

SCHOOL DISTRICT OF LANCASTER
GUIDELINES FOR TRANSGENDER & NON-GENDER BINARY STUDENTS
(Draft: 3/31/16)

PURPOSE:

The School District of Lancaster strives to provide a safe and supportive environment that will help students succeed academically and socially. To that end, the school district promotes respect for all people, and will not tolerate bullying, harassment, or discrimination that impact a student's experience at school.

Bullying, harassment, and discrimination, based on gender, can affect all students, not only those who identify themselves as LGBTQ or who have non-gender binary identities or expression. Creating a school environment that respects and affirms gender diversity empowers all students. The purpose of these Guidelines for Transgender & Non-gender Binary Students is to foster an educational environment that is safe and free from discrimination for all students, regardless of sex, sexual orientation, gender identity, or gender expression, and to facilitate compliance with local, state, and federal laws concerning bullying, harassment and discrimination.

School district personnel will work closely with students and their parents/guardians to strive to honor their wishes with respect to use of school facilities, participation in athletics and school programs, accuracy of student records, use of preferred name and pronouns, and privacy, in accordance with applicable law, and to the extent that the school district's campus facilities reasonably permit.

Many questions arise for students, families, and school district personnel when considering the best supports for our transgender students. These guidelines do not anticipate every situation that might occur with respect to transgender students and their implementation must be grounded in the developmental differences presented by each student. Every student and school is unique, and therefore building administrators should discuss these issues with students and their parents/guardians and draw on the expertise of colleagues in addressing novel issues. In all situations, the needs of each student must be assessed by the school district on a case-by-case basis. The goal of school district personnel shall be to ensure the health, safety, comfort, and privacy of all students.

SCOPE:

These guidelines cover conduct that takes place in school, on school property, at school-sponsored functions and activities, and on school buses or vehicles. These guidelines also pertain to the use of electronic technology and electronic communications that occurs on school computers, networks, forums, and any other school supported platforms. These guidelines apply to the entire school community including students, educators, district staff, guests and volunteers.

DEFINITIONS:

“Bullying” (including cyberbullying) means an actual or attempted infliction of physical pain or psychological distress, directed at one or more, through any intentional electronic, written, verbal or physical act or series of acts, which occurs in a school setting and/or outside the school setting that is severe, persistent or pervasive and has the effect of disrupting the educational process or creating a reasonable apprehension or such disruption through any of the following: interfering with a student’s education by creating an intimidating or hostile environment; physically, emotionally or mentally harming a student; damaging, extorting or taking a student’s personal property; placing a student in reasonable fear of physical, emotional or mental harm; disrupting the orderly operation of the school or having a detrimental impact on student learning, student engagement or the safety of the school community.

“Cyber bullying” includes, but is not limited to, the following misuses of technology: Bullying of the school district community through the use of any electronic communication device or platform by sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or web site postings (including blogs) social media or online games. All forms of cyber bullying are unacceptable and, to the extent that such behaviors are disruptive of the educational process, offenders shall be subject to appropriate discipline.

“Gender” is socially determined characteristics, roles, behaviors, and attributes a society commonly associates with males and females; these characteristics are often referred to as “feminine” and “masculine.”

“Gender binary” is a term for a social construction or classification system with the recognition of only two genders: male and female.

“Gender expansive” is a term that conveys a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system.

“Gender expression” refers to the way a person expresses gender to others who are socially defined as either masculine or feminine, such as through behavior, clothing, grooming, activities, voice, mannerisms, or social interactions.

“Gender fluidity” is when an individual’s gender identity and/or expression move on a continuum between the traditional gender binary.

“Gender identity” is a person's inner sense of being male or female, regardless of the person's sex assigned at birth.

“Gender variant or non-gender binary” is when an individual’s gender-related identity and/or gender expression does not conform to the social expectations or norms for a person of that sex assigned at birth.

“Harassment” consists of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation or religion when such conduct is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating,

threatening or abusive educational environment, has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance, or otherwise adversely affects an individual's learning opportunities.

“LGBTQ” is an acronym that stands for “lesbian, gay, bisexual, transgender, and questioning.”

