

TRANSGENDER AND GENDER EXPANSIVE STUDENTS

A. Purpose

The purposes of this policy are to: (1) foster a learning environment that is safe and free from discrimination, harassment, and bullying; and (2) assist in the educational and social integration of transgender and gender expansive students in our schools. This policy is intended to be interpreted in light of applicable federal and state laws/regulations, as well as other applicable Board policies, procedures and school rules.

This policy is not intended to anticipate every possible situation that may occur, since the needs of particular students and families differ depending on the student’s age and other factors. In addition, the programs, facilities, and resources of each school differ. Administrators and school staff are expected to consider the needs of students on a case-by-case basis, and to utilize this policy and other available resources as appropriate.

B. Definitions

The following definitions are not intended to provide rigid labels for students, but to assist in discussing and addressing the needs of students. Except as specifically defined in Maine law, the terminology in this area is constantly evolving, and preferences for particular terminology vary widely. Administrators, school staff, volunteers, students, and others who interact with students are expected to be sensitive to the ways in which individual transgender and gender expansive students may wish to be identified. However, for the sake of brevity, this policy refers to “transgender students” and “gender expansive students.”

1. *Sexual orientation* – Sexual orientation is defined in the Maine Human Rights Act as an individual’s “actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.”
2. *Gender identity* – Gender identity is defined in the Maine Human Rights Act as “gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.”
3. *Gender expression* – The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.
4. *Gender expansive* – An umbrella term used to describe a person who expands notions of gender expression and identity beyond perceived or expected societal gender norms.

- 46 5. *Transgender* – An adjective describing a person whose gender identity or expression is
47 different from that traditionally associated with an assigned sex at birth.
48
- 49 6. *Transition* – The process by which a person goes from living and identifying as one
50 gender to living and identifying as another gender. For most elementary and secondary
51 students, this involves no or minimal medical interventions. Transgender students under
52 the age of 18 are often in a process of social transition from one gender to another.
53

54 **C. Addressing the Needs of Transgender and Gender Expansive Students** 55

56 For the purposes of this policy, a student will be considered transgender or gender expansive if,
57 at school, they assert a gender identity or expression different from the gender assigned at birth.
58 This involves more than a casual declaration of gender identity or expression, but it does not
59 require a medical diagnosis.
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61 If a student and/or their parent(s)/guardian(s) want the school to recognize the student’s identity
62 as transgender or gender expansive, the following procedure will be used.
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- 64 1. A transgender or gender expansive student and/or their parent(s)/guardian(s) should
65 contact the building administrator or the student’s guidance counselor. In the case of a
66 student who has not yet enrolled in school, the appropriate building administrator should
67 be contacted.
68
- 69 2. If requested by the student, or if deemed necessary by the administration to address
70 school-related issues, a meeting will be scheduled to discuss the student’s particular
71 circumstances and needs. In addition to the student, and depending on the particular
72 needs of the student, other participants in the meeting may include the
73 parent(s)/guardian(s), a building administrator, a guidance counselor or social worker, the
74 school nurse, and/or other school staff. Outside providers and/or a support person for the
75 student may also be included if appropriate.
76

77 In the case of a student who has not yet informed their parent(s)/guardian(s), the
78 administrator should first discuss parent/guardian involvement with the student to avoid
79 inadvertently putting the student at risk by contacting their parent(s)/guardian(s). The student
80 will be notified by the administrator prior to contacting their parent(s)/guardian(s).
81

- 82 3. If requested by the student, or deemed necessary by the administration to address school-
83 related issues, a plan will be developed by the school in consultation with the student and
84 other meeting participants. If the student has an IEP and/or a 504 Plan, the provisions of
85 these plans should be taken into consideration in developing a plan for addressing
86 transgender and gender expansive issues within the school program.
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- 88 4. The school administration may request documentation from outside providers if deemed
89 necessary to assist in developing a plan appropriate for the student.
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91 5. Any plan developed must be reviewed and approved by the building administrator. If the
92 parties involved in developing the plan cannot reach an agreement about the elements of
93 the student’s plan, the Superintendent shall be consulted as appropriate.
94

