



U.S. Department of Justice
Civil Rights Division



U.S. Department of Education
Office for Civil Rights

May 13, 2016

Dear Colleague:

Schools across the country strive to create and sustain inclusive, supportive, safe, and nondiscriminatory communities for all students. In recent years, we have received an increasing number of questions from parents, teachers, principals, and school superintendents about civil rights protections for transgender students. Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations prohibit sex discrimination in educational programs and activities operated by recipients of Federal financial assistance.¹ This prohibition encompasses discrimination based on a student's gender identity, including discrimination based on a student's transgender status. This letter summarizes a school's Title IX obligations regarding transgender students and explains how the U.S. Department of Education (ED) and the U.S. Department of Justice (DOJ) evaluate a school's compliance with these obligations.

ED and DOJ (the Departments) have determined that this letter is *significant guidance*.² This guidance does not add requirements to applicable law, but provides information and examples to inform recipients about how the Departments evaluate whether covered entities are complying with their legal obligations. If you have questions or are interested in commenting on this guidance, please contact ED at ocr@ed.gov or 800-421-3481 (TDD 800-877-8339); or DOJ at education@usdoj.gov or 877-292-3804 (TTY: 800-514-0383).

Accompanying this letter is a separate document from ED's Office of Elementary and Secondary Education, *Examples of Policies and Emerging Practices for Supporting Transgender Students*. The examples in that document are taken from policies that school districts, state education agencies, and high school athletics associations around the country have adopted to help ensure that transgender students enjoy a supportive and nondiscriminatory school environment. Schools are encouraged to consult that document for practical ways to meet Title IX's requirements.³

Terminology

- Gender identity* refers to an individual's internal sense of gender. A person's gender identity may be different from or the same as the person's sex assigned at birth.
- Sex assigned at birth* refers to the sex designation recorded on an infant's birth certificate should such a record be provided at birth.
- Transgender* describes those individuals whose gender identity is different from the sex they were assigned at birth. A *transgender male* is someone who identifies as male but was assigned the sex of female at birth; a *transgender female* is someone who identifies as female but was assigned the sex of male at birth.

- *Gender transition* refers to the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.

Compliance with Title IX

As a condition of receiving Federal funds, a school agrees that it will not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex any person in its educational programs or activities unless expressly authorized to do so under Title IX or its implementing regulations.⁴ The Departments treat a student's gender identity as the student's sex for purposes of Title IX and its implementing regulations. This means that a school must not treat a transgender student differently from the way it treats other students of the same gender identity. The Departments' interpretation is consistent with courts' and other agencies' interpretations of Federal laws prohibiting sex discrimination.⁵

The Departments interpret Title IX to require that when a student or the student's parent or guardian, as appropriate, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the school will begin treating the student consistent with the student's gender identity. Under Title IX, there is no medical diagnosis or treatment requirement that students must meet as a prerequisite to being treated consistent with their gender identity.⁶ Because transgender students often are unable to obtain identification documents that reflect their gender identity (*e.g.*, due to restrictions imposed by state or local law in their place of birth or residence),⁷ requiring students to produce such identification documents in order to treat them consistent with their gender identity may violate Title IX when doing so has the practical effect of limiting or denying students equal access to an educational program or activity.

A school's Title IX obligation to ensure nondiscrimination on the basis of sex requires schools to provide transgender students equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns. As is consistently recognized in civil rights cases, the desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantages a particular class of students.⁸

1. Safe and Nondiscriminatory Environment

Schools have a responsibility to provide a safe and nondiscriminatory environment for all students, including transgender students. Harassment that targets a student based on gender identity, transgender status, or gender transition is harassment based on sex, and the Departments enforce Title IX accordingly.⁹ If sex-based harassment creates a hostile environment, the school must take prompt and effective steps to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects. A school's failure to treat students consistent with their gender identity may create or contribute to a hostile environment in violation of Title IX. For a more detailed discussion of Title IX

requirements related to sex-based harassment, see guidance documents from ED's Office for Civil Rights (OCR) that are specific to this topic.¹⁰

2. Identification Documents, Names, and Pronouns

Under Title IX, a school must treat students consistent with their gender identity even if their education records or identification documents indicate a different sex. The Departments have resolved Title IX investigations with agreements committing that school staff and contractors will use pronouns and names consistent with a transgender student's gender identity.¹¹

3. Sex-Segregated Activities and Facilities

Title IX's implementing regulations permit a school to provide sex-segregated restrooms, locker rooms, shower facilities, housing, and athletic teams, as well as single-sex classes under certain circumstances.¹² When a school provides sex-segregated activities and facilities, transgender students must be allowed to participate in such activities and access such facilities consistent with their gender identity.¹³

- Restrooms and Locker Rooms.** A school may provide separate facilities on the basis of sex, but must allow transgender students access to such facilities consistent with their gender identity.¹⁴ A school may not require transgender students to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so. A school may, however, make individual-user options available to all students who voluntarily seek additional privacy.¹⁵
- Athletics.** Title IX regulations permit a school to operate or sponsor sex-segregated athletics teams when selection for such teams is based upon competitive skill or when the activity involved is a contact sport.¹⁶ A school may not, however, adopt or adhere to requirements that rely on overly broad generalizations or stereotypes about the differences between transgender students and other students of the same sex (*i.e.*, the same gender identity) or others' discomfort with transgender students.¹⁷ Title IX does not prohibit age-appropriate, tailored requirements based on sound, current, and research-based medical knowledge about the impact of the students' participation on the competitive fairness or physical safety of the sport.¹⁸
- Single-Sex Classes.** Although separating students by sex in classes and activities is generally prohibited, nonvocational elementary and secondary schools may offer nonvocational single-sex classes and extracurricular activities under certain circumstances.¹⁹ When offering such classes and activities, a school must allow transgender students to participate consistent with their gender identity.
- Single-Sex Schools.** Title IX does not apply to the admissions policies of certain educational institutions, including nonvocational elementary and secondary schools, and private undergraduate colleges.²⁰ Those schools are therefore permitted under Title IX to set their own

sex-based admissions policies. Nothing in Title IX prohibits a private undergraduate women's college from admitting transgender women if it so chooses.

- **Social Fraternities and Sororities.** Title IX does not apply to the membership practices of social fraternities and sororities.²¹ Those organizations are therefore permitted under Title IX to set their own policies regarding the sex, including gender identity, of their members. Nothing in Title IX prohibits a fraternity from admitting transgender men or a sorority from admitting transgender women if it so chooses.
- **Housing and Overnight Accommodations.** Title IX allows a school to provide separate housing on the basis of sex.²² But a school must allow transgender students to access housing consistent with their gender identity and may not require transgender students to stay in single-occupancy accommodations or to disclose personal information when not required of other students. Nothing in Title IX prohibits a school from honoring a student's voluntary request for single-occupancy accommodations if it so chooses.²³
- **Other Sex-Specific Activities and Rules.** Unless expressly authorized by Title IX or its implementing regulations, a school may not segregate or otherwise distinguish students on the basis of their sex, including gender identity, in any school activities or the application of any school rule. Likewise, a school may not discipline students or exclude them from participating in activities for appearing or behaving in a manner that is consistent with their gender identity or that does not conform to stereotypical notions of masculinity or femininity (*e.g.*, in yearbook photographs, at school dances, or at graduation ceremonies).²⁴

4. Privacy and Education Records

Protecting transgender students' privacy is critical to ensuring they are treated consistent with their gender identity. The Departments may find a Title IX violation when a school limits students' educational rights or opportunities by failing to take reasonable steps to protect students' privacy related to their transgender status, including their birth name or sex assigned at birth.²⁵ Nonconsensual disclosure of personally identifiable information (PII), such as a student's birth name or sex assigned at birth, could be harmful to or invade the privacy of transgender students and may also violate the Family Educational Rights and Privacy Act (FERPA).²⁶ A school may maintain records with this information, but such records should be kept confidential.

- **Disclosure of Personally Identifiable Information from Education Records.** FERPA generally prevents the nonconsensual disclosure of PII from a student's education records; one exception is that records may be disclosed to individual school personnel who have been determined to have a legitimate educational interest in the information.²⁷ Even when a student has disclosed the student's transgender status to some members of the school community, schools may not rely on this FERPA exception to disclose PII from education records to other school personnel who do not have a legitimate educational interest in the information. Inappropriately disclosing (or requiring students or their parents to disclose) PII from education records to the school community may

violate FERPA and interfere with transgender students' right under Title IX to be treated consistent with their gender identity.

- **Disclosure of Directory Information.** Under FERPA's implementing regulations, a school may disclose appropriately designated directory information from a student's education record if disclosure would not generally be considered harmful or an invasion of privacy.²⁸ Directory information may include a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.²⁹ School officials may not designate students' sex, including transgender status, as directory information because doing so could be harmful or an invasion of privacy.³⁰ A school also must allow eligible students (*i.e.*, students who have reached 18 years of age or are attending a postsecondary institution) or parents, as appropriate, a reasonable amount of time to request that the school not disclose a student's directory information.³¹
- **Amendment or Correction of Education Records.** A school may receive requests to correct a student's education records to make them consistent with the student's gender identity. Updating a transgender student's education records to reflect the student's gender identity and new name will help protect privacy and ensure personnel consistently use appropriate names and pronouns.
 - Under FERPA, a school must consider the request of an eligible student or parent to amend information in the student's education records that is inaccurate, misleading, or in violation of the student's privacy rights.³² If the school does not amend the record, it must inform the requestor of its decision and of the right to a hearing. If, after the hearing, the school does not amend the record, it must inform the requestor of the right to insert a statement in the record with the requestor's comments on the contested information, a statement that the requestor disagrees with the hearing decision, or both. That statement must be disclosed whenever the record to which the statement relates is disclosed.³³
 - Under Title IX, a school must respond to a request to amend information related to a student's transgender status consistent with its general practices for amending other students' records.³⁴ If a student or parent complains about the school's handling of such a request, the school must promptly and equitably resolve the complaint under the school's Title IX grievance procedures.³⁵

* * *

We appreciate the work that many schools, state agencies, and other organizations have undertaken to make educational programs and activities welcoming, safe, and inclusive for all students.

Sincerely,

/s/

Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education

/s/

Vanita Gupta
Principal Deputy Assistant Attorney General for Civil Rights
U.S. Department of Justice

¹ 20 U.S.C. §§ 1681–1688; 34 C.F.R. Pt. 106; 28 C.F.R. Pt. 54. In this letter, the term *schools* refers to recipients of Federal financial assistance at all educational levels, including school districts, colleges, and universities. An educational institution that is controlled by a religious organization is exempt from Title IX to the extent that compliance would not be consistent with the religious tenets of such organization. 20 U.S.C. § 1681(a)(3); 34 C.F.R. § 106.12(a).

² Office of Management and Budget, Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507_good_guidance.pdf.

³ ED, *Examples of Policies and Emerging Practices for Supporting Transgender Students* (May 13, 2016), www.ed.gov/oese/oshs/emergingpractices.pdf. OCR also posts many of its resolution agreements in cases involving transgender students online at www.ed.gov/ocr/lgbt.html. While these agreements address fact-specific cases, and therefore do not state general policy, they identify examples of ways OCR and recipients have resolved some issues addressed in this guidance.

⁴ 34 C.F.R. §§ 106.4, 106.31(a). For simplicity, this letter cites only to ED’s Title IX regulations. DOJ has also promulgated Title IX regulations. See 28 C.F.R. Pt. 54. For purposes of how the Title IX regulations at issue in this guidance apply to transgender individuals, DOJ interprets its regulations similarly to ED. State and local rules cannot limit or override the requirements of Federal laws. See 34 C.F.R. § 106.6(b).

⁵ See, e.g., *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989); *Oncale v. Sundowner Offshore Servs. Inc.*, 523 U.S. 75, 79 (1998); *G.G. v. Gloucester Cnty. Sch. Bd.*, No. 15-2056, 2016 WL 1567467, at *8 (4th Cir. Apr. 19, 2016); *Glenn v. Brumby*, 663 F.3d 1312, 1317 (11th Cir. 2011); *Smith v. City of Salem*, 378 F.3d 566, 572-75 (6th Cir. 2004); *Rosa v. Park W. Bank & Trust Co.*, 214 F.3d 213, 215–16 (1st Cir. 2000); *Schwenk v. Hartford*, 204 F.3d 1187, 1201–02 (9th Cir. 2000); *Schroer v. Billington*, 577 F. Supp. 2d 293, 306-08 (D.D.C. 2008); *Macy v. Dep’t of Justice*, Appeal No. 012012082 (U.S. Equal Emp’t Opportunity Comm’n Apr. 20, 2012). See also U.S. Dep’t of Labor (USDOL), Training and Employment Guidance Letter No. 37-14, *Update on Complying with Nondiscrimination Requirements: Discrimination Based on Gender Identity, Gender Expression and Sex Stereotyping are Prohibited Forms of Sex Discrimination in the Workforce Development System* (2015), wdr.doleta.gov/directives/attach/TEGL/TEGL_37-14.pdf; USDOL, Job Corps, Directive: Job Corps Program Instruction Notice No. 14-31, *Ensuring Equal Access for Transgender Applicants and Students to the Job Corps Program* (May 1, 2015), https://supportservices.jobcorps.gov/Program%20Instruction%20Notices/pi_14_31.pdf; DOJ, Memorandum from the Attorney General, *Treatment of Transgender Employment Discrimination Claims Under Title VII of the Civil Rights Act of 1964* (2014), www.justice.gov/sites/default/files/opa/press-releases/attachments/2014/12/18/title_vii_memo.pdf; USDOL, Office of Federal Contract Compliance Programs, Directive 2014-02, *Gender Identity and Sex Discrimination* (2014), www.dol.gov/ofccp/regs/compliance/directives/dir2014_02.html.

