

This Resource Guide will help Siuslaw School District (SSD) identify best practices to serve students who are gender expansive and those students who identify in the LGBTQ+ community.

## **Siuslaw School District Resource Guide for Serving LGBTQ2SIA+ Students**



December 2022 – Updated March 2023

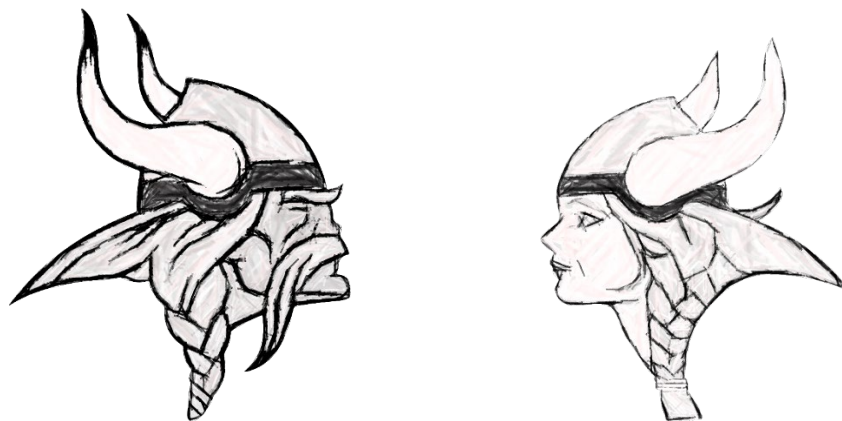
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*Honoring Diversity: The Siuslaw School District affirms the right of every student to live in safety and to be treated respectfully.*

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### **Primary Resources for the Siuslaw School District Resource Guide Serving LGBTQ+ Students:**

Oregon Department of Education (ODE) Supporting Gender Expansive Students: Guidance for Schools (January 5, 2023)  
Oregon Department of Education (ODE) Gender-Affirming Schools Action Plan & Gender-Affirming Care Resources (January 2023)  
Coalition of Oregon School Administrators (COSA) Resource Guide Serving LGBTQ+ Students (December 2022)  
OSAA Handbook 2022-2023, Section 39, Gender Identity Participation  
Oregon Department of Education (ODE) LGBTQ2SIA+ Student Success Plan (June 2020)  
ODE Guidance to School Districts: Creating a Safe and Supportive School Environment for Transgender Students (May 2016).  
U.S. Department of Education's Examples of Policies and Emerging Practices for Supporting Transgender Students (May 2016)

## PURPOSE OF SSD RESOURCE GUIDE SERVING LGBTQ+ STUDENTS

To cultivate the unique gifts, talents, and interests of every Oregon student so that success and failure are no longer predicted nor predetermined by race, ethnicity, culture, family economics, mobility, language, gender, gender identity, sexual orientation, disability, or initial proficiencies. The efforts of creating gender affirming spaces allow students to flourish in their mental wellbeing and succeed academically.

This Resource Guide aligns with:

- 1) **SSD School Board Goal (2020-2023)** that states students in the Siuslaw School District will be able to succeed in school without student identity (race, culture, socio-economic status, language, ability, gender, or sexual orientation) as a predictor or predetermining factor of academic success.
- 2) **SSD School Board Policy JOC, Legal Names of Students, (12/8/21)** states the district will consider requests to use first names other than the student's legal first name. Such requests, if honored, may be entered into the computer system so long as a cross-referencing system is established to locate the student's records with the student's legal name. Legal last names will be changed by the district only upon receipt of a copy of a court order [OAR 581-022-2270(7)].
- 3) **SSD School Board Policy ACB, Every Student Belongs, (1/12/22)** prohibits symbols of hate as well as adopting policies and procedures for dealing with bias incidents (OAR 581-022-2312).
- 4) **SSD School Board Policy JB, Equal Educational Opportunity, (2/9/22)** protects the rights of students to have equal access to school and school programs. Conditions may include but are not limited to any form of exclusion from participation, intimidation, harassment, undue discipline such as diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits, failure to act on behalf of a student, or other unwarranted disciplinary action based on protected class<sup>1</sup>.
- 5) **Title IX** is a federal law that was passed in 1972, and it prohibits sex discrimination in any federally- funded education program, which includes discrimination based on gender identity [Bostock v. Clayton County (2020)].
- 6) **Title IX Notice of Nondiscrimination:** Siuslaw School District does not discriminate on the basis of race, color, sex, marital status, religion, national origin, age, **sexual orientation** or disability in its programs and activities....
- 7) **Oregon law that protects persons from discrimination** in educational programs. Oregon law defines "**sexual orientation**" as an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's **gender identity**, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth. [ORS 174.100]
- 8) **Oregon Anti-Bullying and Harassment Laws** as part of the Oregon Safe Schools Act (ORS 339.356, 2009).
- 9) **The Oregon Department of Education (ODE) Health Education (12/2016) Standard 4.5.5**, which states that students will "Demonstrate ways to communicate respectfully with and about people of all gender identities, gender expressions, and sexual orientations."

Our commitment to equity includes [S-P-A-C-E]:

- 1) Supporting the multiple valuable identities of LGBTQ+ students<sup>2</sup> and seeing them as assets, embracing their lived experiences, and creating nurturing environments.
- 2) Partnering with all students including those who are members of historically and currently marginalized groups.
- 3) Adhering to a commitment to work continuously to uphold a culture that is inclusive, welcoming, and celebrates the gender diversity found within our community.
- 4) Creating safe and inclusive communities with a barrier-free environment where each student will have access to a high-quality education and can follow their own path in reaching their full potential.
- 5) Ensuring staff receive mandatory professional development related to gender equity and culturally responsive practices and monitor implementation of that learning.

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<sup>1</sup> "Protected class" means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, gender identity\*, national origin, marital status, familial status, source of income or disability. \*Gender Identity was added as a protected class in Oregon in the summer of 2021.

<sup>2</sup> According to a SY 21/22 survey including 57 school districts, **22% of Oregon students identify as LGBTQ+** (2022 COSA Equity Conference). Also, according to a 2020 SHS survey, about 1 in 3 of Oregon youth state LGB+, other, or unsure sexual orientation.

## DEFINITION OF TERMS

Understanding the common terminology associated with gender identity is important to providing a safe and supportive school environment for students. Although this Resource Guide has included the most commonly used terms, students may use other terms to describe their gender identity, appearance, or expression. Terminology and language describing transgender and gender [expansive] individuals can differ based on region, language, race, or ethnicity, age, culture, and many other factors. It is recommended that school staff and educators inquire about which terms a student uses to describe themselves and their experience and employ those terms.

**LGBTQ2SIA+:** A term that encompasses multiple gender identities and sexual orientations including lesbian, gay, bisexual, pansexual, transgender, nonbinary, queer, questioning, Two-Spirit, intersex, and asexual. The plus sign (“+”) recognizes and includes the myriad ways to describe system-impacted gender identities and sexual orientations. It is also important to recognize that the challenges and barriers for students who identify as lesbian, gay, bisexual, pansexual, asexual, and/or queer can be different from the challenges and barriers faced by students with gender-expansive identities and expressions. This definition recognizes every individual who identifies as a member of a LGBTQ2SIA+ community has a unique lived experience, and LGBTQ2SIA+ communities are not a homogeneous group with a single identity. *[An initialism for a community whose gender identity, gender expression, sexual identity, romantic identity, and/or sex characteristics are outside the norm as defined by the dominant culture.]*

**Agender:** A person who does not identify with a specific gender or feels neutral when it comes to their gender identity.

