

# TRANSGENDER ISSUES OUT OF THE SHADOWS

How one school district developed its policies and guidelines

BY BRUCE K. MESSINGER

**T**ransgender issues have long been in the shadows of society—and in schools. But that's not true any longer. Today, transgender students are demanding rights previously denied them, and schools are adjusting—some with more ease than others. In my district in Boulder, CO, a committed group collaborated to come up with a list of solid policies and plans that now guide us and ensure that all students, including transgender students, are treated fairly.

## The Setting

We live in a complex, evolving country, no one knows that better than educators. Our involvement with all children in this rich nation—and our commitment to treat them all with dignity and fairness while making schools inviting, exciting places to learn—put us right in the midst of the very real lives of millions of children and families. And this commitment brings huge challenges with it.

Complex societal issues often have to be confronted and resolved first in schools. And right now the need for transgender students to feel comfortable in school and have the same opportunities to learn, feel safe, and thrive sits front and center.

In my district, we took critical steps on this journey thanks to a coalition of parents, advocates for students who identify as transgender, educators who recognized the need for change, and courageous students who are willing to trust the policies and tone we have put in place.

Not every step has been easy, and we've had to revise our approach in relation to this complex issue, but we now have policies and procedures in place that protect the rights of students who are transgender, and we have a school culture that welcomes all students, staff, and families. In fact, now that we see how important this action is, we have also explicitly

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expanded the policies to include our employees.

## Federal Mandate

Recently, the Obama administration required that, for school districts to receive federal funding, they must allow students to use the bathroom and locker room of the gender with which they identify. That decision has clarified things, but also shed new light on the challenges sometimes faced in schools by students who identify as transgender.

"They are vulnerable, and I think it's part of our obligation as a society to make sure everybody is treated fairly, and our kids are all loved and protected, and that their dignity is affirmed," President Obama said when announcing the new policy in May.

This action came at a time when North Carolina and the U.S. Department of Justice were filing lawsuits over a state law that required students to use the facilities that corresponded to the gender they were assigned at birth (the gender noted on their birth certificates). Eventually, 21 states became parties to lawsuits against the administration, asserting that it had bypassed the necessary procedures to create new federal regulations.

Other states took an opposing view, even before the Obama administration's

announcement. This included California, which in 2013 developed a policy that gave transgender students the right to participate in school activities according to the gender with which they identified.

Some school districts (like mine) already had established such policies—in places like Chicago, New York, and the School District of Springfield Township near Philadelphia, which earlier this year became the first district in Pennsylvania to adopt a policy recognizing the rights of students to use the name, pronoun, and facilities that align with the gender with which they identify.

"The School District of Springfield Township shall accept a student's asserted gender identity when it is determined to be part of the student's core identity. Staff members shall not question or disregard a student's assertion of gender identity unless district staff have a credible basis for believing that the student is asserting a particular gender identity for an improper purpose," the policy states.

## Boulder Valley Policy

Over the years, Boulder Valley School District (BVSD) had welcomed and supported the transitions of several students who identified as transgender

## NASSP POLICY

In May, NASSP's Board of Directors approved a position statement on transgender rights.

The statement was formulated to "acknowledge concerns related to marginalization and institutional bias associated with transgender students; state the association's opposition to legislation and policies that discriminate against transgender students; and to provide recommendations for federal, state, and local policymakers and school leaders on how to better support transgender students in the K-12 education system."

The position statement points out that "a climate conducive to the educational success of transgender students remains elusive in many schools," noting that a Gay, Lesbian & Straight Education Network (GLSEN) survey found transgender students were more likely than others to have a negative experience and feel unsafe at school, and that about half had been prevented from using their preferred name or using a bathroom or locker room for the gender they identified with. The survey also found that 31 percent had been prevented from wearing clothes considered inappropriate based on their "legal sex."

The NASSP position statement notes that 14 states and the District of Columbia have passed laws prohibiting such discrimination, and the federal government has

ruled that discrimination in schools violates Title IX discrimination restrictions. Several states have adopted eligibility rules that allow students to perform on teams connected to the gender with which they identify.

