

## 5756 TRANSGENDER STUDENTS

The Board of Education **is committed** ~~strives~~ to provide a safe ~~and~~ supportive **and inclusive learning** environment for all students. In furthering this goal, the Board adopts this Policy to **ensure all students, including** ~~address the needs of transgender and gender nonconforming students enrolled in the school district~~ **have equal educational opportunities and equal access to the school district's educational programs and activities.** The Board of Education, administration, and all school staff members will comply with Federal and State laws and regulations regarding transgender students and no student shall be subjected to discrimination on the basis of gender identity or expression.

For the purposes of this Policy:

1. "Gender expression" refers to the way a student represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
2. "Gender identity" means a student's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth.
3. "Gender identity or expression" also means having or being perceived as having a gender-related identity or expression whether or not stereotypically associated with a person's assigned sex at birth.
4. "Gender nonconforming" describes a student whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.
5. "Transgender" describes students whose gender identity is different from their gender assigned at birth.

The Board of Education believes the responsibility for determining a student's gender identity or expression rests with the student, ~~or in the case of young students not yet able to advocate for themselves, with the parent.~~ Therefore, the Board will accept a student's assertion of his or her gender identity when there is consistent and uniform assertion of the gender identity or expression, or any other evidence that the gender identity is sincerely held as a part of the student's core identity. **The Board of Education will not question or disregard the assertion of a student's gender identity.** ~~However, the Board authorizes the Superintendent or~~



~~designee to question a student's asserted gender identity or expression when there is a credible basis for believing the student's gender identity or expression is being asserted for some improper purpose.~~

Confirmation of a student's asserted gender identity or expression must include a letter from a parent ~~or the adult student~~ to the Superintendent of Schools indicating the student is gender nonconforming. **In the event the parent does not consent to the student's gender identity, the Superintendent or designee will meet with the parent and the student to determine how the student's gender identity shall be addressed by the school district.**

School personnel may not disclose information that may reveal a student's transgender or gender non-conforming status, except as allowed by law. Under the Family Education Rights Privacy Act (FERPA), only those school employees with a legitimate educational need may have access to a student's records or the information contained within those records. Disclosing confidential student information to other employees, students, parents, or other third parties may violate privacy laws, including but not limited to FERPA. Transgender students have the ability, as do all students, to discuss and express their gender identity and expression openly and decide when, with whom, and how much of their private information to share with others.

Students who do not want their parents to know about their transgender status shall be addressed on a case-by-case basis, with a particular emphasis on the age of the student making the request. In some cases, particularly for an older student, notifying parents carries risks for the student, such as being kicked out of the home. If there is any indication that informing the parent will cause emotional or physical harm to the student, prior to notification of any parent regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the parents will be involved in the process. In order to have a better understanding regarding the issue of non-disclosure to the parents, the District may also seek the assistance of outside agencies with experience in addressing the needs of the transgender individuals. In making a recommendation, school staff shall balance the rights of the student needing support and the requirement that parents be kept informed about their child. In accordance with law, parents and/or the appropriate local officials shall be informed when there is any suspicion of injury or harm to the student or other students.

In planning appropriate accommodations for a student who is transitioning, the chief school administrator, parents, the student and other qualified staff or consultants as necessary shall meet to discuss actions that the district and school personnel may take to create safe learning environment, including:



## A. Names/Pronouns

School staff shall be directed to address the student by the name and pronoun corresponding to their gender identity that is consistently asserted at school. Students are not required to obtain a court ordered name and/or gender change or to change their student personnel records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity. To the extent possible and consistent with these guidelines, school personnel shall make efforts to maintain the confidentiality of the student's transgender status.

School documentation such as student IDs shall be issued to the name that reflects a student's gender identity that is consistently asserted at school.

## B. Sports and Physical Education

Transgender students shall be provided the same opportunities to participate in physical education as are all other students. Generally, students may be permitted to participate in physical education and sports in accordance with the student's gender identity that is consistently asserted at school. Participation in competitive interscholastic athletic activities will be resolved on a case-by-case basis and according to the standards established by the New Jersey State Interscholastic Athletic Association (NJSIAA).

