



## **GUIDELINES REGARDING THE SUPPORT OF TRANSGENDER AND GENDER NONCONFORMING STUDENTS**

### **PURPOSE**

These Guidelines set out protocols for schools to address the needs and concerns of transgender and gender nonconforming students. These Guidelines cannot anticipate every situation that might occur with respect to students who are transgender or gender nonconforming. Consequently, the needs of each student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of students who are transgender or gender nonconforming, and to maximize their social integration. These Guidelines are supported by the following policies: Comprehensive Non-Discrimination, Title IX and Sexual Harassment Policy, Anti-Bullying Policy, Student Code of Conduct, and Sexual Health Education Policy.

### **DEFINITIONS**

The definitions provided here are not intended to label students but rather to assist in understanding these Guidelines and the legal obligations of Chicago Board of Education staff and students. Students might or might not use these terms to describe themselves.

- “Sex” or “Biological Sex” is a label a person is assigned at birth, often based on a medical professional’s interpretation of the newborn’s physical characteristics. Common examples may be “male,” “female,” or “intersex.”
- “Gender identity” is the deeply held sense or psychological knowledge that individuals have of their gender, regardless of the biological sex they were assigned at birth. Everyone has a gender identity. Common examples may include “male/man/boy,” “female/woman/girl,” “trans/transgender,” “gender variant,” “gender nonconforming,” “agender,” “gender non-binary,” or any combination of these terms.
- “Transgender” describes people whose gender identity is different from the biological sex they were assigned at birth.
- “Gender Nonconforming” (also known as Gender Expansive, Gender Variant, or Gender Creative) is a term that refers to individuals whose gender expression does not follow social expectations or stereotypes based on their sex assigned at birth.
- “Gender expression” refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms. An example of this may be a female expressing femininity or a female expressing masculinity.
- Preferred Gender Pronoun (PGP) is the pronoun or set of pronouns that an individual would like others to use when talking to or referring to that individual. Common examples include, “they,” “their,” “ze,” “he” and “she.”

- “Gender-affirming approach” is a framework used to create an environment in which transgender and gender nonconforming youth are able to live as the gendered person they identify themselves to be, and achieve healthy development and social, emotional, and academic success.
- “Student Administrative Support Team” is a group that receives information on a confidential need-to-know basis and is convened to determine the appropriate supports for transgender and gender nonconforming students. The team should consist of the school principal, the student, individuals the student identifies as trusted adults, and individuals the principal determines may have a legitimate interest in the safety and healthy development of the student. The members may include, but are not limited to, the parent/guardian, school nurse, school counselor, and/or assistant principal. The team is responsible for constructing a support plan which addresses the supports and accommodations provided to the student. The student’s support plan shall be kept in the student’s health folder and may be shared only with staff members who have a legitimate health, safety, or educational interest in the information.

For additional guidance concerning the individuals that may be eligible to participate in student support meetings, contact the Network Social & Emotional Learning (SEL) specialists or the Office of Social & Emotional Learning (OSEL) at 773-553-1830. In determining who is eligible to participate, each situation will be evaluated on a case-by-case basis and will consider factors, including but not limited to the student’s age and any safety concerns.

### **GUIDANCE**

All students need a safe and supportive school environment to progress academically and developmentally. CPS administrators, faculty, staff, and students all play an important part in creating and sustaining that environment. In order to better support transgender and gender nonconforming students, school principals shall ensure that these guidelines are implemented at the school level.

If the student or parent/guardian expresses a desire for additional supports and/or accommodations, the principal may convene the Student Administrative Support Team to assist with timely and appropriate accommodations. The team should work closely with the student and/or the parent/guardian, if appropriate, to discuss individual needs and additional supports. The principal should also designate at least one contact person, of the student’s choosing, whom the student may reach out to with any concerns, or if the student feels bullied or harassed at school.

### **Discrimination/ Harassment**

It is the goal of the Chicago Board of Education to create a learning environment in all its school communities where students are protected from bullying, discrimination, and harassment. Therefore, it is the responsibility of each employee to ensure that students who are transgender and gender nonconforming have a safe and welcoming school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with pertinent resources. Complaints alleging discrimination or harassment based on a person’s actual or perceived transgender status or gender nonconformity are to be handled in accordance with the Anti-Bullying Policy (13-0724-

PO2), Comprehensive Non-Discrimination, Title IX and Sexual Harassment Policy (12-0425-PO1) and Student Code of Conduct (15-0722-PO1).

