## Restrooms, Locker Rooms, and Changing Facilities

All students are entitled to have access to restrooms, locker rooms and changing facilities that are sanitary, safe, and adequate, so they can comfortably and fully engage in their school program and activities. In meeting with the transgender student (and parent) to discuss the issues set forth in this memorandum, it is essential that the principal and student address the student's access to the restrooms, locker room and changing facility. Each situation needs to be reviewed and addressed based on the particular circumstances of the student and the school facilities. In all cases, the principal should be clear with the student (and parent) that the student may access the restroom, locker room, and changing facility that corresponds to the student's gender identity. While some transgender students will want that arrangement, others will not be comfortable with it. Transgender students who are uncomfortable using a sex-segregated restroom should be provided with a safe and adequate alternative, such as a single "unisex" restroom or the nurse's restroom. Similarly, some transgender students may not be comfortable undressing in the changing facilities that correspond to the student's gender identity. The following are examples of ways in which school officials have responded to these situations:

> *In one elementary school, a transgender second-grader socially transitioned from female to male. The principal informed the staff: For the remainder of this year, he will use Nurse Margaret's restroom, and toward the end of the year we will make future*

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10 As discussed in the section on Names and Pronouns, the Department's publication *Assigning State Assigned Student Identifiers (SASIDs) to Massachusetts' Public School Students* guides district staff through the process of adding or revising SIMS data.

*determinations of restroom use in consultation with his family.*

*In one middle school, a male-to-female transgender sixth-grader socially transitioned after spring break. For the rest of the school year, she used the nurse's restroom and the other unisex restrooms at the school. Beginning in seventh grade, she used the girls' restroom.*

*In one high school, a transgender male-to-female student was given access to the female changing facility, but the student was uncomfortable using the female changing facility with other female students because there were no private changing areas within the facility. The principal examined the changing facility and determined that curtains could easily be put up along one side of a row of benches near the group lockers, providing private changing areas for any students who wished to use them. After the school put up the curtains, the student was comfortable using the changing facility.*

Some students may feel uncomfortable with a transgender student using the same sex-segregated restroom, locker room or changing facility. This discomfort is not a reason to deny access to the transgender student. School administrators and counseling staff should work with students to address the discomfort and to foster understanding of gender identity, to create a school culture that respects and values all students.

The Department strongly recommends that districts include an appropriate number of gender-neutral restrooms commensurate with the size of the school, and at least one gender-neutral changing facility, into the design of new schools and school renovations.

School staff as well as students and their families may find the use of restrooms and changing facilities to be among the more challenging issues presented by the gender identity law, perhaps due to issues of personal privacy. As emphasized in other sections of this guidance, these issues should be resolved on a case-by-case basis, through dialogue with students and parents, and through leadership in creating safe and supportive learning environments.

**Physical Education Classes and Intramural and Interscholastic Athletic Activities**

Physical education is a required course in all grades in Massachusetts' public schools, and school-based athletics are an important part of many students' lives. Most physical education classes in Massachusetts' schools are coed, so the gender identity of students should not be an issue with respect to these classes. Where there are sex-segregated classes or athletic activities, including intramural and interscholastic athletics, all students must be allowed to participate in a manner consistent with their gender identity. With respect to interscholastic athletics, the Massachusetts Interscholastic Athletic Association will rely on the gender determination made by the student's district; it will not make separate gender identity determinations.

*At one school, a transgender girl joined the girls' cheerleading squad. The school supported the student's participation on the team. When the team was going to a regional competition, however, several of the team members raised a concern that the*

*school would be made to compete in the coed cheerleading portion of the competition rather than in the all-girls portion for which they prepared. With the permission of the student, the principal wrote a letter that she gave to the coach to take to the competition in case officials at the competition questioned the team's participation in the all-girls' portion of the event. The letter explained: "Student, Jane Smith, is a transgender girl who has been a member of the girls' team since (date). Jane has a sincerely held female gender identity and, therefore, according to state law must be permitted to participate as a girl on the girls' cheerleading team." The team participated in the regional competition without incident.*[17]

**ARTICLE IX – RULES OF ELIGIBILITY AND CONTROL FOR BOYS AND GIRLS HIGH SCHOOL ATHLETICS IN CONNECTICUT.**

Connecticut Interscholastic Athletic Conference policy (out of date)

**Section A.** The Eligibility Rules are provided electro
during the summer months and copies of the Handboo
eligibility will be found in Appendix B of this CIAC H

