

TRANSGENDER AND GENDER EXPANSIVE STUDENTS

A. Purpose

The purposes of this policy are:

1. to foster a learning environment that is safe, and free from discrimination, harassment and bullying; and
2. to 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 and regulations, as well as other York School Committee (YSC) 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 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. 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 particular 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* The Maine Human Rights Act defines *sexual orientation* as a person's "actual or perceived heterosexuality, bisexuality, or homosexuality."
2. *Gender identity* - The Maine Human Rights Act defines *gender identity* as the 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* – An individual's physical characteristics, behaviors, and presentation that intentionally or unintentionally serve as social markers of masculinity, femininity, or androgyny. Forms of gender expression include appearance, dress, mannerisms, speech patterns, and social interactions.

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

C. Addressing the Needs of Transgender and Gender Expansive Students

For the purposes of this policy, a student will be considered transgender or gender expansive if, at school, they assert a gender identity or expression different from the gender associated with their sex assigned at birth. This involves more than a casual declaration of gender identity or expression, but it does not necessarily 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 will be used.

1. A transgender or gender expansive student and/or their parent(s)/guardian(s) should contact the student's school counselor or the building administrator. 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 or parent(s)/guardian(s), or if deemed necessary by the administration, a meeting should be scheduled to discuss the student's particular circumstances and needs. The school counselor or administrator should first discuss parent/guardian notification/involvement with the student. In addition to the student, and depending on the particular needs of the student, other participants in the meeting may include the parent(s)/guardian(s), 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. Participants should develop a plan to address the student's particular needs, including but not limited to:
 - a. privacy
 - b. preferred names and pronouns
 - c. school records
 - d. facility use
 - e. athletics and activities participation
 - f. overnight trips
 - g. Existing IEP and/or 504 Plans that may impact the plan for addressing transgender and gender expansive issues
5. The school may request documentation from and/or consult with medical providers or other service providers as necessary to assist staff in developing a plan appropriate for the

student. The school may not require documentation nor may it deny a transgender student a plan due to lack of documentation.

6. If the parties cannot reach an agreement about the elements to be included in the plan, then the Superintendent and/or Affirmative Action Officer shall be consulted as appropriate and will be responsible for finalizing the terms of the plan.

D. Guidance on Specific Issues

1. Privacy:

- a. The student plan should address how to deal with disclosures that the student is transgender or gender expansive. In some cases, a student may want school staff and students to know of their transgender or gender expansive status, and in other cases the student may not want this information to be shared with others. 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 (such as confidential medical information, the student's transgender status, their legal name, or sex assigned at birth).
- b. School staff should keep in mind that under the Family Educational Rights and Privacy Act (FERPA), in general, student records may only be accessed and disclosed to staff with a legitimate educational interest in the information. Disclosures to others should only be made with appropriate authorization from the administration and/or parents/guardians.

2. Official Records:

- a. Schools are required to maintain a permanent record for each student which includes legal name and gender. 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.
- b. A student who has not legally changed their name and/or gender may still request that YSD utilize their preferred name and/or gender on school records, and this request will be honored to the extent that YSD is not legally required to use a student's legal name or gender on particular records. This information should be included in any plan developed for the student.
- c. If a student requests a change to their name and/or gender in school records without parental approval, the Superintendent should be consulted and the matter resolved on a case by case basis. Students should be informed that parents/guardians have a right to access all education records of their child and therefore the change in name and/or gender may be disclosed to the parent/guardian by the school. This information should be discussed in the development of the student's plan.

- d. In the event of a student transfer to a new school unit, the building administrator may identify a person who will 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.
- e. YHS graduates may, upon request, have a diploma and course records reissued to reflect a legal name change that occurs after graduation. Students' genders should not be listed on YSD documents, including school ID cards, permission forms, program application forms, or other forms, publications, or documents except where necessary due to state or federal law, regulation, or other requirements.
- f. The Superintendent is authorized to create an administrative procedure describing which records, reports, and documents require the use of a student's legal name and gender and the documents, databases, and situations in which the student's affirmed/preferred name and gender should be used.

3. Names/Pronouns:

A student who is transgender or gender expansive under this policy should be addressed by school staff and other students by the name and pronoun corresponding to the gender identity asserted at school.

4. Restrooms:

A student who is transgender or gender expansive under this policy should be permitted to use the restrooms that most closely match their gender identity. If the student expresses a need for privacy they will be provided with access to reasonable alternative facilities or accommodations such as using a separate stall or single-occupancy toilet facility. However, a student shall not be required to use a separate non-communal facility over their objection.

5. Locker Rooms:

A student who is transgender or gender expansive under this policy will be permitted to use the locker room that most closely matches their gender identity. If the student expresses a need for privacy, they will be provided with reasonable alternative facilities or accommodations, such as using a separate stall, a privacy curtain, an alternative locker room, or accommodating schedule. However, the student will not be required to use an alternative locker room over their objection.

6. Other Gender-Segregated Facilities or Activities:

As a general rule, in any other facilities or activities where students may be separated by gender, transgender and gender expansive students may participate in accordance with their gender identity. Interscholastic athletic activities should be addressed through the Maine Principals Association eligibility rules and Gender Equity and Inclusion policy

YSD staff will support students navigating the eligibility process to enable a respectful and supportive process for the students.

7. Dress Code:

The student is expected to comply with YSC policies and school rules regardless of gender identity.] School staff must not enforce a school’s dress code more strictly against any group of students, including transgender or gender expansive students.

8. Safety and Support for Transgender and Gender Expansive Students:

- a. School staff are expected to comply with any plan developed for a transgender or gender expansive student.
- b. School staff are expected to notify the building administrator or other designated support person for the student if there are concerns about the plan, or about the student’s safety; and welfare.
- c. Discrimination, harassment, and bullying are prohibited within YSD. School staff should be sensitive to the fact that transgender, gender expansive, and transitioning students may be at higher risk for being bullied or harassed, and should immediately notify the appropriate administrator if they become aware of a problem.

E. Staff Training and Informational Materials

The Superintendent and/or building principal may institute professional development and/or distribute educational materials about transgender and gender expansive issues to school staff as they deem appropriate.

Legal Reference: Maine Human Rights Act, 5 M.R.S.A. §§ 4553 (5-C), (9-C); 4591, 4592(9), 4601
 The Family Educational Rights and Privacy Act (FERPA)
(20 U.S.C. § 1232g; 34 CFR Part 99)

Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action
 ACAA- Harassment and Sexual Harassment of Students
 JIC - System-wide Student Code of Conduct
 JICA - Student Dress Code
 JICC - Student Conduct on Buses
 JICI- Eligibility and Code of Conduct for York High School
 Extra/Co-Curricular Activities
 JICK - Bullying and Cyberbullying Prevention
 JLF - Reporting Child Abuse and Neglect
 JRA - Student Records and Information
 Maine Principals’ Association Handbook

Administrative Procedures: ACAA-R -Student Discrimination and Harassment Complaint

Procedure
JRA-E- Annual Notice of Student Education Records and
Information Rights
JRA-R- Student Education Records and Information
-Administrative Procedures

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