

Keene School District

JBAB- Transgender and Gender Non-Conforming Students

Category: Optional

I. PURPOSE

The programs, activities, and employment practices of a School District must be free from discrimination based on sex, sexual orientation, or gender identity. Accordingly, this policy is intended 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 transgender and gender nonconforming students and attempts to clarify how state and federal law should be implemented to protect the legal rights and safety of all students. This policy cannot anticipate every situation that might occur with respect to transgender or gender nonconforming students, and the circumstances of each transgender or gender nonconforming student should be addressed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender or gender nonconforming student while maximizing the student's social integration and minimizing stigmatization of the student.

II. 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.

"Gender identity" is a person's deeply held sense or psychological knowledge of the person's own gender, regardless of the gender assigned at birth. Everyone has a gender identity.

"Transgender" describes a person whose gender identity is different from the gender assigned at birth.

"Gender expression" refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.

"Gender nonconforming" describes people whose gender expression differs from stereotypical expectations.

III. Privacy

The Board recognizes a student's right to keep private one's transgender status or gender nonconforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential information. School personnel should not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Transgender and gender nonconforming students

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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.

When contacting the parent or guardian of a transgender or gender nonconforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

IV. Official Records

The District is required to maintain a mandatory permanent pupil record ("official record") that includes a student's legal name and gender assigned at birth. However, the District is not required to use a student's legal name and gender assigned at birth on other school records or documents. The District will change a student's official record to reflect a change in legal name or gender upon receipt of proper 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 assigned at birth, such as a requirement for standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

V. 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 gender change is not required, and the student need not change his or her official records. The intentional or persistent refusal to respect a student's gender identity consistently asserted at school (for example, intentionally 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, and the offender shall be referred for appropriate counseling and/or discipline.

VI. Gender-Segregated Activities

In situations where students are segregated by gender, such as for health education classes, a student should be included in the group that corresponds to the student's gender identity consistently asserted at school.

VII. Restroom Accessibility

Restroom accessibility shall be addressed on a case-by-case basis with the transgender student. A student shall have the right to access the restroom that corresponds to the student's gender identity consistently asserted at school. 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.

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VIII. Locker Room Accessibility

The use of locker rooms by transgender students shall also be assessed on a case-by-case basis. It is intended to maximize the transgender student's social integration, safety and comfort, and minimize stigmatization, while providing an equal opportunity to participate in physical education classes and sports.

In most cases, transgender students should have access to the locker room that corresponds to the student's gender identity consistently asserted at school. 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 the student's gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep the student's transgender status confidential. A transgender student shall not be required to use a locker room that conflicts with the student's gender identity.

IX. Physical Education Classes & Intramural Sports

A transgender student shall be permitted to participate in physical education classes and intramural sports in a manner consistent with the student's gender identity consistently asserted at school.

X. Interscholastic Competitive Sports Teams

A transgender student shall be permitted to participate in interscholastic athletics in a manner consistent with the student's gender identity consistently asserted at school.

XI. Clothing

A transgender and/or gender nonconforming student has the right to dress in a manner consistent with the student's gender identity or gender expression.

XII. Discrimination/Harassment

It is the responsibility of each school and the District to ensure that transgender and gender nonconforming students have a safe school environment. This includes 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 transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.

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Approved KBE: 2/14/17