

APPROVED: May, 2021

REVIEWED:

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REAFFIRMED:

JBAB TRANSGENDER AND GENDER NONCONFORMING STUDENTS

I. PURPOSE

It is the goal of the Epsom School District, to foster a learning environment that is safe, and free from discrimination, harassment and bullying as well as to assist in the educational and social integration of all students, including transgender and gender nonconforming students in our schools. This policy is intended to be interpreted in light of applicable federal and state laws and regulations, as well as Board policies, procedures and school rules.

This policy is not intended to anticipate every possible situation that may occur, since the needs of particular students and families differ depending on the student's age and other factors. In addition, the programs, facilities and resources of each school also differ. Administrators and school staff are expected to consider the needs of students on a case- by-case basis, and to utilize this policy and other available resources as appropriate. Administrators and school staff shall also give due weight to the role of parents and guardians in making decisions regarding their child.

The term "transgender" is an umbrella term for an individual whose gender identity or expression is different from that traditionally associated with their assigned sex at birth.

A student will be considered transgender if, at school, they consistently assert a gender identity or expression different from that traditionally associated with assigned sex at birth. This includes students who identify as transgender, or who are gender nonconforming. This involves more than a casual declaration of gender identity or expression, but it does not necessarily require a medical diagnosis.

II. DEFINITIONS

1. *Gender identity* – A person's deeply held sense or psychological knowledge of their own gender. One's gender identity can be the same or different than that traditionally associated with their assigned sex at birth.

2. *Gender expression* – The multiple ways in which a person represents or expresses their gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms. Gender expression could be referred to as masculine, feminine, gender nonconforming, etc.

3. *Transgender* – A person whose gender identity and/or expression is not aligned with - that traditionally associated with their assigned sex at birth.

4. *Gender nonconforming* – Describes an individual whose gender expression, behaviors, or interests are different from societal and stereotypical gender expectations traditionally associated with their assigned sex at birth.

5. *Gender non-binary* – Describes an individual whose gender identity and/or expression does not align with the gender binary of male or female. A gender non-binary person may describe their gender identity and/or expression as androgynous, genderfluid, genderqueer, agender, non-labeling, etc.

6. *Gender Transition* – The process by which a person goes from living and identifying as one gender to living and identifying as another gender. Gender transition is typically prompted by the feeling that an individual's gender identity does not match the one typically associated with their assigned sex at birth. Examples include: transitioning from a boy to a girl, a girl to a boy, a girl to gender non-binary, or a boy to gender non-binary. For most elementary and secondary students, this involves no or minimal medical interventions. In most cases, transgender students under the age of 18 are in a process of "social transition" from one gender to another.

7. *Sexual orientation* – Describes a person's romantic and/or sexual attraction. Sexual orientation is different and not the same as gender identity or gender expression. In this policy, sexual orientation refers to an individual's "actual or perceived" sexual orientation.

III. PRIVACY

When supporting transgender or nonconforming students, the counselors or school psychologists may connect with the student and family to determine the individuals related needs. This will address how to deal with disclosures that the student is transgender. In some cases, a student may want school staff and students to know, and in other cases the student may not want this information to be widely known. School staff shall take care to not inadvertently disclose information that is intended to be kept private or that is protected from disclosure (such as confidential medical information).

School staff should keep in mind that under FERPA, student records may only be accessed and disclosed to staff with a legitimate educational interest in the information. Disclosures to others shall only be made with appropriate authorization from the administration and/or parents/guardians.

IV. OFFICIAL RECORDS

Schools are required to maintain a permanent record for each student which includes legal name and gender. This information is also required for standardized tests and official school unit reports. This official information will only be changed upon receipt of documentation that a student's name or gender has been changed in accordance with any applicable laws. Any requests to change a student's legal name or gender in official records will be referred to the Superintendent or designee.

To the extent that the school is not required to use a student's legal name or gender on school records or other documents, the school will use the name and gender identified in the student's plan.

V. NAMES / PRONOUNS

Students will be addressed by school staff and other students by the name and pronouns corresponding to their gender identity that is consistently asserted at school. This gender identity will be referred to as the

student's preferred name. Local student information tracking systems will record both the legal name of the student as well as the student's preferred name whenever possible.

VI. RESTROOMS

A student shall be permitted to use the restrooms assigned to the gender identity which the student consistently asserts at school. Any student who expresses a need for privacy will be provided with reasonable alternative facilities or accommodations such as using a separate single-occupancy or a staff facility. However, a student shall not be required to use a separate single-occupancy facility over their objection.

VII. LOCKER ROOMS

The use of locker rooms requires schools to consider a number of factors, including but not necessarily limited to the safety and comfort of students; the transgender student's preference; student privacy; the ages of students; and available facilities. As a general rule, transgender students shall be permitted to use the locker room assigned to the gender identity which the student consistently asserts at school.

A transgender student shall not be required to use a locker room that conflicts with the gender identity consistently asserted at school. Any student who expresses a need for privacy will be provided with reasonable alternative facilities or accommodations, such as using a separate stall, a staff facility or separate schedule.

VIII. OTHER GENDER-SEGREGATED FACILITIES AND ACTIVITIES

As a general rule, in any other facilities or activities when students may be separated by gender, transgender students may participate in accordance with the gender identity consistently asserted at school. Interscholastic athletic activities should be addressed through the NHIAA participation policy, Article III, Section 5

IX. DRESS CODE

Transgender students may dress in accordance with their consistently asserted gender identity, consistent with any applicable requirements in the dress code or school rules.

X. SAFETY AND SUPPORT FOR TRANSGENDER TRANSITIONING STUDENTS

School staff shall comply with any plan developed for a transgender student and to notify the building administrator or other designated support person for the student if there are concerns about the plan, or about the student's safety or welfare.

School staff should be sensitive to the fact that transgender and transitioning students may be at higher risk for being bullied or harassed, and should immediately notify the appropriate administrator upon becoming aware of a problem per District policy JBAA and JICK.

XI. STAFF TRAINING / INSTRUCTIONAL MATERIALS

The Superintendent or designee and/or building principal may institute in-service training and/or distribute educational materials about transgender issues to school staff as deemed appropriate. Training will include awareness of gender stereotyping.

Teachers and other staff who have responsibilities for a transgender student with a plan will receive support in implementing the plan.

XII. DISCRIMINATION / HARASSMENT

It is the responsibility of each school and the District to ensure that all students, including transgender and gender nonconforming students 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. 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 (See Policy JBAA).

Legal Reference: RSA 354-A:2, XIV-c