⁶ See *Lusardi v. Dep’t of the Army*, Appeal No. 0120133395 at 9 (U.S. Equal Emp’t Opportunity Comm’n Apr. 1, 2015) (“An agency may not condition access to facilities—or to other terms, conditions, or privileges of employment—on the completion of certain medical steps that the agency itself has unilaterally determined will somehow prove the bona fides of the individual’s gender identity.”).

⁷ See *G.G.*, 2016 WL 1567467, at *1 n.1 (noting that medical authorities “do not permit sex reassignment surgery for persons who are under the legal age of majority”).

⁸ 34 C.F.R. § 106.31(b)(4); see *G.G.*, 2016 WL 1567467, at *8 & n.10 (affirming that individuals have legitimate and important privacy interests and noting that these interests do not inherently conflict with nondiscrimination principles); *Cruzan v. Special Sch. Dist. No. 1*, 294 F.3d 981, 984 (8th Cir. 2002) (rejecting claim that allowing a transgender woman “merely [to be] present in the women’s faculty restroom” created a hostile environment); *Glenn*, 663 F.3d at 1321 (defendant’s proffered justification that “other women might object to [the plaintiff]’s restroom use” was “wholly irrelevant”). See also *Palmore v. Sidoti*, 466 U.S. 429, 433 (1984) (“Private biases may be outside the reach of the law, but the law cannot, directly or indirectly, give them effect.”); *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 448 (1985) (recognizing that “mere negative attitudes, or fear . . . are not permissible bases for” government action).

⁹ See, e.g., Resolution Agreement, *In re Downey Unified Sch. Dist., CA*, OCR Case No. 09-12-1095, (Oct. 8, 2014), www.ed.gov/documents/press-releases/downey-school-district-agreement.pdf (agreement to address harassment of transgender student, including allegations that peers continued to call her by her former name, shared pictures of her prior to her transition, and frequently asked questions about her anatomy and sexuality); Consent Decree, *Doe v. Anoka-Hennepin Sch. Dist. No. 11, MN* (D. Minn. Mar. 1, 2012), www.ed.gov/ocr/docs/investigations/05115901-d.pdf (consent decree to address sex-based harassment, including based on nonconformity with gender stereotypes); Resolution Agreement, *In re Tehachapi Unified Sch. Dist., CA*, OCR Case No. 09-11-1031 (June 30, 2011), www.ed.gov/ocr/docs/investigations/09111031-b.pdf (agreement to address sexual and gender-based harassment, including harassment based on nonconformity with gender stereotypes). See also *Lusardi*, Appeal No. 0120133395, at *15 (“Persistent failure to use the employee’s correct name and pronoun may constitute unlawful, sex-based harassment if such conduct is either severe or pervasive enough to create a hostile work environment”).

¹⁰ See, e.g., OCR, *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties* (2001), www.ed.gov/ocr/docs/shguide.pdf; OCR, *Dear Colleague Letter: Harassment and Bullying* (Oct. 26, 2010), www.ed.gov/ocr/letters/colleague-201010.pdf; OCR, *Dear Colleague Letter: Sexual Violence* (Apr. 4, 2011), www.ed.gov/ocr/letters/colleague-201104.pdf; OCR, *Questions and Answers on Title IX and Sexual Violence* (Apr. 29, 2014), www.ed.gov/ocr/docs/qa-201404-title-ix.pdf.

¹¹ See, e.g., Resolution Agreement, *In re Cent. Piedmont Cmty. Coll., NC*, OCR Case No. 11-14-2265 (Aug. 13, 2015), www.ed.gov/ocr/docs/investigations/more/11142265-b.pdf (agreement to use a transgender student’s preferred name and gender and change the student’s official record to reflect a name change).

¹² 34 C.F.R. §§ 106.32, 106.33, 106.34, 106.41(b).

¹³ See 34 C.F.R. § 106.31.

¹⁴ 34 C.F.R. § 106.33.

¹⁵ See, e.g., Resolution Agreement, *In re Township High Sch. Dist. 211, IL*, OCR Case No. 05-14-1055 (Dec. 2, 2015), www.ed.gov/ocr/docs/investigations/more/05141055-b.pdf (agreement to provide any student who requests additional privacy “access to a reasonable alternative, such as assignment of a student locker in near proximity to the office of a teacher or coach; use of another private area (such as a restroom stall) within the public area; use of a nearby private area (such as a single-use facility); or a separate schedule of use.”).

¹⁶ 34 C.F.R. § 106.41(b). Nothing in Title IX prohibits schools from offering coeducational athletic opportunities.

¹⁷ 34 C.F.R. § 106.6(b), (c). An interscholastic athletic association is subject to Title IX if (1) the association receives Federal financial assistance or (2) its members are recipients of Federal financial assistance and have ceded controlling authority over portions of their athletic program to the association. Where an athletic association is covered by Title IX, a school’s obligations regarding transgender athletes apply with equal force to the association.

¹⁸ The National Collegiate Athletic Association (NCAA), for example, reported that in developing its policy for participation by transgender students in college athletics, it consulted with medical experts, athletics officials, affected students, and a consensus report entitled *On the Team: Equal Opportunity for Transgender Student Athletes* (2010) by Dr. Pat Griffin & Helen J. Carroll (*On the Team*), [https://www.ncaa.org/sites/default/files/NCLR_TransStudentAthlete%2B\(2\).pdf](https://www.ncaa.org/sites/default/files/NCLR_TransStudentAthlete%2B(2).pdf). See NCAA Office of Inclusion, *NCAA Inclusion of Transgender Student-Athletes 2*, 30-31 (2011), https://www.ncaa.org/sites/default/files/Transgender_Handbook_2011_Final.pdf (citing *On the Team*). The *On the Team* report noted that policies that may be appropriate at the college level may “be unfair and too complicated for [the high school] level of competition.” *On the Team* at 26. After engaging in similar processes, some state interscholastic athletics associations have adopted policies for participation by transgender students in high school athletics that they determined were age-appropriate.

¹⁹ 34 C.F.R. § 106.34(a), (b). Schools may also separate students by sex in physical education classes during participation in contact sports. *Id.* § 106.34(a)(1).

²⁰ 20 U.S.C. § 1681(a)(1); 34 C.F.R. § 106.15(d); 34 C.F.R. § 106.34(c) (a recipient may offer a single-sex public nonvocational elementary and secondary school so long as it provides students of the excluded sex a “substantially

equal single-sex school or coeducational school”).

²¹ 20 U.S.C. § 1681(a)(6)(A); 34 C.F.R. § 106.14(a).

²² 20 U.S.C. § 1686; 34 C.F.R. § 106.32.

²³ See, e.g., Resolution Agreement, *In re Arcadia Unified Sch. Dist., CA*, OCR Case No. 09-12-1020, DOJ Case No. 169-12C-70, (July 24, 2013), www.justice.gov/sites/default/files/crt/legacy/2013/07/26/arcadiaagree.pdf (agreement to provide access to single-sex overnight events consistent with students’ gender identity, but allowing students to request access to private facilities).

²⁴ See 34 C.F.R. §§ 106.31(a), 106.31(b)(4). See also, *In re Downey Unified Sch. Dist., CA*, *supra* n. 9; *In re Cent. Piedmont Cmty. Coll., NC*, *supra* n. 11.

²⁵ 34 C.F.R. § 106.31(b)(7).

²⁶ 20 U.S.C. § 1232g; 34 C.F.R. Part 99. FERPA is administered by ED’s Family Policy Compliance Office (FPCO). Additional information about FERPA and FPCO is available at www.ed.gov/fpc.

²⁷ 20 U.S.C. § 1232g(b)(1)(A); 34 C.F.R. § 99.31(a)(1).

²⁸ 34 C.F.R. §§ 99.3, 99.31(a)(11), 99.37.

²⁹ 20 U.S.C. § 1232g(a)(5)(A); 34 C.F.R. § 99.3.

³⁰ Letter from FPCO to Institutions of Postsecondary Education 3 (Sept. 2009), www.ed.gov/policy/gen/guid/fpc/doc/censuslettertohighered091609.pdf.

³¹ 20 U.S.C. § 1232g(a)(5)(B); 34 C.F.R. §§ 99.3, 99.37(a)(3).

³² 34 C.F.R. § 99.20.

³³ 34 C.F.R. §§ 99.20-99.22.

³⁴ See 34 C.F.R. § 106.31(b)(4).

³⁵ 34 C.F.R. § 106.8(b).

Examples of Policies and Emerging Practices for Supporting Transgender Students



U.S. Department of Education

Office of Elementary and Secondary Education

Office of Safe and Healthy Students

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U.S. Department of Education
Office of Elementary and Secondary Education
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This guide is also available on the Office of Safe and Healthy Students website at www.ed.gov/oese/osh/emer gingpractices.pdf. Any updates to this guide will be available at this website.

If you need technical assistance, please contact the Office of Safe and Healthy Students at: OESE.Info.SupportingTransgenderStudents@ed.gov

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Examples of Policies and Emerging Practices for Supporting Transgender Students

The U.S. Department of Education (“ED”) is committed to providing schools with the information they need to provide a safe, supportive, and nondiscriminatory learning environment for all students. It has come to ED’s attention that many transgender students (*i.e.*, students whose gender identity is different from the sex they were assigned at birth) report feeling unsafe and experiencing verbal and physical harassment or assault in school, and that these students may perform worse academically when they are harassed. School administrators, educators, students, and parents are asking questions about how to support transgender students and have requested clarity from ED. In response, ED developed two documents:

- ED’s Office for Civil Rights and the U.S. Department of Justice’s Civil Rights Division jointly issued a Dear Colleague Letter (“DCL”) about transgender students’ rights and schools’ legal obligations under Title IX of the Education Amendments of 1972.¹ Any school that has questions related to transgender students or wants to be prepared to address such issues if they arise should review the DCL.
- ED’s Office of Elementary and Secondary Education compiled the attached examples of policies² and emerging practices³ that some schools are already using to support transgender students. We share some common questions on topics such as school records, privacy, and terminology, and then explain how some state and school district policies have answered these questions. We present this information to illustrate how states and school districts are supporting transgender students. We also provide information about and links to those policies at the end of the document, along with other resources that may be helpful as educators develop policies and practices for their own schools.

¹ 20 U.S.C. §§ 1681-1688; Dear Colleague Letter: Transgender Students (May 13, 2016), www.ed.gov/ocr/letters/colleague-201605-title-ix-transgender.pdf.

² In this document, the term *policy* or *policies* refers generally to policies, guidance, guidelines, procedures, regulations, and resource guides issued by schools, school districts, and state educational agencies.

³ ED considers *emerging practices* to be operational activities or initiatives that contribute to successful outcomes or enhance agency performance capabilities. Emerging practices are those that have been successfully implemented and demonstrate the potential for replication by other agencies. Emerging practices typically have not been rigorously evaluated, but still offer ideas that work in specific situations.

Each person is unique, so the needs of individual transgender students vary. But a school policy setting forth general principles for supporting transgender students can help set clear expectations for students and staff and avoid unnecessary confusion, invasions of privacy, and other harms. The education community continues to develop and revise policies and practices to address the rights of transgender students and reflect our evolving understanding and the individualized nature of transgender students' needs.

This document contains information from some schools, school districts, and state and federal agencies. Inclusion of this information does not constitute an endorsement by ED of any policy or practice, educational product, service, curriculum or pedagogy. In addition, this document references websites that provide information created and maintained by other entities. These references are for the reader's convenience. ED does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. This document does not constitute legal advice, create legal obligations, or impose new requirements.

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Student Transitions

1. How do schools find out that a student will transition?

Typically, the student or the student's parent or guardian will tell the school and ask that the school start treating the student in a manner consistent with the student's gender identity. Some students transition over a school break, such as summer break. Other students may undergo a gender transition during the school year, and may ask (or their parents may ask on their behalf) teachers and other school employees to respect their identity as they begin expressing their gender identity, which may include changes to their dress and appearance. Some school district or state policies address how a student or parent might provide the relevant notice to the school.

- Alaska's Matanuska-Susitna Borough School District issued guidelines ("Mat-Su Borough Guidelines") advising that transgender students or their parents or guardians should contact the building administrator or the student's guidance counselor to schedule a meeting to develop a plan to address the student's particular circumstances and needs.
- The guidelines issued by Washington's Superintendent of Public Instruction ("Washington State Guidelines") offer an example of a student who first attended school as a boy and, about midway through a school year, she and her family decided that she would transition and begin presenting as a girl. She prefers to dress in stereotypically feminine attire such as dresses and skirts. Although she is growing her hair out and consistently presents as female at school, her hair is still in a rather short, typically boyish haircut. The student, her parents, and school administrators asked her friends and teachers to use female pronouns to address her.

