

Corvallis School District 509J

Code: JBC
Adopted: 12/13/18

Transgender and Gender Nonconforming Students - Nondiscrimination on the Basis of Gender Identity

In accordance with Oregon law, the Board requires that all classrooms, programs, activities, and employment practices be free from bias and unlawful discrimination on the basis of gender identity or gender expression¹. This policy for the District and its schools is designed to ensure a culture where transgender and gender nonconforming students feel safe, supported, fully included, and to meet each school's obligation to provide educational opportunities for all students without discrimination.

The district is committed to full compliance of this policy, within the capacity of current facilities, technology, and equipment. In certain environments and situations, full compliance may not be possible at time of adoption of the policy. Database systems from outside agencies may not yet accommodate the requirements of this policy. The district shall adopt and utilize new database systems as they become available. In courses and activities incorporating world languages, pronouns and modifiers in accepted use may not allow for full compliance with this policy. Instructors will make every effort to make accommodations as practicable while maintaining the accepted standard of language requirements. The district shall prioritize the addition of gender-neutral and single-stall bathroom, shower and changing facilities in future renovations and new construction.

Definitions referenced in this policy are provided at the end.

Bias-Based Conduct, Discrimination, and Harassment

It is the policy of this District to maintain a safe and supportive learning and educational environment for all students. It is the responsibility of each employee, each school, and the District to ensure that all students have a school environment free from bias, discrimination, and harassment on the basis of gender identity or gender expression.

Reports of discrimination or harassment based on actual or perceived gender identity or gender nonconformity are to be handled in the same manner as other reports of bias-based conduct. For more information, see related policies:

- JFC/JG, Student Conduct and Discipline;
- JFCF, Hazing/Harassment/Intimidation/Menacing/Bullying/Cyberbullying/Teen Dating Violence – Student;
- GBNA, Hazing/Harassment/Intimidation/Menacing/Bullying/Cyberbullying – Staff; and
- GBN/JBA, Sexual Harassment.

¹ Oregon Department of Education, Guidance to School Districts: Creating a Safe and Supportive School Environment for Transgender Students, 5 May 2016

School staff members must take all reasonable steps to ensure safety and access for students at their school and support students' rights to assert their gender identity and expression.

Names and Pronouns

A student may adopt a name that is different from their legal name. When the District or a school receives a request for a name change or gender change, schools should accurately record the student's chosen name and self-identified gender on all school-based records. This policy is not intended to restrict parental rights under state or federal law. A court-ordered name or gender change is not required for a student to declare a chosen name and gender designation.

Unless legally required to use a legal name or sex assigned at birth on school records and other documents, the District and its schools will use the student's chosen name and self-identified gender, including using the student's chosen name in class and for attendance reports, classroom rosters, identification badges, announcements, certificates, newspapers, newsletters, and yearbooks.

Every student has the right to be addressed by the chosen name or pronouns that correspond to the student's gender identity. Some transgender and gender nonconforming youth may feel most comfortable being addressed by gender-neutral pronouns or being referred to by their names (without pronouns). It is recommended that school staff routinely ask all students how they prefer to be addressed and what name and pronouns should be used in class, during extra-curricular activities, and in the school's communications with the student's parents or guardians. These inquiries should be made in a way that does not single out any student. Information on how students prefer to be addressed in class should be routinely and easily made available to substitute personnel.

After the District enters a change in name or gender identity in a student's record, school personnel shall not intentionally refuse to refer to the student by the student's chosen name and pronouns. School personnel should be vigilant in the use of student's chosen name and pronouns maintained in the record.

Although a student may establish a chosen name and self-identified gender for daily school operations, the District shall maintain the full legal name of the student in the student record in accordance with applicable law. A student's permanent record shall be changed to reflect a change in the student's legal name upon receipt of documentation that such legal name has been changed pursuant to a court order, new birth certificate, or through state or federally issued identification.

To the extent that the school is not legally required to use a student's legal name and sex assigned at birth on school records or documents, every effort should be made to update and maintain student records impacting daily school operations to reflect the student's chosen name and self-identified gender, and to restrict other names from dissemination as allowed by law. To the extent practicable, records with the student's legal name should be kept in a separate, confidential file.

When appropriate, the district will provide a transcript and/or diploma reflecting the student's or former student's chosen name and/or gender identity.

Privacy, Confidentiality, and Student Records

All documentation and disclosure of information related to gender identity, including health care information, legal name, and sex assigned at birth, shall be appropriately maintained by authorized personnel in accordance with applicable state, local, and federal privacy laws.

