

# ~~Fort Worth~~ FORT WORTH ISD ~~Transgender Student Guidelines~~ TRANSGENDER STUDENT GUIDELINE

~~Fort Worth Independent School District (the "District") seeks to ensure the health and safety of all students, prevent discrimination and bullying, foster a conducive learning environment for all students, and provide equal access and opportunity to participate in all programs and activities. As such, the District adopts these Transgender Student Guidelines ("Guidelines"), which are mandatory for the 2015-2016 school year and continuing thereafter unless and until revised or revoked. Failure to comply with these Guidelines may result in adverse employment action.~~

## **Helpful Definitions**

~~The following definitions are not meant to label individuals but to enhance our understanding of transgender issues and guide actions and discussion of related topics:~~

- ~~• Gender—a person's actual or perceived sex, which includes a person's perceived identity, appearance or behavior, whether or not that identity, appearance or behavior is different from that traditionally associated with a person's sex at birth~~
- ~~• Sex—the biological condition or quality of being female or male~~
- ~~• Gender Identity—a person's internal identification as female, male or a non-binary understanding of gender, regardless of one's assigned sex at birth~~
- ~~• Gender Expression—a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth~~
- ~~• Gender nonconforming—displaying a gender identity or expression that may differ from that typically associated with one's sex assigned at birth. A person's gender expression may differ from stereotypical expectations about how females and males are "supposed to" look or act. Gender nonconforming is not synonymous with transgender. Some, but not all gender nonconforming persons, identify as transgender.~~
- ~~• Transgender—a person who consistently and uniformly asserts a gender identity that is different from the person's sex at birth~~
- ~~• Transgender female—a person who is male at birth but identifies as female~~
- ~~• Transgender male—a person who is female at birth but identifies as male~~
- ~~• Preferred Gender Pronouns—the pronoun a person prefers to have used when referred to in conversation (e.g., a person with a traditionally male gender identity likely prefers he, him, and his)~~
- ~~• Transition—the process of aligning the external and internal identities, which may or may not include medical treatment~~

~~Transitions are not linear and may include any combination of physical, social and medical processes. Not all transgender people transition or transition in the same way. Most importantly, transitions are private and personal, and information about a~~

~~transition should not be discussed unless conversation is initiated and led by the transgender person.~~

~~It is important to note that not all people will fit a particular definition or pattern. Instead of focusing on what definition applies to a particular person, school personnel are required to show respect for the student's desires and wishes to the extent practical so as to foster a productive educational process for all.~~

## **Purpose of Guidelines**

~~School support should be an integral part of educational and personal success. The District remains committed to the safety of all of its students. These Guidelines seek to ensure that no student experiences an unsafe or unwelcome learning environment. Transgender youth may experience additional challenges at school. Support from classmates and school personnel may help transgender students who otherwise feel ostracized or disengaged.~~

~~In light of the increasing number of known transgender students in schools as well as the growing support for research indicating that enforcing fixed notions of what it means to be a boy or a girl may have negative effects on children (especially when experienced in a learning environment), the District implements these Guidelines to provide direction for personnel to address issues that may arise concerning the needs of and challenges facing transgender students and to foster an inclusive and productive learning environment for all students.~~

Pursuant to Fort Worth ISD Policy and Section 11.201(8) of the Texas Education Code, the Fort Worth ISD Board of Trustees has directed the development of appropriate administrative regulations to implement policies established by the Board. The Fort Worth ISD seeks to insure the health and safety of **all** students, prevent discrimination and bullying, fostering conducive learning environment for all students, while providing equal access and opportunity to participate in all programs and activities. The following guidelines are directed to Fort Worth ISD campus administrators, guidance counselors and other educators, implementing FWISD Policy FFH (Local), to insure a safe and supportive environment for transgender students and their parent(s)/guardian(s). Campus administrators, guidance counselors and educators are expected to consider the needs of transgender students and their families on a case by case basis. School administrators, guidance counselors and educators shall engage with parent(s)/guardian(s) and work collaboratively with them and the student to develop individual support plans.

