



### TRANSGENDER AND GENDER NON-CONFORMING YOUTH POLICY

#### Policy #224

Last Updated: 8/5/2024

#### Purpose

The TECH Freire Board of Directors is committed to providing a safe, supportive, and inclusive learning environment for all students, and to ensure that every student has equal educational opportunities and equal access to educational programs and activities. As such, the Board, administration, staff, and students will comply with Federal and state laws which require that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity or expression. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

This policy sets out guidelines and expectations for addressing the needs of transgender and gender non-conforming students and is aimed at promoting their inclusivity, privacy, and safety at all times. This policy does not anticipate every situation that might occur with respect to transgender or gender non-conforming students and the needs of each transgender or gender non-conforming student must be assessed on a case-by-case basis. In all cases, the goal is to not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex any person in the school's educational programs or activities.

Under the interpretation of Title IX and its regulations by the Department of Justice and the Department of Education Office of Civil Rights, when a student or a student's parent or guardian, as appropriate, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the school will begin treating the student consistent with the student's gender identity.

To ensure that all students feel safe and included, gender neutral language will be used in written communication in mass communication and in situations where the school does not know a student's pronouns. In addition, the school will regularly conduct training for all staff members on our Title IX, Nondiscrimination, and Transgender and Non-Conforming Youths Policies.

#### Guidance

- **Names and Pronouns:** The school will use the names and pronouns with which a student identifies in all interactions and written communications. Potentially foreseen exceptions are due to student preference, student safety, and legal requirements, as outlined below.
- **Official Records:** The school is required to maintain educational records on behalf of its students ("official record") which includes a student's legal name and sex assigned at birth. However, the school is not required to use a student's legal name and sex assigned at birth on other school records or documents. The school will change a student's record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. Students will be treated consistent with their gender identity even if their education records or identification documents indicate a different sex.
- **Conversations with Parents or Guardians:** Our aim is to protect the privacy and safety of our transgender or gender non-conforming students. When contacting the parent of a student who is

transgender or gender non-conforming, we will use the name and pronoun agreed upon by the student or parent or guardian.

- **Privacy:** Transgender students and Gender Non-Conforming students will be protected by the Family Education Rights and Privacy Act (FERPA). Students' personally identifiable information including sex assigned at birth shall not be disclosed without consent. School personnel will not disclose information that may reveal a student's transgender status or gender non-conforming presentation to others unless legally required to do so or the student has authorized such disclosure, or, in the determination of school officials, it becomes necessary to protect the transgender student's safety. Before making such a disclosure, a school administrator shall make reasonable efforts to inform the transgender student or his/her Parents of the decision to disclose, the reason(s) for disclosure, and provide the student and parent with the opportunity and resources they may need to make the disclosure themselves. Transgender and gender non-conforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much private information they share.
- **Student Information Systems:** The school shall modify its student information system, as necessary, to prevent disclosure of confidential information and ensure that school personnel use a student's preferred name and pronouns consistent with the student's gender identity. The official permanent record will be stored in a secure location, separate from other student records in order to protect student privacy.
- **Gender-Segregated Activities:** To the extent possible, the school should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for selected health education classes, students will be able to choose and be included in the group that corresponds to their gender identity.
- **Restroom and Locker Room Accessibility:** TECH Freire may provide separate restroom and locker room facilities on the basis of sex but will permit transgender students access to the facilities that are consistent with their gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a single user restroom. However, no transgender student shall be required to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so.
- **Physical Education Classes & Intramural Sports:** Transgender and gender non-conforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.
- **Interscholastic Competitive Sports Teams:** Transgender and gender non-conforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity and in compliance with the applicable regulations of the Pennsylvania Interscholastic Athletic Association (PIAA). Proper parental consent for athletic participation will be required.
- **Dress Code:** Transgender and gender non-conforming students have the right to dress in a manner consistent with their gender identity or gender expression, as long as they respect TECH Freire's uniform policy.
- **Discrimination/Harassment:** It is the responsibility of the school to ensure that transgender and gender non-conforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other sex-based discrimination or harassment complaints.