“Sex” is the physical makeup of a human being, referred to as their biological or natal sex. A person’s biological sex is sometimes referred to as their “assigned gender.”

“Sexual orientation” is the emotional, romantic, or sexual attraction felt by a person toward another person. Sexual orientation has nothing to do with gender identity and will not be included further in these guidelines.

“Transgender” is an umbrella term that describes a person whose gender identity or gender expression is different from their assigned sex at birth. Transgender individuals may use a number of words to describe their lives and gender experiences. Students may refer to themselves as “trans, transsexual, transgender, male-to-female (MTF), female-to-male (FTM), bi-gender”, and a variety of other terms.

“Transition” or “Gender Transition” is the process through which transgender individuals begin to live as the gender with which they identify, rather than the one typically associated with their sex assigned at birth. Social transition may include things such as changing names, pronouns, hairstyle and clothing. Medical transition may include medical components like hormone therapy and gender affirming surgeries. Not all transgender individuals seek medical care as part of their transition or have access to such care.

GENERAL GUIDANCE:

The responsibility for determining and communicating a student’s gender identity rests with the student or, in the case of young students not yet able to advocate for themselves, with the student’s parent/guardian.

Generally, either a newly enrolled student or the student’s parent or guardian, or a current student will approach school staff indicating that they are undergoing a gender transition from their assigned gender to the gender with which the student identifies. Depending upon whether the student is new to the school district or is an existing student who has decided to transition, school staff may need to approach handling of the student’s transition differently. When a student undergoes a gender transition during the school year, issues of privacy become more difficult. Nonetheless, school personnel should refer to these guidelines to help ensure a successful experience for all.

At the elementary level, it will generally be the parent or guardian who informs the school of the student’s transgender status or impending transition. However, it is not uncommon for a child’s desire to transition to first surface at school. If school district personnel believe that a gender identity issue is presenting itself and creating challenges for the student at school, it is in most cases appropriate for an administrator (or a designee who has the expertise and existing positive relationship with the student and/or student’s parent/guardian) to approach the student’s parent/guardian about the issue. Together, the family and appropriate school

personnel can then effectively prepare for an approach to supporting the child's gender expression and deploy supports as needed for the student's well-being. While it is important to consider a student's age and grade level, as considerations during the planning process, such considerations cannot be used as a justification to delay or deny a student's gender transition.

At the middle and high school level, many of the same steps are appropriate to implement. An administrator should hold a meeting with the student to understand the student's wishes and desires regarding gender expression. It is preferable that the student and school work with the student's parent or guardian through this process.

If the student does not wish for his/her parent/guardian to be aware of his/her transgender status, the matter should be brought to the attention of the Director of Student Services so that appropriate action can be taken. There may be situations where the parent/guardian of the transgender student is unaware or unsupportive of the student's gender identification. Statistics show that transgender students with unsupportive parents/guardians have a significantly increased risk of homelessness, attempted suicide, and other negative outcomes. These situations must be cautiously addressed and actively monitored on a case-by-case basis.

School district personnel are expected to accept a student's asserted gender identity when it is a sincerely held part of the student's core identity. The school district will not question or disregard the student's assertion of gender identity unless there is a credible basis for determining that the student has asserted a particular gender identity for some improper purpose.

In the event that a student identifies as transgender, but is unable to obtain consent from a parent or legal guardian to change school records, a school administrator, counselor, or psychologist should meet with the student to discuss how the student would like to be addressed at school and implement a support plan to ensure that the student's privacy is protected.

All staff must be aware of the information provided in these guidelines. If staff have questions or are unable to adhere to the provisions contained in these guidelines, they must contact the administration so that each student is properly supported.

NAMES AND PRONOUNS:

District personnel shall address transgender students by the name and pronoun that corresponds to the student's gender identity. Students are not required to legally change their name or gender through the court system or other formal process as a prerequisite to being addressed by the preferred name and pronoun in the school setting.

The student's preferred name and the pronoun that corresponds to the student's gender identity should be used in the school setting regardless of whether the parent recognizes the student's transgender identification, if it is determined that this is the most supportive and appropriate means of addressing the student. Each situation must be considered and addressed based on the particular facts presented, and the student's gender identity and preferences should be considered to the greatest extent possible in consultation with the student and parent/guardian. This includes meetings where both the transgender student and parent/guardian are in attendance.

