

# MONONA GROVE SCHOOL DISTRICT

## Administrative Rule 411 (2)

### **Nondiscrimination Guidelines Related to Students Who Are Transgender and Students Nonconforming to Gender Role Stereotypes**

The following guidelines relate to students who are transgender and students who do not conform to gender role stereotypes, and they serve two important purposes. First, significant portions of the guidelines facilitate compliance with the District's legal obligations. Under many circumstances, an individual's transgender or gender nonconforming status serves as a basis for legal rights and protections. Second, even where specific actions may not be required by applicable law, these guidelines are intended to further the District's local goals concerning the creation and maintenance of positive and supportive environments that appropriately provide for the education, safety, and welfare of all students.

While the guidelines established in this rule provide important direction to District employees, students, school families, and other persons, the guidelines do not anticipate every situation that might occur with respect to students who are transgender or gender nonconforming. When an issue or concern arises that is not adequately addressed by these guidelines, the needs and concerns of each student should be assessed on an individual basis.

#### **1. Definitions**

The definitions below are not intended to label students but rather to assist in understanding these guidelines and the expectations of staff in complying with District policies and legal requirements. Students might or might not use these terms to describe themselves.

- a. ***Transgender*** describes people whose gender identity is different than their biological sex assigned at birth.
- b. ***Gender Identity*** is a person's deeply held sense or psychological knowledge of their own gender, regardless of the biological sex they were assigned at birth. Everyone has gender identity.
- c. ***Gender nonconforming*** describes people whose gender expression differs from stereotypical or prevailing social expectations, such as "feminine" boys or "masculine" girls, or those who are perceived as androgynous.
- d. ***Gender expression*** refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.

#### **2. Discrimination, Harassment and Bullying**

Discrimination, bullying, and harassment on the basis of sex, sexual orientation, transgender status, gender identity, or gender expression shall be prohibited within the Monona Grove School District. It is the responsibility of each school, the District, and all staff to ensure a safe school environment for all students, including transgender and gender nonconforming students. The scope of this responsibility includes ensuring that any incident of discrimination, harassment, or bullying is given immediate attention, including investigating the incident, taking age- and developmentally-appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status, gender identity, or gender expression are to be taken seriously and handled in the same manner as other discrimination, bullying, or harassment complaints.

### **3. Student Privacy, Names and Pronouns, and Official School Records**

Certain records and personally-identifiable information related to the student's gender status or biological sex may be protected not only as an education record, but also as a confidential medical or patient healthcare record. The District further recognizes that a student may have a strong individual interest in maintaining the privacy of the student's transgender status or the student's gender nonconforming presentation at school. Accordingly, in addition to adhering to all legal standards of confidentiality, school personnel are expected to treat that information as being particularly sensitive, even internally among school staff and school officials. School staff shall not disclose information that may reveal a student's transgender or gender nonconforming status to others, including parents and other school staff, unless legally required to do so or unless the student has expressly authorized such disclosure. District employees are expected to refer any questions they may have about student privacy and possible disclosures of a student's transgender or gender nonconforming status to the Director of Student Services. The District strongly encourages transgender and gender nonconforming students and their families to create a "School Plan for Transgender/Gender Nonconforming Students" with the school, and to maintain ongoing communications with school employees who are working directly with the student in order to address, among other issues, relevant privacy concerns and privacy preferences.

When referring to students at school and in connection with school activities, school personnel will normally use the student's legal name and the pronouns that correspond to the student's biological sex assigned at birth. However, students should be referred to by their preferred names and pronouns whenever possible in school and in connection with school-related activities. A court-ordered name or gender change is not required, nor does there need to be a change made to the student's official records. Upon being informed that a student intends to regularly use a particular name and/or prefers to be addressed using particular pronouns, school personnel are expected to respect that decision.

The District's approach of respecting a student's decision to regularly use a name and the pronouns that correspond to the student's gender identity is not a commitment to change all existing school records in order to reflect those preferences. Further, there may be situations where the District is required to use or report the legal name or biological sex of the student as that data is reflected in the District's official records. The extent to which official records of the District are modified will depend on a case-by-case evaluation of the information that the District receives and the type(s) of school records affected by the information that is received. For example, when a student's legal name is changed and the change is sufficiently substantiated, the District will issue a high school transcript under the student's new legal name.

### **4. Restroom and Locker Room Accessibility**

In most cases, students shall have access to the restroom or locker room that corresponds to the gender identity that the student consistently asserts at school and in other social environments. The following guidelines related to restroom and changing areas generally assume that the student has a special concern or is in some way uncomfortable with consistently using the facilities that correspond to the biological sex that the student was assigned at birth. The District highly recommends, but does not require, transgender students and/or their parents/guardians create a "School Plan for Transgender/Gender Nonconforming Students" with a school counselor or other student services staff member, with the support of a school administrator, to address restroom/locker room choices. In any gender-segregated facility, any student who is uncomfortable using a shared facility, regardless of the reason, shall, upon the student's request, be provided with a safe and non-stigmatizing alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate

changing schedule. However, requiring a transgender or gender nonconforming student to use a separate, nonintegrated space threatens to publicly identify and marginalize the student as transgender and should not be done unless requested by a student. Under no circumstances may students be required to use sex segregated facilities that are inconsistent with their gender identity. Where available, schools are encouraged to designate facilities designed for use by one person at a time as accessible to all students regardless of gender, and to incorporate such single-user facilities into new construction or renovation. However, under no circumstances may a student be required to use such facilities because they are transgender or gender nonconforming.

If a transgender student makes any request regarding the use of locker rooms or any similar type of changing area, the request shall be assessed on a case-by-case basis with the goals of: (a) facilitating the transgender student's access to the district's physical education curriculum and other relevant programs; (b) ensuring adequate student privacy and safety; and (c) minimizing stigmatization of the transgender student. The physical layout of the facility and the degree of undress required when changing for the applicable activity are examples of factors that will be considered in making the arrangements. There is no absolute rule that, in all cases, will require a transgender student to access and use only the locker rooms and other changing areas that correspond to the biological sex that the student was assigned at birth.

**5. Physical Education/Athletics/Clubs**

Students who are transgender shall be permitted to participate in physical education classes and intramural sports in a manner consistent with the gender identity that students regularly assert at school and in other social environments.

Students who are transgender shall be permitted to participate in interscholastic athletics in a manner consistent with the requirements and policies of the Wisconsin Interscholastic Athletics Association (WIAA).

**6. Overnight Field Trips**

Students will be boarded in accordance with their gender identity. It is the responsibility of the adult in charge of the trip to provide for the safety of all students. This may include checking in advance for gender non-specific facilities and room assignments. In any gender-segregated environment, any student who is uncomfortable using a shared facility, regardless of the reason, shall, upon the student's request, be provided with a safe and non-stigmatizing alternative.

**7. Dress Codes**

Within the constraints of the District's dress code policy and dress codes adopted by each school, students may dress in accordance with their gender identity. School personnel shall not enforce a dress code more strictly against transgender and gender nonconforming students than other students.

ADOPTED: August 26, 2015