



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

June 2015

Transgender and Gender-Nonconforming Policy Guidance

Submitted by: Office of Youth Engagement

Message from the Chancellor



Dear DC Public Schools Community,

We are excited to be working to ensure all DCPS students, including transgender and gender-nonconforming students, reach their fullest potential by creating safe and supportive environments in our schools. This is a key component of our five-year strategic plan, “A Capital Commitment.”

A Capital Commitment is a roadmap for building a high-quality, vibrant school district that provides all DCPS students a world-class education. The plan identifies the following five goals that are key to our success:

1. Improving achievement rates;
2. Investing in struggling schools;
3. Increasing the graduation rate;
4. Improving satisfaction; and
5. Increasing enrollment.

Within DCPS, the Office of Youth Engagement (OYE) strives to build the capacity of school communities to coordinate student supports and ensure that students are healthy, present and positive members of a safe learning community. In support of the Capital Commitment goals, OYE acknowledges that it is responsible for promoting safe and welcoming schools for all students, regardless of sexual orientation, gender identity, or gender expression. Supporting the OYE mission and the Capital Commitment goals can only be achieved by promoting equitable treatment for all students, including transgender and gender-nonconforming students, and ensuring that they have the same protections and resources as their peers.

The DCPS Transgender and Gender-Nonconforming Policy Guidance is intended to be a tool for schools, parents and students to effectively navigate existing laws, regulations and policies that support transgender or gender-nonconforming DCPS students. It provides guidance to ensure that all students are treated equitably and with dignity at school. Resources include the following:

- Direction to schools on meeting our federal/district obligations to ensure equitable treatment of transgender/gender-nonconforming students;
- Insight for families, students, and school staff who may have questions; and
- Templates, tools, and resources for administrators, school staff, families, and students.

We also know that we can best support students by supporting the adults in their lives, so we’ve included direction schools to ensure staff and community members also receive equitable treatment. We hope you will find the information helpful. For further assistance, please contact the Office of Youth Engagement at (202) 442-5103 or dcps.lgbtq@dc.gov.

Kaya Henderson
Chancellor

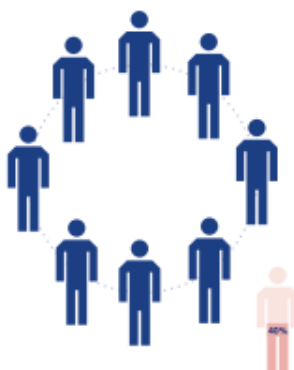
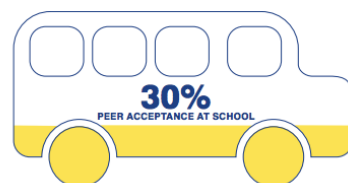
The Need

According to the national 2013 Gay Lesbian and Straight Education Network (GLSEN) School Climate Survey, transgender and gender-nonconforming students in schools were more likely than students whose gender expression conformed with societal expectations to feel victimized and miss more days of school due to feeling unsafe. A 2009 study by GLSEN that focused solely on experiences of transgender and gender-nonconforming students, found that nearly six out of 10 students experienced verbal harassment in the last year, compared to only 29 percent of their peers. Because these students are harassed and ostracized, they have low satisfaction with their educational environment and are less likely to attend school, which creates barriers to their academic achievement.¹

“Supporting and Caring for Our Gender Expansive Youth,”² a 2013 report by the Human Rights Campaign and Gender Spectrum, encountered similar findings, as illustrated below.

School Acceptance

Less than one-third (30 percent) of gender-expansive students report “strongly agreeing” that most of their peers do not have a problem with their LGBT identity.



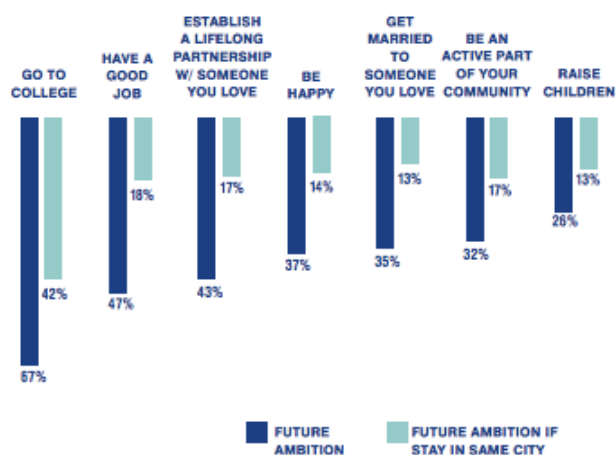
Exclusion and Harassment

Approximately 40 percent of transgender or gender-nonconforming students report being:

- Excluded frequently or often by their peers
- Verbally harassed and called names at school
- Called names involving anti-gay slurs frequently or often at School.

Ambitions

For all seven ambitions, as noted on the figure to the right, students reported a significant drop in the likelihood of it happening if they stayed in the same city/town in which they currently lived. Of particular interest to DCPS, nearly 70 percent of students are interested in going to college, but only 42 percent think it will happen if they stay where they are.



¹ Harsh Realities: <http://www.glsen.org/sites/default/files/Harsh%20Realities.pdf>

² Supporting and Mentoring Gender Expansive Youth: <http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Gender-expansive-youth-report-final.pdf>