**Section B. Transgender Participation**

CIAC rules and regulations allow transgender student-athlete participation under the following conditions:

1. A student-athlete will compete in the gender of their birth certificate unless they have undergone sex reassignment.

2. A student-athlete who has undergone sex reassignment is eligible to compete in the reassigned gender when:

These requirements effectively preclude participation by transgender high school students

- The student-athlete has undergone sex reassignment before puberty, OR
- The student who has undergone sex reassignment after puberty under all of the following conditions:
- Surgical anatomical changes have been completed, including external genitalia changes and gonadectomy.
- All legal recognition of the sex reassignment has been conferred with all the proper governmental agencies. (Driver's license, voter registration, etc.)
- Hormonal therapy appropriate for the assigned sex has been administered in a verifiable manner and for sufficient length of time to minimize gender-related advantages in sports competition.
- Athletic eligibility in the reassigned gender can begin no sooner than two years after all surgical and anatomical changes have been completed.
- A student-athlete seeking participation as a result of sex reassignment can access the CIAC eligibility appeal process.

2 years is half of a student's high school career

Such surgery is not part of the standard of care for transgender individuals younger than 18

Connecticut Interscholastic Athletic Conference policy (current)

**DRAFT POLICY – 4/24/13**
APPROVED BY CIAC BOARD OF CONTROL – 4/25/13

APPROVED BY THE MEMBERSHIP- 5/9/13

**Article IX, Section B. Transgender Participation (page 54)**

The CIAC is committed to provide transgender student-athletes with equal opportunities to participate in CIAC athletic programs consistent with their gender identity. Hence, this policy addresses eligibility determinations for students who have a gender identity that is different from the gender listed on their official birth certificates. The CIAC has concluded that it would be fundamentally unjust and contrary to applicable state and federal law to preclude a student from participation on a gender specific sports team that is consistent with the public gender identity of that student for all other purposes. Therefore, for purposes of sports participation, the CIAC shall defer to the determination of the student and his or her local school regarding gender identification. In this regard, the school district shall determine a student's eligibility to participate in a CIAC gender specific sports team based on the gender identification of that student in current school records and daily life activities in the school and community at the time that sports eligibility is determined for a particular season. Accordingly, when a school district submits a roster to the CIAC it is verifying that it has determined that the students listed on a gender specific sports team are entitled to participate on that team due to their gender identity and that the school district has determined that the expression of the student's gender identity is bona fide and not for the purpose of gaining an unfair advantage in competitive athletics. Students who wish to participate on a CIAC gender specific sports team that is different from the gender identity listed on the student's current school records are advised to address the gender identification issue with the local school district well in advance of the deadline for athletic eligibility determinations for a current sports season. Students should not be permitted to participate in practices or to try out for gender specific sports teams that are different from their publicly identified gender identity at that time or to try out simultaneously for CIAC sports teams of both genders. Nothing in this policy shall be read to entitle a student to selection to any particular team or to permit a student to transfer from one gender specific team to a team of a different gender during a sports season. In addition, the CIAC shall expect that as a general matter, after the issue of gender identity has been addressed by the student and the school district, the determination shall remain consistent for the remainder of the student's high school sports eligibility. The CIAC has concluded that this criteria is sufficient to preclude the likelihood that a student will claim a particular gender identify for the purpose of gaining a perceived advantage in athletic competition.

notice to school is recommended

deference to the student's assertion of gender

Connecticut Commission on Human Rights and Opportunities guidance

# CONNECTICUT SAFE SCHOOL COALITION

## Guidelines for Connecticut Schools to Comply with GENDER IDENTITY AND EXPRESSION NON-DISCRIMINATION LAWS

### FREQUENTLY ASKED QUESTIONS

Redacted to focus on content most relevant to athletics

## Part One: About the Law - Public Act No. 11-55

**Purpose –** to provide information and guidance to students, parents and school faculty and staff on the rights, responsibilities and best educational and employment practices for transgender and gender non-conforming students.[1]

**Question:** What is Public Act No. 11-55 - AN ACT CONCERNING DISCRIMINATION?

**Answer:** This Connecticut law – effective – October 1, 2011 prohibits discrimination on the basis of gender identity or expression in all areas and contexts in which the laws already prohibit discrimination on the basis of sex. This includes the areas of employment, public accommodations, the sale or rental and use of housing, the granting of credit, education and other laws including those over which the Commission on Human Rights and Opportunities (CHRO) has jurisdiction. It explicitly authorizes people to file discrimination complaints with the CHRO, which enforces antidiscrimination laws in these areas. CHRO issued a declaratory ruling in 2000 holding that the prohibition against sex discrimination in the laws over which CHRO has jurisdiction, covers discrimination on the basis of gender identity or expression making PA 11-55 a clarification of existing legal obligations.

