

Phoenix-Talent Schools

Excellence *for* Everyone



Guidance for Serving Gender Diverse Students

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Introduction from our Superintendent

Dear Community,

PTS Rising is committed to the success of every student we serve. We will continue to work towards providing tools for staff to help support the students that attend our public schools. Our LGBTQ2SIA+ students are incredibly resilient, however we know that all of us need to feel supported, valued and trusted. In establishing this guidance, we are mindful of the Oregon Department of Education's request to establish inclusive practices, increase student belonging and reduce bias-based incidents. I ask for our whole community to work alongside each other to provide safe spaces for all those who walk our halls.

In appreciation of all your continued support,

Brent Barry, Superintendent

Guiding Principles

[Equity Policy](#) JBB

Phoenix-Talent Schools believes in, and is committed to, honoring the inherent worth and dignity of every human being. We believe in, and are committed to, creating an inclusive culture where every student, staff member, and family feels seen, heard, and validated in their existence as a human being. We believe in, and are committed to, fostering a culture of belonging where people can show up as their full and authentic selves. In short, we believe, and are committed to, creating and maintaining an antiracist and equitable school environment.

In creating this guidance, it is the goal of the Phoenix-Talent School District to promote a safe and inclusive environment for every student. Equity is a core value of the district and school board. The guiding principles for supporting transgender and gender diverse students are:

- *Safety* - The district shall promote the safety of students who exhibit gender diverse or nonconforming behavior.
- *Honoring Diversity* - The district shall affirm the right of every student to live in safety and be treated respectfully in the gender of identification.

Equal Education Opportunity

[Equal Education Opportunity](#) Policy JB

Oregon law protects persons from discrimination in educational programs on the basis of race, color, religion, sex, sexual orientation^[1], national origin, age, marital status, or disability. The Phoenix Talent School District board policy JB also protects the rights of students to have equal access to school and school programs.

“Every student of the district will be given equal educational opportunities regardless of age, disability, sex, marital status, sexual orientation, national origin, color, race or religion. No student shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity provided or authorized by the district. The district staff is directed to make a continuous effort to provide equal educational opportunities for students and to eliminate those conditions which may cause discrimination.”

Conditions may include but are not limited to any form of exclusion from participation, intimidation, harassment, undue discipline such as diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits, failure to act on behalf of a student, or other unwarranted disciplinary action based on a student’s race, ethnicity, family economics, mobility, language, marital status, gender, sexual orientation, gender identity, disability, initial proficiencies or religion.

[1]Current Oregon law defines “sexual orientation” as an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated with the individual’s sex at birth.

Definition of Terms

[Supporting Gender Expansive Students, Guidance for Schools, January 2023](#), p. 42

Understanding the common terminology associated with gender identity is important to providing a safe and supportive school environment for students. The following definitions used by research, advocacy and governmental organizations are provided to assist in understanding the guidance presented. Although these are the most commonly used terms, students may use other terms to describe their gender identity, appearance, or expression. Terminology and language describing

transgender and gender nonconforming individuals can differ based on region, language, race or ethnicity, age, culture, and many other factors. It is recommended that school staff and educators inquire about which terms a student uses to describe themselves and their experience. A good general guideline is to employ those terms which the student uses to describe themselves.

Definitions:

1. Asserted name - A term to describe an individual's accurate name, as asserted by the individual themselves. An individual may assert an updated accurate name at more than one point in their life. Someone's asserted name may be conditional based on safety or privacy needs or may be fluid depending on identity or contextual factors. This may also be referred to as a chosen or preferred name. (See also Gender)
2. Assigned sex – Sex recorded at birth, usually on the basis of external genitalia.
3. Cisgender – A term used to describe people who, for the most part, identify with the sex they were assigned at birth.
4. Gender binary – The assumption that there are only two genders (male and female), rather than more than two genders or gender fluidity.
5. Gender expression – How people express their gender externally based on mannerisms, dress, etc. A person's gender expression/presentation may not always match their gender identity.
6. Gender identity – A person's internal sense of being male, female or some other gender, regardless of whether the individual's appearance, expression or behavior differs from that traditionally associated with the individual's sex assigned at birth. Gender identity is distinct from and often unrelated to an individual's sexual orientation.
7. Gender role – The socially determined sets of behaviors assigned to people based on their biological sex.
8. Gender sensitive – Materials and instruction strategies that are sensitive to an individual's similarities and differences regarding gender role, gender identity and/or sexual orientation.
9. Genderqueer – A person whose gender identity cannot be categorized as solely male or female. The term is not a synonym for transgender and should only be used if someone self-identifies as genderqueer.

