

**Policy**

**First Reading 6-30-16**

**TRANSGENDER STUDENTS**

The Board of Education is committed to provide a safe, supportive, and inclusive learning environment for all students. In furtherance of this goal, the Board adopts this Policy to ensure that all students, including transgender students, 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. "Sex assigned at birth" refers to the sex designation recorded on an infant's birth certificate should such a record be provided at birth.
2. "Gender identity" means a student's deeply held sense or psychological knowledge of their own gender, regardless of the sex they were assigned at birth.
3. "Gender expression" refers to the way a student represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
4. "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.
5. "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.
6. "Transgender" describes a student whose gender identity is different from their gender assigned at birth. A transgender male is someone who identifies as male but was assigned the sex of female at birth; a transgender female is someone who identifies as female but was assigned the sex of male at birth.

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The Board of Education believes the responsibility for determining a student's gender identity rests with the student or, in the case of young students not yet able to advocate for themselves, with their parent(s). Therefore, the Board will accept a student's assertion of their gender identity when there is consistent and uniform assertion of the gender identity, 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.

The Board of Education desires to support students and their assertion of their gender identity, and recognizes that school-related issues regarding transgender students will vary on a case-by-case basis. The Board of Education will support students and parents in determining the best way to support a student who is gender non-conforming to ensure a safe educational environment and to ensure equal access to all educational opportunities for that student. A confidential student specific support plan will be developed in consultation with the student and his or her parent(s).

Therefore, the Superintendent and/or the Superintendent's designee may meet with the student and parent(s) to discuss school-related issues. The issues to be discussed shall include, but are not limited to, the following:

1. Names/Pronouns – The school district will honor the request of the student and parent(s) to have the student addressed by a name or pronoun consistent with the student's gender identity.
2. Student Records – The school district will maintain the official permanent student record in accordance with Federal law, State statutes, and administrative code and will indicate the legal name and gender appearing on the student's birth certificate, unless there is a legal name change. However, the school district will use the name and pronoun consistent with the student's gender identity in other school-related documents to include, but not be limited to, student identification cards, library cards, school photographs, grade books, posted lists of student names, and any other places where students' names are commonly written.
3. Restrooms – Transgender students shall have access to the restroom that corresponds to their gender identity. Any student requesting additional privacy may be provided access to a reasonable alternative facility, such as an "individual use" and/or gender neutral restroom, to the extent available.

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4. Locker Rooms – Transgender students shall have access to locker room facilities that correspond to their gender identity. Any student requesting additional privacy may be provided access to a reasonable alternative, such as the assignment of a student locker in near proximity to the office of a teacher or coach, use of another private area (such as a restroom stall) within the public area, and/or use of a nearby private area (such as an “individual use” and/or gender neutral facility), to the extent available.
5. Physical Education Classes - Transgender students shall be permitted to participate in physical education classes in a manner consistent with their gender identity.
6. Intramurals Programs – A transgender student’s participation in the school district’s intramural athletic programs shall be in accordance with the eligibility requirements for participation in interscholastic athletics as determined by the New Jersey Interscholastic Athletic Association.
7. Interscholastic Athletics – A transgender student’s participation in the school district’s interscholastic athletic programs shall be in accordance with eligibility requirements for participation in interscholastic athletics as determined by the New Jersey State Interscholastic Athletic Association.
8. Dress Codes – Transgender students shall comply with the dress code requirements that correspond to their gender identity.

In the event that a student no longer identifies with a previously asserted non-conforming gender, the Superintendent and/or the Superintendent’s designee will meet with the student and parent(s) to discuss the transition of the student from gender non-conforming to gender conforming.

The school district, administration, 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.

Adopted:

<p>Legal References: <u>N.J.S.A.</u> 2C:33-4  <u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>  <u>N.J.S.A.</u> 18A:36-20  <u>N.J.S.A.</u> 18A:38-5.1    <u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>  <u>See particularly:</u>  <u>N.J.A.C.</u> 6A:7-1.4,-1.7</p>	<p>Harassment  Law Against Discrimination  Discrimination; prohibition  No child to be excluded from school because of race,  etc.  Managing for Equality and Equity in Education</p>
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Legal References:  
(continued)

Title IX, 20 U.S.C. §1681  
“Dear Colleague” Letter, dated May 13, 2016, U.S. Department of Justice  
and U.S. Department of Education

Cross References: 2224 Nondiscrimination/affirmative action  
4111.1 Nondiscrimination/affirmative action  
4211.1 Nondiscrimination/affirmative action  
5131.1 Harassment, Intimidation or Bullying  
6121 Nondiscrimination/affirmative action  
6145 Extracurricular activities

Key Words

Nondiscrimination, Equal Educational Opportunity, Harassment, Gender Identity, Gender Expression,  
Gender Non-Conforming, Transgender