

GENDER IDENTITY OF STUDENTS

A. Purpose

The purposes of this policy are to: (1) foster a learning environment that is safe and free from discrimination, harassment and bullying; and (2) assist in the educational and social integration of all gender identities, including but not limited to cisgender, transgender and gender expansive students in our schools. This policy is intended to be interpreted in light of applicable federal and state laws/regulations, as well as other applicable 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 on a case-by-case basis, and to utilize this policy and other available resources as appropriate.

B. Definitions

The following definitions are not intended to provide rigid labels for students, but to assist in discussing and addressing the needs of students. Except as specifically defined in Maine law, the terminology in this area is constantly evolving, and preferences for particular terminology vary widely. Administrators, school staff, volunteers, students and others who interact with students are expected to be sensitive to the ways in which individual students may wish to be identified. However, for the sake of brevity, this policy refers to "cisgender students", "transgender students" and "gender expansive students."

1. *Sexual orientation* – Defined in the Maine Human Rights Act as an individual's "actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression."
2. *Gender identity* – Defined in the Maine Human Rights Act as "gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth."
3. *Gender expression* – The manner in which a person represents or expresses gender to others, often through behavior, physical appearance, presentation, name, pronouns, clothing, accessories, hairstyles, activities, voice or mannerisms.
4. *Gender expansive* – An umbrella term used to describe a person who expands notions of gender identity, expression, and/or roles beyond perceived or expected societal gender norms. Sometimes used as a term that includes transgender and nonbinary people. Gender Nonconforming is another term that is commonly used.

5. *Transgender* – An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth.
6. *Cisgender* – An adjective describing a person whose gender identity or expression is the same as that traditionally associated with an assigned sex at birth.
7. *Assigned Sex at Birth* – Sex that is designated at birth, often declared after viewing genitalia immediately after birth or from ultrasound.
8. *Transition* – The process by which a person goes from living and identifying as one gender to living and identifying as another gender.

C. Addressing the Needs of Students' Gender Identity

The Oxford Hills School District shall accept a student's assertion of their gender identity when there is a consistent assertion while at school. This does not require a medical diagnosis.

If any student needs additional support, the student and/or their parent(s)/guardian(s) may use the following procedure:

1. A student and/or their parent(s)/guardian(s) shall contact the building administrator or the student's guidance counselor. In the case of a student who has not yet enrolled in school, the appropriate building administrator shall be contacted.
2. If requested by the student, or if deemed necessary by the administration to address school-related issues, a meeting shall be scheduled to discuss the student's particular circumstances and needs. In addition to the student, and depending on the particular needs of the student, other participants in the meeting may include the parent(s)/guardian(s), a building administrator, a guidance counselor or social worker, the school nurse, and/or other school staff. Outside providers and/or a support person for the student may also be included if appropriate.

In the case of a student who has not yet informed their parent(s)/guardian(s), the administrator shall first discuss parent/guardian involvement with the student to avoid inadvertently putting the student at risk by contacting their parent(s)/guardian(s). The student shall be notified by the administrator prior to contacting their parent(s)/guardian(s). Parent notification shall be contingent on student approval with the exception of school records accessed and disclosed under FERPA (see D.1.d.).

3. If requested by the student, or deemed necessary by the administration to address school-related issues, a plan shall be developed by the school in consultation with the student and other meeting participants. If the student has an IEP and/or a 504 Plan, the

provisions of these plans shall be taken into consideration in developing a plan for addressing gender identity and/or gender expression within the school program.

4. The school administration may request documentation from outside providers if deemed necessary to assist in developing a plan appropriate for the student.
5. Any plan developed must be reviewed and approved by the building administrator. If the parties involved in developing the plan cannot reach an agreement about the elements of the student's plan, the Superintendent shall be consulted as appropriate.
6. In the event that a student and their parent or legal guardian do not agree with regard to the student's gender identity or gender expression, the school shall abide by the wishes of the student with regard to their gender identity and gender expression while at school.

