

## TRANSGENDER AND GENDER EXPANSIVE STUDENTS

### A. Purpose

The purposes of this policy are to: (1) foster a learning environment that is safe and free from discrimination, harassment and bullying; and (2) 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/regulations, as well as other applicable Board 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 this policy 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 individual 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* – 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 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 who transgender and nonbinary identities as well as those whose gender in some way is seen to be stretching society’s notions of gender.
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 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.
7. *Cisgender* – An adjective describing a person whose gender identity or expression is the same as that traditionally associated with an assigned sex at birth.
8. *Assigned Sex at Birth* – Sex that is designated at birth, often declared after viewing genitalia immediately after birth or from ultrasound.

C. **Addressing the Needs of Transgender 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 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 or 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. 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 guidance counselor or social worker, the school nurse, 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. The school may request documentation from medical providers or other service providers as necessary to assist staff in developing the plan for the appropriate student.
5. If the parties cannot reach an agreement about the elements of the student's plan, the building administrator and/or Superintendent shall be consulted as appropriate.

D. **Guidance on Specific Issues**

1. **Privacy:** 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 (such as confidential medical information)

School Staff should keep in mind that under FERPA, a student's 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 the parent(s)/guardian(s).

In the case of a student who has not yet informed their parent(s)/guardian(s), the administrator shall 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 shall be notified by the administrator prior to contacting their parent(s)/guardian(s).

2. **Official 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 test and official school unit reports. This official information will only be 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.

3. **Names/Pronouns:** A student who has been identified as transgender under these guidelines should be addressed by school staff and other students by the name and pronoun corresponding to their gender identity that is asserted at school.
4. **Restrooms:** A student who has been identified as transgender under these guidelines should be permitted to use the restroom 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 a single-occupancy toilet facility or a staff facility. However, the student shall not be required to use a separate non-communal facility over their objection.
5. **Locker Rooms:** The use of locker rooms requires schools to consider a number of factors, including but not limited to the safety and comfort of students; the transgender student's preference; student privacy; the ages of students; and available facilities. As a general rule, transgender students will be permitted to use the locker room assigned to the gender which the student consistently asserts at school. A transgender student will not be required to use a locker room that conflicts with the gender identity consistently asserts at school. A transgender student who expresses a need for privacy 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 any other facilities or activities when students may be separated by gender, transgender students may participate in accordance with their gender identity consistently asserted at school. Participation in interscholastic

7. athletic activities will be addressed in accordance with current Maine Principals Association Transgender Participation Policy.
8. **Dress Code:** Transgender students may dress in accordance with their consistently asserted gender identity, consistent with any applicable requirements in the dress code or school rules.
9. **Safety and Support for Transgender and Transitioning Students:** School staff are expected to comply with any plan developed for a transgender student and 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 or welfare.

School staff should be sensitive to the fact that transgender 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**

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

Legal Reference: 5 MRSA §§ 4553(5-C), (9-C); 4592(9)

Cross Reference: AC–Nondiscrimination/Equal Opportunity and Affirmative Action

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