



Book	Policy Manual
Section	200 Pupils
Title	Non-Discrimination/Gender Preference Accommodations
Code	259
Status	First Reading

Purpose

The Penn-Delco School District is committed to providing a safe, supportive, and inclusive experience to all individuals. Addressing the needs of all students, regardless of gender identity, is an important part of that experience. The Board, administration, staff, and students will comply with federal and state laws, which require that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity/expression. This policy is in keeping with 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. [3][4][5][6][7][10]

Definitions

“Biological sex” means the sex assigned by a doctor at birth. For intersex individuals or others with genetic anomalies, “biological sex” refers to gender identity.

“Gender identity” means the presentation of a set of attributes that are stereotypically perceived as male or female.

“Transgender” describes an individual whose biological sex does not match their gender identity. While no medical diagnosis is required, a consistent and extended expression of gender identity and prolonged desire to be recognized as that gender must be present.

Authority

Generally, unless an accommodation is provided, individuals must use the restroom and locker room that aligns with their biological sex. The District shall permit a transgender student to be treated as the opposite gender of their biological sex in all respects only when the student has engaged in a process with the District to confirm his/her commitment to the chosen gender identity. The transgender student requesting accommodations shall meet with and engage with the District administration and/or counselors to review the student’s request and any other relevant matters. Students violating this policy and/or school rules may be subject to discipline under the student Code of Conduct. [1][2][3][4][7][8]

Delegation of Authority

The superintendent shall develop administrative regulations in keeping with the purposes and intent of this policy.

Guidelines

The administrative regulations shall address and include, but shall not be limited to:

- I. GENDER PREFERENCE NOTIFICATION
- II. PRIVACY AND CONFIDENTIALITY [8][9]
- III. OFFICIAL RECORDS [9]
- IV. UNOFFICIAL RECORDS [9]
- V. NAMES / PRONOUNS
- VI. BATHROOM AND LOCKER ROOM USE [10]
- VII. STUDENT SAFETY [5][6][10]

Legal [1. 24 P.S. 510](#)

2. Pol. 218

[3. 22 Pa. Code 12.2](#)

4. 22 Pa. Code 12.3

5. Pol. 103

6. Pol. 103.1

7. 22 Pa. Code 12.4

[8. 22 PA Code 12.12](#)

[9. 20 U.S.C. 1232g](#)

[10 20 U.S.C. 1681](#)

Doe v. Boyertown Area School District, 897 F.3d 518 (3d Cir. 2018)

References:

Education Law Center: The Rights of LGBTQ and Gender-Nonconfirming Students -
www.elcpa.org/wp-content/uploads/2021/08/Rights-of-LGBTQ_GNC-NonBinary-Students

Pennsylvania Human Relations Commission Guidance (PHRC): www.phrc.pa.gov

Pennsylvania Department of Education (PDE) Resources

www.education.pa.gov/Schools/safeschools/equityandinclusion/Pages/Gender.aspx

U.S. Department of Education Office of Civil Rights – Questions and Answers on Title IX and Sexual Violence

U.S. Department of Education Transgender Fact Sheet - Supporting Transgender Youth in School