103-AR. NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES

The District shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, athletics and extracurricular activities. The District shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.

The Radnor Township School District is committed to providing a safe, supportive and inclusive learning environment for all students and employees. This commitment includes the provisions afforded to all protected classes. As used in this regulation, “non-discrimination” refers to nondiscrimination with respect to students on the basis of race, color, age, creed, religion, gender, sexual orientation, gender identity, gender expression, ancestry, national origin or handicap/disability.

In order to maintain a program of nondiscrimination practices with respect to students that is in compliance with applicable laws and regulations, the following procedures shall be followed:

The Compliance Officer shall publish and disseminate Policy 103 and a complaint procedure based on this regulation at least annually to students, parents, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.

The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:


2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.

3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the student or third party of the right to file a complaint involving discrimination against a student and the complaint procedure.

2. Inform a student complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.

3. Notify the complainant, the alleged victim (if the alleged victim is not the complainant), and the accused of the progress at appropriate stages of the procedure.

4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

Discrimination against students which takes the form of unlawful harassment as defined in Policy No. 248 “Unlawful Harassment” shall be covered by these procedures.

Complaints by students, parents, residents or community groups regarding implementation of equivalence between schools shall be processed in accordance with Policy 906 “Public Complaints.”

Gender Expansive and Transgender (GET) Students – Ensuring Equity and Nondiscrimination

This administrative regulation is consistent with the goals of reducing stigmatization and maximizing GET students’ social integration in District programs, services, and activities. However, these guidelines do not anticipate every situation that might occur with respect to GET individuals. As set forth in greater detail herein, the needs of each GET individual are unique and should be considered accordingly.

Definitions

Understanding the terminology associated with gender identity and expression is important to providing a safe and supportive school environment for individuals in our District. Attachment A is a full glossary of terms designed to assist in understanding the guidance presented in this regulation. These are the most commonly used terms, though individuals may prefer other terms. Terminology and language describing transgender and gender expansive individuals can differ based on region, language, race, ethnicity, age, culture and many other factors. Members of the District’s community should inquire which terms individuals prefer. Many of the following definitions are intended as functional descriptors.

“Consistently Asserted Gender Identity” is a commitment to one’s gender identity asserted across multiple settings from the time when a person begins to live as the gender with which they identify rather than the gender they were assigned at birth.
“Gender” is socially determined characteristics, roles, behaviors, and attributes a society expects from and considers appropriate for males and females; these characteristics are often referred to as “feminine” and “masculine.”

“Gender Expansive” is a term that conveys a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. Gender expansive is not synonymous with transgender; not all gender expansive individuals identify as transgender.

“Gender Expression” is the manner in which a person's gender identity is communicated to others through appearance, behavior, or physical characteristics that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or sex at birth, and shall include, but is not limited to, persons who are undergoing or have completed sex change.

“Gender Identity” is a person’s innermost concept of self as male, female, a blend of both or neither - how individuals perceive themselves and what they call themselves. One’s gender identity may change over one’s lifetime, or it may remain the same throughout one’s life. It may be the same as the gender one was assigned at birth, or it may be a different gender. The responsibility for determining an individual’s gender identity rests with the individual.

“GET” is an acronym that stands for “gender expansive and transgender.”

“Preferred Name” is the name a person prefers to have used when referred to in conversation and/or on records.

“Transgender” is an adjective used to describe a person whose gender assigned at birth does not correspond with their gender identity. A transgender person’s gender identity differs from their gender assigned at birth, and their gender expression consistently varies from stereotypical expectations and norms. A transgender person desires to live persistently by a gender that differs from that which was assigned at birth.

Guidelines

In general, the prerogative to assert the rights of the GET students belong to the student and do not require additional parental/guardian consent unless the assertion of a right delineated in these guidelines implicate parental/guardian rights under the Family Educational Rights and Privacy Act or other applicable law.

A. Privacy and Confidentiality

1. All, persons, including students, have a right to privacy. This includes keeping a student’s actual or perceived gender identity and expression private. Therefore, school personnel should not disclose information about a GET student’s gender identity and expression to others, including the student’s parents/guardians and/or other school personnel, unless legally required to do so or unless the student has authorized such disclosure or explicitly disclosed their gender identity in the school setting.

2. In the case of an elementary school student, if the building principal believes that a gender identity or gender expression issue is presenting itself and creating difficulty for
the child in school, approaching parent(s)/guardian(s) about the issue is appropriate in order to identify appropriate steps to support the student (Attachment D can be used to facilitate this discussion). The building principal should obtain the student’s consent, whenever possible, before disclosing information about a GET student’s gender identity and expression to the student’s parents/guardians.