The position statement also says, however, that several states are considering legislation that will discriminate against these students. "The Human Rights Campaign reported in February 2016 that 44 anti-transgender bills had been filed in 16 states; more than double the amount in 2015. Twenty-three of the bills are targeted specifically at children in schools, including legislation regarding school sports and public school facilities."

The statement goes on to recommend action by legislators and notes that principals must make certain that "students from diverse backgrounds and identities are affirmed, supported, and assured equitable educational opportunities and access to school and community-based support services."

"The principal's primary responsibility is to create and sustain a school environment in which each student is known, accepted and valued, trusted and respected, cared for and encouraged to be an active and responsible member of the school community," the position statement says.

before we passed a comprehensive policy in 2012. It was a collaborative effort benefiting from the energy, knowledge, and commitment of a unique mix of people from our staff, schools, larger community, and those who have expertise with LGBTQ issues.

The mission of the Boulder Valley School District is "to create challenging, meaningful, and engaging learning opportunities so that all children thrive and are prepared for successful, civically engaged lives." That goal is essential to our strategic plan, the Success Effect. In

order to thrive, all aspects of students' diverse identities must be positively recognized so students are valued, respected, included, and safe to be themselves. Additionally, our district is proud of its long-standing commitment to "Excellence and Equity"

Our 2012 guidelines were defined as a “protocol for schools and district staff to address the needs of any BVSD student or employee who is transgender and/or gender nonconforming and clarify how law and policy should be implemented in situations where questions may arise about how to protect the legal rights or safety of such individuals.” We noted at the time that these guidelines were a framework for the schools and might need to be further developed. That is an important point.

These guidelines do not anticipate every situation that might occur with respect to students and staff who are transgender or gender nonconforming, and the needs of each student and staff member must be assessed on a case-by-case basis. The policy has been formally revised twice as we’ve learned more about the needs and responses of our students and families.

As the U.S. Department of Education stated in its May 2016 publication *Examples of Policies and Emerging Practices for Supporting Transgender Students*, “the education community continues to develop and revise policies and practices to address the rights of transgender students and reflect our evolving understanding and the individualized nature of transgender students’ needs.”

There are good resources out there that can serve as models for a district

Training in connection with the development of a nondiscrimination policy that addresses gender identity and expression is obviously key, but it must be an ongoing process.

or school policy, but we found—as most districts will—that we had unique needs and circumstances that made us revisit the policy. And we think it will continue to grow and change. In our guidelines, which protect the rights of both students and staff, we first spelled out our goals and defined a number of terms used in this discussion, including “gender identity,” “gender expression,” and “gender nonconforming.” We then clearly stated what it meant for a student to disclose their gender identity:

“Any student may inform a school staff member of their strong desire to be consistently recognized at school using their stated gender identity, and this request should be acted upon respectfully. The school shall accept the gender identity that each student asserts; and there is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected. Students ready to socially transition may initiate a process at the school to change their name, pronoun, and

access to programs, activities, and facilities consistent with their gender identity.”

The guidelines address the following items:

**Privacy.** Students have a right to keep their status private; staff must respect that, and the school should work with parents or guardians about this issue. “Information about a student’s transgender status, legal name, or biological sex assigned at birth also may constitute confidential information,” according to the guidelines.

**Official records.** While the district must maintain a file with the student’s name of record, it will make certain that information is kept confidential.

**Names and pronouns.** The school must use the name and gender pronoun chosen by the student; continued use of the incorrect one is a violation of policy.

**Gender-segregated activities.** Schools should reduce or eliminate the practice of separating students by gender, but when it is the procedure, students should be in a group corresponding to their identity.

**Restroom accessibility.** Students have access to the restroom that corresponds



to their gender identity, and transgender students who want increased privacy should have access to a single-stall restroom, but no student shall be required to use such a restroom.

**Locker room.** Use will be assessed on a case-by-case basis, with the goal of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. Transgender students should have access to the locker room that corresponds to their gender identity consistently asserted at school and should have access to a private dressing area if requested.