When contacting the parent/guardian of a transgender or non-gender binary student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

The intentional or persistent refusal to respect a student's gender identity is not permitted.

DRESS CODE:

The school district will enforce the Board adopted dress code pursuant to school district policy. Students are permitted to dress in accordance with their gender identity, within the parameters of the dress code adopted by the school district. School staff shall not enforce the dress code more strictly against transgender and non-gender binary students than other students.

PROTECTED STUDENT INFORMATION AND PRIVACY CONSIDERATIONS:

All individuals, including students, have a right to privacy. This includes the right to keep private one's transgender or non-gender binary status at school. Information about a student's transgender status, legal name, or gender assigned at birth may also constitute protected student information under the Family Educational Rights and Privacy Act (FERPA). School staff shall not disclose information that may reveal a student's transgender status to others unless legally required to do so, or the student and/or parent/guardian has provided informed written consent to such disclosure.

In order to protect student privacy, the school district will maintain the official permanent pupil record in a secure location, separate from the student's other records. If the official record is maintained electronically, similar security measures should be implemented to protect student privacy.

Except as set forth herein, school personnel should not disclose information that may reveal a student's transgender status. In accordance with FERPA, only those school employees with a legitimate educational interest should have access to a student's records or the information contained within those records. Disclosing confidential student information to other employees, students, parents, or other third parties may violate FERPA and other privacy laws.

Transgender students have the ability, as do all students, to discuss and express their gender identity and expression openly and decide when, with whom, and how much of their private information to share with others.

School district personnel should work closely with the student and parent/guardian in devising an appropriate plan regarding the confidentiality of the student's transgender status that works for both the student and the school, and that addresses all applicable factors including, but not limited to, the age of the student.

In some cases, transgender students may feel more supported and safe if other students are aware that they are transgender. In these cases, school staff should work closely with the student, families and other staff members on a plan to inform and educate the student's peers. It may also be appropriate to engage external resources to assist with educational efforts. A list of support organizations for transgender students is available upon request by contacting the Director of Student Services.

STUDENT RECORDS:

The school district is required to maintain a mandatory permanent pupil record (“official record”) that includes a student’s legal name and assigned sex. However, the school district is permitted to use a student’s preferred name on most school records and documents. Certain categories of pupil records are required to be kept by the district during the student's attendance. These records will reflect the name and gender corresponding with the student's gender identity, but may include certain documentation that requires notation of the legal name and gender. Such protected student information shall only be released to third parties in accordance with FERPA requirements.

The school district will accommodate a student's desire to be addressed in the name and pronoun corresponding with the student's gender identity. However, there are some documents that will still require use of the student's legal name and gender. These documents include, but that are not limited to, the Commonwealth of Pennsylvania's secure ID, Keystone testing, and PSSA testing, to name a few. Other documents, including but not limited to, truancy, criminal charges, or other documentation required to be filed with the court must be filed in the student's legal name and gender.

IDEA Special Education Documents (IEP, Evaluations Reports, and Notices), Section 504 Service Agreements, and Student Medical Plans as well as student discipline and incident reports should be written in the name and gender corresponding with the student's gender identity.

In situations where school district staff or administrators are required by law to use or report a transgender student’s legal name or gender, such as for purposes of standardized testing, the school district will implement practices necessary to avoid the inadvertent disclosure of such information. The school district will make reasonable efforts to ensure that test proctors address the student appropriately during examinations.

The district will work with outside vendors in an effort to ensure that all relative documents including, but not limited to student schedules, IDs, report cards, food service accounts, transportation information, etc. are in the name and gender corresponding with the student's gender identity.

GENDER-SEGREGATED ACTIVITIES: This section needs to be more specific

Where educationally appropriate, the school district will refrain from the practice of segregating students by gender. In situations where such gender segregation is necessary to serve an educational purpose, students will be included in the group that corresponds to their gender identity.

