

Non-Discrimination Guidelines for Student Gender Transitions

Schools have a distinct and impactful opportunity to educate their entire community about gender diversity and provide support for transgender and gender non-conforming students. It is essential for schools to take proactive steps in fostering an inclusive environment for gender diversity. Every student deserves the right to have their gender, gender identity, and gender expression acknowledged and respected by the school community.

The gender transition needs of transgender students vary and need to be considered on a case-by-case basis. Every student who transitions at school is entitled to a safe and supportive environment in which to follow their unique path to being their authentic selves (American Civil Liberties Union (ACLU), 2016).

Whether the transition is social, such as name or gender change, hormonal, such as the prescribed use of hormones, or surgical, students who choose to transition make the transition in their own time and in their own manner. Considerations such as the student's age, level of family support, personality, and the school's organizational design may affect how the student's transition evolves.

STUDENT GENDER TRANSITIONS

The individual nature of each transgender student's gender transition highlights the need for a collaborative, purposeful, and continuous approach which protects student's rights can help the student feel safe and supported in school (American Civil Liberties Union, 2016).

Gender transitions are defined as the process through which transgender people begin to live as the gender with which they identify, rather than the one associated with their sex assigned at birth. Transitions may include any combination of physical social and medical processes. Social transition may include changing names, pronouns, hairstyles, and clothing. Medical transition may include medical components like hormone therapy and gender affirming surgeries. As with all medical information, this information is confidential, and the privacy of the student should be respected.

In order to maintain privacy and confidentiality regarding their transition and gender identity, students may elect to transition over a summer break or between grades (GLSEN, 2014). Regardless of the timing of a student's transition, the local education agency (LEA) may want to consider the following items when creating policies, guidelines, or procedures to address student gender transitions.

Preparation: Creating a safe and affirming environment

Prior to discussion with the parent or guardian regarding the disclosure of information, work closely with the student to assess the degree to which, if any, the parent or guardian will be involved in the discussion. In some cases, notifying parents carries risks for the student, such as being rejected by the family. In these situations, case-by-case decisions made in consultation with the student should reflect an understanding of all the factors that may affect the student's safety and well-being.

Schools are generally not required to disclose personal student information unless it is recorded in an official record and requested by a parent. School personnel will want to follow their Local Education Agency (LEA) policies on parent disclosure.

Discuss a timeline for the transition in order to create the conditions which support a safe and accepting environment at the school. Resources regarding professional development can be found here: [Safe and Supportive Schools for All Students: Creating Inclusive Spaces for LGBTQIA+ Youth](#).

Student Gender Transition Plan

Factors like the student's age, personality, emotional well-being, family support, the school's structure, and even the time of year can influence how the student's gender transition progresses (American Civil Liberties Union, 2016). It is crucial to avoid searching for a one-size-fits-all approach and instead focus on determining the steps that will create the best conditions for ensuring a positive experience for the individual student. Purposeful, collaborative planning can lead to the establishment of a safe and successful school environment for the transitioning student.

The LEA may want to consider creating a tailored Student Gender Transition Plan to ensure that the process is thoughtfully constructed and implemented (ACLU, 2016). The Student Gender Transition Plan focuses specifically on the process a student will use to undergo a gender transition at school. It seeks to identify the various steps that will be taken as the student explicitly declares a shift in the manner in which they wish others to understand and recognize their gender. The Student Gender Transition Plan should address confidentiality, privacy, and disclosure protocols including parent/guardian involvement (if any), confidentiality, privacy and disclosure; student safety; names, pronouns and student records; use facilities; and extracurricular activities.

School personnel should not disclose information that may reveal a student's transgender or gender nonconforming status to others, including school personnel and other community members, unless legally permitted to do so or unless the student has authorized such disclosure.

LEAs may want to consider providing student/parent training provided on the transition, timelines for transition, and relevant legal requirements as appropriate for school administrators, student support services staff, and any educators who interact directly with the student. Resources for training can be found in the resources section (e.g. PFLAG, GLSEN) at the end of this document.

Additional information about non-discrimination including dress code, school policies, staff training, restrooms, name and gender usage, disclosing information, locker rooms, athletics, physical education classes, overnight fieldtrips, and extra-curricular activities can be found in the [Safe and Supportive Schools for All Students: Creating Inclusive Spaces for LGBTQIA+ Youth](#).

Working with Parents: Parents of Transgender Identifying Youth

Schools are uniquely positioned to serve as a buffer to protect students and their families. While the student is in charge of their gender transition, the school has a pivotal role in providing support to the student and the family.

Many families do not know what to do to support their child, nor do they understand the issues involved in raising a transgender child. School personnel understand that acceptance is a process, not an event, and consider their words carefully and respectfully.

On occasion parents may be reluctant to allow schools to honor student requests to change their names, pronouns, or clothing to reflect their gender identity. While a balance between students' rights to privacy and parents' rights to information in the educational environment is vital, no provision of state or federal law requires schools to affirmatively disclose this sensitive information to parents. Federal courts have concluded that schools should not disclose sensitive student information such as sexual orientation or gender presentation to parents without a legitimate stated interest in doing so.

However, when the wishes of the family conflict directly with the wishes of the student, schools work to help the family seek outside support to resolve the conflicts and maintain familial strength.

