

CODE: JB

TRANSGENDER AND GENDER EXPANSIVE STUDENTS

A. Purpose and Scope

The district will strive to 1) foster a learning environment that is safe, affirming, and free from discrimination, harassment, and bullying for all students; and 2) assist in the educational and social integration and development of transgender and gender expansive students in our schools. This policy is intended to be interpreted in light of applicable federal and state laws and regulations, as well as School Committee policies, procedures, and school rules.

This policy is not intended to anticipate every possible situation that may occur, since the needs of particular students differ. In addition, the programs, facilities, and resources of each school also differ. Administrators and school staff are expected to utilize this policy within the context of the individual needs of the student.

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 students may wish to be identified. However, for the sake of brevity, these guidelines refer to “transgender students”.

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.” Transgender and gender expansive people may have any sexual orientation.
2. *Gender identity* – A person’s sincerely held core belief of their own gender, whether that individual identifies as male, female, both, neither or in some other way (for example, students who identify in some other way such as nonbinary, queer, genderqueer or gender fluid).
3. *Gender Expansive* – An umbrella term used to describe people who expand notions of gender expression and identity beyond what is perceived as the expected gender norms for their society or context. Some gender-expansive people identify with being either male or female, some identify as neither, and others identify as a mix of both. Gender-expansive people include those with transgender and nonbinary identities as well as those whose gender in some way is seen to be stretching society’s notions of gender.
4. *Gender expression* – The manner in which a person represents or expresses gender to others, through such means as behavior, clothing, hairstyles, activities, voice and/or mannerisms.

5. *Transgender* – An adjective describing a person whose gender identity or expression is different from that traditionally associated with the sex assigned 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 the process of social transition from one gender to another.

C. Addressing the Needs of Transgender and Gender Expansive Students

The school district is committed to addressing the needs of transgender and gender expansive students. As with all students, if a transgender or gender expansive student needs additional support, the student and/or the parent or guardian may contact school personnel in order to make an individual plan for the student. An individual support plan aims to engage the student, and possibly the parent or guardian, in creating a supportive plan that reflects and responds to the individual needs of the student in the school community. The administration will develop procedures for staff to follow to provide support for transgender students. School staff shall comply with any plan developed for a transgender student and shall notify the building administrator or other designated support person for the student if there are concerns about the student's safety or welfare.

1. The Kittery School District shall accept a student's assertion of their gender identity when there is consistent assertion of gender identity or any other evidence that the student's gender identity is sincerely held as a part of their core identity. An educational institution in no case should require medical or mental health records as proof of a student's gender identity.
2. If an educational institution has a credible and objective reason to believe that a transgender or gender expansive student's gender identity is being asserted for an improper purpose, the institution may request additional evidence supporting the student's stated gender identity, which evidence may include the following:
 - a. A written statement from a physician, physician's assistant, nurse practitioner, or nurse who has been involved with the student's healthcare;
 - b. A written statement from a psychologist, psychiatrist, or social worker who has met with the student;
 - c. Passports or other formal documents showing the student's legal gender;
 - d. Familial documents, such as family photographs or statements from the student's parent(s), guardian(s), or other adult relative(s) or caregiver(s);
 - e. A statement from an adult who is close to the student and can speak to the student's core gender identity.
3. In the event that a student and their parent or legal guardian do not agree with regard to the student's gender identity or gender expression, the school shall abide by the wishes of the student with regard to their gender identity and gender expression while at school.

Schools may be in a position to provide additional services and referrals to outside resources.

D. Policy on Specific Issues

1. Privacy and Confidentiality: The district shall ensure that student records shall be kept confidential in accordance with applicable state, local and federal privacy laws. School staff shall not disclose any information that may reveal a student's transgender status to others, including parents or guardians and other school staff, unless legally required to do so or unless the student has authorized such disclosure. In rare instance that a school is legally required to disclose a student's transgender status, the school should provide the student an opportunity to make that disclosure themselves, where practicable.

School staff should keep in mind that under United States Family Education Rights and Privacy Act, student records may only be accessed and disclosed to staff with a legitimate educational interest in the information. Disclosures to others should only be made with appropriate authorization from the administration and/or parent(s)/guardian(s).

2. School Records: Schools are required to maintain a permanent record for each student which includes legal name and sex. This information is also required for standardized tests and official school district reports.

A student's official record shall bear their legal name, which may be changed only upon proof that it has been changed pursuant to a court order. At the request of a student, and consistent with the student's gender identity, the district shall use the student's preferred name and pronouns consistent with their gender identity on all other documents including but not limited to school identification, classroom rosters, certificates, diplomas and yearbook.

3. Names/Pronouns: Students shall be addressed by school staff and other students by the name and pronoun corresponding to their gender identity as asserted at school.
4. Restrooms, Locker Rooms and Other Gender-Segregated Facilities: Students shall be permitted to use restrooms, locker rooms and changing facilities corresponding to the gender identity which the student asserts at school. The district will provide reasonable alternative facilities such as a separate stall or a staff facility in accordance with a student preference for greater privacy. A student shall not be required to use a separate, non-communal facility over their objection.
5. Gender-Segregated Facilities or Activities: As a general matter, the Kittery School District should try to avoid gender-based activities, policies, and practices except where they serve an important educational purpose. In other facilities, activities, policies, or practices when students may be separated by gender, students shall be able to participate in accordance with the gender identity asserted at school. Interscholastic athletic activities should be addressed through the Maine Principals Association Transgender Participation Policy, and district staff will support students navigating the eligibility process to try to ensure a respectful and supportive process for the students.

6. Dress Code: If schools have a dress code, the dress code shall be gender neutral. Students must dress consistently with any applicable requirements in the dress code or

school rules.

7. Discrimination, harassment and bullying are prohibited within the district. School staff should be sensitive to the fact that transgender students are at higher risk for discrimination, harassment and bullying, and should immediately notify the appropriate administrator if they become aware of a problem. The administration will address all such concerns in accordance with applicable policies and complaint procedures, including Policies AC, ACAA, ACAA-R and JICK.

E. Training and Dissemination of Informational Materials

1. The Superintendent and/or building principal shall institute in-service training on this policy and distribute educational materials about transgender and gender expansive issues to school staff on an annual basis.
2. Teachers and other staff who have responsibilities for a transgender or gender expansive student will receive training and support in implementing this policy and, if applicable, in implementing a plan for an individual student.
3. This policy shall be shared annually with employees, volunteers, students, and parents/guardians, and the policy shall be included in student and parent handbooks as well as posted on the district and school websites.
4. The district is committed to providing high quality training for students and parents on this policy and on cultural competency issues relating to transgender people.

References:

Maine Human Rights Act, 20-A M.R.S. § 4601
AC – Nondiscrimination – Equal Opportunity and Affirmative Action
ACAA – Harassment and Sexual Harassment of Students
ACAA-R – Student Discrimination and Harassment Complaint Procedure
JICK – Bullying and Cyberbullying in Schools
JRA – Student Records and Information
JRA-E – Annual Notice of Student Education Records and Information Rights
JRA-R – Student Education Records and Information - Administrative Procedures
Maine Principal’s Association: Transgender Participation Policy

Adopted: June 5, 2018