

Policy #: 411.12

SCHOOL DISTRICT OF WEBSTER

Date Adopted: January 18, 2021

Date Revised:

Policy Title: Transgender Students

It is the policy of the School Board to maintain an educational environment that supports the inclusion, safety and privacy of all students, including those students having a gender identity or gender expression that differs from societal expectations based on gender indicated on their birth record.

Definitions

“Transgender” - Having a gender identity or gender expression that differs from societal expectations based on gender indicated on their birth record.

“Gender identity” - A deeply held and sincere sense or psychological knowledge of one’s own gender. A student may have a different gender identity than the gender indicated on their birth record.

“Gender expression” - The manner in which a student represents or expresses their gender. This includes, but is not necessarily limited to, external appearance, characteristics, or behaviors typically associated with a specific gender.

Confidentiality

A student’s transgender status, legal name, gender indicated on their birth record, and/or related medical information will be kept confidential in compliance with applicable state, local and federal privacy laws. District administration and staff shall not disclose any information that may reveal a student’s transgender status to others unless legally required in the administration of this policy, or unless the student or the student’s parent or guardian has authorized the disclosure.

Official Records

The District shall comply with all legal requirements to use a student’s legal name and/or gender on official District records or documents. To the extent that a document is not required to use a student’s legal name and/or gender on a document, the District will use the name and gender preferred by the student that reflects the student’s gender identity.

Restroom Use

Restroom Access - A) Gender inclusive single stall restroom facilities shall be available in every School District school building for any student who desires increased privacy. The use of this type of restroom will be decided by the student and no student should be required to use an alternative restroom because of their gender identity or expression. Gender inclusive single stall bathrooms within the District are identified by a sign that indicates it can be used by either gender. B) Any student who is uncomfortable using a shared gender-segregated facility, regardless of the reason, shall, upon the student’s request, be provided with a safe and non-stigmatizing alternative. This may include, for example, provision to use a nearby private restroom or office or a separate changing schedule.

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Dress Code

All District employees shall respect the gender expression of all students and must respect the right of a student to dress in accordance with the student's gender identity. Any applicable District dress code shall be applied on a gender-neutral basis and will not be selectively or more strictly enforced against transgender students.

Names and Pronouns

Transgender students will be addressed by the name and pronoun corresponding to the student's gender identity or preference, as requested or indicated in writing to the District, or gender neutral pronoun, regardless of whether the student has obtained a court ordered name or gender change.

Harassment and Bullying

Discrimination, bullying and harassment on the basis of gender identity or expression is prohibited in the District. Any form of harassment will be addressed pursuant to the District's existing policies, including Board Policies 100.310, 100.320, 100.325 and 100.326.

Locker Room

Transgender students who wish to use the locker room corresponding to their gender identity will be provided an accommodation that best meets the needs of the transgender student and other District students. Such accommodations will be determined on a student-by-student basis by the student's school principal or designee, upon written request by and in consultation with the student and the student's parent(s)/guardian(s).

Accommodations could include any of the following: 1) use of a private area within the public locker room (a bathroom stall with a door or an area separated by a curtain); 2) a separate changing schedule in a private area (either utilizing the locker room before or after other students); 3) use of an alternative private area (a referee locker room, a nearby restroom, a nurse's office); 4) access to the locker room corresponding to the student's sex assigned at birth; or 5) access to the locker room corresponding to the student's gender identity. A transgender student may not be required to use the locker room corresponding to the student's gender indicated on their birth record.

Participation in Gender-Based Activities

All students will be permitted to participate in physical education classes, intramural sports and other gender-based District activities in a manner consistent with their gender identity.

Intramural Athletics and Activities

When considering the participation and eligibility of transgender students, the following goals must be balanced: 1) equity (providing equal opportunities in all aspects of school programming is a core value of education); 2) physical safety (biological males or androgen-supplemented biological females are typically stronger and faster than biological females); and 3) competitive equity (since the idea of a "level playing field" is an inherent expectation at all levels of sport competition).

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Therefore, transgender athlete participation and eligibility in intramural athletics must be determined using the following procedure:

1. Transgender students who wish to participate in intramural athletics and activities corresponding to their gender identity will be provided an accommodation that best meets the needs of the transgender student and other District students. Such accommodations will be determined on a student-by-student basis by the student's school principal or his/her designee, upon written request by, and in consultation with, the student and the student's parent(s)/guardian(s).

Interscholastic Athletics

When considering the participation and eligibility of transgender students in Wisconsin Interscholastic Athletic Association (WIAA) sponsored athletics, the rules and regulations of the WIAA Transgender Participation Policy will be adhered to.

Legal Reference:

Wisconsin Statutes:

Section 118.13 [student nondiscrimination]

Section 118.46(2) [student bullying policy required]

Section 120.13(1) [school board power to set conduct rules and discipline students]

Section 947.0125 [unlawful use of electronic communications]

Section 947.013 [harassment prohibited]

Section 948.51(2) [hazing prohibited]

Section 995.55 [restricted access to personal Internet account]

Wisconsin Administrative Code:

PI 9.02(9) [student harassment defined]

PI 9.03(1) [student nondiscrimination policy prohibiting harassment required]

Federal Laws:

Title IX, Education Amendments of 1972 [sex discrimination in educational programs, includes sexual harassment] Children's Internet Protection Act (CIPA) and Neighborhood Children's Internet Protection Act (NCIPA) [policy and other requirements related to Internet safety]