10. Intersex – An umbrella term used for people born with reproductive or sexual anatomy and/or chromosome pattern that does not seem to fit the typical definition of male or female. Intersex may also be known as Difference of Sex Development and may not always be known at birth, but may be revealed at any stage of a person’s life.

11. Sexual orientation – Means a person’s physical, romantic, emotional, aesthetic, or other form of attraction to others. Sexual orientation and gender identity are not the same. Although, the Oregon Legislature adopted a broader definition of “sexual orientation” for purposes of all Oregon statutes to “mean an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated with the individual’s sex at birth.” (ORS 174.100)

12. Transgender – An umbrella term for persons whose gender identity, gender expression, or behavior does not conform to that typically associated with the sex to which they were assigned at birth. Persons who identify as transgender may or may not pursue medical transition. Note: This term is an adjective. Using this term as a verb (i.e., transgendered) or noun (i.e., transgenders) is offensive and should be avoided. "Transvestite" is considered derogatory by many in the United States.

13. Transgender female – This is a person whose assigned sex at birth is male but identifies and lives as a female.

14. Transgender male – This is a person whose assigned sex at birth is female but identifies and lives as a male.

15. Transition – The time when a person begins living as the gender with which they identify rather than the gender they were assigned at birth, which often includes changing one’s first name and dressing and grooming differently. Transition may or may not also include medical and legal aspects, including taking hormones, having surgery, or changing identity documents (e.g. driver’s license, Social Security record) to reflect one’s gender identity. Not all transgender individuals seek medical care as part of their transition or have access to such care. The decision about which steps to take as part of one’s transition is a deeply personal and private choice. You should never ask someone if they have had any medical procedures, and you should respect the privacy of a student’s transition process.

16. Transsexual – An outmoded term that refers to a person who has permanently changed - or seeks to change - their bodies through medical interventions (including but not limited to hormones and/or surgeries). Unlike transgender, transsexual is not an umbrella or popular term. Many transgender people do not identify as transsexual and prefer the word transgender. It is best to use transgender instead unless the individual uses this term to describe themselves.

Confidentiality

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

A student's transgender status is confidential and except as required by law or set forth below, may not be disclosed. Under FERPA, school employees with a legitimate educational need should have access to student information and records. However, a student's transgender status should not be shared with employees who do not have a legitimate educational need to know, or with volunteers, students, or other third parties without the student's authorization.

Some examples of when staff members have a legitimate "need to know" about a student's gender identity:

1. Staff members are honoring the student's and parent's request for the student to be treated according to their preferred identity. An example would be informing the staff when a student or parent has requested a change in name, pronoun, or restroom use to be congruent with the student's gender identity.
2. A staff member concludes the student is in clear and immediate danger as a result of gender nonconforming behavior. An example would be if the student has been threatened with physical assault.
3. A student enrolls under their preferred (assumed) gender identity, which is different from their assigned sex. In this instance, key staff including administrators, school counselors, and key teachers will determine if there is a need to create a support or safety plan for the student. (See Student Support Planning).

Parent Involvement

Schools should work closely with the student and parents in customizing an appropriate plan regarding the confidentiality of the student's transgender identity that supports the student. That plan may include the option to inform and educate the student's peers or to not share the information with the student's peers, additional staff members or school and district personnel.