**Answer:** Students should have access to the restroom that corresponds to their gender identity asserted at school.[13] Schools may maintain separate restroom facilities for male and female students provided that they allow students to access them based on their gender identity and not exclusively based on student's assigned birth sex. If the student and administrator feel that there is a reason or desire for increased privacy and safety, regardless of the underlying purpose or cause, any student may be provided access to a reasonable alternative restroom such as a single stall "unisex" restroom or the health office restroom. In all instances, decisions about alternative restroom use should be governed by the school administrator's judgment concerning the safety and best interests of the student in question.[14] Under no circumstances may a student be required to use a restroom facility that is inconsistent with that student's asserted gender identity. [15]

**Question:** What locker rooms should students use?

**Answer:** Students should have access to the locker room that corresponds to their gender identity asserted at school. Any transgender or gender non-conforming student who is uncomfortable using the facility that is consistent with his/her gender identity, should be provided a safe and non-stigmatizing private alternative. In no case should a transgender student be forced to use the locker room corresponding to their gender assigned at birth. In locker rooms that involve undressing in front of others, a private option should be provided for any student who finds changing in groups or in front of others to be invasive or embarrassing.[16] Based on availability and appropriateness to address privacy concerns, such accommodations could include, but are not limited to:

- Use of a private area in the public area (i.e., a bathroom stall with a door, an area separated by a curtain, a PE instructor's office in the locker room);
- A separate changing schedule (either utilizing the locker room before or after the other students); or
- Use of a nearby private area (i.e., a nearby restroom, a nurse's office).[17]

Requiring a transgender or gender non-conforming student to use a separate, non-integrated space (as opposed to providing a requested alternative), threatens to publicly identify the student as transgender as well as marginalize and stigmatize him or her. Such treatment is likely to result in the deprivation of an equal educational environment for the student and is to be avoided unless such an accommodation is affirmatively sought by the student.

**Question:** What sports and gym classes should students be in?

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[13] *See*, California Safe Schools Coalition, *supra* at 3. *See also*, U.S. Office of Personnel Management, *Guidance Regarding the Employment of Transgender Individuals in the Federal Workplace*, http://www.opm.gov/diversity/Transgender/Guidance.asp.

[14] *See*, Los Angeles Unified School District, *REF-1557: Transgender and Gender Nonconforming Students—Ensuring Equity and Nondiscrimination* (2005) at 3, *available at* http://www.casafeschools.org/TransgenderLAUSD.pdf.

[15] *See*, GLSEN, *supra* at 8.

[16] *See*, GLSEN, *supra* at 8-9; California Safe Schools Coalition, *supra* at 3.

[17] *See*, LA Unified School District, *supra* at 3.

**Answer:** Transgender students should be permitted to participate in sex-segregated athletic activities based on their gender identity.[18] Denying students such an opportunity is likely to result in their inability to participate in sports and gym programs altogether and risks exposing the school to liability under the law. Schools are reminded that physical education programs including gym classes and school teams are educational opportunities and critical to developing optimal student health, self-esteem and well-being. To the extent that they are also competitive activities, students enjoy a range of athletic benefits based on their individual attributes (height, speed, agility, etc.). There is no educationally sound or principled justification for denying transgender students athletic opportunities and no empirical reason to believe transgender students have any particular athletic advantage because of their ability to participate based on their gender identity rather than on their assigned birth sex.[19]

**Section 6. Vermont Principals' Association Gender Identity Policy (adopted 11/10)**

**PHILOSOPHY:**

The VERMONT PRINCIPALS' ASSOCIATION allows participation for all students regardless of their gender identity or expression. The purpose of this policy is to designate a set of criteria in which student-athletes are able to compete on a level playing field in a safe, competitive and friendly environment, free of discrimination. Fundamental fairness, as well as most local, state and federal rules and regulations, requires schools to provide intersex and transgender student-athletes with equal opportunities to participate in athletics. This policy creates a framework in which this participation may occur in a safe and healthy manner that is fair to all competitors.