**School activities and programs.**

We provide guidelines for different scenarios, but generally make certain that no transgender student is kept from participating. We assess sleeping arrangements on a case-by-case basis.

**Physical education classes and sports.**

For physical education classes and intramural sports, students can participate based on the gender with which they identify.

**Dress codes.** Students who are transgender and gender nonconforming have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

Our policy addresses discrimination and harassment, following the guidelines we already had in place for those issues and using those reporting forms and procedures. It also addresses issues related to staff members who identify as transgender and spells out their rights in the school system.

**Communication Is Key**

We firmly believe that, while confidentiality is critical, communication about these issues is very important. When the issue first arises, we make every effort to gather as much information as we can from the student and family, and design a transition and school response that will help them be comfortable and successful. We developed a "gender transition plan" that helps the school, the student, and their families work together to make a change in gender status easier. The plan allows a family to set the tone for what the process looks like, and it can really vary based on the student. For instance, some students are very public with their identity and are willing to share, while other students want to maintain significant levels of confidentiality. It is important to note that a possible challenge here is when families are not supportive of the student's gender identity or transition. Working on the plan together can help open doors of communication that may lead to a deeper level of understanding among family members.

We have worked diligently to inform our school community and the community at large about these policies—and about transgender youth in general. We've been transparent to the media, and I've discussed this issue in a variety of forums, including a panel discussion on transgender youth in October 2015. This event provided me with an opportunity to engage in conversations with two teens who identify as transgender. It helped me understand more deeply the challenges faced by students in our school system, from sports involvement to bathroom choices.

In addition, BVSD now provides gender diversity training to all district educators and support staff. In partnership with A Queer Endeavor, an initiative of CU-Boulder's School of Education led by Drs. Bethy Leonardi and Sara Staley, professional learning includes critical self-reflection, dialogue, policy study, and in-depth educator institutes. Other community partners (Boulder Valley Safe Schools Coalition, Out Boulder, and Trans-Youth Education and Support of Colorado) support BVSD Instructional Services and Equity in coordinating professional learning and planning next steps.

Training in connection with the development of a nondiscrimination policy that addresses gender identity and expression is obviously key, but it must be an ongoing process to keep staff conscious of the needs of this group

and to inform new staff members of the policy, given the fact that such policies are not always in place in other districts.

Additionally, communication with those who are concerned about, or opposed to, our policies has been important to us. Any new policy for schools, as we all know, gets attention. Policies like this one can be controversial and generate strong feelings.

### A Necessary Journey

We have all learned that we must be sensitive to all interests, especially knowing that we have a responsibility to all children and their parents to

provide a safe, welcoming environment where students can thrive. I have found that, to a large degree, when parents understand what transgender and gender nonconforming mean, they embrace our policy. And I've repeatedly found our students very willing to adapt and welcome students who are transgender.

One success story has been Shannon Axe, whose story was revealed in detail in the *Denver Post*, including how well she generally has been treated by fellow students. Her earlier life had not been easy, and educators had not been fair to

her, but she says things improved dramatically when she came to our district, and her experience is very satisfying to hear.

"Now," according to the newspaper, "the outgoing girl who bounces through high school in a pack of long-haired beauties and does back flips on stage in her pink-laced tap shoes, says 'I'd rather go to school than have a weekend.'" ❧

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## TEACH THEM LEADERSHIP

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NASC is a program of NASSP



## TO LEARN MORE...

You may find these resources for secondary school principals helpful:

NASSP Board of Directors position statement about transgender rights  
[www.nassp.org/transgenderposition](http://www.nassp.org/transgenderposition)

Boulder Valley School District guidelines for supporting transgender students and staff  
[www.bvbsd.org/policies/policies/AC-E3.pdf](http://www.bvbsd.org/policies/policies/AC-E3.pdf)

American Psychological Association's "Key terms and concepts in understanding gender diversity and sexual orientation among students"  
<http://tinyurl.com/apalgbtkeyterms>

