

Companion Document #1

Providing Safe Spaces for Transgender and Gender Non-Conforming Youth: Guidelines for Gender Identity Non-Discrimination

NON-DISCRIMINATION GUIDELINES FOR STUDENT TRANSITIONS



February 2016

Non Discrimination Guidelines for Student Transitions

Just as no child's journey to adulthood is the same; the transition needs of transgender students vary and need to be considered on a case-by-case basis. Considerations such as the student's age, level of family support, personality, and the school's organizational design may affect how the student's transition evolves. Whether the transition is social, such as name or gender change, hormonal, such as the prescribed use of hormones, or surgical, students who choose to transition make the transition in their own time and in their own manner. Because every transgender student is unique, a collaborative, intentional, ongoing process for support can go far to protect student's rights and help them feel safe and supported in school.

Transitions are defined as the process through which transgender people begin to live as the gender with which they identify, rather than the one associated with their sex assigned at birth. In order to maintain privacy and confidentiality regarding their transition and gender identity, students may elect to transition over a summer break or between grades. But for some students, the changes their bodies are going through just further emphasizes the incongruity between their gender identity and the sex assigned at birth, and they cannot wait until a convenient school break occurs to transition.

Regardless of the timing of a student's transition, the school or school system may want to consider the following items when creating policies, guidelines, or procedures to address *transitions*:

Pre-Transition Planning

- Prior to discussion with the parent or guardian regarding the disclosure of information, work closely with the student to assess the degree to which, if any, the parent or guardian will be involved in the discussion.
 - Often the parent or guardian of younger students may inform the school of the impending transition. In this circumstance, the identification of appropriate steps to support the student can then be developed with the family.
 - Sometimes, especially for older middle or high school students, the student may inform school staff directly regarding their desire to transition. Parents may already be aware and supportive of the student's gender identity, expression, or transition status and can be partners in the transition process.
 - In some cases, however, notifying parents carries risks for the student, such as being rejected by the family. In these situations case-by-case decisions made in consultation with the student should reflect an understanding of all the factors that may affect the student's safety and well-being. Schools are generally not required to disclose this information unless it is recorded in an official record and requested by a parent. School personnel will want to follow their Local School System (LSS) policies on parent disclosure.

- Ascertain the needs and concerns of the student (and parents if they are involved in the process) when a student transitions during the school year.
- Discuss a timeline for the transition in order to create the conditions which support a safe and accepting environment at the school.

Transition Planning

Several topics may be considered when students transition at school. Purposeful, collaborative planning can lead to the establishment of a safe and successful school environment for the transitioning student.

Issues which may be considered for a transition timeline would include, but not be limited to:

- General confidentiality, privacy, and disclosure protocols:
 - Discuss whether or not to inform the classroom teacher(s) to ensure that the student receives the appropriate support for a safe and respectful learning environment.
 - Jointly determine if any school staff beyond the principal or other senior administrator needs to have information about the child's sex assigned at birth (e.g. nurse, counselor, teacher).
- The desires of the student/parent to have training provided on the transition, timelines for transition, and relevant legal requirements as appropriate for school administrators, student support services staff, and any educators who interact directly with the student.
 - Resources for training can be found in the resources section (e.g. PFLAG, GLSEN, Free State Legal) at the end of this document.
- Changing of names and pronouns on formal and informal student records.
 - Note: In addition to accepting a court order or amended birth certificate as proof of name or gender change, local school systems may choose to accept an updated passport or an updated valid Maryland driver's license as proof of both name and gender change. Local school systems may choose to accept an updated social security card as proof of name change. A social security card cannot be used as proof of gender change because there is no gender marker on the card itself. In order to receive the documents listed above with updated name and gender information, individuals have already had to supply documentation to the respective issuing authorities to prove the name or gender change. It would be redundant to have them produce the documents again in order to amend school records.
- Use of name and gender markers on school items such as student email, school photo lists, class lists, attendance lists, after school programs, teacher grade book (electronic and/or hard copy), graduation lists, substitute lists, yearbook, student ID, official and unofficial school-home communications, and any other lists generated by the school.
- Use of facilities (bathrooms, locker rooms)
- Extra-curricular activities (e.g. sports, interscholastic, intermural)
- Disclosure to other students
 - Gain input of the student and/or family to determine whether, how, and to what extent other students should be informed.

- Some students (such as students who have attended the same school in their assigned sex for a long time) may want to address the transition in class, while others may prefer to share it privately with a select group of people either on their own or in a meeting facilitated by school staff.
- Some students do not want anyone informed.
- Support for siblings (if needed)

Follow Up

- Continued assessment on a regular basis to determine the effectiveness of the transition processes to make needed adjustments.
- Discussion with the student and family (if appropriate) to determine emerging needs and strategies to meet those needs.