**DEFINITIONS:**

For the purposes of this policy, the following definitions apply:

1. **Transgender Person**: A person whose gender identity does not match the sex assigned to him or her at birth. A transgender person who is born female-bodied but identifies as male is referred to as a transgender man. A transgender person who is born male-bodied but identifies as female is referred to as a transgender woman.

2. **Intersex Person:** "Intersex" is a general term used to indicate a person born with a reproductive or sexual anatomy and/or chromosome pattern that does not seem to fit the typical definitions of female or male. This may be the result of several different medical conditions involving chromosomal variations, hormonal variations, ambiguous genitalia, and/or an anatomy that includes both male and female characteristics. The medical term for this condition is a Disorder of Sexual Development of "DSD." "Intersex" is not the same as "transgender," although some people identify as both intersex and transgender. However, the two groups may face similar situations in needing to change gender designations for the purposes of participation in school activities.

3. **Gender Identity:** A person's deeply felt internal sense of being male or female.

4. **Gender Expression:** A person's external characteristics and behavior that are socially defined as either masculine or feminine, such as dress, mannerisms, speech patterns and social interactions.

**POLICY/PROCEDURE:**

All students should have the opportunity to participate in VERMONT PRINCIPALS' ASSOCIATION activities in a manner that is consistent with their gender identity, irrespective of the gender listed on a student's records. Should any questions arise whether a student's request to participate in a sex-segregated activity consistent with his or her gender identity is bonafide, a student may seek review of his or her eligibility for participation by working through the procedure set forth below: Once the student has been granted eligibility to participate in the sport consistent with his/her gender identity, the eligibility is granted for the duration of the student's participation and does not need to be renewed every sports season or school year. All discussion and documentation will be kept confidential, and the proceedings will be sealed unless the student and family make a specific request.

No front-end procedure to deter participation. Process is only invoked if "questions arise."

1. **NOTICE TO THE SCHOOL:** The student and/or parents shall contact the school administrator or athletic director indicating that the student has a consistent gender identity different than the gender listed on the student's school registration records, and that the student desires to participate in activities in a manner consistent with his/her gender identity.

2. **NOTICE TO THE VERMONT PRINCIPALS' ASSOCIATION**: The school administrator shall contact the VERMONT PRINCIPALS' ASSOCIATION office, which will assign a facilitator who will assist the school and student in preparation and completion of the VERMONT PRINCIPALS' ASSOCIATION Gender Identity eligibility process.

3. **DOCUMENTATION:** The petitioning student should provide the Eligibility Committee with the following documentation and information:

a. Current transcript and school registration information

b. Documentation of student's consistent gender identification (e.g., affirmed written statements from student and/or parent/guardian and /or health care provider)

No requirements of medical documentation

c. Any other pertinent documentation or information

4. **PETITION LEVEL:** The student will be scheduled for an hearing before the eligibility committee. The VERMONT PRINCIPALS' ASSOCIATION shall schedule a hearing as expeditiously as possible, but in no case later than five (5) school business days of that member school prior to the first full interscholastic contest that is the subject of the petition, or within a reasonable time thereafter in cases of emergency, including, but not limited to, any unforeseeable late student enrolment. The Gender Identity Eligibility Committee will be comprised of members of the Activities Standards Committee and a minimum of two of the following persons, one of who must be from the physician or mental health profession category:

a. Physician with experience in gender identity health care and the World Professional Association for Transgender Health (WPATH) Standards of Care.

b. Psychiatrist, psychologist or licensed mental health professional familiar with the World Professional Association for Transgender Health (WPATH) Standards of Care.

c. Advocate familiar with Gender Identity and Expression issues.

If the student's petition is granted the eligibility committee/VERMONT PRINCIPALS' ASSOCIATION Executive Director or designee will affirm the student's eligibility to participate in VERMONT PRINCIPALS' ASSOCIATION activities consistent with the student's gender identification. The VERMONT PRINCIPALS' ASSOCIATION will facilitate the provision of resources and training for a member school seeking assistance regarding gender identity.

