

## **Guidelines Regarding the Support of Students who are Transgender and Gender Nonconforming**

### **Purpose**

Colorado law and District policy require that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, gender identity and gender expression. These Guidelines are issued in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities. These Guidelines set out a protocol for schools and district staff to address the needs of students who are transgender and gender nonconforming and clarify how state law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students.

These Guidelines do not anticipate every situation that might occur with respect to students who are transgender or gender nonconforming, and the needs of each student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the students who are transgender or gender nonconforming while maximizing the students' social integration and minimizing stigmatization of the students.

### **Definitions**

The definitions provided here are not intended to label students but rather to assist in understanding these Guidelines and the legal obligations of District staff. Students might or might not use these terms to describe themselves.

- Gender Identity is a person's deeply held sense or psychological knowledge of their own gender, regardless of the biological sex they were assigned at birth. Everyone has a gender identity.
- Transgender describes people whose gender identity is different from their biological sex assigned at birth.
- Gender Expression refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.
- Gender Nonconforming describes people whose gender expression differs from stereotypical or prevailing social expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. The term "gender variant" is sometimes used.

## **Guidance**

### Privacy

All students have a right to privacy; this includes the right to keep private one's transgender status or gender nonconforming presentation at school. Information about a student's transgender status, legal name, or biological sex assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Students who are transgender and gender nonconforming have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.

When contacting the parent or guardian of a student who is transgender or gender nonconforming, school personnel should use the student's legal name and the pronoun corresponding to the student's biological sex assigned at birth unless the student, parent or guardian has specified otherwise.

### Official Records

The District is required to maintain a permanent student record ("official record") that includes a student's name and gender. The District will amend a student's official record to reflect a change in first name and/or to reflect a change in gender upon receipt of appropriate documentation such as a court order or other documentation from the parent or guardian substantiating the change. In situations where school staff or administrators are required by law to use or to report the legal name or biological sex of a student who is transgender but whose official record has not been amended, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

### Names/Pronouns

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and official records need not be changed.

The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of these Guidelines.

### Gender-Segregated Activities

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for health education classes, students should be included in the group that corresponds to their gender identity.

### Restroom Accessibility

Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student who is transgender and who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such a restroom.

### Locker Room Accessibility

The use of locker rooms by students who are transgender and gender nonconforming shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, students who are transgender should have access to the locker room that corresponds to their gender identity consistently asserted at school.

Any student who is transgender and who has a need or desire for increased privacy, regardless of the underlying reason, should 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 P.E. 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 should be provided in a way that allows the student's transgender status to be kept confidential. In no case shall a student who is transgender be required to use a

locker room that conflicts with the student’s gender identity consistently asserted at school.

#### Physical Education Classes and Intramural Sports

Students who are transgender and gender nonconforming shall be permitted to participate in physical education classes and intermural sports in a manner consistent with their gender identity.

#### Interscholastic Competitive Sports Teams

Students who are transgender and gender nonconforming shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity as reflected in official school records (see above section “Official Records” regarding amendment of records) and the requirements of the Colorado High School Athletics Association.

#### Overnight Activity and Athletic Trips

In the planning of sleeping arrangements during overnight activity and athletic trips, the needs of students who are transgender shall be assessed on a case-by-case basis with the goals of maximizing the student’s social integration and equal opportunity to participate in overnight activity and athletic trips, ensuring the student’s safety and comfort, and minimizing stigmatization of the student. In most cases, student who are transgender should be assigned to share overnight accommodations with other students that share the student’s gender identity consistently asserted at school. Any student who is transgender and also has a need or desire for increased privacy, regardless of the underlying reason, should 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 transgender status to be kept confidential. In no case shall a student who is transgender be required to share a room with students whose gender identity conflicts with their own.

#### Dress Codes

Students who are transgender and gender nonconforming have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools

may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

### Discrimination/Harassment

It is the responsibility of each school and the District to ensure that students who are transgender and gender nonconforming have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. 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 (See "Related Resources" below).

### Transferring a Student to Another School (Administrative Transfers)

In general, schools should aim to keep students who are transgender and gender nonconforming at the original school site. Administrative transfers should not be a school's first response to harassment and should be considered only when necessary for the protection or personal welfare of the transferred student or when requested by the student or the student's parent or guardian. The student or the student's parent or guardian must consent to any such transfer. The goal is to maintain continuity of the student's education in a safe learning environment.

## **Related Resources**

SSSD Policies and Regulations:

NNP-1: Sexual Harassment

AC: Nondiscrimination/Equal Opportunity

AC-R-1: Nondiscrimination/Equal Opportunity (Complaint and Compliance Process)

AC-R-2: Title IX Sexual Harassment Grievance Process

AC-E-1: Nondiscrimination/Equal Opportunity Notice

AC-E-2: Nondiscrimination/Equal Opportunity (Report Form)

AC-E-3: Title IX Complaint Form Nonconforming

S-42: Sexual Harassment Prohibited Under Title IX and Other Prohibited Misconduct of  
a Sexual Nature

Complaints about violations of these Guidelines should initially be handled through the  
Principal of the school. For additional assistance, contact the Superintendent's Office.

Adoption date: May 26, 2016 (formerly S-16-A-1)  
Latest revision: August 14, 2020 (formerly S-16-A)  
February 3, 2020