



## **TRANSGENDER AND GENDER NON-CONFORMING STUDENTS POLICY (K-8)**

### **INTRODUCTION**

This policy is designed to foster a safe, welcoming educational environment free of stigma, discrimination, retaliation, and bullying for all students regardless of sex, sexual orientation, gender identity, or gender expression.

This policy applies to the entire Propel community including educators, staff, administrators, students, parents, contractors, and volunteers.

This policy applies to conduct in school, on Propel properties, at Propel-sponsored events and activities, on school transportation, at transportation stops, and through Propel technologies. This policy is to be read and applied in conjunction with Propel's existing policies prohibiting discrimination, retaliation, harassment, and cyber-bullying.

### **DEFINITIONS**

**Gender expression** – The manner in which an individual represents gender to others. This may include behavior, clothing, hair styles, activities or mannerisms.

**Gender identity** – One's deeply held sense or psychological knowledge of one's own gender. It can be the same or different from the gender assigned at birth. Gender identity is determined by the individual.

**Gender nonconforming** – Gender expression that differs from stereotypical expectations. For example, "feminine" boys, "masculine" girls, and androgynous individuals. Includes individuals who identify outside traditional gender categories or who identify as having multiple genders. Also referred to as **gender diverse** or **gender expansive**.

**Nonbinary** or **Genderqueer** – Individuals who identify with neither, both or a combination of genders.

**Sexual orientation** – An individual's romantic or physical attraction to others. Transgender and gender nonconforming individuals may have any sexual orientation.

**Transgender** – An individual whose gender identity or expression is different from the identity or expression of the individual's gender assigned at birth.

**Transition** – The process in which an individual goes from living and identifying as one gender to living and identifying as another gender. Transition may or may not involve legal or physical changes.

## **GENERAL**

Propel will accept the gender identity that each student asserts. Propel will not require students and their parents/guardians to provide a medical or mental health certification or treatment confirmation in order to have the student's gender identity recognized.

If a student seeks the advice of a Propel employee regarding the student's gender identity or gender expression, Propel will first determine whether the student's family is accepting before discussing the matter with the parents/guardians. The school, the student and the parents/guardians (if supportive), will engage in an interactive process to develop a gender support or gender transition plan. If the parents/guardians are not supportive, Propel, if possible, will work with the parents/guardians and the student to build a better understanding among them or will refer them to local resources for assistance. Regardless of parent/guardian support, the goal will be a supportive environment for the student at Propel.

## **PRIVACY AND CONFIDENTIALITY**

All personally identifiable and medical information relating to transgender and gender nonconforming students shall be kept confidential consistent with all applicable privacy laws and regulations. Propel employees are prohibited from disclosing any information that may reveal a student's transgender status to others, including other employees and Propel community members, unless legally required to reveal the student's status or unless the student's parent/guardian has authorized disclosure. If Propel is legally required to disclose a student's transgender or gender nonconforming status, if practical, Propel will provide the student the opportunity to make the disclosure. In such circumstances, Propel will provide the student age-appropriate support services to make the disclosure in a safe environment.

Transgender and gender nonconforming students have the right to discuss their gender identity openly and to decide whether to share their private information. The student's decision to openly discuss private information does not waive privacy protection of the student's personally identifiable and medical information. Propel employees are required to keep confidential all personally identifiable and medical information relating to transgender and gender nonconforming students regardless of the students' decision to discuss such information.

When contacting the parent or guardian of a transgender or gender nonconforming student, Propel employees will use the student's legal name and pronoun of the student's gender assigned at birth unless the parent or guardian has requested a different name and pronoun be used.

## **PUBLIC COMMUNICATION**

Propel will assign one employee (designated spokesperson) to answer questions from the community regarding Propel's policy on transgender and gender nonconforming students. All

Propel employees must direct questions about this policy to the designated spokesperson or to the designated spokesperson's pre-approved designee. No other Propel employee is authorized to answer questions from the community regarding Propel's policy on transgender and gender nonconforming students. The designated spokesperson will respond appropriately to inquiries in a manner designed to (consistent with applicable law) keep all personally identifiable and medical information confidential. To protect the privacy of all students, when making public statements, the designated spokesperson (to the extent possible) will avoid making statements about specific students.