D. Guidance on Specific Issues

1. **Privacy:** All students have a right to privacy. This includes the right to keep private one's gender identity or gender nonconforming presentation at school. In some cases, a student may want school staff and students to know their gender identity, and in other cases the student may not want this information to be widely known. Accordingly:
 - a. The student's plan shall be kept confidential and shared only with individuals attending the plan development meeting, the Superintendent, others with a bona fide need to know, and, if necessary, the District's legal counsel.
 - b. As part of the development of the student's plan, the discussion shall include what information may be shared, to whom the information may be shared, and how the information shall be shared.
 - c. School staff shall take care to follow the student's plan and not to inadvertently disclose information that is intended to be kept private or that is protected from disclosure (such as confidential medical information, the student's gender identity, their legal name, or sex assigned at birth).
 - d. School staff shall keep in mind that under FERPA, student records may only be accessed and disclosed to parents/guardians and to staff with a legitimate *educational* interest in the information. Disclosures to others shall only be made with appropriate authorization from the administration and/or parents/guardians.
2. **School Records:** Schools are required to maintain a large number of records for students. If a student makes a legal change in their name and/or gender, appropriate

documentation shall be provided to the building administrator and records shall be changed.

A student who has not legally changed their name and/or gender may still request that the District utilize their preferred name and/or gender on school records, and this request shall be honored to the extent that the District is not legally required to use a student's legal name or gender on particular records. This information shall be included in any plan developed for the student.

If a student requests a change to their name and/or gender in school records without parental approval, the Superintendent shall be consulted and the matter resolved on a case-by-case basis. Students shall be informed that parents/guardians have a right to access all education records of their child and therefore the school cannot keep the change in name and/or gender a secret. This information shall be discussed in the development of the student's plan.

In the event of a student transfer to a new school unit, the building administrator shall identify a person who will inform the new school unit or out-of-district school program that the student's records indicate a change in name preference, and what the student's prior and current name preferences are.

3. **Names/Pronouns:** Students shall be addressed by school staff, substitutes, volunteers and other students by the name and pronoun they request.
4. **Restrooms, Locker Rooms, Other Gender-Segregated Facilities:** Students are permitted to use the facilities that closely match their gender identity; this includes but is not limited to: the restroom, locker room, shower facilities, and any other facilities when students may be separated by gender. Facilities such as a curtained changing area or unisex facilities shall be provided and made available to all students, but shall not be used to isolate or segregate students based on their sexual orientation, gender expression, or gender identity. Students shall not be required to use facilities corresponding to their assigned birth sex/gender, where their assigned birth sex/gender and their gender identity are different. Students shall be permitted to reside in the housing facilities corresponding to their gender identity.
5. **Other Facilities or Activities:** As a general rule, while on school property and/or during school activities, gender-segregated practices shall be avoided except where they serve an important educational purpose. When students may be separated by gender, students may participate in accordance with their gender identity. Participation in interscholastic athletic activities shall be addressed in accordance with current Maine Principals Association guidelines and procedures.
6. **Dress Code:** Students are expected to comply with Board policies and school rules regardless of gender identity.

E. Safety and Support for Students

1. As part of the support plan development, the concerned parties shall discuss safe zones (for example main office, counselor's office) the student may access at any time the student feels unsafe or uncomfortable. A support person (and possibly a back-up person) shall also be identified for each student.
2. School staff are expected to comply with any plan developed for a student.
3. School staff are expected to promptly notify the building administrator or other designated support person for the student if there are concerns about the plan, or about the student's safety or welfare.
4. School staff shall be sensitive to the fact that a student's gender identity and/or gender expression can put them at higher risk for being bullied or harassed, and shall immediately notify the appropriate administrator if they become aware of a problem.

F. Staff Training and Informational Materials

The Superintendent and/or building administrators shall institute in-service training and distribute educational materials about this policy and gender identity and gender expression topics to school staff annually.

Legal Reference: 5 M.R.S. §§ 4553(5-C), (9-C); 4592(9)

