

## **TRANSGENDER AND GENDER NONCONFORMING STUDENTS**

### Statement of Purpose

New Hampshire law and SRSD Policy JBA require the District to extend equal and fair treatment to all students in all aspects of the district's affairs, regardless of age, ancestry, color, creed, handicap, marital status, national origin, race, religion, sex, or sexual orientation.

### Statement of Policy

This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities. This policy sets out guidelines for schools and district staff to address the needs of transgender and gender nonconforming students and clarifies how state law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students. This policy does not anticipate every situation that might occur with respect to transgender or gender nonconforming students, and the needs of each transgender or gender nonconforming student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender or gender nonconforming student while maximizing the student's social integration and minimizing stigmatization of the student.

### **Definitions**

The definitions provided here are not intended to label students but rather to assist in understanding this policy and the legal obligations of SRSD staff. Students might or might not use these terms to describe themselves.

- Gender identity is a person's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. Everyone has a gender identity.
- *Transgender* describes people whose gender identity is different from their gender assigned at birth.
- Gender expression refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.
- Gender nonconforming describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.

### **Privacy**

All persons, including students, have a right to privacy. This includes the right to keep private one's transgender status or gender nonconforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information. When contacting the

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parent or guardian of a transgender or gender nonconforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

## **Privacy, Confidentiality, and Official Records**

Information about a student's assigned birth sex, name change for gender identity purposes, gender transition, medical or mental health treatment related to gender identity, or any other information of a similar nature, regardless of its form, is part of the individual's student is confidential, and must be kept private and secure. When a student new to a school is using a chosen name, the birth name is considered private information. If the student has previously been known at school or in school records by his or her birth name, the principal should direct school personnel to use the student's chosen name. Every effort should be made to update student records (for example, Individualized Education Programs) with the student's chosen name and not circulate records with the student's assigned birth name. Records with the student's assigned birth name should be kept in a separate, confidential file.

When determining which, if any, staff or students should be informed that a student's gender identity is different from the assigned birth sex, decisions should be made in consultation with the student, or in the case of a young student, the student's parent or guardian. The key question is whether and how sharing the information will benefit the student.

Transgender and gender nonconforming students may decide to discuss and express their gender identity openly and may decide when, with whom, and how much to share private information. A student who is 14 years of age or older, or who has entered the ninth grade, may consent to disclosure of information from his or her student record. If a student is under 14 and is not yet in the ninth grade, the student's parent (alone) has the authority to decide on disclosures and other student record matters.

## **Names/Pronouns**

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records. The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy.

## **Gender-Segregated Activities**

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, students should be included in the group that corresponds to their gender identity.

## **Restroom, Locker Room, and Changing Room Accessibility**

All students are entitled to have access to restrooms, locker rooms and changing facilities that are sanitary, safe, and adequate, so they can comfortably and fully engage in their school program and activities. In meeting with the transgender student (and parent) to discuss the issues set forth in this memorandum, it is essential that the principal and student address the student's access to the restrooms, locker room and changing facility. Each situation needs to be reviewed and addressed based on the particular circumstances of the student and the school facilities. In all cases, the principal should be clear

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with the student (and parent) that the student may access the restroom, locker room, and changing facility that corresponds to the student's gender identity. While some transgender students will want that arrangement, others will not be comfortable with it. Transgender students who are uncomfortable using a sex-segregated restroom should be provided with a safe and adequate alternative, such as a single "unisex" restroom or the nurse's restroom. Similarly, some transgender students may not be comfortable undressing in the changing facilities that correspond to the student's gender identity.

## **Physical Education Classes & Intramural Sports**

Transgender and gender nonconforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

## **Interscholastic Athletics**

SRSD will follow the policy set forth by the New Hampshire Interscholastic Athletic Association (NHIAA) to determine transgender and gender nonconforming student participation in interscholastic athletics.

## **Dress Codes**

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender. At graduation, students may choose which color cap and gown (blue or white) they would like to wear at the ceremony.

## **Discrimination/Harassment**

It is the responsibility of each school and the District to ensure that transgender and gender nonconforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints. (See the "Related Resources" and the "Assistance" sections of this policy for further information regarding the filing of discrimination or harassment complaints.)

## **Student Transitions**

In order to maintain privacy and confidentiality regarding their transition and gender identity, transgender students may wish — but are not required — to transition over a summer break or between grades. Regardless of the timing of a student's transition, the school shall act in accordance with the following age-appropriate policies.

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**ELEMENTARY SCHOOL:** Generally, it will be the parent or guardian that informs the school of the impending transition. However, it is not unusual for a student's desire to transition to first surface at school. If school staff members believe that a gender identity or expression issue is presenting itself and creating difficulty for the child at school, approaching parents about the issue is appropriate at the elementary level. Together, the family and school can then identify appropriate steps to support the student.

**SECONDARY SCHOOL:** Generally, notification of a student's parent about his or her gender identity, expression or transition is unnecessary, as they are already aware and may be supportive. In some cases, however, notifying parents carries risks for the student, such as being kicked out of the home. Prior to notification of any parent or guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the guardian will be involved in the process and must consider the health, well-being, and safety of the transitioning student. When a student transitions during the school year, the school shall hold a meeting with the student (and parents if they are involved in the process) to ascertain their desires and concerns. The school should discuss a timeline for the transition in order to create the conditions supporting a safe and accepting environment at the school. Finally, the school shall train school administrators and any educators that interact directly with the student on the transition plan, timelines for transition, and any relevant legal requirements.

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