2. How do schools confirm a student's gender identity?

Schools generally rely on students' (or in the case of younger students, their parents' or guardians') expression of their gender identity. Although schools sometimes request some form of confirmation, they generally accept the student's asserted gender identity. Some schools offer additional guidance on this issue.

- Los Angeles Unified School District issued a policy ("LAUSD Policy") noting that "[t]here is no medical or mental health diagnosis or treatment threshold that

students must meet in order to have their gender identity recognized and respected” and that evidence may include an expressed desire to be consistently recognized by their gender identity.

- The New York State Education Department issued guidance (“NYSED Guidance”) recommending that “schools accept a student’s assertion of his/her/their own gender identity” and provides examples of ways to confirm the assertion, such as a statement from the student or a letter from an adult familiar with the student’s situation. The same guidance also offers the following example: “In one middle school, a student explained to her guidance counselor that she was a transgender girl who had heretofore only been able to express her female gender identity while at home. The stress associated with having to hide her female gender identity by presenting as male at school was having a negative impact on her mental health, as well as on her academic performance. The student and her parents asked if it would be okay if she expressed her female gender identity at school. The guidance counselor responded favorably to the request. The fact that the student presented no documentation to support her gender identity was not a concern since the school had no reason to believe the request was based on anything other than a sincerely held belief that she had a female gender identity.”
- Alaska’s Anchorage School District developed administrative guidelines (“Anchorage Administrative Guidelines”) noting that being transgender “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.”

3. How do schools communicate with the parents of younger students compared to older transgender students?

Parents are often the first to initiate a conversation with the school when their child is transgender, particularly when younger children are involved. Parents may play less of a role in an older student’s transition. Some school policies recommend, with regard to an older student, that school staff consult with the student before reaching out to the student’s parents.

- The District of Columbia Public Schools issued guidance (“DCPS Guidance”) noting that “students may choose to have their parents participate in the transition process, but parental participation is not required.” The guidance further

recommends different developmentally appropriate protocols depending on grade level. The DCPS Guidance suggests that the school work with a young student's family to identify appropriate steps to support the student, but recommends working closely with older students prior to notification of family. The guidance also provides a model planning document with key issues to discuss with the student or the student's family.

- Similarly, the Massachusetts Department of Elementary and Secondary Education issued guidance ("Massachusetts Guidance") that notes: "Some transgender and gender nonconforming students are not openly so at home for reasons such as safety concerns or lack of acceptance. School personnel should speak with the student first before discussing a student's gender nonconformity or transgender status with the student's parent or guardian. For the same reasons, school personnel should discuss with the student how the school should refer to the student, *e.g.*, appropriate pronoun use, in written communication to the student's parent or guardian."
- Chicago Public Schools' guidelines ("Chicago Guidelines") provide: "When speaking with other staff members, parents, guardians, or third parties, school staff should not disclose a student's preferred name, pronoun, or other confidential information pertaining to the student's transgender or gender nonconforming status without the student's permission, unless authorized to do so by the Law Department."
- Oregon's Department of Education issued guidance stating, "In a case where a student is not yet able to self-advocate, the request to respect and affirm a student's identity will likely come from the student's parent. However, in other cases, transgender students may not want their parents to know about their transgender identity. These situations should be addressed on a case-by-case basis and school districts should balance the goal of supporting the student with the requirement that parents be kept informed about their children. The paramount consideration in such situations should be the health and safety of the student, while also making sure that the student's gender identity is affirmed in a manner that maintains privacy and confidentiality."

Privacy, Confidentiality, and Student Records

4. How do schools protect a transgender student's privacy regarding the student's transgender status?

There are a number of ways schools protect transgender students' interests in keeping their transgender status private, including taking steps to prepare staff to consistently use the appropriate name and pronouns. Using transgender students' birth names or pronouns that do not match their gender identity risks disclosing a student's transgender status. Some state and school district policies also address how federal and state privacy laws apply to transgender students and how to keep information about a student's transgender status confidential.

- California's El Rancho Unified School District issued a regulation ("El Rancho Regulation") that provides that students have the right to openly discuss and express their gender identity, but also reminds school personnel to be "mindful of the confidentiality and privacy rights of [transgender] students when contacting parents/legal guardians so as not to reveal, imply, or refer to a student's actual or perceived sexual orientation, gender identity, or gender expression."
- The Chicago Guidelines provide that the school should convene an administrative support team to work with transgender students and/or their parents or guardians to address each student's individual needs and supports. To protect the student's privacy, this team is limited to "the school principal, the student, individuals the student identifies as trusted adults, and individuals the principal determines may have a legitimate interest in the safety and healthy development of the student."
- The Mat-Su Borough Guidelines state: "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)."
- The Massachusetts Guidance advises schools "to collect or maintain information about students' gender only when necessary" and offers an example: "One school reviewed the documentation requests it sent out to families and noticed that field trip permission forms included a line to fill in indicating the student's gender. Upon consideration, the school determined that the requested information was irrelevant to the field trip activities and deleted the line with the gender marker request."

5. How do schools ensure that a transgender student is called by the appropriate name and pronouns?

One of the first issues that school officials may address when a student notifies them of a gender transition is determining which name and pronouns the student prefers. Some schools have adopted policies to prepare all school staff and students to use a student's newly adopted name, if any, and pronouns that are consistent with a student's gender identity.

- A regulation issued by Nevada's Washoe County School District ("Washoe County Regulation") provides that: "Students have the right to be addressed by the names and pronouns that correspond to their gender identity. Using the student's preferred name and pronoun promotes the safety and wellbeing of the student. When possible, the requested name shall be included in the District's electronic database in addition to the student's legal name, in order to inform faculty and staff of the name and pronoun to use when addressing the student."
- A procedure issued by Kansas City Public Schools in Missouri ("Kansas City Procedure") notes that: "The intentional or persistent refusal to respect the gender identity of an employee or student after notification of the preferred pronoun/name used by the employee or student is a violation of this procedure."
- The NYSED Guidance provides: "As with most other issues involved with creating a safe and supportive environment for transgender students, the best course is to engage the student, and possibly the parent, with respect to name and pronoun use, and agree on a plan to reflect the individual needs of each student to initiate that name and pronoun use within the school. The plan also could include when and how this is communicated to students and their parents."
- The DCPS Guidance includes a school planning guide for principals to review with transgender students as they plan how to ensure the school environment is safe and supportive. The school planning guide allows the student to identify the student's gender identity and preferred name, key contacts at home and at school, as well as develop plans for access to restrooms, locker rooms, and other school activities.

6. How do schools handle requests to change the name or sex designation on a student's records?

Some transgender students may legally change their names. However, transgender students often are unable to obtain identification documents that reflect their gender identity (*e.g.*, due to financial limitations or legal restrictions imposed by state or local law). Some school district policies specify that they will use the name a student identifies as consistent with the student's gender identity regardless of whether the student has completed a legal name change.

- The NYSED Guidance provides that school records, including attendance records, transcripts, and Individualized Education Programs, be updated with the student's chosen name and offers an example: "One school administrator dealt with information in the student's file by starting a new file with the student's chosen name, entered previous academic records under the student's chosen name, and created a separate, confidential folder that contained the student's past information and birth name."
- The DCPS Guidance notes: "A court-ordered name or gender change is not required, and the student does not need to change their official records. If a student wishes to go by another name, the school's registrar can enter that name into the 'Preferred First' name field of [the school's] database."
- The Kansas City Procedure recognizes that there are certain situations where school staff or administrators may need to report a transgender student's legal name or gender. The procedure notes that in these situations, "school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information."
- The Chicago Guidelines state: "Students are not required to obtain a court order and/or gender change or to change their official records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity."
- The Massachusetts Guidance also addresses requests to amend records after graduation: "Transgender students who transition after having completed high school may ask their previous schools to amend school records or a diploma or transcript that include the student's birth name and gender. When requested, and when satisfied with the gender identity information provided, schools should amend the student's record."

Sex-Segregated Activities and Facilities

7. How do schools ensure transgender students have access to facilities consistent with their gender identity?

Schools often segregate restrooms and locker rooms by sex, but some schools have policies that students must be permitted to access facilities consistent with their gender identity and not be required to use facilities inconsistent with their gender identity or alternative facilities.

- The Washington State Guidelines provide: “School districts should allow students to use the restroom that is consistent with their gender identity consistently asserted at school.” In addition, no student “should be required to use an alternative restroom because they are transgender or gender nonconforming.”
- The Washoe County Regulation provides: “Students shall have access to use facilities that correspond to their gender identity as expressed by the student and asserted at school, irrespective of the gender listed on the student’s records, including but not limited to locker rooms.”
- The Anchorage Administrative Guidelines emphasize the following provision: “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.”

8. How do schools protect the privacy rights of all students in restrooms or locker rooms?

Many students seek additional privacy in school restrooms and locker rooms. Some schools have provided students increased privacy by making adjustments to sex-segregated facilities or providing all students with access to alternative facilities.

- The Washington State Guidelines provide that any student who wants increased privacy should be provided access to an alternative restroom or changing area. The guidelines explain: “This allows students who may feel uncomfortable sharing the facility with the transgender student(s) the option to make use of a separate restroom and have their concerns addressed without stigmatizing any individual student.”

- The NYSED Guidance gives an example of accommodating all students' interest in privacy: "In one high school, a transgender female student was given access to the female changing facility, but the student was uncomfortable using the female changing facility with other female students because there were no private changing areas within the facility. The principal examined the changing facility and determined that curtains could easily be put up along one side of a row of benches near the group lockers, providing private changing areas for any students who wished to use them. After the school put up the curtains, the student was comfortable using the changing facility."
- Atherton High School, in Jefferson County, Kentucky, issued a policy that offers examples of accommodations to address any student's request for increased privacy: "use of a private area within the public area of the locker room facility (e.g. nearby restroom stall with a door or an area separated by a curtain); use of a nearby private area (e.g. nearby restroom); or a separate changing schedule."
- The DCPS Guidance recommends talking to students to come up with an acceptable solution: "Ultimately, if a student expresses discomfort to any member of the school staff, that staff member should review these options with the student and ask the student permission to engage the school LGBTQ liaison or another designated ally in the building."

9. How do schools ensure transgender students have the opportunity to participate in physical education and athletics consistent with their gender identity?

Some school policies explain the procedures for establishing transgender students' eligibility to participate in athletics consistent with their gender identity. Many of those policies refer to procedures established by state athletics leagues or associations.

- The NYSED Guidance explains that "physical education is a required part of the curriculum and an important part of many students' lives. Most physical education classes in New York's schools are coed, so the gender identity of students should not be an issue with respect to these classes. Where there are sex-segregated classes, students should be allowed to participate in a manner consistent with their gender identity."
- The LAUSD Policy provides that "participation in competitive athletics, intramural sports, athletic teams, competitions, and contact sports shall be facilitated in a

manner consistent with the student’s gender identity asserted at school and in accordance with the California Interscholastic Federation bylaws.” The California Interscholastic Federation establishes a panel of professionals, including at least one person with training or expertise in gender identity health care or advocacy, to make eligibility decisions.

- The Rhode Island Interscholastic League’s policy states that all students should have the opportunity to participate in athletics consistent with their gender identity, regardless of the gender listed on school records. The policy provides that the league will base its eligibility determination on the student’s current transcript and school registration information, documentation of the student’s consistent gender identification (*e.g.*, affirmed written statements from student, parent/guardian, or health care provider), and any other pertinent information.

10. How do schools treat transgender students when they participate in field trips and athletic trips that require overnight accommodations?

Schools often separate students by sex when providing overnight accommodations. Some school policies provide that students must be treated consistent with their gender identity in making such assignments.

- Colorado’s Boulder Valley School District issued guidelines (“Boulder Valley Guidelines”) providing that when a school plans overnight accommodations for a transgender student, it should consider “the goals of maximizing the student’s social integration and equal opportunity to participate in overnight activity and athletic trips, ensuring the [transgender] student’s safety and comfort, and minimizing stigmatization of the student.”
- The Chicago Guidelines remind school staff: “In no case should a transgender student be denied the right to participate in an overnight field trip because of the student’s transgender status.”

Additional Practices to Support Transgender Students

11. What can schools do to make transgender students comfortable in the classroom?

Classroom practices that do not distinguish or differentiate students based on their gender are the most inclusive for all students, including transgender students.

- The DCPS Guidance suggests that “[w]herever arbitrary gender dividers can be avoided, they should be eliminated.”
- The Massachusetts Guidance states that “[a]s a general matter, schools should evaluate all gender-based policies, rules, and practices and maintain only those that have a clear and sound pedagogical purpose.”
- Minneapolis Public Schools issued a policy providing that students generally should not be grouped on the basis of sex for the purpose of instruction or study, but rather on bases such as student proficiency in the area of study, student interests, or educational needs for acceleration or enrichment.
- The Maryland State Department of Education issued guidelines that include an example of eliminating gender-based sorting of students: “Old Practice: boys line up over here.” New Practice: birthdays between January and June; everybody who is wearing something green, etc.”

12. How do school dress codes apply to transgender students?

Dress codes that apply the same requirements regardless of gender are the most inclusive for all students and avoid unnecessarily reinforcing sex stereotypes. To the extent a school has a dress code that applies different standards to male and female students, some schools have policies that allow transgender students to dress consistent with their gender identity.