Addressing the student's needs at school provides a great short-term solution; but where possible, the goal should be to engage the student's family in supporting their child's gender identity and seek opportunities to foster a strong relationship between the student and their family. Schools can assist the process of family communication in a myriad of ways, including arranging a safe space for the student to disclose their gender identity to their parents, providing counseling services for the whole family or connecting them to local resources or other parents of transgender or gender-expansive youth.

Names & Pronouns

[Supporting Gender Expansive Students, Guidance for Schools, January 2023](#), p. 8

The Phoenix Talent School District expects staff to address and refer to each student by their preferred name. Preferred name is defined as the name the student wishes to go by and have others use. This includes the preferred names of transgender and gender-nonconforming students as determined by the parent and the student. Pronouns corresponding to the student's gender identity should also be used in a manner that matches with the student's stated preference. Staff should note the student's preferred name in the student information system so substitute teachers do not accidentally use the non-preferred name. While unintentional mistakes may occur, district staff, including substitutes, may not intentionally refuse to use a student's preferred (assumed) name and pronoun that corresponds with the student's gender identity.

Gender Neutral pronouns:

- “Zie” (pronounced “z”) is subjective and is used instead of “she” or “he.”
- “Hir” (pronounced “here”) is both objective and possessive and is used instead of “him,” “his,” “her,” and “hers.”
- “They,” “them,” and “their” are also gender neutral and can be used as singular gender-neutral pronouns.

School Records

[Supporting Gender Expansive Students, Guidance for Schools, January 2023](#), p. 17
[Family Educational Rights and Privacy Act \(FERPA\)](#)

For many transgender students, being able to alter their school records and documents is personally and legally important. Not only does having the appropriate name and gender listed reflect and validate their identity, but it also allows them to avoid continually having to explain why they use a name different from their birth name and why their appearance does not match a photo or gender designation on an identification card or other school records. Moreover, updated records and documents can ensure that transgender students will not be inadvertently outed and will help protect them from discrimination when they apply for jobs and seek admission to college.

There is no need for the student to “prove” his/her new gender. A parent checking a box on the student registration form likely made the original gender designation. The student's or parent's latter declaration of a change in gender is also acceptable.

In general, Phoenix Talent School District maintains the expectation that the legal name in school records be consistent with the legal name of the student. In the case of transgender students, it may be necessary to deviate from this practice to support and protect the student from being inadvertently outed and potentially exposed to bullying and harassment. **Additionally, transgender students often make the transition in stages and may not be ready to complete the legal name change process. Schools will develop an internal communication plan that will help to avoid inadvertent harm (see Student Support Planning).**

If a transgender student under the age of 18 wishes to make a preferred name and or gender change in the student information system and does not have parent or guardian support, staff should contact the school principal in order to create a plan of support for the student (see Student Support Planning). The school and the student will determine how to proceed through a collaborative process of figuring out how to best support the student.

To support these students, below is the procedure Phoenix Talent School District will follow:

- Receive request (oral or written request) for preferred first name change.
- Students should be advised on information that is changed in Power School and is accessible by a parent or guardian.
- Notify staff members who have an educational interest.
- Replace the student's legal first name with the new preferred (assumed) name in the Student Information System by either using First Name space for preferred name and Middle Name space for legal name or by adding preferred name space.
- Student retains the same SSID.
- Requests for gender change only apply for students that consistently identify with the assumed gender. Update the student's gender in the Student Information System.
- Notify Technology and Information Services of the student's name and gender changes so student accounts can be updated and the SSID can be maintained.

A student may also have a legal name change. In this case, the student and or family may present a copy of the legal court document to the school secretary who will then change the legal name within the student information system.

This process applies to gender and first names in the case of transgender students only. Last names cannot be changed without legal name change documentation.

Transcripts and Other Official Documents

[Supporting Gender Expansive Students, Guidance for Schools, January 2023](#), p. 21

When a student changes a name and/or gender through a legal process, official records will be sent to colleges and other institutions of the student's request under the student's legal name. When a student has not had a legal name change, the student and/or parent can choose to have these records sent under the legal or the preferred name. Phoenix Talent School District will produce diplomas/certificates in both the preferred and legal names upon request.

