

## REGIONAL SCHOOL UNIT No. 67

### TRANSGENDER LEARNERS

#### 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 learners 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 learners and families differ depending on the learner'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 learners 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 learners, but to assist in discussing and addressing the needs of learners. The terminology in this area is constantly evolving, and preferences for particular terminology vary widely. Administrators, school staff, volunteers, learners and others who interact with learners are expected to be sensitive to the ways in which particular transgender learners may wish to be identified. However, for the sake of brevity, these guidelines refer to "transgender learners."

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." This is the only term related to these guidelines that are defined in Maine law.
2. *Gender identity* – A person's deeply held sense or psychological knowledge of their own gender. One's gender identity can be the same or different than the gender assigned 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. *Transgender* – An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth.
5. *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 learners, this involves no or minimal medical interventions. In most cases, transgender learners under the age of 18 are in the process of social transition from one gender to another.

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**C. Addressing the Needs of Transgender Learners**

For the purpose of these guidelines, a learner shall be considered transgender if, at school he/she consistently asserts 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.

The following procedure shall be used to address needs raised by transgender learner and/or their parent(s)/guardian(s).

1. A transgender learner and/or his/her parent(s)/guardian(s) should contact the building administrator or the learner's guidance counselor. In the case of a learner who has not yet enrolled in school, the appropriate building administrator should be contacted.
2. A meeting should be scheduled to discuss the learner's particular circumstances and needs. In addition to the learner, parent(s)/guardian(s) and building administrator, other participants may include the guidance 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 learner.
3. A plan should be developed by the school, in consultation with the learner, parent(s)/guardian(s) and others as appropriate, to address the learner's particular needs. If the learner 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 a plan appropriate for the learner.
5. 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: The learner plan should address how to deal with disclosures that the learner is transgender. In some cases, a learner may want school staff and learners to know, and in other cases the learner may not want this information to be widely known. School staff should take care to follow the learner'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, learner records may only be accessed and disclosed to staff with a legitimate educational interest in the information.

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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 permanent record for each learner which includes legal name and gender. This information is also required for standardized tests and official school unit reports. This official information shall only be changed upon receipt of documentation that a learner's name or gender has been changed in accordance with any applicable laws. Any requests to change a learner'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 learner's legal name or gender on school records or other documents, the school should use the name and gender identified in the learner's plan.

3. **Names/Pronouns:** A learner who has been identified as transgender under these guidelines should be addressed by school staff and other learners by the name and pronoun corresponding to their gender identity that is consistently asserted at school.
4. **Restrooms:** A learner who has been identified as transgender under these guidelines should be permitted to use the restrooms assigned to the gender which the learner consistently asserts at school. A transgender learner who expresses a need for privacy shall be provided with reasonable alternative facilities or accommodations such as using a separate stall or a staff facility. However, a learner shall not be required to use a separate non communal facility over his/her objection.
5. **Locker Rooms:** The use of locker rooms requires schools to consider a number of factors, including but not necessarily limited to the safety and comfort of learners; the transgender learner's preference; learner privacy; the ages of learners; and available facilities. As a general rule, transgender learners shall be permitted to use the locker room assigned to the gender which the learner consistently asserts at school. A transgender learner shall not be required to use a locker room that conflicts with the gender identity consistently asserted at school. A transgender learner who expresses a need for privacy shall be provided with reasonable alternative facilities or accommodations, such as using a separate stall, a staff facility or separate schedule.

Interscholastic athletic activities should be addressed through the Maine Principals' Association Transgender Participation Policy.

6. **Other Gender-Segregated Facilities or Activities:** As a general rule, in other facilities or activities when learners may be separated by gender, transgender learners may participate in accordance with the gender identity consistently asserted at school.

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7. Dress Code: Transgender learners may dress in accordance with their consistently asserted gender identity, consistent with any applicable requirements in the dress code or school rules.
8. Safety and Support for Transgender and Transitioning Learners: School staffs are expected to comply with any plan developed for a transgender learner and to notify the building administrator or other designated support person for the learner if there are concerns about the plan, or about the learner's safety or welfare.  
School staff should be sensitive to the fact that transgender and transitioning learners may be at higher risk for being bullied or harassed, and should immediately notify the appropriate administrator if he/she becomes aware of a problem.

**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 learner with a plan shall receive support in implementing the plan.

Cross Reference:     ACAA – Harassment and Sexual Harassment of Learners  
                              JICA – Learners Dress  
                              Maine Principals' Association's Transgender Participation policy

ADOPTED: December 7, 2016