American Psychological Association's "Supporting transgender and gender diverse students in schools"  
<http://tinyurl.com/apasupportschool>

California School Boards Association's "Providing a safe, nondiscriminatory school environment for transgender and gender-nonconforming students"  
<http://tinyurl.com/csbatrans>

Dubois, C., & Losoff, R. (September 2015). Safe school environments for transgender students. *Communique*. Volume 44(1)  
<http://tinyurl.com/naspsafeschools>

GLSEN's "Model district policy on transgender and gender nonconforming students"  
<http://tinyurl.com/glsenranspolicy>

Human Rights Campaign Foundation's "Anti-transgender legislation spreads nationwide, bills targeting transgender children surge"  
<http://tinyurl.com/hrcsurge>

National Association of School Psychologists' "Safe schools for transgender and gender diverse students"  
<http://tinyurl.com/naspransposition>

New York State Education Department's "Guidance to school districts for creating a safe and supportive school environment for transgender and gender nonconforming students"  
<http://tinyurl.com/nyedguidance>

Orr, A., & Baum, J., (August 2015). Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools.  
<http://tinyurl.com/schoolsintransition>



**N**ational Principals Month provides a much-needed time for principals to be celebrated. But after the confetti has fallen and the “thank-yous” have faded, one fact still remains: Principals need greater support and training.

I say this for many reasons, but the top one is this: School leadership is second only to teacher quality in its impact on student achievement. This is huge. And if principals don’t receive quality professional development (PD) on a regular basis, it is the students who will suffer.

### **The Ever-changing Role of Principals**

The principalship has evolved greatly over the past decade. From school safety to social media, we are in charge of a much greater host of responsibilities. In recent years I have had to step off campus to attend school safety training and handle a bullying situation on social media. Gone are the days

# LEGAL MATTERS

## New Guidance on Transgender Access Issues in Schools

BY THOMAS ABERLI, SUSAN G. CLARK, AND SUZANNE E. ECKES



Thomas Aberli



Susan G. Clark



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Many schools are grappling with the integration of a relatively new concept—gender identity—as it relates to serving our students. Until recently, schools struggled independently to define this issue and to understand what it means to accommodate, versus discriminate against, transgender students.

For example, in 2014, Atherton High School in Louisville, KY, convened its 12-member school council numerous times in an open forum to review this issue. Meetings included presentations by numerous local agencies, parents, community members, a lawyer from the nonprofit group Alliance Defending Freedom, an attorney who handles transgender cases, and general counsel from the Kentucky Association of School Administrators. This process drew national attention, and the school council ultimately approved a nondiscrimination policy that included gender identity and a policy permitting students to use the school facilities that aligned with their gender identity.

There are few court opinions that directly address this topic in the K–12 context. Due to the ambiguous legal standing on this topic, principals across the nation have likely confronted the same challenges of understanding how to accommodate transgender students' requests to use restroom and locker room facilities that align with their gender identity. Progressing the national discussion on this issue in May 2016, the U.S. Department of Education issued a "Dear Colleague" letter that gave examples and explicit descriptions of discrimination against a student based on gender identity under Title IX.

### The Controversy

Often, school districts wrestle with the need to balance the rights of transgender students with

the privacy rights of the rest of the student body, arguing that there are safety concerns involved. Relative to privacy, the vast majority of restrooms have stalls with doors, which negates some of the privacy concerns. With regard to safety, to date there is no evidence that there has been any molestation/incident in a school involving a transgender student. Similar to other safety issues that have occurred in restrooms (e.g., bullying and harassment, fights, drugs, theft, sex), school disciplinary policies authorize administrators to address these issues as they have traditionally done—on a case-by-case basis.

Admittedly, when expanding the discussion to locker rooms, the issue becomes a bit more complex. As many school administrators acknowledge, very few students in schools shower during the school day in communal showers. For sports or physical education, privacy curtains are a voluntary option for all students to use in locker rooms. Despite these considerations, the debate will likely continue. It is timely that ED issued a guidance letter to assist school leaders.

