

Community High School District 128

Gender Support Guidelines

Community High School District 128 (District 128) is dedicated to the social, emotional and academic success of all our students. This includes our transgender and gender-expansive students. District 128 staff and students should be proactive in creating a school climate that respects, values and fosters understanding of gender identity within our school community.

The following guidelines are designed to help ensure a safe learning environment that promotes the integration of transgender and gender-expansive students and creates a culture free of harassment, discrimination and bullying. These guidelines cannot predict every situation and, as such, the needs of individual students should be assessed on a case-by-case basis.

Legal and Policy Support

Laws prohibiting gender discrimination require District 128 to protect transgender and gender-expansive students from bullying and harassment by other students.

State law prohibits discrimination based on sexual orientation and gender identity (775 ILCS 5/5-101(11), 23 Il.Admin Code 1.240). The Illinois Human Rights Act defines sexual orientation as the “actual or perceived heterosexuality, homosexuality, bisexuality or gender-related identity whether or not traditionally associated with the person’s designated sex at birth” (775 ILCS 5/1-103(O-1). This Act also permits schools to maintain single-sex facilities that are private, e.g. restrooms and locker rooms (775 ILCS 5/5-103).

Federal law bans discrimination and exclusion based on sex (20 U.S.C. 168(a), Title IX of the Education Amendments of 1972.) The U.S. Department of Education’s Office of Civil Rights (OCR) and the Department of Justice (DOJ) state that Title IX protects lesbian, gay, bisexual, and transgender students from gender discrimination.

Community High School District 128 Board policy 7:10 *Equal Educational Opportunities*, supports the legal requirements described above.

Illinois School Code prohibits bullying on the basis of actual or perceived sexual orientation, gender-related identity or expression, and/or association with a person or group with one of the aforementioned actual or perceived characteristics 105ILCS 5/27-23.7(a). Board Policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment* will be used to address and resolve peer bullying and harassment of transgender or gender-expansive students.

In addition, District 128 Board policies 2:260, 5:20, 7:20, and 7:190 prohibit the discrimination, harassment and bullying of students and staff, including transgender and gender-expansive students.

Other relevant District 128 Board policies that address accommodations, and inclusion of transgender and gender-expansive students include:

- 7:130 Student Rights and Responsibilities
- 7:160 Student Appearance
- 7:250 Student Support Services
- 7:330 Student Use of Buildings-Equal Access
- 7:340 Student Records

Online access to all Community High School District 128 Board Policies can be accessed [here](#).

Support and Accommodations

Gender Support Plan

A student's Gender Support Plan addresses the expressed intentions of the transgender or gender-expansive student and/or the student's parents/guardians, including name, gender identity, disclosure of student's gender identity to teachers and other staff members, confidentiality of gender transition in student records and other information systems, access to restrooms, locker rooms and other gender-segregated facilities, and any other support as needed. The Gender Support Plan will be reviewed annually but may be updated when necessary. The Gender Support Plan may be included in the student's Temporary Record at the request of the student or parents/guardians. It will be accessible only when designated in the Plan or required by law. If requested, specific accommodations in the Gender Support Plan may be shared with other schools when the student graduates or transfers.

Confidentiality

All students have a right to privacy. To ensure the safety and well-being of the student, school personnel should not disclose a student's transgender status to others. Information about a student's transgender status, legal name or biological sex assigned at birth may constitute confidential medical and student-record information. Disclosure of such information may violate privacy laws, such as the Federal Family Educational Rights and Privacy Act (FERPA), the Illinois School Students Records Act (ISSRA) and the Mental Health and Developmental Disabilities Confidentiality Act.

Transgender and gender-expansive students have the right to openly discuss and express their gender-related identity and expression at school and school activities and to decide when, how and with whom to share private information. Staff, however, should not disclose information that reveals a student's transgender status to others unless authorized by the student and documented in the Gender Support Plan. Staff should discuss a student's transgender status with one another only if it is necessary in order to support the student's social, emotional and academic success.

Names and Pronouns

Transgender and gender-expansive students have the right to be addressed by a name and pronoun that corresponds to the gender identity they exclusively and consistently assert at school. If requested by the student or parents/guardians, the Gender Support Plan will include a method for the requested name to be included in the District's electronic databases (e.g. logins, PowerSchool, email systems, student IDs, etc.), diplomas, awards and other non-legal documents, in order to inform teachers and other staff of the name to use when addressing the student. Students do not need a court order or medical or psychological documentation to change official records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity. Intentional and persistent refusal by school staff to respect a student's gender identity is a violation of Board Policies 7:10 and 7:20.

Dress Codes

Transgender and gender-expansive students have the right and it is not considered disruptive of the school environment or the educational process to dress in the manner consistent with their gender identity or expression. This applies to the normal school day, graduation, extracurricular activities and any other school-sponsored activities. Transgender and gender-expansive students must abide by the dress code that applies to all students at their school.

