

# **Guidelines Regarding the Support of Students and Staff who are Transgender and/or Nonconforming**

## **Purpose**

State and federal law and District policy require that all programs, activities, and employment practices are free from discrimination based on sex, sexual orientation, gender identity, and gender expression. These Guidelines are issued in keeping with these mandates to create a safe learning environment for all students and working environment for all staff and to ensure that every student has equal access to all school programs and activities. These Guidelines set out a protocol for schools and district staff to address the needs of any TSD student or employee who is transgender and/or gender nonconforming and clarify how law and policy should be implemented in situations where questions may arise about how to protect the legal rights or safety of such individuals.

These Guidelines do not anticipate every situation that might occur with respect to students and staff who are transgender or gender nonconforming, and the needs of each student and staff member must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the students who are transgender or gender nonconforming while maximizing the students' social integration and minimizing stigmatization of the students. Similarly, for employees who are transgender or gender

nonconforming, the goal is to ensure a safe and supportive working environment.

## Definitions

The definitions provided here are not intended to label individuals but rather to assist in understanding these Guidelines and the legal obligations of District staff. Individuals might or might not use these terms to describe themselves.

- **“Gender identity”** is a person’s internal deeply held sense or psychological knowledge of their own gender, regardless of the biological sex they were assigned at birth. Everyone has a gender identity and the responsibility for determining an individual’s gender identity rests with the individual.
- **“Transgender”** describes a person whose gender identity is different from their biological sex assigned at birth.
- **“Gender expression”** refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms. Individuals who adopt a presentation that varies from conventional gender expectations sometimes may describe themselves as gender nonconforming, gender expansive, genderqueer, agender, gender-free, gender creative, or gender fluid.
- **“Gender nonconforming”** describes a person whose gender identity or expression differs from conventional or prevailing social expectations, such as “feminine” boys, “masculine” girls, and those who are perceived as androgynous. Gender nonconforming is not synonymous with transgender; not all gender nonconforming people identify as transgender.

# Guidelines for Students

Any student may inform a school staff member of their strong desire to be consistently recognized at school using their stated gender identity, and this request should be acted upon respectfully. The school shall accept the gender identity that each student asserts; there is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected. Students ready to socially transition may initiate a process at the school to change their name, pronoun, and access to programs, activities, and facilities consistent with their gender identity.

## Privacy

- All students have a right to privacy; this includes the right to keep private one's transgender or gender nonconforming status. Information about a student's transgender status, legal name, or biological sex assigned at birth may also constitute confidential information.
- School personnel should not disclose information that may reveal a student's transgender or gender nonconforming status to others, including school personnel and other community members, unless legally permitted to do so or unless the student has authorized such disclosure. In situations where the student has a desire to compete for their school in CHSAA-sanctioned activities, the school administration will work with the family to identify what information would need to be shared prior to submitting such information.
- School personnel should involve parents or guardians in the implementation of these guidelines and the process of social transition at

school to support the student's well-being at school, but should first discuss the parental involvement with the student to avoid inadvertently putting the student at risk of harm by contacting the student's parents.

- Students who are transgender and gender nonconforming have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.

## Official Records

- The District is required to maintain a permanent student record ("official record") that includes a student's full legal name and gender. The District will amend a student's official record to reflect a legal change in name and/or to reflect a legal change in gender upon receipt of appropriate legal documentation, which may include a court order provided by the parent or guardian substantiating the change.
- The District will adjust the preferred ("assumed") identity of a student to update the first and/or middle names, change in preferred gender, and/or change in preferred pronouns, upon receipt of the appropriate completed district change request form (See AC-E6). A student's assumed identity is an update to a student's Thompson School District student information profile and is not considered a legal change in name or gender. This change would be reflective of the student's identity, including the student's gender identity, consistently asserted at school.
- In situations where school staff or administrators are required by law to use or to report the legal name or biological sex of a student who is transgender but whose official record has not been amended, such as for purposes of standardized testing, school staff and administrators shall

adopt practices to avoid the inadvertent disclosure of such confidential information.

## **Names/Pronouns**

- A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and official records need not be changed.
- The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of these Guidelines.

## **Gender-Segregated Activities**

- To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, students should be included in the group that corresponds to their gender identity.

## **Restroom Accessibility**

- Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student who is transgender and who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single-stall restroom, but no student shall be required to use such a restroom.

- Taking into account existing school facilities, administrators will take steps to designate single-stall and/or all-gender restrooms on their campus. Where facilities constraints make this impractical, administrators will identify an all-gender restroom facility available for any student seeking increased privacy. If the location of this facility requires students to travel in ways that could delay their timely arrival to school commitments, an accommodation plan should be developed.

