

TRANSGENDER and GENDER EXPANSIVE STUDENT GUIDELINES

Sanford School Department

November 2021

A. Purpose

The purposes of these guidelines are: 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 guidelines are intended to be interpreted in light of applicable federal and state laws and regulations, as well as Board policies, procedures and school rules.

These guidelines are 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 also differ. Administrators and school staff are expected to consider the needs of students on a case-by-case basis, and to utilize these guidelines 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. 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." Transgender and gender expansive people may have any sexual orientation.
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).
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.

C. Addressing the Needs of Transgender and Gender Expansive Students

The school district 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. 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.

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

1. A transgender or gender expansive student and/or his/her parent(s)/guardian(s) should contact the building administrator or the student's school 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 needs. In addition to the student, parent(s)/guardian(s) and building administrator, other participants may include the school counselor or social worker, school nurse, teachers and/or other school staff, and possibly outside providers who can assist in developing a plan for that student.
3. A plan should be developed by the school, in consultation with the student, parent(s)/guardian(s) and others as appropriate, to address the student's particular needs. 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 transgender issues.
4. If an educational institution has a credible and objective reason to believe that a transgender or gender expansive student's gender identity is being asserted for an improper purpose, the institution may request additional evidence supporting the student's stated gender identity, which evidence may include 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.
5. 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.

D. Guidance 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 their transgender status 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.
2. **School Records:** Schools are required to maintain a permanent record for each student which includes legal name and sex. This information is also required for standardized tests and official school district reports. A student's official record shall bear their legal name, which may be changed only upon proof that it has been changed pursuant to a court order. At the request of a student, and consistent with the student's gender identity, the district shall use the student's preferred name and pronouns consistent with their gender identity on all other documents including but not limited to school identification, classroom rosters, certificates, diplomas (legal diploma will also be printed) and yearbook.
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, Locker Rooms and Other Gender-Segregated Facilities:** Students shall be permitted to use restrooms, locker rooms and changing facilities corresponding to the gender identity which the student asserts at school. The district 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, noncommunal facility over their objection.
5. **Gender-Segregated Facilities or Activities:** As a general matter, Sanford Public Schools 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. Staff Training and Informational Materials

1. The Superintendent and/or building principal may institute in-service training and/or distribute educational materials about transgender issues to school staff as he/she deems appropriate.
2. Teachers and other staff who have responsibilities for a transgender student with a plan will receive support in implementing the plan.