- Wisconsin’s Shorewood School District issued guidelines (“Shorewood Guidelines”) that allow students to dress in accordance with their gender identity and remind school personnel that they must not enforce a dress code more strictly against transgender and gender nonconforming students than other students.
- The Washington State Guidelines encourage school districts to adopt gender-neutral dress codes that do not restrict a student’s clothing choices on the basis of gender: “Dress codes should be based on educationally relevant considerations, apply

consistently to all students, include consistent discipline for violations, and make reasonable accommodations when the situation requires an exception.”

13. How do schools address bullying and harassment of transgender students?

Unfortunately, bullying and harassment continue to be a problem facing many students, and transgender students are no exception. Some schools make clear in their nondiscrimination statements that prohibited sex discrimination includes discrimination based on gender identity and expression. Their policies also address this issue.

- The NYSED Guidance stresses the importance of protecting students from bullying and harassment because “[the] high rates experienced by transgender students correspond to adverse health and educational consequences,” including higher rates of absenteeism, lower academic achievement, and stunted educational aspirations.
- The Shorewood Guidelines specify that harassment based on a student’s actual or perceived transgender status or gender nonconformity is prohibited and notes that these complaints are to be handled in the same manner as other discrimination, harassment, and bullying complaints.
- The DCPS Guidance provides examples of prohibited harassment that transgender students sometimes experience, including misusing an individual’s preferred name or pronouns on purpose, asking personal questions about a person’s body or gender transition, and disclosing private information.

14. How do school psychologists, school counselors, school nurses, and school social workers support transgender students?

School counselors can help transgender students who may experience mental health disorders such as depression, anxiety, and posttraumatic stress. Mental health staff may also consult with school administrators to create inclusive policies, programs, and practices that prevent bullying and harassment and ensure classrooms and schools are safe, healthy, and supportive places where all students, including transgender students, are respected and can express themselves. Schools will be in a better position to support transgender students if they communicate to all students that resources are available, and that they are competent to provide support and services to any student who has questions related to gender identity.

- The NYSED Guidance suggests that counselors can serve as a point of contact for transgender students who seek to take initial steps to assert their gender identity in school.
- The Chicago Guidelines convene a student administrative support team to determine the appropriate supports for transgender students. The team consists of the school principal, the student, adults that the student trusts, and individuals the principal determines may have a legitimate interest in the safety and healthy development of the student.

15. How do schools foster respect for transgender students among members of the broader school community?

Developing a clear policy explaining how to support transgender students can help communicate the importance the school places on creating a safe, healthy, and nondiscriminatory school climate for all students. Schools can do this by providing educational programs aimed at staff, students, families, and other community members.

- The Massachusetts Guidance informs superintendents and principals that they “need to review existing policies, handbooks, and other written materials to ensure they are updated to reflect the inclusion of gender identity in the student antidiscrimination law, and may wish to inform all members of the school community, including school personnel, students, and families of the recent change to state law and its implications for school policy and practice. This could take the form of a letter that states the school’s commitment to being a supportive, inclusive environment for all students.”
- The NYSED Guidance states that “school districts are encouraged to provide this guidance document and other resources, such as trainings and information sessions, to the school community including, but not limited to, parents, students, staff and residents.”

16. What topics do schools address when training staff on issues related to transgender students?

Schools can reinforce commitments to providing safe, healthy, and nondiscriminatory school climates by training all school personnel about appropriate and respectful treatment of all students, including transgender students.

- The Massachusetts Guidance suggests including the following topics in faculty and staff training “key terms related to gender identity and expression; the development of gender identity; the experiences of transgender and other gender nonconforming students; risks and resilience data regarding transgender and gender nonconforming students; ways to support transgender students and to improve school climate for gender nonconforming students; [and] gender-neutral language and practices.”
- The El Rancho Regulation states that the superintendent or designee “shall provide to employees, volunteers, and parents/guardians training and information regarding the district’s nondiscrimination policy; what constitutes prohibited discrimination, harassment, intimidation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include guidelines for addressing issues related to transgender and gender-nonconforming students.”

17. How do schools respond to complaints about the way transgender students are treated?

School policies often provide that complaints from transgender students be handled under the same policy used to resolve other complaints of discrimination or harassment.

- The Boulder Valley Guidelines provide that “complaints alleging discrimination or harassment based on a person’s actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.”
- The Anchorage Administrative Guidelines provide that “students may also use the Student Grievance Process to address any civil rights issue, including transgender issues at school.”

Terminology

18. What terms are defined in current school policies on transgender students?

Understanding the needs of transgender students includes understanding relevant terminology. Most school policies define commonly used terms to assist schools in understanding key concepts relevant to transgender students. The list below is not exhaustive, and only includes examples of some of the most common terms that school policies define.

- *Gender identity* refers to a person’s deeply felt internal sense of being male or female, regardless of their sex assigned at birth. (Washington State Guidelines)
- *Sex assigned at birth* refers to the sex designation, usually “male” or “female,” assigned to a person when they are born. (NYSED Guidance)
- *Gender expression* refers to the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms. (Washoe County Regulation)
- *Transgender* or *trans* describes a person whose gender identity does not correspond to their assigned sex at birth. (Massachusetts Guidance)
- *Gender transition* refers to the process in which a person goes from living and identifying as one gender to living and identifying as another. (Washoe County Regulation)
- *Cisgender* describes a person whose gender identity corresponds to their assigned sex at birth. (NYSED Guidance)
- *Gender nonconforming* describes people whose gender expression differs from stereotypic expectations. The terms *gender variant* or *gender atypical* are also used. Gender nonconforming individuals may identify as male, female, some combination of both, or neither. (NYSED Guidance)
- *Intersex* describes individuals born with chromosomes, hormones, genitalia and/or other sex characteristics that are not exclusively male or female as defined by the medical establishment in our society. (DCPS Guidance)
- *LGBTQ* is an acronym that stands for “lesbian, gay, bisexual, transgender, and queer/questioning.” (LAUSD Policy)

- *Sexual orientation* refers to a person’s emotional and sexual attraction to another person based on the gender of the other person. Common terms used to describe sexual orientation include, but are not limited to, heterosexual, lesbian, gay, and bisexual. Sexual orientation and gender identity are different. (LAUSD Policy)

19. How do schools account for individual preferences and the diverse ways that students describe and express their gender?

Some students may use different terms to identify themselves or describe their situations. For example, a transgender male student may identify simply as male, consistent with his gender identity. The same principles apply even if students use different terms. Some school policies directly address this question and provide additional guidance.

- The Washington State Guidelines recognize how “terminology can differ based on religion, language, race, ethnicity, age, culture and many other factors.”
- Washington’s Federal Way School District issued a resource guide that states: “Keep in mind that the meaning of gender conformity can vary from culture to culture, so these may not translate exactly to Western ideas of what it means to be transgender. Some of these identities include Hijra (South Asia), Fa’afafine (Samoa), Kathoey (Thailand), Travesti (South America), and Two-Spirit (Native American/First Nations).”
- The Washoe County Regulation, responding to cultural diversity within the state, offers examples of “ways in which transgender and gender nonconforming youth describe their lives and gendered experiences: trans, transsexual, transgender, male-to-female (MTF), female-to-male (FTM), bi-gender, two-spirit, trans man, and trans woman.”
- The DCPS Guidance provides this advice to staff: “If you are unsure about a student’s preferred name or pronouns, it is appropriate to privately and tactfully ask the student what they prefer to be called. Additionally, when speaking about a student it is rarely necessary to label them as being transgender, as they should be treated the same as the rest of their peers.”

Cited Policies on Transgender Students

- Anchorage School District (AK): *Administrative Guidelines: Working with Transgender and Gender Nonconforming Students and Employees* (2015) (on file with ED)
- Atherton High School, Jefferson County School District (KY), *Policy on School Space* (2014), www.jefferson.k12.ky.us/schools/high/atherton/SBDMDocuments/Policy%20500%20Draft-%20Los%20Angeles%20Unified%20School%20District%20Revised%20Model.pdf
- Boulder Valley School District (CO), *Guidelines Regarding the Support of Students and Staff Who Are Transgender and/or Gender Nonconforming* (2016), <http://www.bvsvd.org/policies/Policies/AC-E3.pdf>
- California Interscholastic Federation, *Guidelines for Gender Identity Participation* (2015), http://static.psb.in.com/m/5/0ndq7wwfgh2em9/Guidelines_for_Gender_Identity_Participation.pdf
- Chicago Public Schools (IL), *Guidelines Regarding the Support of Transgender and Gender Nonconforming Students* (2016), cps.edu/SiteCollectionDocuments/TL_TransGenderNonconformingStudents_Guidelines.pdf
- District of Columbia Public Schools, *Transgender and Gender-Nonconforming Policy Guidance* (2015), dcps.dc.gov/publication/dcps-transgender-and-gender-non-conforming-policy-guidance
- El Rancho Unified School District, *Transgender and Gender-Nonconforming Students* (AR 5145.3) (2014), www.erusd.org/pdf/board_policies/5145_3.pdf
- Federal Way Public Schools (WA), *Working with Transgender and Gender-Nonconforming Students and Staff* (2014-2015), www.fwps.net/districtresources/wp-content/uploads/sites/32/2013/12/FWPS_Transgender3.pdf?7a385a
- Kansas City 33 School District (MO), *Prohibition Against Discrimination, Harassment and Retaliation (Transgender and Gender Nonconforming Employee and Students)* (2013), [eboard.eboardsolutions.com/ePolicy/policy.aspx?PC=AC-AP\(1\)&Sch=228&S=228&RevNo=1.01&C=A&Z=R](http://eboard.eboardsolutions.com/ePolicy/policy.aspx?PC=AC-AP(1)&Sch=228&S=228&RevNo=1.01&C=A&Z=R)
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- Maryland State Department of Education, *Providing Safe Spaces for Transgender and Gender Non-Conforming Youth: Guidelines for Gender Identity Non-Discrimination* (2015), marylandpublicschools.org/MSDE/divisions/studentschoolsvcs/student_services_alt/docs/ProvidingSafeSpacesTransgendergenderNonConformingYouth012016.pdf
- Massachusetts Department of Elementary and Secondary Education, *Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment Nondiscrimination on the Basis of Gender Identity* (2014), www.doe.mass.edu/ssce/GenderIdentity.pdf
- Matanuska-Susitna Borough School District (AK), *Transgender Student Guidelines* (2015), www.matsuk12.us/site/handlers/filedownload.ashx?moduleinstanceid=10846&dataid=41646&FileName=Title IX--Transgender Students Guidelines.pdf
- Minneapolis Public Schools (MN), *Permissible Grouping Principles* (2014), policy.mpls.k12.mn.us/uploads/regulation_6135_a.pdf
- New York State Education Department, *Guidance to School Districts for Creating a Safe and Supportive School Environment for Transgender and Gender Nonconforming Students* (2015), www.p12.nysed.gov/dignityact/documents/Transg_GNCGuidanceFINAL.pdf
- Oregon Department of Education, *Guidance to School Districts: Creating a Safe and Supportive School Environment for Transgender Students* (2016), www.ode.state.or.us/groups/supportstaff/hklb/schoolnurses/transgenderstudentguidance.pdf
- Rhode Island Interscholastic League, *Rules & Regulations* (Article I, Section 22 – Gender Identity), www.riil.org/files/8214/3861/6354/ARTICLE_1_ORGANIZATION_2015.pdf
- Shorewood School District (WI), *Nondiscrimination Guidelines Related to Students Who Are Transgender and Students Nonconforming to Gender Role Stereotypes* (2014), www.shorewood.k12.wi.us/uploaded/Board_Documents/Policies/411_Guidelines_and_Exhibit.pdf?1393865642372
- Washington Office of State Superintendent of Public Instruction, *Prohibiting Discrimination in Washington Public Schools* (2012), www.k12.wa.us/Equity/pubdocs/ProhibitingDiscriminationInPublicSchools.pdf
- Washoe County School District (NV), *Gender Identity and Gender Non-Conformity – Students* (2015), washoecountyschools.net/csi/pdf_files/5161%20Reg%20-%20Gender%20Identity%20v1.pdf

Select Federal Resources on Transgender Students

- U.S. Department of Education
 - Office for Civil Rights and U.S. Department of Justice's Civil Rights Division, *Dear Colleague Letter: Transgender Students* (May 13, 2016), www.ed.gov/ocr/letters/colleague-201605-title-ix-transgender.pdf
 - Office for Civil Rights, *Resources for Transgender and Gender-Nonconforming Students*, www.ed.gov/ocr/lgbt.html
 - Office for Civil Rights, *Publications on Title IX*, www.ed.gov/about/offices/list/ocr/publications.html#TitleIX
 - Office for Civil Rights, *How to File a Discrimination Complaint*, www.ed.gov/about/offices/list/ocr/docs/howto.html
 - National Center on Safe Supportive Learning Environments, safesupportivelearning.ed.gov

- U.S. Department of Health and Human Services
 - Administration for Children and Families, *Resources for Serving Lesbian, Gay, Bisexual and Transgender Youth*, <http://ncfy.acf.hhs.gov/features/serving-lesbian-gay-bisexual-transgender-and-questioning-youth-open-arms/resources-serving>
 - Centers for Disease Control and Prevention, *LGBT Youth Resources*, www.cdc.gov/lgbthealth/youth-resources.htm
 - Homelessness Resource Center, *Homeless Populations: LGBTQI2-S Youth*, <http://homeless.samhsa.gov/Channel/LGBTQ-153.aspx>
 - Stopbullying.gov, *Bullying and LGBT Youth*, <http://www.stopbullying.gov/at-risk/groups/lgbt>

- U.S. Department of Housing and Urban Development
 - *Community-Wide Prevention of LGBTQ Youth Homelessness* (June 2015), <https://www.hudexchange.info/resources/documents/LGBTQ-Youth-Homelessness-Prevention-Initiative-Overview.pdf>

- U.S. Department of Labor
 - Office of Job Corps, *Directive: Job Corps Program Instruction Notice No. 14-31* (May 1, 2015), [https://supportservices.jobcorps.gov/Program Instruction Notices/pi 14 31.pdf](https://supportservices.jobcorps.gov/Program%20Instruction%20Notices/pi_14_31.pdf)



To Whom It May Concern,

On May 13, 2016, the United States Department of Education Office of Civil Rights (OCR) and United States Department of Justice (DOJ) issued [joint guidance](#) for educational institutions about the opportunity and obligation every school has to include transgender students in all programs consistent with their asserted gender identity. This national guidance provides additional clarity as to best practices and schools' legal obligations under Title IX. At the same time, the United States Department of Education released a document, [Examples of Policies and Emerging Practices for Supporting Transgender Students](#), that provides additional practical suggestions for school districts as they seek to support transgender students.