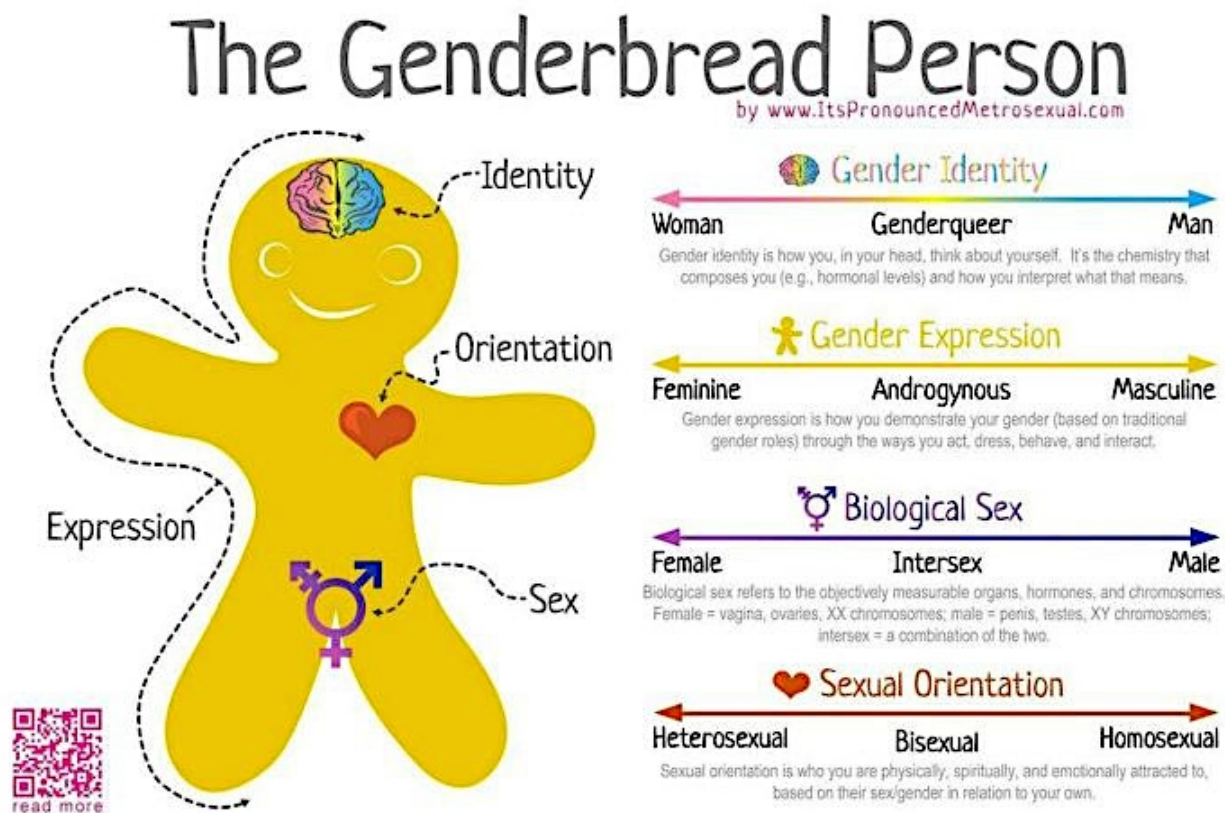
Definitions

These definitions are intended to assist in understanding this policy guidance and the legal obligations of DCPS staff. Students may or may not use these terms to describe themselves. Additional definitions can be found in **Appendix II**.

- **Cisgender:** Refers to people whose sex assignment at birth corresponds to their gender identity and expression (*Cis-* from Latin meaning "on the same side [as]" or "on this side [of]").
- **Gender Expression:** The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.
- **Gender Identity:** A person's deeply held internal sense or psychological knowledge of their own gender, regardless of the biological sex they were assigned at birth. Everyone has a gender identity.
- **Gender-nonconforming:** An umbrella term that will be used throughout this guidance for people whose gender expression differs from stereotypical expectations of the sex they were assigned at birth
- **LGBTQ:** An acronym for the Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning community.
- **Queer:** Deemed an offensive term historically and still by some people today, queer has been reclaimed by many members of the LGBT community as a term of empowerment. The term can have different meanings to different people, but in this context it generally refers to a member of the lesbian, gay, bisexual, or transgender community. This term may be used by a member of the LGBT community, who may not identify themselves by any of the other letters in that acronym. Since this term has a negative history, it should only be used to describe those individuals who identify themselves as queer and give permission for others to use that term to describe them.
- **Transgender:** An umbrella term describing a person whose gender identity or expression is different from that traditionally associated with their assigned sex at birth.
- **Preferred Gender Pronouns:** The pronoun a person prefers to have used when referred to in conversation (i.e., a person with a traditionally male gender identity likely prefers he, him, and his). Please note that young people may choose to go by they, ze, or no pronouns.
- **Transition:** The process in which a person goes from living and identifying as one gender to living and identifying as another. Transitions are not linear and may include any combination of physical, social and medical processes. Not all transgender or gender-nonconforming people transition or desire to transition in the same way. And most importantly, transitions are private and personal information about a transition should not be discussed unless conversation is initiated and led by the transgender or gender-nonconforming student.

The Genderbread Person

“The Genderbread Person”³ provides a visual aid in explaining some definitions.



Quick Tip for School-Based Staff: There are some words that should **NEVER** be used to describe a transgender or gender-nonconforming student. These include:

- “He-She”
- “Boy-Girl”
- “Hermaphrodite”
- “Tranny”
- “it”
- “Transgender-ed”
- “Transvestite”

³ <http://itspronouncedmetrosexual.com/wp-content/uploads/2012/01/Genderbread-Person.pdf>

Student Transitions

Not all gender-nonconforming students identify as being transgender, so transition may look very different for each student and not all people who undergo a transition desire the same outcome.

In most cases, transitioning is a very private matter. Students may choose to have their parents participate in this process; however parental participation is not required. When appropriate, schools should work closely with the student and family in devising an appropriate plan regarding the confidentiality of the student's transgender status. A sample school planning tool is included in **Appendix III**. This planning tool provides a list of topics for a transitioning student to review with a trusted adult in the school and/or a school administrator. Please note that the student chooses who should be involved in these meetings. Privacy considerations also may vary with the age of the student. Please see below for additional guidance specific to elementary-aged students. The contents of the plan should be discussed only with the persons who are responsible for implementing the plan. For example, the PE teacher should be notified that a student who had previously used a boys locker room would move into the girls area.