**Ally:** An LGBTQIA+ ally is someone who supports and educates themselves about and speaks out and advocates for LGBTQIA+ people and/or community. Allies actively engage with LGBTQ2SIA+ people in an open and affirming way.

**Anti-Transgender Stigma:** The antagonism or disgust directed toward transgender and gender expansive individuals due to their actual or perceived gender identity and/or expression. This stigma can be structural (e.g., societal conditions, policies, and institutional practices that restrict the opportunities, resources, and well-being of gender-expansive people) or social (e.g., negative stereotypes or perceived social status that separates a person or group from other members of society). Examples that can result from anti-transgender stigma that can harm LGBTQ2SIA+ students and create hostile school communities include conversion therapy, Deadnaming, misgendering, and outing. Anti-transgender stigma can often result in active hostility toward gender expansive people, such as microaggressions, discrimination, bullying, verbal harassment, or sexual and physical violence. Anti-transgender stigma can also be internalized by gender-expansive people and result in gender dysphoria and/or other negative mental health outcomes such as suicidal ideation or death by suicide. Related terms are cissexism or transphobia.

**Aromatic:** A person who experiences little or no romantic attraction to anyone; not having romantic feelings.

**Asexual:** A person who does not experience sexual attraction but could still experience other forms of attraction (e.g. emotional, intellectual).

**Asserted Name:** An individual’s accurate name as asserted by the individual themselves. An individual may assert an updated accurate name at more than one point in their life. Someone’s asserted name may be conditional based on safety or privacy needs or may be fluid depending on identity or contextual factors.

**Assigned Sex:** Sex recorded at birth, usually based on external genitalia.

**Bisexual:** A person who is attracted to more than one gender.

**Cisgender:** A person who feels their gender identity and expression aligns with the sex they were assigned at birth or by society.

**Closeted:** Someone who is keeping their sexuality or gender identity a secret from many (or any) people and has yet to “come out of the closet.”

**Coming Out:** The process of self-identifying and self-acceptance that entails the sharing of a person's gender identity and/or sexual or romantic orientation with others. There are many different degrees of being out, and coming out is a lifelong process. Coming out can be an incredibly personal and transformative experience. It is critical to respect where each person is within their process of self-identification, and it is up to each person, individually, to decide if and when, and to whom to come out to. Also referred to as "disclosure" or "letting in," which both acknowledge the right each person has to share or not share their LGBTQ2SIA+ identity on their own terms.

**Conversion Therapy:** Any attempt to change a person's sexual orientation, gender identity, or gender expression. Conversion therapists and supporters may use a variety of shaming, emotionally traumatic, or physically painful stimuli to make the person associate those stimuli with their LGBTQ2SIA+ identities. Conversion therapy is prohibited in Oregon (ORS.675.850).

**Crossdresser:** A person who dresses in the clothing of the "opposite" gender as part of their gender expression. Generally, someone who is a crossdresser is happy with their gender identity assigned at birth and have no desire to change their sex, but simply enjoy being able to cross dress. It is different from being transgender.

**Cross-dressing:** Wearing clothing that conflicts with the traditional gender expression based on sex and gender identity for any one of many reasons, including self-expression, comfort, relaxation, fun, and a strong desire to wear certain attire that conflicts with traditional gender expression.

**Deadname:** The act of referring to the name that a transgender or gender-expansive person used previously. Deadnaming is considered a microaggression and can cause dysphoria and anxiety. Deadnaming can be done inadvertently as well as maliciously to denigrate the gender expression of a gender expansive person. Deadnaming can cause trauma, stress, embarrassment, and even danger. Other related terms that may be used in place of a deadname include birth name, given name, or old name.

**Discrimination:** Prejudice + Power. It occurs when members of a more powerful social group behave unjustly or cruelly toward members of a less powerful social group. This can take many forms, including both individual acts of hatred or injustice and institutional denials of privileges normally accorded to other groups. When ongoing, it creates a climate of oppression for the affected group.

**Drag:** Type of entertainment or form of gender-bending art where people dress up and perform or present themselves differently, often as a different gender (or opposite sex) in highly stylized ways (exaggerated clothing and makeup) for short periods of time. Drag is also a way to showcase self-expression and celebrate LGBTQ2SIA+ pride.

**Dyadic:** A term to describe a person who is born with the sexual anatomy, reproductive system, and chromosomes associated with their assigned sex/gender. In other words, a person who is not intersex. Also referred to as endosex and perisex.

**Educational Equity:** ODE defines Educational Equity as the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

**Fluid(ity):** An identity that is a fluctuating mix of the options available (e.g., man and woman, gay and straight) and is generally used with another term attached, like gender-fluid or fluid sexuality. Not to be confused with transitioning.

**Gay:** A person who is attracted to a person of the same gender.

**Gender/Sex Assigned at Birth:** The assignment and classification of people as male, female, intersex, or another sex assigned at birth often based on physical anatomy at birth and/or karyotyping, followed by the continuation of gender attribution aligning with the sex assignment. (See also Gender Attribution.)

**Gender-Affirming Care:** Form of supportive care that may include medical, surgical, mental, health, or non-medical services. Research demonstrates that gender-affirming care improves the mental health and overall well-being of gender expansive children and adolescents.

**Gender Attribution:** The act of assuming an individual's gender often based on their assigned sex/gender as well as apparent societal gender markers and expectations, such as physical attributes and expressed characteristics. Example of assuming a person's gender include using pronouns for a person before learning what pronouns they use, or calling a person a man or woman without knowing their gender. (See also Misgendering.)

**Gender Binary:** The assumption that there are only two genders (male and female), rather than more than two genders or gender fluidity. This concept denies natural occurrences of intersex variations in people, as well as nonbinary and gender expansive animals and plants. This concept reinforces the idea that man and women are opposites and must have different roles in society. Historically and currently used in systems in power to assert that gender is biologically determined in order to deny the existence and rights of gender expansive people.

**Gender Dysphoria:** The distress or discomfort an individual feels due to discontinuity between their gender and the sex/gender they were assigned at birth, their physical body, and/or the way their gender is perceived by others.

**Gender Euphoria:** The joyous feeling often experienced when one's gender is recognized and respected by others, when one's body aligns with one's gender, or when one expresses themselves in accordance with their gender.

**Gender Expansive:** An umbrella term used to describe people whose gender expression and identity expand beyond perceived or expected societal gender norms. Some gender-expansive individuals identify as multiple genders, some identify along the binary as a man or a woman, and some identify as no gender. Gender-expansive people might feel that they exist among genders, as on a spectrum, or beyond the notion of the man/woman binary entirely. This term is meant to represent the myriad of system-impacted gender identities, expressions, and assignments including but not limited to transgender, nonbinary, Two Spirit, intersex, agender, genderqueer, and genderfluid identities.

**Gender Expression:** The way a person expresses their gender in ways that make them feel more comfortable and aligned to who they are. Some forms of expression could be clothing, voice, cosmetics, or mannerisms.