Parents are partners with educators, administrators, and the board in their children's education. Parents shall be encouraged to actively participate in creating and implementing education programs for their children. *Texas Education Code, §26.001(a)*. Unless otherwise provided by law, a board, an administrator, an educator or other person may not limit parental rights. *Texas Education Code, §26.001(c)*.

The following procedure will be used to address health and safety needs raised by transgender students and their parents, to prevent discrimination and bullying and foster the learning environment.

1. A transgender student and his/her parent(s)/guardian(s) should contact the Fort Worth ISD campus administrator or guidance counselor to request a meeting.

2. A meeting should be scheduled to discuss the student's unique circumstances and needs. In addition to the student and their parent(s)/guardian(s), the campus administrator may include other campus personnel, or supportive individuals the student and their parent(s)/guardian(s) request, at the meeting to discuss unique circumstances and needs.

3. A student individual support plan shall be developed by the campus administrator, in consultation with the student, parent(s)/guardian(s) and guidance counselor to address the student's unique needs. Any requests for necessary accommodations should be identified and addressed in the student individual support plan. All accommodation requests should work in concert with any existing IEP or 504 Plan the student may already have in place. All student individual support plans will be consistent with codes of conduct, FWISD policies and Texas law.

4. The student and his/her parent(s)/guardian(s) will receive copies of the student individual support plan.

5. The campus administrator, guidance counselor or school personnel may only share information regarding gender identity and expression with those in the school who have a legitimate educational interest, unless otherwise directed by the student or the student's parent(s)/guardian(s).

6. A parent is entitled to full information regarding the school activities of the student, except as precluded by Texas law (i.e. *Texas Education Code § 38.004 – Child Abuse and Neglect*).

7. If a restroom or related facility accommodation is requested, the campus administrator should meet with the student and his/her parent(s)/guardian(s) to discuss the student's request for access to restrooms, locker rooms, or changing facilities. Each accommodation request will be reviewed and addressed on a case-by-case basis based upon the particular circumstances of the individual student and school facilities. The goal will be the creation of a safe and supportive environment for students impacted by the accommodation with due recognition of the privacy rights of all students.

~~REPORTING  
PROCEDURES~~

## **Fort Worth ISD Current Policy**

~~FFH (LOCAL) provides as follows:~~

~~STUDENT REPORT~~

~~The District prohibits discrimination, including harassment, against any NONDISCRIMINATION student on the basis of race, color, religion, gender, sexual orientation,~~

~~EMPLOYEE~~

~~gender identity and expression, national origin, disability, or any other basis prohibited by law. The District prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.~~

~~REPORT~~

~~Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counselor, principal, other~~

~~District employee, or the appropriate District official listed in this policy.~~

~~Any District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct by an employee shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.~~

~~If a student or group of students has or may have experienced prohibited conduct by a student, a District employee shall immediately notify the principal.~~

~~TITLE IX COORDINATOR~~

~~Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:~~

~~Name: \_\_\_\_\_ Rufino Mendoza~~

~~Position: \_\_\_\_\_ Director, Employee Relations~~

~~Address: \_\_\_\_\_ 100 North University Drive, Fort Worth, TX 76107~~

~~Telephone: \_\_\_\_\_ (817) 814-2790~~

~~These Guidelines provide guidance to ensure compliance with current Policy and to illustrate the District's commitment to ensuring a safe learning environment, specifically for transgender students.~~

## **Governing Law**

~~Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., is a federal civil rights law that prohibits discrimination on the basis of sex in any federally funded education program or activity. The Office of Civil Rights ("OCR") is the federal agency responsible for enforcing Title IX. OCR has provided written guidance that Title IX prohibits sex discrimination based not only on sex and sexual orientation but also on gender identity. Discrimination on the basis of sex, including sexual discrimination, sexual harassment, and sexual violence are prohibited by Title IX. School districts are subject to investigation and possible sanctions by OCR if a district knew or should have reasonably known about sex harassment or violence.~~

## **Guidelines General Guidelines**

The District requires all personnel to acknowledge the gender identity that each student consistently and uniformly asserts. No medical or mental health diagnosis or treatment is required in order to have a student's gender identity recognized and respected. School personnel must not question any student's sincerely held belief regarding his or her gender identity once established and known.