3. Students have the right to openly discuss and express their gender identity and expression, and to decide when, with whom, and how much information to share.

4. District and school personnel may encounter situations where GET students have not disclosed their GET status. School personnel must be mindful of the confidentiality and privacy rights of students when communicating with others, so as to not to violate those rights by, for example, revealing, implying, or referring to a student’s gender identity or expression. This might be especially relevant for GET students in elementary school or middle school who would like to move through the school system with their transgender status unknown, to the extent possible.

5. To ensure confidentiality when discussing a particular concern such as conduct, discipline, grades, attendance, or health, school personnel’s focus should be specifically school-related and not on the student’s gender identity or expression.

6. Notification Procedures

   a. Upon learning of a student’s desire to transition and request accommodations, a teacher or other staff member shall alert the guidance counselor of the student’s desires. Teachers and other staff are not authorized to grant a GET student’s request for accommodations.

   b. The guidance counselor shall interview the GET student in order to ensure that the GET student is aware of the contents of this regulation and to ascertain any requests for accommodation by the GET student, which requests shall be directed to the building principal. Attachment C Guidance Counselor GET Student Interview Form shall be used as a guide for this interview.

   c. The building principal, at the principal’s discretion, may convene a meeting of pertinent staff and the family to develop a plan. Attachment D School Planning Guide for GET Students shall be used as a guide for this interview.

   d. The building principal is the only District employee in each school building who can grant a student’s accommodation request.

B. Official Records

1. The District is required to maintain in perpetuity mandatory permanent student records (“official records”) which include the legal name of the student and the student’s gender as indicated on official government issued documents such as birth certificates, passports and identification cards/permits. The official records may include but are not limited to progress and grade reports, transcripts, assessment data, health records, discipline
records, Individualized Education Programs (IEP), Section 504 Plans and the student’s cumulative folder.

2. The District will change a student’s name and gender on official records when the name of the student is changed by the appropriate court action, such as by a change of name proceedings or through amendment of state or federally issued identification. The new name is the official legal name of the student for all purposes, including school registration. Upon the submission of paper evidence of the court order, the student’s official name in all school records shall be changed to reflect the legal name change.

C. Unofficial Records

1. The District shall permit a student to use a preferred name on unofficial records. The unofficial records may include but are not limited to ID cards, classroom rosters, certificates, programs, announcements, office communications, team and academic rosters, diplomas, newspapers, newsletters, school directories, yearbooks and other site-generated unofficial records. The preferred name shall also appear on the student’s cumulative folder (official record) as “Also Known As” (AKA).

2. The District shall input the student’s preferred name in the appropriate field of the District’s electronic data system to indicate how the student’s name will appear on unofficial records.

3. The District shall permit a student or parent/legal guardian to request a change of name so that the student may be registered in school under a name that corresponds with the student’s identity without obtaining court order or without changing the student’s official records. This request shall be made in writing to the student’s principal using Attachment B, Preferred First Name Change for Unofficial Student Records Form.

4. After the school receives and verifies the contents of the completed form, the school shall change the name of the student in the District’s electronic data system and enter the preferred name AKA in the cumulative folder. In the cumulative folder and registration card, the AKA name should be cross-referenced.

D. Names/Pronouns

1. Students shall be addressed by the name and pronouns that correspond to their gender identity consistently asserted at school without obtaining a court order, changing their official records or obtaining parent/legal guardian permission.

2. Students shall be known by the name and the gender by which the person identifies. However, there may be situations (e.g., communications with family, official state or federal records, and assessment data) where it may be necessary and recommended for staff to be informed of the student’s legal name and gender. In these situations, staff should prioritize the safety, confidentiality, and respect of the student in a manner that affirms the law.
3. If school personnel are unsure how a student wants to be addressed in communications to the home or in conferences with parents/legal guardians, they may privately ask the student. For communications with a student’s parent/legal guardian, school personnel should refer to this policy’s prior section on “Privacy and Confidentiality.”

4. Every effort should be made to use the preferred names and pronouns consistent with a student’s gender identity. While inadvertent slips or honest mistakes may occur, the intentional and persistent refusal to respect a student’s gender identity is a violation of District Policy.

E. Restroom Accessibility

1. Schools may maintain separate restroom facilities for male and female students. Where schools maintain separate restroom facilities for male and female students, GET students shall have access to the restroom that corresponds to their gender identity consistently asserted at school.

2. Where available, a single stall restroom should be available to any student, GET or not, who desires increased privacy, regardless of the underlying reason.

