

Lower Merion School District

ADMINISTRATIVE REGULATIONS

No.: 259
Section: STUDENTS
Title: TRANSGENDER & GENDER DIVERSE STUDENTS –
ENSURING EQUITY AND NONDISCRIMINATION
Date Last Revised: 6/4/21; 5/7/21; 2/8/19; 5/20/16

**R259 TRANSGENDER & GENDER DIVERSE STUDENTS – ENSURING EQUITY AND
NONDISCRIMINATION**

Purpose

This administrative regulation is consistent with the goals of reducing stigmatization and maximizing transgender and gender diverse (TGD) students’ social integration in District programs, services, and activities. However, these guidelines do not anticipate every situation that might occur with respect to TGD individuals. As set forth in greater detail herein, the needs of each TGD 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 all individuals. These are the commonly used terms, though individuals may choose to use other terms. Terminology and language describing transgender and gender diverse (TGD) individuals can differ based on region, language, race, ethnicity, age, culture and many other factors. Language is ever evolving, therefore new terminology comes forth on a regular basis. It is useful to inquire which terms individuals prefer.

Biological Sex is the biological attributes such as anatomy, chromosomes, and hormones that inform whether a person is male, female, or intersex. Many people who are TGD use the phrase “assigned sex at birth” rather than “biological sex” thereby acknowledging that someone else (i.e., a doctor) made the decision for them. Therefore, the assignment of a biological sex may or may not align with how person identifies. In addition, keep in mind that *sex* refers to biology, while *gender* refers to the cultural and social understandings that are layered on top of biology.

Cisgender refers to an individual whose gender identity and gender expression align with the sex assigned at birth.

Consistently/Persistent re One’s 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. “Insistent” is not used in this case since not all people express themselves in an insistent manner. Some individuals also choose not to use the terms consistent or persistent as well.

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Gender refers to 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 Binary is the socially constructed classification of gender into two discrete, distinct, static, and opposite categories of gender, female and male. This model is limiting and does not take into account gender diverse individuals. Gender non-binary, describes gender identity on a continuum and thereby accounts for the range of how individuals identify in regard to their gender.

Gender Diverse is a term that conveys a wider, more flexible range of gender identity and/or gender expression than typically associated with the binary gender (male/female) system. People may identify and/or express themselves in ways that broaden the culturally defined behavior or expression associated with one gender. Gender diverse often serves as an “umbrella term” for people who do not meet the “traditional” understandings of gender and who do not want their gender to be defined in a box. Gender diverse is not synonymous with transgender; not all gender diverse individuals identify as transgender. Some individuals may choose to use gender expansive or non-binary rather than gender diverse.

Gender Expression is the manner in which a person's gender identity is externally communicated to others through appearance, behavior, or physical characteristics. It may be in accord with, or differ from one's physical anatomy, chromosomal sex, or sex at birth.

Gender Fluid is used by people who do not identify with a fixed gender in regard to time and/or identifiers. The focal point is that of dynamic rather than static gender expression and/or identity. For example, fluidity may be in regard to both time and labels: A gender fluid person may feel they are more female on some days/weeks/years, male on others, or possibly feel that neither term describes them at all.

Gender Identity is a person’s innermost concept of self as male, female, a combination 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 Minority (GM) refers to individuals who have a gender identity or expression that differs from their assigned sex at birth or that does not fit within the male–female binary. This term

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encompasses transgender, genderqueer, and gender nonconforming individuals, as well as those who have another self-identified gender.

Gender Nonconforming describes an individual whose gender identity or gender expression differs from the gender norms associated with the sex they were assigned at birth.

Genderqueer is an Individual whose gender identity is outside of the traditional gender binary system of female and male. They may view themselves as both female and male, neither female nor male, moving between genders, a third gender, or outside of gender categories altogether. Genderqueer may also refer to people who do not follow traditional gender stereotypes and is also used by people who identify as gender diverse, transgender and/or queer. It is worth noting that many people who use this term do not find the word “queer” to be a derogatory term as in the past, rather a word that has been reclaimed and embraced.

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.

Intersex is a person born with biological sex characteristics (such as genitals or chromosomes) that do not fit the typical definitions 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. The “+” symbol is added to acknowledge other descriptors exist. Sometimes an “I” for intersex and “A” for asexual are added to the acronym.

Name (a person’s chosen name rather than “preferred name”) is the name a person chooses to use when referred to in conversation and/or on records.