5. **APPEAL LEVEL**: In the event a student's petition is denied, the student may appeal the decision by filing a notice of appeal with the Executive Director of the VERMONT PRINCIPALS' ASSOCIATION or designee on or before the tenth (10th) school business day following the date of receipt of the written decision of the Gender Identity Eligibility Committee denying the petition. An appeal to the VERMONT PRINCIPALS' ASSOCIATION Executive Director or designee shall require the Executive Director or designee to schedule a hearing to commence on or before the tenth (10th) school business day following the date of receipt of the written notice of appeal. Written notice of the time and place of the hearing shall be delivered to the petitioned appellant in person or by certified mail, with return receipt requested, no later than five (5) school business days of that member school prior to the date of the hearing. This hearing will be conducted by the VPA's Appeals Committee, which consists of 5 VPA members, 1 member of the Vermont Superintendent's Association, 1 member of the Vermont School Boards Association and 1 teacher representative.

**CORE VALUES:**

The VERMONT PRINCIPALS' ASSOCIATION Gender Identity policy has been developed based on the following core values:

- Recognizing the value of extra-curricular athletics for all students
- Emphasizing that participation in extra-curricular athletics is not just allowed, but encouraged for all students
- Striving to create a Gender Identity and Expression policy that could be a model for other state associations
- Adhering to Vermont and federal law regarding gender equity and educational opportunity
- Operating from the presumption that all students will have access to programs and eligibility policies
- Enacting a policy that will maximize flexibility and privacy with minimal restrictions
- Creating a level playing field for all students
- Reducing economic barriers, especially for minority populations
- Addressing the concerns of parents, teachers and coaches through an educational component
- Acknowledging that the VERMONT PRINCIPALS' ASSOCIATION policy will likely need to be reviewed and revised to reflect increased medical understanding and evolving societal norms
- Grounding a policy in sound medical practice
- Preserving existing practices regarding girls' participation on boys' teams as per current VERMONT PRINCIPALS' ASSOCIATION policy.
- Providing a space for intersex and transgender students to exist and thrive
- Reducing bullying and harassment of students

California Interscholastic Federation policy

ROGER L. BLAKE, EXECUTIVE DIRECTOR
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CCS BOM 1/23/13 Sends CCS Reps to CIF to Vote in Favor

Approved by CIF Federated Council

February 2, 2013

**To:** **Federated Council**

**Date:** **November 1, 2012**

**Re:** **Bylaw 300 D. Gender Identity Participation - Action Item**

**Proposal Originated:** **Sports Medicine Committee**

| **Proposal Reviewed** | **Proposal Recommendation** |
|---|---|
| 2/24/2012 – Sports Medicine | Support |
| 3/16/ 2012 – Commissioners Committee | Recommended revised language - return |
| 3/23/2012 – Executive Committee | Recommended revised language - return |
| 6/15/2012 – Commissioners Committee | Support as revised |
| 9/24/2012 –Executive Committee | Support – Forward to Federated Council |
| 9/25/2012 – Sports Medicine Committee | Support |
| 10/29/2012 – Policy & Procedures Comm. | Support |
| 10/29/2012 – Federated Council | First Reading |

**Type:** New Bylaw

**Next:** **Feb. 1, 2013 – Action Item before Federated Council**

**Proposal Summary:** The purpose of this addition is to create specific wording and administrative regulations to assist schools and school districts to ensure that transgender student-athletes have a fair, respectful and legal process and access to education based sports. Should any questions arise whether a student's request to participate in a sex-segregated activity consistent with his or her gender identity is bona fide, a student may seek review of his or her eligibility for participation.

**Fiscal Impact:** None for schools or sections. Minimal for CIF, cost of travel and hearing expenses for review panel.

**Background**: Transgender students and students in transition often do not participate in sports. However, when a transgender student does desire to participate, school districts often do not have a process in place to ensure a fair and respectful procedure for determining gender identification of the student and they ask CIF for direction and assistance.

**Analysis**: In 2011, State Assemblyman Tom Ammiano introduced A.B. 266, a bill that would allow students to participate in the gender in which they identify. The bill would have had far reaching unintended consequences.

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In 2009, the Washington Interscholastic Activities Association (WIAA) working with school and medical professionals developed an individualized review process that is now considered a national model for interscholastic sports. This proposal mirrors the WIAA process. The process allows individual schools/school districts to access a state-wide review panel that consists of: (A) physician with experience in gender identity health care and the World Professional Association for Transgender Health (WPATH), (B) a psychiatrist or licensed mental health care professional familiar WPATH Standards of Care, (C) a school administrator, (D) CIF staff member, (E) advocate familiar with gender identity and expression issues. This panel would ensure that students *not* in transition could not attempt to use this issue as an avenue to participate in sports.

The proposed bylaw reaffirms that transgender students have equal access to participate in sports and provides a process for their participation. The “Guidelines” will be published and available on the CIF web site.

