

**Gender Support Guidelines**

*"If we lack respect for one group, then there is a tendency for that attitude to spread. It becomes infectious and no one becomes safe from the ravages of prejudice."*

Walter Annenberg

**Introduction**

It is the policy of the Buncombe County Schools to maintain a safe and supportive school environment for all students free from harassment, intimidation, and/or bullying and free from discrimination due to actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability, or weight.

Educators play an essential role in creating a supportive school culture and advocating for the well-being of students. It is important for school staff, students, and parents to be aware that transgender and gender nonconforming students may be at a higher risk for peer ostracism, victimization, and bullying because of bias and/or the possibility of misunderstanding and lack of knowledge about their lives. Schools must be proactive in creating a school culture that respects and values all students and fosters understanding of gender identity and expression within the school community.

These guidelines are intended to help schools promote the safe and supportive educational environment, free from discrimination and harassment, for transgender and gender nonconforming students. Each principal is responsible for ensuring that all staff are made aware of these guidelines and for making staff aware of appropriate training and professional development opportunities. Every student and school is unique and these guidelines do not anticipate every situation that may occur. The needs of each student must be assessed on a case-by-case basis. School administrators should discuss the needs and concerns of transgender and gender non-conforming students with them and their families and draw on the experiences and expertise of their colleagues as well as external resources where appropriate.

**Definitions and Terminology**

**Assigned Sex at Birth:** Refers to the sex designation recorded on an infant's birth certificate should such a record be provided at birth.

**Cisgender:** An adjective describing a person whose gender identity corresponds to their assigned sex at birth. For example, an individual who was assigned the sex designation of female at birth and whose gender identity is female.

**Gender Expression:** The way a person expresses gender to others in ways that are socially defined as either masculine or feminine, such as through behavior, clothing, hairstyles, name, pronouns, activities, voice, or mannerisms. (Note: Gender expression can vary depending on one's culture as well as changes in social norms and expectations, such as shifts in clothing and hairstyles.)

**Gender Identity:** A person's gender-related identity, regardless of whether that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Everyone has a gender identity. Gender Identity is a person's inner sense of being a man or a woman, some combination of both, or neither.

**Gender Nonconforming:** An adjective used to describe an individual whose gender expression does not conform to the social expectations or norms or stereotypical expectations for a person of that sex assigned at birth. Gender nonconforming individuals may identify as male, female, some combination of both, or neither.

**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 may 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 period of time. Gender transition does not require any type of medical procedure.

**Intersex:** A term used for individuals born with variations in sex characteristics – reproductive or sexual anatomy or chromosome pattern- that do not fit the typical binary notions of male or female bodies.

**Sexual Orientation:** A person’s sexual orientation is the individual’s enduring pattern of physical, romantic, emotional, aesthetic, or other attraction to another person. Sexual orientation can be towards persons of the opposite sex or gender, the same sex or gender, or to both sexes and more than one gender. Sexual orientation is not the same as gender identity.

**Transgender:** Describes a person whose gender identity or gender expression is different from their assigned sex at birth.

Transgender and gender nonconforming youth use various words to describe their lives and experiences. Some examples these students may use to refer to themselves include, but are not limited to, trans, transgender, male-to-female (MTF), female-to-male (FTM), genderqueer, non-binary, gender fluid, two-spirit, trans boy, and trans girl. The terminology and language used to describe transgender individuals may differ based on varied factors such as geographic location, race, ethnicity, age, country of origin, etc. and may change over time.

The individual student is the best person to determine their own identity. School staff should be sensitive to, and use, the terminology that supports and respects the wishes of the individual child. Under North Carolina law, schools must inform a student’s parent(s) prior to any changes in the name or pronoun used for a student in school records or by school personnel. Each school is responsible for determining which staff member(w) will contact parents prior to any change in name or pronoun used in school records or by school staff.

### **Addressing Discrimination/Harassment**

It is the policy of the Buncombe County Board of Education to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation, and/or bullying and free from discrimination related to actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability, or weight.

Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, ethnicity, sex, pregnancy, religion, age or disability or by association with a person who has or is perceived to have one or more of these characteristics. Discrimination may be intentional or unintentional.

Harassment, including sexual or gender-based harassment, is not limited to specific situations or

relationships. It may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex. BCS Policy 1710/4021/7230.

Complaints alleging discrimination or harassment based on a person's biological or gender identity must be handled in accordance with procedures outlined in BCS Policy 1710/4020/7230.

### **Privacy**

In accordance with the Family Education Rights Privacy Act (FERPA) and BCS Policy 4700, only those school or other Board employees with a legitimate educational interest are permitted to access a student's records. Absent parental consent, or the student's consent if they are 18 years of age or older, information contained in, learned from or to be recorded in a student's records, including information regarding a student's transgender status, may only be disclosed in the following very limited circumstances: 1) in a health or safety emergency; 2) to employees with a legitimate educational interest in the information; or 3) in various other circumstances explicitly permitted by BCS Policy 4700 and FERPA.