Non-binary - (see “**Gender Diverse**”) **Pronouns** (“pronouns” or “chosen pronouns” rather than “preferred pronouns”) refers to the pronoun a person chooses to have used when referred to in conversation. Please note that a person may choose to go by they, ze (a range of pronouns exist), or no pronouns. Using “preferred” to qualify someone's pronouns suggests that terms they are claiming do not really belong to them — they are just preferred over their “true” pronouns. A

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person who is TGD and uses "he" as a pronoun does not just prefer that word over "she" — that is the pronoun to use in reference to him. Rather than asking someone's preferred pronouns, ask, "What pronouns do you use?"

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.

Pangender is a gender identity and/or gender expression that consists of more than one gender and may be either fixed (many at once) or fluid (moving from one to another, often more than two). Individuals who identify having two genders may identify as bigender.

Pansexual is a sexual identity where a person is attracted to all types of people regardless of gender, gender identity, or sexual orientation. Generally considered a more inclusive term than bisexual.

Sex Assigned at Birth (aka, assigned sex at birth) is the assignment and classification of individuals at birth, including but not limited to male, female, or intersex and the related physical differences between the sexes, such as pregnancy.

Sexual Orientation is an inherent or immutable enduring emotional, romantic, or sexual attraction to other people, including but not limited to: heterosexual, homosexual, lesbian, gay, bisexual and queer. Sexual orientation and gender identity are different. TGD individuals may identify as gay, lesbian, bisexual, or heterosexual. Sexual orientation is different from gender identity or gender expression.

TGD is an acronym that stands for "transgender and gender diverse."

Trans-affirmative means being aware of, respectful and supportive of the needs of transgender and gender diverse individuals.

Transgender is a word used to describe a person whose sex 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

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and norms. A person who is transgender may want to live by a gender that differs from that which was assigned at birth. In short, people who identify as a different gender from the sex they were assigned at birth are transgender.

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.

Guidelines

In general, the prerogative to assert the rights of the gender expansive and transgender 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 TGD 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. 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.
3. District and school personnel may encounter situations where transgender students have not disclosed their transgender 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.
4. 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.

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B. Official Records

1. The District is required to maintain in perpetuity mandatory permanent pupil records (“official records”) which include the legal name of the student and the student’s sex 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 chosen 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 chosen 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 chosen 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 the *Chosen First Name Change for LMSD’s Unofficial Pupil 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

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chosen 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 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 chosen 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, TGD students shall have access to the restroom that corresponds to their gender identity.
2. Where available, a single stall restroom should be available to any student, TGD 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

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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.
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 rare event that the classes or activities are sex-segregated, TGD students shall participate in physical education by their gender identity.
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 (Griffin & Carroll, 2010) and in accordance with the Pennsylvania Interscholastic Athletic Association bylaws and the Pennsylvania Central League’s Policy. If a student is planning to try out and/or play on an athletic team that differs from the sex assigned to them at birth, the student or their legal guardian is responsible to notify the school principal in writing with the student’s name, grade, and athletic team they want to try out/play on, no less than one month prior to the first scheduled try-out date. The principal will review the notification and take appropriate action in consultation with the District’s

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Senior Director of Policy, Personnel and Programs to work with appropriate school personnel (i.e. coach, school counselor) to meet the student’s request. The request will stay in place throughout the student’s participation for that team/sport and does not need to be renewed every school year. A student, however, would have to play in a team/sport based on that chosen gender throughout that school year. If a student wants to try out/play for another team at any point, they would need to send a new request to the principal as stated above.

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 and 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, TGD 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 TGD 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 incorporates positive information about TGD issues into curricula.

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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 (Policies 246, 346, 446 and 546).

L. Education and Training

1. 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 gender expansive and transgender students into their 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;

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- 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.

Cross reference:

Policy No. 103, *Equal Opportunity Program for School and Classroom Practices*

Policy No. 104, *Equal Opportunity Program for Employment Practices*

Policy No. 246, *Prohibited Harassment by and of Students*

Administrative Regulation No. 249, *Bullying*

Policy and Administrative Regulation No. 346, 446, 556 *Prohibited Harassment by and of Employees and Other Members of School Community*

References:

On The Team: Equal Opportunities for Transgender Student-Athletes. (2010). Pat Griffin and Helen Carroll. National Center for Lesbian Rights and the Women’s Sports Foundation.

Pennsylvania Code 1.161. Prohibition of discrimination and affirmation of equal employment opportunity

U.S. Department of Education Office of Civil Rights – Questions and Answers on Title IX and Sexual Violence

Williams Institute (2013). Employment Discrimination Based on Sexual Orientation and Gender Identity in Pennsylvania (A. Hasenbush and C. Mallory)