

Board Policy #:  
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Revision Date: 12/13/2022



## Transgender and Gender Nonconforming Students Policy

The Cottonwood School (the “Charter School”) is committed to fostering an educational environment that is safe, welcoming, and free from stigma and discrimination for all students, regardless of gender identity or expression; facilitating compliance with local, state, and federal laws concerning bullying, harassment, privacy, and discrimination; and ensuring that all students have the opportunity to express themselves and live authentically.

The purpose of The Cottonwood School Governing Board (the “Board”) approving this Transgender and Gender Nonconforming Students Policy is to accomplish the following:

1. Define Gender, Gender Identify, Gender Expression, Gender Nonconforming, Intersex, Nonbinary/Genderqueer, Sex, Sexual Orientation, Transgender, and Transition
2. Outline Guiding Principles and Requirements of the Charter School
3. Establish Privacy and Confidentiality
4. Outline the Requirements of Pupil Records
5. Establish the Authorization to Use Name and Gender with Which the Student Identifies
6. Outline the Requirements of the Student’s Preferred Name and Pronoun
7. Outline the Requirements of Student Safety
8. Establish Restroom Accessibility
9. Outline Sports, Athletics, and Physical Education Requirements
10. Establish Access to School Activities and Programs
11. Establish Course Accessibility and Instruction
12. Outline the Training and Publication of the Transgender and Gender Nonconforming Students Policy

**1. Definitions:** These definitions are provided not for the purpose of labeling students but rather to assist in understanding this policy and the legal obligations of the school. Students may or may not use these terms to describe themselves or their experiences.

· **Cisgender:** A person whose gender is associated with the sex that they were assigned at birth, such as a man who was assigned male at birth or a woman who was assigned female at birth.

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- Gender: A person's actual or perceived sex, including a person's gender identity and gender expression.
- Gender Identity: A person's gender-related identity, appearance, or behavior, whether or not different from that traditionally associated with the person's physiology or assigned sex at birth. Gender identity may include identifying as a boy, man, girl, woman, another gender, or gender nonconforming or nonbinary. The responsibility for determining an individual's gender identity rests with the individual. Children typically begin to understand their own gender identity by age four, although the age at which individuals come to understand and express their gender identity may vary based on each person's social and familial development.
- Gender Expression: A person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. Gender expression refers to external cues that one uses to represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.
- Gender Fluid: A person whose gender identification and presentation shifts, whether within or outside of societal, gender-based expectations.
- Gender Nonconforming: One's gender expression, gender characteristics or gender identity that does not conform to gender stereotypes "typically" associated with one's legal sex assigned at birth, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. Students who adopt a presentation that varies from the stereotypical gender expectations sometimes may describe themselves as gender nonconforming, genderqueer, gender fluid, or nonbinary.
- Intersex: An umbrella term used to describe natural bodily variations, which can include external genitalia, internal sex organs, chromosomes, or hormonal differences that transcend typical ideas of male and female.
- Nonbinary/Genderqueer: An umbrella term for people with gender identities that fall somewhere outside of the traditional conceptions of strictly either female or male. People with nonbinary gender identities may or may not identify as transgender, may or may not have been born with intersex traits, may or may not use gender-neutral pronouns, and may or may not use more specific terms to describe their genders, including but not limited to agender, genderqueer, gender fluid, Two Spirit, bigender, pangender, gender nonconforming, or gender variant.
- Sex: It includes, but is not limited to, a person's sex assigned or presumed at birth based on physical characteristics commonly associated with males or females.
- Sexual Orientation: A person's romantic, emotional, mental, and/or sexual attraction to another person based on the gender of the other person. Common terms used to describe sexual orientation include, but are limited to, heterosexual, lesbian, gay, bisexual, pansexual, and asexual.

