

# WEST MIFFLIN AREA SCHOOL DISTRICT

## ADMINISTRATIVE GUIDELINES FOR TRANSGENDER AND GENDER EXPANSIVE STUDENTS

ADOPTED: August 20, 2020

TRANSGENDER AND GENDER EXPANSIVE STUDENTS	
1. Purpose	<p>The West Mifflin Area School Board strives to provide a safe, supportive, and inclusive learning climate for all students in the schools, regardless of sex, sexual orientation, gender identity, or gender expression. These guidelines and recommendations are being adopted to provide support for administrators, teachers, support staff, and students when addressing the needs of transgender and gender expansive students.</p> <p>The District shall ensure that transgender and gender expansive students are provided with an equal opportunity to achieve their maximum potential through District programs, as well as provided with equal access to all school programs and activities.</p> <p>Furthermore, these guidelines will support healthy communication between educators and parents to realize the successful educational development and well-being of every student.</p> <p>The recommendations and guidelines set forth in this document may not anticipate every situation that might occur with respect to transgender or gender expansive students. The needs of each transgender or gender expansive student must be assessed individually. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender or gender expansive student while maximizing their social integration and minimizing any stigmatization.</p> <p>The District shall accept a student's asserted gender identity when it is determined to be a part of the student's core identity.</p>

<p>2. Definitions</p>	<p>The definitions provided here are not intended to label students but rather to assist in understanding their use within the guidelines. These are the most commonly used terms, though individuals may prefer other terms. Terminology and language describing transgender and gender expansive individuals can differ based on many factors including region, language, age, and culture. Members of the District community should inquire which terms individuals prefer. It is recognized that students may or may not use these terms to describe themselves.</p> <p><b>Preferred/Affirmed Name</b> is the name a person prefers to have used when referred to in conversation.</p> <p><b>Bullying</b> is an intentional electronic, written, verbal or physical act or series of acts directed at another student or students which occurs in a school setting, that is severe, persistent, or pervasive; and has the effect of doing any of the following: (1) substantially interfering with a student’s education; (2) creating a threatening environment; or (3) substantially disrupting the orderly operation of the school. This includes conduct that is based on a student’s actual or perceived race, color, national origin/ethnicity, religion, sexual orientation, sex, gender identity or expression, age, handicap/disability, or other legally protected classification. This also includes conduct that targets a student because of a characteristic of a friend, family member, or other person or group with whom a student associates.</p> <p><b>Designated Sex at Birth</b> is the sex description, usually “male” or “female,” designated to a person when they are born. Sex is generally designated at birth by attributes such as anatomy, chromosomes, or hormones that inform whether a person is classified as male, female, or intersex.</p> <p><b>Cisgender</b> refers to people whose sex designation at birth relates with their gender identity and expression.</p> <p><b>Consistently Asserted Gender Identity</b> is a commitment to one’s gender identity asserted across multiple settings from the time when a person begins to live as the gender with which they identify.</p> <p><b>Gender</b> reflects an individual’s appearance, mannerisms, or other related characteristics, regardless of the individual’s designated sex at birth; these characteristics can be referred to as “feminine” and “masculine.”</p> <p><b>Gender Expansive</b> is a term that conveys a wider, more flexible range of gender identity and/or expression than typically associated with a binary gender system. Gender expansive is not synonymous with transgender; not all gender expansive individuals identify as transgender. Gender expansive individuals may include “feminine” boys, “masculine” girls, and those who are perceived as androgynous. Other terms that can have similar meanings include gender non-conforming, non-</p>
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binary, and genderfluid.

**Gender Expression** is the manner in which a person's gender identity is communicated to others through behavior or physical characteristics.

**Gender Identity** is a person's innermost concept of their own gender. The responsibility for determining an individual's gender identity rests with the individual.

**Gender Pronouns** refers to the pronoun a person uses for themselves when referred to in conversation. A person may choose to go by pronouns including she, they, he, ze, or no pronouns.

### **Definitions**

**Harassment** includes but is not limited to slurs, jokes, or other verbal, graphic or physical conduct relating to an individual's race, color, religion, ancestry, sex, sexual orientation, gender identity, gender expression, national origin, age or handicap/disability.

**Ethnic harassment** includes the use of any derogatory word, phrase or action characterizing a given racial or ethnic group that creates an offensive educational environment.

**Sexual harassment** shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status.
2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.
3. Such conduct deprives a student of educational aid, benefits, services or treatment.
4. Such conduct has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile or offensive education environment.