Dress Codes

The Phoenix Talent School District's dress code is established to promote appropriate grooming and hygiene, prevent disruption and avoid safety hazards. Dress should be appropriate for the work students do in each classroom setting. Students have the right of freedom of expression in their dress as long as it is not inappropriate, puts any student in danger, disrupts the classroom environment, and does not interfere with another student(s) access to an education. Dress should also appropriately cover the body. Dress should be suitable for the classroom environment.

Restrooms & Locker Rooms

Each school maintains separate restroom and locker room facilities for male and female students. Students can access facilities that correspond to their gender identity. Gender specific restrooms and locker rooms may meet the needs of many students, however, not all students feel safe in gender specific, multi-user facilities. To that end, students and the school community are welcome to use single-user restrooms available in Phoenix Talent schools.

These restrooms benefit many members of a school community including:

- students and adults who desire increased privacy for any reason
- parents/ guardians assisting their child while visiting the school, and
- individuals with disabilities who may want greater privacy

A student shall not be required to use a locker room that is incongruent with the student's gender identity. Locker room usage should be determined on a case-by-case basis, using the guiding principles of ensuring student safety and honoring the student's gender identity and expression. The support team for the student (the student, his/her/their parents, and school officials) should meet and determine how to address locker room accessibility.

Some options include:

- Use of a private area in the locker room (e.g. a bathroom stall with a door; an area separated by a curtain, a PE teacher's office in the locker room)
- A separate changing schedule (e.g. using the locker room before or after the other students)
- Use of a nearby private area (e.g. a nearby restroom)

Participation in Athletics & Activities

[OSAA Handbook 2022-2023](#), Section 39, Gender Identity Participation:

For physical education and intramural athletics, students shall be allowed to participate with students of their gender identity and this includes but is not limited to uniforms and or clothing that corresponds with the student's gender identity expression.

Phoenix Talent School District follows the Oregon School Activities Association established policy addressing participation in interscholastic sports by transgender and transitioning students. (See Section 39) The 2022-2023 OSAA Handbook states:

Participation

For both historical reasons, as well as reasons related to compliance with Title IX, interscholastic athletics and activities have typically been divided by gender, with a few exceptions. Formulating new processes to address concerns about participation regardless of a student's gender identity requires a new approach to eligibility, an approach reflected in these policies. In interpreting these policies, the OSAA recognizes the value of activities and sports for all students and the potential for inclusion to reduce harassment, bullying and barriers faced by certain students.

- 1) As is true with all eligibility determinations, the student's member school will be the first point of contact for determining the student's eligibility. When a student registers for athletics or activities the student shall indicate the student's gender during that registration process, consistent with other school enrollment procedures. Athletics and activities personnel should refer to member school processes for registration/enrollment information. Disputes regarding these gender identity determinations will be resolved solely at the member school level; because of the diversity of private and public school rules that may bear on such determinations, and gender identity issues being particularly sensitive, the OSAA will not hear any appeal of a member school's determination made under this section.
- 2) Subject to section B(1), once a transgender student has notified the student's school of their gender identity, the student shall be consistently treated as that gender for purposes of eligibility for athletics and activities, provided that if the student has tried out or participated in an activity, the student may not participate during that same season on a team of the other gender.
- 3) Subject to section B(1), once a nonbinary or intersex student has notified the student's school of their gender identity, the student shall be treated as either gender for purposes of eligibility for athletics and activities that are gender-segregated or gender-specific, provided that If the student has tried out or participated in athletics or an activity that is gender-specific or gender-segregated, the student may not participate during that same season on a team of the other gender.

Student Safety

[Supporting Gender Expansive Students, Guidance for Schools, January 2023](#), p. 10
[Senate Bill 52, Adi's Act](#)

Research has identified that transgender and gender nonconforming students are often targeted with physical violence and experience a hostile school environment at a higher rate than their peers. As a result, transgender and gender diverse or nonconforming students are also more likely to demonstrate frequent absenteeism, higher dropout rates, and higher rates of depression and suicide.

