

Practical Tips for Interacting with Transgender Students

DEFINITIONS

Biological sex at birth: objectively measurable organs a child is born with. Also referred to “birth assigned gender” or “gender assigned at birth”

Gender identity: how people think of themselves and which gender they feel they are. In other words, gender identity is an emotional, rather than a physical characteristic. It is generally believed that gender identity is formed by about the age of four (although an individual may not realize it until later) and it very rarely changes after that.

Gender expression: how people demonstrate their gender to the outside world through things like dress, speech, and behavior. Gender expression may change depending on circumstances.

Transgender person: a person whose gender identity does not match his/her biological sex at birth. Importantly, a person’s status as transgender does not depend upon whether that person has undergone (or even intends to undergo) any medical treatment for gender reassignment.

Transgender female: a person whose assigned sex at birth is male but identifies and lives as a female. Also referred to as MTF, or male-to-female.

Transgender male: a person whose assigned sex at birth is female but identifies and lives as a male. Female-to-male, or FTM

Transition: the process a transgender individual goes through to live as their self-identified gender. Although it may include medical intervention, no such treatment is required for a person to transition.

Social transition:

- Use a different name
- Use of a different pronouns
- He, she, her
- They, zey
- Surface transformations of physical appearance (hair cut, earrings,--expression side)
- Use of bathrooms that suits the person’s gender more accurately

Medical transition (any combination):

- Use of a medical interventions to block natal puberty
- Use of cross-sex hormones
- Gender Confirmation Surgery (vs. sex reassignment or sex change—not changing anything, just confirming)
- Use of a bathroom that suits the person’s gender more accurately

COMMON ISSUES

1. *Names and pronouns*

- Recognize that this is often the first step in transitioning from one gender to another. When a request to refer to a student by a different name comes to your attention, consider asking the student if he/she would like to schedule a meeting with parents to discuss other issues that may arise and to ensure there is a plan in place to help the student feel safe.
- Transgender students, like all students, should be addressed in informal verbal and written communication by the preferred name and/or pronoun. If you require parental permission to call students something different than what is on the roll or not, you must apply the requirement to all students, even-handedly.
- Policies that require “proof” or a formal evaluation or diagnosis of a student’s gender identity are looked down upon, however, districts across the country do ask for “more than a casual declaration of gender identity or expression.”

2. *Telling parents*

- Note that the ACLU is very protective of a student’s right to privacy in his/her sexuality.
- If a school employee believes that “a situation exists which presents a serious threat to the well-being of a student,” the employee must notify parents without delay. (Utah Code 53A-13-302(6)(b)(i)). Other than a threatening situation, volunteering known information about a student’s sexuality with parents is not advised. Consider the following factors in making a determination about talking to parents:
 - Age of students
 - Whether student is being bullied based on sexuality or gender identity
 - Student requests
 - Knowledge of parents’ relationship with students
- What if a student asks to be called a preferred name/pronoun and parents object? Unless the student is 18, parents’ requests should govern.

3. *School Records*

- In Utah, official school records must include information found on the student’s birth certificate. This includes name and gender. (R277-419-10)
- Under FERPA, a parent may request a school to amend a student’s records, including the name on official records, but it is ultimately up to the school whether the request will be granted. If an amendment to a record is denied, parents have the right to insert a statement in the record setting forth his or her views.
- A court order changing the birth certificate is the only way a students’ name and gender can be changed on official school records.

- “School records” is not defined in this rule. FERPA uses the term “education record” for a very broad set of records. “School records” can be interpreted more narrowly for purposes of this rule.
- **Best practice:** Accommodate preferred name/gender where possible on non-official school records, such as:
 - Classroom seating chart
 - A roll
 - Notes to parents about the student
 - Student homework
 - Yearbook

4. *School Bathrooms/Locker rooms*

- No court in Utah has taken a position on this issue.
- Nebo’s position is to review each matter on a case-by-case basis
- Many schools provide a uni-sex bathroom or faculty bathroom to any student desiring to use the bathrooms. Make sure the uni-sex bathroom is not so inconveniently located that a student may claim unequal access.
- Long term solution? Closed stalls in all locker rooms and all bathrooms for use by any or all students.
- Access should not be controlled by other students’ or parents’ comfort level regarding the access.

