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## **Model Workshop Agenda**

### **Gender Identity and School Environments: Protecting Transgender and Gender Non-Conforming Students**

- I. Introductions**
- II. Background on the Student Safety and Violence Prevention Act (AB537)**
- III. Transgender 101**
  - I. Definitions
  - II. Diversity within transgender communities
  - III. Gender Identity and Sexual Orientation
- IV. School-based issues for Transgender students**
- V. Model policy**
- VI. Case Study Scenarios**
  - Big Group
  - Small Group
- VII. Evaluation**

*This agenda and the accompanying materials were created by the Gay Straight Alliance Network and the Transgender Law Center in cooperation with the National Center for Lesbian Rights*



*ADVOCATING FOR OUR COMMUNITIES*

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## The Transgender Definition Match Game

Match the following terms with their correct definition below:

<b>1. Transgender</b>	<b>4. Sexual Orientation</b>	<b>7. Gender Non-Conforming</b>
<b>2. Gender Identity</b>	<b>5. LGBTQ</b>	<b>8. Genderqueer</b>
<b>3. Gender Expression</b>	<b>6. Transsexual</b>	<b>9. Female or Male Cross Dressers</b>

	A. A person's emotional and sexual attraction to other people based on the gender of the other person. A person may identify as heterosexual, lesbian, gay, bisexual, or queer.
	B. A person who is or is perceived to have gender characteristics and/or behaviors that do not conform to traditional or societal expectations.
	C. An umbrella term that stands for "lesbian, gay, bisexual, transgender, and questioning." The category "questioning" is included to incorporate those that are not yet certain of their sexual orientation and/or gender identity.
	D. Individuals who occasionally wear clothing that is perceived to be conflicting with their anatomical genital structure.
	E. People who do not identify as, or who do not express themselves as completely male or female. Genderqueer people may or may not identify as transgender.
	F. An umbrella term that can be used to describe people whose gender expression is nonconforming and/or whose gender identity is different from their birth assigned gender.
	G. A term most commonly used to refer to someone who transitions from one gender to another. It includes people who were identified as male at birth but whose gender identity is female, people who were identified as female at birth but whose gender identity is male, and people whose gender identity is neither male nor female.
	H. An individual's characteristics and behaviors such as appearance, dress, mannerisms, speech patterns, and social interactions that are perceived as masculine or feminine.
	I. A person's internal, deeply-felt sense of being either male, female, something other, or in between.

## BOARD OF EDUCATION ADMINISTRATIVE REGULATION

R5163

### ARTICLE 5: STUDENTS

#### SECTION: Non-Discrimination for Students and Employees

This regulation is meant to advise school site staff and administration regarding transgender and gender non-conforming student concerns in order to create a safe learning environment for all students, and to ensure that every student has equal access to all components of their educational program.

#### **California Law Prohibits Gender-Based Discrimination in Public Schools**

The California Education Code states that “all pupils have the right to participate fully in the educational process, free from discrimination and harassment.” Cal. Ed. Code Section 201(a). Section 220 of the Education Code provides that no person shall be subject to discrimination on the basis of gender in any program or activity conducted by an educational institution that receives or benefits from state financial assistance. The Code further provides that public schools have an affirmative obligation to combat sexism and other forms of bias, and a responsibility to provide equal educational opportunity to all pupils. Cal. Ed. Code Section 201(b).

The California Code of Regulations similarly provides that “No person shall be excluded from participation in or denied the benefits of any local agency's program or activity on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability in any program or activity conducted by an ‘educational institution’ or any other ‘local agency’ . . . that receives or benefits from any state financial assistance.” 5 CCR Section 4900(a).

The California Code of Regulations defines “gender” as: “a person's actual sex or perceived sex and includes a person's perceived identity, appearance or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with a person's sex at birth.” 5 CCR Section 4910(k).

#### **SFUSD Board Policy Prohibits Gender-Based Harassment**

SFUSD Board Policy 5163 requires that “All educational programs, activities and employment practices shall be conducted without discrimination based on . . . sex, sexual orientation, [or] gender identity . . .” Board Policy 5162 requires that “students should treat all persons equally and respectfully and refrain from the willful or negligent use of slurs against any person” based on sex or sexual orientation.

Therefore, transgender and gender non-conforming students must be protected from discrimination and harassment in the public school system. Staff must respond appropriately to ensure that schools are free from any such discrimination or harassment.

## **Names/Pronouns**

Students shall have the right to be addressed by a name and pronoun corresponding to their gender identity that is exclusively and consistently asserted at school. Students are not required to obtain a court ordered name and/or gender change or to change their official records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity. This directive does not prohibit inadvertent slips or honest mistakes, but it does apply to an intentional and persistent refusal to respect a student's gender identity. The requested name shall be included in the SIS system in addition to the student's legal name, in order to inform teachers of the name and pronoun to use when addressing the student.

