



Book	Policy Manual
Section	5000 Students
Title	TRANSGENDER AND NONBINARY STUDENTS
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5517.02 - **TRANSGENDER AND NONBINARY STUDENTS**

The purpose of this policy is to:

- A. Foster an educational environment for all students that is safe, welcoming, and free from stigma and discrimination, regardless of sex, sexual orientation, gender identity, or gender expression;
- B. Facilitate compliance with local, state and federal laws concerning bullying, harassment, privacy, and discrimination;
- C. Ensure that all students have the opportunity to express themselves and live authentically.

Saline Area Schools and the Board of Education recognizes that Lesbian, Gay, Bisexual, Transgender (LGBTQ+) students, nationally and in Michigan, are targeted with physical violence and experience a hostile school environment more frequently than their peers. Supportive environments that acknowledge and affirm a student's identity is a protective factor that improves health and educational outcomes.

Title IX Legal Statute

Title IX of the Education Amendments of 1972 ("Title IX") specifically prohibits discrimination on the basis of sex in federally-funded education programs and activities. The United States Department of Education's Office of Civil Rights has issued guidance stating it will "enforce Title IX to prohibit discrimination based on sexual orientation and gender identity in education programs and activities that receive federal financial assistance from the Department."

Scope

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, during a student's commute to and from school, at bus stops, and all other situations in which the District and Board exercise substantial control over the context, including the behavior and the individuals. This policy also pertains to usage of electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and on school computers, networks, forums, and mailing lists, as well as any electronic communication that is directed at a student and that substantially interferes with the student's ability to participate in or benefit from the services, activities, or privileges provided by the school. This policy applies to the entire school community, including educators, school and District staff, Board Trustees, students, parents or guardians, and volunteers.

Bullying, Harassment, and Discrimination

Discrimination, bullying, and harassment on the basis of sex, sexual orientation, or gender identity or expression is prohibited within the District. It is the responsibility of each school and all staff to ensure that all students, including transgender and nonbinary students, have safe school environments.

The Superintendent/designee shall ensure that any incident of discrimination, harassment, or bullying is given immediate attention, including investigating the incident, taking age and developmentally appropriate action, and providing students and staff with appropriate resources and supports. Complaints alleging discrimination, harassment, or bullying based on a student's actual or perceived gender identity or expression are to be taken seriously and handled consistently with the applicable anti-discrimination, anti-bullying, and anti-harassment policies. Transfers of transgender or nonbinary students between buildings or classrooms shall not be a school's first or preferred response to harassment of transgender and nonbinary students and shall be considered only when necessary for the protection or personal welfare of the transgender or nonbinary student or when requested by the student or the student's parent or guardian. The student's parent or guardian must consent to any such transfers between schools.

Prohibited conduct includes discrimination, harassment, or bullying because of the gender identity or expression of a friend, family member, or other person or group the student associates with.

(See Policy 2266 Nondiscrimination on the Basis of Sex in Education Programs or Activities, Policy 5517 Anti-Harassment, and Policy 5517.01 Bullying and Other Aggressive Behavior Toward Students)

Privacy/Confidentiality

The Superintendent/designee shall ensure that all personally identifiable and medical information relating to transgender and nonbinary students shall be kept confidential in accordance with applicable state, local, and federal privacy laws. In general, school staff shall not disclose any information that may reveal a student's transgender status to others, including the student's parents or guardians and other school staff, unless legally required to do so or unless the student has authorized such disclosure. In the rare instance that a school is legally required to disclose a student's transgender status, the school should provide the student an opportunity to make that disclosure themselves. This would include providing the student with the support services necessary to make the disclosure in a safe and supportive environment.

Transgender and nonbinary students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and what private information to share. The fact that a student chooses to use a different name, to transition at school, or to disclose their transgender status to staff or other students, does not authorize school staff to disclose a student's personally identifiable or medical information. When contacting the parent or guardian of a transgender or nonbinary student, school staff should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise. (See "Student Transitions" below)

Media and Community Communication

When communicating to the media or community about issues related to gender identity or expression, District and school staff shall direct parents and the media to a designated spokesperson who has been trained in diversity, equity and inclusion. Protecting the privacy of transgender and nonbinary students must be a top priority for the spokesperson and all staff, and all personally identifiable and medical information shall be kept strictly confidential, in accordance with local, state, and federal privacy laws.

