

Policy Document: Supporting Transgender and Gender Expansive Youth at BISW

The purpose of this policy is:

(1) to foster an educational environment that is safe, welcoming, and free from stigma and discrimination for all students, regardless of gender identity or expression.

(2) to align with local and federal laws concerning bullying, harassment, privacy, and discrimination.

(3) to ensure that all students can express themselves and live authentically.

Every student deserves to learn in a safe and supportive setting, free from discrimination. Per US Federal legislation Title IX, discrimination based on sex—including sexual orientation and gender identity—is prohibited in American public schools. BISW’s policies align with **DC Municipal Regulations Title 4 Chapter 4-8**, as cited below.

Student Transitions

BISW accepts the gender identity that each student asserts. There is no medical or mental health diagnosis or treatment threshold that students must meet to have their gender identity recognized and respected. The assertion may be evidenced by an expressed desire to be consistently recognized as the sex consistent with their gender identity. Students ready to socially transition may initiate a process to change their name, pronoun, attire, and access to gender-related programs, activities, and facilities consistent with their gender identity. Each student has a unique process for transitioning. The school shall customize support to optimize each student’s equal access to our educational programs and activities.

Privacy

All persons, including students, have a right to privacy, and this includes the right to keep one’s gender identity private at school. Information about a student’s transgender status, transition process, legal name, or gender assigned at birth also may constitute confidential medical information. Disclosing this information to other students, their parents, guardians, or other third parties may violate privacy laws, such as FERPA. BISW ensures that all medical information relating to transgender and gender expansive students will be kept confidential in accordance with applicable DC and federal privacy laws. School staff may not disclose information that may reveal a student’s transgender status or transition process to others, including parents, guardians, and other school staff, unless legally required to do so or unless the student has authorized such disclosure.

Transgender and nonbinary students have the right to discuss and express their gender identity openly and to decide when, with whom, and how much to share private information. The fact that a student chooses to use a different name, to transition at school, or to disclose their gender identity to staff, educators, or other students does not authorize school staff to disclose a student’s personally identifiable or medical information to anyone.

Uniform and dress

A trans child or young person may take steps to change how they dress or the uniform they wear to school. This is something that benefits all children and young people, not just those who are trans. If there are different uniforms or dress codes for boys and girls, a child or young person should be able to wear the uniform items that they feel reflect their current gender.

Gender Specific Facilities

Students are allowed to use the same facilities as their peers unless they request alternate accommodations. This means that transgender and gender expansive students are entitled to use the restroom and locker room that matches their gender identity, except where it can be demonstrated that not doing so is a 'proportionate means of achieving a legitimate aim'. Any student, transgender or otherwise, who has a need or desire for increased privacy, regardless of underlying reasons, also has the right to access a single-user restroom, a separate changing schedule, use of a private changing area in the facility (e.g., a restroom stall with a door or an area separated by a curtain), or use of a nearby private area to change. If any student expresses discomfort to any member of the school staff, that staff member should review these options with the student, but the wishes of other students need to be taken into consideration.

Sports and PE

Where possible, it is important a trans child or young person can fully participate in PE lessons and sports activities, including those that match their gender identity, **unless there are reasonable safety concerns**. This is unlikely for most sports and age groups under 18, although staff may wish to ask advice from any relevant sporting bodies for extra-curricular competitions.

It is good practice to offer all children and young people the chance to participate in normal PE lessons and sporting activities. As with all work that challenges gender stereotypes, the introduction of mixed PE sessions opens broader opportunities for, and offers benefits to, all learners. Joining a different PE group, playing in a different sports team, or deciding which team to play in may be a daunting step for a child or young person, so staff need to consider this area with sensitivity and care, particularly when supporting a gender expansive child or young person.

Any transgender student that wishes to play for the school team, will be able to choose the male or female sports team for that school year.

Overnight Trips

Student comfort is paramount in the decisions around overnight field trips. Students are allowed use of an overnight facility that corresponds with their gender identity. Transgender and nonbinary students will be consulted in the planning process, to address any potential concerns and needs for privacy. If applicable, a student's parent/guardian will also be consulted. Student's privacy will be maintained and no disclosure of a student's transgender status to other students or parents will be made without the consent of the transgender student and/or the student's parent.

Under no circumstances will a transgender or nonbinary student be denied the opportunity to participate in any overnight trips or other opportunities based on overnight accommodations.

However, other students wish in terms of sleeping arrangements need to be considered. No student will be 'de facto' required to be housed separately, however this might be the only solution considering the legitimate interest of other students. No transgender student will be asked to take part in a manner that does not reflect their gender during any school sponsored trip or event. The school shall make all efforts to accommodate any student who desires greater privacy in overnight trips.

