

## **Guidelines for Support of Transgender Students**

**(Revised July 2023)**

Many questions arise for students and school staff when considering the best support for transgender students. These guidelines are designed to provide direction for the Tempe Union High School District to address issues that may arise concerning the needs of transgender students. Because this is an evolving area for school districts, some of this guidance may change over time.

These guidelines are intended to help schools ensure a safe learning environment free of discrimination and harassment, and to promote the educational and social integration of transgender students. They do not anticipate every situation that may occur, and the needs of each student must be assessed on a case-by-case basis. Every student and school is unique. Building administrators should discuss these issues with students and their families and draw on the experiences and expertise of their colleagues as well as external resources where appropriate.

The need to provide support to a transgender student arises whenever the school learns that a student is transgender and will consistently assert at school a gender identity that is different from the student's biological sex assigned at birth.

Often the first school employee to learn that a student is transgender is the employee who assists in registering the student. Other times, a student who is already enrolled in the school will confide in a counselor, teacher, or other school employee. Once a school employee learns that a transgender student will or does attend the school and will be requesting accommodations, the school employee must involve the school principal. The principal should then involve the Assistant Superintendent for District Safety and Student Support and/or the Executive Director of Human Resources or their designee and promptly offer to meet with the parent/guardian and student to discuss these guidelines along with the student's preferences for support from the school.

Pursuant to A.R.S. § 1-602 (the parents bill of rights), the school is not to usurp the fundamental right of parents to direct the upbringing, education, health care, and mental health of their children. Therefore, in situations where a parent may not be supportive of a student's transgender status, it is imperative that the school coordinate with the Assistant Superintendent for District Safety and Student Support and Tri-District Legal Counsel to work through issues that will arise.

### **Definitions**

1. "Gender" means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for boys and men, or girls and women.

2. “Gender Expression” means the outward characteristics used to communicate gender identity.
3. “Gender Identity” is a person’s inner sense of being male or female, regardless of their biological sex assigned at birth.
4. “Gender Variance” or “Gender Nonconformity” is behavior or gender expression by an individual that does not match masculine and feminine gender norms, which may not be fixed; it is a deliberately broad term used to encompass any number of other terms.
5. “Transgender” is a term that describes people whose gender identity is different from their biological sex assigned at birth; not all gender variant individuals identify as transgender, and not all transgender individuals identify as gender variant.

### **Discrimination/Harassment**

It is the policy of the Tempe Union High School District to maintain a safe and supportive learning and educational environment that is free from harassment, bullying, and discrimination because of a student’s gender identity.

Complaints alleging harassment, bullying, or discrimination based on a person’s gender identity should be handled in accordance with the procedures set forth in Governing Board Policy JB (Equal Educational Opportunities) and the accompanying Regulation JB-R and Exhibit JB-E. In the Tempe Union High School District, these complaints are processed, as applicable, by the Executive Director of Human Resources and/or the Assistant Superintendent for District Safety and Student Support, or their respective designee.

### **Privacy**

Except as set forth herein, school personnel should not disclose information that may reveal a student’s transgender status. Under the Family Educational Rights and Privacy Act (FERPA), only those school employees with a legitimate educational need should have access to a student’s records or the information contained within those records. Disclosing confidential student information to other employees, students, parents, or other third parties may violate privacy laws, including but not limited to FERPA. Transgender students have the ability, as do all students, to discuss and express their gender identity openly and decide when, with whom, and how much of their private information to share with others.

Schools should work closely with the student and family in devising an appropriate plan regarding the confidentiality of the student’s transgender status that works for both the student and the school. Privacy considerations may vary with the age of the student.

Schools must be aware that maintaining confidentiality of information regarding a student’s transgender status from the student’s parents may not be possible pursuant to the parents bill of rights.

## **Legal Name Change**

Tempe Union High School District must maintain for each enrolled student an official student record that includes the student's legal name.

The student's legal name must be used in all official student records, including a transcript, and reports to the Arizona Department of Education. A student's legal name will be changed by the District in its official student records upon receipt of documentation that the legal name has been changed pursuant to applicable law. The documentation required for a legal change of name is a court order, valid birth certificate, or valid passport demonstrating the student's new legal name.

Any change to a student's legal name should be reviewed with the Assistant Superintendent for District Safety and Student Support or his/her designee and the District level administrator/s who oversee electronic student record systems and who report information to local, state, and federal agencies.

## **Preferred Names/Pronouns**

Wherever and to the extent that the school is not legally required to use a student's legal name in school records and other documents (e.g. transcript, standardized testing), the school should use the name preferred by the student. Students are not required to obtain a court-ordered name and/or gender change or to change their student records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.

