

Verona Area School District Administrative Rules

Section: Students

Procedure: 507P(2) – Procedure for Non-Discrimination Related to Transgender and Nonconforming to Gender Role Stereotypes

Last Updated: August 1, 2024

Formerly Board Policy 411 – Rule 2

(Aligned with OE 10: Learning Environment/Student Behavior)

The following procedures relate to students who are transgender and students who do not conform to gender role stereotypes. These procedures serve two important purposes. First, significant portions of the procedures facilitate compliance with the District's legal obligations. Under many circumstances, an individual's transgender or gender nonconforming status serves as a basis for legal rights and protections. Second, even where specific actions may not be required by applicable law, these procedures are intended to further the District's local goals concerning the creation and maintenance of positive and supportive environments that appropriately provide for the education, safety, and welfare of all students.

While the procedures established in this policy provide important direction to District employees, students, school families, and other persons, they do not anticipate every situation that might occur with respect to students who are transgender or gender nonconforming. When an issue or concern arises that is not adequately addressed by these procedures, the needs and concerns of each student will be assessed on an individualized basis and in consultation with parents/guardians where appropriate.

This administrative policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops. This administrative policy also pertains to usage of electronic technology and electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and on school computers, networks, forums, and mailing lists. This administrative policy applies to the entire school community, including educators, school and District staff, students, parents, and volunteers.

Definitions

The definitions below are not intended to label students but rather to assist in understanding these guidelines and the expectations of staff in complying with District policies and legal requirements. Students might or might not use these terms to describe themselves.

"Transgender" describes people whose gender identity is different than their biological sex assigned at birth.

"Gender" is the state of being male or female (masculine or feminine). It refers to the behaviors, attitudes, and other characteristics that a given culture or society associates with a person's biological sex.

"Gender identity" is a person's 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.

"Gender expression" refers to the way a person expresses gender, such as clothing,

hairstyles, activities, or mannerisms.

"Gender nonconforming" describes people whose gender expression differs from stereotypical or prevailing social expectations, such as "feminine" boys or "masculine" girls, or those who are perceived as androgynous

"Biological sex" refers to a person's biological status at birth as determined by genetic and anatomical characteristics (chromosomes, hormonal profiles, and internal and external sex organs).

Discrimination, Harassment and Bullying

The District prohibits all forms of discrimination against any transgender student or any student who does not conform to gender role stereotypes. Further, existing District and administrative policies that prohibit the harassment and bullying of students apply in full force to any such actions that are based on a student's actual or perceived transgender status or gender nonconformity. The scope of this responsibility includes ensuring that any incident of discrimination, harassment, or bullying is given immediate attention; investigating the incident; taking age and developmentally appropriate corrective action and/or disciplinary action; and providing students and staff with appropriate resources and education. Complaints alleging discrimination, harassment or bullying based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination, harassment, and bullying complaints.

Student Privacy/Confidentiality, Names and Pronouns and Official School Records

- (1) All persons, including students, have a right to privacy, and this includes the right to keep one's transgender status private at school.
- (2) Certain records and personally identifiable information related to the student's gender status or biological sex may be protected not only as an education record, but also as a confidential medical or patient health care record. The District further recognizes that a student may have a strong individual interest in maintaining the privacy of the student's transgender status or their gender nonconforming presentation at school. Accordingly, in addition to adhering to all legal standards of confidentiality (including the federal Family Educational Rights and Privacy Act (FERPA), state laws governing the confidentiality of student records, and state and federal laws governing the confidentiality of medical and patient health care records), school personnel with knowledge of any student's transgender status or gender nonconforming presentation are expected to treat that information as being particularly sensitive, even internally among school staff and school officials. School staff shall not disclose information that may reveal a student's transgender status to others, including other school staff, unless legally required to do so or authorized to do so under state and federal laws governing the confidentiality of student records. District employees are expected to refer any questions they may have about student privacy and possible disclosures of a student's transgender or gender nonconforming status to the Director of Bilingual Programs and Instructional Equity, or their designee.
- (3) The District strongly encourages transgender and gender nonconforming students and their families to maintain ongoing communication with the school employees who are working directly with the student in order to address, among other issues, relevant privacy concerns and privacy preferences. In some cases, transgender students may feel more supported and safer if other students are aware that they are transgender. In these cases, school staff should work closely with the student and their families (including the parents/guardians of minor

students) on a plan to inform and educate the student's peers. When developing this plan, it may be appropriate to engage external resources and support organizations to assist in the educational efforts.

