

MSAD 52 TRANSGENDER/GENDER EXPANSIVE STUDENTS GUIDELINES

A. Purpose

The purposes of these guidelines 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 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. 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, these guidelines refer to "transgender students" and "gender expansive students."

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* – 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."

3. *Gender expression* – The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

4. *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.

5. *Transgender* – An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth.

6. *Transition* – The process by which a person goes from living and identifying as one gender to living and identifying as another. For most elementary and secondary students, this involves no or minimal medical interventions. In most cases, transgender students under the age of 18 are in the process of social transition from one gender to another.

C. Addressing the Needs of Transgender Students

For the purpose of these guidelines, a student will be considered transgender/gender expansive if, at school, they consistently 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 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/gender expansive student and/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, or if deemed necessary by the administration to address school-related issues, a meeting should be scheduled to discuss the student's particular circumstances and needs. 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, school nurse, teachers and/or other school staff. Outside providers and/or a support person for the student may also be included, when appropriate.
3. In the case of a student who has not yet informed their parent(s)/guardian(s), the administrator should first discuss parent/guardian involvement with the student to avoid inadvertently putting the student at risk by contacting their parent(s)/guardian(s). The student will be notified by the administrator prior to contacting their parent(s)/guardian(s).
4. If requested by the student, or if deemed necessary by the administration to address school-related issues, 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/gender expansive issues.

5. The school may request documentation from outside providers as necessary to assist staff in developing a plan appropriate for the student.

6. 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. 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 students may not want this information to be widely known.

- a. The student's plan shall be kept confidential and shared only with the 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. As part of the development of the student's plan, the discussion should include what information may be shared, to whom the information may be shared, and how the information should be shared.
- c. 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).
- d. School staff should keep in mind that under FERPA, 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 parent(s)/guardian(s).

2. **Official Records:** Schools are required to maintain a large number of student records. If a student makes a legal change in their name and/or gender, appropriate documentation should be provided to the building administrator and records will be changed.

A student who has not legally changed their name and/or gender may still request that the school unit utilize their preferred names and/or gender on school records, and this request will be

honored to the extent that the school unit 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.

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 school cannot keep the change in name and/or gender a secret. This information should be discussed in the development of the student's plan.

In the event of a student transfer to a new school unit, the building administrator will 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.

3. Names/Pronouns: A student who has been identified as transgender/gender expansive under these guidelines should be addressed by school staff and other students by the name and pronoun corresponding to their gender identity that is consistently asserted at school.

4. Restrooms: A student who has been identified as transgender/gender expansive under these guidelines should be permitted to use the restrooms assigned to the gender which the student consistently asserts at school. If the student expresses a need for privacy they will be provided with reasonable alternative facilities or accommodations such as using a separate stall or a staff facility. However, a student shall not be required to use a separate non-communal facility over his/her 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 will 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 other facilities or activities when students may be separated by gender, the student may participate in accordance with the gender identity consistently asserted at school. Participation in interscholastic athletic activities should be addressed through the Maine Principals Association guidelines and procedures.

7. Dress Code: The student is expected to comply with Board policies and school rules regardless of their gender identity.

Date: _____

Gender Support Plan

Student's Preferred Name: _____ Legal Name: _____

Student's Gender: _____ Assigned Sex at Birth: _____ DOB: _____

Student's Grade Level: _____ Sibling(s)/Grade(s): _____

Parent(s)/Guardian(s): _____

Are the parent(s)/guardian(s) of this student aware and supportive of their child's gender transition? _____

If not, what must be considered for this plan? _____

Confidentiality, Privacy and Disclosure

Who in the school/district will this student share this information with? _____

If the student has asked to maintain a degree of privacy, what will be done should that privacy be compromised? _____

Student Safety

Who will be the student's "go-to" adults at school? _____

What will be the process for periodic check-ins/updates from the student/family? _____

What should happen if the student is feeling unsafe at school and needs help...

During class: _____

In the halls: _____

On the bus: _____

Other: _____

Names, Pronouns and Student Records

Name to be used when referring to the student: _____ Pronouns: _____

Name/gender entered in Infinite Campus: _____

Has a legal name change been requested: _____

Use of Facilities

Student will use the following restrooms in the building: _____

If enrolled in a PE course, the student will change clothes in the following place(s): _____

If student has questions/concerns about facilities, who will be the contact person? _____

What are the expectations regarding the use of facilities on any field trip? _____

Does the student have any concerns about their access to facilities? _____

Co-curricular Activities

What co-curricular activities does/will the student participate in? _____

What steps will be necessary to support the student in these activities? _____

What questions/concerns does the student/family have about participating in co-curriculars? _____

Other Considerations

Are there any specific concerns the student has about other students or staff members that should be discussed at this time? _____

If the student has siblings, what needs to be considered regarding their needs? _____

If the student attends LRTC, what communication/considerations need to be accounted for? _____

What is the process should the student, family, or school wish to revisit or seek additions to the plan? _____

Are there any other questions, concerns, or issues to discuss? _____