

Urban Pathways K-5 College Charter School

Board of Trustees Policy

TRANSGENDER AND GENDER NONCONFORMING STUDENT POLICY

The Board of Trustees (“Board”) of the Urban Pathways K-5 College Charter 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. Department of Education

In its 2020 decision in *Bostock v. Clayton County*, 140 S. Ct. 1731, the Supreme Court of the United States (SCOTUS) concluded that, within the context of Title VII of the Civil Rights Act of 1964 (Title VII), discrimination based on sexual orientation and discrimination based on gender identity inherently involve treating individuals differently because of their sex. Following the SCOTUS decision, the Office of Civil Rights (OCR) of the United States Department of Education published a Notice entitled: “Enforcement of Title IX With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*,” (the “Notice”) 86 Fed. Reg. 32637. In the Notice, OCR stated that interpretations of Title VII inform interpretations of Title IX. Accordingly, the Notice established that as of June, 22, 2021, OCR fully enforces Title IX to prohibit discrimination based on sexual orientation and gender identity in education programs and activities that receive Federal financial assistance from the United States Department of Education.

Policy Coverage

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

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communication. This policy applies to the entire Charter School community, including educators, Charter School staff, students, parents/guardians, and volunteers.

Definitions

“Sex assigned at birth” The classification, either male or female, that a doctor assigns to an individual upon birth. This differs from biological sex, which encompasses sex traits both external and internal, including genitals, hormones, chromosomes, internal reproductive organs, etc.

“Gender identity” An individual’s deeply held sense or psychological knowledge of their own gender, regardless of the sex they were assigned at birth. Individuals determine their own gender identity and gender identity may change over time.

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

“Transgender” Individuals whose self-determined gender identity is different from the sex classification assigned to them at birth.

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

“Gender nonconforming,” Individuals whose gender expression or gender identity falls outside the traditional male-female definitions.

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

“Social transition” A change in any combination of the following: name, pronouns, gender identity, or gender expression. Social transition does not necessarily involve any legal name change or medical intervention and does not need to be certified by a doctor or therapist.

“Questioning” The process of self-exploration and self-discovery about one’s gender identity, often involving unlearning one’s assigned gender and learning a new one. There is no timetable for this process.

Names/Pronouns and Gender-Neutral Language at School

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

See 2021-2022 PIMS Manual Ver 1.3 Volume 1 Page 17 Release Date: 9/30/2020, 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.