## C. Restroom and Locker Room Accessibility

The district aims to support transgender students while also ensuring the safety and comfort of all students. The chief school administrator together with the parents, student and other qualified staff or consultants shall evaluate options for the use of restrooms and locker rooms by the transgender students and consider the following factors, including, but not limited to:

1. The transgender student's preference;
2. Protecting student privacy;
3. Maximizing social integration of the transgender student;
4. Maximizing Minimizing stigmatization of the student;
5. Ensuring equal opportunity to participate;
6. The student's age; and
7. Protecting the safety of the students involved.

Generally, students may have access to the restroom or locker room that corresponds to the gender identity or expression that they consistently assert at school and no student shall be forced to accept an accommodation with which he/she



disagrees. A transgender or transitioning student who expresses a need or desire to increased privacy may be provided with reasonable alternative arrangements. Reasonable alternative arrangements may include the use of a private area, or a separate changing schedule, or use of a single stall, gender neutral restroom. Any alternative arrangement shall be provided to the extent possible in a way that protects the student's ability to keep his or her transgender status confidential.

A transgender student should not be required to use a locker room or restroom that conflicts with the student's gender identity or expression consistently asserted at school.

#### **D. Gender Segregation in Other Areas**

As a general rule, in any other circumstances where students are separated by gender in school activities (i.e. overnight field trips), students may be permitted to participate in accordance with the gender identity or expression consistently asserted at school. Activities that may involve the need to accommodations to address student privacy concerns will be addressed on a case-by-case basis considering the factors set forth above.

#### **E. Dress Code**

Students have the right to dress in accordance with their gender identity or expression that consistently asserted at school. School staff shall not enforce a school's dress code more strictly against transgender and gender nonconforming students than other students.

#### **F. Privacy**

The chief school administrator and/or his or her designees are expected to work closely with the student and his or her parents in formulating an appropriate plan regarding the confidentiality of the student's transgender or transitioning status that works for both the student and the school. Privacy considerations may also vary with the age of the student.

Where the transgender or transitioning student feels more supported and safe when other students are aware that they are transgender or transitioning, school staff shall be given guidance and training appropriate for facilitating a respectful school climate. School personnel may be directed to work closely with the student, parents, other family members and other staff members on a plan to inform and educate



the student's peers. It may also be appropriate to engage external resources to assist with educational efforts.

~~The Board recognizes school-related issues regarding transgender students will vary on a case-by-case basis. The school district will take reasonable measures to accommodate the needs of transgender students. Therefore, the Superintendent of Schools or designee will meet with the parent(s) and student to discuss school-related issues such as: the name and pronoun to be used by district staff in referring to the student; the gender identification to be used on the student's records; district staff members that should be informed of the student's access to and use of restrooms, locker rooms, changing facilities, and physical education classes; **intramural programs, interscholastic athletic programs,** and other gender issues affecting the transgender student and his/her attendance at school **and participation in school programs.** ~~Prior to change any student records, a student's gender identity or expression will be confirmed to the school district by the parent or adult student through evidence including, but not limited to: medical history, care or treatment of the gender identity, consistent and uniform assertion of the gender identity or expression, or any other evidence that the gender identity or expression is sincerely held as part of the student's core identity.~~~~

~~In the event a student no longer identifies with a previously asserted gender other than their gender at birth, a parent of the student must submit a letter to the Superintendent of Schools indicating the student is no longer gender nonconforming. The Superintendent or designee will meet with the parent and the student to discuss the transition of the student from gender nonconforming to gender conforming. In the event the parent does not consent to the student's assertion the student is no longer gender nonconforming, the Superintendent or designee will meet with the parent and the student to determine how the student's gender identity should be addressed by the school district.~~

~~The school district and school staff members will ensure the privacy of any student's transgender status and will not disclose or acknowledge a student's transgender status unless required to in accordance with any Federal law, State statute, administrative code, or if the parent and student have authorized such disclosure.~~

N.J.S.A. 10:5-1 et seq.

Title IX, 20 U.S.C. Section 1681

NJSIAA, Constitution, Bylaws, Rules and Regulations, Transgender Policy

<http://www.njsiaa.org/resources/njsiaa-handbook>

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