3. If a student desires increased privacy, regardless of the underlying reason, the administrator or designee shall make every effort to provide the student with reasonable access to an alternative restroom such as a single-stall restroom. The use of such a single stall restroom should be a matter of choice for a student, and no student shall be compelled to use such restroom.

4. Administrators or designee may take steps to designate single stall “gender neutral” restrooms in the District.

F. Locker Room Accessibility

1. Schools may maintain separate locker room facilities for male and female students. Students shall have access to the locker room facility that corresponds to their gender identity consistently asserted at school.

2. If there is a request for increased privacy, any student shall be provided access to a reasonable accommodation such as but not limited to:
   a. Assignment of a student locker in near proximity to the coaches’ office or a supportive peer group.
   b. Use of a private area within the public area of the locker room facility (e.g., nearby restroom stall with a door or an area separated by a curtain).
   c. Use of a nearby private area (e.g., nearby restroom).

G. Sports, Athletics, and Physical Education
1. Physical education classes and events are typically co-gender. In the event that the classes or activities are gender-segregated, GET students shall participate in physical education by their gender identity consistently asserted at school.

2. Participation in competitive athletics, intramural sports, athletic teams, competitions, and contact sports shall be facilitated in a manner consistent with the student’s gender identity consistently asserted at school (Griffin & Carroll, 2010) and in accordance with the Pennsylvania Interscholastic Athletic Association bylaws.

H. School Activities and Programs

1. Students have the right to equitable access to activities and programs in their school. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of gender identity in any program or activity. These activities and programs may include but are not limited to school day/after school activities/ programs and all extra-curricular activities.

2. Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender specific rule, policy, or practice, students must be permitted to participate in such activities or conform to such rule policy or practice consistent with their gender identity (U.S. Department of Education Office of Civil Rights, 2014).

3. For overnight field trips, GET students can communicate their preferred sleeping arrangement to their teacher and/or a school administrator at least a month prior to the date of the field trip. As with other students, the school should try to pair the GET student with peers with whom the student feels comfortable. The District should make adjustments to prevent the student from being marginalized because of any alternative arrangements. Regardless of whether those roommates know about the student’s gender identity, the District has an obligation to maintain the student’s privacy and cannot disclose or require disclosure of the student to the other students or their parents.

I. Course Accessibility and Instruction

1. Students have the right to equitable learning opportunities in their school. Students shall not be required to take and/or be denied enrollment in a course on the basis of their gender identity in any educational and academic program.

2. The District shall incorporate positive information about diversity and inclusion issues into curricula.

3. The District makes an effort wherever possible to ensure school computers are free of filtering software that blocks information about LGBTQ people, history, rights and organizations.

J. Dress Codes/School Uniform Policies

1. A school’s dress code policy shall be gender-neutral. Schools cannot enforce specific attire based on gender.
2. Students have the right to dress in accordance with their gender identity within the constraints of the dress codes adopted by the school. Gender-neutral dress code guidelines apply to regular school days as well as any school sponsored activities.

K. Student Safety

1. School staff must ensure that students are provided with a safe school environment that is free of discrimination, harassment, bullying and/or intimidation.

2. School staff and families should work together to resolve complaints alleging discrimination, harassment, bullying and/or intimidation based on a student’s actual or perceived gender identity or expression. Complaints of this nature are to be handled in the same manner as other complaints. Consideration should be given as to whether a Sexual Harassment investigation is warranted. For more information, see the District’s policy prohibiting harassment by and of students and employees referenced below.

L. Education and Training

1. When possible, the District will conduct staff training and ongoing professional development in an effort to build the skills of all staff members to prevent, identify and respond to harassment and discrimination. In order to further a safe and supportive school environment for all students, the District will incorporate education and training about GET students into their anti-bullying curriculum, student leadership trainings and staff professional development. The content of such professional development/training should include, but not be limited to:

   a. Terms and concepts related to gender identity, gender expression, and gender diversity in children and adolescents;

   b. Appropriate strategies for communicating with students and parents about issues related to gender identity and gender expression, while protecting student privacy;

   c. Strategies for preventing and intervening in incidents of harassment and discrimination, including cyber-bullying;

   d. District and staff responsibilities under applicable laws and District policies regarding harassment, discrimination, and gender identity and expression issues.

   e. Attachment B Scenarios to Provide Guidance for Staff is provided as guidance to assist staff with particular situations.