Talking Points for Administrators in Conversations with Family Members (ACLU, 2016)

- This is not an easy discussion for any parent. The LEA respects your beliefs and want to be able to support you and your child.
- At the request of the student, the LEA agreed to use his or her chosen name/pronoun, or allowed your child to dress as he or she sees fit here at school. This was in a sincere effort to show the student that school staff respect and support him or her.
- Of utmost importance to school staff is providing a physically and emotionally safe environment in which all students can learn.
- The LEA has always worked to support the needs of individual students in a variety of ways. Supporting the students' expressed needs is a primary mission of LEA.
- Consistently using a student's chosen name and pronouns models and sets expectations for the school community. This is done in an effort to help the student feel cared for and accepted by teachers, administrators, staff members and students.
- This is the same student, the LEA has taught and cared for- just using a different name and pronoun. Our esteem for your child and for you has not changed.
- The LEA respects that gender identity issues can be difficult for families. As a school we must remain neutral in this issue as you and your family seek outside assistance from community providers who understand gender identity issues so that you may resolve any differences this issue may create.
- The student's emotional health is important to us and we know that family acceptance is among the strongest indicators that your child will stay emotionally strong and healthy.

Working with Parents: Community Members and Parents of Non-Transgender Youth

The school should be prepared for genuinely innocent confusion or uncertainty that may come up from members of the school community and set clear boundaries about what is appropriate to say to the student or their family (ACLU, 2016).

Talking points for conversations with concerned families/community members:

- Personal information about our students, including their gender identity, is private.
- Having a student identify as transgender does not make our school any less safe that it has always been.
- The school policies and procedures are intended to ensure a safe and welcoming learning environment free of discrimination and harassment for all students. This includes our transgender students as well as those students who are not transgender.
- The mandated federal regulations in Title IX of the Education Amendments of 1972. Title IX protects all students, including lesbian, gay, bisexual, and transgender students from sex discrimination and prohibits discrimination and harassment based on sex in educational institutions, programs, and activities that receive federal financial assistance.
- The LEA discrimination policy (review your local policy or guidance documents prior to this discussion) guides our work with transgender youth.
- It is expectation for all of our students follow the code of conduct and discipline procedures. If the behaviors of one student are making another student feel unsafe, that is an issue we take very seriously and we have policies and rules in place to address those issues.
- We want to have our entire student body feel safe and welcome.
- Sometimes having information and knowledge about a topic helps with the fears and worries we all have. Here are some web sites and resources you might find useful (see national resources section).

National Resources

Gay, Lesbian, and Straight Educators Network (GLSEN) www.glsen.org

The largest organization of parents, educators, students and other concerned citizens working to end homophobia in K-12 schools and ensure all students are valued and respected, regardless of sexual orientation. Their site details their conference calendar, provides a regional chapter locator, and offers a “tool-kit” or resources to use in schools.

Gender Spectrum www.genderspectrum.org

Gender Spectrum provides education, training and support to help create a gender sensitive and inclusive environment for children of all ages. Topics include parenting and family, teens, education, mental health, legal, social services, faith and medical. In addition, they sponsor a national conference on transgender issues each year.

National Center for Transgender Equality (NCTE) <http://transequality.org>

The National Center for Transgender Equality works to improve the lives of transgender people through education and advocacy. NCTE works with policymakers and community members at the federal, state, and local levels to develop fair and sound public policies, and to educate the public about transgender people and educate transgender people about their rights.

PFLAG www.pflag.org

PFLAG is families and allies working with the gay, lesbian, bisexual, transgender and questioning community. PFLAG envisions a world where diversity is celebrated and all people are respected, valued, and affirmed inclusive of their sexual orientation, gender identity and gender expression. Almost 400 local grassroots communities provide support, advocacy and education.

TransYouth Family Allies (TYFA) www.imatyfs.org

TYFA empowers children and families by partnering with educators, service providers and communities, to develop supportive environments in which gender may be expressed and respected. The site has resources for parents, educators and youth.

References

American Civil Liberties Union. (2016). *Schools in transition: A guide for supporting transgender students in K-12 schools*. American Civil Liberties Union.

https://assets.aclu.org/live/uploads/publications/schools_in_transition_6.3.16.pdf

District of Columbia Public Schools. (June, 2015). *Transgender and gender non-conforming policy guidance*. District of Columbia Public Schools.

<https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCPS%20Transgender%20Gender%20Non%20Conforming%20Policy%20Guidance.pdf>

Gender Spectrum: Gender Inclusive Framework and Assessment Tool. Available at: ISN Tools and Videos — Gender Spectrum

GLSEN. (2014). *Model district policy on transgender and gender nonconforming students*. GLSEN.

https://www.glsen.org/sites/default/files/2020-04/Trans_ModelPolicy_2014.pdf

Maryland State Department of Education. (October, 2024). *Guidelines for supporting transgender and gender nonconforming students*. Maryland State Department of Education.

<https://marylandpublicschools.org/about/Documents/DSFSS/SSSP/SafeSpaces/LGTBQ-Guidelines-for-Gender-Identity.pdf>

National Center for Transgender Equality. *Issues/Youth and Students*. <http://transequality.org/issues/youth-students>