***NEW***

## 300 D. Gender Identity Participation

Participation in interscholastic athletics is a valuable part of the educational experience for all students. All students should have the opportunity to participate in CIF activities in a manner that is consistent with their gender identity, irrespective of the gender listed on a student's records. Should any questions arise whether a student's request to participate in a sex-segregated activity consistent with his or her gender identity is bona fide, a student may seek review of his or her eligibility for participation by working through the procedure set forth in the "Guidelines for Gender Identity Participation."

process only necessary "should questions arise"

inquiry limited to whether student's gender identity is bona fide; no requirements for medical intervention or perception of competitive equity

## Guidelines for Gender Identity Participation

**GENDER IDENTITY PARTICIPATION -** All students should have the opportunity to participate in CIF activities in a manner that is consistent with their gender identity, irrespective of the gender listed on a student's records. Should any questions arise whether a student's request to participate in a sex-segregated activity consistent with his or her gender identity is bona fide, a student may seek review of his or her eligibility for participation by working through the procedure set forth below: Once the student has been granted eligibility to participate in the sport consistent with his/her gender identity, the eligibility is granted for the duration of the student's participation and does not need to be renewed every sports season or school year. All discussion and documentation will be kept confidential, and the proceedings will be sealed unless the student and family make a specific request.

A. **NOTICE TO THE SCHOOL:** The student and/or parents shall contact the school administrator or athletic director indicating that the student has a consistent gender identity different than the gender listed on the student's school registration records, and that the student desires to participate in activities in a manner consistent with his/her gender identity.

B. **NOTICE TO THE CIF**: The school administrator shall contact the CIF office, which will assign a facilitator who will assist the school and student in preparation and completion of the CIF Gender Identity eligibility appeal process.

C. **FIRST LEVEL OF APPEAL:** The student will be scheduled for an appeal hearing before an eligibility committee specifically established to hear gender identity appeals. The CIF shall schedule a hearing as expeditiously as possible, but in no case later than five (5) school business days of that member school prior to the first full interscholastic contest that is the subject of the petition, or within a reasonable time thereafter in cases of emergency, including, but not limited to, any unforeseeable late student enrollment. The Gender Identity Eligibility Committee will be comprised of a minimum of three of the following persons one of whom must be from the physician or mental health profession category:

    1. Physician with experience in gender identity health care and the World Professional Association for Transgender Health (WPATH) Standards of Care.
    2. Psychiatrist, psychologist or licensed mental health professional familiar with the World Professional Association for Transgender Health (WPATH) Standards of Care.
    3. School administrator from a non-appealing school
    4. CIF staff member
    5. Advocate familiar with Gender Identity and Expression issues

D. **DOCUMENTATION:** The appealing student should provide the Eligibility Committee with the following documentation and information:

    1. Current transcript and school registration information
    2. Documentation of student's consistent gender identification (e.g., affirmed written statements from student and/or parent/guardian and /or health care provider)
    3. Any other pertinent documentation or information

E. **SECOND LEVEL OF APPEAL**: An aggrieved student wishing to appeal the Gender Identity Eligibility Committee decision shall file notice of appeal with the Executive Director of the CIF on or before the tenth (10th) school business day following the date of receipt of the written decision of the Gender Identity Eligibility Committee denying the petition. An appeal to the CIF Executive Director shall require the Executive Director to schedule a hearing to commence on or before the tenth (10th) school business day following the date of receipt of the written notice of appeal. Written notice of the time and place of the hearing shall be delivered to the petitioned appellant in person or by certified mail, with return receipt requested, no later than five (5) school business days of that member school prior to the date of the hearing. When there is confirmation of a student's consistent gender identity, the eligibility committee/CIF Executive Director will affirm the student's eligibility to participate in CIF activities consistent with the student's gender identification. The CIF will facilitate the provision of resources and training for a member school seeking assistance regarding gender identity.

For Additional information on Gender Identity, refer to APPENDIX

**APPENDIX – GENDER IDENTITY**

DEFINITIONS:

For the purposes of this policy, the following definitions apply:

**1. Transgender Person**: A person whose gender identity does not match the sex assigned to him or her at birth. This cross gender identification is often referred to as gender dysphoria. When the gender dysphoria causes clinically significant distress or impairment, it is sometimes classified as Gender Identity Disorder. A transgender person who is born female-bodied but identifies as male is referred to as a transgender man or a female-to-male transsexual. A

transgender person who is born male-bodied but identifies as female is referred to as a transgender woman or a male-to-female transsexual.

