



## **Transgender and Gender Nonconforming Students Policy**

Bullying, harassment, or discrimination against transgender or gender nonconforming students is covered by Title IX, a federal law that prohibits sex discrimination in schools.

St. HOPE Public Schools acknowledges and respects that all students have the right to fully participate in the educational process. All students have the right to a safe, welcoming, and civil environment that is free from bullying and harassment, which make it possible for students to learn and achieve high academic standards. Because students learn by example, all school administrators, faculty, staff, and volunteers are expected to demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying and harassment. Therefore, this policy is applicable to all educators, staff members, volunteers, and students, and covers conduct that takes place in the school, on school property and at school-sponsored functions and activities. This policy also pertains to the usage of electronic technology and electronic communication that is used for bullying, harassment, or cyber-bullying.

The purpose of this policy is:

- (1) To assist in fostering an educational environment that is safe, welcoming, and free from stigma and discrimination for all students, regardless of sex, sexual orientation, gender identity, or gender expression,
- (2) To facilitate compliance with local, state, and federal laws concerning bullying, harassment, privacy and discrimination,
- (3) To ensure that all students have the opportunity to express themselves and live authentically.

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

Discrimination, bullying, and harassment of any kind, including that on the basis of sex, sexual orientation, or gender identity or expression, is prohibited within St. HOPE Public Schools. Each school and staff member or volunteer is responsible for ensuring that all students, including transgender and gender nonconforming students, have a safe school environment. Schools and school staff are charged with the responsibility of ensuring that any incidents of discrimination, harassment, or bullying is given immediate attention, including investigating the incident, taking age and developmentally appropriate corrective action, and providing students and staff with appropriate resources. Enforcement of anti-bullying policies should focus on education and prevention rather than exclusionary discipline. Complaints alleging discrimination or harassment are to be taken seriously and handled respectfully.

School administrators must make every reasonable effort to keep transgender and gender-nonconforming students at the original school site. Transfers should only rarely be considered, when necessary for the protection or personal welfare of the transferred student or when requested by the student or the student's parent. The student or student's parent or guardian must consent to any such transfer.

### **Privacy/Confidentiality**

Information about a student's sexual orientation, legal name, or gender assigned at birth constitutes confidential personally identifiable and medical information. Disclosing this information to other students, parents or third parties, may be a violation of privacy laws, including the federal Family Educational Rights and Privacy Act (FERPA), as well as constitutional protections. Disclosure or misuse of such information may establish a hostile environment, potentially subjecting students to bullying and harassment by peers, discrimination by school staff, or family rejection.

St. HOPE Public Schools 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 parents 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 with an opportunity to make that disclosure themselves, where practicable. This would include provide 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 and to decide when, with whom, and how much private information to share. A student's decision to share such information 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 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.

### **Media and Community Communication**

When communicating to the media or community about issues related to gender identity or expression, St. HOPE Public Schools shall designate a single spokesperson to address the issue. Protecting the privacy of transgender or 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 pronoun that corresponds to the student's gender identity. Regardless of whether a transgender or gender nonconforming student has legally changed their name, the schools will allow such students to use a chosen name. It is recommended that school staff privately ask transgender and gender nonconforming students how they want to be addressed in class and in communication with the student's parents or guardians. Some youth may prefer to be addressed by gender-neutral pronouns or without pronouns at all (i.e. just by their names). If a student chooses to go by a name or pronoun other than their birth name and corresponding pronoun, every effort must be made by school staff to immediately update student education records (i.e. attendance reports, transcripts, electronic records, etc.) with the student's chosen name and appropriate gender markers. Student records with the student's birth name shall be kept in a separate, confidential file.

### **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 should determine which facilities are consistent with their gender identity.

Any student who is uncomfortable using a shared sex-separated 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 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. A student may not be required to use sex-segregated facilities that are inconsistent with their gender identity. Additionally, under no circumstances may a student be required to use separate facilities because they are transgender or gender nonconforming.



### **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. All students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity, under the guidelines established by the state interscholastic association.

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

Schools should regularly 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 activities or conform to rules, policies, or practices consistent with their gender identity.

### **Dress Code**

All students are required to adhere to school dress codes. The dress codes shall 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 schools. School staff shall not enforce a school's dress code more strictly against transgender and gender nonconforming students than other students.

### **Student Transitions**

Commonly, when a student transitions at school, a parent or guardian will approach a school or district administrator about the matter. The administrator should meet with parents and the student to discuss the school's role in supporting the student's transition. The discussion would include the timing of the transition, planning responses to questions from school staff and students, correcting the student's information in the school records, and ways for supporting the student and maintaining a safe and welcoming school environment. This meeting should be conducted without any additional school personnel, unless the family or student specifically requests or consents to their presence.

There may be situations in which a student transitions without communicating this transition to their family. Administrators should engage in discussion with the student about what the school and district can do to support the student's safety at home, which could include providing the family with resources to better understand their child's needs and contingency planning for the possibility that the family inadvertently find out the child's transgender status.

### **Training and Professional Development**

St. HOPE Public Schools shall conduct staff 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. The content of such professional development shall include, but is not limited to:

- i. Terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents;
- ii. Developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression that protect student privacy;
- iii. Developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyberbullying;
- iv. Classroom-management practices, curriculum, and resources that educators can integrate into their classrooms to help foster a more gender-inclusive environment for all students;
- v. 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, and staff, and it will also be included in any student codes of conduct, disciplinary policies, student handbooks, and school websites.



### **Definitions**

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

**Bullying:** Bullying is the written, verbal, or physical conduct that is sufficiently severe, persistence, or pervasive enough 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.

**Harassment:** Written, verbal or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school’s educational programs or activities because the conduct is so severe, persistent, or pervasive. This includes conduct that is based on a student’s actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion, or any other distinguishing characteristics that may be defined by the district or state educational agency. This also includes association with a person or group with one or more of the abovementioned characteristics, whether actual or perceived.

**Cyber-bullying:** The use of any electronic communication technology to bully or harass, as defined above, one or more students, regardless of location or the type of electronic communication used.

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

**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.

**Non-Binary/Genderqueer:** Terms used by those who identify with neither, both, or a combination of male and female genders.

**Sexual Orientation:** A person’s romantic or sexual attraction to people of the same or opposite gender or multiple 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 sex at birth. This term is frequently shortened to “trans”.

**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.