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## MEMORANDUM

To: Building Administrators

From: Jollee Patterson

Re: Supporting our transgender students

In Portland Public Schools, we have a growing number of students who identify as transgender or gender variant. It is our goal to provide a welcoming and supportive environment for these students, in order to help ensure that they have a positive school experience in which they can thrive academically within an affirming school community. Oregon is one of 11 states that prohibit discrimination based on gender identity or expression, and we strive to be a model for other school districts in working with transgender students and their families.

Many questions arise for students, families and staff when considering the best supports for our transgender students. Below please find some guidance about the most frequently asked questions. This is an evolving area for school districts, and some of this guidance will undoubtedly evolve over time. Also, because every student and school is unique, I strongly encourage building administrators to (1) discuss these issues with students and their families and (2) draw on the expertise of your colleagues. A list of central office and building administrator resources is at the end of this FAQ.

- 1) **Definitions:** I have included a number of terms in this section. Because many of us are still learning about transgender issues, it is very helpful to understand the various terms that apply to our transgender students. There is some overlap in these terms.
  - a. **“Gender identity”** is a person’s deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. Everyone has a gender identity. “Gender identity” is sometimes also referred to as a person’s **“affirmed gender.”**
  - b. **“Transgender”** describes people whose gender identity is different from their gender assigned at birth.
  - c. **“Gender expression”** refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.
  - d. **“Gender variant”** or **“gender nonconforming”** describes people whose gender expression differs from stereotypical expectations, such as “feminine” boys, “masculine” girls, and those who are perceived as androgynous. This is sometimes referred to in the medical literature as “gender identity disorder.” PPS does not recommend the use of “gender identity disorder” in reference to our students because of the implication that that there is something wrong with their transgender status.
  - e. **“Sex”** is the physical makeup of a human being, referred to as their biological or natal sex. A person’s biological sex is sometimes also referred to as their **“assigned gender.”**
  - f. **“Gender (or sex) reassignment”** is the term for the surgical procedures by which a person's physical appearance and function of their existing sexual characteristics are altered to resemble that of the other sex.
  - g. **“Gender transitioning”** is the process of changing one's gender expression to accord with one's gender identity.

## 2) What pronoun should I use when I am referring to a transgender student?

Students have the right to be addressed by a name and pronoun that corresponds to their gender identity. School staff should always use the pronoun and name with which the student identifies. For example, if the student was physically identified as female at birth but is now identifying and self-presenting as a male, the school should refer to the student as “him.” No staff member should engage in intentional refusal to respect a student’s gender identity by consistently referring to the student by a name or pronoun that does not correspond to the student’s affirmed gender.

## 3) What should I do if a transgender student wants to change his/her name on the registration form? **\*New Information\***

Transgender students face unique challenges in schools and it is important that identifying factors in their education records do not inadvertently disclose their identity. In June 2014, ODE released new processes for handling first name issues with transgender students. The preferred option is to enter the name the student is currently using as the “preferred name” on the registration form. If the student’s legal name is John, but the preferred first name is “Jane,” the school should utilize the name Jane when referring to the student.

In some cases, the legal name may appear in daily use documents and records, which could result in outing of the student. In cases such as these, the school can replace the legal first name of the student in the system with the student’s preferred name and move the legal name to the middle name field. The student should retain the same SSID number in the system, and the school should monitor for SSID errors.

In circumstances where the student has chosen to keep their transgender status confidential from their parents, the school cannot change the registration form or student information system. However, school staff should use the name requested by the student.

## 4) What should I do if a transgender student wants to change his/her gender on the registration form? **\*New Information\***

The Oregon Department of Education ADM Manual states that a school may change a student’s gender and preferred name, based on the student’s request for the change, and particularly if it is in the best interest of the student to do so. A written request for the change is considered documentation for the change. Students do not need to have medical recognition or documentation to change their gender or preferred name in the student information system. This change in guidance will apply to the registration form, student information systems, and includes data sent to ODE. The ADM manual does require medical documentation for a change to a student’s biological sex, but since the student information system only records “gender”, changes can be made according to the procedure set forth above.

The school should make every effort to maintain confidentiality with the records maintained by the school (birth certificates, etc.) in identifying biological sex. Where possible, this includes limiting access for staff to only those with a need to know the student’s biological sex.

