

Purpose

This regulation is to advise school site staff and administration regarding transgender and gender non-conforming student concerns in order to create a safe learning environment for all students and to ensure that every student has equal access to all components of their education programs and activities.

Definitions

gender expression- refers to external cues that one uses to represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

gender identity- refers to one's internal sense of gender, one's gender identity may be different than that assigned at birth.

gender non-conformity - refers to one's gender expression, gender characteristics, or gender identity that does not conform to gender stereotypes.

gender stereotypes- refers to stereotypical notions of masculinity and femininity, including expectations of how boys or girls represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

gender transition - refers to the experience by which a transgender person goes from living and identifying as one's assigned sex to living and identifying as the sex consistent with one's gender identity. A gender transition often includes a "social transition," during which an individual begins to live and identify as the gender consistent with the individual's internal gender identity, with or without medical treatments or procedures.

gender-based discrimination - is a form of sex discrimination, and refers to differential treatment or harassment of a student based on the student's sex, including gender identity, gender expression, and gender nonconformity with gender stereotypes, that results in the denial or limitation of education services, benefits, or opportunities. Conduct may constitute gender-based discrimination regardless of the actual or perceived sex, gender identity, or sexual orientation of the persons experiencing or engaging in the conduct.

gender-specific facilities- refers to facilities and accommodations used by students at school or during school-sponsored activities and trips, and include, but are not limited to, restrooms, locker rooms, and overnight facilities.

assigned sex - refers to the gender designation listed on one's original birth certificate.

Transgender - describes an individual whose gender identity is different from the individual's assigned sex at birth. For example, "Transgender boy" and "transgender male" refer to an individual assigned the female sex at birth who has a male gender

identity. An individual can express or assert a transgender gender identity in a variety of ways, which may but do not always include specific medical treatments or procedures. Medical treatments or procedures are not considered a prerequisite for one's recognition as transgender. For purposes of this policy, a "transgender student" is a student who consistently asserts a gender identity different from the student's assigned sex at birth, or for which there is documented legal or medical evidence that the gender identity is sincerely held as part of the student's core identity.

Gender-Based Discrimination and Harassment

According to Department of Education guidance, transgender students will be protected from discrimination and harassment under Title IX. The guidance specifically states "Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and the Office of Civil Rights accepts such complaints for investigation." State statute prohibits employers from discriminating on the basis of gender expression, and or sexual identity. Board of Education policy prohibits discrimination on the basis of gender identity.

These prohibitions affirm that transgender students will be protected from discrimination and harassment in the public school system. District employees will respond appropriately to ensure that schools are free from any such discrimination or harassment. Each school and the district will ensure that students who are transgender and gender nonconforming 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.

Names, Pronouns and Official Records

Names/Pronouns

Students will have the right to be addressed by a name and pronoun corresponding to their gender identity that is asserted at school. Students will not be required to obtain a legal name change before they may be addressed by the name and pronoun that corresponds to their gender identity. The requested name and gender identity will be included in the student information system, in addition to the student's legal name and sex assigned at birth, in order to inform teachers of the name and pronoun to use when addressing the student.

Transgender and gender non-conforming students will 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. The fact that a student chooses to disclose his or her transgender status to staff or other students will not authorize school staff to disclose other medical information about the student. When contacting the parent/legal guardian of a transgender student, school staff will use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student or parent/ legal guardian has specified otherwise.

Official Records

Pursuant to state statute and regulation, Los Alamos Public Schools is required to maintain a mandatory permanent student record that includes the name of the student, as well as the student's sex. School staff or administrators are required by law to use students' legal name and gender on state academic records, such as standardized testing, but school staff and administrators will use students' preferred name and gender in all internal records, documents, and interactions. Los Alamos Public Schools will change a student's official records to reflect a change in legal name or gender only upon receipt of documentation (court order or birth certificate) that such legal name and/or gender have been changed pursuant to New Mexico legal requirements.

Los Alamos Public Schools will ensure that any school records containing the student's birth name or reflecting the student's assigned sex, if any, are treated as confidential, personally identifiable information; are maintained separately from the student's records; and are not disclosed to any district employees, students, or others without the express written consent of the student's parent/legal guardian or the student after the student turns eighteen (18) or is emancipated.

