



Regional School Unit 5
Durham · Freeport · Pownal

"To inspire and support every learner by challenging minds, building character, sparking creativity, and nurturing passions."

Jean Skorapa, Superintendent of Schools
Peggy Brown, Interim Director of Finance & Human Resources

Cynthia Alexander, Assistant Superintendent of Schools
June Sellers, Ed.D., Director of Instructional Support

TO: Colin Cheney, Candy deCsipkes, Maddy Vertenten
CC: Jennifer Winkler
FROM: Cynthia Alexander
DATE: March 22, 2023
RE: Policy Meeting – March 31, 2023

The Policy Committee is scheduled to meet on Friday, March 31, 2023 at 8:45 a.m. via Zoom at the following link: <https://networkmaine.zoom.us/j/88179232220> Meeting ID: 881 7923 2220 or join by telephone at 1-646-876-9923

Agenda

ACAAA - Transgender and Gender Expansive Students
EEAEAA - Drug and Alcohol Testing for School Bus Drivers
BEDH - Public Participation at Board of Directors Meetings

ACAAA**TRANSGENDER AND GENDER EXPANSIVE STUDENTS****A. PURPOSE**

The purposes of this policy are to: (1) foster a learning environment that is safe and free from discrimination, harassment and bullying; and (2) assist in the educational and social integration of transgender and gender expansive students in our schools. This policy is intended to be interpreted in light of applicable federal and state laws/regulations, as well as other applicable Board policies, procedures and school rules.

This policy is not intended to anticipate every possible situation that may occur, since the needs of particular students and families differ depending on the student's age and other factors. In addition, the programs, facilities and resources of each school differ. Administrators and school staff are expected to consider the needs of students on a case-by-case basis, and to utilize this policy and other available resources as appropriate.

B. DEFINITIONS

The following definitions are not intended to provide rigid labels for students, but to assist in discussing and addressing the needs of students. Except as specifically defined in Maine law, the terminology in this area is constantly evolving, and preferences for particular terminology vary widely. Administrators, school staff, volunteers, students and others who interact with students are expected to be sensitive to the ways in which individual transgender and gender expansive students may wish to be identified. However, for the sake of brevity, this policy refers to "transgender students" and "gender expansive students."

1. *Sexual orientation* – Sexual orientation is defined in the Maine Human Rights Act as an individual's "actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression."

2. ***Gender identity*** – Gender identity is defined in the Maine Human Rights Act as “gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.”
3. ***Gender expression*** – The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.
4. ***Gender expansive*** – An umbrella term used to describe a person who expands notions of gender expression and identity beyond perceived or expected societal gender norms.
5. ***Transgender*** – An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth.
6. ***Transition*** – The process by which a person goes from living and identifying as one gender to living and identifying as another gender. For most elementary and secondary students, this involves no or minimal medical interventions. Transgender students under the age of 18 are often in a process of social transition from one gender to another.

C. ADDRESSING THE NEEDS OF TRANSGENDER AND GENDER EXPANSIVE STUDENTS

For the purposes of this policy, a student will be considered transgender or gender expansive if, at school, they assert a gender identity or expression different from the gender assigned at birth. This involves more than a casual declaration of gender identity or expression, but it does not require a medical diagnosis.

If a student and/or their parent(s)/guardian(s) want the school to recognize the student's identity as transgender or gender expansive, the following procedure will be used.

1. A transgender or gender expansive student and/or their parent(s)/guardian(s) should contact the building administrator or the student's guidance counselor. In the case of a student who has not yet enrolled in school, the appropriate building administrator should be contacted.
2. If requested by the student, or if deemed necessary by the administration to address school-related issues, a meeting will be scheduled to discuss the student's particular circumstances and needs. In addition to the student, and depending on the particular needs of the student, other participants in the meeting may include the parent(s)/guardian(s), a building administrator, a guidance counselor or social worker, the school nurse, and/or other school staff. Outside providers and/or a support person for the student may also be included if appropriate.
3. In the case of a student who has not yet informed their parent(s)/guardian(s), the administrator should first discuss parent/guardian involvement with the student to avoid inadvertently putting the student at risk by contacting their parent(s)/guardian(s). The student will be notified by the administrator prior to contacting their parent(s)/guardian(s).
4. If requested by the student, or deemed necessary by the administration to address school-related issues, a plan will be developed by the school in consultation with the student and other meeting participants. If the student has an IEP and/or a 504 Plan, the provisions of these plans should be taken into consideration in developing a plan for addressing transgender and gender expansive issues within the school program.
5. The school administration may request documentation from outside providers if deemed necessary to assist in developing a plan appropriate for the student.

