



## Administrative Directive 4.30.061-AD

### Transgender, Nonbinary and Gender Diverse Students

#### I. OVERVIEW – STUDENT FOCUSED PROCEDURES

It is the District's goal to create a safe and welcoming environment for our students and staff, free of transphobia and homophobia. This directive is meant to identify procedures and provide guidance to district and school staff so that transgender, nonbinary and gender diverse students are fully included in the school community and have the necessary supports to actively participate free of discrimination. When creating a plan of action or making decisions around how best to support a student, within the parameters of this directive, every effort should be made to include the student(s) and families themselves.

This directive furthers the Board of Education's Non-Discrimination Policy 1.80.020-P which states: "The District is committed to equal opportunity and nondiscrimination in all its educational and employment activities. The District prohibits discrimination based on race; national or ethnic origin; color; sex; religion; age; sexual orientation; gender expression or identity; pregnancy; marital status; familial status; economic status or source of income; mental or physical disability or perceived disability; or military service."

This directive also furthers the Board of Education's Anti-Harassment Policy 4.30.060-P, which prohibits harassment, discrimination, bullying and retaliation based on a person's protected class.

#### II. DEFINITIONS

The definitions below use currently acceptable phrasing for important concepts relating to gender expression and identity, at the time of the adoption of this directive. These definitions may evolve and be updated over time.

- a) "**Gender identity**" is a person's deeply held sense of psychological knowledge of their own gender, regardless of the assigned sex at birth. Everyone has a gender identity. "Gender identity" is sometimes also referred to as a person's "**affirmed gender**."
- b) "**Transgender**" or "**Trans**" describes any person whose gender identity does not correspond with the sex assigned at birth. "Trans" also often is used as an umbrella term for those who do not identify as cisgender, and can include nonbinary people.



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- c) **“Cisgender”** describes people whose gender identity corresponds with their sex assigned at birth.
- d) **“Nonbinary”** is an umbrella term to describe any gender identity that is not limited to the gender binary of male and female. Nonbinary people may, for example, identify as having no gender, fall on a gender spectrum somewhere between male and female, have a gender identity that fluctuates, or identify as totally outside binary gender identities.
- e) **“Gender expression”** refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.
- f) **“Gender diverse”** describes people whose gender expression differs from stereotypical expectations, such as “feminine” boys, “masculine” girls, and those who are perceived as androgynous.
- g) **“Sex assigned at birth”** The assignment and classification of people as male, female, intersex, assigned at birth often based on physical anatomy at birth and/or karyotyping.
- h) **“Intersex”** refers to a person born with physical or genetic characteristics that are not limited to the binary definitions of female or male.
- i) **“Gender transitioning”** is the process of changing one's gender expression, physical body, and/or legal documentation to align with their gender identity.
- j) **“Pronoun”** refers to a word or phrase that may be used when referring to someone in the third person. Pronouns that a person may use include but are not limited to: he/him/his, she/her/hers, or they/them/theirs. Some people may be comfortable with more than one set of pronouns, or no pronouns at all (in which case their name should always be used when speaking of them in the third person.)
- k) **“Misgender”** Misgendering occurs when a person wrongly assumes a student's gender and uses the wrong pronouns and/or uses inaccurate gendered language such as “ladies, miss, boys, Mr., etc.” while referring to a student or group.
- l) Additional examples of other terms transgender and nonbinary students may use to refer to themselves may include but are not limited to:



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- i. **“gender fluid”** refers to a person whose gender expression and/or identity changes over time across or between different genders or presentations.
- ii. **“genderqueer”** is another word used to describe someone along or outside of the spectrum of gender. Each person has their own unique vision of what this means.
- iii. **“two-spirit”** is a term used to describe native and indigenous people who are a third or other gender.