Information in the school planning tool contains personal notes about the student and is maintained by school officials involved in developing the school plan. Information should not be considered an official educational record under the *Family Educational Rights and Privacy Act* (FERPA). This means that information from the school planning tool may be shared with the student's parents or guardians only if the student has expressed the desire to have their involvement, but parents are not entitled to access this information under FERPA.

DEVELOPMENTALLY APPROPRIATE PROTOCOLS

In order to maintain privacy and confidentiality regarding their transition and gender identity, transgender students may wish—but are not required—to transition over a summer break or between grades. Regardless of the timing of a student's transition, the school shall act in accordance with the following developmentally appropriate protocols. These protocols are guidelines, but each student situation should be handled according to the maturity of each individual student, while still respecting that student's rights.

Grades PK3-5

Generally, the parent or guardian will inform the school of an impending transition. However, it would be appropriate to approach the family of an elementary school student if school staff believes that a gender identity or expression issue is presenting itself at school and creating difficulty for the student. Together, the family and school can then identify appropriate steps to support the student. A guide of community resources can be found in **Appendix VII** and a school-level planning document can be found in **Appendix III** of this document.

Grades 6-12

Generally, notification from the student's parents or guardians about their gender identity, gender expression, or transition is unnecessary, as they may already be aware and supportive. In some cases, however, notifying parents or guardians carries risks for the student, such as being **kicked out** of the home. **Prior to notification** of any parent or guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the parent or guardian will be involved in the process and must consider the health, wellbeing, and safety of the transitioning student.

Quick Tip for School-Based Staff: Since students are likely to be more comfortable in some areas of school than others, their transition, particularly in the early phases, may be “site-specific,” meaning they choose to go by one name or have one pronoun used in one place and another name or pronoun used in another. For example, a student may feel more comfortable expressing their gender identity in a student club or small group, but not to the larger school community or at home. Whatever the student prefers should be acknowledged and respected. Be aware of the preference of the student and always use their preferred reference when you are speaking to the student and about the student to another person. Being sensitive about where the student is open about their identity is crucial to being an effective ally.

Names/Pronouns

Students have the right to be addressed by the name and pronoun that correspond to the student's gender identity. A court-ordered name or gender change is **not** required, and the student does not need to change their official records. If a student wishes to go by another name, the school's registrar can enter that name in the "Preferred First" name field of the STARS/Aspen database. The image below provides a screenshot from the STARS database that illustrates how an unofficial name change can be entered in the system after discussion with the school registrar.

The screenshot shows a form with the following fields and labels:

- Legal Last Name**: Text input field with a "Sfx" dropdown menu.
- Legal First Name**: Text input field.
- Usual Last Name**: Text input field with a "Sfx" dropdown menu.
- Preferred First**: Text input field.
- Legal Middle**: Text input field.
- Third Initial**: Text input field.

Please note that the name in the database is part of an official educational record and is therefore covered by the Family Educational Rights and Privacy Act (FERPA), meaning that if a parent or guardian requests access to see their student's records, they will have access to the student's preferred name. If a student transitioning at school is not ready to share with their family about their transgender status, this should be respected. In this scenario, school staff should make a change socially, calling the students by the preferred name, while their official STARS/Aspen information remains the same.

If the student does obtain a legal name change, the appropriate fields should be updated in STARS/Aspen. This will, in turn, generate a new DC ONE Card for the student. Please note that a student's diploma must be the legal name of the student. The counselor or graduation point of contact for the school will meet with each student to ask what their name preferences are, such as the arrangement, or use, of initials for first and middle names. Schools should work with students on a case-by-case basis to ensure that their individual needs are met and respected.

Generally, if a student wishes for their name to be changed at school, despite whether or not a student has brought in a legal name change, all unofficial records should reflect their preferred name. Examples of unofficial school documents include yearbooks, team and class rosters, and newspapers/newsletters.

Quick Tip for School-Based Staff: It is always appropriate to ask a student their preferred name and gender pronoun. This can set the tone for a more respectful and trusting relationship.

School Facilities and Requirements

Bathrooms

Having safe access to restroom facilities is important to the health and wellbeing of all people, including those who identify as transgender and gender-nonconforming. Students are allowed to use the same bathrooms as their peers, unless they request alternate accommodations. **This means that transgender and gender-nonconforming students are entitled to use the bathroom that matches their gender identity.** 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, such as a staff bathroom or the bathroom in the nurse's office. However, the single-user bathroom **may not** be given as the *only* option for transgender or gender-nonconforming students.

Locker Rooms

Schools may maintain separate locker room facilities for male and female students. However, all students must have access to the locker room facility that corresponds to their gender identity. If there is a request for increased privacy, *any* student should be offered access to a reasonable accommodation, such as:

- A separate changing schedule
- Use of a private area in the facility (e.g., a restroom stall with a door or an area separated by a curtain)
- Use of a nearby private area (i.e., nearby restroom or health suite)
- Assignment of student locker in close proximity to staff office or a supportive peer group.

Ultimately, if a student expresses discomfort to any member of the school staff, that staff member should review these options with the student and ask the student permission to engage the school LGBTQ liaison or another designated ally in the building.

Quick Tip for School-Based Staff: Some students may feel uncomfortable using shared facilities. Facilities that are currently designed for single users must be designated as gender-neutral.

Dress Code

Schools may enforce dress codes, but any dress code must be gender-neutral. Students must have the right to dress in accordance with their gender identity, within the constraints of the dress codes adopted by the school. School staff must not enforce a school's dress code more strictly against transgender and gender-nonconforming students than other students.

Quick Tip for School-Based Staff: Gender-neutral dress code guidelines apply to regular school days as well as any special events, such as graduation ceremonies and prom. For example, schools may require formal attire for all students at a ceremony, but may not specify that girls must wear dresses and boys must wear ties.

