PART I.

Background

I. Federal Law

A. Title IX of Education Amendments of 1972 Overview

Prohibits discrimination based on sex in any education program that receives federal financial assistance.

Our District receives the following federal financial assistance:

Below are three clips from our most recent budget booklet (15-16). They all capture federal funding in General Fund, Special Ed and Food Service respectively. The first column of numbers is for 2015-16 and the most recent data that Bob Tess was able to provide as of right now. In 2016-17 these numbers will not change significantly enough to matter for these purposes.

General Fund is $2,941,582
Special Ed is $2,549,408
Food Service is $3,050,000
GRAND TOTAL: $8,540,990 annually in federal funding.

B. Department of Education’s Office for Civil Rights (OCR)

1. “Title IX’s sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation.”

2. Gender-based harassment is a form of sexual harassment. Gender-based harassment means unwelcome conduct based on individual’s actual or perceived sex including gender identity or nonconformity with sex stereotypes.

3. Dear Colleague Letter (attached)
C. FERPA
A Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

Definitions and Terminology (but constantly evolving)
GLAAD Media Reference Guide-Transgender Issues (attached)

These definitions are provided not for the purpose of labeling students but to assist in understanding the following guidelines and the obligations of District staff. Students may or may not use these terms to describe themselves.

Wausau School District Policies
Consider how the following policies apply to transgender or gender nonconforming students:
Policies 5200 (Student Records),
5400 (Equal Educational Opportunities),
5706 (Prohibition Against Harassment and Discrimination),
5707 (Unlawful Harassment/Sexual Harassment), Discrimination/Harassment Form,
5708 (Administrative Rule-Appeal Process Regarding School Policies or Decisions)

PART II.

Recommended School Procedures:

I. PURPOSE:

The purpose of these guidelines is: 1) to foster inclusive and welcoming learning environments that are free from discrimination, harassment, and bullying regardless of sex, sexual orientation, gender identity, or gender expression; 2) to facilitate compliance with district policy, and local, state and federal laws that prohibit discrimination, harassment and bullying; 3) to provide professional development to school staff on transgender issues; and 4) to create safe and supportive learning and working environments.

For purposes of these guidelines, a transgender individual is an individual that consistently asserts a gender identity or gender expression at school or work that is different from the gender assigned at birth. This involves more than a casual declaration of gender identity or expression but does not require proof of a formal evaluation and diagnosis. Since individual circumstances, needs,
programs, facilities and resources may differ; administrators and school staff are expected to consider the needs of the individual on a case-by-case basis.

These guidelines are intended to be a resource that is compliant with district policies, local, state and federal laws. They are not intended to anticipate every possible situation that may occur.

II. THE PROCESS:

The following process should be used on a case-by-case basis to address the needs of transgender and gender nonconforming students:

A. A transgender or gender nonconforming student is encouraged to contact the building principal to address any concerns, needs, or requests. Students may also contact their respective counselors, who will immediately notify and work with the principal. Parents/guardians of transgender students may also initiate contact with the counselor, principal, or other administrator.

B. The principal or designee will schedule a meeting to discuss the student's needs and to develop a specific Student Support Plan to address these needs. Documentation shall include date, time, location, names and titles of participants, as well as the following information. The plan should address, as appropriate, 1) the name and pronouns desired by the student (generally speaking, school staff and educators should inquire which terms a student or staff member may prefer and avoid terms that make the individual uncomfortable; a good general guideline is to employ those terms which the individual uses to describe him or herself), 2) restroom and locker room use (a school may make individual user options available to all students who voluntarily seek additional privacy), 3) participation in athletics and extracurricular activities, 4) dress code, 5) student transition plans, if any, and 6) other needs or requests of the student. Parents and others (counselor, nurse, teachers who have a need to know) may be included in this meeting depending on what is needed to develop a plan for the individual. 'Need to know' staff include those individuals who provide a direct service, activity, or program to the transgender individual and with whom he/she is comfortable.

Some transgender and gender nonconforming students are not 'open' at home for reasons that may include safety concerns or lack of acceptance. School personnel should speak with the student first before discussing a student’s gender nonconformity or transgender status with the student’s parent/guardian.

In a case where a student is not yet able to self-advocate, the request to respect and affirm a student’s identity likely will come from the student’s
parent/guardian.

At least once each school year (or more often as reasonably requested by the student or his/her parents/guardians), the Support Team should review the student’s circumstances to determine whether existing arrangements related to the student’s gender identity, gender transition, or transgender status are meeting his/her educational needs and ensuring that the student has access and opportunity to participate in the District’s education programs and activities.