- (4) Nothing in these procedures is intended to deny the right of transgender and gender nonconforming students to discuss and express their gender identity and expression openly. The fact that a student chooses to disclose their transgender status and share private information with staff or other students, however, does not authorize school staff to disclose student record information (including medical and patient health care records) with others, except as authorized by applicable laws and policies governing the confidentiality of student records.
- (5) When referring to students at school and in connection with school activities, school personnel will normally use the student's legal name and the pronouns that correspond to the student's biological sex assigned at birth. However, an adult student or the parent/guardian of a minor student may determine the name and gender pronouns that school employees will use to address the student at school and in connection with school-related activities. A court-ordered name change or medical treatment or medical procedure is not required to initiate such a request. Upon being informed that a student intends to regularly use a particular name and/or prefers to be addressed using particular pronouns that correspond to the student's gender identity, school personnel are expected to respect that decision.
- (6) The District's approach of respecting a student's decision to regularly use a name and the pronouns that correspond to the student's gender identity is not a commitment to change all existing school records in order to reflect those preferences. Further, there may be situations where the District is required to use or report the legal name or biological sex of the student as that data is reflected in the District's official records. The extent to which official records of the District are modified will depend on a case-by-case evaluation of the information that the District receives and the type(s) of school records affected by the information that is received. For example, when a student changes their legal name and that change is sufficiently substantiated, the District will issue a high school transcript under the student's new legal name.

Media and Community Communication

The District recognizes that there may be times when members of the community or the media may approach school administrators and staff with questions regarding issues related to transgender students or gender nonconforming students. There may also be times when transgender students or gender nonconforming students and their families ask District officials to communicate information about issues related to gender identity to the media and the community. In such situations, the District shall have a single spokesperson to address the issue(s). This person shall be the Public Information Officer. Rather than directly commenting on the issue(s) themselves, other District and school staff shall direct parents, the media and other members of the school community to the designated spokesperson. Protecting the privacy of transgender and gender nonconforming students must be a top priority for the spokesperson and all staff. Student record information, including medical and patient health care records, shall be kept confidential in accordance with applicable laws and policies governing the confidentiality of student records.

Restroom Accessibility

- (1) A student who is transgender will be permitted to access the men's/women's segregated restrooms that correspond to the gender identity that the student consistently asserts at school and in other social environments. Any student who has a need or desire for increased privacy, regardless of the underlying reason, may be provided with access to a single-access restroom where such a facility is reasonably available, but no student shall be required to use such a restroom because of the student's transgender or gender nonconforming status.
- (2) Any student who has a need or desire for increased privacy, regardless of the underlying reason, may be provided (to the extent reasonably available) with a reasonable alternative changing area (for example, a nearby restroom stall with a door, an area separated by a curtain, a physical education teacher's office in the locker room, or a nearby single-access restroom) or provided with an alternative changing schedule. Any alternative arrangement should be provided in a way that gives adequate consideration to relevant privacy concerns.

Participation in Physical Education Classes and Sports Activities

- (1) A student who is transgender shall be permitted to participate in physical education classes and intramural sports in a manner consistent with the gender identity that the student regularly asserts at school and in other social environments.
- (2) Students who are transgender shall be permitted to participate in interscholastic athletics in a manner consistent with the requirements and policies of the Wisconsin Interscholastic Athletics Association (WIAA).

Dress Codes

Within the constraints of the District's dress and grooming administrative rule and dress codes adopted by the school, students may dress in accordance with their gender identity. School personnel shall not enforce a dress code more strictly against transgender and gender nonconforming students than other students.

Staff Training and Professional Development

- (1) The District will implement ongoing, mandatory training and professional development to build the skills of all staff members to prevent, identify and respond to bullying, harassment and discrimination under Board policies and these guidelines. The content of such training and professional development shall include, but not be limited to:
 - terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents;
 - developmentally appropriate strategies for communication with students and parents/guardians about issues related to gender identity and gender expression that protect student privacy;
 - developmentally appropriate strategies for preventing and intervening in acts of transphobia, bullying and harassment among students and staff members; and
 - District policies, guidelines and procedures regarding bullying, discrimination, harassment, and gender identity and expression issues and responsibilities of staff.
- (2) Related information and professional development shall also be incorporated into training

for new school employees.

- (3) A committee shall be formed by the Director of Bilingual Programs and Instructional Equity or their designee, comprised of students and staff members, to assist in (1) the development of the content of the training and professional development regarding issues facing the transgender and gender nonconforming community, and (2) implementation of the training and professional development regarding issues facing the transgender and gender nonconforming community.