

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PUPILS

TITLE: TRANSGENDER AND GENDER
NON-CONFORMING STUDENTS

ADOPTED: JUNE 16, 2016

	252 TRANSGENDER AND GENDER NON-CONFORMING STUDENTS
1. Purpose	<p>The purpose of this policy is to ensure safety, equity, and justice for all students regardless of gender identity or gender expression so that they can reach their fullest human and intellectual potential.</p>
2. Authority	<p>This policy is intended to facilitate compliance with other local and federal laws and School District of Philadelphia policies concerning bullying, harassment and discrimination.</p>
Title IX	<p>Title IX of the Education Amendments of 1972 (“Title IX”) specifically prohibits discrimination on the basis of sex in federally-funded education programs and activities. The United States Department of Education’s Office for Civil Rights has issued guidance recognizing that Title IX protects transgender students against discrimination based on their gender identity. Additionally, the U.S. Departments of Education and Justice have stated that under Title IX, “discrimination based on a person’s gender identity, a person’s transgender status, or a person’s nonconformity to sex stereotypes constitutes discrimination based on sex” and asserted a significant interest in ensuring that all students, including transgender students, have the opportunity to learn in an environment free of sex discrimination in public schools.</p>
City of Philadelphia Bill No. 130224	<p>City of Philadelphia Bill No. 130224 (April 2013) amends the Philadelphia Code to provide for equality of treatment of all persons in the City of Philadelphia regardless of gender identity or sexual orientation. Specifically, it provides for gender neutrality in certain City forms and online websites, access to public accommodations based upon an individual's gender identity, the right to dress consistently with one's gender identity, and the right of transgender individuals to request name and gender changes on pertinent records.</p>
Policy 102 Policy 248 Policy 249	<p>School District of Philadelphia Policy Section 102, Multiracial-Multicultural-Gender Education (August 2004), states that policy of the School District is to foster knowledge about and respect for those of all races, ethnic groups, social classes, genders, religions, disabilities, sexual orientations (perceived or known) and gender identities (perceived or known). School District of Philadelphia Policies 248 and 249 (September 2010) prohibit all forms of harassment and bullying by District students, and further prohibits reprisal or retaliation against individuals who report these acts</p>

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<p>3. Definitions</p>	<p>or who are targets, witnesses and/or bystanders in order to provide a healthy, safe, positive learning environment for District students. The School District Student Code of Conduct (2015-2016) states that students shall have the right to dress in accordance with their stated gender identity and/or expression within the constraints of the school’s dress code.</p> <p>“Sex assigned at birth” is the classification, either male or female, that a doctor assigns to an individual upon birth. This differs from biological sex, which encompasses sex traits both external and internal, including genitals, hormones, chromosomes, internal reproductive organs, etc.</p> <p>“Gender identity” is a person’s deeply held sense or psychological knowledge of their own gender, regardless of the sex they were assigned at birth. Individuals determine their own gender identity and gender identity may change over time.</p> <p>“Cisgender” describes people whose gender identity is consistent with their sex assigned at birth.</p> <p>“Transgender” describes people whose gender identity is different from their sex assigned at birth.</p> <p>“Gender expression” refers to the way a person expresses gender to others through behavior, clothing, hairstyles, activities, voice or mannerisms.</p> <p>“Gender nonconforming,” “gender variant,” and “gender queer” describe people whose gender expression and/or gender identity falls outside the traditional male-female binary.</p> <p>“Gender-neutral pronouns,” such as they/them/their (singular), are used by some transgender and gender non-conforming people.</p> <p>“Social transition” refers to a change in any combination of the following: name, pronouns, gender identity, or gender expression. Social transition does not necessarily involve any legal name change or medical intervention and does not need to be certified by a doctor or therapist.</p> <p>“Medical transition” refers to the use of puberty blockers, hormones, or surgery by a transgender or gender non-conforming person, designed to align their physical sex characteristics with their gender identity.</p> <p>“Questioning” is the process of self-exploration and self-discovery about one’s gender identity, often involving unlearning one’s assigned gender and learning a new one. There is no timetable for this process.</p>
<p>4. Scope</p>	<p>This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities. This policy also pertains to usage of</p>

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5. Guidance

electronic technology and electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, and on school computers, networks, forums, and mailing lists. This policy applies to the entire school community, including educators, school and District staff, students, parents, and volunteers.

Names/Pronouns

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. The name and pronouns with which the student identifies shall be used in all interactions between them and school staff and students as well as on written records including class rosters, report cards, letters from the school or School District, transfer forms, and photo ID. A court-ordered name or gender change is not required, nor is evidence of therapy or medical transition. 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 policy.

Privacy/Confidentiality

All persons, including students, have a right to privacy, and this includes the right to keep one's transgender identity private at school. Information about a student's transgender identity, legal name, or sex assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's transgender identity or gender nonconformity to others, including parents and other school personnel, unless the student has authorized such disclosure. Transgender and gender nonconforming students 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.

Gender-Segregated Activities

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, students will be included in the group that corresponds to their gender identity.

As a general matter, schools should evaluate all gender-based activities, rules, policies, and practices — including classroom activities, school ceremonies, and school photos — and maintain only those that have a clear and sound pedagogical purpose. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

Gender-neutral Language

To the extent possible, schools should use gender-neutral language in written communication with all students and families, regardless of student's gender identity. This included employing "they" (singular) instead of "he/she."

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<p>Title IX</p> <p>Policy 248</p> <p>Policy 249</p>	<p>Restroom Access Students shall have access to the restroom that corresponds to their gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such a restroom.</p> <p>Locker Room Access Students shall have access to the locker room that corresponds to their gender identity. Any student 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. Any alternative arrangement should be provided in a way that protects the student’s ability to keep their transgender identity confidential.</p> <p>Physical Education Classes & Intramural Sports Transgender and gender nonconforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.</p> <p>Interscholastic Competitive Sports Teams Participation in competitive athletic activities and contact sports will be resolved on a case-by-case basis.</p> <p>Dress Codes Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression. Schools may not adopt dress codes that restrict students’ clothing or appearance on the basis of gender. In describing dress codes, schools should employ gender-neutral language rather than specify separate “girl” and “boy” uniforms.</p> <p>Training Requirement All district personnel shall be trained regarding this policy.</p> <p>Curriculum Continue to provide age appropriate comprehensive health education curriculum that includes the four domains of health including; physical, mental, emotional, and social.</p> <p>Discrimination/Harassment It is the responsibility of each school and the District to ensure that transgender and gender nonconforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person’s actual or perceived transgender identity or gender nonconformity are to be handled in the</p>
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same manner as other discrimination or harassment complaints.

Questions or Concerns

Please call the Office of Student Rights and Responsibilities.