

# A Schools Guide to Protecting the Privacy Rights Of Gender Variant Students Frequently Asked Questions

*Note: This document is intended to be used in conjunction with “Understanding Through Education” workshops provided by a TransYouth Family Allies facilitator.*

- **What confidentiality laws, policies and practices should we follow with regard to gender variant students?**

All student records and most student information require that confidentiality be maintained by the school. Gender Variant students have a medical diagnosis and all information pertaining to that diagnosis is **confidential in nature**, governed by Federal HIPAA *Privacy Rule Standards* (Health Insurance Portability and Accountability Act of 1996) and enforced by the Office for Civil Rights. In addition Family Educational Rights and Privacy Act ion need to be followed.(FERPA).

Many states and school districts have specific Administrative Regulations and Conduct Codes which prohibit harassment and discrimination based on a range of specified characteristics (e.g. gender, race, religion) including “...sexual orientation which includes perceptions of a person’s identity, appearance or behavior....”

It is recognized that gender variant students may be subject to teasing, harassment and bullying. As such, protection of said students’ confidentiality is a matter of student safety and must not be regarded lightly.

- **What information can be discussed with students?**

A gender variant student’s diagnosis is confidential; it may not be discussed with students. It is, however, important to emphasize the importance of respectful behavior toward all students. Simple statements regarding the use of a student’s name and desired pronouns with an emphasis on respect is all that is required.

- **What information can be discussed with parents?**

A gender variant student’s diagnosis is confidential; it may not be discussed with other parents. Acknowledging that they are concerned or distressed and reminding them that it would not be appropriate or desirable to share information about their own child with others may help them understand the need to protect the confidentiality of other students. It is, however, important to emphasize respectful behavior toward all students. The school should designate a contact person for parents to speak with when needed.

- **What information can be discussed with community members?**

Again, a gender variant student’s diagnosis is confidential; it may NOT under any circumstance be discussed with members of the community.

- **What information can be discussed with fellow staff members at the student’s school site?**

A gender variant student’s diagnosis is confidential, it should not be discussed with other staff members other than to address and protect the welfare of all students and their families.

- **What information can be discussed with staff members from other schools or departments?**

Again, a gender variant student's diagnosis is confidential, it should not be discussed with other staff members other than to address and protect the welfare of all students and their families

- **What information can be discussed with members of the media?**

No information relative to a specific student may be shared with members of the media. It is appropriate to share relevant District Policy, Regulations and Conduct Codes. All staff is advised to make "no comment" in response to media inquiries and to refer members of the media to the designated contact person for the school or district.

- **What restroom(s) will this student use?**

Each campus is different and every student situation is unique. Specific options will be generated and chosen on a case specific basis.

- **When referring to this student, should we use *him or her, he or she*?**

Students and staff will be informed as to which are appropriate specific to the individual student. It is typically appropriate to use language consistent with the student's gender identity and/or presentation.

- **Does our support of this student and family mean that we are promoting "alternative lifestyles?"**

Our District and Schools promote respect and protect the right to equal educational opportunities and safety of all individuals, students and adults, including gender variant students.

- **What should we do if we notice teasing or bullying of this student?**

Intervene in compliance with District Policy and Conduct Code. Follow appropriate escalation procedures.

- **Where can I get more information regarding gender variant children?**

Helpful information and references can be found at <http://www.imatyfa.org/>

*This document is the intellectual property of TransYouth Family Allies. Special thanks to the Visalia Unified School District for their efforts in helping us to create it.*