Moreover, transgender and gender nonconforming students have the ability, as do all students, to discuss and express their gender identity and expression openly and decide when, with whom, and how much of their private information to share with others. Schools should work closely with the student and parent(s) in devising an appropriate plan regarding the confidentiality of the student's transgender status. (See Supporting Transgender or Transitioning Students section below.) Note that using a student's name and the corresponding pronoun that is preferred and consistently asserted at school as set forth below does not constitute a violation of a student's privacy, board policy, or these guidelines.

In some cases, transgender students may not want their parents to know about their transgender status. These situations must be addressed on a case-by-case basis and will require schools to balance the goal of supporting the student with the requirement that parents be kept informed about their children as well as the statutory requirement for schools to notify parents prior to any change in the name or pronoun used for a student in school records or by school staff.

### **Supporting Transgender or Transitioning Students**

Schools have an opportunity to support transgender students, including those going through a gender transition. Regardless of how students transition or express their gender identity, all students have the right to have their gender identity recognized and respected by their school community.

Transgender youth who are in the process of social gender transition often choose a new first name and the gender pronoun that better reflects their gender identity. They may *or may not* begin to dress and style their hair in ways that better reflect their gender identity, and, as all young people do, seek social affirmation of their gender identity from peers and other important figures in their lives. Transition can also include changing identity documents such as the person's social security record, passport, driver's license, etc. Not all transitions are binary, meaning male-to-female or female-to- male.

Some transgender youth who are close to reaching puberty, or after commencing puberty, seek medical interventions that may include hormone suppressants, cross-gender hormone therapy, and, for a small number of young people, a range of gender-affirming surgeries. An individual's decision about whether and how to undergo gender transition is personal and the district does not make any determination or recommendations regarding medical interventions for transgender or non-binary

students.

It is not unusual for a child's desire to transition to first surface at school. In some cases, a parent will approach a school or district administrator about their child's transition. In other cases, the student is the person who informs the school about their transition. The administrator and school counselor or school social worker, should meet with the parents and student to discuss the school's role in supporting the student. This may include working with the child and family to put in place measures for supporting the child and providing any requested resources or supports to the families. This meeting should include, but not be limited to, discussion of the timing of the transition, planning responses to questions from school staff and students, and changing the student's information in school records.

School officials must be mindful that transgender and gender nonconforming youth often experience significant family challenges. Some transgender students have not talked to their parents about their gender identity and/or do not want their parents to know about their transgender status based on concerns about a lack of acceptance or safety concerns. The school principal or their designee should speak with the student first to ascertain concerns the student may have. As noted above, these situations must be addressed on a case-by-case basis balancing the student's request with the requirements of state and federal law. The school principal or their designee, if necessary, should confer with their Director of Student Services about how to proceed.

Schools should be especially vigilant for any bullying or harassment issues that may arise. Pursuant to Board policy, schools must work to prevent bullying and harassment, and respond promptly when allegations of bullying and harassment arise in accordance with BCS Policies 4329/7311 and 1710/4020/7230.

### **Names and Pronouns**

Every student is entitled to be addressed by the name and pronoun that corresponds to the student's gender identity that is persistently and consistently asserted at school.

As addressed above, schools must inform a student's parent(s) prior to any changes in the name or pronoun used for a student in school records or by school personnel. Each school is responsible for determining which staff member(s) will contact parents prior to any change in name or pronoun used in school records or by school staff. Students are not required to obtain parental consent, or a court ordered name and/or gender change as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.

Teachers and other school staff should be made aware of and honor a student's request to be referred to by the name and gender that corresponds to their gender identity. It is important to note that students who are gender non-conforming or who do not prescribe to the gender binary may prefer gender neutral pronouns such as they, them, or other pronouns. These other pronouns are used when the gender is unknown or not assumed and replace he/she.

While inadvertent slips and honest mistakes may occur from time-to-time, the intentional and persistent refusal to respect a student's gender identity or choice of preferred name and pronoun is prohibited. If a staff member or student raises a religious objection to using a student's name or pronoun that corresponds with the student's gender identity, the school should contact Student Services Department for support.

## Student Records

Each school is required to maintain a permanent pupil record of each student (e.g. transcript, report cards, attendance records), in the student's legal name and gender. In records which are not permanent pupil personnel records (e.g. guidance logs, anecdotal records, yearbooks, graduation programs, etc.), schools must use the name and gender that is preferred and consistently asserted by the student at school. Student email accounts may be changed to reflect the preferred name.

