

Transgender & Gender Nonconforming Students Policy

1. PURPOSE

- To foster an educational environment within our program that is safe, welcoming, and free from stigma and discrimination for all students, regardless of gender identity or expression.
- To facilitate compliance with local, state and federal laws concerning bullying, harassment, privacy, and discrimination.
- To ensure that all students have the opportunity to express themselves and live authentically.
- **A Note on Terminology:**

Transgender and gender nonconforming youth may use different words to describe their lives and experiences of gender. Terminology and language can differ based on region, language, race or ethnicity, age, culture, and many other factors. Examples of terms used by some youth include: trans, transgirl, trans boy, non-binary, genderqueer, gender fluid, and Two Spirit. These terms often mean different things or refer to different experiences of gender. All Felicity staff will use the terms that students use to describe themselves and avoid terms that make these students uncomfortable.

2. 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 Felicity staff. Students may or may not use these terms to describe themselves or their experiences.

- **Bullying:**
Any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has, or can be reasonably predicted to have, the effect of one or more of the following:
 1. placing the student or students in reasonable fear of harm to the student's or students' person or property

2. causing a substantially detrimental effect on the student's or students' physical or mental health
3. substantially interfering with the student's or students' academic performance
4. substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by their school

Bullying can take various forms, including one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, exclusion, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

This also includes bullying that is based on a student's actual or perceived race, color, national origin, sex, disability, size, sexual orientation, gender identity or expression, religion, socioeconomic status, or another distinguishing characteristic. This also includes conduct that targets a student because of a characteristic of a friend, family member, or other person or group with whom a student associates.

- **Cisgender/Cis:**
Term used to describe people whose gender identity corresponds solely with their sex assigned at birth - male or female.
- **Gender Expression:**
The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- **Gender Identity:**
A person's deeply held knowledge of their own gender, which can include being female, male, another gender, or no gender. The responsibility for determining an individual's gender identity rests exclusively with the individual. Gender identity is not determined by body parts or sex assigned at birth.
- **Gender Nonconforming:**
Gender expressions that fall outside of societal expectations for one's sex assigned at birth.
- **Intersex:**
A general term used for the many ways in which a person can be born with chromosomes, reproductive anatomy, and/or genitalia that do not fit the typical definitions of female or male.
- **Nonbinary/Genderqueer:**
These are terms often used to describe people whose gender is not exclusively

male or female, including those who identify with a gender other than male or female, as more than one gender, or as no gender.

- **Pronouns:**
A word used to refer to someone without using their name. Common pronouns include, but are not limited to: she/her/hers, he/him/his, they/them/theirs.
- **Sex Assigned at Birth:**
Typically, the assignment of “male” or “female” at birth by a medical professional based on visible body parts. This binary assignment does not reflect the natural diversity of bodies or experiences.
- **Sexual Orientation:**
The gender or genders to which one is romantically, emotionally, physically, and/or sexually attracted. Sexual orientation is distinct from gender identity.
- **Transgender/Trans:**
Individuals with an affirmed gender identity different than their sex-assigned at birth. Transgender can be used as an umbrella term that encompasses diversity of gender identities and expressions. This term applies to identity, not body parts.
- **Transition:**
The process in which a person begins to live according to their gender identity, rather than the gender they were thought to be at birth. Transition is a process that is different for everyone, and it may or may not involve social, legal, or physical changes. There is no one step or set of steps that an individual must undergo in order to have their gender identity affirmed and respected.
- **Questioning:**
Being unsure of your gender identity, being unsure of your sexual orientation, or both. Many people go through a stage of questioning during their lives, sometimes several times. This can be because they learn new words that fit them better, or it can be that their actual feelings of gender or attraction change over time.

3. SCOPE

This policy covers conduct that takes place in the school, on school property, and/or school buses or vehicles, during a student’s commute to and from school. This policy also pertains to the use of electronic communication that occurs in the school, on school property, on school buses or vehicles, and on school computers, as well as any electronic communication that is directed at a student and substantially interferes with the student’s ability to participate in or benefit from the services, activities, or privileges

provided by the school. This policy applies to the entire school community, including school staff, students and parents.

4. INTAKE

While all Felicity staff are responsible for knowing and upholding the contents of this policy, students are encouraged to work with their school administration to coordinate gender-related supports. When a student and/or a student's parent(s)/guardian(s) contacts Felicity staff requesting support at school, the staff shall notify the school administration. A meeting will be held with the student and family regarding the request for supports. In the interim, between this request and the meeting, a lack of a meeting shall not prohibit staff from treating students in a manner consistent with their gender identity.

5. BULLYING, HARASSMENT & DISCRIMINATION

Discrimination, bullying, and harassment on the basis of gender identity or expression is prohibited within Felicity School, and it is the responsibility of each school and their staff to ensure that all students, including transgender and gender nonconforming students, have a safe school environment. The scope of this responsibility includes ensuring that any incident of discrimination, harassment, or bullying is given immediate attention, including investigating the incident, taking age- and developmentally-appropriate action, and providing students and staff with appropriate resources and supports. Complaints alleging discrimination or harassment based on a student's actual or perceived gender identity or expression are taken seriously and handled in the same manner as other discrimination, bullying, or harassment complaints. This process is outlined in Felicity School's Anti-Bullying Policy.