Examples of **sexual harassment** include but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes, pin-ups, calendars, objects, graffiti, vulgar statements, abusive language, innuendoes, references to sexual activities, overt sexual conduct, or any conduct that has the effect of unreasonably interfering with a

	<p>student's ability to work or learn or which creates an intimidating, hostile or offensive learning or working environment.</p> <p><b>Intersex</b> refers to people who are born with any of a range of sex characteristics that may not fit a medical designation of binary “male” or “female.” 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.</p> <p><b>Sexual Orientation</b> is an individual’s identified or preferred engagement in, or desire for, sexual, emotional, or romantic relationships with a person of a particular sex, gender, gender identity, or gender expression.</p> <p><b>Transgender</b> is an adjective used to describe a person whose sex designated at birth does not correspond with their preferred gender identity.</p> <p><b>Transition</b> is the process in which a person changes their gender expression to better reflect their gender identity. Each transgender person has a unique process in which they go from living and identifying as one gender to living and identifying as another. Gender transition can occur at any age. This can include social, medical and/or a legal transition. Some individuals socially transition, whereby they might begin dressing, using names and pronouns, and/or be socially recognized as another gender. Others may undergo gender confirmation care.</p>
<p>3. Scope</p>	<p>These recommendations and guidelines will attempt to address issues that take place in our schools, on school property, at school-sponsored functions and activities, and at all times the students are under the jurisdiction of the District. These recommendations and guidelines will also attempt to address issues in regards to usage of electronic communication that occur in our schools, on school property, at school-sponsored functions and activities, and at all times when the students are under the jurisdiction of the District, as well as, on school computers, networks, forums, and mailing lists. In addition, these guidelines and recommendations will attempt to address any inappropriate electronic communication that is directed at a student and that substantially interferes with the student’s ability to participate in or benefit from the services, activities, or privileges provided by the school. These guidelines and recommendation are designed to provide guidance to the entire school community, including educators, school and District staff, students, parents, and volunteers.</p>
<p>4. Guidelines</p>	<p>Some transgender or gender expansive students and their families may wish to have separate or different accommodations made for the student rather than what is provided for in these guidelines. On a case-by-case basis, at the direction of the student and their parents/guardians, the District shall have flexibility in creating a supportive environment for an individual transgender or gender expansive student that may differ from these provided recommendations.</p>

<p>5. Harassment, Bullying, and Discrimination</p>	<p>Harassment, Bullying, and Discrimination on the basis of actual or preferred sex, sexual orientation, or gender identity or expression shall be prohibited within the District. Complaints alleging discrimination, harassment, or bullying based on a person’s actual or preferred gender identity or expression, or sexual orientation, are to be taken seriously and handled in a manner consistent with Board policies and regulations.</p>
<p>6. Privacy</p>	<p>All persons, including students, have a right to privacy. This includes keeping a student’s actual or perceived gender identity and expression private. Information about a student’s transgender and gender expansive status, legal name, or sex designated at birth may constitute confidential medical or educational information. Disclosing such information to other students, their parents/guardians, or other third parties may violate privacy laws such as FERPA. Therefore, school personnel should not disclose information about a transgender or gender expansive student’s gender identity and expression to others, including the student’s parents/guardians and/or other school personnel, unless legally required to do so or unless the student has authorized such disclosure.</p> <p>Students have the right to openly discuss and express their gender identity and expression, and to decide when, with whom, and how much information to share. The fact that a student chooses to disclose their transgender status to District staff or other students does not authorize District staff to re-disclose that information.</p> <p>District and school personnel may encounter situations where transgender students have not disclosed their transgender status. School personnel must be mindful of the confidentiality and privacy rights of students when communicating with others, so as to not reveal, imply, or refer to a student’s gender identity or expression.</p> <p>If school personnel are unsure how a known transgender or gender expansive student wants to be addressed in communications to the home or in conferences with parents/guardians, they may privately ask the student.</p> <p>To ensure confidentiality when discussing a particular concern such as conduct, discipline, grades, attendance, or health, school personnel’s focus should be specifically school-related and not on the student’s gender identity or expression.</p> <p>Before contacting the parent or guardian of a transgender or gender expansive student, school staff should ask the student whether to use their Affirmed Name or legal name, and which Gender Pronouns to reference them with. If school officials determine a disclosure of a student’s transgender or gender expansive status becomes necessary to protect the student’s safety, before making such a disclosure, a school administrator shall make reasonable efforts to inform the student of the decision to disclose, the reason(s) for disclosure, and provide the student with the opportunity and resources they may need to make the disclosure themselves.</p>

