

AR 5145.3(A) TRANSGENDER STUDENTS AND EMPLOYEES

The purpose of these guidelines is: 1) to foster inclusive and welcoming learning and working environments that are free from discrimination, harassment, and bullying regardless of sex, sexual orientation, gender identity, or gender expression; 2) to facilitate compliance with local, state and federal laws that prohibit discrimination, harassment and bullying; 3) to provide professional information to school staff on transgender issues; and 4) to create safe and supportive learning and working environments.

For purposes of these guidelines, a transgender individual is an individual that asserts a gender identity or gender expression at school or work that is different from the gender assigned at birth. This often involves a consistent declaration of gender identity or expression over time, but does not require proof of a formal evaluation or diagnosis. Since individual circumstances, needs, programs, facilities and resources may differ, administrators and school staff are expected to consider the specific needs of any individual on a case-by-case basis through the following support process.

The Process

The following process should be used to address the needs of transgender and gender nonconforming students and employees. In addition, this process is available for any student or employee personally *impacted* by the accommodation of a transgender student or colleague. For example, a student who is uncomfortable about sharing a restroom with a transgender student can request access to an alternative restroom.

- a. A transgender or gender nonconforming student or employee is encouraged to contact the site administrator to address any concerns or requests. Students may also contact their counselor, who will immediately notify and work with the principal. Parents/guardians of transgender students may also initiate contact with the principal.
- b. The principal or administrator will schedule a meeting to discuss the individual's needs and to develop a plan to support the student and address these needs. The plan should address, as appropriate, the name and pronoun desired by the student/employee, restroom and locker room use, participation in athletics, dress code, student/employee transition plans, if any, and other needs or requests of the student/employee. Protecting individual privacy rights and disclosure rules will be taken into consideration throughout the process.
- c. The plan should be developed by the principal or administrator, in consultation with the student or employee, and with others as deemed appropriate by the administrator and approved by the student or employee.

Note: If the student has an IEP or 504 Plan, or the employee has an accommodation plan, the provisions in these plans could be taken into consideration in developing a plan for addressing transgender issues.

- d. Students may also use the Student Grievance Process, set forth in BP 1312.3, to address any issues at school.
- e. A copy of the final plan can be maintained in the student's health file or the employee's personnel file.
- f. District staff shall protect the privacy of transgender and gender nonconforming students and employees. All student and personnel information shall be kept strictly confidential as required by district policy and local, state or federal privacy laws.

Official Records

Mandatory permanent student and employee records will include the legal/birth name and legal/birth gender. On other school records or documents, the school will use the name and gender preferred by the student or employee. For example, student ID cards should use the student's preferred name.

Only upon receipt of a court order or other legal documentation should a student's or employee's official record be changed to reflect a change in legal/birth name or gender.

Names and Pronouns

Administrators and staff should respect the right of an individual to be addressed by a name and pronoun that corresponds to their gender identity, including the use of gender neutral terms. A court-ordered name or gender change is not required.

Transgender and gender nonconforming students/employees are encouraged to discuss how they want to be addressed in class, in the workplace, in correspondence to the home, or at conferences with the student's parent/guardian.

When communicating with parent/guardian, care should be taken to protect privacy or safety concerns of the student. When contacting the parent or guardian of a transgender 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 has specified otherwise.

Access to Gender-Segregated Activities and Areas

Schools may maintain separate restrooms and locker rooms for male and female students/employees. Where available, schools are encouraged to designate facilities designed for use by one person at a time as accessible to all students regardless of gender. However, no student should be required to use such facilities because the student is transgender or gender nonconforming.

Access should be allowed to restrooms and locker rooms based on the gender identity consistently expressed by the student or employee. Transgender individuals should not be required to use facilities that are inconsistent with their gender identity, nor should they be required to use single-user facilities. Upon request, the District will work with transgender students and parents (if applicable) to determine appropriate accommodations with regard to bathrooms and locker rooms. If any student, regardless of gender identity, is uncomfortable using a shared restroom or locker room, considerations can include safe and non-stigmatizing alternatives such as the addition of a privacy partition or curtain, use of a nearby private restroom or office, or a separate changing schedule.

Student Intramural and Interscholastic Athletics

All students will be permitted to participate in intramural sports in a manner consistent with their gender identity consistently expressed at school. Furthermore, all students will be permitted to participate in District-sponsored interscholastic athletics in a manner consistent with their gender identity and in accordance with Alaska School Activities Association (ASAA). ASAA will rely on a gender determination made by the student's member school where the determination is based upon prior written and objective criteria adopted by the school.

- a. Notice to the School: The student and/or parents shall contact the school administrator or athletic director indicating that the student has a gender identity consideration and that the student desires to participate in activities in a manner consistent with his/her gender identity.
- b. Eligibility to participate in a manner consistent with the student's gender identity will remain applicable for the duration of the student's participation and does not need to be renewed every sports season or school year. Per ASAA, throughout high school, a student may assert a single gender or gender identity for athletic or intramural participation and may not switch between

male and female activities. Exceptions to this rule may be reviewed by the Superintendent and will be considered on a case by case basis.

- c. All communication among involved parties and any documentation shall be kept confidential, unless the student and/or family choose to reveal discussion or documentation.
- d. Should eligibility be denied, a student may seek review of his or her eligibility for participation through the Student Grievance Process, set forth in BP 1312.3.

Other Gender-Based Activities, Rules, Policies and Practices

Schools should regularly examine practices and consider other alternatives to separation by gender.

Gender-based activities, rules, policies, and practices should be evaluated for necessity.

Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

Dress Code

Students and staff shall have the right to dress in accordance with their gender identity, within the constraints of the dress codes adopted by the district. School staff shall not enforce a school's dress code more strictly against transgender and gender nonconforming students than other students.

Student Transitions

Transition is the process in which a person goes from living and identifying as one gender to living and identifying as another. When a student transitions during the school year, the principal or designee will hold a meeting with the student and/or parent(s) to discuss their desires and concerns. The principal or designee should discuss the student's timeline for the transition process in order to support a safe and accepting environment at the school.

The principal will train other administrators and any staff that interact directly with the student on the transition plan, timelines for transition, and any relevant legal requirements.

Training and Professional Development

District administration should provide training to all staff on their responsibilities under applicable laws and this regulation. Training should include the responsibility to prevent, identify and respond to bullying, harassment and discrimination. This includes treating transgender students and employees respectfully to foster a spirit of inclusion and to refrain from making disparaging comments or comments with respect to their gender identity or expression.

Adopted: 07/01/2016

Juneau School District
