

BOARD POLICY: TRANSGENDER STUDENTS

I. PURPOSE:

The purpose of this policy is to ensure that all individuals who identify their gender differently from their sex assigned at birth do not encounter discrimination based on that identification, and that the health, safety, comfort and privacy of all students are protected. As such, no student based on gender identification will be inappropriately excluded, separated, denied benefits, or otherwise treated differently from any other students in terms of accessing or enjoying the benefits of the District's educational programs or activities. The dignity of all students will be respected, and students who identify their gender differently from their sex assigned at birth are recognized as a protected class under Illinois law.

District 225 strives to provide a safe and supportive environment that helps students succeed academically and socially. To that end, the school district promotes respect for all people and does not tolerate bullying, harassment, or discrimination at school.

Bullying, harassment, and discrimination, based on gender, can affect all students. Therefore the District fosters an educational environment that is safe and free from discrimination for all students, regardless of, among other things, sex, sexual orientation, gender identity, or gender expression, and facilitates compliance with local, state and federal laws concerning bullying, harassment and discrimination.

School district personnel will work closely with transgender students and their parents/guardians to strive to honor their wishes with respect to use of school facilities, participation in athletics and school programs, accuracy of student records, use of preferred names and pronouns, and privacy, in accordance with applicable law, and to the extent that the school district's campus facilities reasonably permit.

Many questions arise for students, families, and school district personnel when considering the best supports for our transgender students. This policy does not anticipate every situation that might occur with respect to transgender students and its implementation should be grounded in, among other things, the developmental differences presented by each student and a reasonable response.

II. JURISDICTION:

These guidelines in this policy cover conduct that takes place in school, on school property, at school sponsored functions and activities, and on school buses or vehicles. These guidelines also pertain to the use of electronic technology and electronic communications that occur on school computers, networks, forums, and any other school supported platforms. These guidelines apply to the entire school community including students, educators, district staff, guests and volunteers.

III. DEFINITIONS:

- a. “Bullying” includes cyberbullying and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directly toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:
1. Placing the student or students in reasonable fear of harm to the student’s or students’ person or property;
 2. Causing a substantially detrimental effect on the student’s or students’ physical or mental health;
 3. Substantially interfering with the student’s or students’ academic performance;
 4. Substantially interfering with the student’s or students’ ability to participate in or benefit from the services, activities, or privileges provided by a school.
- b. “Cyberbullying” means bullying through the use of technology or any electronic communication, including without limitation, any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person of the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of bullying.
- c. “Gender” refers to the social and cultural meaning given to sex – masculine or feminine. Among other things, gender imparts meaning regarding sex through many factors, including, but not limited to dress, talk, names, characteristics, roles, and behaviors a society commonly associates with being male or female.
- d. “Gender Expression” refers to the consistently asserted physical and behavioral manifestations of one’s gender identity, commonly expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

- e. “Gender identity” refers to a person’s psychological identification of male or female sex. Gender identity does not necessarily correspond to an individual’s sex assigned at birth.
- f. “Gender Transition” is the process through which transgender individuals begin to live as the gender with which they identify, rather than the one typically associated with their sex assigned at birth. Social transition may include things such as changing names, pronouns, hairstyle and clothing.
- g. “Transgender” is an umbrella term referring to an individual whose gender identity or gender expression falls outside socially typical gender norms.
- h. “LGBTQ” is an acronym that stands for “lesbian, gay, bisexual, transgender, and questioning.”
- i. “Sex Assigned at Birth” refers to the sex designation recorded on an infant’s birth certificate should such a record be provided at birth. In the event that there is no designation at birth, the parent needs to identify the sex designation when he or she enrolls a child.

IV. GENERAL GUIDANCE:

Usually, it will be the student, parent or guardian who informs the school of the student’s transgender status or impending transition. However, it is not uncommon for a student’s desire to transition to first surface at school. If school district personnel believe that a gender identity issue is presenting itself and creating challenges for the student at school, it is in most cases appropriate for an administrator (or designee who has expertise and an existing positive relationship with the student and/or student’s parent/guardian) to approach the student’s parent/guardian about the issue. Together, the family and appropriate school personnel can then effectively prepare an approach to supporting the student’s gender expression and deploy supports as needed for the student’s well-being. While it may be important to consider a student’s age and grade level during the planning process for gender transition, such considerations cannot be used by the school district as a justification to delay or deny a student’s gender transition.

School district personnel are expected to accept a student’s consistently asserted gender identity when it is a sincerely held part of the student’s core identity. The school district will not question or disregard the student’s assertion of gender identity unless there is a credible basis for determining that the student has asserted a particular identity for some improper purpose.

All staff must be aware of the information provided in this policy. If staff have questions regarding the provisions contained in these guidelines, they should contact the administration for clarification so that each transgender student is properly supported.

V. PERSONAL APPEARANCE:

The school district enforces Board Policy 8100: Personal Appearance and student/parent handbook guidelines. Students are permitted to dress in accordance with their gender identity, within the parameters of that Policy and those guidelines. School staff shall not enforce that Policy and those guidelines with transgender students differently from how they are enforced with other students.

VI. PROTECTED STUDENT INFORMATION AND PRIVACY CONSIDERATIONS:

Transgender students have the ability, as do all students, to discuss and express their gender identity and expression openly and decide when, with whom, and how much of their private information to share with others. All individuals, including students, have rights to privacy. These include the right to keep private one's transgender status at school. Information about a student's transgender status, legal name, or sex assigned at birth may also constitute protected student information under the Family Educational Rights and Privacy Act (FERPA).