Gender-based Activities

Intramural/Interscholastic Athletics

DCPS athletics are managed and operated by the DC Interscholastic Athletics Association (DCIAA); athletics activities at the District level are managed and operated by the District of Columbia State Athletic Association (DCSAA). Both the DCIAA and the DCSAA support the participation of transgender and gender-nonconforming students in all athletics activities in alignment with the *DC Human Rights Act*, Title IX, and other laws and regulations prohibiting discrimination or promoting participation in interscholastic programs and activities. All students should have the opportunity to participate in DCIAA and DCSAA activities in a manner that is consistent with their gender identity, irrespective of the gender listed on a student's records or identification documents.

Physical Education

All students must be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

A Note to School Staff

Wherever arbitrary gender dividers can be avoided, they should be eliminated. For example, when dividing the class into two lines based on male and female, perhaps the students could be divided by the first letters of their last names, type of shoe, color clothing, etc. Lunch divisions can be handled similarly, by dividing the students in half by last name as opposed to gender. Simple things, such as calling students "students" or "scholars" instead of "boys and girls," may seem insignificant but actually make a notable difference to students who feel alienated because they may not identify as being part of either of the two binary categories.

Privacy and Confidentiality

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. This is why schools must use caution when sending out any notification to other parents about a student who is transitioning. The District must ensure that all medical information relating to transgender and gender-nonconforming 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 (e.g., such information is contained in an educational record under FERPA), or unless the student has authorized such disclosure. The only exception is when working with elementary-aged students. For more information, please refer to the discussion regarding Developmentally Appropriate Protocols beginning on Page 7 of this guidance.

Transgender and gender-nonconforming students have the right to discuss and express their gender identity and expression openly and decide when to share information, with whom, and how much to share. When contacting the parent or guardian of a transgender or gender-nonconforming student, school staff should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

Outside Media and Community Communication

When communicating to the media or community about issues related to gender identity, schools should contact the DCPS Press Secretary. Rather than directly commenting on the issue, DCPS staff should direct inquiries from families or the immediate school community to the principal.

A Note About Staff, Parent/Guardians and Visitors

As with young people, not all gender nonconforming adults identify as being transgender, so transition may look very different for each staff member, parent, guardian or school visitor, and not all people who undergo a transition desire the same outcome. Staff members, parents, guardians and visitors in our schools also have the right to keep their transgender identity private and confidential, be addressed by the name and pronoun that correspond to their gender identity, and dress in accordance with their gender identity. They also have the right to use the bathrooms and locker rooms that match their gender identity. See **Appendix V** and **VI** for sample letters to school communities regarding staff and family transitions.

Frequently Asked Questions

What do we do about bathrooms?

Transgender and gender-nonconforming students have the right to utilize the restroom that corresponds with their gender identity. Students cannot be required to utilize a single use restroom or the nurse's office. DC nondiscrimination laws protect students; students are eligible to file a complaint with the DC Office of Human Rights against an individual or entity who deny them access to school facilities for a discriminatory reason.

How do we manage locker rooms and sports participation?

The DCIAA is currently creating specific guidance for its athletics programs consistent with the general policy that students can participate in athletics and use locker facilities in a manner consistent with their gender identity. The DCSAA handbook states that students are eligible to petition to compete in gender-specific sports according to their gender identity when they are denied the right by a coach or other person. With this in mind, the general protocol should be to allow transgender and gender-nonconforming students to participate in the PE classes and join the sports teams that align with their gender identity. As a part of this inclusion, accommodations should be made to facilitate transgender students entering and using the locker room that aligns with their gender identities. Specifics on how to make this accommodation must be dealt with on a case-by-case basis in coordination with the student, the student's family (if applicable) and school staff. For example, a student who expresses discomfort with changing or showering around other students, transgender or not, should be offered alternative facilities (e.g., a changing stall separated by a shower curtain or single-user restroom).

What do I call the student?

When talking both to and about transgender students, these students should be addressed by their preferred name and gender pronoun. If you are unsure about a student's preferred name or pronoun, it is appropriate to privately and tactfully ask the student what they prefer to be called. Additionally, when speaking about a student, it is rarely necessary to label them as being transgender, as they should be treated the same as the rest of their peers. If, for administrative reasons, it is necessary to acknowledge the student's gender identity or transition, use the term the student uses to identify themselves. If you don't know how they identify, say "gender-nonconforming" or "gender variant." Transsexual is a clinical term used to describe people who have transitioned from one gender to another through gender reassignment surgeries or sex affirmation surgeries. Some people identify in this way **but it can be considered offensive**, since this was a term that the medical profession imposed on the community. Always ask a person first before assuming they identify as transsexual. Transgender is an umbrella term—more questions are needed to be able to accurately address an individual. Asking for their preferred name and pronouns is a first step.

I'm an elementary school teacher with a gender-nonconforming student. Should I talk to their parents about this?

Generally, it will be the parent or guardian who informs the school of the impending transition. However, it is not unusual for a student's desire to transition to first surface at school. If school staff believes that a gender identity or expression issue is presenting itself and creating difficulty for the child at school, it is appropriate to approach the parents about the issue. The family and school can then identify appropriate steps to support the student.

My student asked that I call him Tim, but the name in STARS is Tina. What name should I use?

Always call the student by their preferred name. If an issue arises from the school or family, this can be negotiated, but the best course of action for the safety and support of the student will be to use the student's preferred name. You may also change the student's "preferred first name" in STARS/Aspen (see "Names and Pronouns" on page 10 for more details).

Our school requires boys to wear blue and girls to wear gold for graduation. How can we be gender neutral without breaking school tradition?

If the school wishes to maintain this tradition, administrators may consider dividing the dress by another arbitrary marker, such as last name (e.g., last names from A-M wear blue and last names from N-Z wear gold), to ensure that any gender-nonconforming students are alleviated from the anxiety of finding out where they fit in.

There is a boy who has begun wearing skirts, makeup and heels to school. It is a distraction for the other students. We don't allow heels or short skirts to be worn by girls, why should he get away with it?

Dress code must be upheld to the same standard for all students. Anything that would not be acceptable for a student of one gender should not be accepted for any other student. However, dress codes must be gender neutral (for example, it is unlawful not to allow a male student to wear a skirt purely because of his sex) and the dress code may not be enforced more diligently for transgender and gender-nonconforming students than for any other.