**Gender Identity:** A person's deeply held knowledge of their own gender, which can include being female, male, another gender, or no gender. Gender identity is an innate and largely inflexible part of a person's identity. One's gender identity can be the same or different from the gender assigned at birth. The responsibility for determining an individual's gender identity rests with the individual. *[HB 3041 (2021) also adds gender identity as a separate protected class.]*

**Gender Marker:** A letter: F (woman), M (man), or X (nonbinary); representing an individual's gender in school district documents that may or may not be the same as one's legal gender or real gender identity. More on page 6. *[See Legal Sex/Gender Marker.]*

**Gender Nonconforming [or Gender Variant]:** A person who does not identify with a specific set of traits (behavioral, cultural, community roles) on the traditional male-to-female spectrum.

**Gender Role:** The socially determined sets of behaviors assigned to people based on their biological sex.

**Gender Sensitive:** Materials and instructional strategies that are sensitive to individual's similarities and differences regarding gender role, gender identity, and/or sexual orientation.

**Genderism:** A system of oppression that benefits cisgender people at the expense of transgender and gender nonconforming people. Genderism may take the form of Transphobia, bias, and discrimination towards transgender and gender nonconforming people.

**Homophobia:** Having or showing a dislike of or prejudice against homosexuality or people who are gay or queer.

**Identity:** Identity is how we understand ourselves, what we call ourselves, and often whom we connect to and associate with. Each of us has a unique diversity of social identities based on our sexual orientation, gender identity, race/ethnicity, socioeconomic status, religion, and other important parts of who we are. Those identities develop over time, intersect with each other, and help give meaning to our lives. It is important to remember that terms are about self-identification; no one can tell anyone else how to identify or what terms to use.

**Institutional Oppression:** Arrangement of a society used to benefit one group at the expense of another through the use of language, media, education, religion, economics, etc.

**Internalized Oppression:** The process by which a member of an oppressed group comes to accept and live out the inaccurate stereotypes applied to the oppressed group.

**Intersex:** An umbrella term for unique variations in reproductive or sex anatomy. Variations may appear in a person's chromosomes, genitals, or internal organs like testes or ovaries. Some intersex traits are identified at birth, while others may not be discovered until puberty or later in life.

**Legal Sex/Gender Marker:** A legal and medical designation of assigned sex/gender, most often as male (M) or female (F) based on the gender binary, leaving out or misrepresenting intersex (X) and gender expansive individuals. In Oregon, all students and school staff have the right to designate male (M), female (F), or nonbinary (X) on their records, which recognizes some identities beyond the binary and correlates with the sex designations allowable on Oregon birth certificates and driver's licenses. Legal gender/sex markers can be changed in Oregon but may not be recognized federally in the United States or internationally. Not all gender expansive individuals change their legal gender/sex marker to align with their gender identities for various reasons including personal safety and social or familial support. *[See Gender Marker.]*

**Lesbian:** A female-identified person who is attracted to women.

**Misgendering:** The act of referring to someone outwardly in a way that does not correctly reflect their asserted gender (e.g., using incorrect name or pronouns). This may be subconscious and unintentional or can be a maliciously employed expression of anti-transgender bias. Regardless of intent, misgendering has a harmful impact and can result in hostile and unsupportive school communities for gender-expansive students. Continued, repeated, and intentional misuse of names and pronouns; this has been shown to decrease feelings of safety, belonging, and overall mental health for gender-expansive students.

**Non-binary/Genderqueer:** These terms are often used to describe people whose gender is not exclusively male or female, including those who identify with a gender other than male or female, as more than one gender, or as no gender. *[A non-binary person may use Enby\* (pronounced en-be or N.B.) as a gender-neutral title rather than Ms. or Mr. for example. However, there are other neutral-gender titles such as M (em) or Mx (mix or em-ex). \*NB is not used because it is widely known as an abbreviation for non-black people of color to identify.]*

**Neopronouns:** Category of neologistic English third-person personal pronouns beyond 'he', 'she', 'they', 'one', and 'it'. Some examples of neopronouns (gender neutral) include "ze/hir/hirs," and "fae/faer/faers," or "e/em/eir." Neopronouns are asserted by some nonbinary individuals who feel that neopronouns provide options to reflect their gender identity more accurately. See Gender Pronouns table page 8, which includes neopronoun examples.

**Outing:** A term to describe the deliberate or accidental sharing of another person's sexual orientation or gender identity without their explicit consent. Outing may put LGBTQ2SIA+ people at risk for harm, depending on the level of familial and social support as well as access to health services needed; not to be confused with "coming out."

**Pansexual:** Is a person who experiences sexual, romantic, physical, and/or spiritual attraction for members of all gender identities/expressions.

**Prejudice:** A conscious or unconscious negative belief about a whole group of people and their individual members.

**Pronouns:** Gender pronouns are public parts of speech that replace a person's name when they are discussed in the third person. Examples include binary pronouns "she/her/hers" and "he/him/his," gender neutral "they/them/their," as well as neopronouns such as "ze/hir/hirs," and "fae/faer/faers," or "e/em/eir." Some people use no pronouns at all, or some combination such as "she/they." The pronoun or set of pronouns that a person asserts may or may not align with their gender identity or expression. Someone's pronouns may be conditional based on safety or privacy needs, fluid, or non-conforming in their use. [See Pronoun Table, page 8]

**Queer:** A person who does not subscribe to dominant social norms to define their sexual orientation, gender identity, or gender expression. While it is used as a neutral, or even a positive term among many LGBTQ people today, historically "queer" has been used as a derogatory slur. It is sometimes still used as a slur by those who do not identify as part of the community.

**Questioning:** The process of discovery and exploration about their sexual or romantic orientation, gender identity, gender expression, or a combination thereof. Questioning is a profoundly important process to better understand and represent one's authentic self, and does not imply that someone can change or choose who they are through outside forces. Questioning can happen at any age across the lifespan, and can be dependent on many factors such as awareness, feelings of safety, and social or familial support.

**Reclaimed Words:** As language evolves, some individuals and communities choose to identify with terms that had previously been used as slurs against them. The words are "reclaimed" and given new meaning, often imbued with a sense of pride and resilience—such as the word *queer*. It is important to remember that identity is unique to each individual; not all members of a community readily accept the use of reclaimed words as they may still find them offensive and hurtful.

**Sexual Orientation:** A person's romantic and/or physical attraction to people of the same and/or another gender, such as being straight, gay, bisexual, or asexual. Transgender and gender-nonconforming people may have any sexual orientation.

**Transgender:** A person who feels their gender identity and expression do not align with the sex they were assigned at birth or by society.

**Transgender Female:** This is a person whose assigned sex at birth is male but identifies and lives as a female.

**Transgender Male:** This is a person whose assigned sex at birth is female but identifies and lives as a male.

**Transphobia:** The irrational fear of those who are gender diverse and/or the inability to deal with gender ambiguity. This term may also encompass *Trans-hate*: the irrational hatred of those who are gender diverse, usually expressed through violent and often deadly means.

**Transition:** Refers to the process—social, legal, and/or medical—a person goes through to affirm their own gender identity. This may, but does not always, include changing names or pronouns on identification documents, taking puberty blockers or affirming hormones, or adjusting gender expression. Many individuals choose not to or are unable to transition for a wide range of reasons both within and beyond their control. The validity of an individual's gender identity does not depend on any social, legal, and/or medical transition; the self-identification itself is what validates the gender identity.

**Two-Spirit:** A term used within some American Indian (AI) and Alaska Native (AN) communities to refer to a person who identifies as having both a male and female essence or spirit. This term, created in 1990 by a group of AI/AN activists at an annual Native LGBTQ conference in response to exclusion from White LGBTQ spaces, encompasses sexual, cultural, gender, and spiritual identities, and provides unifying, positive, and encouraging language that emphasizes reconnecting to tribal traditions and history. Non-indigenous people should not use this term. Individual terms and roles for Two Spirit people are specific to each nation and/or language. Additional umbrella terms such as Indiqueer or Native LGBTQ may be used by some Native people who do not use or identify with the term Two Spirit.



## GENDER PRONOUNS

*This is not an inclusive list but includes some of the most common pronoun options.*

### He/Him/His or He/Him

Uses “he/him/his” as singular pronouns and they/them/their as plural pronouns.

### She/Her/Hers or She/Her Pronouns

Uses “she/her/hers” as singular pronouns and they/them/their as plural pronouns.

### Multiple Pronouns

- “He/They” pronouns: The person uses “he/him/his” or “they/them” pronouns.
- “She/They” pronouns: The person uses “she/her/hers” or “they/them” pronouns.
- “Any/All” pronouns: The person is comfortable with any pronoun. -

### “One” Pronoun

“One” pronoun: The person uses “one” for all pronouns.

### No Pronouns (Null Pronouns)

Only uses the person’s name and rephrase sentences using no pronouns.

### Gender-Neutral Pronouns

“They/Them/Their” are gender neutral and can be used as singular gender-neutral pronouns.

### Gender-Neutral Pronouns (Neopronouns)

- “Zie/Hir/Hirs” (pronounced zee, heer, heers) and is used instead of “he/she,” “him/her,” or “his/hers.”
- “Xe/Xem/Xyr” (pronounced zee/zem/zeer) and is used instead of “he/she,” “him/her,” or “his/hers.”
- “Fae/Faer/Faers” (pronounced fay/fair/fairs) and is used instead of “he/she,” “him/her,” or “his/hers.”
- “Ae/Aer/Aers” (pronounced ay/air/airs) and is used instead of “he/she,” “him/her,” or “his/hers.”

## GENDER MARKERS/SEX IDENTIFIERS

Per Oregon’s HB 2673 (2017), Oregon documents now have “X” as a gender marker choice along with F (female) or M (male), this includes schools/states documents. In 2018/2019, Oregon was among the first states to offer students a nonbinary gender option (X).

## GENDER-NEUTRAL TITLES

A non-binary person may use *Enby*\* (pronounced en-be or N.B.) as a gender-neutral title rather than Ms. or Mr. for example. However, there are other neutral-gender titles such as M (em) or Mx (mix or em-ex). *\*NB is not used because it is widely known as an abbreviation for non-black people of color to identify.*

## GENDER IDENTITY

According to a joint Dear Colleague Letter on Transgender Students (May 2016) from the U.S. Department of Justice and the U.S. Department of Education, they “interpret Title IX to require that when a student or the student’s parent or guardian, as appropriate *[for the age and circumstances of the student]*, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the school will begin treating the student consistent with the student’s gender identity.” Thus, the responsibility for determining a student’s gender identity rests with the student or, in the case of young students not yet able to advocate for themselves, with parents and guardians.

Siuslaw School District is obligated under Title IX to ensure nondiscrimination based on sex, which requires schools to provide LGBTQ+ students “equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns. As is consistently recognized in civil rights cases, the desire to accommodate others’ discomfort cannot justify a policy that singles out and disadvantages a particular class of students.”

## NAMES AND PRONOUNS

Schools cannot require legal paperwork, official proof, or parent permission for student name changes or gender changes. However, Siuslaw School District encourages parent/guardian notification if a name change is requested. SSD prefers to have parent(s)/guardian(s) present when a Student Support Plan is created for a student based on gender identity. Nevertheless, if a student advocates for privacy and/or has a safety concern, SSD will honor the student request per Title IX guidelines if site school administrators determine a name change without parent/guardian notification is appropriate based on student age and circumstances. According to Shelly Reggiani, Ed.D, Senior Director of Learning, Equity, and Communications with COSA, students are in the driver’s seat and call the shots regarding their well-being at school. “This is their journey.” Reggiani stated that guidance is to change the names of students if tied to their gender identity. She said, a school district’s “obligation is to keep the student safe.”

Under Title IX, a school must treat students consistent with their gender identity even if their education records or identification documents indicate a different sex. The Departments (U.S. Department of Justice and U.S. Department of Education) have resolved Title IX investigations with agreements committing that school staff and contractors will use pronouns and names consistent with a transgender student's gender identity.

Referring to students by their asserted name (i.e. preferred name, chosen name, name) is a sign of respect and care. An asserted name is defined as the name the student wishes to go by and have others use. This includes the asserted names of transgender and gender expansive students as determined by the student and for students not yet able to advocate, with parents and guardians.

Pronouns corresponding to the student's gender identity should be used in a manner that matches the student's stated preference. Use of vocabulary words and contemporary and accurate and inclusive terminology, including the use of pronouns, are appropriate and need to be commonly known and normalized to help all students feel safe in our schools.

While unintentional mistakes may occur, district staff, including substitutes, may not intentionally refuse to use a student's asserted name and pronouns that correspond with the student's gender identity. Intentional or unintentional continuous misgendering of a student by refusing to use their asserted name and pronouns can potentially create a hostile environment.

Consistent with SSD's JOC Policy (Legal Name of Students) and school administrator approval, when honoring a request for a *first* name change, this will be entered into our Student Information System (SIS) with a cross-referencing system to locate the student's records with the student's legal name (this includes student transcripts). A student's pronouns will be listed in the SSD Student Support Plan shared with staff in the SIS as well as whether the name change is confidential and other information pertinent to the individual student. There are occasions when the student and their family are not in agreement on the use of an asserted name and/or pronouns.

### **SCHOOL AND OFFICIAL RECORDS**

For many LGBTQ+ students (particularly transgender, nonbinary, and gender expansive students), being able to alter their school records and documents is personally and legally important. Not only does having the appropriate name and gender listed reflect and validate their identity, but it also allows them to avoid continually having to explain why they use a name different from their birth name and why their appearance does not match a photo or gender designation on an identification card or other school records. Moreover, updated records and documents can ensure LGBTQ+ students will not be inadvertently outed and will help protect them from discrimination when they apply for jobs and seek admission to college.

SSD may change a current or former student's gender and legal first name upon request from the student, parent, or legal guardian. The change must be requested in writing or via a Student Support Plan and the first name change must be related to the student's gender identity. There is no need for the student to "prove" his/her new gender. A parent checking a box on the student registration form likely made the original gender designation. The student's or parent's latter declaration of a change in gender is also acceptable.

In general, there is an expectation that the legal name in school records be consistent with the legal name of the student. In the case of transgender students, it may be necessary to deviate from this practice to support and protect the student from being inadvertently outed and potentially exposed to bullying and harassment. Additionally, transgender students, often make the transition in stages and may not be ready to complete the legal name change process.

If the student is 18 years or older, parent involvement is encouraged but not required. If an LGBTQ+ student under the age of 18 wishes to make a name and/or gender change in the student information system and does not have parent or guardian support, staff should contact a school administrator in order to create a Student Support Plan for the student and to determine the best way to proceed following district, state, and federal guidelines.

To support our LGBTQ+ students, below is a sample procedure for a record change (first name and/or gender):

- Receive written request for gender and/or legal first name change from the student, parent, or legal guardian or via a request for a Student Support Plan meeting. If written request is provided, date the request and include it with the Student Support Plan (student's case manager is either a school administrator or a school counselor working with the guidance/support of a school administrator). The meeting will be scheduled within 10 school days of student or family request.
- If applicable, invite parent(s)/guardian(s), and/or other student-identified advocate(s) to meeting with student and administrator/counselor for creating the Student Support Plan (*see page 11 for a sample of the Student Support Plan form*).
- District staff will keep students' gender-identity status confidential to the extent allowed under Family Education Rights Privacy Act (FERPA) in their communications. School staff will not disclose any information that may reveal a student's gender-identity status to others, including guardians, caregivers, other school staff, and students, unless the student has authorized such disclosure, or the staff member is legally required to do so. Disclosure of student's gender-identity status may be necessary where the school must do so pursuant to Oregon law regarding notifications of bullying or harassment; or where the health, safety, or welfare of the student is at stake. The student must be notified of this prior to the disclosure occurring.
- Before updating student's gender and/or student's name in the School Information System (SIS), use the Autofill option on the Protected Information Tab under "Student." This is reserved for legal identifying information, which is used for state reporting as well as allows transcripts to be printed with student's asserted name or legal name. Note: The student retains the same SSID (secure student identification)
- Update the student's gender in the student information system (if requested).
- Replace the student's legal first name with the new asserted name in the Student Information System (SIS). If the name change is confidential, the name will be placed in the nickname field of the SIS and teacher rosters should be updated to recognize this field.
- Notify staff members who have an educational interest. This is done by the case manager placing information from the Student Support Plan in the Student Information System under "Student Notifications" using the "Special Circumstances Contact Office" option, which will place a "blue siren icon" on the student's profile and will display the information a teacher/staff member needs to know to support the student.
- Notify the appropriate technology or information services personnel of the district of the student's name and/or gender change so the student's accounts can be updated and the SSID can be maintained. This avoids the inadvertent creation of a duplicate record. If a student has requested an email name change, submit this as well. Advise student that the email address change is processed once every school year. Due to the number of accounts and associated changes that must be made, email name changes should carefully be considered.

Last names cannot be changed without legal name change documentation.

A student may also have a legal name change. In this case, the student and/or family may present a copy of the legal court document to the school secretary who will then change the legal name within the student information system.

#### Class Lists with Asserted Names and Pronouns:

When class lists are produced for attendance (or other school purposes such as celebrations or yearbook photos, awards, programs, etc.), schools should use a student's asserted name unless the student says otherwise. Siuslaw School District has created a report entitled **Class Roster**,<sup>3</sup> which allows for Student Name Override.

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<sup>3</sup> **STU409 Class Roster, click Sort/Output, select Student Name Override and Nick Name and Last Name Goes By.**

### Transcripts and Other Official Documents:

When a student changes a name and/or gender through a legal process, official records will be sent to colleges and other institutions of the student's request under the student's legal name.

When a student has not had a legal name change, the student and/or parent can choose to have these records sent under the legal or asserted name. Siuslaw School District will produce transcripts and diplomas/certificates in both the legal and asserted name upon request.

### Students Who Transfer to Other District/School:

If we have updated a student's record to reflect a student's asserted name or gender/gender marker, we will communicate to the new school how the record was updated to avoid confusion or data issues with the student's new school. Support plans that are in place for the student may be shared with the new school, if appropriate, which can assist the new school in understanding the needs of the student. SSD requires a consultation with a gender expansive student and/or parents/guardians prior to a transfer to determine the most supportive approach to transferring the student's records in alignment with records retention laws.

### Special Education/Section 504 Records:

Records required under federal law, including Individuals with Disabilities Education Act (IDEA) and Section 504 plan records, must meet legal requirements while balancing respect for student privacy. All IDEA and Section 504 plan records will reflect a student's gender as asserted by the student, including in the sex or gender marker designation and in pronoun use throughout the documentation. However, both IDEA and Section 504 require the maintenance of historical documentation, which may have the consequence of outing a student against their will. SSD must maintain historical records consistent with the requirements of state and federal law, which could include amending them to accurately reflect a student's gender identity when requested by a parent/guardian or eligible student. Federal regulations related to FERPA allow for parents and caretakers and eligible students to request the amendment of information in their education records when they believe that the information is inaccurate, misleading, or in violation of their privacy rights.<sup>4</sup> SSD will carefully consider each student's individual context when considering amendment of records. SSD will take care to ensure that historical records are stored in an appropriately confidential manner, that access is restricted to only those with a legitimate educational interest.

## **RESTROOM AND LOCKER ROOM ACCESSIBILITY**

Students can access facilities that correspond to their gender identity. Gender-specific restrooms and locker rooms may meet the needs of many students, however, not all students feel safe in gender-specific, multi-user facilities. To that end, students and the school community are welcome to use \*single-user restrooms when available. Additionally, some restrooms on all three campuses have been fitted with floor to ceiling stalls. These restrooms benefit many members of a school community including:

- Students and adults who desire increased privacy for any reason.
- Parents/guardians assisting their child while visiting the school.
- Individuals with disabilities who may want greater privacy.

*\*Single-use restrooms are accessible from each school office. SHS also has a gender-neutral bathroom available to all students on a Student Support Plan who wish to use this option. There is also a gender-neutral bathroom available to all staff at SHS. SHS locker rooms also have individualized changing areas with curtains for privacy.*

In 2020, the Ninth Circuit Court of Appeals upheld the right of a transgender Oregon student to access facilities consistent with their gender identity.<sup>5</sup> The court's decision affirmed that there is no violation of Title IX, privacy rights of other students, or parental rights when schools support transgender students in gender-affirming restroom, locker room, and other facility usage. Various other courts have affirmed similar protections for students in other regions of the country.<sup>6</sup>

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<sup>4</sup> 34 CFR 99.20

<sup>5</sup> Parents for Privacy v. Barr, 949 F3d 1210 (9<sup>th</sup> Cir 2020)

<sup>6</sup> Grimm v. Gloucester Cnty Sch Bd, 972 F3d 586 (4<sup>th</sup> Cir 2020); Adams v. Sch Bd of St. Johns Cnty, 986 F3d 1286 (11<sup>th</sup> Cir 2020); Doe v. Boyertown Area Sch Dist, 897 F3d 518 (3<sup>rd</sup> Cir 2018); Whitaker v. Kenosha Unified Sch Dist, (7<sup>th</sup> Cir 2017)

Our Student Support Plan for gender expansive students may include allowing a student to access all facilities, allowing them access to the facilities that most closely align with their gender identity or that make them feel the most safe and comfortable, or any other individualized plan that provides the student with facility access options and that does not discriminate against the student based on their gender identity.

Additionally, the Menstrual Dignity for Students program requires that school districts provide free menstrual products within all student bathrooms in order to serve elementary, middle, high school, and postsecondary students who menstruate<sup>7</sup>. Thus, SSD provides menstrual products in all our student bathrooms.

### **CLOTHING AND HAIR EXPECTATIONS AND EXPRESSION**

Siuslaw School District dress code promotes appropriate grooming and hygiene, prevent disruption and avoid safety hazards. Dress should be appropriate for the work students do in each classroom setting, not specific to gender or gender identity. Students have the right to freedom of expression in their dress as long as it is not inappropriate, puts any student in danger, disrupts the classroom environment, and does not interfere with another student(s) access to education. Student clothing should be suitable for the classroom environment and not assigned by gender norms. For example, choir performance clothing could state, “Students will wear all black clothing and black shoes for performances,” instead of gender-assigned dresses and pants. Clothing and hair are also a part of cultural expression. For more specifics on our dress code, see JFCA and JFCA-AR for our Student Dress and Grooming policies.

### **PARTICIPATION IN PHYSICAL EDUCATION AND OSAA ATHLETICS & ACTIVITIES**

While most physical education activities should be coeducational and gender inclusive, Title IX and Oregon law allows schools to separate students by sex/gender during contact sports in physical education classes.<sup>8</sup> In cases where students are separated by sex/gender, gender-expansive students may participate in accordance with the student’s asserted gender identity. We accommodate all students who do not feel safe or comfortable playing contact sports on either gender-separated team. Students may participate with students of their gender identity, and this includes but is not limited to uniforms and or clothing that corresponds with the student’s gender identity expression.

Oregon public high schools follow the Oregon School Activities Association (OSAA) established policy addressing participation in interscholastic sports by transgender and transitioning students in Section 39(B).

#### **The 2022-2023 OSAA Handbook states under Participation:**

For both historical reasons, as well as reasons related to compliance with Title IX, interscholastic athletics and activities have typically been divided by gender, with a few exceptions. Formulating new processes to address concerns about participation regardless of a student's gender identity requires a new approach to eligibility, an approach reflected in these policies. In interpreting these policies, the OSAA recognizes the value of activities and sports for all students and the potential for inclusion to reduce harassment, bullying and barriers faced by certain students.

- 1) As is true with all eligibility determinations, the student’s member school will be the first point of contact for determining the student’s eligibility. When a student registers for athletics or activities, the student shall indicate the student's gender during that registration process, consistent with other school enrollment procedures. Athletics and activities personnel should refer to member school processes for registration/enrollment information. Disputes regarding these gender identity determinations will be resolved solely at the member school level; because of the diversity of private and public school rules that may bear on such determinations, and gender identity issues being particularly sensitive, the OSAA will not hear any appeal of a member school's determination made under this section.
- 2) Subject to #1, once a **transgender student** has notified the student's school of their gender identity, the student shall be consistently treated as that gender for purposes of eligibility for athletics and activities, provided that if the student has tried out or participated in an activity, the student may not participate during that same season on a team of the other gender.

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<sup>7</sup> Oregon HB 3294 (2021), OAR 581-021-0587, OAR 581-021-0590, OAR 581-021-0593, OAR 581-021-0596

<sup>8</sup> 34 CFR 106.34(a); 58-021-0046(1)(c)

- 3) Subject to #1, once a **nonbinary or intersex student** has notified the student's school of their gender identity, the student shall be treated as either gender for purposes of eligibility for athletics and activities that are gender-segregated or gender-specific, provided that If the student has tried out or participated in athletics or an activity that is gender-specific or gender-segregated, the student may not participate during that same season on a team of the other gender.

## SCHOOL PROGRAMS & ACTIVITIES

School clubs and activities help many LGBTQ2SIA+ students find a sense of safety and belonging. Research has demonstrated that school co-curricular activities, such as athletics and clubs, help students thrive academically, find a sense of belonging in their communities, and retain their commitment to their education.<sup>9</sup>

The same Oregon law that prohibits discrimination in public education also applies to school activities, including clubs, athletics, and other co-curricular programs. Title IX similarly prohibits sex discrimination, including gender identity discrimination, in any part of a school's educational programs or activities. We will ensure that all our programs and activities are free from discrimination based on gender identity and that gender expansive students are able to access the full spectrum of the school's programmatic offerings.

### Gender-Based Activities and Single-Sex Programs:

Because discrimination based on sex is prohibited by state and federal law, sex-segregated activities should be rare in public education programs. Title IX only allows single-sex programs in specific, limited circumstances, such as in specific human sexuality education lessons and in contact sports.<sup>10</sup> Other single-sex programs may be allowed on a limited basis if they are linked to an important educational objective of the school, are voluntary, and if a substantially equal program is available for any excluded students.<sup>11</sup> These provisions apply to all parts of the school's educational programs and activities, including programs run by outside organizations to which the school is providing significant assistance.<sup>12</sup> When single-sex or gender-based activities are offered, we allow gender expansive students to participate in accordance with their asserted gender identity. We are aware that some gender expansive students, such as Two Spirit, transgender, nonbinary, intersex, genderfluid, genderqueer, or agender students, may not feel comfortable participating in programs or activities for either boys or girls. The most inclusive option is to eliminate or limit gender-based and single sex programs or practices in order to avoid creating uncomfortable or unwelcoming environments. For example, rather than dividing students by gender to group students (as this serves no clear pedagogical purpose), utilize other division methods such as using student birthdays, first letter of name, or any other division that does not identify students by a protected class identity.

### Student Organizations and GSAs:

In many schools across Oregon, LGBTQ2SIA+ students have come together to form Gender and Sexuality Alliances (GSAs), Pride Clubs, or similar organizations. These organizations are designed to provide a safe and supportive environment for LGBTQ2SIA+ students and their allies to discuss topics related to gender identity and sexual orientation. Various research has shown the benefits of these organizations for students. The CDC states that GSAs serve as a protective factor that promotes positive health outcomes for gender expansive youth,<sup>13</sup> and a report from GLSEN shows that students in schools with GSAs tend to hear fewer negative remarks about the LGBTQ2SIA+ community and are less likely to experience bullying and harassment.<sup>14</sup> Siuslaw High School has a GSA Club and Siuslaw Middle has a Social Justice Club. These are important safe and affirming spaces for LGBTQ2SIA+ students and allies.

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<sup>9</sup> Motivation Towards Extracurricular Activities

<sup>10</sup> 34 CFR 106.34

<sup>11</sup> Q&A on Single Sex Programs, U.S. Department of Education Office for Civil Rights, December 2014

<sup>12</sup> Dear Colleague Letter on Voluntary Youth Service Organizations, U.S. Department of Education Office for Civil Rights, December 2015

<sup>13</sup> Protective Factors for LGBTQ Youth: Information for Health and Education Professionals, Centers for Disease Control, December 2019

<sup>14</sup> From Teasing to Torment: School Climate Revisited, A Survey of U.S. Secondary School Students and Teachers, GLSEN, 2016

### Travel:

Gender-expansive students are treated consistent with their gender identity on any school trips, including in assignment of overnight accommodations. We consult with gender expansive students to proactively address any safety and access concerns students may have, which can include room assignments or roommates, booking additional accommodations, and ensuring facilities access at all travel destinations. We also take the safety of gender expansive students into account when planning travel locations.

## **STUDENT SUPPORT PLAN**

The school will work closely with the student and family (depending on circumstances) in documenting a plan to maintain confidentiality and inform staff on a need-to-know basis. This plan is driven by the student's needs and the family's input as well as advocates, as appropriate, and updated as needed for accuracy. If a written student support and safety plan is developed, it is considered part of a student's educational record and may be subject to disclosure to parents and caregivers or other parties with a legitimate educational interest under the Family Education Rights Privacy Act (FERPA). However, FERPA applies a level of confidentiality in all aspects of a student's identity. The student's case manager for a Student Support Plan is either a school administrator or a school counselor working with the guidance/support of a school administrator. SSD may utilize policies to protect the privacy of student records if student safety may be compromised by the disclosure of those records.

When creating the student support plan, SSD case managers will explain that if a student wishes their gender identity to remain confidential, the school will offer supportive and affirming options though some specific supportive options might compromise the confidentiality the student has requested. To view the SSD Student Support Plan, visit this link: <https://5il.co/1rb7y>

## **BULLYING, HARASSMENT, DISCRIMINATION & REPORTING**

"Harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities, or performance, that takes place on or immediately adjacent to district grounds, at any district-sponsored activity, on district-provided transportation or at any official district bus stop, that may be based on, but not limited to, the protected class status of a person, having the effect of:

- Physically harming a student or damaging a student's property.
- Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property.
- Creating a hostile educational environment including interfering with the psychological well-being of the student and may be based on, but not limited to, the protected class of the person. "Protected class" means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, familial status, source of income, or disability.

School District policies establish positive and productive learning environments where hazing, harassment, intimidation or bullying, menacing, and acts of cyberbullying by students, staff, and third parties toward students are strictly prohibited. When an act of harassment, intimidation, bullying, or cyberbullying is based on a student's gender identity, it must also be treated as **discrimination**. Under Oregon law, discrimination means "any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, or gender identity."<sup>15</sup> Staff receive training and information on what constitutes gender identity discrimination annually and how to report it as well as how to step in and intervene on any discrimination they witness from students or other staff. State and federal law require a process for the prompt resolution of complaints of discrimination.<sup>16</sup>

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<sup>15</sup> OAR 581-021-0045(1)(a)

<sup>16</sup> OAR 581-022-2370

### Reporting:

Building administrators will take reports and conduct a prompt investigation of any report of an act of hazing, harassment, intimidation or bullying, menacing, and acts of cyberbullying. Any employee who has knowledge of conduct in violation of this policy shall immediately report his/her/their concerns to the building administrator who has overall responsibility for all investigations. Failure of an employee to report an act of hazing, harassment, intimidation or bullying, menacing or an act of cyberbullying to the building administrator may be subject to remedial action, up to and including dismissal.

Due to the nature of sexual harassment, a complaint will be held in confidence insofar as possible. SSD will only release sexual harassment complaint information to appropriate individuals in order to investigate the complaint and take corrective action. Efforts will be made to provide appropriate relief for the impacted person, including preventing and/or taking corrective action against retaliation. Retaliation against persons who initiate a complaint or otherwise report harassment covered by this policy or who participate in an investigation or other related activities is prohibited. Any individual who experiences retaliation is encouraged to make a report to the school administrator.

For more specifics, see Siuslaw School District policies on bullying and harassment: JFCF (Hazing, Harassment, Intimidation, Bullying, Cyberbullying, Teen Dating Violence, or Domestic Violence- Student), JBA/GBN (Sexual Harassment), and other associated policies, which include JBA/GBN-AR(1), JBA/GBN-AR(2), GBNA-AR, GCBDC/GBDDC, and GCBDC/GBDDC-AR.

All gender identity discrimination, including bullying and harassment based on gender identity, should be reported to the district's Title IX Coordinator, Lisa Utz, or another school official authorized to carry out the school's Title IX response (building and district administrators). Gender identity discrimination may be reported to the U.S. Department of Education's Office for Civil Rights (OCR). For an appeal to a complaint originally made to our district, this may be reported to the Oregon Department of Education (ODE).

### Federal Discrimination Complaints:

Complaints to OCR must generally be filed within 180 days of the discrimination, but that requirement may be waived.<sup>17</sup> If a complaint is filed after 180 days, the complainant may be asked to show good cause as to why the filing was delayed.<sup>18</sup> If the complainant has already filed a complaint with their school or district, they can file a complaint with OCR up to 60 days after the conclusion of the school/district's grievance process.<sup>19</sup>

### State Discrimination Complaints:

ODE can accept protected class discrimination complaints, including complaints about gender identity discrimination, on appeal.<sup>20</sup> Generally, an appeal can be submitted to ODE once a district has either failed to respond to a complaint or issued a final decision.<sup>21</sup> ODE must receive the discrimination appeal either one year after the date that a district issues a final decision, or if a district has failed to resolve the complaint, but no later than two years after the date the complainant first filed the complaint with the district.

### Division 22 Complaints:

The rules contained in Division 22 of the Oregon Administrative Rules (OARs) are the educational standards that the Oregon Legislature or the State Board has determined must be met in order to be a standard school district. A number of rules within Division 22 requires our districts to teach to specific curricular standards. Any student, parent, caregiver, or community member who believes that SSD is not fulfilling its obligation to adhere to these rules may file a complaint.<sup>22</sup>

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<sup>17</sup> 34 CFR 100.7(b)

<sup>18</sup> OCR Case Processing Manual. Sections 106-107, U.S. Department of Education Office for Civil Rights

<sup>19</sup> OCR Case Processing Manual. Sections 106-107, U.S. Department of Education Office for Civil Rights

<sup>20</sup> OAR Chapter 581, Division 2

<sup>21</sup> OAR 581-002-0005

<sup>22</sup> OAR-581-02-2370



The complaint must be made first to the district, following the SSD public complaint policy found on the home page of our website ([www.siuslaw.k12.or.us](http://www.siuslaw.k12.or.us)) or by contacting a building administrator, district administrator, or other school official. If the SSD decision is unsatisfactory, the decision may then be appealed to ODE.<sup>23</sup> Appeals are subject to specific timelines outlined in the administrative rule.

#### Student Records Change Hearings:

Parents or eligible students have the ability to request that a school or educational agency update or remove information in a student's record that is inaccurate, misleading, or in violation of a student's privacy rights.<sup>24</sup>

Families/students may request gender-affirming updates of a student's education records, such as reflecting the student's asserted name, sex, and pronouns as applicable, or requesting that a student's legal name or deadname be stored confidentially.

If upon a request SSD decides not to amend the educational record,<sup>25</sup> SSD must inform the party and explain that they have a right to a hearing. The hearing allows the party to challenge the record through statements and evidence.<sup>26</sup> If SSD still decides to reject the change after the hearing, the party may submit a statement commenting on the contested information.<sup>27</sup> SSD must then maintain the statement along with the record for as long as SSD is required to maintain it, and must provide the statement whenever SSD is required to disclose the contested information in the record.<sup>28</sup> If the parent or eligible student believes the SSD decision not to update the student records is discriminatory, they can file a discrimination complaint.

