

## **Administrative Regulation Code: 511**

### **Transgender Students**

This administrative rule is intended to clarify existing laws, rules and policies, and to guide how best to support the needs of the district's transgender students and their families. It does not anticipate every scenario and situation that may occur with transgender students' needs. Therefore, it is encouraged that administrators discuss these issues with each student and family on a case-by-case basis to determine how best to support the student within the parameters of this administrative rule.

#### **1. Guidance for Privacy**

All persons, including students, have a right to privacy. This includes the right to keep private one's transgender status at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's transgender status to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Transgender 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. Students are encouraged to discuss their rights with staff members as well as this regulation. Administration and staff will work with transgender students to develop a plan and to comply with this regulation. When contacting the parent or guardian of a transgender 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, parent, or guardian has specified otherwise.

#### **2. Definitions**

- “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. Everyone has a gender identity.
- “Transgender” describes people whose gender identity is different from their gender assigned at birth.
- “Gender expression” refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.
- “Sex” is the physical makeup of a human being, referred to as their biological or natal sex. A person’s biological sex is sometimes also referred to as their “assigned gender.”

#### **3. Names/Pronouns**

Transgender students have the right to be addressed and referred to by a name and pronoun that corresponds with the student's gender identity, as determined by the parent and student. District employees may not intentionally refuse to refer to a student by the name or pronoun identified as corresponding with the student's affirmed gender identity.

#### **4. Official Records**

The District is required to maintain a mandatory permanent pupil record (“official record”) that includes a student's legal name and legal gender. However, the District is not required to use a student's legal name and gender on other school records or documents. The District will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

## **5. Dress code**

Students have the right to dress in accordance with their gender identity, in conformance with the dress and grooming standards contained in the Student Rights & Responsibilities Handbook and any dress and grooming standards prescribed by a student's school of attendance.

## **6. Restroom Accessibility**

Students shall have access to a restroom that corresponds to their gender identity. A student shall not be required to use a restroom that is incongruent with the student's gender identity. Where available, a single stall bathroom may be used by any student who desires increased privacy, regardless of the reason. The use of a single stall bathroom shall be a matter of choice for a student, and no student shall be compelled to use such a bathroom. Use of restrooms by transgender or gender nonconforming students shall be determined on a case-by-case basis depending on specific circumstances.

## **7. Physical Education, Athletics and Activities**

Transgender students shall be permitted to participate in gender-separated physical education, intramural athletics, and non-high school interscholastic athletics and activities in accordance with the student's gender identity. Participation in high school interscholastic athletics shall be governed by Nebraska School Activities Association policy. In the absence of such policy, schools will work with the NSAA to determine specific participation parameters. Activities that may involve the need for accommodations to address student privacy concerns, such as overnight trips, will be addressed on a case-by-case basis using the guiding principles of safety and honoring the student's gender identity and expression.

## **8. Locker Room Accessibility**

A student shall not be required to use a locker room that is incongruent with the student's gender identity. Locker room usage shall be determined on a case-by-case basis, using the guiding principles of safety and honoring the student's gender identity and expression. Some options include:

- Use of a private area in the locker room (e.g., a bathroom stall with a door; an area separated by a curtain; a physical education instructor's office in the locker room).
- A separate changing schedule (e.g., using the locker room before or after the other students).
- Use of a nearby private area (e.g., a nearby restroom; a nurse's office).

## **9. Related Resources**

501P Objectives for Equal Educational Opportunities for Students

504.21P Dating Violence Prevention

504.02P Bullying Prevention

504.06P Student Attire and Grooming

504.06R Student Attire and Grooming

504.181P Sexual Harassment of Students; 504.181R Sexual Harassment of Students;

506.12P Prohibiting Discrimination on the Basis of Sex in Student Activities

## **10. Assistance**

For assistance or to express concern please contact Coordinator of Student Services. In matters related to school athletics and activities, please contact the Director of Activities.

608.01P Secondary Guidance and Counseling

608.01R Secondary Guidance and Counseling