

STUDENTS WHO ARE TRANSGENDER AND GENDER EXPANSIVE
Ensuring Equity, Equality, and Nondiscrimination

Introduction and Purpose

RSU 2 is committed to ensuring that every learner shall have equal access to the district's educational programs and activities. This policy supports the educational and social integration of students who are transgender and gender expansive in our schools by fostering a learning environment that is safe and free from discrimination, harassment, and bullying. It ensures protection, respectful treatment, and equal access to educational programs and activities for these students, and it promotes acceptance and respect among students and staff. This policy supplements RSU2 Policy AC- Nondiscrimination/Equal Opportunity and Affirmative Action, in compliance with the Maine Human Rights Act (5 M.R.S. Section 4551 et seq.).

This policy does not anticipate every situation that might occur with respect to students who are transgender and gender expansive. It shall be interpreted consistently with the goals of affirming students who are transgender and gender expansive and ensuring their full integration into all educational programs and activities.

Each principal or a designated staff member, such as a school counselor, is responsible for ensuring that all staff are made aware of this policy and available training and professional development opportunities.

Definitions and Terms

The following definitions and terms are not intended to provide rigid labels for students, but to assist in discussing and addressing the needs of our students and create a common vocabulary. The terminology in this area is continually evolving and preferences for particular terminology vary widely. Administrators, school staff, volunteers, students, and other adults who interact with students shall be sensitive to the ways in which particular students who are transgender and gender expansive may wish to be identified.

Youth who are transgender and gender expansive use a number of words to describe their lives and experiences. Some examples these students may use to refer to themselves include, but are not limited to, trans, transgender, male-to-female (MTF), female-to-male (FTM), genderqueer, non-binary, genderfluid, two-spirit, trans boy, and trans girl. The terminology and language used to describe individuals who are transgender and gender expansive may differ based on varied factors such as geographic location, race, ethnicity, age, country of origin, etc., and may change over time. School staff, other students, and other adults who work with students ~~should~~ shall be sensitive to, and use, the terminology that supports and respects the wishes of the individual student. For more definitions, please see the resource document at

https://docs.google.com/document/d/1mFmXSaWJgCNPZAuZMOpKKHGyt_zKYZ8fE9_ea6_ERQ/edit?usp=sharing

Gender Expansive: An adjective used to describe an individual whose gender expression does not conform to the social expectations or norms or stereotypical expectations for a person of that sex assigned at birth. Individuals who are gender expansive may identify as male, female, some combination of both, or neither. A person's gender expression may differ from stereotypical expectations about how females and males are "supposed to" look or act. Gender expansive is not

synonymous with transgender; not all individuals who are gender expansive identify as transgender.

Gender Identity: Gender identity is a person's internal, deeply rooted sense of being a man or a woman, some combination of both, or neither, regardless of one's assigned sex at birth. Everyone has a gender identity. Only individuals can determine their own gender identity.

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." Sexual orientation is a person's emotional and sexual attraction to another person based on the gender of the other person. Sexual orientation can be towards persons of the opposite sex or gender, the same sex or gender, or to both sexes and more than one gender. Sexual orientation is not the same as gender identity.

Transgender: A person whose gender identity differs from their sex assigned at birth.

Schools shall accept the gender identity that each student asserts. There is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected. The assertion may be evidenced by an expressed desire to be consistently recognized by their gender identity.

Privacy and Confidentiality

In compliance with state and federal privacy laws, only those school or other DOE employees with a legitimate educational interest are permitted to access a student's records. Absent parental/guardian consent, or the student's consent if they are 18 years of age or older, information contained in, learned from, or to be recorded in a student's records, including information regarding a student's gender identity, may only be disclosed in the following very limited circumstances: 1) in a health or safety emergency; 2) to employees with a legitimate educational interest in the information; or 3) in various other circumstances explicitly permitted by the Family Educational Rights and Privacy Act [FERPA]. In most cases, unless a student is transitioning during that time frame, most staff in the school do not need to know if a student is transgender. Moreover, students who are transgender and gender expansive 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. Schools shall work closely with the student and parent/guardians in devising an appropriate plan regarding the confidentiality of the student's gender identity.

