



Book: ADMINISTRATIVE GUIDELINES

Section: 5000 STUDENTS

Title: INCLUSIVE LEARNING ENVIRONMENT FOR
TRANSGENDER AND GENDER NONCONFORMING STUDENTS

Code: 5517.02

Status: Active

Legal: Title III, Sec.581-101 of the Indianapolis-Marion County, Indiana Code of Ordinances; 34 C.F.R. Part 99.

Adopted: November 17, 2020

1) GENERAL POLICY STATEMENT

- a. It is the policy of the Board to maintain an education environment that is free from all forms of unlawful discrimination. The City of Indianapolis and Board policy prohibit discrimination on the basis of gender identity. The Board has adopted the following guidelines in order to create a safe and inclusive learning environment for transgender and gender nonconforming students.
- b. If a school has a request for accommodations from a transgender or nontransgender student or that student's parents or guardians, such school's principal shall contact the Executive Director to implement the accommodations set forth in the following guidelines.
- c. Definitions:
 - i. **Gender Identity/Gender Nonconforming/Transgender** - an individual having or being perceived as having a gender-related self-identity, self-image, appearance, expression or behavior different from those characteristics traditionally associated with the individual's assigned sex at birth.

- ii. **Gender Identity** - refers to an individual's internal sense of gender. A person's gender identity may be different from or the same as the person's assigned sex at birth.
- iii. **Sex Assigned at Birth** - refers to the sex designation recorded on an infant's birth certificate should such record be provided at birth.
- iv. **Transgender** - describes those individuals whose gender identity is different from the sex they were assigned at birth. A transgender male is someone who identifies as male but was assigned the sex of female at birth. A transgender female is someone who identifies as female but was assigned the sex of male at birth.
- v. **Gender Transition** - refers to the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.

2) Privacy

Information about a student's transgender status, legal name, or gender assigned at birth may constitute confidential medical or educational information. Disclosing this information to third parties, including other students, may violate privacy laws, including the Family Education Rights and Privacy Act, 34 CFR Part 99 ("FERPA"). Therefore, to ensure the safety and wellbeing of the student, school personnel should not disclose a student's transgender status to anyone other than the student's parent or legal guardian, unless legally required to do so. Among school personnel, a student's transgender status should only be disclosed to those with a legitimate educational interest in the information.

3) Official Records

The School will change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such legal name or gender has been changed pursuant to a court order or through amendment of state-or-federally issued identification. The School will also consider the request of an eligible student or parent to amend the student's official records under FERPA.

Should a school receive such a request and supporting documentation, such school's principal shall contact the District's Office of Enrollment and Options to change a student's official record.

4) Names/Pronouns

Students shall have the right to be addressed by a name and pronoun corresponding to the gender identity 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.

5) Restroom and Locker Room Accessibility

The use of restrooms and locker rooms at schools should be assessed on a case by case basis, with the goals of maximizing the student's social integration and equal opportunity, including participation in physical education classes and sports, ensuring the student's safety and comfort, and minimizing the stigmatization of the student. In most cases, transgender students should have access to the restroom and locker room that corresponds to the gender identity they consistently assert at school.

Further, all students - transgender or not - who have a need or desire for increased privacy, regardless of the underlying reason, should be provided access to an alternative restroom or locker room, including use of a private area (e.g., staff restroom or health office restroom). This allows students who may feel uncomfortable sharing the restroom with the transgender student(s) the option to make use of a separate restroom and have their concerns addressed without stigmatizing any individual student. Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status private. No student, however, should be required to use an alternative restroom because they are transgender or gender nonconforming.

Should a school need to make such accommodations, such school's principal shall contact the Executive Director and Title IX office to assess the student's and school's individual case.

6) Sports and Physical Education Classes

Transgender or gender nonconforming students must be provided the same opportunities to participate in physical education as all other students. Student participation in interscholastic sports in the School is governed by the Indiana High School Athletic Association, Inc.

7) Dress Codes

Students have the right to dress in accordance with the gender identity they consistently assert at school, within the constraints of the Schools dress code.

8) Gender Segregation in Other Areas

As a general rule, in any other circumstances where students are separated by gender in school activities (e.g., class discussions, field trips), students shall be permitted to participate in accordance with the gender identity they consistently assert at school.