VOCABULARY

Discussion regarding the needs of transgender and gender non-conforming students is best held when there is mutual understanding of key concepts and a shared vocabulary. The key concepts and vocabulary used in this document include:

- **Gender**—the attitudes, feelings, and behaviors that a given culture associates with a person’s biological sex.
- **Gender Expression**—the manner in which a student represents or expresses gender to others, often through manner of speech and word choices, manner of dress and hairstyle, the wearing (or not wearing) of cosmetics, and other distinctive cultural markers of gender.
- **Gender Identity**-A person’s deeply held internalized sense or psychological knowledge of their own gender regardless of the biological sex they were assigned at birth.
- **Gender Non-Conforming**-an umbrella term for students whose gender expression differs from stereotypical expectations of the sex they were assigned at birth. Students who do not identify with either traditional gender categories or identify as both genders are often called gender non-conforming, gender diverse, or gender expansive.
- **Preferred Gender Pronouns**-the pronoun a person prefers to have used when referred to in conversation.
- **Sex**-the genetic and anatomical characteristics with which people are born, typically labeled “male” or “female”.
- **Transgender**-students whose internalized knowledge and sense of who they are as either male or female does not match their sex assigned at birth. Transgender students may also identify as non-binary.

- **Transition**-the process through which transgender people begin to live as the gender with which they identify, rather than the one typically associated with their sex assigned at birth. Transitions may include any combination of physical social and medical processes. Social transition may include changing names, pronouns, hairstyle, and clothing. Medical transition may include medical components like hormone therapy and gender affirming surgeries. Not all transgender individuals seek medical care as part of their transition, especially minors. As with all medical information, this information is confidential and the privacy of the student should be respected.

NATIONAL RESOURCES

This is not intended to be a complete list but serves as a short list of resources:

Gay, Lesbian and Straight Educators Network (GLSEN) www.glsen.org

The largest organization of parents, educators, students and other concerned citizens working to end homophobia in K-12 schools and ensure all students are valued and respected, regardless of sexual orientation. Their site details their conference calendar, provides a regional chapter locator, and offers a “tool-kit” or resources to use in schools.

Gender Spectrum www.genderspectrum.org/

Gender Spectrum provides education, training and support to help create a gender sensitive and inclusive environment for children of all ages. Topics include parenting and family, teens, education, mental health, legal, social services, faith and medical. In addition, they sponsor a national conference on transgender issues each year.

National Center for Transgender Equality (NCTE) <http://transequality.org/>

The National Center for Transgender Equality works to improve the lives of transgender people through education and advocacy. NCTE works with policymakers and community members at the federal, state, and local levels to develop fair and sound public policies, and to educate the public about transgender people and educate transgender people about their rights.

PFLAG www.pflag.org

PFLAG is families and allies working with the gay, lesbian, bisexual, transgender and questioning community. PFLAG envisions a world where diversity is celebrated and all people are respected, valued, and affirmed inclusive of their sexual orientation, gender identity and gender expression. Almost 400 local grassroots communities provide support, advocacy and education. You can find or create a chapter near you at www.pflag.org.

TransYouth Family Allies (TYFA) www.imatyfs.org

TYFA empowers children and families by partnering with educators, service providers and communities, to develop supportive environments in which gender may be expressed and respected. The site has resources for parents, educators and youth.

LOCAL RESOURCES

FreeState Legal www.freestatelegal.org

FreeState Legal serves the low-income lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community in Maryland through direct, free legal services, policy advocacy, and training and outreach activities. FreeState Legal provides trainings to school administrators, staff, teachers, and students on how to create inclusive environments for LGBTQ students.

Maryland PFLAG Chapters www.pflagmd.org

(look under Area PFLAGs)

Local chapters across Maryland include Frederick County, Baltimore County, Howard County and Chestertown, with new chapters starting up in other counties.

Maryland Resource Guide, <http://freestatelegal.org/wp-content/uploads/2014/12/Resource-Guide1.pdf>

Resource Guide for LBGTQ+ Youth Maryland

This comprehensive resource guide lists Maryland resources for support groups, health and wellness, legal and advocacy, places of worship, community centers, identity groups, education, transitional housing and hotlines.

Maryland State Department of Education Guide

http://marylandpublicschools.org/MSDE/divisions/studentschoolsvcs/student_services_alt/

Providing Safe Spaces for Transgender and Gender Non-Conforming Youth: Guidelines for Gender Identity Non-Discrimination. A technical guidance and assistance document designed to provide suggestions for consideration for school systems and administrators who may want to develop their own transgender policies, procedures and/or guidelines.

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<http://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCPS%20Transgender%20Gender%20Non%20Conforming%20Policy%20Guidance.pdf>

GLSEN and the National Center for Transgender Equality, *Model District Policy on Transgender and Gender Non-Conforming Students* (2014), available at

http://www.glsen.org/sites/default/files/Trans_ModelPolicy_2014.pdf

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<https://www.genderspectrum.org/resources/education-2/>

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