<p>7. Official Records</p>	<p>The District shall ensure, that protected health information and education records shall be kept confidential in accordance with applicable state and federal privacy laws.</p> <p>The District is required to maintain a permanent student record which includes the student’s legal name and sex designation. The District will change a student's official records to reflect a change in legal name or sex designation upon receipt of:</p> <ol style="list-style-type: none"> <li>1. Documentation that the student's legal name or sex designation has been changed pursuant to a court order or through amendment of state or federally-issued identification.</li> </ol>
<p>8. Unofficial Records</p>	<p>A student has the right to be addressed by their Preferred Gender Pronoun. A court-ordered name or gender change is not required, and the student need not change their unofficial records in order to be treated in accordance with their expressed gender identity.</p> <ol style="list-style-type: none"> <li>1. The District shall permit a student to use a Preferred Name/Pronoun on unofficial records. For example, the Preferred Name/Pronoun of transgender and gender expansive students shall be provided as their name on a class list given to new and substitute teachers in order to avoid inadvertent or inappropriate disclosure of their transgender status. The Preferred Name may also appear on the student’s cumulative folder (official record) as “Also Known As” (AKA).</li> </ol> <p>The intentional or persistent refusal to respect a student’s gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student’s gender identity) may be considered a violation of these guidelines and may result in disciplinary action.</p> <p>All staff members should attempt to use a transgender student’s Preferred Name and gender pronoun to the greatest possible extent on other school-related records and documents.</p>
<p>9. Names and Pronouns</p>	<p>Every student has the right to be addressed by a name and pronoun that corresponds to the student’s gender identity.</p> <p>Every effort should be made to use the name and pronouns consistent with a student’s gender identity. While inadvertent slips or honest mistakes may occur, the intentional and persistent refusal to respect a student’s gender identity is a violation of these guidelines.</p>

<p>10. Gender-Segregated Activities</p>	<p>To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for selected health education classes, students should be able to choose the group that corresponds best with their gender identity.</p>
<p>11. Gender-neutral Language</p>	<p>To the extent possible, the District and schools should use gender-neutral in written communication, including with students and their families, regardless of a student’s gender identity. This includes employing “they” (singular) instead of “he/she.”</p>
<p>12. Sex-Specific Facilities and Overnight Accommodations</p>	<p>Any student who requests increased privacy, regardless of the reason, shall, upon the student’s request, be provided with a reasonable, safe, and non-stigmatizing alternative. This may include, for example, assignment of a student locker in near proximity to the coaches’ office or a supportive peer group, nearby restroom stall with a door, nurse’s office, gender-neutral restroom, private area (such as a restroom or office), or a separate changing schedule.</p> <p>The use of such privacy accommodations should be a matter of choice by a student, and no student shall be compelled to use such separate facilities or accommodations.</p> <p>Under no circumstance should any student be required to use sex-segregated facilities that are inconsistent with their gender identity.</p> <p>School staff who are responsible for supervising student activity in sex-specific facilities are directed to reasonably monitor such facilities when being used by an identified transgender or gender expansive student in order to foster student safety. Administrators or designees may take steps to designate single-stall restrooms in the District as gender-neutral.</p> <p>For overnight field trips, transgender and gender expansive students can communicate their preferred sleeping arrangement to their teacher and/or a school administrator at least a month prior to the date of the field trip. As with any other student, the school should try to pair the transgender or gender expansive student with peers whom the student feels comfortable. In some cases, a transgender or gender expansive student may want a room with fewer roommates or another alternative suggested by the student or their family. If a transgender or gender expansive student wants accommodations with individuals opposite of their designated sex at birth, written approval from all parent(s)/guardian(s) must be obtained prior to the accommodation being approved. The District should honor these requests whenever possible and adjust prevent the student from being marginalized because of those alternative arrangements.</p>

<p>13. School Activities and Programs</p>	<p>Students have the right to equitable access to activities and programs in their school. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of gender identity in any program or activity. These activities and programs may include but are not limited to school day/after school activities/programs and all extra-curricular activities.</p> <p>Whenever there are student opportunities lawfully indicated by gender by rule, policy, or practice, students must be permitted to participate in such activities consistent with their gender identity.</p>
<p>14. Course Accessibility and Instruction</p>	<p>Students have the right to equitable learning opportunities in their school. Students shall not be required to take or be denied enrollment in a course on the basis of their gender identity in any educational and academic program.</p> <p>The District shall incorporate positive information about transgender and gender expansive issues into curricula.</p> <p>The District shall make efforts wherever possible to ensure school computers are free of filtering software that blocks information about LGBT people, history, rights, and organizations.</p>
<p>15. Dress Code</p>	<p>Transgender and gender expansive students have the right to dress in a manner consistent with their gender identity or gender expression.</p> <p>A school’s dress code policy shall be gender neutral. Schools cannot enforce specific attire based on gender identity or sex designation.</p> <p>Students have the right to dress in accordance with their gender identity within the constraints of the dress codes adopted by the District or individual school. Gender-neutral dress code guidelines apply to regular school days as well as any school-sponsored activities.</p>
<p>16. Athletics</p>	<p>Transgender or gender expansive students who express discomfort over participation in an activity, such as swimming, may opt out and will be provided with an alternate activity of their choice.</p> <p>Physical education classes and events are typically gender neutral. In the event that the classes or activities are sex-segregated, transgender and gender expansive students shall participate in physical education by their gender identity asserted at school.</p> <p>Transgender and gender expansive students shall be permitted to participate in interscholastic athletics, intramural sports, athletic teams, competitions, and contact</p>