## 5) Is a student’s transgender status considered confidential?

Transgender students, like all students, have a right to privacy. This includes the right to keep private one’s transgender status, legal name, or gender assigned at birth. Only the people who absolutely must know should be

privity to this information. If you have students or parents working in your office, for example, they should not have access to this information. However, it may be appropriate for the student's homeroom teacher, PE teacher, and/or counselor to be informed. The school cannot guarantee that the student's biological sex will never be revealed, but we should work closely with the student and family in devising a plan that works for both the student and the school.

In some cases, transgender students may feel more supported and safe if other students are aware that they are transgender. In these cases, you should work closely with the student, families and your counselor on a plan to inform and educate the student's peers. It may also be appropriate to engage external resources, such as TransActive, to assist with educational efforts. I highly recommend that you work with your Senior Director to ensure you have strong resources and supports.

Privacy considerations may also vary with the age of your student. In general, it may be easier for a high school student to keep their transgender status confidential than it would be for a kindergarten student. Again, you should work closely with the student and family, and draw on the expertise of your colleagues, in devising a plan that works for the student and the school.

In some circumstances, our transgender students do not want their parents to know about their transgender status, or that they are expressing their affirmed gender at school. These are challenging situations, since we must balance our goal of supporting the student with the requirement that we keep parents informed of key information about their student. In these circumstances, building administrators should work with their Senior Director and my office.

#### **6) What bathroom should a transgender student use?**

This issue requires us to consider the need to support our transgender student while also doing our best to ensure the safety and comfort of all students. Transgender support organizations consistently recommend that transgender students be allowed to use the bathroom that corresponds to the student's identified gender (as opposed to their biological sex). Many PPS schools have successfully implemented such a plan. If the student is going to use the bathroom of his or her identified gender, the school should work with the student to make sure the student has privacy within that bathroom (i.e.: always uses a stall with a closed door).

If the student or administrator feels that there is a need or desire for increased privacy and safety, regardless of the underlying purpose or cause, the student may be provided access to a reasonable alternative restroom such as a single stall "unisex" restroom or the health office restroom. Administrators should work to overcome any barriers to use of an alternative bathroom, such as the need for a key.

In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

#### **7) What locker room should a transgender student use for physical education?**

The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, transgender students should have access to the locker room that corresponds to their gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, 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, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after

other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status confidential.

In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

**8) Can transgender students play sports on teams of their identified gender?**

At this point, it is unclear how this issue will be handled by the OSAA. If this comes up in your school, please call the Athletic Office and the General Counsel's office to discuss on a case-by-case basis.

**9) Do we have to modify our school dress code for transgender students?**

Transgender students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender. If questions come up about this, please contact the General Counsel's office.

**10) How should we handle transgender students going on overnight school trips?**

This is another challenging issue. Again, schools must balance the need to support our transgender students while ensuring the safety and comfort of all students. Schools should work with the student, family, Senior Director and my office in devising a plan based on the particular circumstances of the trip. In no case should a transgender student be denied the right to participate in an overnight field trip because of the student's transgender status.

**11) What steps should I take when we enroll a new transgender student, or a current student indicates that they are "transitioning" from one gender to another?**

Schools have a unique and powerful opportunity to support our transgender students, including those going through a gender transition, while providing education to the entire school community. Generally, either a newly enrolled student informs the school that he/she is transgender, or a current student approaches school staff indicating they are undergoing a gender transition from their assigned gender to their identified gender. Following are some suggestions for how the school can help.

When a student undergoes a gender transition during the school year, issues of privacy become much more difficult to manage; a mid-year transition is in fact a public transition. Nonetheless, there are a few suggested guidelines that schools can choose to follow for a more successful experience for all. Again, these guidelines must be grounded in developmental differences.

In Elementary School: Generally, it will be the parent or guardian that informs the school of the student's transgender status or impending transition. However, it is not unusual for a child's desire to transition to first surface at school. If school staff believe that a gender identity issue is presenting itself and creating challenges for the child at school, approaching parents about the issue is appropriate. Together, the family and school can then effectively prepare for a formal gender transition at school or other approaches for supporting the child's authentic gender expression. The following steps are suggested:

1. Meet with the family to ascertain their desires and concerns regarding the child's current gender status. Discuss the issues raised in this memo.

