

TRANSGENDER AND NONBINARY STUDENTS POLICY

Policy

It is the policy of the Champlain Valley School District to provide a safe, inclusive, equitable, civil, and positive learning environment for all students regardless of perceived or actual sex, gender identity, or gender expression.

Title IX of the Education Amendments of 1972 and 9 V.S.A. § 4502 protect all students from sex discrimination, including transgender students and students who do not conform to traditional gender stereotypes.

Definitions

- Assigned sex at birth: The sex designation assigned to a person when they are born
- Cisgender: Gender identity corresponds to a person's assigned sex at birth
- Gender expression: The way a person externally communicates gender to other people such as through behaviors, clothing, hairstyles, voice, mannerisms, activities, or body characteristics
- Gender identity: One's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves; one's gender identity can be the same or different from their sex assigned at birth
- Nonbinary: An identity embraced by some people who do not identify exclusively as a man or a woman; other terms that have the same or similar meaning include gender creative, gender variant, gender expansive, gender non-conforming, gender fluid, or gender atypical
- Sexual orientation: An inherent or immutable enduring emotional, romantic, or sexual attraction to other people (note: an individual's sexual orientation is independent of their gender identity)
- Transgender: A person whose gender identity or gender expression is different from the person's assigned sex at birth.

Privacy

All students have the right to privacy. Consistent with those rights provided under the Family Educational Rights and Privacy Act (FERPA) of 1974, any student will be able to discuss and express their gender diversity openly and the student will decide when, with whom, and how much of their private information to share with others.

In addition, school staff will respect any requests to use a name and pronoun that corresponds to the student's gender identity, irrespective of the gender listed on the student's records. Students will not be required to obtain a court-ordered name and/or gender change or to change their student records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.

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There may be times when disclosure to school staff or employees of a student's gender identity is necessary in order to fulfill a school's obligations to the transgender or nonbinary student with respect to safety, health, education, and anti-discrimination efforts.

The school will work closely with the student and their caregivers (when appropriate) in devising a plan regarding the confidentiality of a student's gender identity that is safe and affirming while meeting competing legal requirements. A school can best support a transgender or nonbinary student by involving the student regarding how and what information about the student is shared within the school, and between the school and the student's home. Schools will develop a plan for information-sharing that supports the student, while balancing a parent's right to information. To the extent possible and consistent with all competing legal requirements, school personnel will endeavor throughout to maintain the confidentiality of the student's gender identity.

Student Records

The superintendent will adopt procedures that ensure all students' personally identifiable information is maintained in compliance with FERPA and state and federally mandated reporting requirements.

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 will use the name and gender consistent with the student's gender identity.

Where a student's record(s) may not be changed absent court order due to state and/or federal law, efforts will be taken to maintain those records in strictest confidentiality in order to preserve the student's gender identity and, where appropriate, for an amended version to be maintained which preserves the confidentiality of the student's gender identity where a review of the record is required for educational purposes by either school personnel educating the student or personnel who will be evaluating the student (for eligibility purposes, for example).

A student (or parent/legal guardian in the case of a minor student) who is currently enrolled may request retroactive changes to that student's record including name and gender. Such requests will be handled on a case-by-case basis with consideration of the need to maintain legally accurate records consistent with state and/or federal mandated reporting requirements with the school's ongoing efforts to maintain internal student confidentiality regarding a student's gender identity.

Students no longer enrolled in the District may have their permanent educational records updated upon request of a parent/legal guardian of a minor student, or former students who have reached the age of majority, and these requests shall be accompanied by documentation that such legal name and/or gender have been changed pursuant to applicable state law.

Use of Gender-Segregated Facilities

A transgender or nonbinary student must be permitted to use a locker room or restroom that aligns with the student's gender identity.

Any student who expresses a need or desire for increased privacy will be provided with reasonable alternative arrangements. Reasonable alternative arrangements may include the use of a private

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area, a separate changing schedule, or the use of a single-stall restroom. Any alternative arrangement will be provided in a way that protects a student's ability to keep their gender identity confidential.

In all cases the use of restrooms and locker rooms by transgender or nonbinary students requires schools to consider numerous factors, including but not limited to: the transgender or nonbinary student's stated gender identity; protecting student privacy; maximizing social integration of the transgender or nonbinary student; minimizing stigmatization of the transgender or nonbinary student; ensuring equal opportunity to participate; and the student's age.

School Sports and Activities

As a general rule, in any other circumstances where students are separated by gender in school sports and activities, students will 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 listed above.

Procedures

The superintendent will adopt procedures referenced herein and/or as they deem necessary to enact this Policy.

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Legal Reference(s):

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