Transgender Frequently Asked Questions

What does it mean to be transgender?

Transgender– when a person’s gender presentation or identity falls outside the cultural norms for people of their assigned sex they may consider themselves transgender.*

Gender identity – a person’s sense of themselves as male or female, some people identify as gender outside the traditional binary (male-female) system.*

Sex – male or female. This is recorded at birth, usually based on external anatomy.*

Transgender female – a person whose sex at birth was male, but whose gender identity is female. Also referred to as male-to-female (“MTF”).

Transgender male – a person whose sex at birth was female, but whose gender identity is male. Also referred to as female-to-male (“FTM”).

* From ODE’s Useful Terminology We All Should Know (Feb. 2011).

What laws protect transgender students?

Oregon law prohibits discrimination in schools. ORS 659.850(2). This includes discrimination based on sexual orientation. ORS 659.850(1). Oregon law includes an “individual’s gender identity, appearance, expression or behavior” in its definition of sexual orientation. ORS 174.100(6).

There are also federal laws that may protect transgender students. The Patsy L. Mink Equal Opportunity in Education Act, commonly referred to as Title IX, states that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Several agencies, including the U.S. Department of Education, U.S. Attorney General’s Office and the Office of Civil Rights have indicated that this includes protection of transgender students and staff.1 At least one court has disagreed with this guidance.2

What bathroom and locker room should transgender students and staff use?

Generally, students should be allowed to use the bathroom and locker room of the gender that they identify with. Districts should meet with the individual and their parents in order to determine what will be best for the student. This may include providing an alternative facility or schedule for the transgender students. Districts may also provide an alternative facility for any student who feels unsafe.

What are some Oregon districts and other states doing about this?

Different districts and schools are doing different things in the state of Oregon. Portland Public School District issued a memo in 2012 regarding transgender students (updated in 2014) and has provided some single-stall, unisex restrooms for use by any students. Eugene School District created a best practices document in 2015.

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Does OSBA have sample policies for transgender students and staff?
Transgender students and staff are included in policy AC, Nondiscrimination. Districts do not need to adopt separate policies for each class of people protected from discrimination. For this reason, OSBA does not have separate transgender policies and does not recommend that districts adopt them.

What about athletic competition?
Most schools use OSAA for high school athletic competition. They address transgender student participation in Section 84 of their policy. This policy allows transgender students to participate on the team of the gender that they identify with, but there are some prerequisites for participation.

For non-OSAA governed activities, including middle school athletics, districts may develop eligibility guidelines.

What notification do they have to provide to the school?
There is no prescribed notification that the student is required to provide if there is a transition. When a school becomes aware of a student’s desire to transition or transgender status, school staff should meet with the student and parents in order to determine the best way to support the student.

What is the process for changing pronouns and names?
ODE has issued guidance that a “student’s declaration of their gender is acceptable” verification in order to change a student’s gender in student information systems. Your district may have procedures in place for nicknames and preferred names. These procedures can be used by transgender students to change their preferred name. School staff should respect a student’s request for preferred names and pronouns, and encourage students to do the same. School staff should be careful not to reveal a student’s transgender status by using incorrect pronouns or names.

What happens if a parent disagrees with a student’s transgender status?
Schools are in a very difficult situation when a parent disagrees with a student’s decisions relating to their gender identity. The school must respect the right of the parents to raise their child, but must also protect the student at school and prevent discrimination and bullying. Each situation should be handled on a case-by-case basis, involving the parents and student in communications.

What is the Board’s role?
The Board should be aware of the processes and procedures involved, and may ask questions of the superintendent as needed. The Board is not involved in the daily implementation of the procedures and does not need to know specifics about individual situations.