

Transgender Policy

I. Policy

File: AC-E3

This policy does not anticipate every situation that might occur with respect to students and school staff that are transgender or gender nonconforming, and the needs of each student and school staff must be assessed on an individual basis. In all instances, the goal is to ensure the safety, comfort, and healthy development of transgender or gender nonconforming students while maximizing the students' social integration and minimizing stigmatization of the students. Similarly, this policy seeks to ensure a safe and supportive working environment for employees who are transgender or gender nonconforming.

II. Purpose

- 1) To foster an educational environment that is safe, welcoming, and free from stigma and discrimination for all students and staff, regardless of gender identity or expression.
- 2) To facilitate compliance with local, state, and federal laws concerning bullying, harassment, privacy, and discrimination.
- 3) To ensure that all staff and students have the opportunity to express themselves and live authentically.

III. Definitions

These definitions are provided not for the purpose of labeling students and staff but rather to assist in understanding this policy and the legal obligations of school and district staff. Students and staff may or may not use these terms to describe themselves or their experiences.

- **Gender Expression:** An individual's way of reflecting and expressing the individual's gender to the outside world, typically demonstrated through appearance, dress, and behavior. C.R.S. 24-34-301(3.3).
- **Gender Identity:** An individual's innate sense of their own gender, which may or may not correspond with the individual's sex assigned at birth. C.R.S. 24-34-301(3.5).
- **Gender Nonconforming:** An individual whose gender identity or expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and people who are perceived as androgynous in some way. Gender nonconforming is not synonymous with transgender; not all gender nonconforming people identify as transgender.
- **Transgender:** Individuals whose gender identity is different from that traditionally associated with the gender assigned to them at birth.
- **Nonbinary:** Individuals who describe their gender as not exclusively male or female, including those who identify with a gender other than male or female, or more than one gender, or as no gender.

- **Transitioning:** The process in which an individual begins to live according to their gender identity, rather than the gender they were thought to be at birth. Transition is a process that is different for everyone, and it may or may not involve social, legal, or physical changes. There is no one step or set of steps that an individual must undergo in order to have their gender identity affirmed and respected.

IV. Scope

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, and at bus stops. This policy also pertains to the usage of electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and on school computers, networks, forums, and mailing lists, as well as any electronic communication that is directed at a student that substantially interferes with the student's ability to participate in or benefit from the services, activities, or privileges provided by the school. This policy applies to the entire school community, including educators, school and district staff, students, parent(s)/guardian, and volunteers.

V. Supportive Measures at School

A student's need to transition at school can come to the school's attention in a number of ways.

- A parent(s)/guardian may inform school staff of their student's strong desire to be consistently recognized at school using their stated gender identity; or
- Any student may inform school staff of their strong desire to be consistently recognized at school using their stated gender identity, and this request should be acted upon respectfully.

Students who are ready to socially transition may initiate a process to change their name, pronoun, attire, and access to gender-related programs, activities, and facilities consistent with their gender identity. Each student has a unique process for transition depending on their age, maturity level, and cognitive development. The school shall customize the support to optimize each student's equal access to educational programs and activities.

The school administration (principal and/or mental health provider) should meet with the parent(s)/guardians and student to discuss the school's role in supporting the student's transition, including the timing of the transition, planning responses to questions from school staff and students, amending the student's information in the school's records where appropriate, and the development of a Gender Communication Plan and/or a Gender Support Plan.

A. Elementary Students

Typically, the parent(s)/guardian will inform the school of the student's impending transition. However, it is not unusual for a student to begin identifying at an early age at school and as appropriate. It is best practice for the school administration (principal and/or mental health professional) to approach parent(s)/guardians to discuss how to support an elementary school student's gender identity or expression within the school setting.

Together, the family and school can identify appropriate steps to support the student, which may include a [Gender Communication Plan](#) and/or a [Gender Support Plan](#) (See AC-E4).

B. Secondary Students

The school is aware that in some cases, notifying parent(s)/guardians carries risks for the student and the potential for mental health challenges.

If parent(s)/guardian decline involvement in developing a Gender Communication Plan and/or Gender Support Plan, the administrator (principal and/or mental health provider) should meet with the student to discuss how the school can support the student in their social transition within the school. This discussion should include what the school and district can do to support the student's safety at home, limits of confidentiality, working with the student to encourage parental involvement and providing the student with resources and support. **In these individual situations, the administrator (principal and/or mental health professional) are required to meet with the student and assess the degree of concern by discussing the risks and benefits of the student's transition.** While the school will respect a student's gender identity and expression and will honor a student's preferred name and pronouns, it cannot actively conceal information from parents regarding a student's decision to transition at school.