In all cases the student shall meet with the principal/school counselor to discuss the student's wishes. There may be occasions when students may not want their parents/guardians to know about their gender identity. In these cases, the school shall abide by the wishes of the student with regard to their gender identity and gender expression while at school, and those school functions not at school, such as field trips, sports events, prom, etc. The principal/school counselor will continue to work through family issues with the student with a goal of acceptance by all. The paramount consideration in such situations is the health and safety of the student. In the event that a school is required to disclose records to a parent/guardian that might reveal that a student is transgender, or might reveal a student's gender identity, the school shall provide the student the opportunity to make the first disclosure themselves and provide the student with support services as needed to make the disclosure in a safe and supportive environment at school.

There may be occasions when 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 shall follow the student's wishes and not inadvertently disclose information that is intended to be kept private or that is protected from disclosure, such as confidential medical information. Discussions on issues such as conduct, discipline, grades, attendance, or health shall be school related and shall not focus on the students' gender identity or expression.

Unofficial Records

1. Schools shall permit a student to use their affirmed name and gender on unofficial records, including but not limited to: identification badges, classroom/homeroom/online rosters, certificates, programs, announcements, office summons and communications, team and academic rosters, diplomas, newspapers, newsletters, yearbooks, and other site-generated unofficial records. Students or parents/guardians shall be permitted to request a change of name and/or gender so that a student may be registered in school under a name and gender that corresponds with the student's gender identity without obtaining a court order or without changing the student's official records.
2. Schools must use the name and gender that is affirmed and consistently asserted by the student at school, and student IDs shall be issued in the name that reflects the student's gender identity. The affirmed name shall also appear on the student's cumulative folder ("official record") as "Also Known As" (AKA), and the school shall change the name and/or gender of the student in the district's electronic data system to indicate how the student's name and gender will appear on unofficial records. The name and gender shall be cross-referenced in the cumulative folder and registration card.

Official Records

1. Schools are required to maintain in perpetuity mandatory permanent pupil records ("official records") which include the legal name of the student and the student's gender as indicated on official government issued documents such as birth certificates, passports, driver's licenses, and identification cards/permits. The official records may include but are not limited to: progress and grade reports, transcripts, assessment data, health records, discipline records, Individualized Education Programs (IEPs), Section 504 Plans, and the cumulative card and file. Schools shall change a student's name and gender on all official records when the name of the student is changed by appropriate legal action, such as by a change of name petition. The new name is the official legal name of the student for all purposes, including school registration.
2. To the extent that the school is not required to use a student's legal name or gender on documents, the school shall use the student's affirmed name, pronouns, and gender.

Medical Records

For students who are transgender or gender expansive, a school nurse shall use the student's affirmed name unless it is necessary to use the student's legal name to receive appropriate care and/or coordinate care with other health care providers or to file health insurance claims.

Names and Pronouns

Every student is entitled to be addressed by the name and pronoun that corresponds to the student's gender identity that is consistently asserted at school. Students are not required to obtain parental consent or a court ordered name and/or gender change as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.

Teachers and other school staff shall be made aware of and honor a student's request to be referred to by the name and gender that corresponds to their gender identity. However, there may be situations (e.g., communications with the family, official state or federal records, and assessment data) where it may be necessary and recommended for staff to be informed of the student's legal name and gender. In these situations, staff shall prioritize the safety, confidentiality, and dignity of the student. If school personnel are unsure how a student wants to be addressed in communications to the home or in conferences with parents/ guardians, they shall privately ask the student.

For those students who are gender expansive or who do not prescribe to the gender binary, they may prefer gender-neutral pronouns such as they/them.

Every effort shall be made to use the affirmed names and pronouns consistent with a student's gender identity. While inadvertent slips or honest mistakes may occur, the intentional and persistent refusal to respect a student's gender identity is a violation of district policy.

