

# Philadelphia Electrical & Technology Charter High School

## Board of Trustees Policy

### TRANSGENDER AND GENDER NONCONFORMING STUDENT POLICY

The Board of Trustees (“Board”) of the Philadelphia Electrical & Technology Charter High School (“Charter School”) is committed to ensuring the safety and equality for all its students regardless of gender identity or gender expression, so that they can reach their fullest human and intellectual potential and be protected from discrimination, bullying and harassment.

#### **Purpose and Intent**

The intent of this policy is to facilitate compliance with local and federal laws, including Title IX of the Education Amendments of 1972 (“Title IX”). Title IX specifically prohibits discrimination on the basis of sex in federally funded education programs and activities. This policy is consistent with the Charter School’s policies on bullying, harassment, and discrimination.

#### **Background and Current Guidance from the U.S. Departments of Justice and Education**

In February 22, 2017, the U.S. Departments of Justice *Civil Rights Division* and Education *Office for Civil Rights* issued guidance in the form of a Dear Colleague Letter. The previous guidance (January 7, 2015 and May 13, 2016) from those departments “take the position that the prohibitions on discrimination ‘on the basis of sex’ in Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 et seq., and its implementing regulations, see, e.g., 34 C.F.R. § 106.33, require access to sex-segregated facilities based on gender identity. These guidance documents do not, however, contain extensive legal analysis or explain how the position is consistent with the express language of Title IX, nor did they undergo any formal public process.” (See Dear Colleague Letter, February 22, 2017, noted above.)

The February 22, 2017 letter withdraws the previous statements of policy and guidance and recognizes that “there must be due regard for the primary role of the States and local school districts in establishing educational policy.” This guidance applies as well to charter school and cyber charter schools, as public school entities, in establishing their educational policy.

“All schools must ensure that all students, including LGBT [lesbian, gay, bi-sexual, and transgender] students, are able to learn and thrive in a safe environment. The Department of Education *Office of Civil Rights* will continue to protect all students and to encourage civility in our classrooms. The Department of Education and the Department of Justice are committed to the application of Title IX and other federal laws to ensure such protection.” (See Dear Colleague Letter, February 22, 2017, noted above.)

This policy covers conduct that takes place at the Charter School, on Charter School property, at functions sponsored by the Charter School, while on or waiting for Charter School vehicles, and the usage of Charter School electronic technology and electronic communication. This policy applies to the entire Charter School community, including educators, Charter School staff, students, parents/guardians, and volunteers.

### **Definitions**

“Cisgender” describes people whose gender identity is consistent with their sex assigned at birth.

“Gender expression” refers to the way a person expresses gender to others, such as through behavior, clothing, hairstyles, activities, voice or mannerisms.

“Gender identity” is defined as a person’s deeply held sense or psychological knowledge of the person’s own gender, regardless of the sex they were assigned at birth.

“Gender-neutral pronouns,” such as they/them/their (singular), are used by some transgender and gender nonconforming people.

“Gender nonconforming” describes people whose gender expression and/or gender identity falls outside the traditional male-female binary.

“Medical transition” refers to medical intervention designed to align physical sex characteristics with gender identity.

“Transgender” describes people whose gender identity is different from their sex assigned at birth.

## **Names/Pronouns and Gender-Neutral Language at School**

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. To the extent possible, the name and pronouns with which the student identifies shall be used in all interactions between the student and Charter School staff and students, as well as on written records from the Charter School, forms, and photo ID. A court-ordered name or gender change is not required, nor is evidence of therapy or medical transition. The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy.

To the extent possible, the Charter School shall use gender-neutral language in written communication with all students and families, regardless of the student's gender identity. This includes employing "they" (singular) instead of "he/she."

## **Name Change Reporting Requirements (Pennsylvania Department of Education)**

For the Pennsylvania Department of Education Pennsylvania Information Management System (PIMS): A student or parent/guardian may request a change of the student's listed gender, first name or middle name on the student's records. If this request occurs, the local education agency may report the student's preferred information using the following guidelines:

- The change must first be made in PASecureID;
- The PIMS data (first name, gender, and date of birth) must match what is reported in PASecureID;
- The student's name and gender information reported in prior school years will not be updated; and
- The student's PASecureID will not be changed.

*See 2019-2020 PIMS Manual Ver 1.4 Volume 1 Page 4 Release Date: 8/1/2019, Reporting Student Gender.*

## **Privacy and Confidentiality**

All persons, including students, have a right to privacy, and this includes the right to keep one's transgender identity private at the Charter School. Information about a student's transgender identity, legal name, or sex assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's transgender identity or gender nonconformity to others, including parents and other Charter School personnel, unless the student has authorized such disclosure. 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.

### **School Activities**

To the extent possible, the Charter School shall reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, students will be included in the group that corresponds to their gender identity. As a general matter, the Charter School should evaluate all gender-based activities, rules, policies, and practices – including classroom activities, Charter School ceremonies, and Charter School photos – and maintain only those that have a clear and sound pedagogical purpose. Charter School students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

### **Restroom and Locker Room Access**

Charter School students shall have access to the restroom and the locker room that corresponds to their gender identity. Any student, including cisgender, transgender, and gender nonconforming, who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a reasonable alternative private area. Such areas could include a single stall restroom or a partitioned changing or toileting area. But, no student shall be required to use an alternative private area.

### **Physical Education, Athletics and Sports**

Transgender and gender nonconforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Participation in competitive athletic activities and contact sports will be resolved on a case-by-case basis.

### **Discrimination and Harassment**

It is the responsibility of the Charter School to ensure that all students, including transgender and gender nonconforming students, have a safe learning environment. This includes ensuring that any incident of bullying, 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 such discrimination or harassment based on a person's actual or perceived transgender identity or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary