

Milford School District

Administrative Procedure (JBAB-R)

TRANSGENDER AND GENDER NONCONFORMING STUDENTS

I. PURPOSE

As the laws require all District programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity, this administrative procedure is designed to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

II. DEFINITIONS

The definitions provided here are not intended to label students, but rather are intended to assist in understanding this administrative procedure and the legal obligations of District staff. Students may or may not use these terms to describe themselves.

"Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the sex they were assigned at birth. Everyone has a gender identity.

"Transgender" describes people whose gender identity is different from their sex assigned at birth. This involves more than a casual declaration of gender identity or expression, but it does not require a medical diagnosis.

"Gender expression" refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.

"Gender nonconforming" describes people whose gender expression differs from stereotypical expectations traditionally associated with their assigned sex at birth.

III. DISTRICT PRACTICES

This administrative procedure will be used to address needs raised by transgender students and/or their parent(s)/guardian(s):

- A. A transgender student and/or their parent(s)/guardian(s) should contact the student's counselor or building administrator. In the case of a student who has not yet enrolled in school, the appropriate building administrator should be contacted.
- B. A meeting should be scheduled to discuss the student's particular circumstances and needs. In addition to the student and the building administrator, participants may include parent(s)/guardian(s) school counselor, school nurse, teachers and/or other school staff (including from the sending school), and possibly outside providers who can assist in developing a plan for that student.
- C. A written plan will be developed by the school, in consultation with the student, parent(s)/guardian(s) and others as appropriate, to address the student's particular needs. The school may request documentation from medical providers or other service providers as necessary to assist staff in developing a plan appropriate for the student.
- D. If the parties cannot reach an agreement about the elements to be included in the plan, the Superintendent shall be consulted as appropriate.

IV. GUIDANCE

A. Privacy

The District recognizes a student's right to keep private one's transgender status or gender nonconforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential information. School personnel should not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure.

Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.

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

B. Official Records

The District is required to maintain a mandatory permanent pupil record ("official record") that includes a student's legal name and legal gender. However, the District is not required to use a student's legal name and gender on other school records or documents. The District will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

C. Names/Pronouns

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records.

D. Restroom Accessibility

Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such a restroom.

E. Locker Room Accessibility

The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals of equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. Transgender students should have access to the locker room that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be

provided in a way that protects the student's ability to keep his or her transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

F. Discrimination/Harassment

It is the responsibility of each school and the District to ensure that transgender and gender nonconforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.