Names, Pronouns, and School Records

Every student has the right to be addressed by a name and pronouns that correspond to the student's gender identity. Regardless of whether a transgender or nonbinary student has legally changed their name or gender, schools will allow the student to use a chosen name and gender pronouns that reflect their identity. It is recommended that school staff privately ask transgender or nonbinary students how they want to be addressed in class and in the school's communication with the student's parents or guardians. Some transgender and nonbinary youth may feel most comfortable being addressed by gender-neutral pronouns or just referred to by their names (without pronouns).

If the student has previously been known at school by a different name, the school administration will direct school personnel to use the student's chosen name and appropriate pronouns. To ensure consistency among administrators and staff, every effort will be made to immediately update student education records with the student's chosen name and appropriate gender markers unless prohibited by federal, state, or local law or regulation. Records with the student's birth name and gender will be kept in a separate, confidential file within the student information system.

In situations where school staff and administrators are prohibited by federal, state, or local law or regulation from changing a student's name on a record, the Superintendent shall ensure practices are developed to avoid the inadvertent disclosure of such confidential information.

The District shall comply with requests from students who are transgender, to amend their secondary educational records, including diplomas and transcripts after graduation, to ensure that those requesting records (e.g. college admissions offices or potential employers) will only see the name and gender marker corresponding to the student's gender identity (this includes requests from former students).

Access to Gender-Segregated Activities and Facilities

With respect to all restrooms, locker rooms or changing facilities, students shall have access to facilities that correspond to their gender identity. Schools may maintain separate restrooms, locker rooms, or changing facilities for male and female students, provided that they allow all students equal access to facilities that are consistent with their gender identity. Students, including nonbinary students, should determine which facilities are consistent with their gender identity.

Any student who is uncomfortable using a shared gender-segregated facility, regardless of the reason, shall, upon the student's request, be provided with a safe and non-stigmatizing alternative. This may include, for example, the addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, requiring a transgender or nonbinary student to use a separate space threatens to publicly identify and stigmatize the student as transgender and should not be done unless requested by a student. Under no circumstances may students be required to use gender-segregated facilities that are inconsistent with their gender identity.

Where they exist, schools shall designate facilities designed for use by one person at a time as accessible to all students regardless of gender. However, under no circumstances shall a student be required to use separate facilities because they are transgender or nonbinary. The District shall incorporate single-user facilities and greater privacy into new construction or renovation, and to assess ways to increase privacy for all students in existing facilities.

Physical Education Classes and Intramural and Interscholastic Athletics

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Furthermore, all students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity, subject to the Michigan High School Athletic Association's (MHSAA) constitution and guidelines.

Other Gender-Based Activities, Rules, Policies and Practices

As a general matter, schools should evaluate all gender-based activities, rules, policies, and practices — including classroom activities, school ceremonies, and school photos — and maintain only those that serve an important educational purpose. Students shall be permitted to participate in any gender-based activities or conform to any gender-based rule, policy, or practice consistent with their gender identity.

Saline Area Schools supports students in becoming ethical and responsible citizens. Students demonstrate this attribute when they see beyond themselves to the needs of others, contribute to their community, promote equity, take responsibility for the environment, and demonstrate respect, empathy and compassion (SAS Compass - Ethical and Responsible Citizen). Research shows that LGBTQ students who attend schools with curriculum that is inclusive of LGBTQ people, history, and events experience a better school

climate and improved academic outcomes. Curriculum serves as a mirror when it reflects individuals and their experiences back to themselves. At the same time, curriculum serves as a window when it introduces and provides the opportunity to understand the experiences and perspectives of those who possess different identities (GLSEN's Four Supports).

Dress Code

Schools may enforce dress codes pursuant to District policy, but any such dress codes may not be based on gender. Students shall have the right to dress in accordance with their gender identity and expression, including maintaining a gender-neutral appearance within the constraints of the dress codes adopted by the school. School staff shall not enforce a school's dress code more strictly against transgender and nonbinary students than other students.

Student Transitions

Schools shall accept the gender identity that each student asserts. There is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected.

Students ready to socially transition may initiate a process to change their name, pronoun, attire, and access to preferred programs, activities, and facilities consistent with their gender identity. Each student has a unique process for transitioning. The school shall customize support to optimize each student's equal access to the District's educational programs and activities.