2. If the student is a current student who is transitioning, decide on a timeline, with the desire being to briefly delay the transition in order to create the conditions supporting a more gender sensitive environment at the school.
3. Without identifying the transgender student, conduct staff training for all staff members on gender diversity and their responsibilities to support our transgender students.
4. Host a gender education event or provide written communication for parents about gender diversity and the school policy and its implementation. Do this without mentioning specific identifying information-- the child in question or the child's grade level, the classroom involved, etc.-- emphasizing instead notions of inclusiveness. Make resources available for families unable to attend the event or who have additional questions or concerns.
5. Develop age-appropriate lessons for students about gender diversity and acceptance.
6. Be especially vigilant for any bullying or harassment issues that may arise for transgender students. Transgender students in other states have won lawsuits against their districts for civil rights violations where a district knew a student was being bullied and did not act. Pursuant to district policy, schools must work to prevent bullying and harassment, and respond promptly when allegations of bullying and harassment arise.  
[http://www.pps.k12.or.us/files/board/4\\_30\\_061\\_AD.pdf](http://www.pps.k12.or.us/files/board/4_30_061_AD.pdf)

In Middle and High School: Many of the same steps are appropriate when a new transgender student enrolls, or a current student indicates that they will be going through a transition to their identified gender. The following steps are suggested:

1. Hold a meeting with the student to understand the wishes and desires of the student in regards to their gender. Discuss the level of support the student perceives from his/her parents. It is strongly preferable that the student and school work with the parents through this process. If the student does not want the parents to be aware of his/her transgender status or gender transition, the school should contact the Senior Director and my office.
2. Have a meeting with the student and parents to discuss their concerns and wishes, including the issues raised in this memo. If the student is a current student who is transitioning, decide on a timeline, with the desire being to briefly delay the transition in order to create the conditions supporting a more gender sensitive environment at the school.
3. Without identifying the transgender student, conduct staff training for all staff members on gender diversity and their responsibilities to support our transgender students.
4. Host a gender education event or provide written communication for parents about gender diversity and the school policy and its implementation. Do this without mentioning specific identifying information-- the child in question or the child's grade level, the classroom involved, etc.-- emphasizing instead notions of inclusiveness. Make resources available for families unable to attend the event or who have additional questions or concerns.
5. Develop school-wide lessons for students about gender diversity and acceptance.
6. Be especially vigilant for any bullying or harassment issues that may arise for transgender students. Transgender students in other states have won lawsuits against their districts for civil rights violations where a district knew a student was being bullied and did not act. Pursuant to district policy, schools must work to prevent bullying and harassment, and respond promptly when allegations of bullying and harassment arise.  
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## 12) Do transgender students choose to be transgender?

Science increasingly shows that gender identity develops in the brain and is most likely determined before a person is born. It is a misunderstanding that children 'choose' their gender identity. Portland Public Schools supports transgender students in their expression of their gender identity.

## 13) How else can I support our transgender students?

Many of our building administrators have worked closely and successfully to support our transgender students. Please do not hesitate to call me for names of colleagues who would be happy to help.

There are many other resources available to support students, families and schools around transgender issues.

- TransActive is a leading organization serving the needs of transgender and gender variant children. TransActive has a local chapter and has worked with several of our schools. <http://www.transactiveonline.org/index.php>
- GLSEN (The Gay, Lesbian, Straight Education Network) is a prominent organization supporting GLBT youth. They have great resources about creating safe and supportive environments for students. <http://www.glsen.org/cgi-bin/iowa/all/about/index.html> Here are a couple of GLSEN helpful GLSEN publications: [The Principal's Perspective: School Safety, Bullying and Harassment](#) and [Harsh Realities: The Experiences of Transgender Youth in Our Nation's Schools](#).
- Oregon Safe Schools and Communities Coalition provide supports for transgender students, and their families and schools. The Oregon Safe Schools and Communities Coalition Resource Manual is great: [http://www.oregonsafeschools.org/documents/Resource\\_Manual.pdf](http://www.oregonsafeschools.org/documents/Resource_Manual.pdf)
- Beyond the Binary is a toolkit for supporting transgender youth in schools. [http://www.oregonsafeschools.org/documents/beyond\\_the\\_binary.pdf](http://www.oregonsafeschools.org/documents/beyond_the_binary.pdf),
- The Trevor Project is the leading national organization focused on crisis and suicide prevention efforts among lesbian, gay, bisexual, transgender and questioning youth. <http://www.thetrevorproject.org/>