**2. Intersex Person:** "Intersex" is a general term used to indicate a person born with a reproductive or sexual anatomy and/or chromosome pattern that doesn't seem to fit the typical definitions of female or male. This may be the result of several different medical conditions involving chromosomal variations, hormonal variations, ambiguous genitalia, and/or an anatomy that includes both male and female characteristics. The medical term for this condition is a Disorder of Sexual Development of "DSD." "Intersex" is not the same as "transgender," although some people identify as both intersex and transgender. However, the two groups may face similar situations in needing to change gender designations for the purposes of participation in school activities.

**3. Gender Identity:** A person's deeply-felt internal sense of being male or female.

**4. Gender Expression**: A person's external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, mannerisms, speech patterns and social interactions.

CORE VALUES:

The CIF Gender Identity policy has been developed based on the following core values:

• Acknowledging that the CIF policy will likely need to be reviewed and revised to reflect increased medical understanding and evolving societal norms
• Grounding a policy in sound medical practice
• Enacting a policy that will maximize flexibility and privacy with minimal restrictions
• Providing a space for intersex and transgender students to exist and thrive
• Reducing bullying and harassment of students
• Preserving existing practices regarding girls' participation on boys' teams as per current CIF policy.
• Recognizing the value of education based athletics for all students
• Emphasizing that participation in education based athletics is not just allowed, but encouraged for all students
• Adhering to California state and federal law regarding gender equity and educational opportunity
• Operating from the presumption that all students will have access to programs and eligibility policies
• Creating a level playing field for all students
• Reducing economic barriers, especially for minority populations
• Addressing the concerns of parents, teachers and coaches through an educational component

Maine Principal's Association policy

Transgender Participation Policy: Proposed changes to MPA By-Laws:

Article I

Add:

Section 35 (new)

The Gender Identity Equity Committee shall be composed of five members, four of whom shall be present/former high school principals/assistant principals, and one of whom shall be a non-member who shall be a physician, psychiatrist, psychologist, or licensed mental health professional with experience in gender identity health care and the World Professions Association for Transgender Health (WPATH) standards of care.

Article II

Section 2

A student shall be eligible to participate in any interscholastic secondary school athletic contest:

Add: "L":

L. A student is eligible to compete on a single sex team only if he or she is a member of that sex, either as reflected on his or her birth certificate or, in the case of a transgender student, as approved in accordance with Article II, Section 12, except that a female to male (FTM) transgender student who has been or is being treated with testosterone related to gender transition may compete only as a male. A single sex team is one on which only members of one gender are allowed to compete, either because the school sponsors both boys' and girls' teams in the particular sport or because the sport has been limited to participation by one gender in order to provide overall equal athletic opportunity (e.g., girls' field hockey). Single sex teams do not include teams open to both boys and girls but where no girls have tried out or made the team (e.g., football).

hormone treatment results in exclusion from girls' sport (like NCAA)

Section 12 (new)

**Transgender Student Athlete Participation**

The MPA is committed to maximizing the opportunities for all students to participate in interscholastic activities and athletics, regardless of their gender identity or expression. At the same time, the MPA is committed to ensuring fair competition and adequate protection of student athletes. Consistent with its principles, the MPA believes that all students should have the opportunity to participate in MPA activities in a manner that is consistent with their gender identity, unless such participation would result in an unfair athletic advantage or would present an unacceptable risk of injury to other student athletes. This policy establishes eligibility guidelines and procedures to address the participation of transgendered students in MPA sponsored interscholastic competition.

**A. DEFINITIONS**: For purposes of this policy, the following definitions will apply:

1. *Transgender Person*: A person whose gender identity does not match the sex assigned to him or her at birth. A transgender person who is born female-bodied but identifies as male is referred to as a

transgender man or a female-to-male (FTM) transsexual. A transgender person who is born male-bodied but identifies as female is referred to as a transgender woman or a male-to-female (MTF) transsexual.

2. *Gender Identity*: A person's deeply-felt internal sense of being male or female.

3. *Gender Expression*: A person's external characteristics and behavior that are socially defined as either masculine or feminine, such as dress, mannerisms, speech patterns and social interactions.

4. *Birth-assigned Gender*: Gender assigned at birth based on the anatomical, physiological and chromosomal characteristics associated with males, females, or intersex people.

