

APPENDIX:

MODEL SCHOOL POLICY REGARDING TRANSGENDER AND GENDER-NONCONFORMING STUDENTS

This policy is intended to advise school administration and staff regarding issues relating to transgender and gender-nonconforming students in order to provide equal educational opportunities to all students and ensure that schools maintain environments free from unlawful discrimination or discriminatory harassment.

Definitions

For the purposes of this policy:

Transgender Students refers to students whose gender identity is different from their sex assigned at birth.

Gender Identity refers to one's understanding of oneself as a girl (or woman), boy (or man), or both, or neither, regardless of one's sex assigned at birth.

Gender Expression refers to the way a person expresses her or his gender, through dress, grooming habits, choice of name and pronoun, mannerisms, activities, etc.

Gender-nonconforming Students refers to students who have a gender identity or expression that does not conform to stereotypical expectations, such as feminine boys, masculine girls and androgynous students. Examples of gender-nonconforming students include boys who come to school wearing what is commonly considered to be girls' clothing (such as a skirt or dress), or girls who play games on the playground that might be perceived as "boys' games" (like football).

Student Self-Identification

Students, including transgender and gender-nonconforming students, may use a variety of terms to describe their gender, gender expression and gender identity. Not all students who fall within the broad definitions of "transgender" and "gender-nonconforming" set forth above will use these terms to self-identify. School personnel should not label students unnecessarily, and should respect the terms students adopt to identify themselves. Whenever possible, school forms to be filled out by students should allow students to fill in their gender (or to decline to answer) rather than force them to choose between male and female.

Privacy and Confidentiality

All persons, including students, have a right to privacy; this includes the right to keep one's transgender status private. Absent consent from the student, school personnel should not disclose a student's transgender status to others, such as students, parents or school personnel, unless there is a specific "need to know" (for example, a health emergency). A student's transgender status may also be disclosed to others to the limited extent necessary to investigate and/or resolve a claim of discrimination or harassment brought by that student.

Names and Pronouns

Students may request to be addressed by a name and pronoun that corresponds to their gender identity without changing the legal name designated in their official records and school-wide informational systems. All school staff and faculty must honor such requests. If the student consents, such requests must also be noted

in any materials that are shared with or accessible to staff and faculty, in order to inform teachers and other staff of the name and pronoun to use when addressing the student.

Teachers should privately ask transgender or gender-nonconforming students at the beginning of the school year how they prefer to be addressed at school and how they prefer to be addressed in correspondence to the home or at conferences with their parents. In cases where students and parents disagree about the name and pronoun to be used at school, school officials may refer families to appropriate internal and/or external counseling or support services.

Official Records

A school shall change the legal name designated in a student's official records upon receipt of a court order documenting a legal change in name. However, upon the request of the student, the student's official record shall include a notation indicating the preferred name even in the absence of such documentation.

Any school records indicating a student's gender should do so in accordance with the student's gender identity.

Dress Codes

Students have the right to dress in accordance with their gender identity. A student's clothing shall not be deemed to violate any applicable dress code on the ground that it does not conform in whole or in part to stereotypes or gender norms associated with the sex assigned to that student at birth.

Restroom Accessibility

Students shall have access to restroom facilities that correspond to their gender identity. Where available, a single-stall restroom or other alternate restroom, such as one in a health or nurse's office, shall be used by any student with a need for increased privacy (for example, because of his or her gender identity, a permanent or temporary disability, etc.) regardless of the underlying reason. The use of such

a single-stall bathroom shall be a matter of the student's choice; no student should be compelled to use such a bathroom.

Locker Room Accessibility

Students shall have access to locker room facilities that correspond to their gender identity. In locker rooms that require undressing in front of others, students who desire increased privacy for any reason (for example, because of their gender identity, a permanent or temporary disability, etc.), shall be provided with accommodations that best meet their needs and privacy concerns. Based on availability and the nature of the privacy concerns, such accommodations could include, but are not limited to:

Use of a private area in or near the locker room (e.g., an area separated by a curtain, the physical education instructor's office, a nearby restroom or nurse's office, etc.), or a separate changing schedule (using the locker room before or after other students).

Physical Education Classes and Sports

Transgender and gender-nonconforming students are to be provided the same opportunities to participate in physical education as all other students, shall not be forced to have physical education outside of the assigned class time, and shall be permitted to participate in any gender-segregated activities in accordance with their gender identity. Generally, students shall also be permitted to participate in any gender-segregated recreational and competitive athletic activities, including extracurricular activities, in accordance with their gender identity. If a dispute arises with regard to a transgender student's participation in competitive athletics or contact sports, such disputes shall be resolved on a case-by-case basis.

Other Instances of Gender Segregation

Generally, in any circumstance where students are separated by gender in the course of a school activity, students shall be permitted to participate in accordance with their gender identity. If such

an activity raises privacy concerns for any transgender or gender nonconforming student, for any reason, staff shall make a reasonable effort to provide an accommodation to address such concerns. If no such accommodation is available, concerns shall be addressed on a case-by-case basis.

Access to Information

Schools should endeavor to include in their libraries or health offices (or other appropriate locations) books, pamphlets and/or other materials that provide accurate information about gender identity issues and related matters. Students should be permitted to access these materials confidentially and, if possible, anonymously.

Discrimination/Harassment

Schools must take effective steps to provide transgender and gender-nonconforming students with a safe school environment. This includes, but is not limited to, ensuring that any incident of discrimination, harassment or violence is promptly investigated and all appropriate corrective actions are taken.

Complaints alleging discrimination or harassment based on someone's actual or perceived sex, gender identity and/or gender expression are to be handled in the same manner as other discrimination or harassment complaints. School authorities may not discipline students or pressure them to alter their gender expression because other students react to that expression in a disruptive manner.

Safety Transfers

Generally, schools should endeavor to keep transgender and gender-nonconforming students at their school site. Incidents of harassment or discrimination against a transgender or gender-nonconforming student should not result in an automatic transfer to another school. However, transfers should be considered and/or granted when it would be in the student's best interest to be in a different social environment or when a transfer is necessary for the protection or personal welfare of the student. In such cases, the decision to transfer a student should be made in close consultation with the student and the student's parent(s) or guardian(s) in order to determine whether a transfer is in the best interest of the student.