The District expressly prohibits any personnel from engaging in, encouraging, or failing to report discrimination or harassment based on sex, including but not necessarily limited to a student's gender identity, gender expression, gender transition, transgender status, or gender non-conformity.

The campus counselor will serve as a designated ally for students who wish to discuss these issues. The ally may help with questions and concerns voiced from students and school personnel regarding transgender or gender identity issues. Additionally, the ally may offer extra support for transgender students as they navigate their experience at school.

### **Names and Pronouns**

Unless otherwise required by law (see recordkeeping below), school personnel must use the name and pronouns preferred by a student. Continued intentional misuse of a student's new name and pronouns, coupled with reference to the student's former gender, undermines the student's desires and is contrary to the District's goal of treating students with dignity and respect.

School personnel should address the student by the name and pronoun that corresponds to his/her gender identity even in the absence of a court order legally changing his/her name or parent/guardian permission. If school personnel are unsure how a student wants to be addressed in communications with a parent or guardian or in conferences with a parent or guardian, ask the student privately.

It is always appropriate to ask a student his/her preferred name and gender pronoun. This can set the tone for a more respectful and trusting relationship.

### **Recordkeeping**

**Official Records:** School personnel may only change a student's name on official records when the name of the student is changed by appropriate court action, such as by a name change proceeding. Upon the submission of evidence of the appropriate court action, school personnel must change the student's official name in all school records to reflect the legal name change.

School personnel must change a student's gender on official records when the gender of the student is changed on his or her birth certificate. Upon the submission of evidence of an amended birth certificate, school personnel must change the student's official gender in all school records to reflect the legal change. The new name and gender is the official legal name and gender of the student for all purposes, including school registration.

Until a legal name or gender change occurs, school personnel may use an "also known as" description with the student's preferred name.

~~Unofficial Records: To the extent the school is not legally required to use a student's legal name or gender on school records or other documents, all personnel must use the name and gender preferred by the student.~~

### **~~Privacy and Confidentiality~~**

~~All students have a right to privacy. This includes keeping a student's actual or perceived gender identity and expression private. School personnel may only share this information on a need-to-know basis or as the student directs. This includes sharing information with the student's parent or guardian. When contacting the parent or guardian of a transgender student, school personnel must 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.~~

~~A name in a school's database is part of an official educational record and is therefore covered by the Family Education Rights and Privacy Act (FERPA). As set forth in the preceding section, official records may not be changed absent court order or other legal document. If a parent or guardian requests access to his/her student's educational records as defined by FERPA, access must be provided. A request by a parent or guardian for educational records under FERPA may include unofficial records directly related to the student, including records containing a student's actual or perceived gender identity. The Office of Legal Counsel should be advised when a request for student records is made and a transgender student's privacy may be of concern (e.g. when the student has not yet disclosed gender identity status to a parent or guardian).~~

~~Note, however, that private information about a student's gender identity may be provided to others without parental consent only if it is reasonably believed by personnel that providing this information would likely help to prevent anticipated harm to the student, whether such harm is anticipated to be brought by the student or by another. If an employee believes a student is in danger of such harm, the employee must contact the designated ally and/or the Office of Legal Counsel to assist in deciding to whom any disclosure might be appropriate.~~

~~When communicating to the media or community about issues related to gender identity, school personnel must contact or direct the person making the inquiry to the Communications Department (who will consult the designated ally before responding) rather than directly commenting on the issue. School personnel should direct inquiries from families or the immediate school community to the designated ally.~~

~~To ensure confidentiality when discussing a particular concern (e.g. conduct, discipline, grades, attendance or health), school personnel's focus must be specifically school-related and not on the student's gender identity or expression.~~

### **~~Student Transitions~~**

~~In most cases, transitioning is a very private matter. Students may choose whether or not to have their parents participate in this process. In fact, notifying a parent or guardian carries risks for the student in some cases. School personnel must consider the health, well-being and safety of the transitioning student.~~

~~When appropriate, schools should work closely with a student and family in devising a plan regarding the confidentiality of the student's transgender status.~~

~~Prior to notifying any parent or guardian regarding the student's gender identity or any potential transition process, school personnel must work closely with the student to assess the degree to which, if any, the parent or guardian has been or will be involved in the~~

process.

