



# **Administrative Guidelines:**

## Working with Transgender and Gender Nonconforming Students and Employees

## **I. PURPOSE:**

The purpose of these guidelines is: 1) to foster inclusive and welcoming learning and working environments that are free from discrimination, harassment, and bullying regardless of sex, sexual orientation, gender identity, or gender expression; 2) to facilitate compliance with district policy, and local, state and federal laws that prohibit discrimination, harassment and bullying; 3) to provide professional development to school staff on transgender issues; and 4) to create safe and supportive learning and working environments.

For purposes of these guidelines, a transgender individual is an individual that consistently asserts a gender identify or gender expression at school or work that is different from the gender assigned at birth. This involves more than a casual declaration of gender identity or expression but does not require proof of a formal evaluation and diagnosis. Since individual circumstances, needs, programs, facilities and resources may differ; administrators and school staff are expected to consider the needs of the individual on a case-by-case basis.

These guidelines are intended to be a resource that is compliant with district policies, local, state and federal laws. They are not intended to anticipate every possible situation that may occur. Staff may consult with the Title IX Coordinator during the implementation of these guidelines.

## **II. THE PROCESS:**

The following process should be used to address the needs of transgender and gender nonconforming students and employees. In addition, this process is available for any student or employee personally impacted by the accommodation of a transgender student or colleague. For example, a non-transgender student who is uncomfortable about sharing a restroom can request access to an alternative restroom.

- a. A transgender or gender nonconforming student or employee is encouraged to contact the site administrator to address any concerns, needs, or requests. Students may also contact their counselor, who will immediately notify and work with the principal. Parents/guardians of transgender students may also initiate contact with the counselor, principal or administrator.
- b. The principal or administrator will schedule a meeting to discuss the student's/employee's needs and to develop a plan to address these needs. The plan should address, as appropriate, the name and pronoun desired by the student/employee, restroom and locker room use, participation in athletics, dress code, student/employee transition plans, if any, and other

needs or requests of the student/employee. Parents and others (counselor, nurse, teachers who have a need to know) may be included in this meeting depending on what is needed to develop a plan for the individual. 'Need to know' staff includes those individuals who provide a direct service, activity or program to the transgender individual. A template to address Title IX gender issues can be found on page 10 of this document.

- c. The plan is developed by the principal or administrator, in consultation with the student or employee, and with others as deemed appropriate by the principal or administrator and approved by the student or employee. Note: If the student has an IEP or 504 Plan, or the employee has an accommodation plan, the provisions in these plans should be taken into consideration in developing a plan for addressing transgender issues.
- d. While medical documentation is not required, the school may request such documentation if helpful to develop an appropriate plan for the student or employee.
- e. If the parties are uncertain or disagree regarding elements to be included in the plan, the site administrator should consult with the Title IX Coordinator.
- f. Students may also use the Student Grievance Process to address any civil rights issue, including transgender issues at school.
- g. A copy of the final plan should be maintained in the student's health file or the employee's unit file and a copy sent to the Title IX Coordinator.

### **III. APPLICABLE ASD POLICIES**

BP 0410: Nondiscrimination in District Programs and Activities

BP 4030: Nondiscrimination in Employment

BP 4119: All Personnel- Sexual Harassment

BP 5000: Concepts and Roles

BP 5145.3: Nondiscrimination

BP 5145.7: Sexual Harassment

### **IV. APPLICABLE LAWS:**

#### **Federal**

A. Title IX of the Education Amendments of 1972

B. U.S. Constitution: Fourteenth Amendment Equal Protection Clause

- C. Family Educational Rights and Privacy Act of 1974 (FERPA)
- D. Health Insurance Portability and Accountability Act of 1996 (HIPAA) Equal Access Act of 1984
- E. Title VII of the Civil Rights Act of 1964, as amended.

**State**

- A. Alaska Human Rights Law AS 18.80

**Local**

- A. Title 5 of the Anchorage Municipal Code

**V. TERMINOLOGY:**

- A. Transgender and gender nonconforming individuals use a variety of terms to describe themselves and gendered experiences. To list just a few examples: Trans, transsexual, transgender, male-to-female (MTF), female-to-male (FTM), bi-gender, two-spirit, trans man, or trans woman.
- B. Terminology and language describing transgender individuals can differ based on region, language, race or ethnicity, age, culture, and other factors.
- C. School staff and educators should inquire which terms a student or staff member may prefer and avoid terms that make the individual uncomfortable; a good general guideline is to employ those terms, which the individual uses to describe him or herself.