One of my students has a transgender parent, and the other kids have started making comments and asking questions. How do I talk to them about this?

We recommend starting by talking to the student and their parent about how they would like to frame the conversations. One possible action that the school can assist with, if desired by the parent who is transitioning, is to send a letter home to the parents of other students to inform them of this change. This should only be done in cases where the parent gives the school explicit written permission to release this information to other parents. A sample letter to students and their families can be found in **Appendix VI**. For additional guidance or assistance in a specific situation, please contact the Office of Youth Engagement at (202) 441-5103.

A staff member in my school recently transitioned. How can we communicate this to the students, staff and families?

Please see **Appendix V** for a sample letter regarding staff transitions. Please keep in mind that this is a very personal matter, and you should work closely with the staff member to determine how much and which information is appropriate to share with the school community. Please also remember that DCPS, as an employer, is very limited in what information it legally can share with others without the employee's consent. Conversations should happen with administrators and the teacher to determine what information the employee/teacher is comfortable sharing. At no point should the employee/teacher feel forced or coerced to disclose any information.

Sustainability

DCPS is committed to promoting safe schools where all students, including transgender and gender-nonconforming students, are able to succeed. DCPS is eager to strengthen our efforts for years to come through the support of its LGBTQ Steering Committee, community partners, essential school staff, administration, and student supporters.

For additional guidance and assistance with individual situations, please contact:

DCPS Office of Youth Engagement

Email: dcps.lgbtq@dc.gov

Phone: (202) 442-5103

Website: <http://dcps.dc.gov/DCPS/In+the+Classroom/Health+and+Wellness>

DCPS Office of General Counsel

Phone: (202) 442-5000

To file a complaint, please contact:

DCPS Title IX Coordinator

Phone: (202) 442-5638

DC Office of Human Rights

Phone: (202) 727-4559

Website: <http://ohr.dc.gov/page/complaints>

US Department of Education: Office of Civil Rights

Email: ocr@ed.gov

Phone: (800) 421-3481

Website: <http://www2.ed.gov/about/offices/list/ocr/qa-complaints.html>

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California Safe Schools Coalition
Gay, Lesbian, Straight Education Network (GLSEN)
Gay Straight Alliance Network
Los Angeles Unified School District (LAUSD)
Madison Public Schools
Massachusetts Department of Education
Minneapolis Public Schools
New York City Department of Education
Stonewall National Education Project

We also would like to thank the DCPS LGBTQ Steering Committee and Transgender/Gender-Nonconforming Working Group members for their feedback and contributions to this guidance document. Representatives include:

DC Mayor's Office of LGBT Affairs
DC Office of Human Rights
DC Office of the State Superintendent of Education (OSSE)
DCPS Office of Family and Public Engagement (OFPE)
DCPS Office of General Counsel (OGC)
DCPS School Staff and Administration
DCPS Office of Youth Engagement
Gay Straight Alliance Network
Latin American Youth Center (LAYC)
Supporting and Mentoring Youth Advocates and Leaders (SMYAL)
The DC Center
The Trevor Project

Appendices

Appendix I: Policies and Laws

Appendix I: Policies and Laws

The following laws, regulations and policies apply to DCPS and each of its schools, and are in place to eliminate discrimination, support gender-nonconforming people and protect student safety and privacy. This section has been organized to highlight federal protections, DC laws and DCPS-specific policies.

Federal Laws:

[Family Educational Rights and Privacy Act of 1974 \(FERPA\)](#)

This law allows parents of students under 18 years of age to obtain their child's educational records and seek to have the records amended. This law also gives parents the right to have disclosure of identifiable information from the records Information in the STARS/Aspen database, even the "Preferred Name" Field (See **Transitions** section) is an official educational record. Former or current students have the right to seek to amend their records if the information in present records is "**inaccurate, misleading, or in violation of the student's rights of privacy**" (34 C.F.R. § 99.7(a)(2)(ii)). Transgender students who wish to change their name and gender marker on their educational records have the right to seek such an amendment under this federal law, provided the amendment must be pursued by the student's parent if the student is under 18 years of age.

[Title IX, Education Amendments of 1972](#)

Title IX ensures that no person is discriminated against because of their gender in any academic program including, but not limited to, admissions, financial aid, academic advising, housing, athletics, recreational services, health services, counseling and psychological services, classroom assignment, grading and discipline. Although Title IX does not expressly address gender identity or expression directly, this law has been used in the protection of transgender and gender-nonconforming citizens against discrimination because discrimination based on gender identity qualifies as sex discrimination. In the April 2014 guidance on [Title IX and Sexual Violence](#), the Department of Education clarified the protection of all students, including transgender and gender nonconforming students, under Title IX.

DC Laws and Regulations:

[DC Human Rights Act of 1977](#)

This law prohibits discrimination of individuals on the basis of gender, gender identity and gender expression, among other characteristics. The *DC Human Rights Act* ensures that every person has the opportunity to participate in the activities of the District, including the right to attend educational institutions. Furthermore, it is illegal in the District to restrict access to the use of any area, facility, service or program based on actual or perceived gender or gender identity.

[DC Youth Bullying Prevention Act of 2012](#)

The Bullying Prevention Act requires each youth serving agency within the District of Columbia to develop and implement a bullying prevention policy that includes nine elements of the law:

- 1) The legal definition of Bullying (see below);
- 2) A statement prohibiting Bullying;

- 3) A statement that the policy applies to participation in functions sponsored by the agency, educational institution, or grantee;
- 4) The expected code of conduct;
- 5) A list of consequences that can result from an identified incident of bullying;
- 6) A procedure for reporting bullying;
- 7) An investigation procedure that include the name and contact for people charged with investigating bullying;
- 8) An appeal process; and
- 9) A statement that prohibits retaliation for reporting incidents of bullying.

