

TRANSGENDER AND GENDER NON-CONFORMING STUDENT GUIDELINES

A. Purpose

The purposes of these guidelines are 1) to foster a learning environment that is safe and free from discrimination, harassment, and bullying; and 2) to assist the educational and social integration of transgender and gender non-conforming students in our schools. These guidelines are intended to be interpreted in light of applicable federal and state laws and regulations, as well as Board policies, procedures, and school rules.

These guidelines are not intended to anticipate every possible situation that may occur, since the needs of particular students and families differ depending on the student's age and other factors. In addition, the programs, facilities, and resources of each school also differ. Administrators and school staff are expected to consider the needs of students on a case-by-case basis, and to utilize these guidelines and other available resources as appropriate.

B. Definitions

The following definitions are not intended to provide rigid labels for students, but to assist in discussing and addressing the needs of students. The terminology in this area is constantly evolving, and preferences for particular terminology vary widely. Administrators, school staff, volunteers, students, and others who interact with students are expected to be sensitive to the ways in which particular transgender and gender non-conforming students may wish to be identified.

1. Sexual orientation – Sexual orientation is defined in the Maine Human Rights Act as an individual's "actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression." This is the only term related to these guidelines that is defined in Maine law.
2. Gender identity – a person's deeply held sense or psychological knowledge of their own gender. One's gender identity can be the same or different than the gender assigned at birth.
3. Gender expression – The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
4. Gender non-conforming: A term for people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify as multiple genders. Other terms that can have similar meanings include gender diverse or gender expansive. Related terms included in gender non-conforming for the purposes of this policy include Non-binary or Gender-queer which are used by those who identify with neither, both, or a combination of genders.
5. Transgender – An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth.
6. Transition – The process by which a person goes from living and identifying as one gender to

living and identifying as another. For most elementary and secondary students, this involves no or minimal medical interventions. In most cases, transgender students under the age of 18 are in a process of social transition from one gender to another.

C. Addressing the Needs of Transgender and Gender Non-Conforming Students

For the purposes of these guidelines, a student will be considered transgender or gender non-conforming if, at school, he/she consistently asserts a gender identity or expression different from the gender assigned at birth. This involves more than a casual declaration of gender identity or expression, but it does not necessarily require a medical diagnosis and does not apply to non-gender identity related preferences.

The following procedure will be used to address needs raised by transgender or gender non-conforming students and/or their parent(s)/guardian(s).

1. A transgender or gender non-conforming student or his/her parent(s)/guardian(s) should contact a building administrator (principal or dean-of-students) or the student's school counselor or other school employee. In the case of a student who has not yet enrolled in school, the appropriate building administrator should be contacted. In the case where a student initially contacts another school employee, the employee should respect the student's privacy and not act for them but should build trust with the student and encourage the student to contact a building administrator or school counselor, so that the rest of this policy can be implemented.
2. A meeting should be scheduled to discuss the student's particular circumstances and needs. Typically, the meeting must include the student and one or more of the school counselor and building administrators. The parents should also be included if they initiated the request or the student wishes their inclusion. Staff will use their best judgment as to the interests and safety of the child as to whether parents are included. The student may also request the participation of another adult advocate if they wish. Other personnel might include a social worker, school nurse, teachers, district administrators, or other staff or outside providers as appropriate who can assist in developing a plan for that student.
3. A plan should be developed by the school, in consultation with the student and others as appropriate as discussed in C (2) above, to address the student's particular needs. If the student has an IEP and/or a 504 Plan, the provisions of these plans should be taken into consideration in developing the plan for addressing transgender issues.
4. The school may request recommendations from medical providers or other service providers as necessary to assist staff in developing a plan appropriate for the student.
5. If the parties cannot reach an agreement about the elements to be included in the plan, the building administrator and/or Superintendent shall be consulted as appropriate.

D. Guidance on Specific Issues

1. Privacy: The student plan should address how to deal with disclosures that the student is transgender or gender non-conforming. In some cases, 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 should take care to follow the student's plan and not to inadvertently disclose information that is intended to be kept private or that is protected from disclosure (such as confidential medical information). School staff should keep in mind that under FERPA, student records may only be accessed and disclosed to staff with a legitimate educational interest in the information. Disclosures to others should be made with appropriate authorization from the administration and/or parents/guardians.

