

WISCONSIN SCHOOL FOR THE DEAF SUPPORTS FOR TRANSGENDER STUDENTS

WSD strives to create a safe and supportive learning environment for all students and to provide school staff with awareness of best practices to address situations as they arise. Transgender students' needs can be highly individualized depending upon the circumstances of the student. Each student's needs will be assessed on a case-by-case basis, which can be accomplished by meeting with the student and, if appropriate, with the student's parents or guardians. School staff should let the student take the lead in determining and expressing their own gender identity and should be mindful of the student's right to privacy and confidentiality with respect to their gender identity and expression.

Definitions for Key Terms.

"Assigned sex at birth" means the sex designation, usually "male" or "female," assigned to a person when the person is born.

"Gender" means a set of social, psychological, and emotional traits, influenced by a society's expectations that classify an individual as feminine, masculine, or other.

"Gender expression" means the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice, or mannerisms.

"Gender identity" means a person's internal, deeply-felt sense of being male, female, or other, whether or not that gender-related identity is different from the person's physiology or assigned sex at birth. Everyone has a gender identity.

"Gender nonconforming" means displaying a gender or gender expression that differs from that typically associated with one's assigned sex at birth. A person's gender expression may differ from stereotypical expectations about how females and males are "supposed to" look or act. Gender nonconforming is not synonymous with transgender; not all gender nonconforming students identify as transgender.

"Sex" means the chromosomal, hormonal, and anatomical characteristics used to classify an individual as male or female.

"Transgender" means a person whose gender identity differs from their assigned sex at birth. "Transgender" is not the same as "gay".

"Transition" means the process by which a transgender person starts living as the gender the person identifies as and often includes a change in style of dress, selection of a new name, a request that people use the correct pronoun, and possibly hormone therapy and surgery.

Determination of a Student's Gender Identity

WSD will accept a student's sincerely held gender identity. A student does not need a medical or mental health diagnosis or treatment threshold to have their gender identity recognized and respected. A transgender student who is ready to socially transition, regardless whether the student is undergoing medical transition, may initiate a process to change how the student is addressed (preferred name, preferred pronoun), their attire, and access to preferred activities and facilities.

Every student's situation is different, so this process should begin with a meeting between the student and a pupil services team member or administrator to discuss the type of supports the student is requesting. During this initial meeting, the pupil services staff person or administrator should also try to discover the extent to which the student's parents are aware of the student's gender identity. An initial meeting may or may not include the student's parents, depending on individual circumstances and how the meeting was initiated. There may be situations where a student has not yet talked to their parents about their transgender status, but still makes a request for supports.

WSD will customize and document supports to optimize each student's integration. Both the student and the school should sign the document describing agreed-upon supports. Once a plan is established, the pupil services staff person or administrator should follow up with the appropriate school personnel (as appropriate to the agreed-upon supports) to inform them of the student's asserted gender identity and agreed-upon supports. As a student's identity develops, their appropriate supports may change. The student or their parent/guardian may initiate a meeting with a pupil services staff person or administrator to change the support plan, particularly if requested supports related to sex-segregated facilities will be affected by the change. A pupil services staff person or administrator should revisit the plan as needed, with the student (and parent, if involved) for continued appropriateness.

Supports for transgender students should be applied consistently.

Access to Sex-Segregated Facilities

In cases where a student desires increased privacy or feels unsafe, WSD should provide the student with reasonable access to alternative accommodations. This includes restrooms, locker rooms and dormitories.

Restroom Accessibility

Students will have access to restrooms that correspond to their sincerely held gender identity. When a transgender student's support includes access to a restroom that corresponds with their sincerely held gender identity, there may need to be accommodations made for other students. In this case, if any student, whether transgender or not, desires increased privacy, or feels uncomfortable, WSD will make every effort to provide the student with reasonable access to an alternative restroom (e.g., single-stall restroom). A transgender student should determine which restroom to use. A transgender student will not be compelled to use an alternative restroom. WSD may take steps to designate single-stall "gender-neutral" restrooms.

Locker Room Accessibility

WSD may maintain separate locker room facilities for male and female students. Students should have access to the locker room facility that corresponds to their sincerely held gender identity. When a transgender student's support includes access to a locker room that corresponds to their sincerely held gender identity, there may need to be accommodations made for them or other students. If any student, whether transgender or

not, desires increased privacy, regardless of the underlying reason, WSD will provide access to a reasonable alternative, such as:

- 1) assignment of a student locker in close proximity to the coaches' office or a supportive peer group;
- 2) use of a private area within the public area of the locker room facility;
- 3) use of a nearby private area; or
- 4) a separate changing schedule.

Housing

WSD will endeavor to allow transgender students to access housing accommodations that are consistent with the student's sincerely held gender identity. WSD will honor a student's voluntary request for single-occupancy accommodations, if the student so chooses. WSD will not, however, require a transgender student to stay in single-occupancy dorm rooms. Housing accommodations and the application of Dorm Visiting Policies related to visiting floors of the opposite gender may change throughout a student's transition process and should be documented in the student's support plan. When a transgender student's support includes access to housing accommodations, additional or related accommodations for the student or other students may be necessary. If any student desires increased privacy, regardless of transgender status or the underlying reason, WSD will endeavor to provide access to a reasonable alternative, such as a single-occupancy room.