**VI. DEFINITIONS:**

These definitions are provided not for the purpose of labeling students or staff but to assist in understanding these guidelines and the legal obligations of district staff. Students and employees may or may not use these terms to describe themselves.

- A. **Gender Identity:** A person's deeply held sense or psychological knowledge of their own gender. One's gender identity can be the same or different than the gender assigned at birth. People generally have a gender identity that matches their assigned gender at birth. For some, however, their gender identity is different from their assigned gender. All people have a gender identity, not just transgender people.
- B. **Gender Expression:** The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

- C. **Transgender:** An adjective describing a person whose gender identity or gender expression is different from that traditionally associated with an assigned sex at birth. Other terms with a similar meaning are transsexual and trans.
- D. **Transition:** The process in which a person goes from living and identifying as one gender to living and identifying as another.
- E. **Gender Nonconforming:** An adjective describing those whose gender expression differs from stereotypical expectations, such as “feminine” boys, “masculine” girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify as both genders. Other terms with a similar meaning include gender diverse or gender expansive.
- F. **Bullying:** As defined in AS 14.33.250, bullying or harassment means an intentional electronic, written, verbal or physical act that: threatens, intimidates, or places a student in fear of physical harm; that physically harms the student or damages the student’s property; that substantially interferes with the student’s education or participation in activities; is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or has the effect of substantially disrupting the school environment. This includes but is not limited to, conduct that is based on a student’s actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, or religion. This also includes conduct that targets a student because of a characteristic of a friend, family member, or other person or group with whom the student associates.
- G. **Harassment:** Harassment means intentional electronic, written, verbal, or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school’s educational programs or activities because the conduct is so severe, persistent or pervasive. This includes, but is not limited to, conduct that is based on a student’s actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, or religion. This also includes conduct that targets a student because of a characteristic of a friend, family member, or other person or group with whom the student associates.

## VII. MEDIA AND COMMUNITY COMMUNICATION:

When questions are received from the media or community about issues related to gender identity, including District policy and procedures, school staff shall direct parents and the media to the district’s Title IX Coordinator or to the Communications Department.

Protecting the privacy of transgender and gender nonconforming students and employees must be a top priority for the spokesperson and all staff. All student and personnel information shall be kept strictly confidential as required by district policy and local, state or federal privacy laws.

#### **VIII. OFFICIAL RECORDS:**

- A. Mandatory permanent student and employee records will include the legal/birth name and legal/birth gender. However, to the extent that the district is not legally required to use a student's or employee's legal/birth name and gender on other school records or documents, the school will use the name and gender preferred by the student or employee. For example, student ID cards are not legal documents so could use the student's preferred name.
- B. A student's preferred name can be entered in the student information system using the "nickname" field.
- C. ONLY upon receipt of a court order or other legal documentation will the school/district change a student's or employee's official record to reflect a change in legal/birth name or gender. All such changes will be made pursuant to a court order or through amendment of state or federally issued identification.

#### **IX. NAMES AND PRONOUNS:**

- A. Administrators and staff should respect the right of an individual to be addressed by a name and pronoun that corresponds to their gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records.
- B. Transgender and gender nonconforming students/employees should be asked privately how they want to be addressed in class, in the workplace, in correspondence to the home, or at conferences with the student's parent/guardian.
- C. When contacting the parent or guardian of a transgender student, school staff should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth, unless the student, parent, or guardian has specified otherwise.

**X. ACCESS TO GENDER-SEGREGATED ACTIVITIES AND AREAS:**

- A. Schools may maintain separate restrooms and locker rooms for male and female students/employees. Access should be allowed based on the gender identity consistently expressed by the student or employee.
- B. Any transgender or gender nonconforming student/employee who is uncomfortable using a shared restroom or locker room regardless of the reason, shall, upon request, be provided with a safe and non-stigmatizing alternative. This may include, for example, addition of a privacy partition or curtain, use of a nearby private restroom or office, or a separate changing schedule. However, staff should not require a transgender or gender nonconforming student/employee to use a separate, nonintegrated space unless requested by the individual student/employee.
- C. Students/employees are not required to use sex-segregated facilities that are inconsistent with their gender identity.
- D. Where available, schools are encouraged to designate facilities designed for use by one person at a time as accessible to all students regardless of gender, and to incorporate such single-user facilities into new construction or renovation. However, under no circumstances may a student be required to use such facilities because they are transgender or gender nonconforming.

**XI. STUDENT INTRAMURAL AND INTERSCHOLASTIC ATHLETICS:**

All students will be permitted to participate in intramural sports in a manner consistent with their gender identity consistently expressed at school. Furthermore, all students will be permitted to participate in District-sponsored interscholastic athletics in a manner consistent with their gender identity. ASAA determines its own rules for interscholastic competitions.

