

Students

Gender Identity and Expression (Transgender and Gender Non-Conforming Youth)

The Board of Education (Board) believes that a school culture that supports student achievement respects and values all students and fosters understanding of gender identity or expression within the school community. Connecticut law and District policy require that all programs, activities, and employment practices are free from discrimination based on sex, sexual orientation, and gender identity or gender expression. Therefore, in keeping with these mandates the Board is committed to creating a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

The Board believes that fostering this understanding is a joint responsibility that requires cooperation and good communication between the parents/guardians, school administration, school staff and the school community. The Superintendent shall ensure that students with gender identity or expression concerns and their parents/guardians shall be given the opportunity to discuss these issues and participate in the educational planning and programming for their student. The Superintendent or his/her designee may consult the experiences and expertise of qualified school staff as well as external resources where appropriate.

To proactively plan for a safe learning environment free of discrimination and harassment parents/guardians of students with gender identity or expression concerns are encouraged to alert the school district and schedule a meeting with the chief school administrator. Upon request, the Superintendent of Schools or his/her designee shall schedule a meeting with the parent/guardian and the student for the purpose of evaluating the needs of the student and planning any accommodations that may be considered to facilitate a respectful and comfortable school program that supports the student's achievement.

Definitions

- A. **Gender Identity** is a person's inner sense of being male or female, regardless of their gender assigned at birth.
- B. **Transgender** is a term which describes people whose gender identity or gender expression is different from their assigned gender at birth.
- C. **Gender expression** refers to the way a person expresses gender to others in ways that are socially defined as either masculine or feminine, such as through behavior, clothing, hairstyles, activities, voice or mannerisms.
- D. **Gender non-conforming** refers to gender-related identity and/or gender expression which does not conform to the social expectations or norms for a person of that gender assigned at birth.
- E. **Transition** refers to the process in which a person goes from living and identifying as one gender to living and identifying as another.

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Gender Identity and Expression (Transgender and Gender Non-Conforming Youth) (continued)

Coordination of School Accommodations

The meeting between the Superintendent of Schools or his/her designee, parents/guardians and the student and other qualified staff or consultants as necessary shall comprise a discussion of actions the District and school personnel may take to create safe learning environment, including:

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 pupil 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 in the name that reflects a student's gender identity that is consistently asserted at school.

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 and contact sports will be resolved on a case-by-case basis and according to the standards established by the Connecticut Interscholastic Athletic Association Conference (CIAC).

Restroom and Locker Room Accessibility

The District aims to support transgender students while also ensuring the safety and comfort of all students. The Superintendent of Schools or his/her designee, together with the parents/guardians, student and other qualified staff or consultants shall evaluate the use of restrooms and locker rooms by the transgender students and consider the following factors, including, but not limited to:

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Gender Identity and Expression (Transgender and Gender Non-Conforming Youth) (continued)

Coordination of School Accommodations (continued)

Restroom and Locker Room Accessibility (continued)

- A. The transgender student's preference;
- B. Protecting student privacy;
- C. Maximizing social integration of the transgender student;
- D. Minimizing stigmatization of the student;
- E. Ensuring equal opportunity to participate;
- F. The student's age; and
- G. Protecting the safety of the students involved.

A transgender student who expresses a need or desire for 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.

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 their gender identity consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis considering the factors set forth above.

Dress Code

Students have the right to dress in accordance with their gender identity that is consistently asserted at school, within the constraints of the school policy for student dress (#5132-Student Dress).

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Privacy

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

Where the transgender student feels more supported and safe when other students are aware that they are transgender, 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, families 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.

Resources for Transgender or Transitioning Students

If a school staff member observes that a gender identity issue is creating challenges for a student at school or if a student indicates an intention to transition, the staff member shall alert a school counselor and encourage the student to meet with the school counselor if appropriate. School staff shall make every effort to support the student and encourage the support and respect of student peers and staff during school.