2. **Official Records:** Schools are required to maintain a permanent record for each student that includes legal name and gender. This official information will only be changed upon receipt of documentation that a student's name or gender has been changed in accordance with any applicable laws. Any requests to change a student's legal name or gender in official records should be referred to the Superintendent. The legal name will only be used by the school when required by state or federal law or Maine Department of Education regulations such as on standardized tests, official transcripts or official reports by the district to a government agency. To the extent that the school is not required by law or DoE regulation to use a student's legal name or gender on school records or other documents, the school must use the name and gender identified in the student's plan (examples include but are not limited to: class rolls, yearbooks, grade reports, directory listings, student ID cards, recipients of awards, diplomas, printed programs or lists showing participation in co/extra-curricular or graduation and other awards programs). Inadvertent slips and honest mistakes will not be considered a violation of the policy.
3. **Names/Pronouns:** Any student who requests to be addressed by pronouns different than typical for their gender assigned at birth for reasons of gender identity or gender expression must be addressed by school staff and other students by the name and pronouns they have requested. Inadvertent slips and honest mistakes will not be considered a violation of the policy, but a pattern of refusal to acknowledge a student's gender identity by using their chosen name and pronouns may be considered to constitute such a violation.
4. **Restrooms:** A student who has been identified as transgender or gender non-conforming under these guidelines should be permitted to use the restrooms assigned to the gender that the student consistently asserts at school. A transgender or gender non-conforming student who expresses a need for privacy will be provided with reasonable alternative facilities or accommodations such as using a separate stall or a staff facility. However, a student shall not be required to use a separate non-communal facility over his/her objection.
5. **Locker Rooms:** The use of locker rooms requires schools to consider a number of factors, including but not necessarily limited to the safety and comfort of students, the transgender or gender non-conforming student's preference, student privacy, the ages of students, and available facilities. As a general rule, transgender students will be permitted to use the locker room assigned to the gender that the student consistently asserts at school. A transgender or gender non-conforming student will not be required to use a locker room that conflicts with the gender identity consistently asserted at school. A transgender or gender non-conforming student who expresses a need for privacy will be provided with reasonable alternative facilities or accommodations, such as using a separate stall, a staff facility, or separate schedule.
6. **Other Gender-Segregated Facilities or Activities:** As a general rule, in any other facilities or activities including overnight activities when students may be separated by gender, transgender

and gender non-conforming students may participate in accordance with the gender identity consistently asserted at school. Interscholastic athletic activities should be addressed through the Maine Principals Association Transgender Participation Policy.

7. School activities outside the district: RSU 26 policies are not binding on activities at schools outside of the district for activities such as sports and extracurricular. Employees of the district chaperoning off-school activities are expected to advocate for transgender and gender non-conforming students to be treated in the same way they would at RSU 26 schools so long as it is consistent with the student's safety and privacy and ideally in consultation with the concerned student.
8. Dress Code: Transgender and gender non-conforming students may dress in accordance with their consistently asserted gender identity, consistent with any applicable requirements in the dress code or school rules.
9. Safety and Support for Transgender, Gender Non-Conforming and Transitioning Students: School staff is expected to comply with any plan developed for a transgender student and to notify the building administrator or other designated support person for the student if there are concerns about the plan, or about the student's safety or welfare.

School staff should be sensitive to the fact that transgender, gender non-conforming and transitioning students may be at higher risk for being bullied or harassed and should immediately notify the appropriate administrator if he/she becomes aware of a problem.

E. Staff Training and Informational Materials

1. The Superintendent and/or building principal shall institute in-service training and/or distribute educational materials about transgender and gender non-conforming issues to school staff as he/she deems appropriate.
2. Teachers and other staff who have responsibilities for a transgender or gender non-conforming student with a plan will receive necessary support and training in implementing the plan.
3. The district should provide from time-to-time training for all staff on transgender and gender non-conforming students, their appropriate treatment, requirements under this policy and how to support these students.

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