

## TRANSGENDER AND GENDER EXPANSIVE STUDENTS

### A. Purpose and Scope

The district strives to 1) foster a learning environment that is safe, affirming, and free from discrimination, harassment and bullying for all students; and 2) assist in the educational and social integration and development of transgender and gender expansive students in our schools. These procedures are intended to be interpreted in light of applicable federal and state laws and regulations, as well as Auburn School Committee policies, procedures and school rules.

These procedures are not intended to anticipate every possible situation that may occur, since the needs of particular students and families differ. In addition, the programs, facilities and resources of each school also differ. Administrators and school staff are expected to utilize these procedures within the context of the individual needs of the student and to utilize additional 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. Administrators, school staff, volunteers, students and others who interact with students are expected to be sensitive to the ways in which particular transgender and gender expansive students may wish to be identified.

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* – A person’s sincerely held core belief of their own gender, whether that individual identifies as male, female, both, neither or in some other way (for example, students who identify in some other way such as nonbinary, queer, genderqueer or gender fluid). One’s gender identity can be the same or different than the gender assigned at birth,
3. *Gender Expansive* – An umbrella term used to describe people who expand notions of gender expression and identity beyond what is perceived as the expected gender norms for their society or context. Some gender-expansive people identify with being either male or female, some identify as neither, and others identify as a mix of both. Gender expansive people include those with transgender and nonbinary identities as well as those whose gender in some way is seen to be stretching society’s notions of gender.
4. *Gender expression* – The manner in which a person represents or expresses gender to others, through such means as behavior, clothing, hairstyles, activities, voice and/or mannerisms.
5. *Transgender* – An adjective describing a person whose gender identity or expression is different from that traditionally associated with the sex assigned at birth.

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

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

The Auburn School Department is committed to addressing the needs of transgender and gender expansive students. As with all students, if a transgender or gender expansive student needs additional support, the student and/or the parent or guardian may contact school personnel in order to make an individual plan for the student. An individual support plan aims to engage the student, and possibly the parent or guardian, in creating a supportive plan that reflects and responds to the individual needs of the student in the school community. The administration will develop procedures for staff to follow to provide support for transgender students. School staff shall comply with any plan developed for a transgender student and shall notify the building administrator or other designated support person for the student if there are concerns about the student's safety or welfare.

1. Auburn School Department shall accept a student's assertion of their gender identity when there is consistent assertion of gender identity or any other evidence that the student's gender identity is sincerely held as a part of their core identity. Medical or mental health records will not be required as proof of a student's gender identity.
2. If there is credible and objective reason to believe that a student's gender identity is being asserted for an improper purpose, the school administration may request additional evidence supporting the student's stated gender identity. The student may choose to provide one or more of the following.
  - a. A written statement from a physician, physician's assistant, nurse practitioner, or nurse who has been involved with the student's healthcare;
  - b. A written statement from a psychologist, psychiatrist, or social worker who has met with the student;
  - c. Passports or other formal documents showing the student's legal gender;
  - d. Familial documents, such as family photographs or statements from the student's parent(s), guardian(s), or other adult relative(s) or caregiver(s);
  - e. A statement from an adult who is close to the student and can speak to the student's core gender identity.
3. In the event that a student and their parent or legal guardian do not agree with regard to the student's gender identity or gender expression, the school shall abide by the wishes of the student with regard to their gender identity and gender expression while at school.

For the purpose of these guidelines, a student will be considered transgender if, at school s/he consistently asserts 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.

The following procedure will be used to address needs raised by transgender students and/or their parent(s)/guardian(s).

1. A transgender student and/or 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. A meeting should be scheduled to discuss the student's particular circumstances and develop a plan to address identified needs. In addition to the student and building administrator, other participants may include the parent(s)/guardian(s), guidance counselor or social worker, school nurse, teachers and/or other school staff, and possibly outside providers who can assist in developing a plan for the student.
3. If the student has an IEP and/or a 504 plan, the provisions of these plans should be taken into consideration in developing the plan for addressing needs.