When a student indicates an intention to transition, the school counselor, as appropriate, shall offer assistance and provide the student and/or their parents/guardians with information, resources and referral services regarding the issues associated with gender identity and expression and/or formal gender transition. The school counselor shall also provide information regarding gender transition planning at school. The counselor shall coordinate the measures planned and taken at school for supporting the student and creating a sensitive supportive environment at school. These measures may include:

- A. Making resources available to parents who have additional questions or concerns;
- B. Developing age-appropriate lessons for students about gender diversity and acceptance;
and
- C. Staff training surrounding vigilance to prevent possible harassment, intimidation and bullying issues that may arise for transgender students.

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Resources for Transgender or Transitioning Students (continued)

Reports of harassment, intimidation and bullying shall be promptly investigated and resolved according to Board policy #5131.911-Bullying.

Students who do not want their parents/guardians to know about their transgender status shall be addressed on a case-by-case basis. The school counselor shall balance the rights of the student needing support and the requirement that parents/guardians be kept informed about their child. In accordance with law, parents/guardians and/or the appropriate local officials shall be informed when there is any suspicion of injury or harm to the student or other students.

Harassment, Intimidation and Bullying

The Board shall make every effort to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation, and/or bullying and free from discrimination on account of actual or perceived race, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, nationality, atypical hereditary cellular or blood trait of any individual, genetic information, or refusal to submit to a genetic test or make the results of a genetic test known, disabilities, social or economic status, pregnancy, childbirth, pregnancy-related disabilities, actual or potential parenthood, family status or other distinguishing characteristic.

Complaints alleging discrimination shall be reported to the school affirmative action officer according to board policies.

Any student experiencing or observing harassment, intimidation and bullying is encouraged to report the incident to a member of school staff. Any staff member observing or receiving a report of harassment, intimidation or bullying shall report the incident to the Principal the same day the incident is observed or the report received according to Board policy #5131.911-Bullying. All reported incidents of discrimination, harassment, intimidation, and bullying shall be promptly investigated and resolved according to law and Board policy.

Confidentiality

School personnel may not disclose information that may reveal a student's transgender 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.

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Confidentiality (continued)

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.

Official Records

To the extent that the school is not legally required to use a student's legal name or gender on school records and other documents, the school shall use the name and gender preferred by the student.

Each school is required to maintain a mandatory permanent student record of each student, which includes the legal name of the student as well as the student's biological gender. However, the District is not required to use a student's legal name and gender on other school records or documents. The District will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

A student's permanent pupil record may be changed to reflect a change in legal name or gender only upon receipt of documentation that such legal name and/or gender have been changed pursuant to applicable law. The following documentation may be provided:

- A court order or birth certificate demonstrating the student's new name.
- For a legal change of gender, the student must provide a birth certificate indicating the student's legal gender, or a valid passport indicating the student's legal gender.

(cf. 4131 – Staff Development)

(cf. 5114 – Suspension and Expulsion/Due Process)

(cf. 5131.21 – Violent and Aggressive Behavior)

(cf. 5131.8 – Out-of-School Misconduct)

(cf. 5132 – Dress Code)

(cf. 5145.4 – Nondiscrimination)

(cf. 5145.5 – Sexual Harassment)

(cf. 5145.52 – Harassment)

(cf. 5145.6 – Student Grievance Administrative Regulation)

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Legal Reference: Connecticut General Statutes

10-15c Discrimination in public school prohibited. (Amended by P.A. 97-247 to include “sexual orientation” and PA 11-55 to include “gender identity or expression”)

46a-60 Discriminatory employment practices prohibited Federal Law.

10-209 Records not to be public.

46a-60 Discriminatory employment practices prohibited.

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

Public Act 07-62 An Act Concerning the Deprivation of Rights on Account of Sexual Orientation.

Public Act 11-55 An Act Concerning Discrimination.

Title IX of the Education Amendments of 1972, 34 CFR Section 106.

Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986).

Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998).

Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June 26, 1998).

Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998).

Davis v. Monroe County Board of Education, No. 97-843 (U.S. Supreme Court, May 24, 1999).

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EAST HARTFORD PUBLIC SCHOOLS
East Hartford, Connecticut