Restroom and Locker Room Accessibility

1. RSU2 schools may maintain separate restroom and locker room facilities for male and female students. Students shall have access to restrooms and locker rooms that correspond to their gender identity asserted at school. A student who is transgender will not be required to use a locker room that conflicts with the gender identity consistently asserted at school.
2. If any student (and parents/guardians who request them on behalf of the student) desires increased privacy, regardless of the underlying reason, the administrator/designee shall make every effort to provide the student with reasonable access to an alternative restroom such as a single-stall restroom or the health office restroom. The use of a restroom shall be determined by the student's choice; no student shall be compelled to use an alternative restroom.
3. If any student (and parents/guardians who request them on behalf of the student) requests alternative locker room accommodations, such alternatives can include, but are not limited to: assignment of a student locker in proximity to the coaches' office or a supportive peer group, use of a private area within the public area of the locker room facility (e.g. nearby restroom stall with a door or an area separated by a curtain), use of a nearby private area (e.g. nearby restroom or a health office restroom), or a separate changing schedule.
4. Any alternative arrangements shall be provided in a non-stigmatizing way and in a manner that protects the student's ability to keep their gender identity confidential. Alternative accommodations must be made available to students and parents/guardians who request them on behalf of the student, but may never be forced upon students. A student who is transgender or gender expansive shall not be required to use a separate space, as it threatens to publicly identify and stigmatize the student as transgender or gender expansive and will not be done unless requested by the student.

5. Schools shall work with students whose gender identity is fluid or non-binary to facilitate appropriate access to facilities that will affirm their identity.
6. Administrators shall take steps to designate single-stall gender-neutral restrooms on their campus. Schools may also choose to have multi-stall, gender-neutral restrooms in addition to single-use ones.

Sports, Athletics, and Physical Education

Students who are transgender and gender expansive are to be provided the same opportunities to participate in physical education classes and sports teams as are all other students. Students must be permitted to participate in physical education and sports teams in accordance with the student's gender identity that is consistently asserted at school.

1. When physical education classes or activities are gender-differentiated, students who are transgender and gender expansive shall participate according to their gender identity asserted at school.
2. When conducting physical education classes and fitness evaluations, teachers shall address and evaluate students by their gender identity asserted at school. The physical education teacher shall make every effort to maintain confidentiality of student information regarding a student's gender identity.
3. Participation in competitive athletics, intramural sports, athletic teams, competitions, and contact sports shall be facilitated in a manner consistent with the student's gender identity asserted at school. Interscholastic athletic activities at the high school level shall be addressed through the Maine Principals Association Transgender Participation Policy, and school/district staff will support students navigating the eligibility process to ~~try to~~ ensure a respectful and supportive process for the students.

Overnight Trips

When a school makes overnight accommodations, students must be treated consistent with their gender identity asserted at school. No student who is transgender or gender expansive shall be denied the right to participate in or have appropriate accommodations on an overnight school trip because of their gender identity.

Media and Community Communication

Communications about issues related to gender identity or expression shall be handled by the Superintendent or RSU2 Board designee in accordance with RSU2, local, state, and federal privacy laws, and be done in a manner that protects the privacy and dignity of students who are transgender and gender expansive.

Compliance

All RSU2 staff shall comply with this policy and shall notify the building administrator if there are concerns about a student's safety or welfare.

Authority

- Maine Human Rights Act (Title 5, Chapter 337)
- Title IX of the Education Amendments of 1972, 42 U.S.C. 1681
- Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c et seq.
- Family Educational Rights and Privacy Act [20 U.S.C. § 1232g; 34 CFR Part 99)
- Maine Principals Association Transgender Participation Policy
- 5 M.R.S.A. §§ 4551; 4553

AC – Nondiscrimination/Equal Opportunity and Affirmative Action ACAA – Harassment and Sexual Harassment of Students

JICK-E1 – Bullying and Cyberbullying Reporting Form JICK-E3 – Bullying and Cyberbullying Remediation Form

JICK-R – Bullying and Cyberbullying Administrative Procedure JK – Student Discipline

First Reading: 4/5/18; 7/10/18

Approved: 9/6/18