In situations where school staff or administrators are required by law to use or to report the legal name or sex assigned at birth of a student who is transgender but whose official record has not been amended, such as for purposes of standardized testing, school staff and administrators will adopt practices to avoid the inadvertent disclosure of such confidential information.

Access to Gender-Segregated Activities and Areas
General Statement on Facilities

The student will be provided access to designated gender-specific facilities at school, at all district-sponsored activities, including overnight events and extracurricular activities on and off campus, consistent with the student's gender identity. The student, however, may request access to private facilities based on privacy, safety, or other concerns.

Restroom Accessibility

Students will have access to the restroom that corresponds to their gender identity at school. Where available, a single stall bathroom may be used by any student who desires increased privacy. The use of such a single stall bathroom will be a matter of choice for a student, and no student will be compelled to use such bathroom.

Locker Room Accessibility

Transgender students will have access to the locker room of their gender identity and will not be forced to use the locker room corresponding to their sex assigned at birth. In locker rooms that involve undressing in front of others, transgender students who want to use the locker room corresponding to their gender identity will be provided with the most appropriate available accommodation. Based on availability and appropriateness to address privacy concerns, such accommodations could include, but are not limited to:

- Use of a private area in the public area (e.g., a bathroom stall with a door, an area separated by a curtain, a PE instructor's office in the locker room);
- A separate changing schedule (either utilizing the locker room before or after the other students);
- Use of a nearby private area (e.g., a nearby restroom, a nurse's office).

Physical Education Classes and Interscholastic Athletics

All students will be permitted to participate in physical education classes and sports in a manner consistent with their gender identity. Furthermore, unless precluded by New Mexico Athletic Association policies, all students will be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.

Gender Segregation in Other Areas

Schools should evaluate all gender-based activities, rules, policies, and practices — including, but not limited to, classroom activities, school ceremonies, and school photos — and maintain only those that have a clear and sound pedagogical purpose. Students will be permitted to participate in any such activities or practices consistent with their gender identity.

As a general rule, in any other circumstances where students are separated by gender in school activities (e.g., class discussions, field trips), students will be permitted to participate in accordance with their gender identity.

Dress Codes

Schools may enforce dress codes pursuant to board policy. Students will have the right to dress in accordance with their gender identity within the constraints of the dress codes adopted by the district and the school.

Professional Development

Los Alamos Public Schools will provide training to all staff annually regarding the district's obligations to prevent and address gender-based discrimination as well as implementation of the policies, procedures, and regulations, and best practices for creating a nondiscriminatory school environment for transgender students.

Bullying Prevention and Sexual Harassment Programs

The district will provide age-appropriate instruction to all students on gender-based discrimination, including harassment, in various school-related contexts as part of its bullying prevention and sexual harassment programs.

Student Assistance Team (SAT) Meeting

Los Alamos Public Schools will notify the student and their parents that they may, at any point during the student's enrollment in the Los Alamos Public Schools, request a individual support plan through a Student Assistance Team meeting to ensure the

student has access and opportunity to participate in all programs and activities, and is protected from gender-based discrimination at school. If the district receives such a request, it will convene a student assistance team (SAT) that will:

- Include, at a minimum, the student if age appropriate, their parents or legal guardians, the principal, counselor, an advocate or representative of the parents' choice (if any), and relevant site personnel familiar with the student;
- Develop a student-specific support plan to provide the student with safe and equitable access to all school facilities and activities, addressing any particular issues raised by the student or their parents;
- Document its meetings, recommendations, and decisions, including, but not limited to, the date and location of each meeting, the names and positions of all participants, the basis for its recommendations and decisions, and supporting third-party opinions and information considered and/or relied upon in the meeting; and
- At least once each school year and at any time upon the request of the student or their parents, review the student's particular circumstances to determine whether the existing arrangements related to the student's gender identity, gender transition, or transgender status are meeting their educational needs and ensuring that the student has equal access to and equal opportunity to participate in the district's education programs and activities. The individual support plan will be in place for the remainder of the student's enrollment in the district or until their parents request in writing that it be terminated.

References:

5130, 5130R, 5132R

Legal Reference

Education Amendments Act of 1972, Title IX

Civil Rights Act of 1964, Title VI

NMSA 28-1-2

NMSA 28-1-7

NMAC 6-60-9

NMAC 1.20.2.108

Regulation Approved 5/19_____