

Transgender and Gender Nonconforming Students

This administrative rule is intended to clarify existing laws, rules and policies, and to guide how best to support the needs of the district's gender nonconforming students and their families. It does not anticipate every scenario and situation that may occur with respect to gender nonconforming students, and not all gender nonconforming students' needs may be the same. Therefore, it is encouraged that administrators discuss these issues with each gender nonconforming student and family on a case-by-case basis to determine how best to support the student within the parameters of this administrative rule.

1. Definitions

- a. "Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the sex they were assigned at birth. Everyone has a gender identity.
- b. "Transgender" describes people whose gender identity is different from their gender assigned at birth.
- c. "Gender expression" refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.
- d. "Gender nonconforming" or "gender variant" describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.
- e. "Sex" is the physical makeup of a human being, referred to as their biological or natal sex. A person's biological sex is sometimes also referred to as their "assigned gender."

2. Discrimination, Harassment, Intimidation, Bullying and Cyberbullying

Board policies JB - Harassment, Intimidation, Bullying, Cyberbullying, Hazing and Teen Dating Violence and AC - Nondiscrimination prohibit discrimination, harassment, intimidation, bullying and cyberbullying based on a student's gender identity and expression. Complaints alleging discrimination, harassment, intimidation, bullying and cyberbullying based on a person's actual or perceived gender identity or expression are to be handled in the same manner as all other discrimination, harassment, intimidation, bullying and cyberbullying complaints. The guidelines for such complaints are set forth in the district's published guidelines entitled *Bullying, Harassment, & Discrimination: Step-by-Step Complaint Process*.

3. Names/Pronouns

As set forth by the Oregon Department of Education's Gender & First Name Change Process for Transgender Students in ODE Systems and the district's *Student Rights & Responsibilities Handbook*, transgender and gender nonconforming students have the right to be addressed and referred to by a name and pronoun that corresponds with the student's gender identity, as determined by the parent and student. District employees may not intentionally refuse to refer to a student by the name or pronoun identified as corresponding with the student's affirmed gender identity.

4. Registration Forms and Student Information System Records

There is a process for handling name and gender changes in the student information system. This process is outlined in the Oregon Department of Education's Gender & First Name Change Process for Transgender Students in ODE Systems. Forms for requesting these changes are available from the district's technology department.

5. Dress Code

Students have the right to dress in accordance with their gender identity, in conformance with the dress and grooming standards contained in the *Student Rights & Responsibilities Handbook* and any dress and grooming standards prescribed by a student's school of attendance.

6. Restroom Accessibility

Students shall have access to a restroom that corresponds to their gender identity. A student shall not be required to use a restroom that is incongruent with the student's gender identity. Where available, a single stall bathroom may be used by any student who desires increased privacy, regardless of the reason. The use of a single stall bathroom shall be a matter of choice for a student, and no student shall be compelled to use such a bathroom. Use of restrooms by transgender or gender nonconforming students shall be determined on a case-by-case basis depending on specific circumstances.

7. Physical Education, Athletics and Activities

Students shall be permitted to participate in gender-separated physical education, intramural athletics, and non-high school interscholastic athletics and activities in accordance with the student's gender identity. Participation in high school interscholastic athletics and sports is governed by the Oregon School Activities Association, which has its own policy with respect to transgender student participation. Activities that may involve the need for accommodations to address student privacy concerns, such as overnight trips, will be addressed on a case-by-case basis using the guiding principles of safety and honoring the student's gender identity and expression.

8. Locker Room Accessibility

A student shall not be required to use a locker room that is incongruent with the student's gender identity. Locker room usage shall be determined on a case-by-case basis, using the guiding principles of safety and honoring the student's gender identity and expression. Some options include:

- a. Use of a private area in the locker room (e.g., a bathroom stall with a door; an area separated by a curtain; a physical education instructor's office in the locker room).
- b. A separate changing schedule (e.g., using the locker room before or after the other students).
- c. Use of a nearby private area (e.g., a nearby restroom; a nurse's office).