C. Additional Considerations

- The school shall accept the gender identity that each student asserts, and there is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected.
- The school will respect a student's gender identity and expression and will use the student's preferred names and pronouns. Parental permission is not required.
- Before contacting the parent(s)/guardian of a transgender student, school staff should ask the student whether to use their chosen name and the pronouns that correspond to their gender identity, or whether to use their legal name.

VI. Names/Pronouns

Please note that parent(s)/guardians or the student, if the student is at least 18-years-old, must complete a name change form to amend a student's name and gender on their educational records (See AC-E6). An educational record is defined by FERPA as a record that is directly related to a student that is maintained by the school district. A court order confirming a legal name and/or gender change is required before amending a student's official transcript.

- A student has the right to be addressed by a name and pronouns that correspond to the student's gender identity. A court-ordered name or gender change is not required, and official records need not be changed.

- It is recommended that school staff privately ask transgender or gender nonconforming students how they want to be addressed in class and in the school’s communication with the student’s parent(s)/guardians.
- The intentional or persistent refusal to respect a student’s gender identity (i.e. 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.
- If the student has previously been known at school by a different name, the school administrator will direct school staff to use the student’s chosen name and appropriate pronouns. To ensure consistency among administrators and school staff, every effort will be made to immediately update the following with the student’s chosen name and appropriate gender markers **after receiving a name change form signed by parent(s)/guardian or the student if the student is at least 18-years-old:**
 - Student education records (i.e. attendance records, disciplinary records, health records, special education records, Section 504 records, electronic database records, etc.), excluding the student’s official record (i.e. official transcript), unless a court order indicating a legal name change has been provided.
 - A student’s preferred name and pronouns will be honored on class rosters for substitutes, school IDs, and student email accounts, and will be identified as the student’s nickname in the district’s electronic database when parental permission is not granted.
- In some circumstances, school administrators may be specifically required by law to record a student’s legal name or gender. In those instances, school staff and administrators shall record this information in a separate confidential file to avoid the inadvertent disclosure of information. All records that are not specifically required by law to match government-issued documents shall be updated upon a student’s request after a name change form has been submitted, which has been signed by parent(s)/guardian.
- A staff member has the right to be addressed by a name and pronoun that corresponds to the staff member’s gender identity. A court-ordered name change is not required, and official records need not be changed for this purpose. Rather, the staff member only needs to express their desire to their immediate supervisor and/or the Human Resources Department. Further, the intentional or persistent refusal to respect a staff member’s gender identity (i.e. intentionally referring to a staff member by name, pronoun, or title that does not correspond to the staff member’s gender identity) is a violation of this policy. *Mx.* is a gender-neutral honorific and can be used for any staff member expressing a nonbinary title separate from gender, age, or marital status.

VII. Privacy/Confidentiality

The district shall ensure that all personally identifiable information relating to transgender and gender-nonconforming students and staff shall be kept confidential in accordance with state, local, and federal privacy laws.

- All students and staff have a right to privacy; this includes the right to keep private one’s transgender or gender nonconforming status.

- Transgender and gender-nonconforming students and staff 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.
- Regarding students, the fact that a student chooses to use a different name, to transition at school, or to disclose their transgender status to school staff or other students does not authorize school staff to disclose a student’s personally identifiable information to those who are not privy to the information under FERPA.
- Regarding students, school staff shall not disclose any information that may reveal a student’s transgender status to others, unless legally required to do so or unless the student or parent(s)/guardian has authorized such disclosure. In situations where the student has a desire to compete for their school in CHSAA-sanctioned activities, the school administration will work with the family to identify what information would need to be shared prior to submitting such information.
- Regarding students, in the rare instance that a school is legally required to disclose a student’s transgender status, the school should provide the student an opportunity to make that disclosure themselves, where practicable. This would include providing the student with any support services the student would need to make the disclosure in a safe and supportive environment.

VIII. Harassment and Discrimination

Discrimination and harassment on the basis of gender identity or expression are prohibited within the district. It is the responsibility of each school and all school staff to ensure that all students, including transgender and gender-nonconforming students, have safe school environments. The scope of this responsibility includes ensuring that any incident of discrimination and harassment is given immediate attention, including investigating the incident, taking age and developmentally-appropriate action, and providing students and school staff with appropriate resources and support. Enforcement of anti-discrimination policies should focus on education and prevention rather than exclusionary discipline. Complaints alleging discrimination or harassment based on a student’s actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination, or harassment complaints (Reference AC (Nondiscrimination) and JBB (Sexual Harassment)).

