

Student Gender Identity and Expression

I. PURPOSE

District policy requires that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity. 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 each student identity and expression and clarifies how state law should be implemented in situations where questions may arise about how to protect the legal rights or safety of students. This policy does not anticipate every situation that might occur students, and the needs of each 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 students while maximizing social integration and minimizing stigmatization.

II. GENDER DIVERSITY DEFINITIONS

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

Gender Identity and Expression includes, but may not be limited to, the following definitions:

- Sex assigned at birth is the sex (male or female) assigned to an infant, most often based upon the infant's anatomical and other biological characteristics.
- Gender identity is a person's deeply held sense or psychological knowledge of their own gender, regardless of the sex they were assigned at birth. Everyone has a gender identity.
- Cisgender describes a person whose gender identity aligns with the sex that they were assigned at birth.
- Transgender describes people whose gender identity is different from their sex assigned at birth.
- Gender expression refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.
- Gender Fluid describes an individual whose gender identity and/or expression is flexible and may change from day to day.
- Gender nonconforming describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.
- Nonbinary describes an individual whose gender identity and/or expression is not exclusively male or female.

- Socially transitioning is the process by which a person goes from living and identifying as one gender to living and identifying as another gender.

III. GUIDANCE

A. Privacy

The Board recognizes a student's right to keep private one's gender identity and expression at school. Information about a student's gender identity or expression, legal name, or sex assigned at birth also may constitute confidential information. School personnel should not disclose information that may reveal a student's gender identity and expression to others, including parents, and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Students have the right to discuss and express their gender identity openly and to decide when, with whom, and how much to share. Student Support Plans may be utilized to document student choices involving who should be informed about their gender identity and expression, their preferred use of pronouns and decisions they may make around the use of restrooms and locker rooms or participation in activities generally segregated by sex. When creating a Student Support Plan the student will be informed that it is an educational record to which their parents can have access.

B. Official Records

The District is required to maintain official records required by Federal and State law that include a student's legal name and sex assigned at birth. 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 sex assigned at birth 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 student's legal name or sex assigned at birth, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

C. 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 sex assigned at birth change is not required, and the student need not change their official records. The persistent refusal to respect a student's gender identity (for example, 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.

D. Sex or Gender-Segregated Activities

To the extent possible, schools should limit the practice of segregating students by sex or gender. In situations where this is unavoidable students should be included in the group that corresponds to their gender identity. Every effort should be made to avoid sex or gender segregation in extra-curricular and co-curricular activities, and when this is not possible, students should be permitted to participate in a way that corresponds to their gender identity and expression. Students may make alternative arrangements when necessary to protect their privacy and facilitate participation in field trips or overnight trips. In no case shall students be required to use restrooms, locker rooms, or hotel rooms that conflict with the student's gender identity.

E. Restroom Accessibility

Students shall have access to the restroom that corresponds to their gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such a restroom. Schools shall provide at least one all-gender restroom that is clearly labeled for student use.

F. Locker Room Accessibility

The use of locker rooms corresponding to a student's gender identity and expression shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, students should have access to the locker room that corresponds to their gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep their gender identity and expression confidential. In no case shall a student be required to use a locker room that conflicts with the student's gender identity.

G. Physical Education Classes & Intramural Sports

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

H. Interscholastic Competitive Sports Teams

Students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity. Interscholastic athletic activities should be addressed through the NHIAA participation policy, Article II, Section 21.

I. Dress Codes

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 sex or gender identity.

J. Discrimination/Harassment

It is the responsibility of each school and the District to ensure that all students have a safe school environment regardless of their gender identity or expression. 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 gender identity and expression are to be handled in the same manner as other discrimination or harassment complaints.

K. Professional Development and Training

Professional development and training will be provided to District personnel regarding the purpose of this policy.