7:10-APD Administrative Procedure - Student Gender Support

This Administrative Procedure sets forth the District protocol for schools to address the needs and concerns of transgender and gender non-conforming students to ensure a safe, affirming, and healthy school environment where every child can learn. This Administrative Procedure is supported by Board of Education of Berwyn South School District 100 and Policies 7:10 "Equal Educational Opportunities," 7:20 "Harassment of Students Prohibited," 7:160 "Student Appearance," 7:165 "School Uniforms," and 7:180 "Preventing Bullying, Intimidation, and Harassment." This Administrative Procedure is also supported by 20 U.S.C. §1681(a), Title IX of the Education Amendments of 1972, the Illinois Human Rights Act 775 ILCS 5/5-101 *et seq*., and the Illinois Prevent School Violence Act 105 ILCS 5/27-23.7.

Definitions

Gender Identity: an individual's intrinsic sense of self and their sense of being female, male, a combination of both, or neither regardless of their sex assigned at birth.

Gender Expression: the way an individual expresses their gender identity (e.g. in the way they dress, the length and style of their hair, the way they act or speak, the volume of their voice, and in their choice of whether or not to wear make-up.) Understandings of gender expression are culturally specific and will change over time.

Gender Non-Conforming: refers to individuals who do not follow other people's ideas or stereotypes about how they should look or act based on the female or male sex they were assigned at birth (also called Gender Variant, Gender Expansive, or Gender Creative).

Intersex: a general term used for a variety of conditions in which a person is born with sex characteristics that don't fit the typical definitions of male and female.

Sex Assigned at Birth: often based solely on external genitalia but also includes internal reproductive structures, chromosomes, hormone levels, and secondary sex characteristics. This is typically the sex reflected on one's original birth certificate.

Sexual Orientation: a person's emotional and sexual attraction to other people based on the gender of the other person. Sexual orientation is not the same as gender identity. Not all transgender youth identify as gay, lesbian or bisexual, and not all gay, lesbian and bisexual youth display gender-nonconforming characteristics.

Transgender: refers to individuals whose gender identity is different from what is assumed based on their sex assigned at birth, and/or whose gender expression is different from the way males or females are stereotypically expected to look or behave. This is an umbrella term for a variety of gender identities and expressions that an individual may self-identify with.

Transition: the process whereby people may change their gender expression, bodies and/or identity documents to match their internal gender identity. Transition can be social, emotional, and/or medical and is different for every individual. In children, adolescents, and adults, it is increasingly common for gender transition to be fluid.

Cisgender: a term used to describe people whose gender identity corresponds with their assigned sex at birth.

Confidentiality

All students have a right to privacy. To ensure the safety and well-being of the student, school personnel should not disclose a student's transgender status to other students or parents of other students unless such disclosure has been authorized by the student's parent(s)/guardian(s). If such disclosure is necessary, it should be documented in the Gender Support Plan and discussed with the student in advance. School staff should only discuss a student's transgender status with one another if it is necessary to support the student's social, emotional, and academic success.

Names & Pronouns

Students shall have the right to be addressed by a name and pronoun corresponding to their gender identity. At the request of parent(s)/guardian(s) or a middle school student, the Gender Support Plan shall include a method for the requested name to be included in the District's electronic database in order to inform teachers (including substitute teachers) of the name to use when addressing the student. The Gender Support Plan shall also include a method for a student to change their name in student technology logins, email systems, student identification cards, non-legal documents such as diplomas and awards, and at events such as graduation. Students are not required to obtain a court ordered name change and/or submit medical or psychological documentation as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity or to having their preferred name and/or gender identity included in the student database. An intentional and persistent refusal by school staff to respect a student's gender identity is a violation of District Policies 7:10 and 7:20.

Gendered Facilities & School-Sponsored Programs

The Gender Support Plan shall include a clear plan for supporting the student's access to gendered facilities and school-sponsored programs that are consistent with their gender identity. This may include, but is not limited to, access to multi-stalled gendered restrooms, locker rooms, fine and performing arts programs, and athletic programs. Schools shall allow students to use gendered facilities and have access to school-sponsored programs that are consistent with their Gender Support Plans. Regardless of gender identity, any student who has a need or desire for increased privacy should be provided access to an alternative restroom such as a single-stall staff bathroom or nurse's bathroom. However, no student shall be required to use a single-stall restroom because they are transgender or gender non-conforming.

Dress Codes

A student whose gender expression is different from expectations based on the student's sex assigned at birth shall not be considered disruptive of the educational process or in interference with the maintenance of a positive teaching/learning climate. All students shall be permitted to wear gender-affirming clothing to school including at school-sponsored functions such as dances and graduation.

Curriculum & Pedagogy

All teachers, administrators, staff, and support staff shall use a gender-affirming approach. A gender-affirming approach is a framework used to create an environment in which transgender and gender non-conforming youth are able to live as the gendered person they identify themselves to be, and achieve healthy development and social, emotional, and academic success. This approach includes affirming students' gender identities and being flexible during gender transition processes. School libraries should include accurate information on gender diversity as well as gender-affirming children's books, young adult fiction, non-fiction, and multi-media. An individual student's gender transition or personal gender history should never be the subject of a class lesson unless specifically directed in

the student's Gender Support Plan.

As a general matter, school administrators should evaluate all practices that divide students on the basis of gender and maintain only those that have a clear and sound pedagogical purpose. Gendered practices can have the effect of marginalizing, stigmatizing, and excluding students, whether they are gender nonconforming or not. Teachers should not restrict students' exploration of any available toys or books. Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender-specific practice, students must be permitted to participate in such activities consistent with their gender identity and a clear strategy to support the student should be documented in advance of the activity in the student's Gender Support Plan.

All staff shall be trained annually on this Administrative Procedure and on gender-affirming approaches to education.

Gender Support Team & Support Planning

The District Superintendent shall establish a district-wide team to support any student in gender transition. This team shall consist of an administrator and school social worker, and may also include a school psychologist, teacher, nurse, or physical education teacher at the Superintendent's or Superintendent designee's discretion. All members of the district-wide gender support team shall be annually trained in the social, mental, and emotional support of transgender and gender non-conforming children and adolescents. The content of this training shall be medically accurate and evidence-based.

The Gender Support Team shall meet within ten (10) business days of a request by a student's parent(s)/guardian(s) and/or an enrolled middle school student to develop or revise a Gender Support Plan but shall meet sooner in the case of exigent circumstances. For enrolled elementary students, a parent or guardian shall be present at this meeting and it shall be the parent's decision whether their child is present. The family may bring an additional support person such as a friend, social worker, clergy member, etc. For enrolled middle school students, the student shall be present at this meeting and it shall be the student's decision whether their parent(s)/guardian(s) are present. The student may bring an additional support person such as a friend, social worker, clergy member, etc.

At all times, the Gender Support Team shall respect the self-determination of the student and shall develop a written Gender Support Plan for the student's academic, social, and emotional success. This Gender Support Plan shall address the expressed wishes of the student and/or parent(s)/guardian(s), access to restrooms and other gender-segregated facilities, accommodations for affirming the students preferred name and gender identity, disclosure to the student's gender identity to teachers, confidentiality of gender transition in student records and information systems, staff training, and other supports as necessary. The Gender Support Team shall prioritize a middle school student's expressed needs for safety in the event that disclosure to the student's parent(s)/guardian(s) is deemed necessary by the District Superintendent or Superintendent designee and the Gender Support Plan shall indicate a clear outline for such disclosure that prioritizes the emotional health and educational success of the middle school student. The Gender Support Plan will be included in the student's temporary file which shall only be accessible to staff assigned to the student as designated in the plan, or as otherwise required by law. The plan will be reviewed annually, but may be reviewed and updated as necessary. If requested, when transfer or graduation occurs, the Gender Support Plan shall document the decision for the Gender Support Team's role in communicating with the new school about gender-specific accommodations.

Discrimination & Harassment

No student shall be denied equal access to education on the basis of their gender identity. Allegations

involving violations of this Administrative Procedure shall be reported in the manner consistent with Board Policies 7:20 and 7:180.

Online Accessibility

The District shall make this Administrative Procedure available on school websites and accessible to the public. The District shall also ensure that students, parents, and guardians can access information on its website regarding making a request for to meet with the Gender Support Team. This website may also provide information about gender transition and related resources and contact information for the Gender Support Team. Administrative staff who may receive phone calls or in-person questions about this Administrative Procedure should have a current list of members of the Gender Support Team and should refer all questions to those individuals.

DATED: July 1, 2022