### Dear Colleague Letter

The department, through the Office for Civil Rights, enforces Title IX, which prohibits discrimination on the "basis of sex" in any educational program or activity receiving federal financial assistance. However, Title IX expressly permits "separate toilet, locker room, and shower facilities on the basis of sex." Given such authority to sex-segregate under certain conditions, it is not surprising that school leaders have faced confusion, debate, complaints, and lawsuits over transgender students' use of school restrooms.

## HOW PRINCIPALS CAN CULTIVATE PLCs AT THEIR SCHOOLS:

- Articulate a clear building-wide focus or purpose that is connected to a larger system goal. This will serve as a guide and unite efforts toward a common end.
- Empower teachers to identify their area of focus.
- Facilitate opportunities to share learning, gather feedback, gain input, institute revisions, and recommit to the work.
- Make time to acknowledge and celebrate successes.

the rest of our staff, which happens in a number of ways, including department meetings, conference days, working lunches, and faculty meetings.

Much like how we modified protocols to meet our needs, the model for our Instructional Rounds changed each year to meet current needs and areas of inquiry. In the same way, our debriefing process changed as well.

We originally captured every bit of evidence regarding everything we saw students doing and saying; then groups wanted to spend time talking more about what really mattered to them. Realizing we did not want to get bogged down capturing everything, I introduced a simple, schoolwide Google Doc to which each PLC contributed and through which PLCs connected. These documents recorded the “so whats; I think ... ; I want to try ... ; I noticed ...” Takeaways transformed over time, beginning to sound more like: “A lesson I can now adjust is ... ; A new question I will ask as I plan is ... ; I am thinking more about what students can do, what they should do, what they want to do, and someone I need to ask about this idea is ... ”

Despite the dynamic nature of our learning model, what remained constant was the rich dialogue, reflection, and sharing of the “so what.” Each person consistently identified some new nugget—something that each teacher would think more about, try in the classroom, and then share back with the group. What we realized is we were beginning to see a shift within classrooms.

For PLCs to establish strong roots and become the foundation of your school culture, ongoing reflection and open dialogue are essential. Individuals and groups share feedback with me, and I have facilitated countless sessions in which we have reflected on the process itself and our areas of focus, which have led us to recommit to the work.

Reminding ourselves that the work of PLCs could look very different, we reaffirmed that examining data, reading articles, visiting classrooms, and engaging in countless other activities were meaningful, as long as the purpose remained to ensure that all students are thinking and learning. Because we all agreed the process was valuable, we also identified challenges and supports to help make the process more fruitful. For example, finding enough time for our PLC was always a concern, so we committed faculty meeting time to planning and debriefing the cycles of inquiry.

Our PLCs serve as a framework for us to evaluate our success and develop next steps as we continue to move forward. Our success with students is a result of dedicated, mindful, purposeful tending. 🌱

**Juliet L. Gevargis** is an assistant principal at Tappan Zee High School in Orangeburg, NY.

Although it is only guidance, should the department find a transgender student experienced discrimination, the threat of losing federal funds is real for schools nationwide.

On May 13, 2016, ED, along with the U.S. Department of Justice, issued a joint letter providing guidance on the rights of transgender students by outlining key policy principles underlying the matter of transgender discrimination in schools. Gender identity is to be treated as the word “sex” under Title IX, and schools are required to treat students consistent with their gender identity, not biological gender. This means that students may access the locker room; restroom; and with some conditions, single-sex sports, activities, or classes that comport with their gender identity.

The letter reinforces the confidentiality of information in school records and reminds school personnel that only those with a legitimate educational interest have a need to know a student’s gender assigned at birth. Disclosure of such information, including directory information, could be considered an invasion of privacy. Requests for amending a transgender student’s educational records must be considered; refusal to do so under the Family Educational Rights and Privacy Act is subject to appeal and hearing rights. Changing a student’s name and gender identity will provide privacy protections and aid in staff’s use of proper pronouns and preferred names.