Trips overseas may need some thought in advance. Some aspects may cause worry for a gender expansive child or young person, such as their documentation not corresponding to their gender identity or how they look. Staff should discuss this with the child or young person and both the school and the young person themselves should be aware of the legal expectations or restrictions in relation to LGBT people in the country they are visiting. It is also important that a school's risk assessments consider any additional steps to ensure the child or young person's safety, for example in relation to harassment or discrimination.

Body anxieties

Some gender expansive children or young people feel unhappy or distressed about living with a body they don't feel reflects their gender identity. Schools can help by pointing children and young people to support services where they exist or help them talk to others, using inclusive language in PSHE and other lessons, and teaching about self-esteem and body confidence.

As with all students, LGBTQ+ children and young people need to feel that they have a voice.

Support Opportunities

BISW hosts a student-led gender-sexuality alliance club, which provides a safe community space for LGBTQIA and Ally secondary students. Our school counsellor is available to support students and parents in navigating gender-related transitions at school. BISW is dedicated to ensuring all educators, staff, and administrators are prepared with the information necessary to create a safe, welcoming, and inclusive learning environment. To foster this environment of learning and inclusivity, all staff and educators will participate in professional development and training specific to the needs of transgender and gender expansive students and colleagues.

APPENDICES

Terminology

Gender: A set of cultural identities, expressions, and roles — codified as feminine or masculine — that are assigned to people, based upon the interpretation of their bodies, and more specifically, their sexual and reproductive anatomy. Since gender is a social construction, it is possible to reject or modify the assignment made and develop something that feels truer to oneself.

Gender Expression: The multiple ways (e.g., behaviors, dress) in which a person may choose to communicate gender to oneself and/or to others.

Gender Identity: How an individual identifies in terms of their gender. Gender identities may include, “male,” “female,” “androgynous,” “transgender,” “genderqueer” and many others, or a combination thereof.

Transgender: An umbrella term describing people whose gender identity does not match the gender they were assigned at birth or by society.

Cisgender: A person whose gender identity and expression are aligned with the gender they were assigned at birth or by society.

Gender Expansive or Gender Nonconforming: A person whose gender identity and/or gender expression does not conform to the gender they were assigned at birth or by society. People who identify as “gender nonconforming” may or may not also identify as “transgender.”

Nonbinary: An umbrella term for people who do not identify with the binary of man/woman or masculine/ feminine. Nonbinary people are often included under the trans umbrella, but not all may identify as transgender. Other genders that may be included under the nonbinary umbrella are genderqueer, genderfluid, and agender.

Coming Out: The ongoing process that an LGBTQ person goes through, to recognize their own identities pertaining to sexual orientation and/or gender identity and gender expression, and to be open about them with others.

Misgendering: The experience of being labeled by others as a gender other than the one you are.

Deadname: The name that a transgender person was given at birth and no longer uses upon transitioning.

Stonewall Top tips:

The Stone wall Equality organisation (who are the largest LGBT rights organisation in Europe) asked some LGBTQ+ young people about their experiences at their school – namely, what would make their life at their school, and what they would like education staff to know.

Based on their answers, they came up with these 12 top tips:

(Please note these are not a list of expectations but simply feedback from Trans students. There is no requirement to implement the list just a request to consider and think about what you can do in your school).

1. Train staff

"Better educate staff on the LGBTQ+ community and more strictly enforce proper pronoun usage."

2. Be supportive

"Don't make a big deal about it but keep educated and try to be supportive if/when students confide in you."

3. Challenge homophobia, biphobia and transphobia as you would with any other form of bullying

"Deal with homophobes and transphobes as well as teaching the other students about LGBTQ+ people."

4. Where possible think about how to make your curriculum LGBTQ+ inclusive

"I think LGBTQ+ should be recognised more in class and they should do an assembly about LGBTQ+. I think that would help kids feel supported and educate people about what LGBTQ+ actually is."

5. Respect student confidentiality

6. Where appropriate think about starting an LGBTQ+ club/network

"My school had a Pride alliance that I attended and eventually, also ran. It was a good source of support and information. It was also a good safe space as it was completely student run for the majority of the time."

7. Support trans children and young people to be themselves

"Teachers at my school were not allowed to call me by my preferred name and pronouns. I was miserable because of this."

8. Offer gender-neutral facilities

"My college has gender-neutral restrooms and changing rooms. They are also very openly and genuinely supportive of LGBTQ+ rights."

Note: Gender neutral facilities are best offered in addition to single-sex facilities.

9. Talk about LGBTQ+ people and topics

"You should never feel uncomfortable talking about LGBTQ+ topics, and even if you get questions that you are uncomfortable with, try your best to answer them – it will make all the difference. Also, even if there is only one LGBTQ+ person in that group, you have just made a massive difference in their life and journey to feeling accepted and even accepting themselves."

