

Arts Academy in the Woods Administrative Regulation on Transgender and Gender Nonconforming Students

Purpose: Arts Academy in the Woods (AAW) fosters an educational environment that is safe and free from discrimination for all students, regardless of sex, sexual orientation, gender identity, or gender expression. This regulation is in support of AAW's commitment to opposing discrimination, bullying, and harassment and aligned with AAW's Board Policy on bullying. This regulation should be interpreted consistent with the goals of reducing the stigmatization of and improving the educational integration of transgender and gender nonconforming students, maintaining the privacy of all students, and fostering cultural competence and professional development for school staff. Furthermore, this regulation will support healthy communication between educators and parents to realize the successful educational development and well-being of every student. AAW will work to support students in a manner appropriate to the individual circumstances of each case and consistent with applicable law.

Definitions: These definitions are provided not for the purpose of labeling students, but rather to assist in understanding this regulation and the legal obligations of AAW staff. Students may or may not use these terms to describe themselves.

- **Gender identity:** A person's deeply-held sense or psychological knowledge of their own gender. One's gender identity can be the same as or different from the gender assigned at birth. Most people have a gender identity that matches their assigned gender at birth. For

some, however, their gender identity is different from their assigned gender. All people have gender identity, not just transgender people.

- **Gender expression:** The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- **Transgender:** An adjective describing a person whose gender identity or expression is different from that traditionally associated with that person's assigned sex at birth. Other terms that can have similar meanings are **transsexual** and **trans**.
- **Gender nonconforming:** A term to describe 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. Other terms that can have similar meanings include **gender diverse** or **gender expansive**.
- **Bullying:** Consistent with AAW's Board Policy on Bullying, this regulation defines bullying as any written, verbal, or physical act, or any electronic communication, that is intended or that a reasonable person would know is likely to harm one or more pupils either directly or indirectly by doing any of the following:
 - Substantially interfering with educational opportunities, benefits, or programs of one or more pupils.
 - Adversely affecting the ability of a pupil to participate in or benefit from AAW's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress.
 - Having an actual and substantial detrimental effect on a pupil's physical or mental health.

- Causing substantial disruption in, or substantial interference with, the orderly operation of the school.
- **Harassment:** Written, verbal, or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school's educational programs or activities because said conduct is so severe, persistent, or pervasive. This includes conduct that is based on a student's actual or perceived race, color, national origin, sex, ability or disability, sexual orientation, gender identity or expression, religion, or socioeconomic status. This also includes conduct that targets a student because of a characteristic of a friend, family member, or other person or group with whom a student associates.
- **Transition:** The process by 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: using a nickname or legally changing their name; choosing clothes and hairstyles that 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, during adolescence, hormone blockers) or undergo surgical procedures to change their bodies to better reflect their gender identity.

Scope: This regulation 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 regulation also pertains to usage of electronic technology and 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. This regulation applies to the entire school community, including educators, school staff, students, parents, and volunteers.

Bullying, Harassment, and Discrimination: AAW Board policies prohibit any discrimination, bullying, or harassment on the basis of sex. Those policies shall apply to any bullying, harassment, or discrimination based on sexual orientation, gender identity, or gender expression.

Privacy/Confidentiality: All persons, including students, have a right to privacy, and this includes the right to keep one's transgender status private at school. Information about a student's transgender status, legal name, or gender assigned at birth may also constitute confidential medical information. AAW shall ensure that all medical information relating to transgender and gender nonconforming students shall be kept confidential in accordance with applicable state, local, and federal privacy laws. When contacting the parent or guardian of a transgender student, school staff 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.

Media and Community Communication: When communicating to the media or community about transgender issues, AAW shall have a single spokesperson to address the issue. Rather than directly commenting on the issue, other AAW staff shall direct parents and the media to the designated spokesperson. In discussing such issues, the spokesperson shall protect the

confidential information in accordance with this regulation and all local, state, and federal privacy laws.

Official Records: AAW is obligated to maintain a mandatory permanent pupil record that includes a student's legal name and legal gender. However, to the extent that the school is not legally required to use a student's legal name and gender on other school records or documents, the school shall use the name and gender preferred by the student. The school will change a student's official record to reflect a change in legal name or gender upon receipt of documentation that such change has been made pursuant to a court order, or through amendment of state- or federally-issued identification. School IDs, for example, are not legal documents and should use the student's preferred name.

Names and Pronouns: Every student shall 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. 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 regulation.

Access to Gender-Segregated Activities and Areas: To the extent possible, AAW shall reduce or eliminate the practice of unnecessarily segregating students by gender. With regards to transgender and gender-nonconforming students, in situations where students are segregated by

gender, AAW will work to support students in a manner appropriate to the individual circumstances of each case and consistent with applicable law.

- **Restroom Accessibility:** While generally, absent any special circumstances, students shall have access to all restrooms that correspond to their gender identity consistently asserted at school, any final decision will be made by AAW in a manner appropriate to the individual circumstances of each case and consistent with applicable law, with the goals of maximizing the student's social integration and equal opportunity to participate in relevant programs and activities, ensuring the student's safety and comfort, and minimizing stigmatization of the student.
- **Locker and Dressing Room Accessibility:** The use of locker rooms, dressing rooms, and other clothes-changing facilities by transgender students, AAW will work to support students in a manner appropriate to the individual circumstances of each case and consistent with applicable law, with the goals of maximizing the student's social integration and equal opportunity to participate in relevant programs and activities, ensuring the student's safety and comfort, and minimizing stigmatization of the student. 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 health office), 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 their transgender status private.

- **Physical Education Classes, Intramural and Interscholastic Athletics, Theatre, and Dance:** With regard to access to physical education classes, sports activities, theatre, and dance, AAW will work to support students in a manner appropriate to the individual circumstances of each case and consistent with all local, state, and federal law and any interscholastic association policies, with the goals of maximizing the student's social integration and equal opportunity to participate in relevant programs and activities, ensuring the student's safety and comfort, and minimizing stigmatization of the student.

Dress Code: AAW may enforce a dress code. Students shall have the right to dress in accordance with their gender identity consistently asserted at school, within the constraints of AAW's dress code. School staff shall enforce the dress code consistently for all students.

Student Transitions: In order to maintain privacy and confidentiality regarding their transition and gender identity, transgender students may wish—but are not required—to transition over a summer break or between grades. Regardless of the timing of a student's transition, the school shall act in accordance with the following regulations, developed to be age-appropriate for secondary school students:

Generally, notification of a student's parents about his or her gender identity, expression, or transition is unnecessary, as they are already aware and may be supportive. In some cases, however, notifying parents carries risks for the student, such as being kicked out of the home. Prior to notification of any parent or guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the guardian will be

involved in the process; in making this decision, school staff must consider the health, well-being, and safety of the transitioning student.

When a student transitions during the school year, the school shall hold a meeting with the student (and parents if they are involved in the process) to ascertain their desires and concerns. The school should discuss a timeline for the transition in order to create conditions supporting a safe and accepting environment at the school. Finally, the school shall train administrators and any educators who interact directly with the student on the transition plan, timelines for transition, and any relevant legal requirements.

Training and Professional Development: Training and professional development for staff members on bullying, harassment, and discrimination shall include information about their responsibilities to transgender and gender nonconforming students under this regulation and all applicable law.