

TRANSGENDER AND GENDER NON-CONFORMING YOUTH POLICY

Policy #224

Adopted: June 20, 2024

Purpose

The Freire Charter School Wilmington (Charter School) Board of Directors is committed to providing a safe, supportive, and inclusive learning environment for all students, and ensuring that every student has equal opportunities and access to the Charter School's educational programs and activities.

The Charter School shall comply with Federal and state laws pertaining to discrimination, harassment (including Title IX sexual harassment), and retaliation.

This policy confirms that the full force and effect of each of this Board's policies prohibiting discrimination and providing for prompt investigation and response to incidents of discrimination shall apply equally to students and to staff regardless of an individual's sex, sexual orientation, transgender status, or gender identity or expression.

This policy also reiterates that discrimination, in any of its forms, on the basis of sexual orientation and gender identity, shall be prohibited at the Charter School.

This policy sets out guidelines and expectations for addressing the needs of transgender and gender non-conforming students and is aimed at promoting their inclusion, privacy, and safety at all times. The Charter School recognizes that students have a choice as to whether to make public or keep private their transgender status or gender non-confirming presentation at school, and that it is the right of that student to have their choice respected. This policy does not anticipate every situation related to a student's sex, sexual orientation, transgender status, and gender identity or expression that might occur, and the needs of each student must be assessed on a case-by-case basis. In all cases, the goal is to not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex, sexual orientation, or gender identity or expression, any person in the Charter School's educational programs or activities, including extracurricular activities.

Guidance

Names/Pronouns: A student has the right to be addressed by the names and pronouns that they choose. At the student's request, their chosen name and pronouns shall be used in all interactions between them and Charter School staff and students, as well as on written records, where possible, unless otherwise directed by the student.

- **Official Records:** The Charter School is required to maintain a Cumulative Record File on behalf of each of its students ("Official Record") which includes a student's legal name and legal sex/gender. However, the Charter School is not required to use a student's legal name and legal sex/gender on certain other Charter School records or documents. The Charter School will change a student's Official Record to reflect a change in legal name or legal sex/gender upon receipt of documentation that such change has been made pursuant to a court order.

Students will be treated consistently with their asserted gender identity and chosen name and pronouns, even if their educational records or identification documents indicate a different name or sex/gender.

- Official Record is defined as:
 - Minimal Identifying Data (legal name of the student, date of birth, sex, race and ethnicity, address, and telephone number)
 - Delaware Emergency Treatment Card
 - School Health Record
 - Progress Report, Student Transcript (for students in grades 9 and above)
 - Discipline Record
- **Privacy:** Transgender and gender non-conforming students have a right to privacy. Students' personally identifiable information, including legal gender and sex assigned at birth, shall not be disclosed without student consent. Students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much private information they share, and when, with whom, and how much private information is shared on their behalf. Charter School personnel will not disclose information that may reveal a student's transgender status, sexual orientation, or gender non-conforming presentation to others (including other Charter School personnel or the student's parent or guardian) unless legally required to do so or the student has authorized such disclosure, or, in the determination of Charter School officials, it becomes necessary to protect the student's safety. Before making such a disclosure, a Charter School administrator shall make reasonable efforts to inform the student of the decision to disclose, the reason(s) for disclosure, and provide the student with the opportunity and resources they may need to make the disclosure themselves. Further, in situations where Charter School staff or administrators are required by law to use or to report a transgender or gender non-conforming student's legal name or gender assigned at birth, Charter School staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.
- **Conversations with Parents or Guardians:** Our aim is to protect the privacy and safety of our transgender and gender non-conforming students. When contacting the parent of a student who is transgender or gender non-conforming, we will use the names and pronouns that the student feels most comfortable with in this situation.
- **Gender-Segregated Activities:** To the extent possible, the Charter School will reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for selected health education classes, students will be able to choose and be included in the group that corresponds to their gender identity.
- **Restroom and Locker Room Accessibility:** Freire may provide separate restroom and locker room facilities on the basis of sex, but will permit transgender and gender-nonconforming students access to the facilities that are consistent with their gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a single user restroom. However, no student shall be required to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so.
- **Physical Education Classes & Intramural Sports:** Transgender and gender non-conforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Participation shall not be conditioned on legal or medical documentation.

- **Interscholastic Competitive Sports Teams:** A transgender or gender non-conforming student shall be permitted to participate in interscholastic athletics in a manner consistent with the student's gender identity as asserted at the Charter School and when the student meets the minimum standards designated by the Delaware Interscholastic Athletic Association ("DIAA") Board of Directors. The Head of School or their designee shall communicate these minimum standards as designated by the DIAA Board of Directors, including if and when such standards change, to the district's middle and high schools to inform athletes and coaches of eligibility requirements. Proper parental consent for athletic participation will be required.
- **Dress Code:** Students have the right to dress in a manner consistent with their gender identity or gender expression, as long as they respect the Charter School's uniform policy or dress code.
- **Discrimination/Harassment:** It is the responsibility of the Charter School to ensure that all students, including transgender and gender non-conforming students, have a safe school environment. This includes ensuring that any incident of 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 discrimination or harassment based on a person's actual or perceived transgender status, sexual orientation, or gender identity or expression, are to be handled in the same manner as other sex-based discrimination or harassment complaints.