10. Include LGBTQ+ people in the conversation and talk about a range of sexualities (where permissible in the geographical and cultural context of the school)

"Instead of talking to heterosexual people about LGBTQ+ issues, talk directly to LGBTQ+ people and tell them that they are valid."

11. Make sure lessons are inclusive

Where permissible given the geographical and cultural context of the school, cover all forms of relationships, including LGBTQ+ ones and when talking about protection, include LGBTQ+ people in that and not just straight people."

DC Municipal Regulations Title 4 Chapter 4-8

The following local regulations clarify the prohibitions regarding discrimination based on gender identity or expression.

4-801 General Prohibitions of Gender Identity or Expression Discrimination: It is unlawful for educational institutions to: limit the opportunity of students, engage in verbal or physical harassment, create a hostile environment, or to deny access to restrooms and other gender-specific facilities to a student based on actual or perceived gender identity or expression.

- At BISW, we respect the dignity of all students and honor their gender identities.

4-802 Restrooms and Other Gender Specific Facilities: Transgender and gender-nonconforming persons must be permitted to use gender-specific restrooms, dressing rooms and other facilities that align with their gender identities. Furthermore, any single-user restroom facility in the District must have gender-neutral signage and not be labeled as accessible to a single gender alone.

- At BISW, secondary students have access to one gender neutral single-user restroom facility. All restroom signage indicates that students are to use the restroom that aligns with their gender identities.

4-804 Dress and Grooming Standards: Students may not be required to dress or groom themselves in a manner that is inconsistent with their gender identity or expression. While schools have the right to require students to abide by standards of dress (dress codes), these may not be enforced if they have a discriminatory effect on an individual due to his or her gender identity or expression.

- At BISW, our dress code is gender neutral, students are permitted to wear any uniform item they prefer, if it is within the guidelines.

4-805 Gender Specific Facilities Where Nudity in the Presence of Others is Customary: Schools shall make reasonable accommodations so that all students have access to facilities that align with their gender identities, regardless of whether students have provided documentation of their gender identity or expression. Requiring such documentation or other proof of an individual's gender identity is prohibited, except in situations where *all* participants are asked to provide documentation of their gender for business or medical purposes. This regulation applies to all school locker rooms.

- At BISW, student locker rooms are gender specific. Each locker room has a group changing area, an individual stall toilet, and privacy amenities such as shower curtains.

4-806 Recording Gender and Name: Transgender and gender-nonconforming students will suffer no consequences if they provide a name or gender that is consistent with their gender identity on any documentation. There may be situations in which students are required, for legal or medical reasons, to provide their legal name and sex assigned at birth, but in situations outside of legal or medical settings this information is considered private. No application shall require an applicant to state that they are transgender.

- At BISW, students may go by their chosen names in school. If parents wish to have a student record updated for reports and parent communication, or if a student's legal name has been changed, please notify our School Principal, Ian Piper (ian.piper@biswashington.org); our Data Manager, Tim Myers (tim.myers@biswashington.org); or our School Counsellor, Devon DeCataldo (devon.decataldo@biswashington.org).

4-808: Harassment and Hostile Environment: Behavior or language that creates a hostile environment based on gender identity or expression is not allowed. Specific behaviors that may be evidence of unlawful harassment include the following:

- o Misusing an individual's preferred name or gender pronoun on purpose;
 - o Asking personal questions about a person's body, gender identity, expression or gender transition;
 - o Disclosing private information, such as telling others that an individual is transgender; and
 - o Using the Internet to post offensive pictures or sending any form of offensive communications.
- At BISW, bullying and harassment are prohibited by our Behaviour and Anti-Bullying policies.

References

DC Municipal Regulations -

<https://www.dcregs.dc.gov/Common/DCMR/ChapterList.aspx?TitleNum=4>

Model Local Education Agency Policy on Transgender and Nonbinary Students -

<https://www.glsen.org/activity/model-local-education-agency-policy-on-transgender-nonbinary-students#f>

DCPS Transgender and Gender--Nonconforming Policy Guidance -

<https://dcps.dc.gov/publication/dcps-transgender-and-gender-non-conforming-policy-guidance>

U.S. Department of Education Supporting Transgender Youth in School -

<https://www2.ed.gov/about/offices/list/ocr/docs/ed-factsheet-transgender-202106.pdf>

U.S. Department of Justice Title IX - <https://www.justice.gov/crt/title-ix>

DC Human Rights Act of 1977 - <https://ohr.dc.gov/page/local-human-rights-laws>

Family Educational Rights and Privacy Act (FERPA) -

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>