**B. PRIVACY STATEMENT:** All discussions and documents at all levels of the eligibility determination process, either by a member school, appeals panel, and/or MPA staff, shall be kept confidential unless the student and/or his or her family make a request otherwise.

**C. PROCEDURE:**

Hearing prior to participation (rather than "if questions arise"); likely deterrent to participation

1. **School Level Procedure**.
   a. Student Contacts School**.** The student and/or parent(s)/guardian shall contact the school administrator or athletic administrator at his or her member school notifying the school that the student has a consistent gender identity different than the gender of the student's birth-assigned gender or the student's school registration records and that the student desires to participate in activities in a manner consistent with his/her gender identity.
   b. School Requests a Hearing. The school shall contact the MPA at the earliest possible opportunity to request the scheduling of a hearing with the Gender Identity Equity Committee ("GIE Committee"). The student athlete shall not participate in any countable athletic contest prior to obtaining approval from the GIE Committee.
   c. Documents in Support of Request. The school and the student and/or his parents shall collect some or all of the following information for transmittal to the MPA prior to or at the hearing:
      i. Current transcript and school registration records showing gender identity used for school registration records
      ii. Pertinent personal characteristics of the student (e.g., date of birth, grade, height, weight, birth-assigned gender, pre- or post-pubescence status)
      iii. A list of the athletic activities that the student seeks to participate in during the current school year, if selected through the team try-out process
      iv. Documentation establishing the student's consistent gender identity (e.g., a statement from a parent or guardian; a letter from a teacher, administrator or coach; a statement from the student)
      v. Medical documentation related to the student's consistent gender identity and/or athletic advantage or disadvantage (e.g., a statement from a health care provider who has treated the student-athlete; records of hormonal treatments (if any), sexual re-assignment surgery (if any), counseling, etc.)
      vi. Documentation describing the student-athlete's prior athletic participation, either during or prior to high school, including relevant statistics related to the student's prior athletic performances
      vii. Other documentation that the school, student or parent feels should be considered in the MPA's determination

consistent gender identity = redundant of (iv)

advantage/disadvantage = vague and unnecessary

2. **MPA Procedure**:

a. Initial Hearing. The GIE Committee shall schedule a confidential hearing to consider the student's request within 7 business days of the request. Present at the hearing will be the student, his or her parents/guardians, a representative of the student's school, members of the Committee and a representative of the MPA staff. One or more of the Committee members may participate by telephone or other electronic means if participation in person is not feasible. Although not necessary, the student/parents may also request the attendance of any individual(s) the student wishes to speak on behalf of the request. To protect the privacy of the student, no other individuals will attend the meeting unless the student and/or his parents/guardians so request.

b. Standard of Proof. The GIE Committee shall grant the student's request to participate in accordance with the student's stated gender identity unless it is convinced that the student's claim to be transgender is not bona fide or that allowing the student to compete on a single sex team consistent with his or her gender identity would likely give the student athlete an unfair athletic advantage or pose an unacceptable risk of physical injury to other student athletes.

c. GIE Decision. The GIE Committee will issue its decision in writing, addressed to the sponsoring school, within five (5) business days of the hearing.

d. Effect of Approval. Approval of the student athlete's eligibility shall be binding on all member schools and shall be valid through the duration of the student's high school career, unless the GIE Committee explicitly states that the approval is valid for a shorter period. The GIE Committee may approve a student's request for less than the student's high school career only in cases where it is reasonably foreseeable that the student's athletic advantage or the risk of injury to others may increase as the student matures. Except in unusual circumstances and only with the express approval of the GIE, a student who has been granted approval to compete consistent with his or her gender identity may not thereafter seek to compete as a member of his or her birth-assigned gender.

e. Right to Appeal. If the GIE Committee denies the student's request, the student and/or the student's school may appeal this ruling to the MPA Interscholastic Management Committee (IMC) by filing a request in writing within five (5) business days following receipt of the written decision of the GIE Committee.

vague and unnecessary. No other athletes are excluded based on perceived "advantage"

**D. APPEAL PROCESS: T**he IMC shall meet to consider the appeal of a student's denial of eligibility within ten (10) business days of receipt of the written notice of appeal. The appeal will be decided upon the written record created at the GIE Committee, and any other written submission the sponsoring school and or student/parents wish to submit. The determination of the IMC shall be issued in writing to the student's school within three (3) business days of the meeting of the IMC to review the appeal. The decision of the IMC shall be final and binding on all parties.