

Q&A Resource: Nondiscrimination – Transgender and Gender Expansive Students Policy

1. When is a student considered to be transgender?

According to PPS policy, a transgender student is one who consistently and uniformly asserts a gender identity different from the student’s assigned sex most or all of the time, or for which there is documented medical evidence that the gender identity is sincerely held as part of the student’s core identity. A student’s ability to publicly assert their transgender status may vary according to their environment or other sociocultural circumstances; for example, this particular assertion may only be present in the school environment or privately with a student support team.

2. What is the authority for the rights of transgender students?

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in school programs that receive federal financial assistance. Title IX and its implementing regulations prohibit discrimination based on a student’s gender identity, expression, or transgender status. A May 13, 2016 “Dear Colleague Letter” issued by the U.S. Departments of Justice and Education sets forth rights of transgender students that are consistent with the District’s Nondiscrimination – Transgender and Gender Expansive Students policy.

3. What do I need to know about confidentiality and disclosure of a student’s transgender status?

Transgender students have a right to keep their transgender status private at school, according to District policy. The student has the right to determine who may know their transgender status. Staff are not authorized to re-disclose a student’s transgender status without the student’s express consent, unless the school is legally required to do so. School staff are directed to consult with the Legal Department and the Title IX Compliance Officer Designee on questions of transgender student confidentiality.

4. What restroom/locker room does a transgender student use?

District students have access to facilities that correspond to their gender identity. A student may elect to use the boys’ or girls’ facilities that align with their gender identity, or may request an alternative such as a private restroom or changing area. A transgender or gender expansive student cannot be required to use a private facility. A discussion of which facilities the student would like to use should occur between the student, the student’s parents/guardians, if supportive, and the school team.

5. What accommodations exist for students who do not want to use the restroom or locker room with a transgender student?

Upon request, the student must be provided with a safe and non-stigmatizing alternative; examples: use of a private restroom or office, a privacy partition or curtain, or a separate changing schedule. School staff who are responsible for supervising students while using school facilities are directed to closely monitor activity to foster student safety.

6. What process should I follow while planning for a transgender student to participate in an overnight field trip?

Transgender students have the right to participate in overnight field trips in a manner consistent with their gender identity. An open discussion with the student and the parents/guardians, if supportive, is recommended to understand and accommodate the student's rooming preferences for the field trip.

7. Who are the mandatory members of the Transgender and Gender Expansive Student Point Team?

Each school is required by the policy to form a Point Team that will serve as a resource for all students on matters of gender identity and expression. There are no mandatory members of the Point Team, but it must be made up of individuals from different areas of the school community, including teachers, administration, social workers, counselors, parent advocates, security, health and physical education staff, and other support staff. Schools will need to identify Point Team members as soon as possible upon the start of the 2016-2017 school year. Report Point Team membership to your Assistant Superintendent and the Title IX Compliance Officer Designee, John O'Connell.

8. Which school records can be changed to reflect a student's preferred name?

The District must use the name and gender marker preferred by the student when it is not legally required to use a student's legal name and gender marker on school records or documents. School IDs, classroom rosters, and the school yearbook are some examples of places which would reflect the student's preferred name and gender. The student's official, permanent school record will be changed when the District receives documentation of a legal name/gender marker change or through amendment of a state or federally-issued identification. A discussion with the student and the parents/guardians, if supportive, should occur so that the student's needs are met and the expectations of the school are well-defined.

9. What name and gender are to be reflected for a transgender student in the Student Information System?

This determination will be made on an individual student basis. Currently, there is no field for a preferred name in eSchoolsPlus similar to what RTI once had. The contents of the District's student information system are used to populate federal and state mandated reports, as well as local automated reports such as transcripts, report cards, truancy letters and mailing labels which go home to a student's parents/guardians. Parents/guardians may not always be aware or accepting of the student's gender identity or expression. Schools should consult on a case-by-case basis with the Legal and IT Departments.

10. How do I handle complaints of bullying/harassment of a transgender or gender expansive student consistent with the new policy?

Bullying which relates to a student's gender identity or expression are potentially incidents of gender-based harassment. These types of complaints should be investigated in compliance with the District's Prohibition of Bullying/Harassment policy. A Bullying/Harassment Investigation Packet must be completed and sent to the Title IX Compliance Officer Designee, John O'Connell. The results of the investigation shall be shared with both the parents/guardians of the victim and perpetrator. Both students must be referred to SAP. If the harassment has indeed occurred, or is substantiated, appropriate corrective action must be implemented to ensure the conduct does not continue to occur.