<p>17. Gender Transitions and Medical Care</p>	<p>sports in compliance with the applicable regulations of the Pennsylvania Interscholastic Athletic Association (PIAA).</p> <p>In order to maintain privacy and confidentiality regarding their transition and gender identity, transgender students may wish — but are not required — to transition over a summer break or between grades. Regardless of the timing of a student’s transition, the school shall act in accordance with the following age-appropriate guideline.</p> <p><b>ELEMENTARY SCHOOL:</b> Generally, it will be the parent/guardian that informs the school of the impending transition. However, it is not unusual for a student’s desire to transition to first surface at school. If school staff believe that a gender identity or expression issue is presenting itself and creating difficulty for the child at school, approaching parents/guardians about the issue is appropriate at the elementary level. Together, the family and school can then identify appropriate steps to support the student.</p> <p><b>SECONDARY SCHOOL:</b> Generally, notification of a student’s parent/guardian about the student’s gender identity, expression or transition is unnecessary, as they are already aware and may be supportive. In some cases, however, notifying parents/guardians carries risks for the student, such as being kicked out of the home. Prior to notification of any parent or guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the parents or guardians will be involved in the process and must consider the health, well-being, and safety of the transitioning student, consistent with these guidelines.</p> <p>As mandated reporter, if abuse is suspected school officials must report it to the proper authorities for the protection of all parties involved.</p> <p>When a student transitions during the school year, the school shall hold a meeting with the student (and parents or guardians if they are involved in the process) to ascertain their desires and concerns. The school should discuss a timeline for the transition in order to create the conditions supporting a safe and accepting environment at the school.</p> <p>At all times, the student may choose to make their transitions public and/or private when they meet with their counselor during the disclosure process.</p> <p>Some transgender youth choose medical treatments to assist their transition. Treatments such as hormone therapy may be unaffordable, not medically Indicated, or contraindicated for many youths. Surgical treatments are generally not available for school-age transgender youth. With this in mind, District staff should not require proof of medical treatments as prerequisite for respecting the student’s gender identity or expression. There is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity</p>
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<p>18. Education and Training</p>	<p>recognized and respected. If any objective basis should occur that would justify questioning whether a student’s asserted gender identity or expression is genuine, information may be requested to show that the gender identity or expression is sincerely held. No particular type of information (such as medical history information) should be specifically required.</p> <p>The Superintendent or designee shall ensure that training is provided for all staff members on their responsibilities under applicable laws and these guidelines, including teachers, administrators, counselors, social workers, security, and health and physical education staff. Information regarding these guidelines shall be incorporated into training for new school employees.</p> <p>When possible, the District will conduct staff training and ongoing professional development in an effort to build the skills of all staff members to prevent, identify, and respond to harassment and discrimination. In order to further a safe and supportive school environment for all students, the District will incorporate education and training about gender expansive and transgender students into their anti-bullying and anti-harassment curriculum, student leadership trainings, and staff professional development. The content of such professional development/training should include, but not be limited to:</p> <ol style="list-style-type: none"> <li>1. Terms and concepts related to gender identity, gender expression, and gender diversity in children and adolescents;</li> <li>2. Appropriate strategies for communicating with students and parents or guardians about issues related to gender identity and gender expression, while protecting student privacy;</li> <li>3. Strategies for preventing and intervening in incidents of harassment and discrimination, including cyber-bullying;</li> <li>4. District and staff responsibilities under applicable laws and District policies and guidelines regarding harassment, discrimination, and gender identity and expression issues.</li> </ol>
<p>19. Publication and Media Communication</p>	<p>These guidelines and recommendation shall be distributed annually and shall be posted on the District’s internet site. A summary of the guidelines shall be included in the Code of Student Conduct and the Handbooks. The District and individual schools shall make consistent efforts to ensure the visibility of these guidelines.</p> <p>As with most media matters, only the Superintendent or their designee shall communicate to representatives of the media. District staff shall direct the media to the Superintendent or designee. In communicating with the news media, parents or guardians, and the community, protecting the privacy of all students shall be a top priority for the spokesperson and all staff.</p> <p>References:</p>

	<p>Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq.</p> <p>Federal Anti-Discrimination Law – 20 U.S.C. Sec. 1681 et seq. (Title IX)</p> <p>Harassment and Non-discrimination Regulations and Guidelines</p> <p>Code of Federal Regulations – 29 CFR Sec. 1604.11(a), 106.31, 106.33, 1606.8(a)</p>
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