The legal definition of bullying is:

“Bullying,” means any severe, pervasive, or persistent act or conduct, whether physical, electronic or verbal that:

A. May be based on a youth’s actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, place of residence or business, or any other distinguishing characteristic, or on a youth’s association with a person, or group with any person, with one or more of the actual or perceived foregoing characteristics; and

B. Shall be reasonably predicted to:

- Place a student in reasonable fear of physical harm to his or her person or property;
- Cause a substantial detrimental effect on the student’s physical or mental health;
- Substantially interfere with the student’s academic performance or attendance; or
- Substantially interfere with the student’s ability to participate in or benefit from school activities or services; or
- Materially and substantially disrupts the education process or the orderly operation of a school.

Bullying also occurs when a student or group of students organize a campaign against another student or when a student or group of students maliciously spread rumors about another student. In most circumstances bullying does not include a mutual fight between two students who are angry with each other. Such fights are subject to discipline as a violation of Chapter 25 as defined in the District of Columbia Municipal Regulations (DCMR).

DC Municipal Regulations Title 4 Chapter 4-8

The following 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.
- **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.

- **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.
- **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.
- **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.
- **4-808: Harassment and Hostile Environment:** Behavior or language that creates a hostile environment based on gender identity or expression is not allowed. This section lays out some specific behaviors that may be evidence of unlawful harassment, including the following:
 - Misusing an individual's preferred name or gender pronoun on purpose;
 - Asking personal questions about a person's body, gender identity, expression or gender transition;
 - Disclosing private information, such as telling others that an individual is transgender; and
 - Using the Internet to post offensive pictures or sending any form of offensive communications.

DC Health Education Learning Standards (2008)

The standards for health education in DCPS provide a comprehensive and age-appropriate curriculum that supports the importance of gender identity and expression as well as sexual orientation.

DCPS Policies:

DCPS Notice of Nondiscrimination Policy

This policy safeguards that all DCPS employees act in conformity with federal and DC nondiscrimination laws including Titles [VI](#) and [VII](#) of the Civil Rights Act of 1964, [the Age Discrimination in Employment Act of 1967](#), the [Age Discrimination Act of 1975](#), [Title IX of the Education Amendments of 1972](#), [Section 504 of the Rehabilitation Act of 1973](#), [the Americans with Disabilities Act of 1990](#), [the Individuals with Disabilities Education Act](#), [the District of Columbia Human Rights Act of 1977](#), and the [Genetic Information Nondiscrimination Act of 2008](#). Accordingly, DCPS does not discriminate or tolerate discrimination against employees, applicants for employment, or students on the basis of actual or perceived race, color, religion, national origin, sex (including pregnancy), age, marital status, personal appearance, sexual orientation, gender identity or expression, family status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an interfamily offense, or place of residence or business.

DCPS Bullying Prevention Policy (2013)

This policy, adopted in reaction to the *DC Youth Bullying Prevention Act of 2012*, creates a comprehensive approach to dealing with bullying in schools and preventing future harassment from occurring. The policy defines bullying as any severe, pervasive, or persistent act or conduct, whether physical, electronic, written or verbal. The policy explicitly supports compliance with DC's Human Rights Law, Title 2, Chapter 14 of the D.C. Official Code, which prohibits discrimination on the basis of sex, marital status, persona appearance, sexual orientation, gender identity or expression, familial status, among other factors.

Appendix II: Additional Definitions



A Word About Words...

The power of language to shape our perceptions of other people is immense. Precise use of terms in regards to gender can have a significant impact on demystifying many of the misperceptions associated with gender. However, the vocabulary of gender continues to evolve and there is not universal agreement about the definitions of many terms. Nonetheless, here are some working definitions and examples of frequently used (and misused) terms.

Biological/Anatomical Sex. The physical structure of one's reproductive organs that is used to assign sex at birth. Biological sex includes chromosomes (XX for assigned females; XY for assigned males); hormones (estrogen/progesterone for assigned females, testosterone for assigned males); and internal and external genitalia (vulva, clitoris, vagina for assigned females, penis and testicles for assigned males). Given the potential variation in all of these, biological sex must be seen as a spectrum or range of possibilities rather than a binary set of two options (see "Intersex").

Gender Identity. One's innermost concept of self as male or female or both or neither—how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different than the sex assigned at birth. Research shows that individuals become conscious of this between the ages 18 months and 3 years. Most people develop a gender identity that matches their biological sex. For some, however, their gender identity is different from their biological or assigned sex. Some of these individuals choose to socially, hormonally and/or surgically change their physical appearance to more fully match their gender identity.

Gender Expression. Refers to the ways in which people externally communicate their gender identity to others through behavior, clothing, haircut, voice, and other forms of presentation. Gender expression also works the other way as people assign gender to others based on their appearance, mannerisms, and other gendered characteristics. Sometimes, transgender people seek to match their physical expression with their gender identity, rather than their birth-assigned sex. Gender expression should not be viewed as an indication of sexual orientation.

Gender Role. This is the set of roles, activities, expectations and behaviors assigned to females and males by society. Our culture recognizes two basic gender roles: Masculine (having the qualities attributed to males) and feminine (having the qualities attributed to females). People who step out of their socially assigned gender roles are sometimes referred to as transgender. Other cultures have three or more gender roles.

Transgender. Sometimes used as an umbrella to describe anyone whose identity or behavior falls outside of stereotypical gender norms. More narrowly defined, it refers to an individual whose gender identity does not match their assigned birth gender. Being transgender does not imply any specific sexual orientation (attraction to people of a specific gender). Therefore, transgender people may additionally

identify as straight, gay, lesbian, bisexual, pansexual, etc.

Sexual Orientation. Term that refers to being romantically or sexually attracted to people of a specific gender or sex. Our sexual orientation and our gender identity are separate, distinct parts of our overall identity. Although a child may not yet be aware of their sexual orientation, they usually have a strong sense of their gender identity.

Genderqueer. This term represents a blurring of the lines around gender identity and sexual orientation. Genderqueer individuals typically reject notions of static categories of gender and embrace a fluidity of gender identity and sexual orientation. This term is typically assigned an adult identifier and not used in reference to pre-adolescent children.