The Ann & Robert H. Lurie Children's Hospital of Chicago's Gender & Sex Development Program has long been a national leader in supporting schools and transgender and gender expansive youth. In March 2016, Lurie Children's issued a [position statement](#) in support of transgender and gender expansive youth. In collaboration with others, in April 2016, Lurie Children's issued the attached [Model Policy and Administrative Procedure](#) to guide schools as they navigate how to support gender inclusion, something that is important for *all* students.

These materials were developed out of a collaboration between [Juliet Berger-White, Esq.](#) (Hughes Socol Piers Resnick Dym, Ltd.), Owen Daniel-McCarter, Esq. (Illinois Safe Schools Alliance), and Jennifer Leininger, M.Ed. (Ann & Robert H. Lurie Children's Hospital of Chicago), and with the support of other experts and practitioners.

The attached Model Policy and Procedure have been updated to incorporate and assist schools to comply with their obligations under Title IX as recently articulated by the May 13, 2016 Joint Guidance.

The Model Policy does not constitute legal advice, create legal requirements, nor form legal obligations. The intent of the Model Policy is to provide information and example practices that may help school districts meet and comply with Title IX regulations. School districts should consult with their attorney and review the applicable laws and guidance from the OCR and DOJ to make their own determination of the requirements under applicable law.

If you are interested in using the text from this document for district or school policies, guidelines, or procedures, please contact Jennifer Leininger at JLeininger@luriechildrens.org or 773-303-6056, for permission and for guidance and support. The Model Policy and Administrative Procedure may

only be utilized with the express, written permission of Ann & Robert H. Lurie Children's Hospital of Chicago and such permission shall be granted solely for non-commercial purposes.

Sincerely,

The Gender & Sex Development Program
Ann & Robert H. Lurie Children's Hospital of Chicago

MODEL POLICY FOR STUDENT GENDER SUPPORT

This Policy sets forth the District Policy for schools to address the needs and concerns of transgender and gender expansive students to ensure safe, affirming, and healthy school environments where every child can learn. Schools within the District must be proactive in creating a school culture that respects and values all students and fosters understanding of gender identity and expression within the school community. This Policy is intended to ensure that all students are welcomed, valued, included, and respected; to help schools ensure safe learning environments free of discrimination, harassment, and bullying; and to promote the educational and social integration of transgender and gender expansive students. This Policy cannot and does not anticipate every situation that may occur; every student is different and that includes transgender and gender expansive students. The support and accommodations for each student must be assessed and addressed individually based on the specific requests and needs of each student.

This Policy is supported by District Policies ____ “Equal Educational Opportunities,” ____ “Harassment of Students Prohibited,” ____ “Student Appearance,” ____ “School Uniforms,” and ____ “Preventing Bullying, Intimidation, and Harassment.” This Policy is also supported by 20 U.S.C. §1681(a), Title IX of the Education Amendments of 1972, as explained by the May 13, 2016 Guidance from the U.S. Department of Education Office of Civil Rights and U.S. Department of Justice, 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.

1. Definitions

Understanding the terminology associated with gender identity and expression is important to providing a safe and supportive school environment for students. These definitions are provided not for the purpose of labeling students but rather to assist in understanding this Policy and the District's legal obligations.

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

Gender Identity: Gender identity is a person’s inner sense of being male or female, a combination of both, or neither, and is not dependent on the sex assigned at birth. All people have a gender identity, not just transgender people.¹

Gender Expression: Gender expression is an individual’s characteristics and behaviors such as appearance, dress, mannerisms, speech patterns, and social interactions that are perceived as masculine or feminine.

Gender Expansive (also called Gender Nonconforming, Gender Variant, or Gender Creative): Gender expansive is a term that refers to individuals whose gender expression does not follow social expectations or stereotypes based on their sex assigned at birth. It may (or may not) include a change in gender identity. For example, a person with sex assigned at birth as male could be: “I am a girl and I like to express femininity.” Or “I am a boy and I like to express femininity.”

Sex Assigned at Birth: Sex assigned at birth is 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: Sexual orientation is 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: Transgender is a term that describes 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 term applies to identity but not necessarily body parts. This is an umbrella term for a variety of gender identities and expressions.

Transition: A way to describe the process(es) an individual may go through to change their gender expression and identity documents to match their internal gender identity. Transition can be social, emotional, and/or medical and is different for every individual. For most transgender students, the experience of transition does not involve medical intervention but rather will be achieved through social transition, a process whereby they begin to live and identify with the gender consistent with their gender identity. There is no medical threshold, mental health diagnosis, or treatment requirement that a student must meet in order to have the student’s gender identity recognized and respected by the District.

2. Confidentiality

To ensure the safety and well-being of the student, District employees shall not disclose a student’s gender identity, sex assigned at birth, transgender status, or information that

¹ It is important to note that some students might not feel comfortable asserting their gender identity in all aspects of their lives so it is not required that a student have a consistent or uniform assertion of gender identity.

may reveal a student's transgender status (e.g. birth name) to anyone (except as required by the Illinois Missing Children Records Act), including but not limited to other staff members, students or parents of other students, unless such disclosure has been authorized by the student's parent(s)/guardian(s).

The District shall work with the student to devise an appropriate plan regarding confidentiality of the student's gender identity, which shall be documented in a Gender Transition Plan or Gender Support Plan (attached as Appendix A & B). Such information shall be disclosed only to the extent necessary to support the student's social, emotional, and academic success. If such disclosure is necessary, the District shall work with the student or the student and the student's parent(s)/guardian(s) to devise an appropriate plan for disclosure, the details of which shall be documented in the Gender Transition or Gender Support Plan. Unauthorized disclosure can violate Title IX or privacy laws, such as the Family Educational Rights and Privacy Act (FERPA) or the Illinois School Student Records Act (ISSRA).

In some cases, transgender students may feel more supported and safe if other students are aware that they are transgender. In such cases, and only with the consent of the student or student's parent(s)/guardian(s), District staff should work closely with the student, family, and other staff members on a plan to inform and educate the student's peers and shall document the plan. It may also be appropriate to engage external resources to assist with educational efforts. A list of support organizations for transgender students and their families is provided in Appendix C.

3. Names, Pronouns, Gender Markers

A student has a right to request to be referred to by a name and pronouns that correspond with the student's gender identity. A student can request that all school staff and fellow students refer to the student by the name and pronouns that correspond with the student's gender identity.

Parent(s)/guardian(s) have a right to request that the District change the student's name and/or gender marker in the centralized electronic database. To change a student's name and/or gender marker with the District, the student's parent(s)/guardian(s), shall submit a School Roster Information Change Request, which is attached as Appendix D, to the District office where school registration forms are submitted or to the Gender Support Team.

Within ten (10) business days of submission of the School Roster Information Change Request, the District shall change the student's name and/or gender marker (if applicable) in the District's electronic database. This will result in the student's name and gender marker being changed for all purposes, including but not limited to student rosters, student technology logins, email systems, student identification cards, and awards. If the District changes the student's name or gender marker pursuant to a School Roster Information Change Request, the Superintendent or designee shall be the only person in the District to have access to the student's birth certificate, which is required by Illinois Missing Children Records Act.

A student is not required to obtain a court-ordered name or provide medical or psychological

documentation to change the student's name or gender marker with the District.

4. Gendered Facilities & School-Sponsored Programs

Transgender and gender expansive students shall have access to gendered facilities and school-sponsored programs that are consistent with the student's gender identity. This includes, but is not limited to, access to multi-stalled gendered restrooms, locker rooms, fine and performing arts programs, trips, and athletic programs.

a. Restrooms

Every student shall have access to restrooms that correspond to their gender identity regardless the student's sex assigned at birth. No student shall be required to use a single-stall restroom because the student is transgender or gender expansive. The discomfort of other students is not a reason to deny access to a restroom to a transgender student. Regardless of gender identity, any student who has a need or desire for increased privacy should be provided access to a reasonable alternative, such as a single-stall restroom.

b. Locker Room Accessibility

Students shall have access to locker room facilities that correspond to their gender identity. Transgender and gender expansive students shall have access to facilities that correspond to their gender identity in the same manner that all students are provided with such access (e.g. no student shall be required to use a private area within a gendered facility). Under no circumstances may students be required to use sex-segregated facilities that are inconsistent with their gender identity.

Any student, including transgender students, who express a need or desire for increased privacy will be provided with a reasonable alternative changing area, such as the use of a private area (e.g. a nearby restroom stall with a door, an area separated by a curtain, a Physical Education instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g. using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement shall be done at the request of the student and should be provided in a way that allows the student's gender identity or reason for the accommodation to be kept confidential.

c. Physical Education, Intramural Sports, Interscholastic Sports, and Health Education

All students shall be permitted to participate in physical education classes, intramural, and interscholastic sports in a manner that corresponds with their gender identity or in a manner that allows the student to feel the safest, included, and most comfortable. Physical education and health education will not divide students based on sex assigned at birth or gender identity during any activities or classes. When such separation is unavoidable, all students will self-select groups where they feel most comfortable and will be given the option of choosing based on their gender identity.

(For high schools) As a member of the Illinois High School Association (IHSA), the District

will follow the [IHSA](#) Policy and School Recommendations for Transgender Participation.

d. School Trips

All students shall be permitted to participate in all school trips in a manner that corresponds with their gender identity or in a manner that allows the student to feel the safest, included, and most comfortable. In planning school trips, the needs of students who are transgender and gender expansive shall be assessed in advance of the trip on a case-by-case basis and will be documented. This documentation shall be in the student's Gender Support Plan, if the student has a Plan. In making these decisions, the District's goals are to maximize the student's social integration and equal opportunity to participate in school activities, to ensure the student's safety and comfort, and to minimize stigmatization of the student. In all cases, transgender and gender expansive students shall have the option of participating in the trip consistent with their gender identity. Students should also be provided with accommodations that make the transgender or gender expansive student feel safest while also allowing for maximized social integration.

Any transgender student who has an expressed need or desire for increased privacy will be provided with a reasonable accommodation, which may include a private room. Any alternative arrangement should be provided in a way that allows the student's gender identity to be kept confidential.

The District shall ensure that transgender and gender expansive students have access to restrooms that correspond with their gender identity, or a private stall if requested by the student, when students are on a school-related field trip, including overnight trips and the travel to/from the school for the school trip.

5. Dress

All students shall be permitted to wear clothing to school that is consistent with their gender identity, including at school-sponsored functions such as dances, after school activities, and graduation. The school dress code shall not be enforced more strictly for transgender and/or gender expansive students.

A student whose gender expression is different from expectations based on the student's sex assigned at birth shall not be considered disruptive to the educational process or as an interference with the maintenance of a positive teaching/learning climate.

6. 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 environments in which all students are able to identify and express their self-determined gender and achieve healthy development as well as social, emotional, and academic success. This approach includes affirming students' gender identities and being flexible during gender transition processes.

Teachers are encouraged to develop age-appropriate lessons for students about gender diversity and acceptance regardless of whether or not there is a transgender student in

their class. Staff should create inclusive lessons so that all students see themselves reflected in the curriculum. It is essential that an individual student's gender transition or personal gender history should never be the subject of a class lesson unless specifically directed in writing, such as in the student's Gender Transition or Support Plan.

Attached as Appendix E is a description of ways in which schools can be made a safer and gender-affirming place for transgender and gender expansive youth, examples of ways to discuss social transitions for transgender and gender expansive students, and information about how to respond to concerns about teaching about gender in schools.

School libraries should include accurate information on gender diversity as well as gender-affirming children's books, young adult fiction, and non-fiction. [Welcoming Schools](#) and Gender Spectrum offer annotated bibliographies of books for [children](#) and for [teens](#) about gender diversity and bias-based bullying.

