



**YOUNG SCHOLARS  
CHARTER SCHOOL**

**Gender Expression and Transgender Students**

**Purpose**

It is the Policy of the Young Scholars Charter School to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the School regardless of, among other factors, gender, gender identity and/or gender expression.

In an effort to ensure that transgender and gender nonconforming students are provided with such an equal opportunity to achieve their maximum potential through School programs, and in order to ensure that transgender and gender nonconforming students are provided with equal access to all School programs and activities, and to ensure the safety, comfort, and healthy development of transgender and gender nonconforming students while maximizing such students' social integration with other students and minimizing stigmatization and isolation, the Board of Trustees adopts this Policy.

To the extent that the provisions of this Policy conflict with any current or future legal obligations, the CEO shall ensure that the provisions of law are followed to the extent contrary to this Policy and that this Policy be brought forth for revisions to incorporate such legal obligations.

**Definitions**

**Gender identity** – A person's deeply held internal sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth.

**Gender expression** – The way a person expresses gender, in way such as dress, appearance, hairstyle, behavior, activities, interests, speech, mannerisms, etc.

**Transgender** – A person whose gender identity and/or gender expression is different from that of the gender they were assigned at birth.

**Gender nonconforming** – A term to describe people whose gender expression differs from stereotypical expectations about how they should look or act based on the gender they were assigned at birth. This includes people who identify outside traditional gender categories or identify as both genders, or as gender neutral.

**Guidelines**

**Privacy/Confidential Health or Educational Information**

All persons, including students, have a right to privacy, which includes the right to keep private their transgender status or gender nonconforming presentation at school.

Information about a student's transgender status, legal name, or gender assigned at birth may constitute confidential medical or educational information. Disclosing such information to other students, their parents/guardians, or other third parties may violate privacy laws such as the federal Family Educational Rights and Privacy Act (FERPA). Therefore, School personnel should not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including the student's parents/guardians and/or other School personnel, unless:

- Legally required; or
- The student has authorized such disclosure; or
- The disclosure is made to the student's parent/guardian or other School officials in the context of a situation where the health, welfare or safety of the student is clearly in jeopardy.

Transgender and gender nonconforming students generally have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share such private information.

When contacting the parent/guardian of a transgender or gender nonconforming 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 has specified otherwise or unless otherwise permitted by this Policy.

#### Official Records

The School is required to maintain a permanent student record which includes the student's legal name and gender. The School will change a student's official records to reflect a change in legal name or gender upon receipt of:

1. Documentation that the student's legal name or gender has been changed pursuant to a court order or through amendment of state or federally-issued identification; or
2. A written, signed statement explaining that the student has exercised a name and/or gender change for non-fraudulent reasons.

To the extent that the School is not legally required to use a student's legal name and biological sex on school records or documents, the School should use the name and gender by which the student consistently identifies. In situations where School employees are required by law to use or report a student's legal name or gender, such as for standardized testing, School staff should adopt practices to avoid the inadvertent disclosure of the student's transgender or gender nonconforming status.

#### Names and Pronouns

Students have the right to be addressed by the name and pronoun that corresponds to their consistently asserted gender identity. A court-ordered name or gender change is not required, and the student need not otherwise change their official records in order to be addressed by the name and pronoun that corresponds to the student's consistently asserted gender identity.

Appropriate School employees will privately ask known transgender or gender nonconforming students how they would like to be addressed in class, in correspondence to the student's home, and at conferences with the student's parent/guardian. That information will be included in the electronic student record system along with the student's legal name in order to inform teachers and staff of the

name and pronoun by which to address the student. When appropriate or necessary, this information will be communicated directly with staff to facilitate the use of proper names and pronouns.

When communicating with known transgender or gender nonconforming students regarding particular issues such as conduct, discipline, grades, attendance or health, School employees will focus on the conduct or particular issues rather than making assumptions regarding the student's actual or perceived gender identity.

When communicating with parents/guardians of transgender or gender nonconforming students, School employees should refrain from the use of gender pronouns and refer to the student by name whenever practicable.