The letter highlights that no medical diagnosis or treatment documentation may be required of transgender students. Even in the face of community

“objections or concerns,” schools must ensure that transgender students are not to be treated differently from the way other students with the same gender identity are treated. Public outcry is not an excuse for discrimination: “The desire to accommodate others’ discomfort cannot justify a policy that singles out and disadvantages a particular class of students,” the letter states.

The ED’s guidance letter does not have the force of law, yet it outlines how the department interprets the law and its regulations. The Fourth Circuit Court of Appeals recently made clear that the department’s interpretations are controlling.

### Most Recent K–12 Court Opinion

A transgender male student in Virginia said that he began to identify as a boy at a very young age. By his freshman year in high school, many friends and family members knew that he presented himself as a boy. Around this time, a psychologist diagnosed him with gender dysphoria and suggested that he be treated as male in every way. (Gender dysphoria is a condition characterized by the stress created by a conflict between one’s sex at birth and one’s gender identity.) The school board passed a resolution requiring that students use the restroom and locker room facilities that align with their biological gender and that “students with gender identity issues shall be provided an alternative appropriate private facility,” i.e., three unisex, single-stall restrooms for any student to use.

After the school board meeting, the student began hormone treatment and his voice began to sound deeper. He had an overall masculine appearance, which he reported caused discomfort among girls in the school when he used the female restroom. Thus, he believed he should be able to use the male



restroom and not the single-stall restroom. When he was denied, he sued the school district.

In reversing the district court's dismissal of his Title IX claim, the Fourth Circuit held that the department's interpretation of its own regulations concerning restroom access by transgender individuals is entitled deference and should be controlling. The court found that Title IX's regulation permitting sex-segregated restrooms was "silent as to how a school should determine whether a transgender individual is a male or female for the purpose of access . . ." For example, the board interpreted the regulation by determining sex as it relates to genitalia (requiring use of the restroom by one's biological gender), whereas the department interpreted the regulation as determining sex with reference to gender identity (requiring use of the restroom in alignment with one's gender identity). This decision is the first of its kind and is binding only in North Carolina, South Carolina, Virginia, West Virginia, and Maryland.

### What Should Principals Do?

School administrators should begin reviewing the legal precedent that has been established in the courts on this issue as well as the guidelines set forth by the letter. Although it is only guidance, should the department find a transgender student experienced discrimination, the threat of losing federal funds is real for schools nationwide. Navigating public opinion likely will involve a great deal of community education about the principles of nondiscrimination. Ultimately, a student's transgender status is a family and personal matter, deserving of respect for privacy and equitable treatment.

As one school leader later wrote: "As a high school principal, I learned that communication with

each stakeholder was essential to relaying information and maintaining the relationship of trust that had been established with teachers, students, and parents." After two years of implementing the policy of accommodating transgender students, there have been no issues with supporting the growing number of transgender students in the school. The staff and students recognize the strength that comes from diversity; this issue is an example of how the school supports all students, regardless of the characteristics that distinguish us from one another. ❧

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### References

- Aberli, T. (2015, winter). The reality of gender identity in schools. *Kentucky School Leader*. Retrieved from <http://www.nxtbook.com/naylor/KYST/KYST0315/index.php?startid=8>
- G.G. v. Gloucester County Sch. Bd.*, 2016 U.S. App LEXIS 7026 (4th Cir. 2016).
- U.S. Department of Justice and U.S. Department of Education (2016, May 13). Dear colleague letter on transgender students. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>



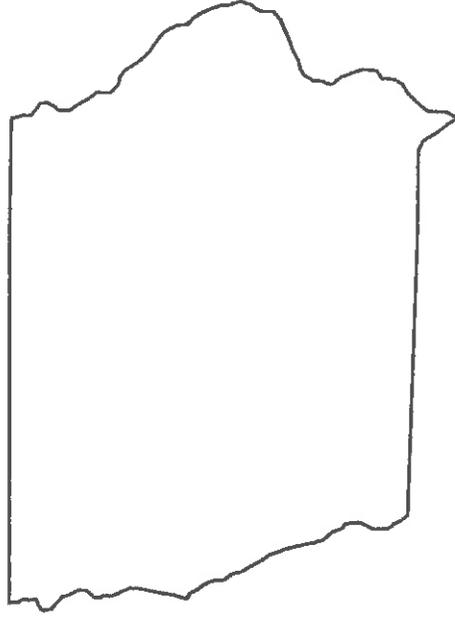
### TO LEARN MORE ...