## **Locker Room Accessibility**

- The use of locker rooms by students who are transgender and gender nonconforming shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student.
- Students who are transgender should have access to the locker room that corresponds to their gender identity consistently asserted at school.
- Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students).
- Any alternative arrangement should be provided in a way that allows the student's transgender status to be kept confidential. In no case shall a

student who is transgender be required to use a locker room that conflicts with the student's gender identity consistently asserted at school.

## **School Activities and Programs**

- Students have the right to equitable access to activities and programs in their schools. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination based on gender identity in any program or activity. These activities and programs may include but are not limited to dances, pep assemblies, acknowledgment, after-school programs, and extracurricular activities.

## **Physical Education Classes and Intramural Sports**

- Participation in intramural sports and competitions shall be facilitated in a manner consistent with the student's gender identity asserted at school.

## **Interscholastic Competitive Sports Teams**

- TSD Schools will support their students' participation in Colorado High School Athletics Association (CHSAA) sponsored activities, advocating for students to participate in interscholastic athletics in a manner consistent with their gender identity. The CHSAA guidelines can be reviewed on its website, [www.chsaanow.com](http://www.chsaanow.com), (Bylaw 300).

## Overnight Activity and Athletic Trips

- In the planning of sleeping arrangements during overnight activity and athletic trips, the needs of students who are transgender shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in overnight activity and athletic trips, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, students who are transgender should be assigned to share overnight accommodations with other students who share the student's gender identity consistently asserted at school. Involving the student in identifying safe and supportive peers to room with can help maintain confidentiality and safety when determining room arrangements.
- Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable accommodation, which may include a private room.
- Any alternative arrangement should be provided in a way that allows the student's transgender status to be kept confidential. In no case shall a student who is transgender be required to share a room with students whose gender identity conflicts with their own.

## Dress Codes

- Students who are transgender and gender nonconforming have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.



## **Discrimination/Harassment**

It is the responsibility of each school and the District to ensure that students who are transgender and gender nonconforming have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints. (See TSD Policies AC (Nondiscrimination) and JBB (Sexual Harassment))

## **Transferring a Student to another School (Administrative Transfers)**

Administrative transfers should not be a school's first response to harassment of a student and should be considered only when necessary for the protection or personal welfare of the transferred student or when requested by the student or the student's parent or guardian.

The student or the student's parent or guardian must consent to any such transfer. The goal is to maintain the continuity of the student's education in a safe learning environment.

# Guidelines for Staff

**Definitions** are found in the definitions section above.

## Names/Pronouns

- A staff member has a right to be addressed by a name and pronoun that corresponds to the staff member's gender identity. A court-ordered name change or gender change is not required, and official records need not be changed for this purpose. However, TSD communications with governmental entities and PERA will be based on official records.
- The intentional or persistent refusal to respect a staff member's gender identity (for example, intentionally referring to a staff member by name or pronoun that does not correspond to the staff member's gender identity) is a violation of these guidelines.

## Restroom Accessibility

- Staff shall have access to the restroom that corresponds to their gender identity consistently asserted in the workplace. Any staff member who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single-stall restroom, but no staff member is required to use such a restroom.
- Taking into account existing school/district facilities, administrators will take steps to designate single-stall and/or all-gender restrooms on their campus. Where facility constraints make this impracticable, administrators will identify an all-gender restroom available for staff seeking increased privacy.

# Discrimination/Harassment

It is the responsibility of each school and the District to ensure that staff members who are transgender and gender nonconforming have a safe work environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing staff with appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints. (See TSD Policies AC (Nondiscrimination), GBAA (Sexual Harassment))

## Related Resources

### TSD Policies and Regulations

- AC, Non-Discrimination/Equal Opportunity
- AC-R, Non-Discrimination/Equal Opportunity (Complaint and Compliance Process)
- AC-R-2, Sexual Harassment Investigation Procedures (Title IX)
- AC-E-1, Non-Discrimination/Equal Opportunity AC-E-2 Complaint Form
- JICDA, Code of Conduct
- JBC, Equal Educational Opportunities - Students
- JBB, Sexual Harassment - Students
- JICA, Student Dress Code
- GBA, Open Hiring/Equal Employment Opportunity - Employees

- GBAA, Sexual Harassment - Employees

Complaints about violations of these Guidelines should initially be handled through the Principal of the school. For additional assistance contact the Superintendent's Office at 970.613.5000.

Adopted January 20, 2021

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## **Cross References**

- AC-E-4, Gender Transition Plan
- AC-E-5, Gender Support Plan
- AC-E-6, Student Identity Change Request Form