with his/her Gender Identity.

### Training and Professional Development

The district shall conduct staff training for all staff members regarding this policy, and information regarding this policy shall be incorporated into training for new school employees.

### **Delegation of Responsibility**

Questions and concerns regarding any issues related to Gender Identity and expression should be directed to the Superintendent or designee.

### **Publication and Media Communications**

The Transgender and Gender Expansive Student Policy shall be posted on the district's Internet site and a summary of the policy shall be included in the Code of Student Conduct.

All media inquiries regarding this policy or matters of student Gender Identity or expression shall be directed to the Superintendent.

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| Legal | 1. Pol. 248                                  |
|       | 2. Pol. 249                                  |
|       | 3. Pol. 216                                  |
|       | 4. Pol. 221                                  |
|       | <a href="#"><u>20 U.S.C. 1681 et seq</u></a> |