### III. NAMES AND PRONOUNS

- a) Students of all ages have the right to be addressed by a name and pronouns that correspond to their gender identity. Regardless of whether a transgender or nonbinary student has legally changed their name or gender, students and staff should always use the pronoun and name with which the student identifies or requests. Misgendering can cause severe psychological harm and jeopardize a student’s safety at school.
  - i. Staff members and students must use students’ desired pronouns. It is not permissible to continue to use the wrong pronoun once someone has been made aware of the student’s pronouns. For example, if a student has asked to be referenced by the pronouns “They/Them/Theirs,” it is incumbent upon staff and students to honor that request.
  - ii. School student ID cards and all school media should reflect the name the student identifies with.
  - iii. It is very important not to assume any student’s pronouns, but rather to ask all students which pronouns they use. Examining your own gendered language is essential to avoid misgendering students.
- b) Portland Public Schools follows the Oregon Department of Education’s processes for registration and records information regarding a transgender or nonbinary student’s first name and gender.



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- c) Students do not need to have medical recognition or documentation to change their gender or preferred name in the student information system. However, parent/guardian permission to make a change to their legal name and/or gender in the student information system is required by law. This is true until the student turns 18 or is an emancipated minor, at which point the student makes their own educational decisions.
  - i. If requested by the student and approved by a parent or legal guardian, students may change their first name in the student information system. The legal first name of the student can be replaced with the student's preferred name and the legal first name is then moved to the middle name field. For students who have legally changed their name, presentation of the name change document will automatically be registered by the school. In all instances, the student would retain the same SSID number.
  - ii. If the student does not have parent approval, and/or there is a reason why they do not wish to change the legal first name field, then the student may request that their preferred name be entered in the "preferred name" field.
  - iii. If requested by the student and approved by a parent or legal guardian, schools will change a student's gender in the student information system. Current options include male, female, or nonbinary. A written request for the change is considered documentation for this change.
  - iv. If the student has chosen to keep their transgender status confidential from their parents/guardians, or if there is no parent/guardian in agreement with the student's wishes, the school cannot change the official information located in the registration form or student information system. However, school staff should use the name requested by the student in all other areas and aspects of school day. If parents who share custody disagree, school staff should consult with the office of General Counsel.



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#### **IV. Gender Identification Confidentiality**

- a) The Family Education Rights Privacy Act (FERPA) applies to all aspects of a student's identity, including gender identity. Under FERPA, generally only those school employees "determined to have legitimate educational interest" may have access to a student's records or the information contained within those records.
  - i. The school should work closely with the student and family in devising a plan to maintain confidentiality and inform school staff on a need-to-know basis. Similarly, if the student wishes to have other students be aware that they are transgender and/or that they are transitioning, they should be supported in doing so. In either case, the school should work closely with the student and family, and involve the school counselor and district departments such as Student Success and Health if they need assistance in devising such a plan.
  - ii. The school should make every effort to restrict access to the records maintained by the school (birth certificates, etc.) in identifying assigned sex, to persons authorized in the plan designed with the student.
  - iii. Student information system reports generated by the school, and that could be seen by students and/or staff who do not have a need to know, should not reveal a student's gender. The default for the present student information system reports such as class lists for substitutes does not show gender and should continue not revealing gender. This helps maintain confidentiality.
  - iv. The District and the State of Oregon recommend that all student transcripts be gender neutral and contain no indicator of gender for any student. Currently, student transcripts default to showing gender, however, each time a single transcript or batch of transcripts is run, the school has the option of suppressing gender. The district recommends that the option to suppress gender be used for all student transcripts, except in cases where a student makes a specific request to show their gender on their transcript.



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- v. In some circumstances, our transgender, nonbinary or gender diverse students do not want their parents to know about their transgender or nonbinary status and that they are expressing their affirmed gender at school. We must balance our goal of supporting the student with the requirement that we keep parents informed when there are safety concerns. In these circumstances, building administrators should work with their supervisor, the General Counsel's office, and the office of Student Success and Health.