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· **Transgender:** An umbrella term used to describe people whose gender identity or gender expression is different from the gender that is associated with the sex they were assigned or presumed at birth. Some individuals who identify as transgender have medically transitioned and are undergoing gender-affirming surgeries and hormonal treatments, while others do not choose any form of medical transition. There is no uniform set of procedures that are sought. Individuals may identify as female, male, or nonbinary, may or may not have been born with intersex traits, may or may not use gender-neutral pronouns, and may or may not use more specific terms to describe their genders, including but not limited to agender, genderqueer, gender fluid, Two Spirit, bigender, pangender, gender nonconforming or gender variant. A transgender girl is a girl who was assigned male at birth. A transgender boy is a boy who was assigned female at birth.

· **Transition:** The unique process in which one goes from living and identifying as one gender to live in alignment with one or more dimensions of the gender with which one identifies. Gender transition can occur at any age and can include social, medical, and/or legal transition.

**2. Guiding Principles and Requirements:** The Charter School shall accept the gender identity that each student asserts. There are no medical or mental health diagnoses or treatment thresholds that students must meet to have their gender identity recognized and respected. Students may initiate a process to change their name, pronoun, attire, and access to School programs, activities, and facilities. The school shall customize support to optimize each student's access according to their gender identity.

**3. Privacy and Confidentiality:** All persons, including students, have a right to keep their gender private, including from parents and families, based on their right to privacy under the California Constitution, Article I, Section 1, as well as AB 1266 and other anti-discrimination laws. This includes keeping a student's actual or perceived gender identity and expression private. Such private information shall be shared only in limited circumstances.

Students have the right to openly discuss and express their gender identity and expression, and to decide when, with whom, and how much information to share.

School personnel may encounter situations where students have not publicly disclosed their gender identity; therefore, school personnel must be mindful of the confidentiality and privacy rights of students when communicating with others to not reveal, imply, or refer to a student's gender identity or expression. To ensure confidentiality when discussing a particular concern such as conduct, discipline, grades, attendance, or health, school personnel should focus on the concern, not the student's gender identity or expression. For example, describe the matter in

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terms of the underlying issue (behavior/conduct, grade issue, attendance issue, health concern) without referring or linking to gender identity or expression.

When communicating with a student's parent, legal guardian, or educational rights holder ("parent"), school personnel should be aware that the student may not have disclosed their gender identity to their parents. When school personnel find it important to discuss a student's gender identity or expression with parents (if, for example, the student is being bullied based on their gender identity or expression), school personnel should consult and work closely with the student to assess the degree to which, if any, the parent is aware of the student's gender identity or expression and is supportive of the student, and school personnel shall take into consideration the safety, health, and well-being of the student in deciding whether to disclose the student's gender identity or expression to parents.

**4. Pupil Records:** The Charter School is required to maintain in perpetuity mandatory permanent pupil records which include the legal name and sex of the student as indicated on official government issued documents such as birth certificates, passports, and identification cards/permits. Mandatory interim pupil records may include, but are not limited to, progress and grade reports, transcripts, assessment data, health records, Individualized Education Programs ("IEP") and Section 504 Plans. Permitted pupil records may include, but are not limited to, objective counselor and/or teacher ratings, standardized test scores older than three years, routine discipline data, and verified reports of relevant behavior patterns. Per California law, student enrollment forms allow a parent to designate their child's gender as male, female, or nonbinary.

The Charter School will change a student's name and gender, or that of a former student, on pupil records when the name and/or gender of the student are changed. The student or former student may document the gender change by any of the following: State issued driver's license, birth certificate, passport, social security card, or court order indicating a name change, a gender change, or both. The new name and/or gender are the student's legal name and gender for all purposes, including school registration. Upon the submission of proper documentation, the student's legal name and/or gender in all school records shall be changed to reflect the legal name and/or gender change.

**5. Authorization to Use Name and Gender with Which the Student Identifies:** The Charter School shall permit students to use the name and gender with which they identify on school records, including pupil records. The records may include, but are not limited to, identification badges, classroom and homeroom rosters, certificates, programs, announcements, office summons and communications, team and academic rosters, diplomas, newspapers, newsletters, yearbooks, and other site-generated records.