5. *School Overnight Trips*

- Review on a case-by-case basis.
- Work with district officials.
- Work with transgender student and family.
- Consider providing a single room for the student, *if the student is okay with this*. Forcing the student to be in a single room where all other students get to share a room could be problematic.
- Consider the putting 2 kids in a 2 bed room, rather than 4.
- Consider putting the student with a close friend—male or female—also going on the trip.
- May be okay to say, “Nebo will not permit students who do not share the same anatomy to share intimate spaces overnight.”
- BUT do not jump to this answer.

6. *Student-on-student harassment/bullying*

- Schools have a legal duty to protect ALL STUDENTS from harassment by adults and other students. Supreme Court in Davis v. Monroe (1998) has stated that school officials may be liable if they are “deliberately indifferent” to student-on-student harassment that is persistent, pervasive, and severe.

- Licensed school employees have a professional responsibility under 277-515 both not to harass students and to protect students from harassment by other students.
- If you receive a complaint that other students are harassing/bullying a student based on his gender identity—even if you don't believe it's happening—document, investigate, document your investigation, follow-up with parents, and put a safety plan in place if necessary. DO NOT DO NOTHING!

7. *Communication and Confidentiality*

- First and foremost, soliciting information about a student's sexual behavior, orientation, or attitudes is prohibited under Utah Code 53A-13-302(1)(c). Resist the urge to play therapist!
- Once information has been obtained—regardless of how— respect the student's privacy rights.
- Keep confidential information about students discussed with administrators and with other faculty. Discussions about students with other faculty should only be on a needs-to-know basis.
- Official school records that identify the student's legal name and gender as they appear on the birth certificate are considered "education records" under FERPA and may not be shared with anyone outside of the exceptions under the law.

8. *Dress Code*

- Ensure your school dress code is gender neutral.
- If a transgender boy is wearing a dress and he is not doing anything to harm anyone else, even if it is causing disruption, address the disruption, not the dress.
- Dance attire: Think twice before punishing a transgender female (born male, identifies as female) from wearing a dress to Prom. Especially if she has been elected Prom Queen.
- Graduation attire: if you have gender-specific graduation attire, consider getting rid of it or allowing transgender students to wear the attire of the gender they identify with.
- Recognize that some students do not identify with either gender, or consider themselves gender fluid—moving back and forth between male and female. For this reason, it is problematic to require any kind of "proof" that the student is transgender before allowing him/her to wear attire of the gender they identify with.

9. *Sports*

- UHSAA Interpretation and Guidelines 1.1.4: Transgender Participation:
 "A student shall be permitted to participate on a gender specific sports team that is consistent with the public gender identity of that student for all other purposes. In making a determination of eligibility, the UHSAA will first refer to the confirmation of the student and his or her local school regarding gender identification. The UHSAA will require that **member school districts and schools make a determination of a student's eligibility to participate in gender specific sports** team for a particular season based on

the gender identification of that student (1) in current school records, and, (2) daily life activities in the school and community at the time that sports eligibility is determined.”

- Factors in making an eligibility determination for transgender athletes
 - Documentation from individuals such as, but not limited to, parents /legal guardians appointed by a court of competent jurisdiction, friends and/or teachers, which affirm that the actions, attitudes, dress and manner demonstrate the student’s consistent gender identification and expression;
 - A complete list of all the student’s prescribed, non-prescribed or over the counter, treatments or medications;
 - Written verification from an appropriate health-care professional (doctor, psychiatrist, or psychologist) of the student’s consistent gender identification and expression; and
 - Any other pertinent documentation or information which the student or parent(s)/legal guardian(s) appointed by a court of competent jurisdiction believe relevant and appropriate.

10. Parents’ Involvement

- Because of the many issues that can arise when working with transgender students, parental involvement at the outset is key. Work with the parents to establish a plan for:
 - What name to call the student,
 - What pronoun to use
 - Bathroom/locker room accommodations
 - Overnight field trips
 - Athletic team participation
 - Preventing bullying/harassment
- FOR THIS REASON, HELP THE STUDENT UNDERSTAND THE VALUE OF INFORMING PARENTS. KEEP IN MIND, AGE MATTERS. A 17 YEAR OLD TRANS STUDENT MAY BE ABLE TO NAVIGATE THE WORLD OF TRANSITIONING BETTER THAN A 12 YEAR OLD WITHOUT PARENTAL INVOLVEMENT.