

TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

I. PURPOSE

The Somersworth School Board requires that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity as outlined in District policy AC, *Non-Discrimination, Equal Opportunity Employment and District Anti-Discrimination Plan*.

Policy JBAB 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 transgender and gender nonconforming students.

This policy does not anticipate every situation that might occur with respect to transgender or gender nonconforming students, and the needs of each transgender or gender nonconforming student must be assessed on a case-by-case basis, including students 18 years of age and above. The school district will work with the families of transgender and gender non-conforming students to ensure that their child is treated with dignity and respect. 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.

The school district shall follow supportive procedures as discussed in the policy after such transition has been approved by both the student and the parent(s) or legal guardian(s).

II. DEFINITIONS

The definitions provided here are not intended to label students but rather are intended to assist in understanding this policy and the students that it applies to. Students might or might not use these terms to describe themselves.

"Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the biological sex listed on a person's birth certificate.

"Transgender" describes people whose gender identity is different from their biological sex listed on a person's birth certificate.

"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, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.

TRANSGENDER AND GENDER NON-CONFORMING STUDENTS**III. GUIDANCE****A. Privacy:**

In accordance with policy JRB/GBEAA, *Confidential Student Information*, the School Board recognizes a student's right to keep private one's transgender status or gender nonconforming presentation at school. The Board also recognizes a transgender and gender nonconforming student's right to discuss and express their gender identity openly.

Information about a student's transgender status, legal name, or biological sex listed on a person's birth certificate 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 without authorization from the student and parent(s) or legal guardian(s).

B. Official Records

The district is required to maintain a mandatory permanent pupil record that includes a student's legal name and legal gender as described in policy JEB, *Entrance Age Requirements*. However, the district is not required to use a student's legal name and gender on other school records or documents (i.e., graduation diploma). The district will change a student's official record to reflect a change in legal name or legal gender 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 transgender student's legal name or gender, such as for purposes of standardized testing, state data reporting, or a student's Individual Education Plan, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

Should the situation arise where the student would like their name and gender identity to change from what is on their official school record, the school will need the permission of both the student and the parent(s) or legal guardian(s) to make a change in the school district's student information system, other files or other electronic data bases where the student's legal name and biological sex listed on a person's birth certificate is the only information identified. The school will utilize the procedure outlined in policy JBAB-R.

C. Locker Rooms and Restrooms

The use of locker rooms and restrooms by transgender students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration, ensuring the

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student's safety and comfort and minimizing stigmatization of the student.

Any alternative arrangement should be provided in a way that protects the student's transgender status. In no case shall a transgender student be required to use a locker room and restroom that conflicts with the student's gender identity.

Decisions regarding consistent facility use shall be granted with both student and parent permission.

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. However, no student shall be required to use such a restroom.

D. Interscholastic Competitive Sports Teams

Transgender and gender nonconforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity. The district will consult with the NH Interscholastic Athletic Association (NHIAA) to ensure that transgender and gender non-conforming student eligibility is consistent with established NHIAA practices and requirements.

E. Dress Codes

Transgender and gender nonconforming 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 gender.

F. 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 in accordance with policies AC, ACAC, ACE and JICK. 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 transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.

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Legal References:

- Title IX of The Civil Rights Act of 1964, 42 U.S.C 2000d, ed seq*
- Legal Guidance on Transgender Students’ Rights, National Education Association, June 2016*
- Family Educational Rights and Privacy Act*
- NH Code of Ethics for Educational Professionals*

District History:

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