Gender Normative/Cisgender. Refers to people whose sex assignment at birth corresponds to their gender identity and expression (*Cis*- from Latin meaning "on the same side [as]" or "on this side [of]").

Gender-nonconforming/Gender variant. Refers to individuals whose behaviors and/or interests fall outside what is considered typical for their assigned sex at birth. Someone who identifies as “gender-nonconforming” is not necessarily transgender. While their expression of gender may fall outside of those considered typical for their assigned birth gender, they may identify as that gender nonetheless. Some distinguish between these two terms by how an individual is perceived. That is, a “gender-nonconforming” individual may have their atypical expression experienced by others either neutrally or even positively. “Gender variant” might be used to identify an individual whose gender expression is viewed negatively by others.

Cross Gender. Used to describe children who have adopted attributes that transgress the usual socially assigned gender roles or expectation, or who do not identify as either of the two sexes as currently defined.

Gender Fluidity: Gender fluidity conveys a wider, more flexible range of gender expression, with interests and behaviors that may change, even from day to day. Gender fluid children do not feel confined by restrictive boundaries of stereotypical expectations of girls or boys. In other words, a child may feel they are a girl some days and a boy on others, or a combination, or possibly feel that neither term describes them accurately.

DSD/Intersex: Disorders/Differences of Sexual Development. About 1 percent of children are born with chromosomes, hormones, genitalia and/or other sex characteristics that are not exclusively male or female as defined by the medical establishment in our society. In most cases, these children are at no medical risk, but most are assigned a biological sex (male or female) by their doctors and/or families.

FtM (Female to Male)/Affirmed male/transboy. A child or adult who was born anatomically female but has a male gender identity.

MtF (Male to Female)/Affirmed female/transgirl. A child or adult who was born anatomically male but has a female gender identity.

Gender. A socially constructed system of classification that ascribes qualities of masculinity and femininity to people. Gender characteristics can change over time and are different between cultures. Gender is often used synonymously with sex, but this is inaccurate because sex refers to physical/biological characteristics and gender refers to social and emotional attributes.

Transition: The process by which a transgender individual strives to have physical presentation more closely align with identity. Transition can occur in three ways: *social transition* through non-permanent changes in clothing, hairstyle, name and/or pronouns; *medical transition* through the use of medicines such as hormone “blockers” or cross hormones to promote gender-based body changes; and/or *surgical transition* in which an individual’s body is modified through the addition or removal of gender-related physical traits.

Transsexuals. Individuals who do not identify with their birth-assigned genders and physically alter their bodies surgically and/or hormonally. This physical transition is a complicated, multi-step process that may take years and may include, but is not limited to, sex reassignment surgery.

Transphobia. Fear or hatred of transgender people; transphobia is manifested in a number of ways, including violence, harassment, and discrimination.

www.genderspectrum.org || 510-567-3977 || info@genderspectrum.org

Appendix III: School Planning Guide



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

School Planning Guide for Transgender and Gender-Nonconforming Students

Directions: This planning tool should be reviewed with the student and relevant parties as a way to ensure the school environment is both safe and supportive of the student. Please file this in-house with the school principal. If there is anything that you are unsure about or have questions about, please call the Office of Youth Engagement on (202) 442-5103.

School: _____ Date: _____

Preferred name/gender identification: _____

Is a gender change for STARS/Aspen being requested?

____ yes ____ no

Current name in the STARS/Aspen database:

Current gender marker in the STARS/Aspen database: _____

Parent/guardian name(s) and Contact Information:

School contact person: _____

Is the parent aware of the student's preferred name and gender identification? ____ yes ____ no

Should the parent or guardian be informed as part of this process? ____ yes ____ no

Plan Checklist:

- Meeting of the interested parties is scheduled for: _____
- Who will be attending?
 - Administrator
 - Parent/Guardian
 - School Contact Person
 - Teacher
 - Nurse
 - Community Provider
 - LGBTQ Liaison
 - Homeless Liaison
 - Other: _____

- Which staff person will be the student's "go-to" POC in the building? (Weekly check-ins are expected for the first few weeks, as needed after.)

Name of staff person: _____

Phone number: _____

Email address: _____

- Who else in the building will be able to support the student?

- Plan for bathroom (*where they are, which will be used, do a walk-through with student to ensure that they know where facilities are located*):

- Plans for changing for PE:

- Plan for field trips (*who is responsible for seeing the plan in place for each field trip?*):

- Plan for gendered activities (*such as sports*):

- Staff training plan (*all or selected staff?*):

- Date for follow-up check-in meeting: _____

Please share relevant resources with the student. Additional resources can be found in **Appendix VII**:

- Housing:
- Mental health:
- Legal:
- Sexual health:
- Social support services:

Appendix IV: Sample Letter About Student Transition

NOTE: This letter should ONLY be sent after a discussion with the parents/guardians and/or student, and with their permission.

Dear Parents/Guardians,

With permission, I am writing to share some information with you. As some of you are aware, a student in [INSERT GRADE] grade has recently socially transitioned from a girl to a boy. This student's gender (his sense of himself as a boy) is different from his assigned sex at birth. *Social transition* means that he is now living as a boy, and is being referred to by his preferred name and with male pronouns. He lives as a boy at home, school and sports and in our community.

Although this is new to most of us, we will, as we have always done at [INSERT SCHOOL], continue to be kind and respectful to everyone, and to support, accept, and appreciate this student and his family as valued members of our community.

The [INSERT GRADE] grade classroom teachers will share this information with their students during the school day on [insert date]. We will tell the students that we will be referring to this student as a boy, because that is who he is and how he feels comfortable being addressed. We also will say that there are many ways boys and girls express themselves, and families and children together decide who children are and what name they would like to be called. We will remind students that at [INSERT SCHOOL], we treat everyone with respect and kindness, as those are our core values.

