

Legislation Text

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Amending Chapter 9-1100 of The Philadelphia Code, entitled “Fair Practices Ordinance: Protections Against Unlawful Discrimination,” by adding a new Section 9-1133, to require that institutions or organizations that serve youth adopt and make known policy guidelines providing for non-discriminatory treatment of transgender and gender non-conforming youth, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-1100 of The Philadelphia Code shall be amended to read as follows:

CHAPTER 9-1100. FAIR PRACTICES ORDINANCE: PROTECTIONS AGAINST UNLAWFUL DISCRIMINATION

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§ 9-1133. *Uniform Policy of Non-Discrimination as to Transgender and Gender Non-conforming Youth.*

(1) *Definitions. For purposes of this Section 9-1133, the following definitions shall apply:*

“Gender Nonconforming.” A term describing individuals whose gender expression or gender identity falls outside the traditional male-female definitions.

“Institutions Serving Youth.” Entities or organizations that provide educational, recreational, residential, or similar services to youth, in a setting in which the institution is responsible for the care of a youth population and for adopting and enforcing general rules of conduct.

“Transgender.” Individuals whose self-determined gender identity is different from the sex classification assigned to them at birth.

“Youth.” A collective term applied to individuals who are less than 18 years of age.

(2) *Policy Requirements.*

(a) *Sections three (3) through five (5) of the School District of Philadelphia Policy No. 252, entitled “Transgender and Gender Non-Conforming Students,” shall apply as a uniform policy of non-discrimination to institutions serving youth within the City with the following modifications:*

(i) *The terms “gender nonconforming” and “transgender” shall be defined as set forth in subsection 9-1133(1).*

- (ii) *The terms “school,” “School District,” and “District” shall be replaced by the term “institution serving youth.”*
- (iii) *The term “student” shall be replaced by the term “youth.”*

Provided that the Commission may itself adopt by regulation a superseding uniform policy of non-discrimination which meets or exceeds the protections provided to transgender and gender non-conforming youth provided by the School District of Philadelphia Policy, No. 252 and which shall serve as the controlling uniform policy of non-discrimination under this Section 9-1133.

(b) *Each institution serving youth shall regularly provide appropriate training for its staff in the administration of the uniform policy of non-discrimination, and shall also make the uniform policy of non-discrimination known to its staff and to the youth population served by the institution in English and the primary languages of youth who commonly access the institution, by posting the written policy in a location accessible to all and on any organizational website, and by such other notification measures as the institution determines will reasonably provide notice of the policy; all of which in such manner and by such means that the Commission shall require by regulation.*

(c) *The uniform policy of non-discrimination established by this Section 9-1133, as modified by any subsequent Commission regulation, shall inform the Commission’s enforcement of the Fair Practices Ordinance as applied to alleged discrimination against transgender and gender non-conforming youth.*

(d) *The Commission shall promulgate regulations implementing its administration of this Section 9-1133 which shall take into account the varied institutions serving youth in the City and which shall provide for a religious exemption from this Section 9-1133, as otherwise required by law.*

SECTION 2. This Ordinance shall be effective upon the promulgation of implementing regulations by the Commission, but no earlier than June 1, 2020.