

NONDISCRIMINATION GUIDELINES RELATED TO STUDENTS WHO ARE TRANSGENDER AND NONCONFORMING TO GENDER ROLE STEREOTYPES

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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 will be assessed on an individualized basis and in consultation with parents/guardians where appropriate.

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, and at bus stops. This policy also pertains to the usage of electronic technology and electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, and at bus stops, and on school computers, networks, forums, and mailing lists. This policy applies to the entire school community, including educators, school and district staff, students, parents, and volunteers.

- 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" is the state of being male or female (masculine or feminine). It refers to the behaviors, attitudes, and other characteristics that a given culture or society associates with a person's biological sex.
 - c) "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 a gender identity.
 - d) "Gender expression" refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.
 - e) "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.

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- f) “Biological sex” refers to a person’s biological status at birth as determined by genetic and anatomical characteristics (chromosomes, hormonal profiles, and internal and external sex organs).

2) Discrimination, Harassment, and Bullying

The District prohibits all forms of unlawful discrimination against any transgender student or any student who does not conform to gender role stereotypes. Further, existing District policies that prohibit the unlawful harassment and bullying of students apply in full force to any such actions that are based on a student's actual or perceived transgender status or gender nonconformity. This includes ensuring that any incident or complaint of discrimination, harassment, or bullying is given prompt attention, including taking appropriate corrective and/or disciplinary action. Complaints alleging unlawful discrimination, unlawful harassment, or bullying based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other unlawful discrimination, unlawful harassment, and bullying complaints.

3) Student Privacy/Confidentiality, Names and Pronouns, and Official School Records

All persons, including students, have a right to privacy, and this includes the right to keep one’s transgender status private at school.

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 health care 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 their gender-nonconforming presentation at school. Accordingly, in addition to adhering to all legal standards of confidentiality, school personnel with knowledge of any student’s transgender status or gender-nonconforming presentation are expected to treat that information as being particularly sensitive, even internally among school staff and school officials. 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 Pupil Services or School Psychologist. The District strongly encourages transgender and gender nonconforming students and their families to maintain ongoing communication with the school employees who are working directly with the student in order to address, among other issues, relevant privacy concerns and privacy preferences. In some cases, transgender students may feel more supported and safe if other students are aware that they are transgender. In these cases, school staff should work closely with the student and their families (including the parents/guardians of minor students) on a plan to inform and educate the student’s peers. When developing this plan, it may be appropriate to engage external resources and support organizations to assist in the educational efforts.

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Nothing in these guidelines is intended to deny the right of transgender and gender nonconforming students to discuss and express their gender identity and expression openly. The fact that a student chooses to disclose their transgender status and share private information with staff or other students, however, does not authorize school staff to disclose student record information (including medical and patient health care records) with others, except as authorized by applicable laws and policies governing the confidentiality of student records.

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. To the extent applicable to all students, a student may request to use and be referred to by an alternate name or nickname in school settings. Where there is any disagreement between a student and his/her parent or guardian, the final decision regarding the name and gender pronouns that school employees will use to address the student in school settings will be made by the parent or guardian, if the student is a minor; and by the student, if the student is an adult. A court-ordered name change or medical treatment or medical procedure is not required to request that school personnel use a particular name and/or particular gender pronouns in school settings. Upon being informed that a student should be referred to by a particular name and/or particular pronouns, school personnel are expected to abide by 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 changes their legal name and that 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, a student who is transgender will be permitted to access the men's/women's segregated restrooms that correspond to the gender identity that the student consistently asserts at school and in other social environments. Any student who has a need or desire for increased privacy, regardless of the underlying reason, may be provided with access to a single-access restroom where such a facility is reasonably available, but no student shall be required to use such a restroom because of the student's transgender or gender nonconforming status.

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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.

Any student who has a need or desire for increased privacy, regardless of the underlying reason, may be provided (to the extent reasonably available) with a reasonable alternative changing area (for example, a nearby restroom stall with a door, an area separated by a curtain, a physical education teacher's office in the locker room, or a nearby single-access restroom) or provided with an alternative changing schedule. Any alternative arrangement should be provided in a way that gives adequate consideration to relevant privacy concerns.

These guidelines related to restrooms and changing areas generally assume that a 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. However, all students have the option of consistently accessing the facilities that correspond to the biological sex that the student was assigned at birth. Accordingly, the District's willingness to address individualized concerns and requests that relate to the restroom and changing area access does not mean that any student is required to establish an individualized arrangement or plan with the school.

5) Participation in Physical Education Classes and Sports Activities

A student who is transgender shall be permitted to participate in physical education classes and intramural sports in a manner consistent with the gender identity that the student regularly asserts at school and in other social environments unless the Building Principal and Athletic Director, after assessing the relevant circumstances, determines that physical safety issues preclude such an approach with respect to any such activity that is operated on a sex-segregated basis.

Students who are transgender shall not be unlawfully excluded from participation in any such activities. Questions about any student's participation in any particular sex-segregated interscholastic athletic activity will be addressed on a case-by-case basis with the involvement of the Building Principal and Athletic Director.. In making such determinations, the District shall take into account legitimate issues

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related to competitive fairness and physical safety, as well as the current legal requirements and current policies of the Wisconsin Interscholastic Athletic Association (WIAA), as they exist at the time of the specific determination.

Dress Codes

Within the constraints of the District's dress and grooming policy and dress codes adopted by the 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.

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