

Pittsfield School District

TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

I. Purpose

The Pittsfield School District (District) is committed to providing a safe and supportive learning environment for all students that is free from discrimination, harassment, bullying and intimidation. The District is further committed to ensuring that every student shall have equal access to the District’s educational programs and activities. Additionally, District policy requires that all schools and all personnel promote acceptance and respect among students and staff.

This policy is intended to be interpreted in light of applicable federal and state laws and regulations, as well as the Department of Education and the District School Board policies, procedures, and school rules. This policy is not intended to anticipate every possible situation that may occur, since the needs of particular students and families differ depending on the student’s age and other factors. In addition, the programs, facilities, and resources of each school differ. Administrators and school staff are expected to consider the needs of students, and to utilize this policy and other available resources as appropriate.

The term “transgender” is an umbrella term for an individual whose gender identity or expression is different from that traditionally associated with their assigned sex at birth. A student will be considered transgender if, at school, they consistently assert a gender identity or expression different from that traditionally associated with assigned sex at birth. This includes students who identify as transgender, or who are gender nonconforming.

Parents and/or students are encouraged to discuss with building administrators any issues that may arise in relation to student’s transgender and non-conforming status including but not limited to: privacy; official records; names/pronouns; restrooms; locker rooms; other gender-segregated facilities or activities; dress code; and safety and support for transgender and transitioning students.

II. DEFINITIONS

The definitions provided here are not intended to label students but rather are intended to assist in understanding this policy and the students that it applies to. Students might or might not use these terms to describe themselves.

"Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the biological sex listed on a person's birth certificate.

"Transgender" describes people whose gender identity is different from their biological sex listed on a person's birth certificate.

"Gender expression" refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.

"Gender nonconforming" describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.

II. Guidance

- A. Privacy. The Board recognizes a student's right to keep private one's transgender status or gender non-conforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential information.

School personnel are discouraged from disclosing information that may reveal a student's transgender status or gender non-conforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information. If this information is disclosed to a school district staff person, that person will encourage the student to discuss this with their parent(s)/guardian(s).

When contacting the parent or guardian of a transgender or gender nonconforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

- B. Official Records. The district is required to maintain a mandatory permanent pupil record ("official record") that includes a student's legal name and legal gender. However, the district is not required to use a student's legal name and gender on other school records or documents.

The district will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been

made pursuant to a court order. In situations where school staff is required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff shall adopt practices to avoid inadvertent disclosure of such confidential information.

- C. Names / Pronouns. A student should be addressed by a name or pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records. The disrespectfully intentional and persistent refusal to respect a student's gender identity is a violation of this policy.

If a student or school personnel disagrees with name/pronoun, a plan will be created to help both parties find a satisfactory set of expectations to move forward in being part of the school community.

- D. Gender-Segregated Activities. 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 health education classes, students should be included in the group that corresponds to their gender identity.
- E. Restroom Accessibility. All students shall have access to gender neutral and gender specific restrooms. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such a restroom.
- F. Locker Room Accessibility. The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, transgender students should have access to the locker room that corresponds to their gender identity consistently asserted at school.

Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as a curtain, a physical education instructor's office in the gym, or a health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

- G. Physical Education Classes and Intramural Sports. Transgender and gender non-conforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.
- H. Interscholastic Competitive Sports Teams. Transgender and gender non-conforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.
- I. Dress Codes. Transgender and gender non-conforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender, but all students are expected to abide by the District's dress codes.
- J. Discrimination / Harassment. It is the responsibility of each school and the District to ensure that transgender and gender nonconforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident with due process, taking 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 or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.

If a complaint is received, the school administration will meet with the student(s) involved to determine the cause for the complaint. If the cause of the complaint is found to be purposeful and disrespectful discrimination or harassment, that student will be dealt with in accordance with school protocol. If the cause of the complaint is found not to be purposeful and disrespectful, a plan will be created to help both parties find a satisfactory set of expectations to move forward in being part of the school community.

*“Should” in this policy does not mean “shall” or “must” but it is a permissive term. Nothing in this Policy limits the rights of individuals under the federal or state constitutions.

Adopted: November 1, 2018
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