Authorized school personnel with access to a transgender or gender nonconforming student's identity shall not disclose any information that may reveal a student's transgender status to others – including the student's parents or guardians and other school staff – unless legally authorized to do so or unless the student has authorized such disclosure in writing. If a school is legally authorized to disclose a student's transgender status, the school should provide the student a reasonable opportunity to make that disclosure, where practicable. This would include making support services available to the student for making the disclosure in a safe and supportive environment. Recordkeeping systems should support staff efforts to avoid disclosure of status without specific student consent. General staff communication should therefore be as gender-neutral as possible. District will adopt recordkeeping systems that allow students to record their chosen name and gender as they are made available.

All students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and what private information to share. The fact that a student chooses to use a different name, to transition socially at school, or to disclose their transgender status to staff or other students does not authorize school staff to disclose the student's confidential or medical information to others. All students should be given the power to choose what name and pronouns are used to address them when their parent or guardian is present and in school communications with their parent or guardian. (See "Student Transitions" below.)

Restrooms, Locker Rooms, and Changing Facilities

All students are entitled access to restrooms, locker rooms, showers, and changing facilities consistent with their gender identity.² A student shall not be required to use a restroom, locker room, shower, or changing facility which is inconsistent with the student's gender identity. Where available, a single-stall bathroom or curtained area may be used by any student as a matter of the student's choice. The school cannot require a student to use single-stall bathrooms or curtained areas if the student prefers to use gender-specific facilities.

Some students may feel uncomfortable sharing gender-specific facilities with a transgender or gender nonconforming student. This discomfort is not a reason to deny access to the transgender or gender nonconforming student. Rather, where available, students experiencing discomfort may opt to use a single-stall bathroom or curtained area. School administrators and counseling staff should work with all students to address any reported discomfort, to foster understanding of gender identity, and to create a school culture that respects and values all students.

Long-term plans for facilities renovations and construction shall include consideration of the addition of gender-neutral single-stall bathrooms, locker rooms with private changing spaces, and private showers.

² Parents for Privacy, et al v. Sessions, et al, No. 3:17-cv-01813-HZ, 24 July 2018.

Physical Education Classes, Intramural Sports, and Interscholastic Athletic Activities

Oregon law that prohibits discrimination in education applies to physical education, intramural sports, and interschool activities.

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Furthermore, all students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity, under guidelines established by the Oregon School Activities Association (OSAA).³

Outdoor Education/Overnight Field Trips

District will facilitate all students' ability to participate in outdoor education and field trips conducted by the District, including overnight excursions, in a manner consistent with their asserted gender identity.

A student's asserted transgender or gender nonconforming status is confidential information and school staff members may not disclose or require disclosure of a student's status to other students or their parents/guardians in connection with a field trip without the consent of the student or the student's parent/guardian.

Dress Codes

Schools will enforce dress codes within limitations of District policy, but dress code enforcement shall not be based on gender. School staff must not enforce a dress code more or less strictly against transgender and gender nonconforming students than other students.

All students shall have the right to dress in any manner within the constraints of the gender-neutral dress code adopted by the school.

Gender-Based Activities, Rules, Policies, and Practices

Schools should evaluate all gender-based activities, policies, rules, and practices – including classroom activities, school ceremonies, and school photos – and maintain only those with an appropriate educational purpose to avoid marginalizing, stigmatizing, or excluding any student.

Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender-specific rule, policy, or practice, students must be permitted to participate in any such activities or conform to such rule, policy, or practice consistent with their gender identity or be given the option to opt out of the activity if they are not comfortable in that setting.

Student Transitions

When a student requests a change of chosen name or gender identity, the school shall record the name and gender identity that the student requests subject to applicable law. Students ready to socially transition may initiate a process to change their name, pronouns, attire, and access to preferred programs, activities, and

³ <http://www.osaa.org/governance/handbooks>

facilities consistent with their gender identity. Each student has a unique process for transitioning. The school may customize support to ensure each student's equitable access to the District's educational programs and activities.

Transitions are private, and personal information about a transition shall not be discussed unless the conversation is initiated and led by the transitioning student. The principal or designee, in collaboration with the student and the student's family (if the student consents to disclosure of the transition), may develop a Transition Plan to ensure that the student has equal access and equal opportunity to participate in all programs and activities at school and is otherwise protected from gender-based discrimination at school.

