

## 7:10-AP Administrative Procedure - Accommodating Transgender Students or Gender Non-Conforming Students

This procedure's accommodation and support guidelines advance the District's goals of providing all students equal access to a safe, non-hostile learning environment.

While there is no mandate requiring procedures for accommodating transgender students or gender non-conforming students, this procedure guides school officials through the common needs in which transgender or gender non-conforming students may request accommodations and support at school. This procedure applies to all school activities and school-provided transportation.

The Building Principal, Nondiscrimination Coordinator, and/or Complaint Manager, with input from others as appropriate, will implement this procedure. They will work with each transgender or gender non-conforming student and with the student's parent(s)/guardian(s), to manage a student's accommodations and supports on a case-by-case basis.

### Terminology and Definitions

The District uses the following terms and definitions when discussing accommodations for a transgender student or gender non-conforming student (adapted from the *Arcadia Resolution Agreement*, 7-24-2013, [www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf](http://www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf)). **Note:** Definitions are not intended to label students, but rather to assist with understanding. *Gender identity*, *sex assigned at birth*, *transgender*, and *gender transition* are defined slightly differently in a *Dear Colleague Letter* issued jointly by the U.S. Departments of Education and Justice on May 13, 2016 (see **Resources** below).

*Gender-based discrimination* is a form of sex discrimination, and refers to differential treatment or harassment of a student based on the student's sex, gender identity, gender expression, or non-conformity with gender stereotypes, that results in the denial or limitation of educational services, benefits, or opportunities. Conduct may constitute gender-based discrimination regardless of the actual or perceived sex, gender identity, or sexual orientation of the persons experiencing or engaging in the conduct.

*Sex assigned at birth* or *assigned sex* refers to the gender designation listed on one's original birth certificate.

*Gender expression* refers to external cues that one uses to represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

*Gender identity* refers to one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted, or for which there is other evidence that the gender identity is sincerely held as part of the student's core identity.

*Transgender* describes an individual whose gender identity is different from the individual's assigned sex. *Transgender boy* and *transgender male* refer to an individual assigned the female sex at birth who has a male gender identity. *Transgender girl* and *transgender female* refer to an individual assigned the male sex at birth who has a female gender identity. An individual can express or assert a transgender gender identity in a variety of ways, which may but do not always include specific medical treatments or procedures. Medical treatments or procedures are not considered a prerequisite for one's recognition as transgender. For purposes of this procedure, a *transgender student* is a student who consistently and uniformly asserts a gender identity different from the student's assigned sex, or for whom there is documented legal or medical evidence that the gender identity is sincerely held as part of the student's core identity.

*Gender transition* refers to the experience by which a transgender person goes from living and identifying as one's assigned sex to living and identifying as the sex consistent with one's gender identity. A gender transition often includes a *social transition*, during which an individual begins to live and identify as the sex consistent with the individual's gender identity, with or without certain medical treatments or procedures.

*Gender stereotypes* refers to stereotypical notions of masculinity and femininity, including expectations of how boys or girls represent or communicate their gender to others, such as through behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

*Gender non-conformity* refers to one's gender expression, gender characteristics, or gender identity that does not conform to gender stereotypes.

*Facilities* refers to facilities and accommodations used by students at school, and includes, but is not limited to, restrooms and locker rooms.

### Relevant Board Policies for Accommodations, Supports, and Inclusion of Transgender or Gender Non-Conforming Students

2:260, *Uniform Grievance Procedure*, contains the process for an individual to seek resolution of a complaint. A student may use this policy to complain about bullying. The District Complaint Manager shall address the complaint promptly and equitably.

6:65, *Student Social and Emotional Development*, requires that social and emotional learning be incorporated into the

District's curriculum and other educational programs.

7:10, *Equal Educational Opportunities*, requires that equal educational and extracurricular opportunities be available to all students without regard to, among other protected statuses, sex, sexual orientation, and gender identity.

7:20, *Harassment of Students Prohibited*, prohibits any person from harassing, intimidating, or bullying a student based on an actual or perceived characteristic that is identified in the policy including, among other protected statuses, sex, sexual orientation, and gender identity.

7:130, *Student Rights and Responsibilities*, recognizes that all students are entitled to rights protected by the [U.S.](#) and [Illinois Constitutions](#) and laws for persons of their age and maturity in a school setting.

7:160, *Student Appearance*, prohibits students from dressing or grooming in such a way as to disrupt the educational process, interfere with a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency.

7:165, *Student Uniforms*, encourages students to wear school uniforms in order to maintain and promote orderly school functions, school safety, and a positive learning environment, if adopted.

7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the comprehensive structure for the District's bullying prevention program.

7:250, *Student Support Services*, directs the Superintendent to develop protocols for responding to students' social, emotional, or mental health problems that impact learning.

7:330, *Student Use of Buildings - Equal Access*, grants student-initiated groups or clubs the free use of school premises for their meetings, under specified conditions.

7:340, *Student Records*, contains the comprehensive structure for managing school student records, keeping them confidential, and providing access as allowed or required.

#### Common Needs for Transgender or Gender Non-Conforming Students: Accommodations and Supports

The goal of an accommodation is to allow a transgender or gender non-conforming student to equally participate in educational and extracurricular opportunities. Determining appropriate accommodations must be made on a case-by-case basis.

The Superintendent may establish a gender support team that will identify accommodations for a specific student.

This following list of possible accommodation considerations is not exhaustive, and each student's request must be managed on a case-by-case basis. A particular student may not be interested in an accommodation for each item listed.

1. Gender transition
2. Names and pronouns consistent with their gender identity
3. School student records

For managing demographic information in the ISBE Student Information System, see [www.isbe.net/sis/pdf/student\\_demographics.pdf](http://www.isbe.net/sis/pdf/student_demographics.pdf).

4. Student privacy and confidentiality
5. Access to gender-segregated restrooms and locker rooms (i.e., all students are permitted to use the restroom and locker room of the gender with which they identify), as well as the District's gender-neutral restrooms
6. Sports and physical education classes - participation in competitive athletic activities and contact sports is resolved pursuant to IHSA policy #34, *Policy and School Recommendations for Transgender Participation*, [www.ihsa.org/AbouttheIHSA/ConstitutionBylawsPolicies.aspx](http://www.ihsa.org/AbouttheIHSA/ConstitutionBylawsPolicies.aspx)
7. Dress codes
8. Gender segregation or notations in other areas (e.g., class discussions)

#### Training for School Staff Members

When and where appropriate, professional development for staff members should include opportunities to gain a better understanding of equal educational opportunity laws, gender identity, gender expression, and gender diversity; the development of gender identity in children and adolescents; developmentally appropriate strategies for communicating with students and parents/guardians about issues related to gender identity; gender-affirming approaches to ensuring the safety and support of transgender students and gender non-conforming students; developmentally appropriate strategies for preventing and intervening in bullying incidents; and Board policies regarding bullying, discrimination, and student privacy.

DATED: November 29, 2016

**Oak Park Elementary School District 97 - Admin Procedures**