To the extent the capability is available in the official electronic student records database, students' preferred name(s) and gender shall be recorded, in addition to their legal name, to conveniently inform teachers and other staff of the name and pronoun to use when addressing students. To the extent the student records database does not have this capability, the administration will work to develop systems to produce class rosters that reflect students' preferred names and pronouns.

### Procedures to Change a Student's Permanent Pupil Record

A student's permanent pupil record can be changed to reflect a change in legal name or gender only upon receipt of documentation that such legal name and/or gender have been changed pursuant to applicable law.

#### Required Documents

- The documentation required for a **legal change of name** is a court order or birth certificate demonstrating the student's new name.
- For a **legal change of gender**, the student must provide a birth certificate to school officials indicating the student's legal gender, a court order directing legal recognition of change of gender; or a valid (not limited validity) passport indicating the student's legal gender.

The following procedures should be followed if a school receives a request to change a student's record to reflect a change in legal name and/or gender.

- For **students who are currently enrolled** in a Buncombe County public school, the school in which the student is enrolled should make the legal name and/or gender change in PowerSchool upon receipt of the required documentation (see above).

Student records for graduated Buncombe County School students are archived in read-only format and cannot be amended. For these students, documentation of name changed may be presented to the Student Services and scanned into our stored student records. When requests for graduation verification are made, the prior record can be accessed, and a letter of verification will be issued in the student's new legal name. Any transcript requests will have the former student's name and gender on the transcript.

In all cases, the former name and/or gender will be maintained in archived data, in order to ensure that records accurately reflect circumstances in effect at the time each record was made, to enable records to be cross-referenced, and to maintain the confidentiality of the student's transgender status to the extent possible.

## Medical Records

With respect to student medical records, school nurses and other licensed professionals need accurate

and reliable information to confirm a student's identity in order for the student to receive appropriate care and to enable them to coordinate, when necessary, care with other health care providers or licensed professionals, as well as to file health insurance claims with other organizations, such as Medicaid.

In the case of a transgender student, a school nurse should use the student's preferred name, and should use the student's legal name only when necessary for the student to receive appropriate care and to enable the school nurse to coordinate care for the student with other health care providers or licensed professionals, as well as to file health insurance claims.

### **Sports and Physical Education**

Sports and physical education programs, including physical education classes and school teams, are educational opportunities. Participation in these activities plays an integral role in developing a child's fitness and health, self-esteem, and general well-being. Transgender students are to be provided the same opportunities to participate in physical education as are all other students.

Students may participate in interscholastic athletics according to rules established by the State and the North Carolina High School Athletics Association.

Students must be permitted to participate in physical education and intramural sports in accordance with the student's gender identity that is consistently asserted at school. Participation in competitive athletic activities and contact sports will be resolved on a case-by-case basis.

### **Restroom and Locker Room Accessibility**

Transgender and gender nonconforming students must be provided access to safe facilities (restrooms, locker rooms or changing rooms). A transgender student may not be required to use a facility that conflicts with the student's gender identity consistently asserted at school. Schools should work with students and their families to facilitate restroom and locker room use that meets the student's safety and privacy needs and the spirit of these procedures.

Schools must provide reasonable alternative arrangements for any student who expresses a need or desire for increased privacy. Reasonable alternative arrangements may include a single occupancy restroom, use of a private area, or a separate changing schedule. Any alternative arrangement should be provided in a non-stigmatizing way and in a manner that protects a student's ability to keep their transgender status confidential.

### **Gender Segregation in Other Areas**

Gender-based policies, rules, and practices can have the effect of marginalizing, stigmatizing, stereotyping, and excluding students, regardless of whether they are transgender or gender nonconforming. Students must be permitted to participate in all school activities (e.g., overnight field trips) in accordance with their gender identity consistently asserted at school. Requests for accommodations to address privacy concerns will be addressed on a case-by-case basis in a Gender Support plan developed with the student and parent(s) or guardians.

### **Gender Based Activities and Practices**

Schools and departments shall evaluate all gender-based activities and practices 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 established practices consistent with their gender identity. Examples of such gender-based activities and practices include but are not limited to:

1. Single Gender Classes (e.g. physical education classes)
2. Classroom Structure and Activities
3. School Ceremonies
4. School Pictures
5. Extracurricular Activities
6. Overnight Field Trips

Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis considering the factors set forth above.

### **Dress Codes**

Schools may enforce dress codes that are adopted pursuant to BCS Policy 4316: Student Dress Code and consistent with this Administrative Regulation. Schools must carefully examine their dress codes to ensure that the code does not stereotype or require students to wear different articles of clothing based on gender, gender expression or gender identity (e.g., requiring girls to wear skirts).

### **Notification**

The principal or designee are responsible for ensuring that school staff and students are familiar with these guidelines.

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