95 **D. Guidance on Specific Issues**
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97 1. **Privacy:** All students have a right to privacy. This includes the right to keep private
98 one’s transgender status or gender non-conforming presentation at school. In some cases,
99 a student may want school staff and students to know that they are transgender or gender
100 expansive, and in other cases the student may not want this information to be widely
101 known. Accordingly:
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- 103 a. The student’s plan shall be kept confidential and shared only with individuals
104 attending the plan development meeting, the Superintendent, others with a bona
105 fide need to know, and, if necessary, the District’s legal counsel.
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- 107 b. As part of the development of the student’s plan, the discussion should include
108 what information may be shared, to whom the information may be shared, and
109 how the information should be shared.
110
- 111 c. School staff should take care to follow the student’s plan and not to inadvertently
112 disclose information that is intended to be kept private or that is protected from
113 disclosure (such as confidential medical information, the student’s transgender
114 status, their legal name, or sex assigned at birth).
115
- 116 d. School staff should keep in mind that under FERPA, student records may only be
117 accessed and disclosed to parents/guardians and to staff with a legitimate
118 *educational* interest in the information. Disclosures to others should only be
119 made with appropriate authorization from the administration and/or
120 parents/guardians.
121

122 2. **School Records:** Schools are required to maintain a large number of records for students.
123 If a student makes a legal change in their name and/or gender, appropriate documentation
124 should be provided to the building administrator and records will be changed.
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126 A student who has not legally changed their name and/or gender may still request that the
127 school unit utilize their preferred name and/or gender on school records, and this request
128 will be honored to the extent that the school unit is not legally required to use a student’s
129 legal name or gender on particular records. This information should be included in any
130 plan developed for the student.
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132 If a student requests a change to their name and/or gender in school records without
133 parental approval, the Superintendent or designee should be consulted, and the matter
134 resolved on a case by case basis. Students should be informed that parents/guardians
135 have a right to access all education records of their child and therefore the school cannot

136 keep the change in name and/or gender a secret. This information should be discussed in
137 the development of the student’s plan.
138

139 In the event of a student transfer to a new school unit, the building administrator will
140 identify a person who will inform the new school unit or out-of-district school program
141 that the student’s records indicate a change in name preference, and what the student’s
142 prior and current name preferences are.
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144 3. **Names/Pronouns:** The student should be addressed by school staff, substitutes,
145 volunteers and other students by the name and pronoun corresponding to their gender
146 identity that is asserted at school.
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148 4. **Restrooms:** The student is permitted to use the restrooms that most closely match their
149 gender identity. If the student expresses a need for privacy, they will be provided with
150 access to reasonable alternative facilities or accommodations such as a single-occupancy
151 toilet facility or a staff facility. However, the student shall not be required to use a
152 separate non-communal facility over their objection.
153

154 5. **Locker Rooms:** The student is permitted to use the locker room that most closely
155 matches their gender identity. If the student expresses a need for privacy, they will be
156 provided with access to reasonable alternative facilities or accommodations, such as
157 using a separate stall, a staff facility, or an alternative schedule.
158

159 6. **Other Gender-Segregated Facilities or Activities:** As a general rule, in any other
160 facilities or activities when students may be separated by gender, the student may
161 participate in accordance with their gender identity. Participation in co-curricular athletic
162 activities will be addressed in accordance with current Maine Principals Association
163 guidelines and procedures.
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165 7. **Dress Code:** The student is expected to comply with Board policies and school rules
166 regardless of gender identity.
167

168 **E. Safety and Support for Transgender and Gender Expansive Students**

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170 1. As part of the support plan development, the concerned parties should discuss safe zones
171 (ex. main office, counselor’s office) the student may access at any time the student feels
172 unsafe or uncomfortable. A support person (and possibly a back-up person) should also
173 be identified for each student.
174

175 2. School staff are expected to comply with any plan developed for a transgender or gender
176 expansive student.
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178 3. School staff are expected to promptly notify the building administrator or other
179 designated support person for the student if there are concerns about the plan, or about
180 the student’s safety or welfare.
181

182 4. School staff should be sensitive to the fact that transgender and gender expansive
183 students can be at higher risk for being bullied or harassed and should immediately notify
184 the appropriate administrator if they become aware of a problem.
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186 **E. Staff Training and Informational Materials**
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188 1. The Superintendent and/or building administrators may institute in-service training
189 and/or distribute educational materials about transgender and gender expansive issues to
190 school staff as they deem appropriate.
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192 Legal Reference: 5 M.R.S. §§ 4553(5-C), (9-C); 4592(9)
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