Check out the NASSP Board of Directors' position statement about transgender students:

[www.nassp.org/transgenderposition](http://www.nassp.org/transgenderposition)

# Iowa Code

## section 216.9



**Protection from unfair practices and discriminatory acts in education includes gender identity. Such discrimination practices shall include but not be limited to:**

1. Exclusion of a person or persons from participation in, denial of the benefits of, or subsection to discrimination in any academic, extracurricular, research, occupational training, or other programs or activity except athletic programs;
2. Denial of comparable opportunity in intramural and interscholastic athletic programs;
3. Discrimination among persons in employment and the conditions of employment;
4. On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.



# Iowa High School Athletic Association

## Transgender Statement

The Code of Iowa clearly delineates unfair practices and discriminatory acts in education. Section 216.9 Unfair or discriminatory practices – education reads: “1. It is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in any program or activity. Such discrimination practices shall include but not be limited to the following practices:

- a. Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other programs or activity except athletic programs;
- b. Denial of comparable opportunity in intramural and interscholastic athletic programs;
- c. Discrimination among persons in employment and the conditions of employment;
- d. On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician’s diagnosis and certification.

2. For the purpose of **this section**, “*educational institution*” includes any preschool, elementary or secondary schools, community college, area education agency, or postsecondary college or university and their governing boards. **This section** does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms, or living facilities for the different sexes so long as comparable facilities are provided. Nothing in **this section** shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion, sexual orientation or gender identity when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.

The Code of Iowa clearly defines “Gender identity.” Section 216.2 Definitions. Reads: “When used in this chapter, unless the context otherwise requires:

10. “Gender identity” means a gender-related identity of a person, regardless of a person’s assigned sex at birth.”

Fully aware of the unfair and discriminatory practices and definition of “gender identity,” the Iowa High School Athletic Association presents guidelines for the implementation of the Code of Iowa in regards to transgender students.

# Guidelines for Inclusion and Respectful Treatment of Transgender Student-Athletes

## **Gender Identity**

The transgender student at an Iowa High School Athletic Association member school who identifies as male, despite having been born with female genitals, shall be allowed to fully compete as a male as long as he consistently identifies as a male at school, home and socially.

## **Communications and Publications: Pronouns and Name Changes**

The preference for the use of masculine or gender-neutral pronouns should be the choice of the student-athlete. Coaches, administrators and athletes should abide by a transgender student-athlete's name and pronoun preferences, demonstrating respect for the individual and validating the transgender student-athlete's gender identity and expression.

## **Access to Locker Rooms and Bathrooms**

Every student-athlete should have access to a locker room, bathroom and shower facilities in a safe, comfortable and convenient environment.

When the transgender student-athlete uses a separate locker room space do not use the common locker room as a team meeting space or the only location that important team information is shared. Coaches and team members are strongly encouraged to identify other spaces to conduct team meetings.

When member schools are traveling, the student-athletes school representatives should identify safe spaces for transgender student-athletes to have their needs met with regard to changing spaces, restroom accommodations, and meeting spaces.

## **Overnight Accommodations**

If a member school requires overnight accommodations, transgender student-athletes should be assigned rooming assignments based on their gender identity, with the recognition that the student who needs extra privacy should be accommodated whenever possible.

## **Apparel and Dress Codes**

All team members should have access to uniforms that are appropriate for their sport. Participants are expected to be in compliance with the uniform regulations of the National Federation of State High School Associations.

In cases where the coaches of member schools set dress codes or expectations, coaches should set a gender neutral dress code that is comfortable for all members of the team.

**Confidentiality**

The privacy of transgender student-athletes is a priority for member schools and the Iowa High School Athletic Association. All medical information must be kept confidential.