## **Official Records**

The District is required to maintain a mandatory permanent pupil record which includes the legal name of the pupil, as well as the pupil's gender. 5 Cal. Code Reg. 432(b)(1)(A), (D). The District shall change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such legal name and/or gender have been changed pursuant to California legal requirements.

## **Restroom Accessibility**

Students shall have access to the restroom that corresponds to their gender identity exclusively and consistently asserted at school. Where available, a single stall bathroom may be used by any student who desires increased privacy, regardless of the underlying reason. The use of such a single stall bathroom shall be a matter of choice for a student, and no student shall be compelled to use such bathroom.

## **Locker Room Accessibility**

Transgender students shall not be forced to use the locker room corresponding to their gender assigned at birth. In locker rooms that involve undressing in front of others, transgender students who want to use the locker room corresponding to their gender identity exclusively and consistently asserted at school will be provided with the available accommodation that best meets the needs and privacy concerns of all students involved. Based on availability and appropriateness to address privacy concerns, such accommodations could include, but are not limited to:

- Use of a private area in the public area (i.e., a bathroom stall with a door, an area separated by a curtain, a PE instructor's office in the locker room);
- A separate changing schedule (either utilizing the locker room before or after the other students); or
- Use of a nearby private area (i.e., a nearby restroom, a nurse's office).

### **Sports and Gym Class**

Transgender students shall not be denied the opportunity to participate in physical education, nor shall they be forced to have physical education outside of the assigned class time. Generally, students should be permitted to participate in gender-segregated recreational gym class activities and sports in accordance with the student's gender identity that is exclusively and consistently asserted at school. Participation in competitive athletic activities and contact sports will be resolved on a case by case basis.

### **Dress Codes**

School sites can enforce dress codes that are adopted pursuant to Education Code 35291. Students shall have the right to dress in accordance with their gender identity that is exclusively and consistently asserted at school, within the constraints of the dress codes adopted at their school site. This regulation does not limit a student's right to dress in accordance with the Dress/Appearance standards articulated in the Student and Parent/Guardian Handbook, page 23.

### **Gender Segregation in Other Areas**

As a general rule, in any other circumstances where students are separated by gender in school activities (i.e., class discussions, field trips), students shall be permitted to participate in accordance with their gender identity exclusively and consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case by case basis. In such circumstances, staff shall make a reasonable effort to provide an available accommodation that can address any such concerns.

# **Gender Identity and School Environments: Protecting Transgender and Gender Non-Conforming Students**

## Scenarios

### **Scenario 1**

Robert is a 3<sup>rd</sup> grade student who has been coming to school every day wearing clearly identifiable feminine clothing, such as a girl's belt or girl's shoes or jewelry. The student is getting harassed by other students at school who are calling him names. Robert's teacher is confused about how to handle the situation.

### **Questions to Consider:**

What should the teacher say to Robert?

What should the teacher say to the students doing the harassing?

What is the appropriate role for the principal?

Should Robert's parent(s) or guardian(s) be called? If so, when?

What, if anything, should Robert's classmates be told?

**Scenario 2**

One day, a 7<sup>th</sup> grader, whose legal name is Christopher, announces to the class, “Please call me Christine and use “she” when referring to me.” The student’s teacher is unclear about what to do in this situation and brings up the issue with the principal.

**Questions to Consider:**

What should the teacher say to the student?

What name are the teachers and administrators required to use to refer to this student?

What should happen if people at the school don’t call her Christine and use female pronouns to refer to the student?

Is it necessary for the principal or the teacher to contact the student’s parents?

Under what circumstances should the student’s school records be changed to reflect her name and pronoun?

### **Scenario 3**

Cameron identifies as transgender and would like to use the boy's restroom at his school. He presents as male and uses male pronouns. When he tries to use the boy's restroom, he is often harassed and taunted in the facility and school staff and students always tell him to use the girl's restroom. Fed-up with the harassment, he asks the principal for a gender-neutral bathroom.

#### **Questions to Consider:**

How should the principal address Cameron's situation in a way that is confidential and respectful of Cameron?

What can teachers and administrators do to ensure his safety, while respecting him as a transgender student?

How can Cameron be supported mentally and emotionally in a way that affirms his gender identity?

What should the principal do to train staff about their obligations to protect transgender students from harassment and discrimination?

What plan should the principal put in place to educate students about transgender issues?

What steps should the school take to ensure that they have safe facilities for transgender and gender nonconforming students?