Attachment A

Understanding the terminology associated with gender identity and expression is important to providing a safe and supportive school environment for individuals in our District. The following terms are defined to assist in understanding the guidance presented in the foregoing regulation. These are the most commonly used terms, though individuals may prefer other terms. Terminology and language describing transgender and gender expansive individuals can differ based on region, language, race, ethnicity, age, culture and many other factors. Members of the District’s community should inquire which terms individuals prefer. Many of the following definitions are intended as functional descriptors.

“Assigned Gender at Birth” is the gender designation, usually “male” or “female,” assigned to a person at birth.

“Biological Sex” is the biological attributes such as anatomy, chromosomes, and hormones that inform whether a person is male, female, or intersex. Where sex refers to biology, gender refers to the cultural and social understandings that are layered on top of biology.

“Cisgender” refers to people whose sex assignment at birth corresponds to their gender identity and expression.

“Consistently Asserted Gender Identity” is a commitment to one’s gender identity asserted across multiple settings from the time when a person begins to live as the gender with which they identify rather than the gender they were assigned at birth.

“Gender” is socially determined characteristics, roles, behaviors, and attributes a society traditionally expects from males and females; these characteristics are often referred to as “feminine” and “masculine.”

“Gender Expansive” is a term that conveys a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. Gender expansive is not synonymous with transgender; not all gender expansive individuals identify as transgender.

“Gender Expression” is the manner in which a person's gender identity is communicated to others through appearance, behavior, or physical characteristics that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or sex at birth, and shall include, but is not limited to, persons who are undergoing or have completed sex change.

“Gender Identity” is a person’s innermost concept of self as male, female, a blend of both or neither - how individuals perceive themselves and what they call themselves. One’s gender identity may change over one's lifetime, or it may remain the same throughout one’s life. It may be the same as the gender one was assigned at birth, or it may be a different gender. The responsibility for determining an individual’s gender identity rests with the individual.

“Gender Transition” is the process by which some people strive to more closely align their internal knowledge of gender with its outward appearance. Some people socially transition, whereby they might begin dressing, using names and pronouns and/or be socially recognized as
another gender. Others may undergo physical transitions in which they modify their bodies through medical interventions. Not every transgender person wants to transition from male to female or from female to male and other people believe they fall somewhere in between such binary definitions of gender.

“GET” is an acronym that stands for “gender expansive and transgender.”

“Intersex” is a person whose biological sex falls between the medical standards of male and female.

“LGBTQ” is an acronym that stands for “lesbian, gay, bisexual, transgender, and queer or questioning.” Questioning incorporates those who are uncertain or fluid about their sexual orientation and/or gender identity. Sometimes an “I” for intersex and “A” for asexual are added to the acronym.

“Preferred Gender Pronouns” refers to the pronoun a person prefers to have used when referred to in conversation. Please note that a person may choose to go by they, ze, or no pronouns.

“Preferred Name” is the name a person prefers to have used when referred to in conversation and/or on records.

“Queer” is a word used to describe people who transgress culturally imposed norms of heterosexuality and gender identity. Many individuals embrace the word today and use it as a more concise word rather than the acronym LGBTQ. Others do not use the word because of its previously derogatory connotation.

“Questioning” is a term that may be used to describe someone who is unsure of or undecided about their sexual orientation and/or gender identity.

“Sexual Orientation” is a person’s emotional, romantic and/or sexual attraction to people of the other and/or same gender. Common terms used to describe sexual orientation include, but are not limited to, heterosexual, lesbian, gay, bisexual and queer. Sexual orientation and gender identity are different. Transgender students may identify as gay, lesbian, bisexual, or heterosexual. Sexual orientation is different from gender identity or gender expression.

“Transgender” is an adjective used to describe a person whose gender assigned at birth does not correspond with their gender identity. A transgender person’s gender identity differs from their gender assigned at birth, and their gender expression consistently varies from stereotypical expectations and norms. A transgender person desires to live persistently by a gender that differs from that which was assigned at birth.

“Transition” is the process in which a person goes from living and identifying as one gender to living and identifying as another. Each transgender person has a unique process in which they go from living and identifying as one gender to living and identifying as another. Gender transition can occur at any age. It begins internally then expands to external expression. This can include social, medical and/or a legal transition.
Attachment B

Preferred First Name Change for Unofficial Student Records

Student Name: _____________________________

Student ID #: _____________________________ Date of Birth: _____________________________

Location of Enrollment: ___________________

Email: _____________________________ Phone: _____________________________

Please change my preferred first name to: _____________________________

Please print
Attachment C

Guidance Counselor GET Student Interview Form

- Preferred Name: ___________________________
  Use this name when calling students in for appointments