## **NAMES, PRONOUNS, AND SCHOOL RECORDS**

Propel will allow a transgender or gender nonconforming student to use the name and gender pronoun that the student and the student's parent/guardian agree reflect the student's gender identity. Gender-neutral pronouns will be used if requested. The student will not be required to legally change name or gender in order to request a change of name or gender pronoun for school purposes. Propel will notify Propel employees privately regarding names and gender pronoun changes. Propel employees will be required to use the name and pronoun requested by the student and the student's parent/guardian.

To facilitate consistency, school records such as class rosters, IDs, and transcripts, will be updated with the preferred name and gender identity. Records that legally must contain the student's birth name and gender will be kept in a separate confidential file, access to which will be limited to those Propel employees required to obtain such information consistent with Propel's reporting duties.

## **RESTROOMS AND OTHER FACILITIES**

Propel will maintain separate facilities (restrooms, locker rooms and similar facilities) for male and female students, but all students will have equal access to facilities that conform to their gender identity. Students will determine which facilities are consistent with their gender identity and will not be required to use a facility that is inconsistent with their gender identity.

Any student who is uncomfortable using a gender-segregated facility may request and will be provided a safe, non-stigmatizing alternative. The alternatives will be discussed with the student's parent/guardian. Transgender or gender-nonconforming students will not be required to use a separate or alternative space, but the student or the student's parent/guardian may request such an alternative space.

## **ACTIVITIES**

All students will be permitted to participate in physical education classes and intramural sports consistent with their gender identity. All students will be permitted to participate in interscholastic sports consistent with their gender identity and consistent with the rules of the Pennsylvania Interscholastic Athletic Association, Inc.

Students will be permitted to participate in any other gender-based activities consistent with their gender identity.

## **DRESS CODE**

Propel will enforce its dress code in a gender-neutral manner. Students will have the right to dress consistent with their gender identity and expression.

## **COMPLAINTS**

### General

Any transgender or gender nonconforming student who has been or is being subjected to discrimination, bullying or harassment, or any person who has reason to believe such a student is being discriminated against, bullied or harassed, shall immediately make a report to the building principal or to his/her designee. A list of building principals is available on the Propel Schools website. Students and parents will be provided with the names of their building principals before or at the beginning of the school year. Propel's Superintendent or his/her designee is Propel's Compliance Officer for purposes of this policy.

All school employees are required to report alleged violations of this policy to the building principal or principal's designee. The complaining party or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

All other members of the school community, including students, parents, volunteers, and visitors are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously, but formal disciplinary action may not be based solely on an anonymous report.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.

Within two (2) school days, the building principal (or Compliance Officer, as the case may be) will follow up with the student reported to be the target of the prohibited conduct.

All complaints of discrimination, bullying or harassment shall be investigated promptly, and corrective action shall be taken when allegations are substantiated. The building principal or his/her designee shall investigate all reports of such conduct. If the investigation indicates discrimination, bullying or harassment was not committed, the building principal or his/her designee will inform the affected parties of the investigation results. Confidentiality of all parties shall be maintained to the extent possible, consistent with Propel's legal and investigative obligations.

In the event the investigation indicates discrimination, bullying or harassment was committed by a Propel student in school, on Propel properties, at Propel-sponsored events and activities, on school transportation, at transportation stops or using Propel technologies, the student will be subjected to appropriate discipline.

In the event the investigation indicates discrimination, bullying or harassment was committed by a Propel employee in school, on Propel properties, at Propel-sponsored events and activities, on school transportation, at transportation stops or using Propel technologies, the employee will be subjected to appropriate discipline up to and including termination.

If the investigation indicates discrimination, bullying or harassment was committed by a Propel student, a Propel employee, a parent, or a third-party using non-Propel technologies away from Propel school grounds, the building principal or his/her designee may report the investigation results to local law enforcement. This authority shall be exercised only when it is reasonably necessary for the transgender or gender nonconforming student's physical or emotional safety, security, and well-being or for the safety, security, and well-being of other students, staff, or Propel property.

Any investigation regarding an allegation of discrimination, bullying or harassment under this policy will provide all parties the appropriate rights, including the right to appeal the determination of the building principal or his/her designee.

### **Step 1 – Reporting**

The building principal or his/her designee shall

1. Inform the complaining party of the right to file a complaint and the complaint procedure.
2. Inform the complaining party (if a student) of the right to be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complaining party and the accused of the progress at appropriate stages of the procedure.
4. Refer the complaining party to the Compliance Officer if the building principal is the subject of the complaint.

A list of building principals is available on the Propel Schools website. Students and parents will be provided with the names of their building principals before or at the beginning of the school year.

