

NHCS FAQ on Transgender and Non-Binary Student Support

What does it mean to be transgender or non-binary?

According to transequality.org, “Transgender people are people whose gender identity is different from the gender they were thought to be at birth. “Trans” is often used as shorthand for transgender. A transgender woman lives as a woman today but was thought to be male when she was born. A transgender man lives as a man today but was thought to be female when he was born. Some transgender people identify as neither male nor female or as a combination of male and female. There are a variety of terms that people who aren’t entirely male or entirely female use to describe their gender identity, like non-binary.”

Why does transgender student support matter?

The U. S. Department of Education’s Office of Civil Rights “found transgender youth were more likely to report feeling unsafe at school and being bullied and that the COVID-19 pandemic harmed their mental health.”¹ This negatively impacts academic performance. Yet, NHCS is committed to supporting all its students regardless of their gender identity. Its mission is “to strive to provide children with an opportunity for a superior education in a safe and positive learning environment where they are prepared with the skills to succeed.” Transgender students, like all students, who are supported, are in a better position to thrive personally and academically.

What does Federal law say?

President Biden signed an [Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation](#) on January 20, 2021. The Executive Order directs government agencies (including the Department of Education) to review all existing orders, regulations, guidance documents, programs, and policies concerning sex discrimination. Accordingly, the Department of Education will review its regulations that implement Title IX. The Biden Executive Order may impact NHCS students by aligning Federal law with existing NC law to continue support for transgender and non-binary students.

What does North Carolina law say?

Under North Carolina law (N.C. Gen. Stat. §115C-407.15 (2009), students are protected from bullying and harassment by NHCS students or NHCS employees based on actual or perceived sexual orientation, gender, gender identity, and physical appearance. Also, the United States Court of

¹ US Department of Education Supporting Transgender Youth in School, June 2021 p. 1 citing Education in a Pandemic: The Disparate Impacts of COVID-19 on America’s Students, p. 27, <https://www2.ed.gov/about/offices/list/ocr/docs/20210608-impacts-of-covid19.pdf>; PFLAG, CULTIVATING RESPECT: SAFE SCHOOLS FOR ALL (2019), https://pflag.org/sites/default/files/Cultivating%20Respect_2019.pdf; 156 CENTERS FOR DISEASE CONTROL AND PREVENTION, YOUTH RISK BEHAVIOR SURVEY DATA SUMMARY AND TRENDS REPORT 2009-2019, at 6 (2020), <https://www.cdc.gov/healthyyouth/data/yrbs/pdf/YRBSDataSummaryTrendsReport2019-508.pdf>; 157 Michelle M. Johns et al., Transgender Identity and Experiences of Violence Victimization, Substance Use, Suicide Risk, and Sexual Risk Behaviors Among High School Students — 19 States and Large Urban School Districts, 2017 MORBIDITY MORTALITY WEEKLY REPORT, CDC (Jan. 25, 2019), <http://dx.doi.org/10.15585/mmwr.mm6803a3>.

Appeals (4th Circuit) stated in Gavin Grimm vs. Gloucester County School Board (2020) that it is illegal for schools to prevent transgender students' access to restrooms and locker rooms matching their gender identity. NHCS may offer transgender and non-binary students an alternate single-occupancy restroom but cannot require its use. Gavin Grimm vs. Gloucester County School Board (2020) also makes this clear that transgender students can request to update their education records (such as transcripts and new documents after providing appropriate documentation) to reflect their gender identity. North Carolina General Statute 115C-76.45 and NHCS Policy 1310/4002 (Parental Involvement) require school authorities to notify parents of a student's request to change their name or preferred pronouns *prior* to making any changes. The statute further requires school authorities to encourage the student to discuss the issue with their parents or facilitate discussion between the parents and the student.

How can a transgender or non-binary student request support?

NHCS encourages transgender and non-binary students to seek support when needed to ensure they feel comfortable in their educational environment. Students may make support requests by speaking with a teacher, school administrator, school counselor, or NHCS' Title IX Coordinator. Depending on the type of support needed, a support meeting involving school administration, teachers, students, parents, or caregivers may be necessary to ensure the implementation of the needed support. Moreover, North Carolina General Statute 115C-76.45 and NHCS Policy 1310/4002 (Parental Involvement) require school authorities to notify parents of a student's request to change their name or preferred pronouns *prior* to making any changes. The statute further requires school authorities to encourage the student to discuss the issue with their parents or facilitate discussion between the parents and the student.

Where can I find support resources for transgender and non-binary students?

Support resources can be located [here](#) for transgender students, non-binary students, and sexual harassment reporters.

Will my child be required to use the restroom or locker room with a transgender student?

NHCS strives to foster a school environment where all students feel welcome and safe. NHCS will continue to respond on a case-by-case basis to privacy and safety concerns while following applicable NHCS conduct policies.

What is the rule regarding transgender and non-binary students playing sports?

North Carolina General Statute 115C-12(23)(e) imposes certain restrictions on eligibility based on the student's sex. The statute recognizes a student's sex solely on the student's reproductive biology and genetics at birth and requires the schools to designate teams by biological sex. Thus, the teams are males, men, boys; Females, women, girls; or Coed or mixed. Furthermore, the statute provides that athletic teams designated for females, women, and girls are not open to students of the male sex. See North Carolina High School Athletic Association Handbook, paragraph 1.2.5 and NHCS Policy 3620.

What if a transgender student seeks privacy and requests that their caregiver not be involved in the support process?

NHCS understands that sometimes school is the only place where transgender or non-binary students feel safe enough to be themselves. NHCS strives to protect the privacy of all of its students based on federal and state laws. Students requesting accommodations should be mindful that the Family Educational and Privacy Act (FERPA) provides caregivers the right to inspect and review a student's education records, including written accommodation plans for transgender and non-binary students. Furthermore, [North Carolina General Statute 115C-76.45](#) and [NHCS Policy 1310/4002 \(Parental Involvement\)](#) require school authorities to notify parents of a student's request to change their name or preferred pronouns *prior* to making any changes. The statute further requires school authorities to encourage the student to discuss the issue with their parents or facilitate discussion between the parents and the student.

What if a caregiver does not agree with their child's transgender status or support measures?

NHCS will respond to these matters on a case-by-case basis while balancing student privacy, student safety, and caregiver rights.

What if I have questions that were not answered on this FAQ?

Additional questions or suggested questions for this FAQ can be submitted to titleix@nhcs.net.

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