Curriculum and Pedagogy

All District 128 personnel will use a gender-affirming approach to create a learning environment in which transgender and gender-expansive students are able to live as the gender with which they identify and to achieve healthy development towards social, emotional and academic success. This includes affirming students' gender identities and providing flexible gender transition processes. School libraries and curricula will include accurate information on gender diversity as well as gender-affirming literature. A staff member should never use an individual student's gender identity, transition or personal gender history as the subject of a class lesson unless specifically directed in the student's Gender Support Plan.

In general, school administrators should evaluate all practices that divide students on the basis of gender and maintain only those that have a clear and sound pedagogical purpose. Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender-specific practice, students should be permitted to participate in such activities consistent with their gender identity. A clear strategy should be documented in advance of the activity in the student's Gender Support Plan. All District 128 personnel should be trained annually on these guidelines and on gender-affirming approaches to education.

Gendered Facilities and School-Sponsored Programs

The Gender Support Plan will include a plan for supporting a student's access to gendered facilities and school-sponsored programs that are consistent with the student's gender identity. This may include, but is not limited to, access to multi-stalled gender restrooms, locker rooms, fine and performing arts programs and athletic programs. District 128 will abide by the Illinois

High School Association's *Policy and School Recommendations for Transgender Participation* found online at <http://ihsa.org>. Schools must allow students to use gendered facilities and have access to school-sponsored programs that are consistent with their Gender Support Plans. Regardless of gender identity, any student who has a need or desire for increased privacy should be provided access to an alternative gender-neutral facility. However, no student will be required to use a gender-neutral facility because they are transgender or gender-expansive. In an effort to make sure restrooms are accessible for all students, each building will have at least one gender-neutral bathroom open to all students.

Accessibility

These guidelines will be on the Community High School District 128 website and referenced in the *Student/Parent Handbook* at each school. The website will also include relevant support materials and resources for transgender and gender-expansive students, including contact information for the Gender Support Task Force. Staff who are contacted regarding these guidelines should refer all questions to the Task Force.

Definitions

Terminology and Definitions

District 128 uses the following terms and definitions when discussing accommodations for a transgender student or gender non-conforming student (note: most of the definitions are from the Lurie Children's Hospital of Chicago and the *Arcadia Resolution Agreement*, 7-24-2013, www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf).

NOTE: Definitions are not intended to label students, but rather to assist with understanding.

Cisgender is the term used to describe people whose gender identity is congruent with biological sex.

Facilities refers to facilities and accommodations used by students at school or during school-sponsored activities and trips, and include, but are not limited to, restrooms, locker rooms, and overnight facilities.

Gender-based discrimination is a form of sex discrimination, and refers to differential treatment or harassment of a student based on the student's sex, including gender identity, gender expression, and non-conformity with gender stereotypes, that results in the denial or limitation of educational services, benefits, or opportunities. Conduct may constitute gender-based discrimination regardless of the actual or perceived sex, gender identity, or sexual orientation of the persons experiencing or engaging in the conduct.

Gender-expansive/fluid is an umbrella term used for individuals which broadens commonly held definitions of gender, including its expression, associated identities, and/or other perceived gender norms, in one or more aspects of their life.

Gender expression refers to external cues that one uses to represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

Gender identity refers to one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted, or for which there is other evidence that the gender identity is sincerely held as part of the student's core identity.

Gender non-conformity refers to one's gender expression, gender characteristics, or gender identity that does not conform to gender stereotypes.

Gender stereotypes refers to stereotypical notions of masculinity and femininity, including expectations of how boys or girls represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

Gender role is the set of roles, activities, expectations and behaviors assigned to females and males by society.

Gender transition refers to the experience by which a transgender person goes from living and identifying as one's assigned sex to living and identifying as the sex consistent with one's gender identity. A gender transition often includes a *social transition*, during which an individual begins to live and identify as the sex consistent with the individual's gender identity, with or without certain medical treatments or procedures.

Sex assigned at birth and assigned sex refers to the gender designation listed on one's original birth certificate.

Sexual Orientation is the gender to which one is romantically and/or sexually attracted.

Transgender or Trans describes an individual whose gender identity is different from the individual's assigned sex. **Transgender boy** and **transgender male** refer to an individual assigned the female sex at birth who has a male gender identity. **Transgender girl** and **transgender female** refer to an individual assigned the male sex at birth who has a female gender identity. An individual can express or assert a transgender gender identity in a variety of ways, which may but do not always include specific medical treatments or procedures. Medical treatments or procedures are not considered a prerequisite for one's recognition as transgender. For purposes of this procedure, a **transgender student** is a student who consistently and uniformly asserts a gender identity different from the student's assigned sex, or for whom there is documented legal or medical evidence that the gender identity is sincerely held as part of the student's core identity.