The school may request documentation from medical providers or other service providers as necessary to assist staff in developing a plan appropriate for the student.

If the parties cannot reach an agreement about the elements to be included in the plan, the building administrator and/or Superintendent shall be consulted as appropriate.

**D. Procedures on Specific Issues** 1. Privacy and Confidentiality: The district shall ensure that student records shall be kept confidential in accordance with applicable state, local and federal privacy laws. School staff shall comply with the student's wishes regarding disclosure of gender identity to others, including but not limited to parents or guardians, students, volunteers or other school staff, unless the student has explicitly authorized the disclosure or unless legally required to do so.

The student plan should address how to deal with disclosures that the student is transgender. In some cases, a student may want school staff and students to know, and in other cases the student may not want this information to be widely known. School Staff should take care to follow the student's plan and not to inadvertently disclose information that is intended to be kept private or that is protected from disclosure (i.e., confidential medical or educational information).

School staff should keep in mind that under FERPA, student records may only be accessed and disclosed to staff with a legitimate educational interest. Disclosures to others should only be made with appropriate authorization from the administration and/or parent(s)/guardian(s).

2. Official School Records: Schools are required to maintain a permanent record for each student which includes legal name and gender. This information is also required for standardized tests and official school district reports. This official information will only be changed upon receipt of documentation that a student's name or gender has been changed in accordance with any applicable laws. Any requests to change a student's legal name or gender in official records should be referred to the

Superintendent.

To the extent that the school is not required to use a student's legal name or gender on school records or other documents, the school should use the name and gender identified in the student's plan and other documents, such as school identification, classroom rosters, certificates, diplomas and yearbooks.

3. Names/Pronouns: Students shall be addressed by school staff and other students by the name and pronoun corresponding to their gender identity as asserted at school.
4. Restrooms and Locker Rooms: Students shall be permitted to use restrooms, locker rooms and changing facilities corresponding to the gender identity which the student asserts at school. The school will provide reasonable alternative facilities such as a separate stall or a staff facility in accordance with a student preference for greater privacy. A student shall not be required to use a separate, non-communal facility over their objection.
5. Gender-Segregated Facilities or Activities: As a general matter, the Auburn School Department should try to avoid gender-based activities, policies, and practices except where they serve an important educational purpose. In other facilities, activities, policies or practices when students may be separated by gender, students shall be able to participate in accordance with the gender identity asserted at school. Interscholastic athletic activities should be addressed through the Maine Principals Association Transgender Participation Policy, and district staff will support students navigating the eligibility process to try to ensure a respectful and supportive process for the students.
6. Dress Code: If schools have a dress code, the dress code shall be gender neutral. Students must dress consistently with any applicable requirements in the dress code or school rules.
7. Discrimination, harassment and bullying are prohibited within the district. School staff should be sensitive to the fact that transgender students are at higher risk for discrimination, harassment and bullying, and should immediately notify the appropriate administrator if they become aware of a problem. The administration will address all such concerns in accordance with applicable policies and complaint procedures, including policies AC, ACAA, ACAA-R and JICK.

**E. Training and Dissemination of Informational Materials** 1. This procedure shall be shared annually with employees, volunteers, students, and parents/guardians, and the procedure shall be included in student and parent handbooks as well as posted on the district and school websites.

2. Teachers and other staff who have responsibilities for a transgender or gender expansive student will receive support in implementing this procedure and, if applicable, in implementing a plan for an individual student.

3. The Superintendent and/or building principal shall institute in-service training on this procedure and/or distribute educational materials about transgender and gender expansive issues to school staff.

References: Maine Human Rights Act, 20-A M.R.S. § 4601

Cross References: AC – Nondiscrimination – Equal Opportunity and Affirmative Action  
ACAA – Harassment and Sexual Harassment of Students  
ACAA-R – Student Discrimination and Harassment Complaint Procedure  
JICK – Bullying and Cyberbullying in Schools  
JRA – Student Records and Information  
JRA-E – Annual Notice of Student Education Records and Information Rights  
JRA-R – Student Education Records and Information - Administrative Procedures

Adopted: April 28, 2021