Schools may maintain separate restrooms and locker rooms for male and female students. Access should be allowed based on the gender identity consistently expressed by the student. Any transgender or gender nonconforming student who is uncomfortable using a shared restroom or locker room regardless of the reason, shall upon request, be provided with a safe alternative. This may include, for example, addition of a privacy partition or curtain, use of a nearby private restroom or office, or a separate changing schedule. **However, staff should not require a transgender or gender nonconforming student/ employee to use a separate, nonintegrated space unless requested by the individual student.**

Administrators and staff should respect the right of an individual to be addressed by a name and pronoun that corresponds to their gender identity. A **court-ordered name or gender change is not required, and the student need not change his or her official records.**

C. Note: If the student has an IEP or 504 Plan, the provisions in these plans should be taken into consideration in developing a plan for addressing transgender issues.

D. **While medical documentation is not required,** the school may request such documentation if helpful to develop an appropriate plan for the student or employee.

E. If the parties are uncertain or disagree regarding elements to be included in the plan, the principal/designee shall consult with the District Title IX Compliance Officer.

F. **Students may also use Policy 5708 and its Administrative Rule-Appeal Process Regarding School Policies or Decisions to address any civil rights issue, including transgender issues at school.**

G. A copy of the final plan should be maintained in the student's health file.
III. MEDIA AND COMMUNICATION

When questions are received from the media or community about issues related to gender identity, including District policy and procedures, school staff shall direct parents and the media to the Title IX Compliance Officer, Director of Pupil Services, or to the Communications Department.

Protecting the privacy of transgender and gender nonconforming students and employees must be a top priority for the spokesperson and all staff. All student and personnel information shall be kept strictly confidential as required by district policy and local, state or federal privacy laws.

IV. OFFICIAL RECORDS:

A. Mandatory permanent student records will include the legal/birth name and legal/birth gender. However, to the extent that the district is not legally required to use a student's legal/birth name and gender on other school records or documents, the school will use the name and gender preferred by the student. For example Student ID cards are not legal documents, and therefore, may reflect the student's preferred name.

B. A student's preferred name can be entered in the student information system using the "Nickname' field.

C. ONLY upon receipt of a court order or other legal documentation will the school/district change a student's or official record to reflect a change in legal/birth name or gender. All such changes will be made pursuant to a court order or through amendment of state or federally issued identification.

V. STUDENT INTRAMURAL AND INTERSCHOLASTIC ATHLETICS/EXTRACURRICULAR ACTIVITIES:

All students will be permitted to participate in any intramural sports/extracurricular activities in a manner consistent with their gender identity consistently expressed at school. Furthermore, all students will be permitted to participate in District-sponsored interscholastic athletics in a manner consistent with their gender identity. The Wisconsin Interscholastic Athletic Association determines its own rules for interscholastic competitions.
VI. **DRESS CODES:**

A. Schools may enforce dress codes pursuant to district policy.

B. Students shall have the right to dress in accordance with their gender identity within the constraints of the dress codes adopted by the district and respective schools.

VII. **STUDENT TRIPS AND OVERNIGHT ACCOMMODATIONS**

When a school sponsors activities that require overnight accommodations, transgender students shall not be denied the right to participate. The goals of maximizing a transgender student’s social integration and equal opportunity to participate in overnight activities and athletic trips, ensuring the student’s safety and comfort, and minimizing stigmatization of the student shall be considered.

Ask the student if he/she has friends who they would like to share a room with and begin there.

In some instances rooms with connecting interior doors may be opened in order to foster socialization yet offer privacy, if required.

VIII. **TRAINING AND PROFESSIONAL DEVELOPMENT**

A. The District Title IX Compliance Officer will provide training to the entire WSD Administrative Leadership Team on its responsibilities under applicable laws and these guidelines,

B. The principal/designee will conduct site training for all staff members under their supervision (including teachers, counselors, nurses and all support staff) regarding district policies, the law, and these guidelines.

C. All staff will be trained and reminded annually of their duty and responsibility to prevent, identify, and respond to bullying, harassment and discrimination.

IX. **BEST PRACTICES IN THE CLASSROOM**

A. Students generally should not be grouped on the basis of gender for the purpose of instruction or study but rather on bases such as student proficiency in the area of study, student interests, or educational needs for support, acceleration, or enrichment.
B. Eliminate gender-based sorting of students: Old Practice: “Boys line up over here.” New Practice: “Birthdays between January and June”; everybody who is wearing something red”, etc.