Oregon law requires all school districts to “adopt a policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying.” This policy must require school district employees to report acts of harassment, intimidation or bullying or an act of cyberbullying to a person identified by the district. This includes harassment, intimidation or bullying against transgender students.

Oregon law goes on to define “protected class” as a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income or disability.

School district employees and parents should work together to resolve complaints alleging harassment, bullying or intimidation based on a student’s actual or perceived gender identity or expression. Based on school district policies, school administration should promptly respond to incidents of 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 incident;
- c) determining and enforcing appropriate corrective actions within the school’s area of responsibility;
- d) remedying the effects of such behavior on the targeted student and other students; and
- e) monitoring to ensure that the behavior does not recur.

In some instances, harassment, intimidation or bullying may constitute child abuse and require mandatory reporting by school district employees to law enforcement or the Department of Human Services and to a person designated by the school district.

Bullying & Harassment

[Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating, Violence, or Domestic Violence](#) - Student **Policy JFCF

The Phoenix Talent School District is committed to providing a positive and productive learning environment where hazing, harassment, intimidation or bullying, menacing and acts of cyberbullying by students, staff and third parties toward students are strictly prohibited.

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to district grounds, at any district-sponsored activity, on district-provided transportation or at any official district bus stop, that may be based on, but not limited to, the protected class status of a person, having the effect of:

- Physically harming a student or damaging a student’s property;
- Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
- Creating a hostile educational environment including interfering with the psychological well being of the student and may be based on, but not limited to, the protected class of the person.

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, familial status, source of income or disability.

Reporting

[Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying Reporting Procedures](#) - Staff

**Policy GBNA-AR [Bias Incident Complaint Procedure](#) - **Policy ACB-AR

The building administrator will take reports and conduct a prompt investigation of any report of an act of hazing, harassment, intimidation or bullying, menacing and acts of cyberbullying. Any employee who has knowledge of conduct in violation of this policy shall immediately report his/her concerns to the building administrator who has overall responsibility for all investigations.

Failure of an employee to report an act of hazing, harassment, intimidation or bullying, menacing or an act of cyberbullying to the building administrator may be subject to remedial action, up to and including dismissal.

Student Support Planning

[Supporting Gender Expansive Students, Guidance for Schools, January 2023](#), p. 13

[LGBTQ2SIA+ Student Success Plan](#)

[Schools in Transition](#)

The school should work closely with the student and family in documenting a plan to maintain confidentiality and inform staff on a need-to-know basis. This plan should be informed by the student's needs and the family's input and updated as needed for accuracy. *It is NOT to be filed in the student's official school record.* The Family Education Rights Privacy Act (FERPA) applies a level of confidentiality in all aspects of a student's identity. When working with a student and family, define how the school will maintain confidentiality and which staff or students will be informed of gender identity.

Considerations:

- Student's goals for expressing their identity
- Family's goals for their student
- Student's preferred (assumed) name and pronouns
- Does the student feel safe using their preferred name and pronouns at school, in the community, etc.
- Does the student feel included at school?
- Does the student feel included in the community?
- People student feels most supported by at school
- People student feels most supported by at home
- People student feels most supported by in the community
- Barriers and challenges at school (passing time, athletics, restroom, trips, specific class expectations, etc.)

Appendices

1. [Family Educational Rights and Privacy Act \(FERPA\)](#)
2. [Title IX of the Education Amendments of 1972](#)
3. [Oregon Safe Schools Act](#)
4. [Supporting Gender Expansive Students, Guidance for Schools, January 2023](#)

5. Guidance to School Districts: Creating a Safe and Supportive School Environment for Transgender Students, May 2016
6. [Supporting Trans Students in Oregon Schools: Title IX and Other Provisions](#)
7. [Senate Bill 52, Adi's Act](#)
8. [Oregon School Athletic Association OSAA Handbook 2022-2023](#), Section 39, Gender Identity Participation
9. Oregon Department of Education: [LGBTQ2SIA+ Student Success Plan](#)
10. [Schools in Transition](#)
11. [Oregon Department of Education: Office of Equity, Diversity & Inclusion](#)