6. PRIVACY/CONFIDENTIALITY

Felicity School shall ensure that all personally identifiable and medical information relating to transgender and gender nonconforming students shall be kept confidential in accordance with applicable state, local, and federal privacy laws. School staff shall not disclose any information that may reveal a student's transgender identity to others, including parents or guardians and other school staff, unless legally required to do so, or unless the student has authorized such disclosure. In the rare instance that a school is legally required to disclose a student's transgender status, Felicity will provide the student an opportunity to make that disclosure themselves, where practicable. This would include providing the student with any support services they need to make the disclosure in a safe and supportive environment.

Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information. The fact that a student chooses to use a different name, to transition at school, or to disclose their transgender status to staff or other students does not authorize school staff to disclose a student's personally identifiable or medical information. When school staff interact with parents, guardians, district representatives, or other collateral contacts, school staff will ask the student whether to use the name and pronouns that correspond to their gender identity, or whether to use their legal name and corresponding pronouns with these individuals. (See "Student Transitions" below.)

7. NAMES, PRONOUNS & SCHOOL RECORDS

Every student has the right to be addressed by the name and pronouns that correspond to the student's gender identity. Regardless of whether a transgender or gender nonconforming student has legally changed their name or gender, Felicity School will allow such students to use the chosen name and gender pronouns that reflect their identity. If the student has previously been known at school by a different name, school staff will use the student's chosen name and pronouns when asked to do so by the student. If the student would also prefer consistency within their school records, every effort will be made to immediately update student education documents and records (such as attendance reports, class and therapist rosters, report cards, electronic records, etc.) with the student's chosen name and appropriate gender markers. For example, the student can identify if they would prefer John Doe (birth name), Jane Doe (chosen name), or John "Jane" Doe (both names) on these records. With the student's permission, this information will also be communicated to the student's home town school so that similar changes can be made to the student's permanent school records held in that location. Finally, in consultation with the student's home town district and with the student's permission, this information will also be shared with the Illinois State Board of Education (ISBE) via phone, in order to ensure that the student's name is changed in their Student Information System (SIS) to guarantee continuity. Within this ISBE system, there is only a binary (male/female) option for identifying gender, and it is mandatory to choose one. Therefore, the student will determine which option they prefer.

8. ACCESS TO GENDER-SEGREGATED ACTIVITIES & FACILITIES

- Restrooms:
Students will have access to restrooms at Felicity are gender neutral, meaning, they are accessible to all students, regardless of their identified gender. When Felicity students leave school grounds and only have access to gender segregated facilities, students will use whatever restroom they prefer. Access to restrooms and locker rooms for non-binary students and students questioning their gender will be determined on a case-by-case basis, in conversation with that student. In all cases, school staff will provide students

with options for staff support and/or accompaniment to help them feel safe, comfortable, and included when off school grounds.

- **Morning Check-In:**
Any student who identifies as transgender or gender nonconforming will be given the option to stand in the check-in line of their choice, or receive a private check-in with two staff members. If the student chooses a private check-in, they can also identify their preference for male or female check-in staff members, or a combination of male and female staff members.
- **Physical Education Classes and CAAEL Activities:**
All students shall be permitted to participate in physical education classes and Chicago Area Alternative Education League (CAAEL) activities in a manner consistent with their gender identity.

9. DRESS CODE

Students have the right to dress in accordance with their gender identity and expression, including maintaining a gender neutral appearance, within the constraints of the Felicity School Program. Felicity may not adopt a dress code that restricts students' clothing or appearance on the basis of gender. A student whose gender expression is different from societal expectations based on the student's sex assigned at birth shall not be considered disruptive of the educational process or in interference with the maintenance of a positive teaching/learning climate. All students shall be permitted to wear gender-affirming clothing to school, including at school events.

10. STUDENT TRANSITIONS

Felicity School recognizes that each student has a unique process for transitioning, and that it may or may not involve social, legal, or physical changes. There is no one step or set of steps that an individual must undergo in order to have their gender identity affirmed and respected, and Felicity staff will accept the gender identity that each student asserts. A student is not required to obtain legal and/or medical or psychological documentation as a prerequisite to having their gender identity recognized. Students ready to transition at school will be fully supported in their process of changing their name, pronouns, attire, and access to gender-related programs, activities, and facilities consistent with their gender identity as it develops.

11. TRAINING & PROFESSIONAL DEVELOPMENT

Felicity School conduct training for all staff members on their responsibilities under applicable laws and this policy. Following the adoption of this policy, staff shall be trained on in its content and their professional responsibility to uphold the policy. This policy will also be incorporated into the training provided for all new Felicity employees.