**XII. OTHER GENDER-BASED ACTIVITIES, RULES, POLICIES AND PRACTICES:**

- A. Schools should regularly evaluate all gender-based activities, rules, policies, and practices including but not limited to classroom activities, school ceremonies, and school photos and maintain only those that have a clear and sound pedagogical purpose.
- B. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

### **XIII. DRESS CODE:**

- A. Schools may enforce dress codes pursuant to district policy.
- B. Students and staff shall have the right to dress in accordance with their gender identity, within the constraints of the dress codes adopted by the district.
- C. School staff shall not enforce a school's dress code more strictly against transgender and gender nonconforming students than other students.

### **XIV. STUDENT TRANSITIONS:**

In order to maintain privacy and confidentiality regarding student transition and gender identity, the school shall act in accordance with the following age-appropriate policies:

- A. Elementary:** Generally, it will be the parent or guardian that informs the school of the impending transition. However, it is not unusual for a student's desire to transition to first surface at school. If school staff believes that a gender identity or expression issue is presenting itself and creating difficulty for the student at school, approaching parents about the issue is appropriate at the elementary level. Together, the family and school can then identify appropriate steps to support the student.
- B. Secondary:** Generally, notification of a student's parent about his or her gender identity, expression or transition is unnecessary, as they are already aware and may be supportive. In some cases, however, notifying parents carries risks for the student if the family does not support the student's desire to transition. Prior to notification of any parent or guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the parent/guardian will be involved in the process, considering at all times the health, well-being, and safety of the transitioning student.

When a student transitions during the school year, the principal will hold a meeting with the student and parent(s) to discuss their desires and concerns. The principal should discuss the student's timeline for the transition process in order to create the conditions supporting a safe and accepting environment at the school.

Finally, the principal will train other administrators and any staff that interact directly with the student on the transition plan, timelines for transition, and any relevant legal requirements.

## **XV. TRAINING AND PROFESSIONAL DEVELOPMENT**

- A. The Compliance/EEO Office will provide training to the entire ASD Leadership on their responsibilities under applicable laws and these guidelines,
- B. The principal and site administrator will conduct site training for all staff members under their supervision (including teachers, counselors, nurses and all support staff) regarding district policies, the law and these guidelines.
- C. All staff will be trained upon hire and reminded annually of their duty and responsibility to prevent, identify and respond to bullying, harassment and discrimination.

### **REFERENCES:**

U.S. Dept. of Educ., Office for Civil Rights (Apr. 29, 2014). **Questions and Answers on Title IX and Sexual Violence (archived)**, accessible at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

U.S. Dept. of Educ., Office for Civil Rights & U.S. Dept. of Justice, Educ. Opportunities Section, Resolution Letter to Joel Shawn, Arcadia Unified School Dist. (July 24, 2013), accessible at: <http://www.justice.gov/crt/about/edu/documents/arcadialetter.pdf> (describing settlement of a Title IX complaint involving equal access to restrooms)

U.S. Dept. of Educ., Office for Civil Rights & U.S. Dept. of Justice, **FAQs Regarding Sexual Discrimination, accessible at** [,https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/sex.html](https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/sex.html)

U.S. Dept. of Educ., Office for Civil Rights (Oct. 26, 2010). **Dear Colleague Letter (archived)**, accessible at <http://www2.ed.gov/about/offices/list/ocr/> <http://www2.ed.gov/policy/elsec/guid/secletter/110607.html>

## Plan to Address Title IX Gender Issues

The information in this document is part of the individual's official record and is protected by FERPA/HIPAA. This information will only be shared with individuals who have a legitimate need to know. Individuals needing such accommodations must request this process at each new school or work location.

### Student Records

1. **Birth First and Last Name** (*Name on birth certificate*):

2. **Birth Gender:**

3. **Preferred First Name** (*The name to be entered in the 'Nickname' field in the Student Management System*):

### Concerns, Needs & Requests:

- A. **Preferred Pronoun:**

- B. **Bathroom Accommodation:**

- a. *Discuss and provide safe, reasonable non-stigmatizing alternatives to using gender-segregated bathroom.*

### C. **Locker Room Accommodations**

- a. *Discuss safe, reasonable, non-stigmatizing alternatives.*

- D. **Dress Code:**

- a. *Review district dress code policy*

- E. **Participation in intramurals and/or athletics:**

- F. **Other Considerations:**

- a. *Name to be used in school publications and other events?*

**I am in agreement with the above plan.**

Student/Employee's Signature:

Date:

Principal's Signature:

Date: