AR-5145.3(a)

TRANSGENDER STUDENTS AND EMPLOYEES

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 local, state and federal laws that prohibit discrimination, harassment and bullying; 3) to provide professional information 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 identity or gender expression at school or work that is different from the gender assigned at birth. This involves a consistent declaration of gender identity or expression over time 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.

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 student who is uncomfortable about sharing a restroom with a transgender student 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 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 principal.

b. The principal or administrator will schedule a meeting to discuss the individual'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.

c. The plan should be developed by the principal or administrator, in consultation with the student or employee, and with others as deemed appropriate by the 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.

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e. If the parties are uncertain or disagree regarding elements to be included in the plan, the site administrator should consult with the appropriate district administration.

f. Students may also use the Student Grievance Process, set forth in BP 1312.3, to address any transgender issue at school.

g. A copy of the final plan should be maintained in the student's health file or the employee's unit file.

h. District staff shall protect the privacy of transgender and gender nonconforming students and employees. All student and personnel information shall be kept strictly confidential as required by district policy and local, state or federal privacy laws.

Official Records

Mandatory permanent student and employee records will include the legal/birth name and legal/birth 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 could use the student's preferred name.

Only upon receipt of a court order or other legal documentation should a student's or employee's official record be changed to reflect a change in legal/birth name or gender.

Names and Pronouns

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.

Transgender and gender nonconforming students/employees are encouraged to discuss 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.

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.

Access to Gender-Segregated Activities and Areas

Note: On June 1, 2015, the U.S. Department of Labor, Occupational Safety and Health Administration, issued "A Guide to Restroom Access for Transgender Workers." The core principle of this guidance is that "[a]ll employees, including transgender employees, should have access to restrooms that correspond to their gender identity."

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Schools may maintain separate restrooms and locker rooms for male and female students/employees. 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. However, no student should be required to use such facilities because the student is transgender or gender nonconforming.

Upon request, the District will work with transgender students and parents to determine appropriate accommodations in regard to bathrooms and locker rooms. If a student is uncomfortable using a shared restroom or locker room, regardless of the reason, considerations can include safe and non-stigmatizing alternatives such as the addition of a privacy partition or curtain, use of a nearby private restroom or office, or a separate changing schedule.

Student Intramural and Interscholastic Athletics

All students will be permitted to participate in sports in a manner consistent with ASAA regulations.

Other Gender-Based Activities, Rules, Policies and Practices

Schools should regularly evaluate all gender-based activities, rules, policies, and practices and maintain only those that have a clear and sound pedagogical purpose.

Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

Dress Code

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. School staff shall not enforce a school's dress code more strictly against transgender and gender nonconforming students than other students.

Student Transitions

Transition is the process in which a person goes from living and identifying as one gender to living and identifying as another. When a student transitions during the school year, the principal or designee will hold a meeting with the student and parent(s) to discuss their desires and concerns. The principal or designee should discuss the student's timeline for the transition process in order to support a safe and accepting environment at the school.

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.

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Training and Professional Development

District administration should provide training to appropriate staff on their responsibilities under applicable laws and this regulation. Training should include the responsibility to prevent, identify and respond to bullying, harassment and discrimination. This includes treating transgender students and employees respectfully to foster a spirit of inclusion and to refrain from making disparaging comments or comments seeking gender conformity.

Adopted: January 18, 2021
Revised: August 19, 2024