

Chester County Family Academy Board of Trustees Policy

TRANSGENDER AND GENDER NON-CONFORMING YOUTH POLICY

I. Purpose

The Chester County Family Academy Charter School (“Charter School”) Board of Trustees is committed to providing a safe, supportive, and inclusive learning environment for all students, and to ensuring that every student has equal educational opportunities and equal access to the Charter School’s educational programs and activities.

As such, the Board, administration, staff, and students will comply with Federal and state laws which require that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity or expression. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities. This policy sets out guidelines and expectations for addressing the needs of transgender and gender non-conforming students and clarifies how state and federal law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students.

This policy does not anticipate every situation that might occur with respect to transgender or gender nonconforming students and the needs of each transgender or gender non-conforming student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender or gender nonconforming student while maximizing the student’s social integration and minimizing stigmatization of the student.

The Charter School shall accept a student’s asserted gender identity when it is determined to be a part of the student’s core identity. Staff members shall not question or disregard a student’s assertion of gender identity unless Charter School staff have a credible basis for believing that the student is asserting a particular gender identity for an improper purpose.

II. Definitions

The definitions provided here are not intended to label students but rather to assist in understanding this policy and the legal obligations of Charter School staff. It is recognized that students might or might not use these terms to describe themselves.

“**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. One’s gender identity can be the same or different than the gender assigned at birth.

“**Transgender**” describes people whose gender identity or expression is different from that traditionally associated with an assigned sex at birth.

“Gender expression” refers to the manner a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, or mannerisms.

“Gender non-conforming” describes people whose gender expression differs from stereotypical expectations, such as “feminine” boys, “masculine” girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify as both genders.

“Transition” is the process in which a person changes their gender expression to better reflect their gender identity. In order to feel comfortable and to express their gender identity to other people, transgender people may take a variety of steps such as using a nickname or legally changing their name; choosing clothes and hairstyles to reflect their gender identity; and generally living and presenting themselves to others, consistently with their gender identity. Some, but not all, transgender people take hormones or undergo surgical procedures to change their bodies to better reflect their gender identity.

III. Guidance

- A. Privacy** - All persons, including students, have a right to privacy. This includes the right to keep private one’s transgender status or gender non-conforming presentation at school. Information about a student’s transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student’s transgender status or gender non-conforming presentation to others, including, but not limited to, parents and other school personnel, unless legally required to do so, or unless the student has authorized such disclosure, or, in the determination of school officials, it becomes necessary to protect the transgender student’s interests or safety.

Before making such a disclosure, a school administrator shall make reasonable efforts to inform the transgender student of the decision to disclose, the reason(s) for disclosure, and provide the student with the opportunity and resources they may need to make the disclosure themselves. Transgender and gender non-conforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information. When contacting the parent or guardian of a transgender or gender non-conforming student, school personnel should use the student’s legal name and the pronoun corresponding to the student’s gender assigned at birth unless the student, parent, or guardian has specified otherwise.

- B. Official Records** - The Charter School is required to maintain a mandatory permanent student record (“official record”) that includes a student’s legal name and legal gender. However, the Charter School is not required to use a student’s legal name and gender on other school records or documents. The Charter School will change a student’s official record to reflect a change in legal name or legal gender

upon receipt of documentation that such change has been made pursuant to a court order.

In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records in order to be treated in accordance with their expressed gender identity. The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy. All staff members shall use a transgender student's requested name, gender marker, and gender pronoun to the greatest possible extent on other school-related records and documents.

- C. **Gender-Segregated Activities** - To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for selected health education classes, students should be able to choose and be included in the group that corresponds to their gender identity.
- D. **Student Information Systems** - The Charter School shall modify its student information system, as necessary, to prevent disclosure of confidential information and ensure that school personnel use a student's preferred name and pronouns consistent with the student's gender identity. The official permanent record will be stored in a secure location, separate from other student records in order to protect student privacy.
- E. **Restroom Accessibility** - Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single user restroom. However, no student shall be required to use such a restroom because they are transgender or gender non-conforming.
- F. **Locker Room/Changing Areas Accessibility** - The use of locker rooms/changing areas 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/changing areas that corresponds to their gender identity consistently asserted at school, like all other students. Any student, transgender or not, 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, or a nearby restroom), or with a separate changing schedule (e.g., using the locker room/changing area 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/changing area that conflicts with the student's gender identity. Nothing in this policy shall be construed to excuse any student from following necessary or customary protocols for obtaining parental consent for athletic participation, including permission slips, consent forms and waivers. All staff will adhere to this policy when advising transgender students about the process for obtaining such parental consent.

- G. Physical Education Classes & Intramural Sports** - Transgender and gender non-conforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Students who express discomfort over participation in an activity, such as swimming, will be provided with an alternate activity.

- H. Dress Codes** - Transgender and gender non-conforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, the Charter School may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

- I. Discrimination/Harassment** - It is the responsibility of the Charter School to ensure that transgender and gender non-conforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.