7. Gender-based Activities, Rules, Policies and Practices

Teachers and staff shall not use practices that divide students on the basis of gender. Examples of such gendered practices include but are not limited to lining students up by gender to exit class; dividing a class into teams of boys and girls; requiring boys to wear a certain color and girls to wear another. If students are separated by gender in school activities or are subject to a gender-specific practice, rule, or policy, transgender and gender expansive students shall be permitted to participate in such activities or conform to such practice, rule, or policy consistent with their gender identity. A clear strategy to support the student in gender-segregated activities should be documented in advance of the activity in the student's Gender Transition or Support Plan or other written documentation.

8. Staff Training and Compliance

Within ninety (90) days of adoption of this Policy, all District staff shall be comprehensively trained on this Policy and on gender-affirming approaches to education. District staff shall have subsequent training on supporting transgender and gender expansive students on a regular basis, to be determined by the District.

Within ninety (90) days of their start date, all new employees who are hired by the District shall be trained on this Policy and on gender-affirming approaches to education.

The content of the District's training shall be medically accurate and evidence-based.

District employees who refuse to abide by this Policy may be subject to disciplinary actions, up to and including termination, as set forth in the relevant employee discipline policy. This includes a staff member's persistent refusal to respect a student's gender identity, for example by consistently referring to the student by name or pronoun that does not correspond with the student's gender identity.

9. Discrimination/Harassment/Bullying

It is the policy of the District to maintain a safe and supportive learning and educational

environment that is free from harassment, intimidation, violence and/or bullying and free from discrimination on account of actual or perceived gender, gender identity, and gender expression.

The school must be vigilant for any bullying or harassment issues based on gender identity or expression for all students, including transgender and gender expansive students. Schools must not only respond promptly to allegations of bullying and harassment, they must also work to prevent bullying and harassment.

MODEL PROCEDURE FOR IMPLEMENTATION OF POLICY FOR GENDER SUPPORT

1. Establishment of Gender Support Team and School Coordinator

The District Superintendent shall establish a district-wide Gender Support Team to support transgender and gender expansive students. This team shall consist of the following: an assistant superintendent, a principal, a school social worker, a psychologist, a classroom teacher, a nurse, a physical education teacher, and a fine arts teacher. The Gender Support Team shall respect the self-determination of each student and shall be guided by the goal of ensuring each student's academic, social, and emotional success. The Gender Support Team shall designate one of its members to serve as a liaison with all District schools.

Each school shall designate a staff member to serve as the point person within the building ("School Coordinator") to coordinate support for transgender and gender expansive students and to serve as a point of contact for the parent(s), legal guardian(s), student(s), and staff. The School Coordinator shall serve as a member of the Gender Support Team to coordinate support for any students at the School Coordinator's school.

All members of the district-wide Gender Support Team and the School Coordinators shall be trained on an annual basis on this Policy and in the social, mental, and emotional support of transgender and gender expansive children and adolescents. The content of this training shall be medically accurate and evidence-based.

2. Coordination of Support

Students and parents/guardians may coordinate support for transgender and gender expansive students with either the Gender Support Team, the School Coordinator, or other appropriate staff. In order to ensure that the student is supported in school, it is recommended that the school, the student, and the parents/guardians (except as excluded pursuant to the standard set forth below) meet and discuss any issues relating to providing support to the transgender and gender expansive student, including, but not limited to confidentiality of gender transition or gender identity, a timeline for the transition to create the conditions supporting a safe and accepting environment at the school, access to restrooms and other gender-segregated facilities, method for affirming the student's preferred name and gender identity, disclosure of the student's gender identity to teachers, and other issues as necessary. The District or school staff may initiate discussions with transgender and gender expansive students regarding the District's provision of support to the student.

Parent(s)/guardian(s) are generally aware of their children's gender identity and should be included in discussions regarding a school's provision of support around issues of gender. However, if the school staff has reason to believe that notification of the parents/guardians of the students' gender identity presents any emotional or physical safety risk to the student, the Gender Support Team or School Coordinator should work closely with the student to assess the potential risks to the student. In making this assessment, the school must consider the health, well-being, and safety of the transitioning or transgender student. In all instances, it is safest to ask a student if the student is comfortable having a teacher or administrator share the student's gender identity with parent(s)/guardian(s). Therefore, students should always be consulted before involving a parent/guardian unless a parent/guardian has already addressed the student's transgender or gender expansive identity with staff.

3. Gender Transition Plan and Gender Support Plan

In order to create a shared understanding about the ways in which the District will support students who are making a formal transition from their sex assigned at birth, when a student indicates an intention to transition, the District or school may create a Gender Transition Plan, attached as Appendix A. In order to create a shared understanding about the ways in which the District will support transgender and gender expansive students, the District or school may create a Gender Support Plan, attached as Appendix B.

Within ten (10) business days of request from a student or a student's parent(s)/guardian(s), the Gender Support Team and the School Coordinator shall meet to develop or revise a Gender Transition Plan or Gender Support Plan. In the case of exigent circumstances, the Gender Support Team and the School Coordinator shall meet sooner. The parent(s)/guardian(s) or student may bring an additional support person to the meeting.

The Gender Support Plan shall address the expressed needs and wishes of the student on issues including but not limited to the following: access to restrooms and other gender-segregated facilities, method for affirming the student's preferred name and gender, disclosure of the student's gender identity to teachers, identification of parent and peer allies, confidentiality of gender transition in student records and information systems, staff training, and other supports as necessary. The Gender Transition Plan shall address those subjects plus the confidentiality of the gender transition, and a timeline for the transition to create the conditions supporting a safe and accepting environment at the school.

The Gender Support Team shall facilitate positive communication between the parties. Conflicts regarding Gender Transition or Support Plans shall be resolved on a case-by-case basis, with the goal of ensuring each student's academic, social, and emotional success.

Within ten (10) business days of finalizing a Gender Transition or Gender Support Plan for an individual student, the District shall ensure that the principal and teachers requested by the student and/or parent/guardian at the school are informed of the details of the Plan, provided that such disclosure is approved within the Plan.

Gender Transition Plans and Gender Support Plans shall be maintained as a student

temporary record and shall not be included in the student's permanent student file. The Plan shall be maintained in confidence and only accessible to the Gender Support Team or other District staff identified in the Plan.

4. Appendix

The District shall make accessible the following on its website:

- Contact information for the District's Gender Support Team
- Appendix A: Gender Support Plan
- Appendix B: Gender Transition Plan
- Appendix C: Organizations that provide support to transgender and gender expansive students
- Appendix D: A School Roster Change Request Form
- Appendix E:
 - How to make school gender-affirming for all students
 - Examples of ways to discuss social transitions of transgender and gender expansive students
 - Responding to Concerns: Teaching About Gender

APPENDIX

A



**– Confidential –
Gender Support Plan**

The purpose of this document is to create shared understandings about the ways in which the student's authentic gender will be accounted for and supported at school. School staff, caregivers and the student should work together to complete this document. Ideally, each will spend time completing the various sections to the best of their ability and then come together to review sections and confirm shared agreements about using the plan. Please note that there is a separate document to plan for a student's formal gender transition at school.

School/District _____	Today's Date _____	
Student's Preferred Name _____	Legal Name _____	
Student's Gender Identity _____	Assigned Sex at Birth _____	Student Grade Level _____
Date of Birth _____	Sibling(s)/Grade(s) _____ / _____ / _____	
Parent(s), Guardian(s), or Caregiver(s) /relation to student		
_____ / _____	_____ / _____	
_____ / _____	_____ / _____	
Meeting participants: _____		

PARENT/GUARDIAN INVOLVEMENT

Are guardian(s) of this student aware and supportive of their child's gender status? Yes No

If not, what considerations must be accounted for in implementing this plan? _____

CONFIDENTIALITY, PRIVACY AND DISCLOSURE

How public or private will information about this student's gender be (check all that apply)?

- District staff will be aware (Superintendent, Student Support Services, District Psychologist, etc.)
Specify the adult staff members: _____
- Site level leadership/administration will know (Principal, head of school, counselor, etc.)
Specify the adult staff members: _____
- Teachers and/or other school staff will know
Specify the adult staff members: _____
- Student will not be openly "out," but some students are aware of the student's gender
Specify the students: _____
- Student is open with others (adults and peers) about gender
- Other – describe: _____

If the student has asserted a degree of privacy, what steps will be taken if that privacy is compromised, or is believed to have been compromised? _____

How will a teacher/staff member respond to any questions about the student's gender from:

Other students? _____

Staff members? _____

Parents/community? _____

STUDENT SAFETY

Who will be the student's "go to adult" on campus? _____

If this person is not available, what should student do? _____

What, if any, will be the process for periodically checking in with the student and/or family? _____

What are expectations in the event the student is feeling unsafe and how will student signal their need for help:

During class _____

On the yard _____

In the halls _____

Other _____

Other safety concerns/questions: _____

What should the student's parents do if they are concerned about how others are treating their child at school?

NAMES, PRONOUNS AND STUDENT RECORDS

What name and gender marker are listed on the student's identity documents? _____

Name/gender marker entered into the Student Information System _____

Name to be used when referring to the student _____ Pronouns _____

Can the student's preferred name/gender marker be reflected in the SIS? _____ If so, how? If not, why not?

If not, what adjustments can be made to protect this student's privacy? _____

Who will be the point person at school for ensuring these adjustments are made and communicated as needed?

How will instances be handled in which the incorrect name or pronoun are used by staff members? _____

By students? _____

How will the student’s privacy be accounted for and maintained in the following situations or contexts:

- During registration _____
- Completing enrollment _____
- With substitute teachers _____
- Standardized tests _____
- School photos _____
- IEPs/Other Services _____
- Student cumulative file _____
- After-school programs _____
- Lunch lines _____
- Taking attendance _____
- Teacher grade book(s) _____
- Official school-home communication _____
- Unofficial school-home communication (PTA/other) _____
- Outside district personnel or providers _____
- Summons to office _____
- Yearbook _____
- Student ID/library cards _____
- Posted lists _____
- Distribution of texts or other school supplies _____
- Assignment of IT accounts _____
- PA announcements _____

If the student’s guardians are not aware and/or supportive of the student’s gender status, how will school-home communications be handled?

What are some other ways the school needs to anticipate information about this student’s preferred name and gender marker potentially being compromised? How will these be handled?

USE OF FACILITIES

Student will use the following restroom(s) on campus _____

Student will change clothes in the following place(s) _____

If student has questions/concerns about facilities, who will be the contact person? _____

What are the expectations regarding the use of facilities for any class trips? _____

What are the expectations regarding rooming for any overnight trips? _____

Are there any questions or concerns about the student’s access to facilities? _____

EXTRA CURRICULAR ACTIVITIES

Does the student participate in an after-school program? _____

What steps will be necessary for supporting the student there? _____

In what extra-curricular programs or activities will the student be participating (sports, theater, clubs, etc)? _____

What steps will be necessary for supporting the student there? _____

Questions/Notes: _____

OTHER CONSIDERATIONS

Are there any specific social dynamics with other students, families or staff members that need to be discussed or accounted for? _____

Does the student have any sibling(s) at school? _____ Factors to be considered regarding sibling's needs? _____

Does the school have a dress code? _____ How will this be handled? _____

Are there lessons, units, content or other activities coming up this year to consider (growth and development, social justice units, name projects, dance instruction, Pride events, school dances etc.)? _____

What training(s) will the school engage in to build capacity for working with gender-expansive students? _____

Are there any other questions, concerns or issues to discuss? _____

SUPPORT PLAN REVIEW AND REVISION

How will this plan be monitored over time? _____

What will be the process should the student, family, or school wish to revisit any aspects of the plan (or seek additions to the plan)? _____

What are specific follow-ups or action items emerging from this meeting and who is responsible for them?

Action Item	Who?	When?

Date/Time of next meeting or check-in _____ Location _____

APPENDIX

B

– Confidential –
Gender Transition Plan

This document supports the necessary planning for a student's formal transition of gender from its commonly assumed status to something else. Its purpose is to create the most favorable conditions for a successful experience, and to identify the specific actions that will be taken by the student, school, family, or other support providers.

School/District _____	Today's Date _____
Student's Preferred Name _____	Legal Name _____
Student's Gender _____	Assigned Sex at Birth _____ Student Grade Level _____
Date of Birth _____	Sibling(s)/Grade(s) _____ / _____ / _____
Parent(s)/Guardian(s)/Caregiver(s) /relation to student	
_____ / _____	_____ / _____
_____ / _____	_____ / _____

What is the nature of the student's transition (male-to-female, female-to-male, a shift in gender expression, etc.)

How urgent is the student's need to transition? Is the child currently experiencing distress regarding their gender?

PARENT/GUARDIAN INVOLVEMENT

Are guardian(s) of this student aware and supportive of their child's gender transition? ___Yes ___No

If not, what considerations must be accounted for in implementing this plan? _____

INITIAL PLANNING MEETING

When will the initial planning meeting take place? _____ Where will it occur? _____

Who will be the members of the team supporting the student's transition?

- Student _____
- Parent(s) _____
- School Staff _____
- Other _____

STUDENT TRANSITION DETAILS

What is the specific information that will be conveyed to other students (be specific)? _____

What requests will be made? _____

With whom and when will this information be shared?

