

## **JFD. Student Gender Identity and Expression**

### **General Information**

In order to comply with Federal Law, Oregon Law, and Bethel Board Policy, the following written administrative regulations and procedures are provided to create a welcoming, safe, and inclusive learning environment for every student. Creating a welcoming, safe, and inclusive learning environment includes promoting the physical and psychological safety of students who express or identify differently than their gender assigned at birth, and affirming the right of every student to an equal educational opportunity and respectful treatment in their own gender identification and expression.

This administrative regulation does not anticipate every scenario and situation that may occur with respect to gender identity and expression, and not all students' needs may be identical. Therefore, administrators are encouraged to discuss these issues with students and families on a case-by-case basis to determine how best to support an individual student's needs within the parameters of this administrative rule.

Bethel School District will meet the requirements of this rule as follows:

#### 1. **Terminology**

Understanding the common terminology associated with gender identity is important in providing a safe and supportive school environment for students. The following definitions used by research, advocacy, and governmental organizations are provided to assist in understanding the guidance presented. Although these are the most commonly used terms, students may use other terms to describe their gender identity, appearance, or expression. Terminology and language that describes students who identify or express their identity differently than their gender assigned at birth can differ based on religion, language, race or ethnicity, age, culture, and many other factors. It is recommended that school staff and educators inquire about which terms a student uses to describe themselves and their experience. A good general guideline is to employ those terms which the student uses to describe themselves.

#### **Definitions:**

**Assigned gender** – Gender recorded at birth, usually on the basis of external genitalia.

**Cisgender** – A term used to describe people who, for the most part, identify with the gender they were assigned at birth.

**Gender binary** – The assumption that there are only two genders (male and female), rather than more than two genders or gender fluidity.

**Gender expression** – How people express their gender externally based on mannerisms, dress, etc. A person's gender expression/presentation may not always match their gender identity.

**Gender identity** – A person's internal sense of being male, female, or some other gender, regardless of whether the individual's appearance, expression, or behavior differs from that traditionally associated with the individual's gender assigned at birth. Gender identity is distinct from an individual's sexual orientation.

**Gender role** – The socially determined sets of behaviors assigned to people based on their gender assigned at birth.

**Transgender** – An umbrella term for persons whose gender identity, gender expression, or behavior does not conform to that typically associated with the gender to which they were assigned at birth. Persons who identify as transgender may or may not pursue medical transition.

**Transgender female** – A person whose assigned gender at birth is male but identifies as a female.

**Transgender male** – A person whose assigned gender at birth is female but identifies as a male.

**Transition** – The time when a person begins presenting as the gender with which they identify rather than the gender they were assigned at birth, which often includes changing one’s first name and dressing and grooming differently. Transition may or may not also include medical and legal aspects, including taking hormones, having surgery, or changing identity documents (e.g. driver’s license, Social Security record) to reflect one’s gender identity.

**Gender fluid** – A term used when referring to a gender which varies over time.

## 2. **Student Privacy**

When staff must communicate with a parent, guardian, teacher, or administrator of a student who identifies or expresses their gender differently than their gender assigned at birth, staff should first consult with the student to determine an appropriate way to reference the student’s gender identity and/or expression.

All students have a right to privacy, and this includes keeping a student’s gender identity and expression status private. School staff should not reveal, imply, or refer to a student’s gender identity or expression with others, including family members and school personnel, unless a student provides permission.

## 3. **Management of Student Identity in School Documents and Records**

Every public school student has a recognized right to privacy at school protected by the Family Educational Rights and Privacy Act (FERPA). FERPA protects education records and personally identifiable information contained in them from release except under certain circumstances, and allows a student and/or parent access to those records. A student’s transgender status in an education record is personally identifiable information, which is protected from disclosure to others without the student’s or parent’s consent, depending on the age and status of the student.

### **Graduation: Transcripts and Diploma**

Students are often still in transition at the time of high school graduation and have not necessarily completed legal name changes and other documentation. Schools will provide graduating students two diplomas and two sets of transcripts, one with the legal first name and one with the preferred first name.

Once a student has completed a legal name change, they can request all records be updated in their student education record to reflect their legally changed name. This may happen before or after graduation.

Although there are no state requirements relating to whether transcripts contain information about a student's gender, it is recommended that student transcripts be gender neutral and contain no indicator of gender for any student.

**4. Names and Pronouns**

Students who express or identify differently than their gender assigned at birth have the right to be addressed by a name and pronoun corresponding to their gender identity. This is true regardless of whether the student has obtained a court ordered name or gender change. Intentionally addressing a student by the incorrect name or pronoun is a form of discrimination.

Staff shall work privately with a student to determine how the student wants to be addressed in correspondence, communication and interactions with the student's parents or guardians. Schools should work closely with the student and parents in customizing an appropriate plan regarding the confidentiality of the student's identity that supports the student. That plan may include the option to inform and educate the student's peers or to not share the information with other students.