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Upon authorization, the Charter School shall input the student's name and gender with which they identify in the appropriate fields of the Charter School's electronic data system to indicate how the student's name and/or gender will appear on documents issued by the school. If the authorization does not amount to a legal change in name or gender, the change will be reflected in the preferred name section of the Charter School's electronic data system.

After the school receives and verifies the contents of the completed legal authorization, the Charter School shall change the name and/or gender of the student in the Charter School's electronic data system and enter or cross-reference the name as AKA in the cumulative folder and registration card. This change is effective for the Charter School records only. If a student were to transfer to another school, the student should inquire at that school about a similar process.

**6. Names/Pronouns:** Charter School recognizes that name and gender identity are central to most individuals' sense of self and well-being, and that it is important for the school to establish mechanisms to acknowledge and support students' self-identification.

Students shall be addressed by the name and pronoun that corresponds to their gender identity asserted at school without obtaining a court order, changing their pupil records, or obtaining parent/legal guardian permission.

Students shall be known by their name and gender identity. However, there may be situations (e.g., communications with the family, state or federal records, pupil records where a name or gender with which the student identifies is not authorized, and assessment data) where it may be necessary and recommended for staff to be informed of the student's legal name and gender. In these situations, staff should prioritize the safety, confidentiality, and respect of the student in a manner consistent with the law.

If school personnel are unsure how a student wants to be addressed in communications to home or in conferences with parents/legal guardians/educational rights holders, they may privately ask the student how they want to be referred to when communicating with parents/legal guardians. For communications with a student's parent/legal guardian, educational rights holders, and school personnel should refer to this policy's prior section on "Privacy and Confidentiality."

Every effort should be made to use names and pronouns consistent with a student's gender identity. While inadvertent slips or honest mistakes may occur, the intentional and persistent refusal to respect a student's gender identity is a violation of this policy. Persistent refusal by a member of the Charter School community to respect a student's chosen name and pronouns will be treated as harassment, discrimination, and/or bullying and may constitute discrimination under State law.

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## **7. Student Support/Safety Plan:**

Charter School shall, wherever possible, meet with a gender-nonconforming student, relevant school personnel, and parents, to discuss and draft a Student Support/Safety Plan. The purpose of the plan is to memorialize any specific wishes/needs of the student regarding navigating their gender-confirming status during the regular school day and discuss general welfare and safety issues. The plan may include, but is not limited to the following, and shall be tailored to the needs of the individual student:

1. Preferred Name/Pronouns.
2. The names and contact information of “safe” adults with whom the student can share any concerns, including instances of bullying, discrimination, intimidation, or harassment.
3. Assurances that all staff would receive training and instruction regarding Title IX, and that teachers shall teach about anti-bullying and harassment.
4. Assurances that the physical education (“PE”) teacher or athletics coach would be the first to enter and last to leave the locker room.
5. Assurances that student’s assigned locker would be in direct sight of the PE teacher/athletics coach’s office.
6. Assurance regarding access to the student restroom facilities and locker rooms that correspond to the student’s gender identity or biological sex.
7. Accommodations for student’s use of an alternate restroom (i.e., in the health office or elsewhere) if the student is uncomfortable using student restrooms.
8. Accommodations for the student’s use of a private changing area if the student is uncomfortable changing in a locker room with other peers.
9. Any other accommodation appropriate for the student.

School staff must ensure that students are supported by providing a safe school environment that is free of discrimination, harassment, bullying, or intimidation, which may include providing interim safety and emotional support measures. School staff and families should work together to resolve complaints alleging discrimination, harassment, bullying, or intimidation based on a student’s actual or perceived gender identity or expression.

School staff shall take all reported incidents of bullying seriously and take appropriate measures to ensure that the bullying stops.

The Charter School administration shall respond immediately to incidents of discrimination, harassment, bullying, or intimidation by taking actions that include, but are not limited to the following: a) intervening to stop the behavior; b) investigating and documenting the matter; c)

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determining and enforcing appropriate interim measures and corrective actions; and d) monitoring to ensure that the behavior does not reoccur.