Some of you may wonder how best to talk to your children in the event that they ask you questions. The simplest response is often the best: *There are different ways boys and girls express themselves. He is happiest and feels most comfortable as a boy.*

As with all medical and academic information, details regarding this specific student are confidential. If you have any questions, please feel free to speak with [NAME OF LGBTQ LIAISON], LGBTQ Liaison; [NAME OF AP], Assistant Principal; or myself.

Sincerely,

[PRINCIPAL NAME], Principal

Appendix V: Sample Letter For Teacher/Staff Transition

NOTE: This letter should be sent ONLY if the teacher/staff member asks to do so or gives their consent.

Dear Parents/Guardians,

With permission, I am writing to share some information with you. As some of you are aware, a teacher for [INSERT GRADE OR SUBJECT] grade has recently socially transitioned from male to female. This staff member's gender (his internal sense of himself as a man) is different from his assigned sex at birth. *Social transition* means that he is now living as a male, and is being referred to by his preferred name and with male pronouns.

Although this is new to most of us, we will, as we have always done at [INSERT SCHOOL], continue to be kind and respectful to everyone, and to support, accept and appreciate this staff member as a valued member of our community. As a school community, we are focused on ensuring that our students have a positive educational experience. Our mission to [INSERT APPLICABLE SCHOOL MISSION STATEMENT] certainly fits into this situation. This is an opportunity to learn and grow as people living in an increasingly diverse world.

The transition for a transgender individual is a lengthy one that is guided by professionals. As a school, we have reached out to area professionals and worked with the DCPS Office of Youth Engagement on how best to support our school community and [INSERT NAME] in this transition.

Certainly, having a transgender teacher may be somewhat confusing to children (and their parents); however it is not harmful to the healthy development of children. While we will not be engaging in conversations about gender transition during class time, having developmentally appropriate conversations about gender with your child may be something you wish to do at home. As always, our guidance and counseling staff is here to help should you need information on how to start such a conversation. [INSERT NAME], [INSERT TITLE], will be our point person for having such conversations with your child in school. I have also attached a list of resources to explore. In order to support your student, the school, and [INSERT TEACHER NAME], I ask you to consider the following:

- Even if you are feeling somewhat uncomfortable with XXX's transition, we ask that you do not communicate that discomfort to your children. Children will reflect your attitudes, and we are striving to make XXX School safe for all its members.
- Remember that this is a personal decision for XXX and we are letting you, as parents know, so you can support your children. Please respect XXX's privacy.

If you have any questions, please feel free to speak with [NAME OF LGBTQ LIAISON], LGBTQ Liaison; [NAME OF AP], Assistant Principal; or myself.

Sincerely,

[INSERT NAME], Principal

Appendix VI: Sample Letter About Parent/Family Transition

NOTE: This text should be sent ONLY if the parent explicitly requests that you do so. This can be included in a school newsletter or regularly scheduled notice to families.

Dear Parents/Guardians:

As you may be aware, we have a [school name] parent who has socially transitioned from a male to a female. This parent's gender is different from her assigned sex at birth. *Social transition* means that we refer to this parent with female pronouns, as she identifies as a female.

Through our guidance and social curriculums, which are informed by Welcoming Schools and Responsive Classroom, we explicitly teach our students to treat everyone with respect and kindness, as those are our core values as a school community. Some of you may wonder how to talk to your children in the event that they ask you questions. The simplest response is often the best: *There are different ways people choose to express themselves. This parent is happiest and feels most comfortable as a female.*

The [school name] administrative team recently consulted with staff from the DCPS LGBTQ–Office of Youth Engagement to provide guidance around continued education and support for our diverse school community. We ask for your patience and understanding as we learn more about the topics of *Gender Identity* and *Social Transition* as a community, so that we may continue to embrace the great diversity [school name] has to offer.

Sincerely,

[INSERT PRINCIPAL NAME], Principal

Appendix VII: Relevant LGBTQ Resources

Relevant LGBTQ Resources

The below resources provide guidance and tools for different populations. Please also visit the DCPS Educator's Portal for additional LGBTQ resources to be used in and out of the classroom. For assistance, training, or specific questions, please call the Office of Youth Engagement—Health and Wellness team on (202) 442-5103. **The resources listed below are only included in this guidance as a representative sampling of the types of organizations available for students and families. DCPS does not support or endorse these organizations, their website content, any of their expressed views, or any services they offer.**

Category	Organization	Website
Families	Children's National Medical Center (CNMC)	http://childrensnational.org
	Family Acceptance Project	http://familyproject.sfsu.edu
	Family Pride Coalition	www.familypride.org
	Rainbow Families DC	www.rainbowfamiliesdc.org
	True Child	www.truechild.org
Students	Gay, Lesbian, Straight Education Network (GLSEN)	www.glsen.org
	Gay Straight Alliance Network	www.gsanetwork.org
	The Trevor Project	www.thetrevorproject.org
School Staff	Gay, Lesbian, Straight Education Network (GLSEN)	www.glsen.org
	Human Rights Campaign—Welcoming Schools	www.welcomingschools.org
	Gay Straight Alliance Network	www.gsanetwork.org
Local Resources	DC Trans Coalition	www.dctranscoalition.org
	Transgender Health Empowerment	www.theincdc.org
	La Clinica del Pueblo	www.LCDP.org
	Latin American Youth Center	www.layc-dc.org
	Supporting and Mentoring Youth Advocates and Leaders (SMYAL)	www.smyal.org
	Wanda Alston Foundation	www.wandaalstonfoundation.org
	Whitman-Walker Health/Metro TeenAIDS	www.whitmanwalker.org
Additional Helpful Organizations	National Center for Lesbian Rights	www.nclrights.org
	Transgender Law Center	http://transgenderlawcenter.org
	Transgender Law and Policy Institute	www.transgenderlaw.org
	Lambda Legal	www.lambdalegal.org
	National Center for Transgender Equality	www.transequality.org
	National LGBTQ Task Force	www.thetaskforce.org
	Gay and Lesbian Advocates and Defenders	www.glad.org