6. Any plan developed must be reviewed and approved by the building administrator. If the parties involved in developing the plan cannot reach an agreement about the elements of the student's plan, the Superintendent shall be consulted as appropriate.

D. GUIDANCE ON SPECIFIC ISSUES

1. **Privacy:** All students have a right to privacy. This includes the right to keep private one's transgender status or gender non-conforming presentation at school. In some cases, a student may want school staff and students to know that they are transgender or gender expansive, and in other cases the student may not want this information to be widely known. Accordingly:

a. The student's plan shall be kept confidential and shared only with individuals attending the plan development meeting, the Superintendent, others with a bona fide need to know, and, if necessary, the district's legal counsel.

b. As part of the development of the student's plan, the discussion should include what information may be shared, to whom the information may be shared, and how the information should be shared.

c. School staff should take care to follow the student's plan and not to inadvertently disclose information that is intended to be kept private or that is protected from disclosure (such as confidential medical information, the student's transgender status, their legal name, or sex assigned at birth).

d. School staff should keep in mind that under FERPA, student records may only be accessed and disclosed to parents/guardians and to staff with a legitimate *educational* interest in the information. Disclosures to others should only be made with appropriate authorization from the administration and/or parents/guardians.

2. School Records: Schools are required to maintain a large number of records for students. If a student makes a legal change in their name and/or gender, appropriate documentation should be provided to the building administrator and records will be changed.

A student who has not legally changed their name and/or gender may still request that the school unit utilize their preferred name and/or gender on school records, and this request will be honored to the extent that the school unit is not legally required to use a student's legal name or gender on particular records. This information should be included in any plan developed for the student.

If a student requests a change to their name and/or gender in school records without parental approval, the Superintendent should be consulted, and the matter resolved on a case-by-case basis. Students should be informed that parents/guardians have a right to access all education records of their child and therefore the school cannot keep the change in name and/or gender a secret. This information should be discussed in the development of the student's plan.

In the event of a student transfer to a new school unit, the building administrator will identify a person who will inform the new school unit or out-of-district school program that the student's records indicate a change in name preference, and what the student's prior and current name preferences are.

3. Names/Pronouns: The student should be addressed by school staff, substitutes, volunteers and other students by the name and pronoun corresponding to their gender identity that is asserted at school.

4. Restrooms: The student is permitted to use the restrooms that most closely match their gender identity. If the student expresses a need for privacy, they will be provided with access to reasonable alternative facilities or accommodations such as a single-occupancy toilet facility or a staff facility. However, the student shall not be required to use a separate non-communal facility over their objection.

5. Locker Rooms: The student is permitted to use the locker room that most closely matches their gender identity. If the student expresses a need for privacy, they will be provided with access to reasonable alternative facilities or accommodations, such as using a separate stall, a staff facility, or an alternative schedule.

6. Other Gender-Segregated Facilities or Activities: As a general rule, in any other facilities or activities when students may be separated by gender, the student may participate in accordance with their gender identity. Participation in interscholastic athletic activities will be addressed in accordance with current Maine Principals Association guidelines and procedures.

7. Dress Code: The student is expected to comply with Board policies and school rules regardless of gender identity.

E. SAFETY AND SUPPORT FOR TRANSGENDER AND GENDER EXPANSIVE STUDENTS

1. As part of the support plan development, the concerned parties should discuss safe zones (ex. main office, counselor's office) the student may access at any time the student feels unsafe or uncomfortable. A support person (and possibly a back-up person) should also be identified for each student.

2. School staff are expected to comply with any plan developed for a transgender or gender expansive student.

3. School staff are expected to promptly notify the building administrator or other designated support person for the student if there are concerns about the plan, or about the student's safety or welfare.

4. School staff should be sensitive to the fact that transgender and gender expansive students can be at higher risk for being bullied or harassed, and should immediately notify the appropriate administrator if they become aware of a problem.

F. STAFF TRAINING AND INFORMATIONAL MATERIALS

1. The Superintendent and/or building administrators may institute in-service training and/or distribute educational materials about transgender and gender expansive issues to school staff as they deem appropriate.

Legal Reference: 5 MRSA §§ 4553(5-C), (9-C); 4592(9)

Cross Reference: AC–Nondiscrimination/Equal Opportunity and Affirmative Action

Adopted: _____

DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS

In accordance with the federal Omnibus Transportation Employee Testing Act of 1991, in addition to other pertinent and federal laws promulgated to effectuate a drug and alcohol free workplace, the RSU No. 5 Board of Directors is committed to the establishment of an alcohol and controlled substance testing program for school bus drivers, in addition to any other employees who drive vehicles to transport sixteen (16) or more passengers, including the driver.