EXTRACURRICULAR ACTIVITIES, SPORTS, PHYSICAL EDUCATION, FIELD TRIPS:

Transgender students will be permitted to participate in extracurricular activities, sports, physical education, and field trips in accordance with their gender identification.

All students will either room alone or with their gender identification on overnight field trips.

The school district will follow the Pennsylvania Interscholastic Athletic Association's (PIAA) rules regarding mixed-gender participation in interscholastic athletics. Under these rules, the PIAA will accept the school principal's decision as to the student's gender. In such situations, the principal will

identify the student in accordance with the individuals' gender identity, unless the student requests otherwise.

Nothing in these guidelines shall be construed to excuse any student from following necessary or customary protocols for obtaining parental consent for athletic participation, including permission slips, consent forms, and waivers. School district personnel will implement these guidelines when advising transgender and non-gender binary students about the process for obtaining such parental consent.

RESTROOM ACCESSIBILITY:

The school district may maintain separate restroom facilities for male and female students. However, students shall have access to the restroom that corresponds to their gender identity.

Any transgender student who has communicated their transgender status to the appropriate school personnel under these guidelines will not be required to use a restroom that conflicts with the student's gender identification. Any student who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a private restroom facility. No student shall be required to use a private restroom facility based solely on gender identity (students operating under a required safety plan or other approved agreement may be required to use such facility).

School district administrators should take reasonable measures to identify private restroom facilities in their buildings, as well as to de-stigmatize the use of such private options. Building administrators should establish and communicate clear guidelines and expectations with regard to physical privacy and boundaries.

LOCKER ROOMS:

Use of locker rooms by transgender or non-gender binary students will be assessed on a case-by-case basis, with the goal of maximizing transgender or non-gender binary student social integration, providing an equal opportunity to participate in physical education classes and athletic opportunities and ensuring student safety. In most cases, the school district will provide access to locker rooms that correspond to the gender identity asserted by the student at school. Reasonable alternatives may also be considered in consultation with the student and the student's parent/guardian, including use of a private area (e.g. a nearby restroom stall with a door, an area separated by a curtain, an office in the locker room area, or a separate changing schedule whereby the student utilizes the locker room before or after other students).

An alternative arrangement to locker room use will be provided in a manner that ensures that students may maintain the privacy of their transgender status. No student will be required to use a locker room that conflicts with his/her gender identity.

In all situations, school district personnel are required to take reasonable measures to protect and ensure the physical privacy and safety of all students.

TRANSITIONING STUDENTS:

When a student indicates the intent to transition, the school should work with the student and the student's parents/guardians, when necessary to prepare for a formal gender transition at school and put in place measures for supporting the child and creating a sensitive supportive environment at school. Toward that end, the school district will:

- 1) Meet with the student and the parent or guardian to prepare a plan.
- 2) Provide supports for school personnel to ensure effective implementation of the plan.
- 3) Make resources available to parents who have additional questions or concerns.
- 4) Develop age-appropriate lessons for students addressing gender diversity.
- 5) Be aware of any medical or mental health considerations as raised by the transgender student or the student's parent/guardian and determine if an evaluation for specialized supports or services is appropriate.
- 6) Be especially vigilant for any harassment or bullying issues that may arise. Pursuant to school district policy, school personnel must work to prevent bullying and harassment, and respond promptly when allegations of bullying and harassment are raised.

BULLYING, HARASSMENT AND DISCRIMINATION:

The school district has a duty to protect all students, including transgender and non-gender binary students, with a safe and supportive learning environment that is free from discrimination, harassment, and bullying. All School District of Lancaster policies prohibiting discrimination apply to the treatment of transgender and non-gender binary students.

QUESTIONS AND CONCERNS:

All students, including non-transgender students, should be encouraged to discuss questions or concerns related to these guidelines or their application with appropriate school personnel to avoid the occurrence of any incidents that would in any manner undermine or interfere with the provision of a safe and supportive environment for all students. Keeping lines of communication open is crucial, and allows the school district to make adjustments as necessary to better ensure the health safety and privacy of all students.

All questions, concerns, comments, or requests for resources regarding support for transgender and non-gender binary students, should be directed to the Director of Student Services, who may be reached by telephone: (717) 291-6165.