School staff should take all reasonable steps to ensure safety and access for students and support students' rights to assert their gender identity and expression. Interim safety measures may include increased monitoring of the parties, providing options for the parties to avoid or minimize contact in academic and extracurricular settings, safety plans, training, and educational materials to address climate, and provision of support resources (e.g., academic support, counseling, health, and mental health services).

The Charter School shall also inform staff about the groups of students determined by the Charter school and available research, to be at elevated risk for bullying. These groups include but are not limited to: Students who are lesbian, gay, bisexual, transgender, queer/questioning, intersex, or asexual youth ("LGBTQIA+") and those youth perceived as LGBTQIA+.

Students shall not be disciplined based on their actual or perceived gender identity or expression.

Students shall be informed they have the responsibility to report incidents of discrimination, harassment, bullying, or intimidation to the designated site administrator or Title IX/Bullying Complaint Manager in cases where they may be a target or witness.

Students shall be informed of their role in ensuring a school environment that is free from discrimination, harassment, bullying, or intimidation.

In addition to or instead of filing a complaint at a site, any student or their duly authorized representative has the right to file a discrimination, harassment, bullying, or intimidation complaint involving gender identity and expression under the Uniform Complaint Procedures with the Charter School's Principal, Julie Haycock, JulieH@Inspireschools.org.

**8. Restroom Accessibility:** The Charter School may maintain separate restroom facilities for male and female students. Students shall have access to restrooms that correspond to their gender identity. Students who identify as nonbinary should be granted access to the facility which they find best aligns with their gender identity.

If a student desires increased privacy, regardless of the reason, the administrator shall make every effort to provide the student with reasonable access to an alternative restroom such as a single-stall or all-gender restroom. The use of a restroom should be determined by the student's choice; no student shall be compelled to use an alternative restroom. For safety reasons, students should be given access to a restroom that allows reasonable access for appropriate supervision by staff. Regardless, all students are expected to exemplify appropriate behavior in restrooms.

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**9. Sports, Athletics, and Physical Education:** When conducting physical education classes and fitness evaluations, teachers will address and evaluate students by their gender identity.

Performance on the state physical fitness test (Fitnessgram) is evaluated by the State of California in accordance with the sex reported. Students are to be tested according to their gender identity when students identify with a gender different from that in their pupil records. Test administration on this instrument allows for a designation of nonbinary or for students to not disclose their gender to the test administrator. However, the Healthy Fitness Zone charts, or health-related standards used to evaluate performance, are based on female and male genders only. In these events, physical education teachers shall make every effort to maintain the confidentiality of student information.

Participation in competitive athletics, intramural sports, athletic teams, competitions and contact sports shall be facilitated in a manner consistent with the student's gender identity and in accordance with the California Interscholastic Federation constitution and bylaws. Students who identify as nonbinary should be granted the opportunity to participate in athletic activities they find best align with their gender identity.

**10. School Activities and Programs:** Students have the right to equitable access to activities and programs in their school. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination based on their actual or perceived gender identity or expression in any program or activity. These activities and programs may include but are not limited to, cheer class, homecoming, prom, spirit day, celebrations, assemblies, acknowledgments, field trips, afterschool activities and programs, and all extra-curricular activities.

**11. Course Accessibility and Instruction:** Students have the right to equitable learning opportunities in their school. Students shall not be required to take or be denied enrollment in a course based on their actual or perceived gender identity or expression in any educational and academic program.

**13. Training and Publication:** The Charter School shall conduct training for all staff members who regularly interact with students, including teachers, administrators, counselors, social workers, and health staff, as required and recommended by the California Department of Education ("CDE") and the Charter School Title IX, Harassment, Discrimination, Intimidation, and Bullying Policy. Information regarding th y shall be incorporated into training for new school employees.

This policy will be distributed annually to students, parents/guardians and staff and it will also be included in any student codes of conduct, student handbooks and school websites.