Except as set forth herein, school district personnel will not disclose information that may reveal a student's transgender status. In accordance with FERPA, only those school employees with a legitimate educational interest will have access to a student's records. Disclosing confidential student information to other employees, students, parents, or other third parties may violate FERPA and other privacy laws. The District will abide by the provisions of the Illinois School Student Records Act (ISSRA).

As necessary, school district personnel will work closely with the student and parent/guardian in devising an appropriate plan regarding the confidentiality of the student's transgender status.

VII. STUDENT RECORDS:

In order to protect each student's privacy, the school district will maintain the student's official permanent record in a secure location, separate from the location of the student's other records. If the official student record is maintained electronically, similar security measures will be implemented to protect student privacy.

The school district is required to maintain a mandatory permanent student record ("official record") that includes a student's legal name and sex assigned at birth. However, the school district is permitted to use a student's preferred name on most school records and documents. Certain categories of student records are required to be kept by the district during the student's attendance. These records will reflect the name and gender corresponding with the student's consistently

asserted gender identity but may include certain documentation that requires notation of the legal name and sex assigned at birth. Such protected student information shall only be released to third parties in accordance with FERPA and ISSRA, and other applicable legal or regulatory requirements.

The school district will accommodate a student's desire to be addressed in the name and pronouns corresponding with the student's consistently asserted gender identity. However, there are some documents that will still require the use of the student's legal name and sex assigned at birth. Documents, including but not limited to, truancy, criminal charges, or other documentation required to be filed with the court must be filed in the student's legal name and sex assigned at birth.

IDEA Special Education Documents (IEP, Evaluations Reports, and Notices), Section 504 Service Agreements, and Student Medical Plans as well as student discipline and incident reports should be written in the name and gender corresponding with the student's consistently asserted gender identity.

In situations where school district staff or administrators are required by law to use or report a transgender student's legal name or sex assigned at birth, such as for purposes of standardized testing, the school district will make reasonable efforts to implement practices to avoid the inadvertent disclosure of such information. The school district will make reasonable efforts to ensure that test proctors address the student in the name and pronouns corresponding with the student's consistently asserted gender identity during examinations.

VIII. EXTRACURRICULAR ACTIVITIES, SPORTS, PHYSICAL EDUCATION, FIELD TRIPS:

The District schools are members of the Illinois High School Association (IHSA) and as a result, transgender students will be permitted to participate in extracurricular activities and sports in accordance with Administrative Procedure 34 of the IHSA. In physical education and field trips, transgender students will be allowed to participate in accordance with their consistently asserted gender identity. Nothing in this policy shall be construed to excuse any student from following necessary or customary protocols for obtaining parent consent for athletic participation, including permission slips, consent forms, and waivers. School district personnel will implement IHSA guidelines when advising transgender students about the process for obtaining parental consent for athletic participation.

IX. RESTROOM ACCESSIBILITY:

Students shall have access to the restroom that corresponds to their consistently expressed gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a private restroom facility. No student shall be required to use a private restroom facility

based solely on gender identity unless they are operating under a required safety plan or other agreement.

X. LOCKER ROOMS:

Use of locker rooms by transgender students will be assessed on a case-by-case basis, with the goals of maximizing student social integration regardless of gender status, providing an equal opportunity to participate in physical education classes and athletic opportunities, and protecting student health, safety, comfort, and privacy. In most cases, the school district will provide students with access to locker rooms that correspond to their consistently expressed gender identity. Reasonable alternatives may also be considered in consultation with a student and the student's parent/guardian, including use of a private area (e.g. a nearby restroom stall with a door, an area separated by a curtain, an office in the locker room area, or a separate changing schedule whereby the student utilizes the locker room before or after other students).

In appropriate circumstances, an alternative arrangement to locker room use will be provided for students who have not made public their transgender status, but who do not wish to use the locker room of the sex they were assigned at birth. No student will be required to use a locker room that conflicts with his/her consistently asserted gender identity. In all situations, school district personnel are required to take reasonable measures to protect the health, safety, comfort, and privacy of all students.

XI. ACTIVITIES WHERE STUDENTS ARE SEPARATED BY GENDER:

As a general rule, in any other circumstances where students are typically separated by gender (e.g. overnight field trips), students will be permitted to participate in accordance with the consistently asserted gender identity. Activities that require overnight accommodations will be addressed on a case-by-case basis considering, among other things, the factors set forth below.

1. Student preference (including as to potential roommates);
2. protecting student privacy;
3. maximizing social integration of students;
4. minimizing stigmatization of students;
5. ensuring equal opportunity to participate;
6. student age (including in relation to the ages of other participants); and
7. protecting the safety of all students.

Coaches/trip sponsors should make reasonable efforts to consider multiple options for accommodations in the event any student participants have specific privacy concerns to ensure the inclusion of all students in overnight trips.

XII. QUESTIONS AND CONCERNS:

All students should be encouraged to discuss questions, concerns, comments, or requests for resources related to this policy or its application with appropriate school personnel to avoid the occurrence of incidents that would in any manner undermine or interfere with the provision of a safe and supportive environment for all students. Keeping the lines of communication open is crucial, and allows the school district to make adjustments as necessary to better ensure the health, safety, comfort, and privacy of all students.

Approved: January 22, 2018