The purpose of the testing program shall be to help prevent accidents, injuries and deaths resulting from the misuse of alcohol and controlled substances by drivers performing safety-sensitive functions. The superintendent shall be responsible for the implementation of an alcohol and drug testing program consistent with federal regulations and shall implement additional administrative procedures to assist and further the implementation of the federal mandates regarding alcohol and controlled substances testing as he/she deems necessary

Legal Reference: 49 CFR Part 382
 26 MRSA §§ 681(8)(B); 685(2); 689

Adopted: June 24, 2009
Reviewed: December 14, 2011
Reviewed: December 14, 2016

PUBLIC PARTICIPATION AT BOARD OF DIRECTORS MEETINGS

Board meetings are conducted for the purpose of carrying on the official business of the school system. All meetings of the RSU No. 5 Board are open to the public. The public is cordially invited to attend and participate in Board meetings as provided in this policy. This policy applies only to meetings of the full Board, not to meetings of Board subcommittees.

Although Board meetings are not public forums, the Board will provide appropriate opportunities at its meetings for members of the public to express opinions and concerns related to the matters concerning education and the RSU No. 5 schools. The intent is to allow a fair and adequate opportunity for the public to be heard, while ensuring that the time allowed for public discussion does not interfere with the fulfillment of the scheduled agenda.

The Board will designate a portion of its agenda as an opportunity for public participation. During the time allotted for public participation, the public may speak on any subject directly related to the operations of the schools, except for personal matters or complaints concerning specific employees or students, which shall be addressed through established policies and procedures.

Members of the public may address the Board within the guidelines provided in this policy. The Chair shall be responsible for maintaining proper order and compliance with these guidelines.

The following guidelines shall apply to public participation at Board meetings.

- A. Members of the public and employees of the school unit are welcome to participate as provided in this policy. Others may be recognized to speak at the Chair's discretion. Individual employees and/or employee groups will not be permitted to discuss matters for which complaint or grievance procedures are provided.
- B. The Chair may limit the time allotted for comments on a particular topic as well as the time each individual may speak.
- C. In the event of a sizeable audience, the Chair may require persons interested in speaking to sign up so they may be called on in a fair and efficient manner.
- D. During the time set aside for public participation, the Chair will be responsible for recognizing all speakers, who must identify themselves as they begin talking. Speakers will be encouraged to disclose whether or not they will personally have a financial impact as a result of the budget item they address.
- E. Speakers are not permitted to share gossip, make defamatory comments, or use abusive or vulgar language.
- F. All speakers are to address the Chair and direct questions or comments to particular Board members or the Superintendent only with approval of the Chair. Requests for

information or questions may be answered by the Board Chair. If further research is needed, the Board Chair may defer to the Superintendent for follow-up.

- G. Members of the Board of Directors and the Superintendent may ask clarifying questions of any person who addresses the Board, but are expected to refrain from arguing or debating issues. Questions must be addressed through the Chair.
- H. No complaints or allegations will be allowed at Board meetings concerning any person employed by the school system or against particular students. Personal matters or complaints concerning student or staff issues will not be considered in a public meeting, but will be referred through established policies and procedures.
- I. In order to make efficient use of meeting time, the Board discourages duplication or repetition of comments to the Board. The Board requests that groups or organizations be represented by designated spokespersons.
- J. The Chair has the authority to stop any presentation that violates these guidelines or the privacy rights of others.
- K. Persons who disrupt the meeting may be asked to leave, and the Chair may request law enforcement assistance, as necessary, to restore order.
- L. In the event of an emergency or substantial disruption, the Chair may declare a recess to restore order or may declare the meeting adjourned or to be continued to a designated time and place or at the call of the Chair.

An agenda shall be published in advance of each meeting in accordance with Board policy. Copies will be posted and/or available prior to regular meetings, at the Superintendent's Office, in each school, town hall, and is sent to local publications. It is also posted on the RSU No. 5 website. Anyone desiring additional information about an agenda item should direct such inquiries to the Office of the Superintendent.

Opportunity for public participation at standing committee meetings of the Board is not required, but may be permitted at the discretion of the standing committee chair.

Legal Reference: 1 MRSA § 401 et seq.

20 MRSA § 1001 (20)

Cross Reference: BEC – Executive Session

BEDA – Notification of Board of Directors Meetings

BEDB – Agenda

BEDD – Rules of Order

KE – Public Concerns and Complaints

Adopted: November 18, 2009

Revised: March 23, 2011

Reviewed: February 26, 2014

Revised: November 14, 2018; April 27, 2022