Students should be addressed by school staff by the name and pronoun corresponding to their gender identity and gender expression that is consistently asserted at school. To the extent possible and consistent with these guidelines, school personnel should make efforts to maintain the confidentiality of the student's transgender status.

Student IDs should be issued in the name that reflects a student's gender identity and gender expression that is consistently asserted at school. Classroom documents and communications created by the student's teachers should use the student's preferred name and preferred gender.

Any change to a student's gender designation in the student information record should be reviewed with the Assistant Superintendent for District Safety and Student Support or his/her designee and the District level administrator/s who oversee electronic student record systems and who report information to local, state, and federal agencies.

If a parent raises an objection pursuant to the parent's bill of rights to the school addressing a student by the student's preferred name, the school should abide by the parent's request.

## **Gender Designation Change**

School Assistant Principals of Academics should record the student's gender as indicated on the student's birth certificate, baptismal certificate, passport, or other form of identification permitted

by Policy JF-Student Admissions. At the request of the parent/guardian or adult student, the school principal should authorize a change to the gender indicated in the student's information record if the principal receives a signed statement from the parent/guardian or adult student that the student's gender identity is other than as indicated in the student's information record and that the student's gender identity will be consistently asserted at school. If a minor student requests a change of gender indicated in the student's information record, such a change should not be made unless the parent/guardian consents in writing to the change after appropriate consultation. The principal should discuss with the minor student whether the parent/guardian may be contacted regarding the request before initiating contact.

A parent/guardian or adult transgender student is not required to provide verification that the student is undergoing or has undergone medical treatment for the purpose of gender transition, as a condition for changing a student's gender in the District's records.

Any change to a student's gender in the electronic information system should be reviewed with the Assistant Superintendent for District Safety and Student Support or his/her designee and the District level administrators who oversee electronic student record systems and who report information to local, state and federal agencies.

### **Physical Education**

Transgender students are to be provided the same opportunities to participate in physical education as are all other students. Generally, students should be permitted to participate in physical education in accordance with the student's gender identity that is consistently asserted at school.

### **Interscholastic Sports**

Please see policy JJIB <https://policy.azsba.org/asba/browse/tempehigh/tempehigh/JJIB> and regulation JJIB-R <https://policy.azsba.org/asba/browse/tempehigh/tempehigh/JJIB-R> for specifics to participation in interscholastic sports.

### **Restroom and Locker Room Accessibility**

The District aims to support transgender students while also ensuring the safety, privacy, and dignity of all students. The use of restrooms and locker rooms, including the use of any reasonable alternative arrangements, by transgender students should be determined by the Superintendent or designee in consultation (when appropriate) with the school principal, the parent/guardian, and the transgender student.

A transgender student shall not be required to use a restroom or locker room that conflicts with the student's gender identity. The decision regarding use of restrooms, locker rooms, and alternative arrangements should include consideration of the following factors:

- ☞ The transgender student's preference regarding use of the restroom or locker room or reasonable alternative arrangements.
- ☞ The safety and dignity of the transgender student and others in the restroom or locker room, including the privacy of students to disrobe, shower, and attend to other personal needs outside the presence of members of the opposite sex.
- ☞ The age and maturity of the transgender student and others who use the restroom or locker room.
- ☞ The goal of maximizing social integration and minimizing stigmatization of the transgender student.
- ☞ The goal of maintaining a school environment that is free of harassment, bullying, and other social conflicts between students.

Any recommendation to not allow a transgender student to use a restroom or locker room that conforms to the student's gender identity must be reviewed by the Executive Director of Human Resources and the Assistant Superintendent for District Safety and Student Support or their respective designees in consultation with legal counsel. In these circumstances, the school must provide a reasonable alternative arrangement which will be determined by the Executive Director of Human Resources and the Assistant Superintendent for District Safety and Student Support or their respective designees in consultation (when appropriate) with the school principal, legal counsel, the parent/guardian, and transgender student, on a case-by-case basis.

Reasonable alternative arrangements may include, but are not limited to, use of a single stall restroom, the use of a private area, and a separate changing schedule. Note: Students who are not transgender but who may wish to utilize an alternative arrangement should be allowed to do so. Students utilizing an alternative arrangement should not be penalized or singled out for the reasonable additional time that this may take.

### **Gender Segregation in Other Areas**

As a general rule, in any other circumstances where students are separated by gender in school activities (e.g., overnight field trips), students should be permitted to participate in accordance with their gender identity consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis considering the factors set forth above, in consultation (when appropriate) with the school principal, legal counsel, the parent/guardian, and transgender student.

### **Dress Codes**

Schools can enforce the dress codes adopted by the District and school sites. Students have the right to dress in accordance with their gender identity that is consistently asserted at school, within the constraints of the adopted dress codes.