IX. School Transfer

Transfers shall not be a school’s first or preferred response to harassment of transgender and gender-nonconforming students and shall be considered only rarely, when necessary for the protection or personal welfare of the transferred student or when requested by the student or the student’s parent(s)/guardian. School administrators shall make every effort to keep transgender and gender nonconforming students at their original school site, and the student or the student’s parent(s)/guardian must consent to any such transfer.

X. Official Records

- The district is required to maintain a permanent student record (official record defined as “school transcripts”) that includes a student’s legal name and legal gender. The district, however, is not

required to use a student's legal name and gender on other school records or documents. The district will endeavor to use the student's preferred names and gender on other school records or documents after receiving a change of name request form signed by parent(s)/guardian. The district will amend a student's official record to reflect a change in name or gender upon receipt of appropriate documentation, such as a court order substantiating the change.

- In situations where school staff or administrators are required by law to use or to report the legal name or biological sex of a student who is transgender but whose official record has not been amended, such as for the purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of confidential information.

XI. Record Integration Transfer System (RITS)

- Colorado Department of Education recommends that school districts honor the wishes of the student's own self-identification in terms of the gender of record. Districts may record within the Record Integration Tracking System (RITS) a change in gender identity without documentation. Districts are encouraged to make such a change between school years, rather than in the middle of a school year if the student is remaining with the same school unless there is an issue with safety or there has been a legal name change. A change may be made at any time for a student transferring to a different school. Regardless of the new gender designation, the originally generated Colorado State Assigned Student Identifier (SASID) must remain constant in order to track longitudinal progress.

XII. Gender-Segregated Activities and Facilities

- To the extent possible, schools should reduce or eliminate the practice of segregating students by gender.
- Schools may maintain separate restrooms, locker rooms, or changing facilities for male and female students, provided that they allow all students equal access to facilities that are consistent with their gender identity. Students, including nonbinary students, should determine which facilities are consistent with their gender identity.
- Any student who is uncomfortable using a shared gender-segregated facility, regardless of the reason, shall, upon the student's request, be provided with a safe and non-stigmatizing alternative. This may include, for example, the addition of a privacy partition or curtain, permission to use a nearby private restroom or office, or a separate changing schedule. Such alternatives shall only be provided to a student upon that student's request.
- Schools shall designate any existing facilities that are designed to be used only by one person at a time as accessible to all students regardless of gender. Under no circumstances shall a student be required to use a single-user facility because they are transgender or gender nonconforming.

XIII. Physical Education Classes and Intramural and Interscholastic Athletics

- All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

- Schools will advocate with the CHSAA for students who are transgender and gender nonconforming to be permitted to participate in interscholastic athletics in a manner consistent with their gender identity as reflected in their school records. The CHSAA Policy of the Colorado High School Athletics Association can be reviewed at [CHSAA](#).

XIV. Overnight Activity, Athletic Trips and Visiting Schools

- In the planning of sleeping arrangements during overnight activity and athletic trips, the needs of students who are transgender 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 an overnight activity and athletic trips, ensuring the student's safety and comfort, and minimizing stigmatization of the student.
- Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with reasonable accommodations, which may include a private room.
- Any alternative arrangement should be provided in a way that allows the student's transgender status to be kept confidential.

XV. Dress Code / JICA

- Schools may enforce dress codes pursuant to district policy, but any such dress codes may not be enforced based on gender or gender stereotypes.
- Students shall have the right to dress in accordance with their gender identity and expression, including maintaining a gender-neutral appearance within the constraints of the dress code adopted by the school.

XVI. Media and Community Communication

When communicating to the media or community about issues related to gender identity or expression, the district shall have a single spokesperson to address the issue. Rather than directly commenting on the issue, other district and school staff shall direct parent(s)/guardian and the media to the designated spokesperson. Protecting the privacy of transgender students must be a top priority for the spokesperson and all staff, and all personally identifiable information shall be kept strictly confidential, in accordance with local, state, and federal privacy laws.

XVII. Training Implications

The district recognizes that there is a need to train staff regarding the proper handling of student transitions and transgender needs. This training will include distinct targets for principals, counselors, and teachers.