

Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5106 *Transgender Students*

The Board recognizes that transgender students, nationally and in Michigan, are targeted with physical violence and experience a hostile school environment more frequently than their peers. Supportive environments that acknowledge and affirm a student's gender identity is a protective factor that improves health and educational outcomes.

The Board supports protecting the rights of all students to self-identify and use the name, pronouns, and facilities that correspond with their gender identity. The Board prohibits unlawful discrimination, bullying, and harassment on the basis of sex, which includes sexual orientation and gender identity. The Board further prohibits unlawful discrimination, bullying, and harassment on the basis of gender, gender identity, gender expression, or gender-based stereotypes pursuant to Title IX of the Education Amendments of 1972.

A. Definitions

1. "Gender" means a set of social, physical, psychological and emotional traits, often influenced by societal expectations and a person's sexual and reproductive anatomy that classify an individual as feminine, masculine, androgynous, or other.
2. "Gender Identity" means a person's deeply-held internal sense or psychological knowledge of their own gender. A person's gender identity can be the same or different from their sex assigned at birth. Gender identities may include, "male," "female," "androgynous," "transgender," "genderqueer" and many others, or a combination thereof.
3. "Gender Expression" means the multiple ways in which a person represents or expresses gender to themselves and others, often through one's name, pronouns, behavior, clothing, haircut, activities, voice, and other distinctive cultural markers of gender, and which may or may not conform to socially defined behaviors and characteristics typically associated with being masculine or feminine.
4. "Gender Neutral" means not gendered, usually operating outside the male/female binary, and may refer to language (e.g., pronouns), spaces (e.g., bathrooms), or identities.
5. "Transgender" means a person whose gender identity or expression is different from their sex assigned at birth.
6. "Cisgender" means a person whose gender identity aligns with the sex assigned at birth.

7. "Gender Nonconforming" includes people whose gender identity or expression does not conform to the stereotypical expectations of the sex they were assigned at birth. People who identify as Gender Nonconforming may or may not also identify as Transgender.
8. "Gender-fluid" means a person who does not identify with a single fixed gender and whose identification and presentation may shift, whether within or outside of the male/female binary.
9. "Nonbinary" includes people who do not identify with the binary concepts of man/woman or masculine/ feminine. Not all Transgender people identify as Nonbinary. Other genders that may be included under the nonbinary umbrella are Genderqueer, Gender-fluid, and Agender.
10. "Preferred Gender Pronouns" means the pronoun or set of pronouns by which a person would like others to call them when their proper name is not being used. Traditional examples include "she/her/hers" or "he/him/his." Some people prefer Gender Neutral pronouns such as "they/them/theirs." Some people prefer no pronouns at all.

B. Unlawful Discrimination, Harassment, and Bullying

If a District employee receives a verbal, written, or electronic report of, witnesses, or otherwise directly or indirectly has notice that a student has experienced discrimination, harassment, or bullying based on a student's actual or perceived gender, gender identity, or gender expression, in violation of this Policy, the staff member must promptly report the alleged misconduct pursuant to the District's unlawful discrimination and harassment policies.

If a student receives a verbal, written, or electronic report of, witnesses, or otherwise directly or indirectly has notice there has been an incident of discrimination, harassment, or bullying based on a student's actual or perceived gender, gender identity, or gender expression in violation of this Policy, the student is encouraged to promptly report such incident pursuant to the District's unlawful discrimination and harassment policies.

Complaints alleging unlawful discrimination, harassment, or bullying based on a person's actual or perceived gender, gender identity, or gender expression must be taken seriously and handled pursuant to the District's unlawful discrimination and harassment policies.

C. Initial Notification

The person best suited to determine a student's Gender Identity is the individual student. A student will not be required to present legal or medical documentation of a gender transition when the student notifies the District of his, her, or their Gender Identity, preferred name, or Preferred Gender Pronouns.

Once a student or the student's parent/guardian notifies the District of the student's Gender Identity, the District will meet with the student and the student's parents, as appropriate, to discuss whether the student requires any accommodations or supports at school and how any needed supports will be communicated to staff and students. The District will ensure that all staff engage in reasonable and good faith efforts to address the student by the student's preferred name and Preferred Gender Pronouns.

The nature and type of supports the student may need at school may vary depending on the student's age, grade level, abilities, family situation, and other factors. Any determination made about accommodations and supports for the student at school will take into account the student's preferences, the parent(s)'s preferences, as appropriate, input from staff, and the most recent guidance from the U.S. Department of Education and the Michigan State Board of Education.

A student may not have informed parents of the student's Gender Identity. In that situation, disclosure to a student's parents should be carefully considered on a case-by case basis. Administrators should involve the school counselor or social worker and consider the health, safety, and well-being of the student, as well as the school's responsibility to keep parents informed, before making any disclosure.

D. Student Records

Upon request, if a student's Gender Identity requires changes to student records, the District will make the appropriate changes, regardless of whether the student has "transitioned", sought a legal name change, or taken other legal or medical action. This includes, but is not limited to, updating the District's information systems, email addresses, class rosters, transcripts, and diplomas.

The District will comply with reasonable requests to amend a former student's secondary educational records, including diplomas and transcripts, after graduation, to ensure that those requesting records (e.g., college admissions office or potential employers) will only see the name and gender marker corresponding to the student's stated gender identity.

E. Student Privacy

A student's birth name and sex assigned at birth, or the fact that those differ from the student's preferred name and Preferred Gender Pronouns is confidential information that constitutes personally identifiable information under the Family Educational Rights and Privacy Act. The District will ensure that any information relating to a student's Gender Identity or Gender Expression is kept confidential in accordance with applicable state, local, and federal privacy laws.

Unless authorized by law, District staff will not disclose information that may reveal a student's birth name or sex assigned at birth, or that those differ from the student's preferred name and Preferred Gender Pronouns to others, including parents and other school staff.

F. Restroom and Locker Room Access

Student requests to use facilities like restrooms and locker rooms consistent with a student's Gender Identity will be addressed by the District on a case-by-case basis consistent with state and federal law and guidance.

Alternative and non-stigmatizing options, like gender-neutral or single-user restrooms will be made available to all students who request them.

G. Staff Training

The District will incorporate training on this Policy into the District's training on responding to and investigating unlawful discrimination and harassment. The Superintendent or designee will ensure that District personnel are notified of mandatory training sessions.

Legal authority: MCL 380.1310b; 20 USC 1232g; 20 USC 1681 et seq.; 20 USC 7151; Policy No. 5207 (Bullying); Policy No. 5202 (Discriminatory Harassment of Students); Policy No. 3118 (Title IX Sexual Harassment)

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