

TRANSGENDER AND GENDER EXPANSIVE STUDENTS

A. PURPOSE

We recognize that Transgender and Gender Expansive Students can be at higher risk for being bullied or harassed and want to ensure a safe and welcoming environment for all students.

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, work in partnership with parents and/or guardians, and to follow 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. *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."
2. *Gender expression* – The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.
3. *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.
4. *Transgender* – An adjective describing a person whose gender identity is different from that traditionally associated with an assigned sex at birth.

5. *Transition* – The process by which a person goes from living and identifying as one gender to living and identifying as another gender.

C. SUPPORT PLANS FOR TRANSGENDER AND GENDER EXPANSIVE STUDENTS

For the purposes of this policy, a student shall be considered transgender or gender expansive if, at school, they assert a gender identity or expression different from the gender assigned at birth. This involves more than a casual declaration of gender identity or expression, but it does not require a medical diagnosis.

If a student and/or their parent(s)/guardian(s) want the school to recognize the student's identity as transgender or gender expansive, the following procedure shall be used.

1. A transgender or gender expansive student or their parent(s)/guardian(s) should contact the building administrator or the student's guidance counselor. In the case of a student who has not yet enrolled in school, the appropriate building administrator should be contacted.
2. If requested by the student and/or parent/guardian, or if deemed necessary by the administration to address school-related issues, a meeting shall be scheduled to discuss the student's particular circumstances and needs. In addition to the student and/or parents or guardians, and depending on the particular needs of the student, other participants in the meeting may include, a building administrator, a guidance counselor or social worker, the school nurse, and/or other school staff. Outside providers and/or a support person for the student may also be included if appropriate.
3. In the case of a student who has not yet informed their parent(s)/guardian(s), the administrator shall first discuss parent/guardian involvement with the student. The student shall be notified by the administrator prior to contacting their parent(s)/guardian(s).
4. If requested by the student and/or parent, or deemed necessary by the administration to address school-related issues, a plan shall be developed by the school in consultation with the student, parent/guardian and other meeting participants. If the student has an IEP and/or a 504 Plan, the provisions of these plans shall be taken into consideration in developing a plan for addressing transgender and gender expansive issues within the school program.
5. The school administration may request documentation from outside providers if deemed necessary to assist in developing a plan appropriate for the student.
6. Any plan developed must be reviewed and approved by the building administrator. If the student, parent/guardian and/or building administrator in developing the plan cannot reach an agreement about the elements of the student's plan, the Superintendent shall be consulted.

7. As part of the student's support plan development, the employee shall complete a copy of form ACAA-E.
8. All school staff are expected to comply with any plan developed for a transgender or gender expansive student.
9. School staff are expected to promptly notify the building administrator or other designated support person for the student if there are concerns about the plan, about the student's safety or welfare, **or if they become aware of harassment or other conduct putting the student at risk.**

D. GUIDANCE ON SPECIFIC ISSUES

1. **Privacy:** All students have a right to privacy. This includes the right to keep private one's transgender status or gender non-conforming presentation at school. In some cases, a student may want school staff and students to know that they are transgender or gender expansive, and in other cases the student may not want this information to be widely known. Accordingly:
 - a. The student's plan shall be kept confidential and shared only with individuals attending the plan development meeting, the Superintendent, others with a bona fide need to know, and, if necessary, the district's legal counsel.
 - b. School staff shall follow the student's plan and shall not disclose information that is intended to be kept private or that is protected from disclosure (such as confidential medical information, the student's transgender status, their legal name, or sex assigned at birth).
 - c. School staff shall keep in mind that under FERPA, student records may only be accessed and disclosed to parents/guardians and to staff with a legitimate *educational* interest in the information. Disclosures to others shall only be made with appropriate authorization from the administration and/or parents/guardians.
2. **School Records:** Schools are required to maintain a large number of records for students. If a student makes a legal change in their name and/or gender, appropriate documentation shall be provided to the building administrator and records shall be changed.

A student who has not legally changed their name and/or gender may still request that the school unit use their preferred name and/or gender on school records and/or gender at school. This request shall be honored to the extent that the school unit is not legally required to use a student's legal name or gender on a particular record. This information shall be included in any plan developed for the student.

If a minor student requests a change to their name and/or gender in school records without parental approval, the Superintendent shall be consulted, and the matter resolved on a case-by-case basis. Students shall be informed that parents/guardians have a right to access all education records of their child and therefore the school cannot keep the change in name and/or gender a secret.

In the event of a student transfer to a new school unit, the building administrator shall identify a person who shall inform the new school unit or out-of-district school program that the student's records indicate a change in name preference, and what the student's prior and current name preferences are.

3. **Names/Pronouns:** The student shall be addressed by school staff, substitutes, volunteers and other students by the name and pronoun corresponding to their gender identity that is asserted at school.
4. **Restrooms:** The student is permitted to use the restrooms that most closely match their gender identity. If the student expresses a need for privacy, they shall be provided with access to reasonable alternative facilities or accommodations such as a single-occupancy toilet facility or a staff facility. However, the student shall not be required to use a separate non-communal facility over their objection.
5. **Locker Rooms:** The student is permitted to use the locker room that most closely matches their gender identity. If the student expresses a need for privacy, they shall be provided with access to reasonable alternative facilities or accommodations, such as using a separate stall, a staff facility, or an alternative schedule.
6. **Other Gender-Segregated Facilities or Activities:** As a general rule, in any other facilities or activities when students may be separated by gender, the student may participate in accordance with their gender identity. Participation in interscholastic athletic activities shall be addressed in accordance with current Maine Principals Association guidelines and procedures.

E STAFF TRAINING AND INFORMATIONAL MATERIALS

1. The Superintendent and/or building administrators may institute in-service training and/or distribute educational materials about transgender and gender expansive issues to school staff.

Legal Reference: 5 MRSA §§ 4553(5-C), (9-C); 4592(9)

Cross Reference: AC–Nondiscrimination/Equal Opportunity and Affirmative Action

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