Each student's needs should be evaluated on a case-by-case basis, and each Transition Plan should be evaluated on an ongoing basis and revised as needed. Components of the Transition Plan may include designated staff members as key contact(s) for the student; chosen name, pronouns, and safety supports; how support will be provided; how and to whom information will be disseminated; and how and to whom violations of this policy shall be reported. Safety supports may include allowing a transgender or gender nonconforming student to identify a safe space (e.g., main office, counselor's office) that they may go to at any time they encounter a situation that feels unsafe or uncomfortable.

Prior to contacting a student's parent/guardian, the principal or designee must speak with the student to ascertain the level of support the student either receives or anticipates receiving from home. In some cases, transgender and gender nonconforming students may not openly express their gender identity at home because of the student's readiness, safety concerns, or lack of acceptance. Matters of gender identity can be complex and may involve familial conflict; the District office may offer additional support, as required and acceptable to the student.

Training and Professional Development

The District shall conduct training for all staff members on their responsibilities under applicable laws and this policy, including teachers, administrators, counselors, social workers, and health staff. Information regarding this policy shall be incorporated into training for new district employees.

The Superintendent shall implement ongoing professional development to build the skills of all staff members to instill and support a safe school environment free from bias, harassment, or discrimination based upon gender identity or gender nonconformity. The content of such professional development shall include, but not be limited to:

1. Terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents;
2. Developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression that protect student privacy;
3. Developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyberbullying;

4. Classroom-management practices, curriculum, and resources that educators can integrate into their classrooms to help foster a more gender-inclusive environment for all students; and
5. School and District policies regarding bullying, harassment, discrimination, and suicide prevention and responsibilities of staff.

Publication

The requirements of this policy will be included with annual distributions of student codes of conduct, disciplinary policies, student handbooks, and publication on school websites. The full policy will be included on the District website.

Additional Definitions

Understanding the terminology associated with gender identity and gender expression is important to providing a safe and supportive school environment for all students. The definitions provided below are not intended to label or limit students' individual identities or experiences, but rather to assist in understanding this policy and the district's obligations. These are commonly used terms, although not an exhaustive list, and students may or may not choose to use them to describe their gender identity, appearance, or behavior.

- **Agender:** Without a gender (also nongendered, genderless).
- **Cisgender:** An adjective describing a person whose gender identity and gender expression align with the person's sex assigned at birth; a person who is not transgender.
- **Gender expression:** The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, speech and word choices, or mannerisms.
- **Gender identity:** All people have a gender identity, which is separate and distinct from sexual orientation. Gender identity is an individual's deeply held internalized sense or psychological knowledge of their own gender. Gender identity may or may not match an individual's sex assigned at birth. For the purposes of this policy, a student's gender identity is that which is self-asserted at school.
- **Gender nonconforming:** A person whose gender expression does not align with traditional or stereotypical expectations or norms. Gender nonconforming persons include "feminine" boys, "masculine" girls, and those whose gender expression is androgynous. This includes people who identify outside traditional gender categories, identify as two or more genders, or as none. Some gender nonconforming people identify as different genders at different times. Other terms that can have similar meanings include "gender diverse," "gender expansive," "gender fluid" (gender varying across time); and "two-spirit."
- **Nonbinary:** The term generally used for any gender identity that is not exclusively masculine or feminine. Nonbinary people may express a combination of masculinity and femininity, or neither, in their gender expression. Sometimes referred to as "genderqueer." This gender status is recognized by the State of Oregon.

- **Queer:** A term for people of marginalized gender identities and sexual orientations who are not cisgender and/or heterosexual. This term should only be used when a person self-identifies as Queer and grants permission for others to use this term in reference to them. In some contexts, this term is used as a slur and can be considered hate speech.
- **Sex assigned at birth:** The sex designation recorded on an infant’s birth certificate.
- **Transgender:** An adjective describing a person whose gender identity is different from that traditionally associated with the person’s sex assigned at birth. A transgender girl is a girl who was assigned male at birth. A transgender boy is a boy who was assigned female at birth.
- **Transition:** The process by which a person goes from being identified as one gender to being identified as another or neither. Transitions may include physical, social, and/or medical processes. Not all transgender or gender nonconforming people transition or desire to transition in the same way. In order to feel comfortable and express their gender identity to other people, transgender people may take a variety of steps (e.g., adopting a new name or changing their names and/or gender designation on legal documents; choosing clothing and hairstyles that reflect their gender identity; and generally living and presenting themselves to others in a way that is consistent with their gender identity).

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)