- Gender Identity: __________________________
  Enable all students to self-identify their gender on the Guidance Counselor’s intake form.
  Or, when such an open-ended question is not possible:

- Gender Identity (choose all that apply)
  __ woman
  __ man
  __ trans* or transgender (please specify): ___________________
  __ another identity (please specify): ___________________ 1

- Do you feel safe and/or supported in this academic environment? Yes____ No____
  o If No, please explain:
    ______________________________________________________
    ______________________________________________________

- Do you feel safe and/or supported in your home environment? Yes____ No____
  o If No, please explain:
    ______________________________________________________
    ______________________________________________________

- Inform student of current supportive policies that are in place regarding:
  o Plans to improve safe and/or supportive environment (if applicable)
  o Name change (if applicable)
  o Bathroom accessibility
  o Sports involvement (if applicable)
  o Finding the right secondary education institution that offers supportive services (if applicable)

Attachment D

School Planning Guide for GET Students

Directions:

This planning tool should be reviewed with the student and relevant parties as a way to ensure the school environment is both safe and supportive of the student to be filed with the school principal. If there is anything that you are unsure about or have questions about, please call ______________________.

School: _________________________                        Date: _______________

Preferred name/gender identification:

___________________________________________________

Is a gender change for [Radnor’s Online System] being requested? _____ yes _____ no

Current name in the [Radnor’s Online System] database:

____________________________________________________

Current gender marker in the [Radnor’s Online System]:

_________________________________________

Parent/guardian name(s) and Contact Information:

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

School contact person:

__________________________________________________________________

Is the parent aware of the student’s preferred name and gender identification? _____ yes _____ no

Should the parent or guardian be informed as part of this process? _____ yes _____ no
Plan Checklist:

• Meeting of the interested parties is scheduled for: ___________________________________

• Who will be attending?
  o Administrator
  o Parent/Guardian
  o School Contact Person
  o Teacher
  o Nurse
  o Community Provider
  o LGBTQ Liaison
  o Homeless Liaison
  o Other: __________________________

• Which staff person will be the student’s “go-to” POC in the building? (Weekly check-ins are expected for the first few weeks, as needed after.)

  Name of staff person:
  ______________________________________________________________
  Phone number: _______________________________________________________________
  Email address: _______________________________________________________________

• Who else in the building will be able to support the student?
  ______________________________________________________________

• Plan for bathroom (where they are, which will be used, do a walk-through with student to ensure that they know where facilities are located):
  ______________________________________________________________
  ______________________________________________________________
  ______________________________________________________________
  ______________________________________________________________

• Plans for changing for PE:
  ______________________________________________________________
  ______________________________________________________________
  ______________________________________________________________
  ______________________________________________________________

• Plan for field trips (who is responsible for seeing the plan in place for each field trip?):
  ______________________________________________________________
  ______________________________________________________________

• Plan for gendered activities (such as sports):
  ______________________________________________________________
• Staff training plan (all or selected staff?):

Please share relevant resources with the student.

• Housing:
• Mental health:
• Legal:
• Sexual health:
• Social support services:  

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Attachment E

Scenarios to Provide Guidance for Staff

Q: One of my students has a GET parent, and the other kids have started making comments and asking questions. How do I talk to them about this?

A: We recommend starting by talking to the student and their parent about how they would like to frame the conversations. One possible action that the school can assist with, if desired by the parent who is transitioning, is to send a letter home to the parents of other students to inform them of this change. This should only be done in cases where the parent gives the school explicit written permission to release this information to other parents.3

Q: A middle-school student who transitioned from male to female during her seventh-grade year was supported by the school and her parents to use the faculty women’s restroom. The school was discreet in addressing her request, but rumors flew and a vocal critic coached his son to come to school and demand to be allowed to use the women’s restroom. Did the school act according to best practice by allowing the transitioned student to use the women’s restroom? Must the school allow the protesting student to use the women’s restroom?

A: GET students must be allowed to have equal access to school facilities and to be treated according to their gender identity. There will be situations where students, who identify as GET or not, will be uncomfortable using shared restroom facilities, which is something administrators must weigh when trying to create a safe and included environment for GET students. The school’s response should be to provide the GET student with a nonstigmatizing option. The Gay, Lesbian, Straight Educators Network (GLSEN) Model District Policy has a guide for model behavior educators can use when working through ways to support GET youth. GLSEN recommends schools assess their existing facilities and convert those that are designed for single users to be more gender-neutral. In this scenario, the school worked responsibly with the parents and GET student. The school does not have to accommodate the protesting student.4

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