

TRANSGENDER AND GENDER EXPANSIVE STUDENTS GUIDELINES - MAINE

A. Purpose

The purposes of these guidelines are: 1) to foster a learning environment that is safe, affirming, and free from discrimination, harassment and bullying for all students; and 2) to assist in the educational and social integration and development of transgender and gender expansive students in any RSU 1 Educational Institution. 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. In addition, the programs, facilities and resources of each educational institution also differ. Administrators and school staff are expected to utilize these guidelines for guidance within the context of the individual needs of the student.

This policy applies to all conduct and communications identified in Board Policy JICK – Bullying and Cyberbullying in Schools, Section IV.

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. *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.
2. *Gender Expansive* – An umbrella term used to describe people who expand notions of gender expression and identity beyond what is perceived as the 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 non-binary identities as well as those whose gender in some way is seen to be stretching society’s notions of gender.
3. *Gender expression* – The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice and/or mannerisms.
4. *Transgender* – An adjective describing people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender or gender expansive does not imply any specific sexual orientation.
5. *Cisgender* – A term used to describe people whose gender identity aligns with those typically associated with the sex assigned to them 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. 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 and gender expansive 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.

RSU 1 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. RSU 1 will not require medical or mental health records as proof of a student's gender identity except in circumstances defined in the section below.

1. 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 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.
2. 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 educational institution 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 are 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 and/or gender expansive 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.
2. **Educational Institutions Records:** Educational institutions 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 unit 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 educational institution identifications, classroom rosters, certificates, diplomas, and yearbooks.

3. **Names/Pronouns:** Students shall be addressed by school staff and other students by the name and pronouns corresponding to their gender identity as asserted at the educational institution.

4. Restrooms, Locker Rooms, and Other Gender-Segregated Facilities: Students shall be permitted to use the restrooms, locker rooms, and changing facilities corresponding to the gender identity which the student asserts at the educational institution. The district will provide reasonable alternative facilities such as a separate stall or a staff facility in accordance with a student's preference for greater privacy. Students shall not be required to use a separate, non-communal facility over their objection.
5. Other Gender-Segregated Facilities or Activities: As a general rule, RSU 1 should try to avoid gender-based activities, policies, and practices except where they serve an important educational purpose. In other facilities, activities policies and practices when students may be separated by gender, students shall be able to participate in accordance with the gender identity asserted at the educational institution. Interscholastic athletic activities should be addressed through the Maine Principals Association Transgender Participation Policy, and district staff will support student navigation of the eligibility process to ensure a respectful and supportive process for the students.
6. Dress Code: If the educational institution has a dress code, the dress code shall be gender neutral. Students must dress consistently with any applicable requirements in the dress code or educational institution rules.
7. Discrimination, harassment and bullying are prohibited within the district. School staff should be sensitive to the fact that transgender and gender expansive students are at high 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. The Superintendent and/or building principal may institute in-service training on this policy and distribute educational materials about transgender and gender expansive issues to school staff on an annual basis.
2. Teachers and other staff who have responsibilities for a transgender or gender expansive student will receive training and support in implementing this policy and, if applicable, in implementing a plan for an individual student.
3. This policy shall be shared annually with employees, volunteers, students, and parents/guardians, and the policy shall be included in student and parent handbooks as well as posted on the district and educational institution websites.
4. The district is committed to providing high quality training for students and parents on this policy and on cultural competency issues relating to transgender and gender expansive people.

Adopted: January 23, 2017

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