### **Restrooms and Related Facilities**

~~Students must feel comfortable and safe in the use of restrooms and locker room facilities. Under no circumstances may a school require a student to use facilities that are potentially unsafe for the student.~~

~~If other students feel uncomfortable sharing a restroom with a transgender student or if a student has a need or desire for increased privacy, the school must allow the student(s) access to a single-stall restroom, a gender neutral restroom, or the opportunity to visit the facility when other students are not present. The single-user restroom, however, must not be given as the only option for transgender students who need or desire increased privacy.~~

~~Any student who has a need or desire for increased privacy in a locker room facility may have access to a reasonable accommodation such as the following:~~

- ~~a. Assignment of a student locker near the staff office or a supportive peer group;~~
- ~~b. Use of a private area within the public area of the locker room facility (e.g., nearby restroom stall with a door or an area separated by a curtain);~~
- ~~c. Use of a nearby private area; or~~
- ~~d. A separate changing schedule.~~

### **Dress Code and Appearance**

~~Dress codes must be applied to students transitioning to a different gender in the same way that they are applied to other students. Dress codes should not be used to prevent a transgender student from living full-time in the role consistent with his or her gender identity.~~

### **Gender-based Activities**

~~Participation in gender-based activities is a valuable part of the education experience for all students. Specifically, transgender student athletes must have equal opportunity to participate in sports.~~

~~Physical Education: For physical education classes that are gender-based, transgender students shall participate in physical education by their gender identity asserted at school.~~

~~Athletics: The District supports the participation of transgender students in all athletic activities. All students should have the opportunity to participate in athletics in a manner that is consistent and uniform with their gender identity, irrespective of the gender listed on a student's records or identification documents. The District's Athletic Director, in conjunction with the Superintendent of Schools, will make a decision in accordance with these Guidelines.~~

~~To determine whether participation of a transgender student athlete is appropriate, the District may consider the following:~~

- ~~• A written statement from the student affirming the consistent gender identity and expression to which the student self-relates;~~

- ~~• Documentation from individuals such as parents, friends, and/or teachers that affirm the student's gender identity; and~~

8. As a general rule, in all facilities or activities when students may be separated by gender, transgender students may participate in accordance with the student individual support plan. Interscholastic athletic activities should be addressed by the University Interscholastic League ("UIL") ~~regulations~~Regulations, if applicable.

~~Once a decision has been made by the District, the Athletic Director or other appointed school administrator may communicate that decision to the appropriate athletics' authority. Note, however, that the UIL or other governing athletic body may have ultimate authority to determine the team on which a student can participate in league play.~~

~~School Activities: All students have the right of equitable access to activities and programs in their school. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of gender identity in any program or activity. These activities and programs may include, but are not limited to, cheer class, homecoming, prom, spirit day, celebrations, assemblies, acknowledgments, after school activities/programs, and all extra-curricular activities.~~

## ~~Creating a Supportive Environment~~

~~Administrators must affirmatively seek opportunities to be an example in abandoning gender references and creating an inclusive environment. School personnel must be role models of these guidelines. Wherever arbitrary gender dividers can be avoided, they must be eliminated. Calling students "students" or "scholars" instead of "boys and girls" may seem insignificant, but can make a notable difference to students who feel alienated because they do not identify as either of the two binary categories. Start the day with inclusive language, and stick with it. Educators should feature diversity in books, posters, and workbooks.~~