Training and Professional Development

The District shall conduct training for all staff members on their responsibilities under applicable laws and this policy, including teachers, administrators, counselors, social workers, and health staff. Information regarding this policy shall be incorporated into training for new school employees.

The Superintendent/designee shall implement ongoing professional development to build the skills of all staff members to prevent, identify and respond to bullying, harassment and discrimination. The content of such professional development shall include, but not be limited to:

- A. terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents;
- B. developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression that protect student privacy;
- C. classroom-management practices, curriculum, and resources that educators can integrate into their classrooms to help foster a more gender-inclusive environment for all students;
- D. developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyberbullying;
- E. school and District policies regarding bullying, harassment, discrimination, and suicide prevention and responsibilities of staff.

Publication

This policy will be distributed annually to students, parents/guardians, and staff, and it will also be included in any student codes of conduct, disciplinary policies, student handbooks, and school websites.

Definitions

These definitions are provided not for the purpose of labeling students but rather to assist in understanding this policy and the legal obligations of school and district personnel. Students may or may not use these terms to describe themselves or their experiences.

BULLYING: - "Bullying" is defined as any written, verbal, or physical acts, including cyber bullying, (i.e. any electronic communication, including, but not limited to electronically transmitted acts, such as internet, telephone or cell phone, personal digital assistant (PDA), or wireless handheld device) that without regard to its subject matter or motivating animus, is intended or that a reasonable person would know is likely to harm one (1) or more students either directly or indirectly by doing any of the following:

- A. substantially interfering with educational opportunities, benefits, or programs of one (1) or more students;
- B. adversely affecting the ability of a student to participate in or benefit from the school district's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress;
- C. having an actual and substantial detrimental effect on a student's physical or mental health; and/or
- D. causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Bullying can be physical, verbal, psychological, or a combination of all three. Some examples of bullying are:

- A. Physical – hitting, kicking, spitting, pushing, pulling; taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
- B. Verbal – taunting, malicious teasing, insulting, name calling, making threats.
- C. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation. This may occur in a number of different ways, including but not limited to notes, emails, social media postings, and graffiti.

(See Policy 5517.01 Bullying and Other Aggressive Behavior Toward Students)

GENDER EXPRESSION: The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

GENDER IDENTITY: A person's deeply held sense or psychological knowledge of their own gender, which can include being female, male, another gender, or no gender. Gender identity is an innate and largely inflexible part of a person's identity. One's gender identity can be the same or different from the gender assigned at birth. The responsibility for determining an individual's gender identity rests with the individual. Children typically begin to understand their own gender identity by age four, although the age at which individuals come to understand and express their gender identity may vary based on each person's social and familial development.

GENDER NONCONFORMING: A term for people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify as multiple genders. Other terms that can have similar meanings include gender diverse or gender expansive. Being gender nonconforming is distinct from being transgender.

NONBINARY: A term used to refer to people whose gender identity is not exclusively male or female, including those who identify with a different gender, a combination of genders, or no gender. Nonbinary may be considered a subset of transgender or a distinct identity. Other similar or more specific terms may include genderqueer, gender fluid, agender, or Two-Spirit (for Native American students).

SEXUAL ORIENTATION: A person's romantic, physical, or lack of attraction to people of the same, opposite, or other genders. A person may have any sexual orientation, with some examples being heterosexuality, homosexuality, bisexuality, or asexuality.

TRANSGENDER: An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned gender at birth.

TRANSITION: The process in which a person goes from living and identifying as one gender to living and identifying as another. Transition is a process that is different for everyone, and it may or may not involve social, legal, or physical changes. There is no one step or set of steps that an individual must undergo in order to have their gender identity affirmed and respected.

REFERENCES:

SAS Board Policy 2266 Nondiscrimination on the Basis of Sex in Education Programs or Activities

SAS Board Policy 5517 Anti-Harassment

SAS Board Policy 5517.01 Bullying and Other Aggressive Behavior Toward Students

Michigan State Board of Education Statement and Guidelines on Safe and Supportive Learning Environments for Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) Students (September 2016)

Model School District Policy on Transgender and Gender Nonconforming Students, GLSEN and National Center for Transgender Equality (Revised September 2018)

Title IX of the Education Amendments of 1972

U.S. Department of Education's Office of Civil Rights, Letters to Educators, Issued June 23, 2021