The School does not condone the intentional and/or persistent refusal to respect a student's consistently asserted gender identity, or inappropriate release of information regarding a student's transgender or gender nonconforming status. Such conduct shall be a violation of this Policy.

#### Restroom Accessibility

Students shall be allowed to use the restroom that corresponds to the gender identity they consistently assert at school. No student will be required to use a restroom that conflicts with their consistently asserted gender identity.

Any student who needs or desires increased privacy when utilizing a restroom shall, upon request, be provided with access to a single stall or otherwise private restroom, but no student shall be required to use such a restroom.

#### Locker Room Accessibility

The use of locker rooms by transgender or gender nonconforming students shall be reviewed and addressed on a case-by-case basis, but permitted in a way that, to the extent appropriate, maximizes a transgender or gender nonconforming student's social integration, provides an equal opportunity to participate in physical education classes and athletic opportunities, minimizes stigmatization of the transgender or gender nonconforming student, and ensures student safety. No student will be required to use a locker room that conflicts with their consistently asserted gender identity.

The School will provide a transgender or gender nonconforming student with access to the locker room that corresponds to the gender identity they consistently assert at school. Any student who needs or desires increased privacy when utilizing a locker room shall, upon request, be provided with access to reasonable alternative locker room conditions which could include, but are not limited to: (1) use of a private area (e.g., nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby health office restroom); or (2) a separate changing schedule (i.e., utilizing the locker room before or after the other students).

#### Sport and Physical Education Classes

Transgender and gender nonconforming students shall be permitted to participate in athletic programs/opportunities and physical education classes in a manner that is consistent with their consistently asserted gender identity.

A student may seek review of their eligibility for participation in interscholastic athletics by working through the Pennsylvania Interscholastic Activities Association (PIAA).

### Dress Codes

Transgender and gender nonconforming students shall have the right to dress in a manner consistent with their gender identity or gender expression to the extent that such dress does not conflict with School rules or other School Policies.

### Other School Activities

In any School activity or other circumstance involving separation by gender (i.e. class discussions, field trips), students will be permitted to participate in accordance with the gender identity they consistently assert at school. Teachers and other School employees will make reasonable efforts to separate students based on factors other than gender where feasible and appropriate.

For overnight field trips, the transgender or gender nonconforming student should communicate their preferred sleeping arrangement to their teacher and/or a School administrator at least two weeks prior to the date of the field trip. As with any other student, the School should try to pair the transgender student with peers with whom the student feels comfortable. In some cases, a transgender student may want a room with fewer roommates or another alternative suggested by the student or their family. The School should honor these requests whenever possible and make adjustments to prevent the student from being marginalized because of those alternative arrangements. Regardless of whether those roommates know about the student's gender identity, the School has an obligation to maintain the student's privacy and cannot disclose or require disclosure of the student's transgender or gender nonconforming status to the other students or their parents/guardians without the student's consent.

### Discrimination/Harassment

Incidents or complaints of alleged discrimination, harassment, or violence against a transgender or gender nonconforming student shall be given prompt in the same manner as other discrimination/harassment complaints.

### Education and Training

On an as-needed basis, the School will conduct staff training and ongoing professional development in an effort to build the skills of all staff members to prevent, identify, and respond to harassment and discrimination. In order to further a safe and supportive school environment for all students, the School will incorporate education and training about gender-expansive and transgender students into their anti-bullying curriculum and staff professional development, where feasible. The content of such professional development/training may include, but need not be limited to:

- Terms and concepts related to gender identity, gender expression, and gender diversity in children and adolescents.
- Appropriate strategies for communicating with students and parents/guardians about issues related to gender identity and gender expression, while protecting student privacy.

- Strategies for preventing and intervening in incidents of harassment and discrimination, including cyber-bullying.
- School and staff responsibilities under applicable laws and School Policies regarding harassment, discrimination, and gender identity and expression issues.

Approved 3.9.21