- With peers in the transitioning student's class only Date: _____
- With peers in the student's grade level Date: _____
- With some/all students at school (specify) _____ Date: _____
- Other (specify) _____

Who will lead the lessons/activities framing the student's announcement? _____

What will the lesson/activities be? _____

Will the student be present for the lesson/sharing of info about the transition? _____

If yes, what if any role does the student want to play in the process? _____

Once the information is shared, what parameters/expectations will be set regarding approaching the student?

Other notes, considerations or questions _____

KEY DECISIONS PRIOR TO STUDENT'S TRANSITION

Communications with Other Families

Will any sort of information be shared with other families about the student's transition? _____

With whom: ___ Families in child's grade ___ Whole School ___ Other (specify) _____

Who will be responsible for creating this? _____ When will it be sent? _____

How will it be distributed? _____

What specific information will be shared*? _____

Questions/Notes: _____

* see sample letters

Training for School Staff

Will there be specific training about this student's transition with school staff? _____ When? _____

Who will be conducting the training? _____ What will be the content of the training?

Questions/Notes: _____

Parent Information Night About Gender Diversity

Will there be specific training for school community members? _____ When? _____

Who'll conduct it? _____ Will it reference the student's transition? _____

What will be the content of the training? _____

Questions/Notes: _____

Class Meeting with Parents

Will there be any meeting with the families of the transitioning student's peers? _____ When? _____

Who will lead the meeting? _____ Who will be attending the meeting? _____

What will be the purpose for this meeting? _____

Identifying and Enlisting Parent Allies

Are there any parents/adults in the community you would like to enlist in support of the child's transition? _____

If so, who? _____

When will you speak with them? _____ What will be your request? _____

Questions/Notes: _____

Identifying and Enlisting Peer Allies

Are there other students you would like to enlist in support of the child's transition? _____

If so, who? _____

When will they be spoken with? _____ What requests will be made? _____

Questions/Notes: _____

Siblings

Does the student have any siblings at the school? _____ What needs to be considered for them?

Training in their classroom(s)? _____ Emotional Support? _____

Questions/Notes: _____

APPENDIX

C

ORGANIZATIONAL RESOURCES

Ann & Robert H. Lurie Children's Hospital of Chicago's Gender Program

Lurie Children's Gender Program provides advocacy, training, mental health, and medical care aimed at supporting the physical, mental, and social health of patients and their families as youth progress through gender identity development. You can reach Lurie Children's Gender Program by contacting Jennifer Leininger at 773-303-6056 or JLeininger@luriechildrens.org.

Gender Spectrum

Gender Spectrum's goal is to create gender sensitive and inclusive environments for all children and teens. Along with other organizations, Gender Spectrum published Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools.

GLSEN (The Gay, Lesbian, Straight Education Network)

GLSEN is a prominent organization supporting LGBTQ youth. GLSEN has resources about creating safe and supportive environments for students. GLSEN's Day of Silence is an annual student-led national event that brings attention to anti-LGBT name-calling, bullying, and harassment in schools.

Illinois Safe Schools Alliance

The mission of the Illinois Safe Schools Alliance (the Alliance) is to promote safety, support and healthy development for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth, in Illinois schools and communities, through advocacy, education, youth organizing and research.

The Trevor Project is a national organization focused on crisis and suicide prevention efforts among LGBTQ youth.

Welcoming Schools

Welcoming Schools is a project of the Human Rights Campaign Foundation that provides support to schools in LGBTQ inclusion and preventing of gender stereotyping, bullying, and name-calling in learning environments. Welcoming Schools has a useful booklist.

APPENDIX

D

School Roster Information Change Request

1 Student Information as per Official Record

Last Name	Suffix	First Name	Middle Name	Gender
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>
Date of Birth	Place of birth - Name of Hospital or Facility	City	State (if US)	Country
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

2 Student Information for School Records

Last Name	Suffix	First Name	Middle Name	Gender
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>

To District employees reviewing this document: Confidential student information shall not be shared with any other persons unless authorized by the parent/guardian or student over 18. Violation of federal and state confidentiality laws and Board policy may be cause for discipline up to and including termination.

Parent/Guardian Signature _____

Date

Parent/Guardian Signature _____

Official use only				
Submitted at/Taken by	Date	HO#	Entered by	Date
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

APPENDIX

E

HOW TO MAKE SCHOOL GENDER-AFFIRMING FOR ALL STUDENTS

If a student talks to you about their gender identity, listen in a respectful and non-judgmental way. Do not brush them off, react with skepticism or disapproval, or pressure them into any particular category. Thank the student for trusting you and for sharing part of the student's identity with you. You may be the first person that this student has ever told about their gender identity. Support them in developing their own understanding of their gender and direct them to resources for transgender, gender expansive, and questioning youth. Do not "out" a young person or disclose their gender identity to another without permission.

Questions you may ask: How can I support you? What do you need from me? What name/pronoun would you like for me to use? Who else have you shared this with? Do you want other staff members to know about this or would you prefer that this remain between us? What can we do to make sure that you are comfortable in school? Would you like for me to use your affirmed name/pronoun outside of this office? Is it safe for me to use your affirmed name/pronoun when talking to your parents?

Avoid perpetuating gender stereotypes. Many of us enforce gender norms without even realizing it, however, these stereotypes hurt everyone, especially transgender, gender expansive, and cisgender students. Think carefully about the messages in everything you say, do, teach, or communicate about gender. Are you complimenting girls more often on their appearance but boys more often on their athleticism? Do you ever imply there is something wrong with men who behave in stereotypically feminine ways? Do you discipline girls more harshly than you would otherwise if they seem "masculine" or "bossy" to you? Does your language ever equate gender with genitals or otherwise imply that the gender identities of transgender people are not "real?" Remember, there is no such thing as "girl things" or "boy things." Clothes are clothes, hair is hair, toys are toys, activities are activities etc.

Intervene and take action when students use gender-specific terminology to make fun of each other. When students make fun of each other with terms like "sissy," "pussy," "faggot," "dyke," "homo," "freak," "it," "he-she," "tranny," "bitch," or "gay" and faculty fail to intervene, these words are perceived as acceptable. The use of such language further alienates transgender, gender expansive, and gender nonconforming students in schools and perpetuates discriminatory stereotypes about gender, gender identity, and sexual orientation.

Create gender-neutral and mixed gender spaces. Be mindful about the ways in which single-gender teams or groups (e.g. girls-only groups and boys-only groups) can alienate transgender and gender expansive students. Be proactive in creating spaces for transgender, gender expansive, and gender nonconforming students within these groups and create additional spaces for transgender and gender expansive students.

Listen to criticism from transgender, gender expansive, and questioning students. Take such criticism seriously without becoming defensive; such feedback is an important opportunity to learn and grow.

EXAMPLES OF WAYS TO DISCUSS SOCIAL TRANSITIONS OF TRANSGENDER AND GENDER EXPANSIVE STUDENTS

- ❖ Karen identifies as female, is female, and will be treated as a girl in every way. Karen wants us to use she/her pronouns and to be called Karen consistently by all staff and students. We will respect Karen and continue to use this name and female pronouns.
- ❖ He wore a dress today because it makes him feel good and he likes it. What type of clothes do you like?
- ❖ Your classmate feels like a boy and is a boy. He has asked us to support him by calling him Bob and using he/him when speaking about him. This is just like how you like for us to call you Marco and use he/him.
- ❖ Our friend feels like a girl inside and wants to be called Allison and for us to call her she/her. She also wants to wear the type of clothes that make her feel good. What types of clothes make you feel good?
- ❖ While you may have known Jim as Jackie last year, he feels like a boy and identifies as male. We will show Jim support and respect by calling him Jim and using he/him pronouns consistently. Calling Jim by any other name or pronoun will not be tolerated.
- ❖ Lauren cut her hair short because she likes the way it looks. There is no such thing as “boy hair.” It is just hair. Do you like having short hair too?
- ❖ Kevin does not feel like a boy or a girl and instead says that they are gender fluid. Because of this, Kevin has asked us to use the pronouns they and them instead of he or she. Everyone has a pronoun that feels good to them. For example, my preferred pronouns are she and her. When speaking about Kevin, we will use the pronoun they or them. If you make a mistake, please correct yourself and apologize. We will not accept people talking about any of our classmates in ways that do not feel good to them.
- ❖ For more information about using “they/them” as a single-use pronoun, please visit these sites:
 - <http://www.americandialect.org/2015-word-of-the-year-is-singular-they>
 - https://www.washingtonpost.com/opinions/the-post-drops-the-mike--and-the-hyphen-in-e-mail/2015/12/04/ccd6e33a-98fa-11e5-8917-653b65c809eb_story.html
 - <http://www.poynter.org/2015/question-from-aces2015-is-it-time-to-accept-they-as-a-singular-pronoun/330339/>

Responding to Concerns: Teaching about Gender

Why should my child learn about gender at school?

- School is a place where children are taught to respect one another and to learn to work together regardless of their differences. Learning about gender diversity is part of that work. Creating a more tolerant, inclusive, and accepting school environment teaches all children to recognize and resist stereotypes. We teach children to stand up for others, to resist bullying, and to work together.
- We also know that many children whose gender is seen as different than what is expected of them can face very difficult circumstances. Too often teasing, bullying, and violence are common experiences for a gender-expansive child. A growing number of school districts and states (17 as of 2014) specifically prohibit bullying and harassment of students based on gender expression or identity. Furthermore, various federal, state and municipal laws protect students from discrimination because of their gender. Proactive education and training to help students understand gender diversity more fully helps school districts meet those legal obligations while working to create a safer, more supportive learning environment for all students.

Isn't my child too young to be learning about gender?

- Children are already learning about it. Messages about gender are everywhere, and children receive very clear messages about the “rules” for boys and girls, as well as the consequences for violating them. By learning about the diversity of gender, children have an opportunity to explore a greater range of interests, ideas, and activities. For all children, the pressure of “doing gender correctly,” is greatly reduced, creating more space for them to discover new talents and interests.
- Whether in or out of school, children will encounter other children exhibiting wide ranges of gender expression. This is normal and, with a little reflection, we can all recognize it as something we encountered during our own childhoods. Tomboys or shy, sensitive boys are commonly recognized examples of children who buck societal expectations of gender expression. These children, and all children, deserve a safe, supportive learning environment in which they can thrive and empower themselves.

If you are talking about gender, aren't you discussing reproduction and sexuality?

- The simple answer is “no.” When we discuss gender, we talk about what people like to wear, the activities they engage in, and how they feel about themselves. This is not sexuality. Sexuality involves physical intimacy and attraction. Gender is about self-identity. Gender identity is a person’s internal sense of where they fit on the gender spectrum. This includes all kids, “typically” gendered or not.
- If responding to questions that arise about physical sex, the discussion uses phrases such as “private parts,” and even if anatomical terms come up, nothing specific to human reproduction or sexuality is taught. For the most part, children are simply not raising these questions. While as adults, we struggle to separate the ideas of gender and sexuality (primarily because many were taught that they are one and the same), children have an ability to grasp the complexity of gender diversity because sexuality does not factor in to complicate their understanding.

Ideas about gender diversity go against the values we are instilling in my child at home. Are you trying to teach my child to reject these values?

- Absolutely not. Our children encounter people with different beliefs when they join any community. While one aim for learning about diversity is to become more accepting of those around us, not everyone is going to be best friends. That does not mean that they can't get along and learn together. The purpose of learning about gender diversity is to demonstrate that children are unique and that there is no single way to be a boy or a girl. If a child does not agree with or understand another student's gender identity or expression, they do not have to change how they feel inside about it. However, they also do not get to make fun of, harass, or harm other students whose gender identity they don't understand or support. Gender diversity education is about teaching students to live and work with others. It comes down to the simple agreement that all children must be treated with kindness and respect.

Won't my child get confused if we speak about more than two gender options?

- Experience show that, with enough information, children of any age are able to understand that there are more than the two gender categories currently recognized by our society. When it is explained to them in a simple, age appropriate manner, gender diversity is an easy concept for children to grasp.
- When you discuss gender with your child, you may hear them exploring where they fit on the gender spectrum and why. This shows that they understand that everyone may have some variation of gender expression that fits outside of stereotypical norms. Their use of language or their personal placements along this spectrum may surprise you. We encourage all parents to approach these discussions with an air of openness and inquiry.

Don't gender-expansive kids have lots of problems? Is gender nonconformity a product of abuse, emotional problems, neglect, divorce, or detached, or over-involved parents?

- No. While it is true that some transgender and gender-expansive people do experience a tremendous amount of societal abuse and parental rejection, this is not the cause of their gender identity or expression. As a result, when not supported, children whose gender expression or identity is considered atypical often suffer from loneliness, lower self-esteem, and other negative feelings. Statistics reveal the devastating impact these youth face when placed into a non-supportive or hostile setting.
- A gender-expansive child's emotional distress is a response to the mistreatment they have likely faced from those around them. It is not at all uncommon to see a gender-expansive or transgender child's distress greatly reduce or disappear when they're provided with a more positive environment.

Won't allowing children to express non-traditional genders cause them to be teased or harassed?