All schools should review their student information systems and ensure that all printed and digital materials generated for classroom and instructor use show the student's chosen name, not their legal name. Examples include attendance sheets, grade books, etc. School staff are reminded to use reasonable methods for ensuring that only those with a legitimate educational interest have access to student records.

Oregon Department of Education (ODE) will change a student's gender within the Secure Student Identification System (SSID) upon request from a district. ODE will accept the request from the district to serve as the "documentation to support the change" that is generally required by ODE for changes to the SSID. There is no need for the student to prove their new gender. The student's declaration of their gender is acceptable for gender change documentation.

**5. Restroom, Locker Room, Changing Room, Accessibility**

Students are to have access to a restroom that corresponds to their gender identity. Where available, a single stall restroom may be used by any student who desires increased privacy, regardless of the reason. The use of such a single stall restroom shall be a matter of choice for a student, and no student shall be compelled to use such restrooms.

Students who identify or express differently than the gender they were assigned at birth should be allowed to use the locker room that is consistent with their gender identity. Locker

room usage should be assessed on a case-by-case basis, using the guiding principles of safety and honoring the student's gender identity. Some options include:

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

## **6. Sports and Physical Education**

Students who express or identify differently than their gender assigned at birth are to be provided the same opportunities to participate in physical education as are all other students. Students should be permitted to participate in physical education and intramural sports in accordance with the student's gender identity that is consistently asserted at school.

The Oregon Schools Activities Association (OSAA, 2012) Provides participation guidelines for students who identify as transgender.

[http://www.osaa.org/governance/handbooks/osaa#\\_Toc426097038](http://www.osaa.org/governance/handbooks/osaa#_Toc426097038)

## **7. Gender-based activities, rules, policies, and practices**

Students should be treated consistent with their gender identity and should not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of gender identity, in any program or activity. These activities and programs may include but are not limited to homecoming, prom, spirit day, celebrations, assemblies, acknowledgments, after school activities/programs, and all extra-curricular activities.

## **8. Dress Code**

Schools may adopt dress codes that are applied uniformly to all students. School staff should respect the right of a student to dress in a manner that reflects a gender identity that the student asserts at school, within the constraints of the school's established code, as it relates to health and safety issues.

## **9. Housing and overnight accommodations**

Schools must allow students who identify or express their identity differently than their gender assigned at birth to access housing consistent with their gender identity, in any school activities or the application of any school rule. Each situation will be considered with the privacy and safety of all students. Some options could include:

- Use of a private room
- Use of a semi-private room
- Request for specific roommate

## 10. Safe and Nondiscriminatory Environment

Board Policies JFCF and AC prohibit discrimination, harassment, intimidation, bullying, and cyberbullying, among other things, based on a student's gender identity or gender expression. Complaints alleging discrimination, harassment, intimidation, bullying, and cyberbullying based on a person's real or perceived gender identity or expression are to be handled in the same manner as all other discrimination, harassment, intimidation, bullying, and cyberbullying complaints.

Schools may not discipline students or exclude them from participating in activities for appearing or behaving in a manner that is consistent with their gender identity or that does not conform to stereotypical notions of masculinity or femininity.

### References

Bethel School District, *Gender Inclusive Guidelines* (January, 2012)

U.S. Department of Education, Title IX  
[http://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)

Oregon Department of Education. *Guidance to School Districts: Creating a Safe and Supportive School Environment for Transgender Students* (May, 2016)  
<http://www.ode.state.or.us/policy/federal/civilrights/transgender-student-guidance-5-5-16.pdf>

Eugene School District (OR). *Best Practices for Serving Gender Nonconforming Students* (April 2015).  
[http://www.4j.lane.edu/staff/4j\\_gendernonconformingstudents\\_bestpractices\\_january2016/](http://www.4j.lane.edu/staff/4j_gendernonconformingstudents_bestpractices_january2016/)

U.S. Department of Justice and U.S. Department of Education, Offices of Civil Rights. *Dear colleague Letter on Transgender Students*. (May, 2016).  
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>

National School Boards Association. *2016 Transgender Students in Schools*. (April, 2016).  
[https://cdn-files.nsba.org/s3fs-public/reports/10711-4559-Transgender\\_Guide\\_V3\\_Final.pdf?homSpe0I5cqEQ9P66Rov2zwjrQGRixPa](https://cdn-files.nsba.org/s3fs-public/reports/10711-4559-Transgender_Guide_V3_Final.pdf?homSpe0I5cqEQ9P66Rov2zwjrQGRixPa)

Oregon Department of Education: Oregon Administrative Rules  
[http://arcweb.sos.state.or.us/pages/rules/oars\\_500/oar\\_581/581\\_tofc.html](http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_581/581_tofc.html)