

Transgender Student Support Guidelines



YES Prep Public Schools seeks to ensure the health and safety of all students, prevent bullying and discrimination, foster a conducive learning environment for all students, and provide equal access and opportunity to participate in all programs and activities. As such, YES Prep adopts the following Transgender Student Support Guidelines for the 2016-2017 academic year.

Helpful Definitions

The following definitions are not meant to label a student but to enhance our understanding of transgender issue and guide actions. Not all individuals will fall into a particular definition or pattern:

- **Gender Expression:** Describes how a person expresses their gender through outward presentation and behavior. This includes, for example, a person's name, clothing, hairstyle, body language and mannerisms.
- **Gender Identity:** Refers to someone's own personal sense of being male, female, both or neither.
- **Sexual Orientation:** Describes a person's sexual or romantic attraction.
- **Transgender:** Describes a person whose gender identity is different from what is generally considered typical for their sex assigned at birth. **Note:** This term is an adjective. Using this term as a verb (i.e., transgendered) or noun (i.e., transgenders) is offensive and should be avoided.
- **Transgender male:** Someone who identifies as male but was assigned the sex of female at birth.
- **Transgender female:** Someone who identifies as female but was assigned the sex of male at birth.
- **Transition:** Process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.

Governing Law

Title IX is a federal law prohibiting sex discrimination in schools. The U.S. Department of Education, as well as many courts, have concluded that discrimination or harassment because a person is transgender is illegal sex discrimination. Title IX applies to all schools (K-12 and post-secondary) that accept federal funds, including nearly all public schools. **The Family Educational Rights and Privacy Act** protects personal information about students in school records, and in most circumstances prohibits release of this information without consent. **The First Amendment** of the U.S. Constitution protects the right of students to free speech and freedom of expression, including expression of one's gender identity.

Guidelines

General Guidelines

All YES Prep personnel should acknowledge the gender identity that each student consistently and uniformly asserts. No medical diagnoses or treatment is required to have a student's gender identity recognized. Once known and established, school personnel should not question a student's belief about his or her gender identity.

YES Prep prohibits personnel from engaging in, encouraging, or failing to report discrimination or harassment based on sex which includes but is not limited to gender identity, gender expression, or transgender status.

The campus' Student Support Counselor will work closely with any student to navigate the education process. Should the Student Support Counselor or any other campus personnel require guidance in adhering to these guidelines, contact Kawana Coulon.

Names and Pronouns

School personnel should use the names and pronouns preferred by the student even in the absence of a court order legally changing his/her name or parent/guardian permission. If school personnel are unsure how a student wants to be addressed in communications or meetings with a parent/guardian, ask them privately and comply accordingly. It is always appropriate to ask a student his/her desired name and pronoun.

Recordkeeping

- **Official Records:** A student's name may only be changed on official record when changed by official court action. Upon submission of evidence of court action and amended birth certificate, school personnel should change the name and gender on official record. The new name and gender is the official name and gender of the student for all purposes. Until legal name and gender change occurs, "also known as" may be used on the record.

- **Unofficial Records:** All personnel should use the name and gender preferred by the student.

Privacy and Confidentiality

All students have a right to privacy, which includes perceived or actual gender identity or expression. School administrator(s) and/or SSC may only share this information on a need-to-know basis and as the student directs. This includes sharing the information with the student's parent or guardian. When contacting the parent or guardian, school administrator(s) and/or SSC should refer to the student's legal name and the pronoun corresponding to the gender assigned at birth unless the parent or guardian has specified otherwise.

A name in a school's database is part of an official educational record and is therefore covered by the Family Education Rights and Privacy Act (FERPA). A request by a parent or guardian for educational records under FERPA may include unofficial records directly related to the student, including records containing a student's actual or perceived gender identity. School Directors and Heads of Schools should be advised when a request for student records is made and a transgender student's privacy may be of concern (i.e. when the student has not yet disclosed gender identity status to the parent or guardian).

Note, however, that private information about a student's gender identity may be provided to others without parental consent only if it is reasonably believed that providing this information would likely help to prevent anticipated harm. If a campus or district employee believes a student is in danger of such harm, they should immediately notify the Dean of Students/School Director and Student Support Counselor.

To ensure confidentiality when discussing a particular concern, (i.e. conduct, discipline, grades, attendance, or health), school personnel's focus should be specifically school-related and not on the student's gender identity or expression.

Student Transitions

In most cases, transitioning is a private matter. Students may choose whether or not to have their parent involved in the process. School administrator(s) and/or SSC should consider the health, well-being, and safety of the transitioning student. School administrator(s) and/or SSC should work closely with the student and family in devising a plan regarding the confidentiality of a student's transgender status.

Restroom and Related Facilities

Under no circumstances should a student be asked to use facilities that are potentially unsafe. If other students feel uncomfortable sharing a restroom with a transgender student or if a student has a need for increased privacy, the school should allow the student(s) access to a single stall restroom, a gender neutral restroom, or the opportunity to visit the facilities when other students are not present. The single-user restroom,

however, should not be given as the only option for transgender students who need or desire increased privacy.

Any student who has a need or desire for increased privacy in a locker room facility may have access to a reasonable accommodation such as the following:

- a) Assignment of a student locker near staff office;
- b) Use of a private area within the public area of the locker room facility (i.e. nearby restroom stall with a door or an area separated by a curtain);
- c) Use of a nearby private area; or
- d) Separate changing schedule

Dress Code and Appearance

Dress code should be applied to students transitioning to a different gender in the same way that they are applied to other students. Dress codes should not be used to prevent a transgender student from living full-time in the role consistent with his or her gender identity. (For example, a transgender female or transitioning male is permitted to wear a uniform skirt.)

Gender Based Activities

Transgender students should have equal access to and opportunity to participate in sports.

- **Athletics:** YES Prep supports the participation of transgender students in all athletic activities in a manner that is consistent and uniform with their gender identity, irrespective of the gender listed on the student's record or identification documents. YES Prep's Athletic Director, in conjunction with the Chief Executive Officer, will make a decision in accordance with these Guidelines.
- **School Activities:** All students have the right to equitable access to activities and programs. Students may 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 may include, but are not limited to, dances, prom, celebrations, assemblies, acknowledgments, after school activities/programs, and all extra-curricular activities.

Drafted based on recommendations by the Department of Justice's 'Dear Colleague Letter on Transgender Students,' HATCH (LBGTQIA) Houston Center, and Region IV ESC