- While there is a great deal of data suggesting that gender-expansive youth do face teasing, there is a growing body of knowledge that points to the impact gender-expansive education can have on reducing that treatment. If children are being treated badly because of who they are, the answer is not to try and prevent them from being themselves. Rather, we should instead ask what needs to be done to address the teasing. Providing educational programming and training that expands students' understanding about stereotypes and limitations of self-expression can go a long way to preventing teasing.

Students

Administrative Procedure - Accommodating Transgender Students or Gender Non-Conforming Students

This procedure's accommodation and support guidelines advance the District's goals of (1) providing all students equal access to a safe, non-hostile learning environment, and (2) implementing risk management controls in a developing and unsettled area of the law in which the federal Office of Civil Rights and Department of Justice have issued guidance.

While there is no mandate requiring procedures for accommodating transgender students or gender non-conforming students, this procedure guides school officials through the: (1) application of State and federal anti-discrimination laws to this student population, and (2) common needs in which transgender or gender non-conforming students may request accommodations and support at school. This procedure applies to all school activities, school-provided transportation, and school-sponsored events regardless of where they occur.

The Building Principal, Nondiscrimination Coordinator, and/or Complaint Manager, with input from others as appropriate, will implement this procedure. They will work with each transgender or gender non-conforming student, and as appropriate with the student's parent(s)/guardian(s), to manage a student's accommodations and supports on a case-by-case basis. The Board Attorney will be consulted concerning legal compliance.

Gender-Based Discrimination Is Prohibited

School districts must provide equal educational opportunities to transgender students and gender non-conforming students. Under State law, *sex discrimination* extends to claims of discrimination based on *sexual orientation* and *gender identity*. 775 ILCS 5/5-101(11); 23 Ill.Admin.Code §1.240. The Ill. Human Rights Act defines *sexual orientation* as the "actual or perceived heterosexuality, homosexuality, bisexuality, or gender related identity, whether or not traditionally associated with the person's designated sex at birth." 775 ILCS 5/1-103(O-1). The Act permits schools to maintain single-sex facilities that are distinctly private in nature, e.g., restrooms and locker rooms. 775 ILCS 5/5-103.

Federal law prohibits exclusion and discrimination on the basis of *sex*. 20 U.S.C. §1681(a), Title IX of the Education Amendments of 1972. According to the U.S. Department of Education's Office for Civil Rights (OCR) and the U.S. Department of Justice, Title IX protects lesbian, gay, bisexual, and transgender students, from gender discrimination.

School Board policy 7:10, *Equal Educational Opportunities*, recognizes the legal requirements described above. This procedure's guidance on accommodating transgender students or gender non-conforming students is based on OCR pronouncements. See the last section, **Resources**.

Gender-Based Bullying and/or Harassment Is Prohibited

The laws prohibiting gender discrimination require the District to protect transgender students and gender non-conforming students from bullying and harassment by other students. According to the federal Office of Civil Rights, a school district is responsible for damages suffered by a student who was the victim of protected-class harassment: (1) that is severe, pervasive, or persistent; (2) about which school officials knew or should have known; and (3) that interferes with or limits a student's participation in or benefit from services, activities, or opportunities offered by the school.

The School Code prohibits bullying on the basis of actual or perceived sexual orientation, gender-related identity or expression, and/or association with a person or group with one of the aforementioned actual or perceived characteristics. 105 ILCS 5/27-23.7(a). The Board policy on bullying and the District's suite of bullying prevention materials must be used to address and resolve peer bullying and harassment of transgender or gender non-conforming students. See 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.

Terminology and Definitions

The District uses the following terms and definitions when discussing accommodations for a transgender student or gender non-conforming student (from the *Arcadia Resolution Agreement*, 7-24-2013, www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf). NOTE: Definitions are not intended to label students, but rather to assist with understanding.

Gender-based discrimination is a form of sex discrimination, and refers to differential treatment or harassment of a student based on the student's sex, including gender identity, gender expression, and non-conformity with gender stereotypes, that results in the denial or limitation of education services, benefits, or opportunities. Conduct may constitute gender-based discrimination regardless of the actual or perceived sex, gender identity, or sexual orientation of the persons experiencing or engaging in the conduct.

Sex assigned at birth and assigned sex refers to the gender designation listed on one's original birth certificate.

Gender expression refers to external cues that one uses to represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

Gender identity refers to one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted, or for which there is other evidence that the gender identity is sincerely held as part of the student's core identity.

Transgender describes an individual whose gender identity is different from the individual's assigned sex. *Transgender boy* and *transgender male* refer to an individual assigned the female sex at birth who has a male gender identity. An individual can express or assert a transgender gender identity in a variety of ways, which may but do not always include specific medical treatments or procedures. Medical treatments or procedures are not considered a prerequisite for one's recognition as transgender. For purposes of this procedure, a *transgender student* is a student who consistently and uniformly asserts a gender identity different from the student's assigned sex, or for whom there is documented legal or medical evidence that the gender identity is sincerely held as part of the student's core identity.

Gender transition refers to the experience by which a transgender person goes from living and identifying as one's assigned sex to living and identifying as the sex consistent with one's gender identity. A gender transition often includes a *social transition*, during which an individual begins to live and identify as the sex consistent with the individual's gender identity, with or without certain medical treatments or procedures.

Gender stereotypes refers to stereotypical notions of masculinity and femininity, including expectations of how boys or girls represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

Gender non-conformity refers to one's gender expression, gender characteristics, or gender identity that does not conform to gender stereotypes.

Facilities refers to facilities and accommodations used by students at school or during school-sponsored activities and trips, and include, but are not limited to, restrooms, locker rooms, and overnight facilities.

Relevant Board Policies for Accommodations, Supports, and Inclusion of Transgender or Gender Non-Conforming Students

- 2:260, *Uniform Grievance Procedure*, contains the process for an individual to seek resolution of a complaint. A student may use this policy to complain about bullying. The District Complaint Manager shall address the complaint promptly and equitably.
- 6:65, *Student Social and Emotional Development*, requires that social and emotional learning be incorporated into the District's curriculum and other educational programs.
- 7:10, *Equal Educational Opportunities*, requires that equal educational and extracurricular opportunities be available to all students without regard to, among other protected statuses, sex, sexual orientation, and gender identity.
- 7:20, *Harassment of Students Prohibited*, prohibits *any* person from harassing, intimidating, or bullying a student based on an actual or perceived characteristic that is identified in the policy including, among other protected statuses, sex, sexual orientation, and gender identity.
- 7:130, *Student Rights and Responsibilities*, recognizes that all students are entitled to rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting.
- 7:160, *Student Appearance*, prohibits students from dressing or grooming in such a way as to disrupt the educational process, interfere with a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency.
- 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the comprehensive structure for the District's bullying prevention program.
- 7:250, *Student Support Services*, directs the Superintendent to develop protocols for responding to students' social, emotional, or mental health problems that impact learning.
- 7:330, *Student Use of Buildings - Equal Access*, grants student-initiated groups or clubs the free use of school premises for their meetings, under specified conditions.
- 7:340, *Student Records*, contains the comprehensive structure for managing school student records, keeping them confidential, and providing access as allowed or required.

Common Needs for Transgender or Gender Non-Conforming Students; Accommodations and Supports

The goal of an accommodation is to allow a transgender or gender non-conforming student to equally participate in educational and extracurricular opportunities. The right of transgender students to accommodations is generally found in legislation (Illinois Human Rights Act and Title IX) but has not been fully interpreted by the courts. Determining appropriate accommodations is difficult because school officials must balance the rights of transgender or gender non-conforming students to freedom from discrimination and freedom of expression with the rights of other students to freedoms of religion and expression. The Board Attorney is an indispensable member of the team that will identify accommodations for a specific student.

This list is not exhaustive, and each student's request must be managed on a case-by-case basis. A particular student may not be interested in an accommodation for each item listed. Seek the Board Attorney's advice concerning the scope and extent of accommodations.

1. Gender transition
2. Names and pronouns
3. School student records

4. Student privacy and confidentiality
5. Access to gender-segregated areas (e.g. locker rooms and restrooms)
6. Sports and physical education classes - participation in competitive athletic activities and contact sports is resolved pursuant to IHSA policy #34, *Policy and School Recommendations for Transgender Participation*, www.ihsa.org/AbouttheIHSA/ConstitutionBylawsPolicies.aspx
7. Dress codes
8. Gender segregation in other areas (e.g., class discussions and field trips)

Training for School Staff Members

When and where appropriate, professional development for staff members should include opportunities to gain a better understanding of equal educational opportunity laws, gender identity, gender expression, and gender diversity; the development of gender identity in children and adolescents; developmentally appropriate strategies for communicating with students and parents/guardians about issues related to gender identity; gender-affirming approaches to ensuring the safety and support of transgender students and gender non-conforming students; developmentally appropriate strategies for preventing and intervening in bullying incidents; and Board policies regarding bullying, discrimination, and student privacy.

Resources

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, published by the National School Board Association and other participating organizations, April 2013, at www.nsba.org/sites/default/files/reports/Dealing%20with%20Legal%20Matters%20Surrounding%20Students%E2%80%99%20Sexual%20Orientation%20and%20Gender%20Identity.pdf.

Massachusetts Department of Elementary and Secondary Education, *Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment Nondiscrimination on the Basis of Gender Identity* (undated), at www.doe.mass.edu/ssce/GenderIdentity.pdf.

OCR Dear Colleague Letter, harassment and bullying (2010), at www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html.

OCR Guidance on Responsibilities of Schools to Address Sexual Violence, Other Forms of Sex Discrimination (2014) at www.ed.gov/news/press-releases/guidance-issued-responsibilities-schools-address-sexual-violence-other-forms-sex.

OCR and DOJ Consent Decrees and Resolution Agreements:

www2.ed.gov/about/offices/list/ocr/docs/investigations/05115901.html (Anoka-Hennepin School District, MN, 3-5-2012).

www2.ed.gov/about/offices/list/ocr/docs/investigations/09111031.html (Tehachapi Unified School District, CA, 7-7-2011).

www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf (Arcadia Unified School District, CA, 7-24-2013).

Executive Order No. 11,246, 30 FR 12319, 12935, 3 CFR, 1964-1965 Comp., p. 339, (1965), as amended on July 21, 2014, prohibits discrimination by the federal government or federal contractors on the basis of sexual orientation or gender identity. The Secretary of Labor was directed to prepare implementing regulations within 90 days (or by 10-19-2014).

The School Leaders Risk Management Association. *District Transgender and Gender Non-conforming Student Practice and Policy*, May 2014 (Copyright - Chicago: Brokers Risk Placement Service, Inc., 2014).

Which Way to the Restroom? Respecting the Rights of Transgender Youth in the School System. April 2012 (Copyright - National School Boards Association), Grant Bowers and Wendy Lopez, at www.nsba.org/sites/default/files/reports/Respecting%20the%20Rights%20of%20Transgender%20Youth%20and%20appendices.pdf.

Won't discussing gender encourage my child to be transgender?

- Being transgender is not something that a person chooses. Studies show that although parents cannot make their child gay or transgender, they can deeply influence how their children feel about themselves. Parental pressure to enforce gender conformity can damage a child's self-esteem and is a high predictor of negative health outcomes and risk-taking behaviors for youth. Transgender youth currently have an extremely high attempted suicide rate: some estimate it being as high as 50 percent. Discussing gender will have the effect of removing much of the pressure students face to fit into narrowly defined expectations that few if any can actually meet.

If transgender people are so "normal", why are some families so private about it?

- A family with a transgender child will decide together how much they wish to share with others. Many transgender children prefer to live their lives as the gender that reflects their internal gender identity without using the word "transgender." For example, the child would identify themselves as a girl or boy as opposed to a transgender girl or boy.
- Some children and families are open and share this with everyone in their lives. Others choose to maintain a sense of complete privacy, while still others find a blend of these two approaches. In most families, this decision will be determined jointly by the child and guardian(s), often in collaboration with a medical, mental health, or other professionals experienced in this area.
- If a family honors their child's wish for privacy, this can have the appearance of secrecy. In reality, it may be an effort to avoid potential stigmatization or to simply keep a very personal topic private.

How can I correct or modify the impression I have already given my child about gender?

- It is powerful to let children know when we don't know the answer to something, and to let them know that adults as well as children are always learning. Having conversations with your children that reflect your growing understanding is wonderful. It does not undermine your parenting. If you were to discover that you had unknowingly taught your child another form of misinformation about other people, you would correct the impression you had mistakenly given them. With gender it is no different. Gender diversity is something that both society and science are constantly exploring and understanding more deeply.

I don't really feel like I know how to answer my child's questions.

- Once again, explain that you are learning about this too. It is important, however, to monitor and understand your own feelings before you initiate this kind of conversation. Children can pick up on your feelings towards a subject. So, if you are still feeling uncomfortable about the concept of gender diversity, then consider taking additional time to increase your understanding. Read, talk to others, and further educate yourself. When you have a greater understanding and increased awareness, then you will likely feel more confident to talk with your children.
- Answer children's questions simply, and let them take the lead in how deep the conversation goes. Most children are satisfied with this approach. They will guide the conversation from there and rarely ask the complex questions that occur to adults. You may be surprised at how simply children navigate this terrain. Some parents have found responses such as, "Hmmm, I am just learning about that myself. Let me tell you what I know, and then if you would like to learn more, maybe we could do that together," to be helpful in opening up pathways for further discussion.