

# Gender Identity & Gender Expression in Schools

## Administrative Procedure

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<b>Topic:</b>	<b>Gender Identity &amp; Gender Expression in Schools</b>
<b>Status:</b>	<b>Active</b>
<b>Effective:</b>	October 2021
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<b>Responsibility:</b>	Superintendent of Education Human Rights, Equity & Inclusive Education

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### Intended Purpose

The Halton District School Board (HDSB) recognizes the rights of students, staff, parents/guardians/caregivers and community members to equitable treatment without discrimination based upon gender identity and gender expression. Gender identity and gender expression are protected grounds under the Ontario Human Rights Code.

The HDSB is committed to establishing and maintaining a safe, caring, inclusive, equitable and welcoming learning and working environment for all members of the school community including students, staff, parents/guardians/caregivers and community members who identify as, or are perceived as Two-Spirit, queer, trans<sup>1</sup>, non-binary, intersex, and those who are questioning their sexual orientation and/or gender identity(ies).

The HDSB understands that every student needs a safe, respectful and inclusive environment in order to succeed. The procedures outlined in this document support student well-being and achievement by establishing and protecting accessible and inclusive experiences related to gender identity and gender expression. It is also recognized that specific accommodation requests will be addressed on a case-by-case basis and individualized to best meet the needs of a student, recognizing needs will change over time and may be different throughout various contexts (e.g. home, school, peers and community).

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<sup>1</sup> For the purposes of this document, 'trans' refers to those who identify within the transgender and/or non-binary umbrella

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Note: HDSB values parent involvement. As such, the majority of accommodation requests are in consultation with the student(s) and their parent(s)/guardian(s)/caregiver(s) with the rare exception for cases in which the safety and well-being of the student is at risk. With student safety and well-being as our highest priority, schools must ensure that accommodation requests and decision-making prioritizes the student.

### Procedure:

#### 1. Privacy and Confidentiality

- 1.1. Discuss and receive consent from the student prior to any disclosure or discussion of a student's gender identity and/or gender expression with others (e.g. with students, staff, parent(s)/guardians/caregiver(s), or other school community members).
- 1.2. Protect the confidentiality of a student's gender identity unless there is a specific "need to know", as in cases where information would be required to fulfill a specific accommodation request.

#### 2. Pronouns and Gender Identity

At any age, students have the right to be known by the name and gender with which they identify, whether or not this relates to the social expectations that exist based on the sex that appears on the student's birth certificate. It is understood by the Ministry of Education that, in some cases, the gender on the source documentation used for registration purposes may not match the gender selected.

Intentionally addressing a student by their incorrect name or pronouns is considered a form of discrimination. While it is understood that inadvertent slips or honest mistakes may occur, the intentional and/or persistent refusal to acknowledge a student's gender identity or use their chosen name(s) is unacceptable as firmly established in the HDSB Discriminatory Harmful Language Protocol.

##### 2.1. Use of Chosen Names

School staff will:

- 2.1.1. Use the student's chosen name(s) if a student's legal name does not

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match and if consent has been received by the student.

- 2.1.2. Use the chosen name(s) on all hard copy documents NOT in the OSR for students who make this request based on gender identity.

### **2.2. Names/Pronouns**

School staff and students will:

- 2.2.1. Use an individual's chosen name(s).
- 2.2.2. Refer to an individual as the gender with which they identify.
- 2.2.3. Use an individual's chosen pronouns, including "they", "zhe", "ze", "hir" and/or any other pronoun sets to identify themselves without requiring legal documentation.

### **2.3. Gender Identity in Student Information Systems**

School staff will:

- 2.3.1. Change the gender/sex designation in the Student Information System, upon request by the student or family without requiring legal documentation.

## **3. Student Records and Ontario Student Record (OSR) Documentation**

The contents of the OSR must reflect the legal name of a student. Use of chosen name(s) on all hard copy documents NOT in the OSR is the practice for students who make this request based on gender identity.

### **3.1. Report Cards, Suspension Letters, and Transcripts**

School staff will:

- 3.1.1. Print a non-OSR copy of report cards, suspension letters and transcripts with the chosen name(s) appearing by revising the legal name field to the chosen name(s) for printing purposes.
- 3.1.2. Re-enter the student legal name into the legal name field in the Student Information System to print an OSR file copy.

### **3.2. Special Education Documentation using the IEP engine and the English Language Learner (ELL) Forms Engine**

School staff will:

- 3.2.1. Adhere a sticker with the student's chosen name(s) onto non-OSR copies of documents that cannot be adjusted within the data system, including copies of IEPs and ELL language documents, and Grade 9

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EQAO math assessment reports.

3.2.2. File OSR copies of these documents with the student's legal name.

### **3.3. OSR folder**

School staff will:

3.3.1. Adhere a removable sticker with the student's chosen name(s) to the outside of the OSR folder to cover the legal name and the gender marker of the student.

3.3.2. Place a card in the sequence where the legal name would appear in the OSR files which also references the OEN (Ontario Education Number) for the student.

## **4. Legal Name Changes**

When a student or family presents documentation to support a legal name change (i.e., birth certificate, passport or baptismal record, legal name change document) school staff will:

4.1. Change the legal name in the Student Information System through a TOPDesk ticket.

4.2. Change the current and future components of the OSR to reflect the legal documentation provided.

4.3. Upon request, revise all past components of the OSR so that it will appear as if the OSR was originally established in the changed name.