### **INSTRUCTIONAL MATERIALS, EDUCATION STANDARDS, AND OPT-OUT**

SSD (through our school board) must provide students with instructional materials that align with the state standards set out in Oregon Administrative Rules Chapter 581, Division 22.<sup>29</sup>

#### Equity in Instructional Materials:

Evaluation and adoption of instructional materials is on a cycle established by the State Board of Education.<sup>30</sup> Oregon administrative rules detail the need for non-discriminatory instructional materials for LGBTQ2SIA+ students.<sup>31</sup> The evaluation criteria for each content area requires that all adopted instructional materials, whether evaluated by ODE or by school districts within an independent review, promote respect for all identities covered by the protected classes defined in Oregon law, including gender identity.<sup>32</sup>

#### Health Education:

The rules for human sexuality education require SSD to use gender-inclusive instructional strategies, which may include strategies such as separating students by gender or offering all-gender spaces for sexuality education instruction.<sup>33</sup> Separating students and lesson content based on gender may cause gender expansive students distress for a number of reasons. All-gender classrooms provide an opportunity for students to learn about, and to empathize with, one another's experiences, which may reduce the shape and stigma associated with sexual and reproductive health topics. Research shows that when students learn about health, bodies, relationships, and identities alongside their peers and as a community, shared norms are built around safety, empathy, and gender-based violence and schools see lower levels of bullying.<sup>34</sup>

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<sup>23</sup> OAR Chapter 581, Division 2

<sup>24</sup> OAR 581-021-0300

<sup>25</sup> OAR-581-021-0300

<sup>26</sup> OAR 581-021-0310

<sup>27</sup> OAR 581-021-0310

<sup>28</sup> OAR 581-021-0310

<sup>29</sup> Division 22 Assurance of Compliance, Oregon Department of Education

<sup>30</sup> OAR 581-022-2355

<sup>31</sup> OAR 581-021-0046(6)

<sup>32</sup> ORS 337.035; OAR 5814-011-0061; ORS 659.850; OAR 581-021-0045

<sup>33</sup> OAR 581-022-2050(6)(q)

<sup>34</sup> Three Decades of Research: The Case for Comprehensive Sex Education, Eva S. Goldfarb, Lisa D. Lieberman, October 2020, Journal of Adolescent Health

In cases where students are separated, gender expansive students must be permitted to participate in accordance with the student's asserted gender identity, or within whichever section they are most comfortable. As a trauma-informed best practice, all students will be informed ahead of time that they will need to decide which group to attend so that gender expansive students have ample time to ask for support if needed. SSD is aware that some gender expansive students may not feel comfortable participating in either gender-specific group, and we are prepared to accommodate all students who do not feel safe or comfortable within gender-specific sexuality education lessons.

#### Social Science: Ethnic Studies Standards:

With the passage of the Ethnic Studies and Inclusive Education law in 2017, ODE was required to develop and adopt through the State Board of Education new social science standards and instruction that includes the study of "ethnic and social minorities," which encompasses LGBTQ2SIA+ individuals. In 2019, HB 2023 required the identification of instructional materials supportive of the new standards. These laws require ODE to create standards, offer professional development, and ensure that instructional materials adequately address the contributions of LGBTQ2SIA+ communities.<sup>35</sup> The Ethnic Studies Integrated Social Science Standards, adopted in 2021, include content standards that address LGBTQ2SIA+ identities, histories, and perspectives, for grades K-12.<sup>36</sup>

#### Social Emotional Learning Framework and Standards:

With the passage of HB 2166 (2021), ODE is required to oversee the development of a social emotional learning framework and education standards for K-12 schools in alignment with ODE's Integrated Model of Mental Health that "promote[s] self-awareness, awareness of others, critical thinking, and understanding regarding the interaction between systemic social structures and histories, contributions and perspectives of individuals," naming LGBTQ2SIA+ youth as one required student population to support.<sup>37</sup> Note: The final framework and standards, including implementation requirements, will be posted to the ODE website when they are completed.

#### Opt-Out and Exemption:

Gender identity, gender expression, and sexual orientation are topics that may come up in multiple classes and school contexts, including in the required Health Education Standards and Performance Indicators.<sup>38</sup> Oregon law provides for two types of "opt outs" from a state required curriculum, program, or learning activity, both of which are outlined below:

##### **1) Comprehensive Sexuality Education Plan of Instruction Opt-Out**

A parent or guardian may opt their student out of any portion of the comprehensive sexuality education plan of instruction and any portion of a course education concerning sexually transmitted infections including recognition of causes, sources, and symptoms, and the availability of diagnostic and treatment centers by simply making a request to the district in writing.<sup>39</sup>

##### **2) Students' Disabilities of Religious Beliefs Accommodation Exemption**

For all other state required curriculum, program, or learning activity, the parent or guardian may request an exemption.<sup>40</sup> Under the rule, parents may request that their student be excused from a state required program or learning activity, where necessary, to accommodate a student's disability or religious beliefs. To request an exemption, the parent must submit a written request listing the reasons for the request and setting forth a proposed alternative for an individualized learning activity that substitutes for the period exempt from the program and meets the goals of the learning activity or course being exempted. School district personnel must evaluate and approve the request. The request is then put to the local school board for approval. If approved by the local school board, the district may approve the request and grant credit for the alternative learning activity.

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<sup>35</sup> Oregon HB 2845 (2017); Oregon HB 2023 (2019); ORS 329.045; ORS 326.051; ORS 329.451

<sup>36</sup> 2021 Social Science Standards Integrated with Ethnic Studies, Oregon Department of Education

<sup>37</sup> Oregon HB 2166 (2021), Section 4(2)(e)(E)

<sup>38</sup> Oregon Health Education Standards and Performance Indicators (Grades K-12), Oregon Department of Education, October 2021

<sup>39</sup> ORS 336.035, ORS 336.435, and OAR 581-022-2050

<sup>40</sup> OAR 581-021-0009

The opt-out exemption rules apply to individual students and is not a process to eliminate an entire program of instruction, curriculum, student club, or activity.

If a parent requests their child be opted out of all future school activities related to gender identity and expression, Siuslaw School District building administrators will discuss with the parent; however, the request is likely not applicable for exemption under OAR 581-021-0009 because the request is not made to accommodate the student's disability or religious beliefs. The opt-out under OAR 581-022-2050 does not apply because OAR 581-022-2050 narrows opt-out rights to only pertain to material included within the comprehensive sexuality education plan of instruction.

It is important to note that different treatment based on gender identity or any other protected class in schools may be discriminatory under civil rights laws.<sup>41</sup> This could include making special rules for school curricula or other programs.

*Siuslaw School District is committed to making school a place where all students and all educators can thrive and support each other every day. This Resource Guide includes gender-affirming laws and policies including local school board policies and school procedures in support of our gender-expansive students.*

*The two primary resources for this document were from the Oregon Department of Education:*

- 1) Guidance to School Districts: Creating a Safe and Supportive School Environment for Transgender Students (May 2016)*
- 2) Supporting Gender Expansive Students: Guidance for Schools (January 5, 2023).*

*According to Colt Gill, Director of the Oregon Department of Education and the Deputy Superintendent of Public Instruction, the document Supporting Gender Expansive Students: Guidance for Schools was “developed in partnership with students, families, school districts, community-based organizations, and state agency partners. This updated guidance was written during a period of a year and a half where we saw record numbers of proposed and, sometimes, passed legislation, political vitriol, and dehumanizing media coverage against gender-affirming education and healthcare nationwide. We have seen instances of and heard growing concerns from families and communities surrounding the oppression and violence faced by gender expansive youth, families, and school staff here in our Oregon communities. National data demonstrates the impact of anti-transgender legislation on nonbinary youth, in addition to ongoing racist, transphobic, and homophobic harm experienced by LGBTQ2SIA+ youth of color in the United States.”*

*An Oregon student explained, “Acceptance feels like a low bar, similar to tolerance.” It is our responsibility to move beyond mere tolerance and inclusion toward respectful, affirming, and celebratory school communities where all students belong and succeed.*

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<sup>41</sup> 20 USC 1681, 34 CFR 106; ORS 659.850; OAR 581-021-0045