Preferred Names and Pronouns

Transgender students have the right to be addressed by a name and pronouns that correspond to their sincerely held gender identities. If requested by the students, staff should address them by the name and pronouns that correspond to each of their sincerely held gender identities. Transgender students are not required to obtain a legal name or gender change or to change their official records. This does not prohibit inadvertent slips or honest mistakes, but does apply to intentional or persistent refusal to respect a student's gender identity, which will be considered an act of discrimination. Teachers and other school staff should be informed of the student's preferred name on student rosters and of the preferred pronouns to use when addressing the student. If the student information system (e.g., SIS) accommodates a "preferred name," the student's preferred name should be noted. Teachers and other school staff should take care to ensure that a transgender student's legal name, if different from the student's preferred name, is kept confidential.

Physical Education

Transgender students will not be denied the opportunity to participate in physical education. Students will be allowed to participate in gender-segregated recreational gym class activities and sports in accordance with their sincerely held gender identity.

Competitive Athletics

Transgender students shall be permitted to participate in interscholastic athletics in a manner consistent with the requirements and policies of the Wisconsin Interscholastic Athletics Association (WIAA), the National Deaf Interscholastic Athletic Association (NDIAA), the Great Plains Schools for the Deaf Athletic Association (GPSD), and the Wisconsin Special Olympics Association.

Dress Code

All students should be permitted to wear the clothing of their choice, regardless whether it conforms to traditional gender stereotypes, if such clothing does not violate the school's dress code. Dress codes should be gender neutral. Students may dress in accordance with their gender identity and gender expression. School personnel should not enforce a school's dress code more strictly against transgender and gender nonconforming students. This applies to dress at school as well as at co- and extra-curricular activities.

Other Gender-Based Activities

Students should be permitted to participate in any gender-based activity and conform to any rule, policy, or practice consistent with their sincerely held gender identity.

Discrimination, Harassment and Bullying

WSD prohibits all forms of discrimination against any transgender student or any student who does not conform to gender role stereotypes. WSD policies that prohibit the harassment and bullying of students apply to any such actions based on a student's actual or perceived transgender status or gender nonconformity. This includes ensuring that any incident or complaint of discrimination, harassment, or bullying is given prompt attention, including taking appropriate corrective and/or disciplinary action. Complaints alleging discrimination, harassment or bullying based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination, harassment and bullying complaints.

Records, Privacy, and Confidentiality

At this time, WSD is required to use a student's legal name on standardized tests. For gender, the federal definition of "biological sex" is used, and allowable values are M or F. School staff should be mindful that a transgender student's gender identity and preferred name may not conform with the official records, and staff should protect the student's privacy by avoiding inadvertent disclosure of the student's legal name and assigned sex at birth, whenever possible. Information about a transgender student's legal identity, transgender gender identity, and assigned sex at birth should be treated as confidential information. Disclosing such information to other students, community members, or other third parties may violate privacy laws, such as FERPA. Do not disclose information that may reveal a transgender student's status to others, unless legally required to do so, or unless the student has authorized such disclosure. To the extent that WSD is not legally required to use a student's legal name or sex, WSD should use the name, pronouns, and gender marker requested by the student.

Certain records and personally identifiable information related to the student's gender status or biological sex may be protected not only as an education record, but also as a confidential patient health care record. WSD recognizes that a student may have a strong individual interest in maintaining the privacy of their transgender status or their gender nonconforming presentation at school. Accordingly, in addition to adhering to all legal standards of confidentiality, school personnel with knowledge of any student's transgender status or gender nonconforming presentation are expected to treat that information as being particularly sensitive, even internally among school staff and school officials. Staff are expected to refer any questions they may have about student privacy and possible disclosures of a student's transgender or gender nonconforming status to the Center Director who may involve others in decisions. WSD strongly encourages transgender and gender nonconforming students and their families to maintain ongoing communication with the WSD staff who are working directly with the student in order to address, among other issues, relevant privacy concerns and privacy preferences.

WSD's approach of respecting a student's decision to use a name and the pronouns that correspond to the student's gender identity regularly is not a commitment to change all existing school records in order to reflect those preferences. Further, there may be situations where the district is required to use or report the legal name or biological sex of the student as that data is reflected in WSD's official records. The extent to which official records of WSD are modified will depend on a case-by-case evaluation of the information WSD receives and the type(s) of school records affected by the information that is received. For example, when a student changes their legal name and that change is sufficiently substantiated, WSD will issue a high school transcript under the student's new legal name.

LEGAL REF.:

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a)

34 C.F.R. § 106.31(a)

Equal protection clause of United States Constitution

Wis. Stat. § 118.13

Wis. Stat. § 118.46

Wis. Admin. Code ch. PI 9

CROSS REF.:

Zero Tolerance Behaviors Policy

Bullying Policy

Dorm Visiting Policies

Off Campus Privileges

WIAA Transgender Athlete Policy

DPI FAQ on Transgender Students at <https://dpi.wi.gov/wise/data-elements/gender>

and at <https://dpi.wi.gov/wise/data-elements/student-name>