### **Privacy**

All students have a right to privacy. This includes the right to keep private their transgender status or gender nonconforming presentation at school. Information about a student's transgender status, legal name, or biological sex assigned at birth may also constitute confidential medical and student record information. Disclosing this information may violate privacy laws, such as the federal Family Educational Rights and Privacy Act (FERPA), the Illinois School Student Records Act (ISSRA), and the Mental Health and Developmental Disabilities Confidentiality Act.

Transgender and gender nonconforming students have the right to openly discuss and express their gender identity and expression at school and school activities and to decide when, with whom, and how to share private information. School staff shall not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others. Therefore, given the sensitive nature of the information, when speaking with other staff members, parents, guardians, or third parties, school staff should not disclose a student's preferred name, pronoun, or other confidential information pertaining to the student's transgender or gender nonconforming status without the student's permission, unless authorized to do so by the Law Department.

### **Names/ Pronouns**

Students have the right to be addressed by a name and pronoun corresponding to the gender identity they consistently assert at school. Students are not required to obtain a court order and/or gender change or to change their official records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity. In addition to the student's legal name and biological sex, the student's requested name and gender shall be added in the Student Information Management system (SIM) in order to inform teachers of the name and pronoun to use when addressing the student. Information about the student's legal name and biological sex shall be kept confidential in the legal alert field in IMPACT.

This directive excludes inadvertent slips or honest mistakes in the use of preferred names or pronouns. However, the intentional or persistent refusal by students or school staff to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of these Guidelines, the Student Code of Conduct, and Comprehensive Non-Discrimination, Title IX and Sexual Harassment Policy. Such violations will result in appropriate consequences for offending staff and students.

### **Official Records**

The District maintains a permanent student record which includes the legal name of the student, as well as the student's biological sex. The District shall change a student's official records to reflect a change in legal name or legal gender marker upon receipt of documentation that such legal name and/or gender have been changed pursuant to Illinois legal requirements.

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

Students shall have access to the restrooms and locker rooms that correspond with their gender identity consistently asserted at school.

Supports and accommodations should also be provided to gender non-binary students and students questioning their gender identity, regardless of whether the student is consistently asserting at school. These accommodations should be assessed on a case-by-case basis in a manner consistent with the student's support plan.

Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with reasonable alternative arrangements. Reasonable alternative arrangements may include the use of a private area, or a separate changing schedule, or use of a single-stall restroom. Any alternative arrangement should be provided in a way that protects the student's privacy and is consistent with the student's support plan.

### **Physical Education, Sexual Health Education, Sports, Clubs, and School Events**

Transgender and gender nonconforming students shall be provided the same opportunities to participate in physical education as all other students. Generally, students should be permitted to participate in gender-segregated, recreational, physical education class activities, sexual health education, clubs, school events, and non-competitive sports in accordance with the gender identity the student consistently asserts at school. Participation in competitive athletic activities and contact sports will be resolved in accordance with the Illinois High School Association rules.

### **Dress Codes**

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or expression within the constraints of the dress codes adopted for all students at their schools. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

### **Overnight School Trips**

In no case should a transgender student be denied the right to participate in an overnight field trip because of the student's transgender status. Students shall be permitted to participate in accordance with the gender identity consistently asserted at school.

Accommodations shall also be provided to gender non-binary students and students questioning their gender identity, regardless of whether the student is consistently asserting at school. These accommodations should be assessed on a case-by-case basis and in a manner consistent with the student's support plan.

The principal or designee shall work with the student, the Student Administrative Support Team, the Network SEL Specialist, and OSEL to determine the accommodations that will be provided, including hotel and room-sharing arrangements, based on the particular circumstances of the trip.

### **Resources**

For questions about these Guidelines, please contact Justina Schlund, Director, Office of Social & Emotional Learning, at 773-553-1830.

If a student or parent requests additional resources, the school may refer them to:

Illinois Caucus for Adolescent Health: (312) 427-4460

Illinois Safe Schools Alliance: (312) 533-2624; [owen@illinoissafeschools.org](mailto:owen@illinoissafeschools.org)

Mikva Challenge: (312) 863-6340; [inquiries@mikvachallenge.org](mailto:inquiries@mikvachallenge.org)

Lurie Children's Gender and Sex Development Program: (773)303-6056; [Jleininger@luriechildrens.org](mailto:Jleininger@luriechildrens.org)

Lambda Legal: (312) 663-4413