JB - TRANSGENDER STUDENTS

I. PURPOSE

The purposes of these guidelines are: 1) to foster a learning environment that is safe, and free from discrimination, harassment, and bullying; and 2) to assist in the educational and social integration of transgender students in our schools. These guidelines are intended to be interpreted in light of applicable federal and state laws and regulations, as well as Board policies, procedures, and school rules.

These guidelines are not intended to anticipate every possible situation that may occur, since the needs of particular students and families differ depending on the student's age and other factors. In addition, the programs, facilities, and resources of each school also differ. Administrators and school staff are expected to consider the needs of students on a case-by-case basis, and to utilize these guidelines and other available resources as appropriate.

II. DEFINITIONS

The following definitions are not intended to provide rigid labels for students, but to assist in discussing and addressing the needs of students. The terminology in this area is constantly evolving, and preferences for particular terminology vary widely. Administrators, school staff, volunteers, students, and others who interact with students are expected to be sensitive to the ways in which particular transgender students may wish to be identified. However, for the sake of brevity, these guidelines refer to "transgender students".

I. Sexual orientation - Sexual orientation is defined in the Maine Human Rights Act as an individual's "actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression". This is the only term related to these guidelines that is defined in Maine law.

II. 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 from the gender assigned at birth.

III. Gender expression - The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

IV. Transgender - An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth.

V. Transition - The process by which a person goes from living and identifying as one gender to living and identifying as another. For most elementary and secondary students, this involves no or minimal medical interventions. In most cases, transgender students under the age of 18 are in the process of social transition from one gender to another.

III. ADDRESSING THE NEED OF TRANSGENDER STUDENTS

For the purpose of these guidelines, a student will be considered transgender if, at school they consistently assert a gender identity or expression different from the gender assigned at birth. This involves more than a casual declaration of gender identity or expression, but it does not necessarily require a medical diagnosis.
The following procedure will be used to address needs raised by transgender students and/or their parent(s)/guardian(s).

I. A transgender student and/or their parent(s)/guardian(s) should contact the building administrator or the student's guidance counselor. In the case of a student who has not yet enrolled in school, the appropriate building administrator should be contacted.

II. A meeting should be scheduled to discuss the student's particular circumstances and needs. In addition to the student, parent(s)/guardian(s) and building administrator, other participants may include the guidance counselor or social worker, school nurse, teachers, and/or other school staff, and possibly outside providers who can assist in developing a plan for that student.

III. A plan should be developed by the school, in consultation with the student, parent(s)/guardian(s), and others as appropriate, to address the student's particular needs. If the student has an IEP and/or a 504 plan, the provisions of these plans should be taken into consideration in developing the plan for addressing transgender issues.

IV. The school may request documentation from medical providers or other service providers as necessary to assist staff in developing a plan appropriate for the student.

V. If the parties cannot reach an agreement about the elements to be included in the plan, the building administrator and/or Superintendent shall be consulted as appropriate.

IV. GUIDANCE ON SPECIFIC ISSUES

I. Privacy: The student plan should address how to deal with disclosures that the student is transgender. In some cases, a student may want school staff and students to know, and in other cases the student may not want this information to be widely known. School staff should take care to follow the student's plan and not to inadvertently disclose information that is intended to be kept private or that is protected from disclosure (such as confidential medical information).
School Staff should keep in mind that under FERPA, student records may only be accessed and disclosed to staff with a legitimate educational interest in the information. Disclosures to others should only be made with appropriate authorization from the administration and/or parent(s)/guardian(s).

II. Official Records: Schools are required to maintain a permanent record for each student that includes legal name and gender. This information is also required for standardized tests and official school unit reports. This official information will only be changed upon receipt of documentation that a student's name or gender has been changed in accordance with any applicable laws. Any requests to change a student's legal name or gender in official records should be referred to the Superintendent.
To the extent that the school is not required to use a student's legal name or gender on school records or other documents, the school should use the name and gender identified in the student's plan.

III. Names/Pronouns: A student who has been identified as transgender under these guidelines should be addressed by school staff and other students by the name and pronoun corresponding to their gender identity that is consistently asserted at school.

IV. Restrooms: A student who has been identified as transgender under these guidelines should be permitted to use the restroom assigned to the gender which the student consistently asserts at school. A transgender student who expresses a need for privacy will be provided with reasonable alternative facilities or accommodations such as using a separate stall or a staff facility. However, a student shall not be required to use a separate non communal facility over the student’s objection.

V. Locker Rooms: The use of locker rooms requires schools to consider a number of factors, including but not necessarily limited to, the safety and comfort of students; the transgender student's preference; student privacy; the ages of students; and available facilities. As a general rule, transgender students will be permitted to use the locker room assigned to the gender that the student consistently asserts at school. A transgender student will not be required to use a locker room that conflicts with the gender identity consistently asserted at school. A transgender student who expresses a need for privacy will be provided with reasonable alternative facilities or accommodations, such as using a separate stall, a staff facility, or separate schedule.
Interscholastic athletic activities should be addressed through the Maine Principal's Association Transgender Participation Policy (link, page 19).

VI. Other Gender-Segregated Facilities or Activities: As a general rule, in other facilities or activities when students may be separated by gender, transgender students may participate in accordance with the gender identity consistently asserted at school.

VII. Dress Code: Transgender students may dress in accordance with their consistently asserted gender identity, consistent with any applicable requirements in the dress code or school rules.

VIII. Safety and Support for Transgender and Transitioning Students: School staff are expected to comply with any plan developed for a transgender student and to notify the building administrator or other designated support person for the student if there are concerns about the plan, or about the student's safety or welfare. School staff should be sensitive to the fact that transgender and transitioning students may be at higher risk for being bullied or harassed, and should immediately notify the appropriate administrator if they become aware of a problem.

V. STAFF TRAINING AND INFORMATIONAL MATERIALS

I. The Superintendent and/or building principal may institute in-service training and/or distribute educational materials about transgender issues to school staff as they deem appropriate.

II. Teachers and other staff who have responsibilities for a transgender student with a plan will receive support in implementing the plan.

Cross Reference:

- ACAA - Harassment and Sexual Harassment of Students
- JICA - Student Dress
- Maine Principals Association's Transgender Participation Policy

Adopted:

- November 8, 2016

Cape Elizabeth School Board

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