## **5. Instructional Practices in the Classroom**

To ensure that classroom experiences are positive, inclusive, equitable, and non-discriminatory, and that all student identities are affirmed and reflected in classroom program across all areas, school staff will:

5.1. Ensure instructional materials and resources, as well as discussions and assignments present the range of human diversity, including but not limited to a range of bodies and abilities that are differentiated, culturally relevant, and responsive.

5.2. Include a range of bodies and abilities, a range of gender identities and gender expressions, and a range of experiences of attraction.

5.3. Use language that is gender and body type affirming and reflective of gender diverse identities.

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### 6. Washrooms

All students may use a washroom that best corresponds to their gender identity, regardless of the student's sex assigned at birth. The student's self-identification is the sole measure of their gender. To support this, schools will:

- 6.1.** Ensure that there is at least one all-gender washroom facility available to all students.
- 6.2.** Allow students to use the washroom that is most gender affirming and/or best meets their needs with regards to access to a space where they feel the safest.

### 7. Health & Physical Education

#### 7.1. Change Room Access

Schools will:

- 7.1.1. Allow students to use the change room that is the most gender affirming and/or best meets their needs with regards to the access to a space where they feel the safest.
- 7.1.2. Provide an alternate change and shower location as an option to using a change room based on their sex assigned at birth when requested by an individual (e.g., private area within a public area such as a washroom stall with a door or curtain; use of an alternate changing schedule; use of a nearby private area such as a washroom, or health room).

#### 7.2. Gender segregated classes

Schools will:

- 7.2.1. Ensure students are able to attend the class of their choosing that is most gender affirming and/or best meets their needs in regards to their safety, regardless of what their identification states.
- 7.2.2. Offer a substitution or alternative course (in consultation with the school administrator) at the request of the student and/or their parent/guardian/caregiver.

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### 8. Interschool Athletic Teams

The opportunity for students to compete on the team(s) that are most gender affirming and/or best meet their needs in regards to their sense of safety should be made available for intramural and interschool athletic teams.

School staff will:

- 8.1. Advocate for the student with the team(s) they have been selected to play on to prioritize their needs with safety in cases of concern regarding compliance with [OFSSA's Student-Athlete Participation Statement re: Gender Identity](#)
- 8.2. Ensure there are all-gender washrooms and change rooms available at all venues where teams are scheduled to compete.
  - 8.2.1. Allow students to use the change room that is the most gender affirming and/or best meets their needs with regards to the access to a space where they feel the safest.
  - 8.2.2. Provide an alternate change and shower location as an option to using a change room based on their sex assigned at birth when requested by an individual (e.g., private area within a public area such as a washroom stall with a door or curtain; use of an alternate changing schedule; use of a nearby private area such as a washroom, or health room).

### 9. Excursions and Field Trips

Discussions with the student and parent/guardian/caregiver as part of the excursion or field trip planning will allow for accommodations to be discussed and determined. The planning process should be based around information provided by students' themselves via conversation or through an information gathering tool.

#### 9.1. Accommodations

School staff will:

- 9.1.1. Work in collaboration with the student to identify and finalize room arrangements that are the most gender affirming and/or best meets their needs with regards to sense of safety and well-being.
- 9.1.2. Cover any additional costs that may occur through solutions identified.

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### 9.2. Considerations during Commute/Travel

School staff will:

- 9.2.1. Discuss with students who have disclosed their trans or non-binary identity, whether they have any specific needs or how an adult chaperone / coach / staff might support them in a variety of situations including but not limited to: identification review; security screening that could also include physical pat down or x-ray screening; public spaces.
- 9.2.2. Identify potential areas of concern in advance of the trip/excursion for all students (e.g., access to all-gender washroom facilities enroute; public spaces).
- 9.2.3. Consult students to determine the most appropriate solutions in advance and throughout the trip, confirming the level of support and involvement the student requests to ensure safety.

### 9.3. Access to Gendered Facilities at destinations and en route

School staff will:

- 9.3.1. Inquire whether there are all-gender or gender neutral washrooms and change rooms available (often single stall accessible washrooms work) prior to the trip/excursion, including all planned stops / venues / hotels on the itinerary.
- 9.3.2. In advance, plan and communicate accommodations that can be made if there are no all gender/universal facilities available.

### 9.4. Proactive and Responsive Approaches to Student Safety

The emotional, psychological, and physical safety of any student is the number one priority. In advance of the trip/excursion, planning for support and response to any harmful and/or discriminatory incident must be planned with the student.

- 9.4.1. Staff will determine with the student how much support, if any, they would like when being on the road and going to any locations that are foreign to them, including frequency of check-ins.
- 9.4.2. Staff will ensure that there is a protocol/process that enables students and any supporting adult to report incidents immediately to

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the supervising staff member.

- 9.4.3. Staff will follow the HDSB Discriminatory & Harmful Language Protocol in the event of any transphobic harassment or incident.



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**Reference number:** Pending

**Cross-Reference:**

[OFSSA's Student-Athlete Participation Statement re: Gender Identity](#)

### **Legislation**

Human Rights Code, RSO 1990, c.H.19

Education Act, Section 303.1

Municipal Freedom of Information and Protection of Privacy Act, RSO 1990, c.M56

### **Ministry Policy & Program Memoranda**

Ontario's Equity and Inclusive Education Strategy

### **Board Policies, Procedures & Protocols**

HDSB Student Dress Code and School Uniform Policy

HDSB Equity & Inclusive Education Policy

HDSB Ontario Student Record's Administrative Procedure

HDSB Student Excursion

HDSB Selection of Instructional and Library Resources Administrative Procedure

Human Development and Sexual Health Exemption Administrative Procedure  
(PPM 162)

### **Revision History**

- March 6, 2024 - Administrative Procedure Report 24027