If the building principal is the subject of a complaint, the complaining party or the reporting employee shall report the incident directly to the Compliance Officer.

In cases in which the alleged victim may be in danger or that individual's ability to participate fully in the educational process may be seriously impaired, the Compliance Officer or his/her designee may take interim action (consistent with state and federal law) to keep the alleged victim from the alleged discriminator, bully or harasser. Such action may include parent contact, removal from class, loss of privileges, detention, or suspension of the alleged discriminator, bully or harasser.

### **Step 2 – Investigation**

The investigation may consist of individual interviews with the complaining party, the accused, and others with knowledge of the incident. The investigator may also evaluate any other information and materials relevant to the investigation. Both the alleged victim and the alleged discriminator, bully or harasser will be given the opportunity to present witnesses and other

evidence. A violation will be found if the complainant or victim presents evidence establishing it is more likely than not that the prohibited conduct occurred.

The obligation to conduct this investigation will not be excused due to a criminal investigation.

The investigation is to be completed within three (3) school days after a report or complaint is made. Any reasonable delays (e.g., the unavailability of witnesses or parties due to illness) will be noted in the investigative file, and the investigation will be completed as soon as possible following the delay.

### **Step 3 - Investigative Report**

The building principal (or other person conducting the investigation) shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. Any reason for additional time in which to complete the report will be noted in the investigative file. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, whether it is a violation of this policy, and a recommended disposition of the complaint.

Findings of the investigation shall be provided in writing within five (5) school days to the complaining party, the accused and the Compliance Officer.

### **Step 4 – Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, Propel shall take prompt, corrective action to ensure that such conduct ceases and will not recur. Victims of substantiated discrimination, bullying, or harassment claims will be offered counseling and other resources consistent with the circumstances of their charges.

Some acts of discrimination, bullying or harassment may be isolated incidents requiring Propel to respond appropriately to the individual committing the acts. Other acts may be so serious or part of a larger pattern of discrimination, bullying, and harassment that require a response either at the classroom, school building, or school district level or by law enforcement officials.

Disciplinary action shall be consistent with the employee handbook, Student Code of Conduct, Board policies, Propel procedures, applicable employment agreements, and applicable law. Consequences and appropriate remedial actions for students who commit acts of discrimination, bullying or harassment range from positive behavioral interventions up to and including suspension or expulsion. In addition, cyber-bullying using Propel technology violates the Internet Policy and subjects the student to discipline as set forth in the policy.

Employees will be disciplined consistent with the findings and such discipline may include termination. Independent contractors found to be in violation of this policy may have their agreements terminated or may be debarred from transacting business with Propel. Other third-party actors may be prohibited from participating in Propel activities.

Reprisal or retaliation against any person who reports an act of discrimination, bullying or harassment is prohibited. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the building principal after consideration of the nature, severity, and circumstances of the reprisal or retaliation.

Knowingly false accusations of discrimination, bullying or harassment are prohibited. The consequences and appropriate remedial action for a person found to have knowingly falsely accused another may range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for a Propel employee found to have falsely accused another individual shall be discipline in accordance with Propel policies and procedures.

Prevention and intervention techniques to prevent discrimination, bullying, and harassment and to support and protect victims shall include appropriate strategies and activities as determined by the building principal or his/her designee.

### **Appeal Procedure**

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, the complainant may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct an additional reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days of receipt. Copies of the response shall be provided to the complainant, the accused, and the building principal (or other person) who conducted the initial investigation.

### **TRAINING**

*Employees.* Propel shall conduct professional training for all employees regarding their responsibilities under this policy. Training on this policy will be included for all new employees.

Propel's ongoing training on the issues of discrimination, harassment, bullying, cyber-bullying, and retaliation will be updated to include this policy and

1. Gender identity, gender expression, and gender diversity in student populations
2. Communication strategies to address gender identity and gender expression with students and parents while ensuring student privacy
3. Classroom management techniques to develop a more gender-inclusive environment.

*Students.* As part of student training regarding discrimination, harassment, bullying, cyber-bullying, and retaliation, Propel will incorporate age-appropriate lessons regarding gender identity, gender expression, and gender diversity aimed at developing a more gender-inclusive environment.

### **PUBLICATION**

This Policy will be distributed by the Compliance Officer or his/her designees at the beginning of every school year to all Propel staff, students, and parent(s)/legal guardian(s). The policy will also be published on Propel's website.

<b>Approved By</b>	<b>Date</b>
Dr. Tina Chekan	6/14/2019
Board of Trustees	6/17/2019