#### **V. Restroom and Locker Room Usage**

- a) With regards to restroom and locker room usage, the school has a duty to provide equal access to education, ensure student safety, and maximize social integration while minimizing stigmatization of the student.
- b) Students shall have access to a restroom that corresponds to their gender identity. Prohibiting a student from accessing the restrooms that match the student's gender identity is not allowed.
  - i. If there is a need or desire for increased privacy and safety, regardless of the underlying purpose or cause, any student may be provided access to a reasonable alternative restroom such as a single stall restroom.
  - ii. The option of a single stall restroom should not be forced upon or presented as the only option to transgender, nonbinary or gender diverse students.
- b) A student shall not be required to use a locker room that is incongruent with the student's gender identity. The school should work with the student to ensure the student has privacy, if so desired, within the locker room.
  - i. Any student who has a need or desire for increased privacy, regardless of the underlying reasons, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, or an area separated by a curtain) or with a separate changing schedule (e.g.,



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using the locker room that corresponds to their gender identity before or after other students).

- ii. Transgender, nonbinary and gender diverse students should not be penalized for not dressing down for PE if the student does not feel safe using the available changing facilities.

#### **VI. Athletics, Physical Education, Sports Activities**

- a) Students shall be permitted to participate in gender-separated physical education, intramural athletics, and non-high school interscholastic athletics and activities in accordance with the student's gender identity.
- b) Participation in high school interscholastic athletics and sports is governed by the Oregon School Activities Association (OSAA). OSAA has its own policy with respect to transgender and nonbinary student participation. School administrators should call the District Athletics Office and the General Counsel's office to discuss this participation on a case-by-case basis.

#### **VII. Overnight School Trips**

- a) Students should be allowed use of an overnight facility that corresponds with their gender identity. Transgender, nonbinary and gender diverse students should be consulted early on in the planning process to address any questions or concerns the student might have, including any needs for privacy in terms of dressing, showering, etc. The parent/guardian should be consulted as well, unless there are concerns for student safety in doing so.
  - i. Best practice is to make available a gender-inclusive accommodation that is presented as an option for any student, with parent/guardian permission, who feels more comfortable with that option.
  - ii. Schools should work with the student, family, principal's supervisor, and, as necessary, the General Counsel's Office in devising a plan based on the particular circumstances of the trip.



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- iii. In no case should a transgender, nonbinary or gender diverse student be denied the right to participate in an overnight field trip because of the student's transgender, nonbinary or gender diverse status.

#### **VIII. Dress Code**

Students have the right to dress in accordance with their gender identity.

School staff shall affirm a student's right to dress in accordance with their gender identity.

#### **IX. Student Safety**

Oregon law and Portland Public Schools Anti-Harassment Policy prohibit harassment, intimidation, bullying or cyberbullying. School District employees must report acts of harassment, intimidation, bullying, or cyberbullying. Transgender and nonbinary students are often targeted with physical violence and experience a hostile school environment at a higher rate than their peers. Along with District employees, parents and students should report any incidents to the School Compliance Officer and the Title IX Director. School and District administration should promptly respond with actions that include, but are not limited to:

- a) Intervening to immediately stop the behavior;
- b) Investigating and documenting the incident;
- c) Determining and enforcing appropriate corrective actions within the school's area of responsibility;
- d) Remedying the effects of such behavior on the targeted student and other students; and
- e) Monitoring to ensure that the behavior does not recur.

Please see the Administrative Directive on Harassment, Sexual Violence, and Teen Dating Violence Procedures and Prevention - Students 4.30.071-AD.





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#### **X. Training and Professional Development**

In order to ensure that transgender, nonbinary and gender diverse students are included in all school activities and allowed to participate in the full school community, it is imperative that all school and district staff members participate in annual professional development specific to the needs and rights of transgender, nonbinary and gender diverse students. The content of training and professional development shall include but not be limited to:

- a) Terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents;
- b) Developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression;
- c) Developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyberbullying;
- d) Classroom management practices, curriculum, and resources that educators can integrate into their classrooms to help foster a more gender-inclusive environment for all students.

Approved 1/3/18; Revised 5/2019