

Transgender and Gender Non-Conforming Procedure

I. Introduction

The Contoocook Valley School District is committed to providing a safe and supportive learning environment for all students that is free from discrimination, harassment, bullying and intimidation, as well as to assist in the educational and social integration of transgender and gender nonconforming students in our schools. These procedures are 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. District policy requires that all schools and all personnel promote acceptance and respect among students and staff. Additionally, federal and state law, as well as District policy, requires that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity. These procedures are intended to be interpreted in light of applicable federal and state laws and regulations, as well as Board policies, procedures and school rules.

These procedures set out guidelines for schools and District staff to address the needs of transgender and gender nonconforming students and clarifies how state and federal law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students. These procedures do 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. In all cases, the goal is to facilitate the safety, privacy, and healthy development of the transgender or gender nonconforming student while maximizing the student's access to education and social integration and minimizing the stigmatization of the student.

Parental knowledge, support and participation in this process is imperative. Unless the District has knowledge that disclosure to parents presents a tangible risk of physical or psychological harm to students, the District should involve parents and support students in making disclosure of their gender identity or expression to their parents/guardians.

II. Definitions

The following definitions are not intended to provide rigid labels for students, but to assist in discussing and addressing the needs of students. The terminology in this area is constantly evolving, and preference for particular terminology varies widely. Administrators, school staff, volunteers, students and others who interact with students are expected to be sensitive to the ways in which particular transgender or gender nonconforming students may wish to be identified.

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.

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.

Cisgender: Describes a person whose gender identity and expression are aligned with those traditionally associated with their assigned sex at birth.

Transgender: Describes a person whose gender identity and/or expression is not aligned with 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 their assigned sex at birth. This involves more than a casual declaration of gender identity or expression, but it does not require a medical diagnosis. “Transgender” is often used as an umbrella term to refer to students who identify as transgender, who are gender nonconforming or gender non-binary, gender variant, genderfluid, genderqueer, agender, non-labeling, in the process of questioning their gender, etc.

Gender non-conforming: Describes a person whose gender expression differs from societal and stereotypical gender expectations traditionally associated with their assigned sex at birth.

Gender non-binary: Describes a person 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.

Genderfluid: Describes a person whose gender identity and/or expression may be gender nonconforming or non-binary, who has a wider and more flexible range of gender expression that may even change from day to day. While the gender expression of a student who is genderfluid is flexible or may appear to change with some frequency, their gender fluid identity can be recognized as the “gender which the student consistently asserts at school” in regard to this procedure.

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 elementary and secondary students, this involves minimal or no medical interventions. In most cases, transgender students under the age of 18 are in a process of “social transition” from one gender to another.

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 procedure, sexual orientation refers to an individual’s “actual or perceived” sexual orientation.

This procedure will be used to address needs raised by transgender or gender nonconforming students and/or their parent(s)/guardian(s). All students and their families should be aware of all students' rights and policies and the District's commitment to create supportive learning communities for all students, including transgender and nonconforming students.

III. Gender Support Plan

While a student's need to transition at school can come to the school's attention in a number of ways, the school's procedures for developing and implementing a plan of support is activated only when the school is notified by either the parent/guardian or the student, and they request that the school assist in the development of how the transition will be communicated to the school community.

1. A parent or guardian may approach a school or District administrator about their child's transition. In such a case, the administrator should meet with the parents and student to discuss the school's role in supporting the student's transition, and if appropriate and requested by the parent/student, develop a Gender Support Plan. The meeting may include such additional school personnel as are necessary to support the student provided the family or student specifically requests or consents to their presence. The meeting should include a discussion as to the appropriate school personnel to whom the Plan should be distributed, as well as documentation of the parent and/or the adult student's consent to the Plan. The Gender Support Plan would include the timing of the transition, planning responses to questions from school staff and students, and updating the student's information in the school records, among other questions that may arise. **If the parties cannot reach an agreement about the elements to be included in the plan, the Superintendent or designee shall be consulted.**

A transgender or gender nonconforming student and/or their parent(s)/guardian(s) can contact the student's counselor or building administrator to discuss ways that we can support a student. In the case of a student who has not yet enrolled in school, the appropriate building administrator should be contacted.

2. A student may approach a staff member about their transition. While not the only way, the most frequent way this happens is students approaching staff members requesting a name change. The staff member response should be:

- a. Thank the student for their disclosure.
- b. Let the student know that we have a process in place to support them and their family.
- c. Affirm that we want them to feel safe in school and that we respect them and their gender identity and expression.
- d. Let them know that we will support them in their transition and that we are committed to ensuring that they have equal access to the school and its programs.
- e. If they have not yet disclosed their gender identity to their parents, we are able to support them in doing so; if the student indicates that their parents are aware, or if the student indicates that they would like support in disclosing to their parents the staff

member should reach out to the building administrator. The District shall encourage and support prompt disclosure to the Parents.

The staff member should then share the information with the building administrator, who will coordinate next steps, which will involve working with the student and their parents/guardian.

If a student, who is a minor (which includes those who have not graduated high school and is still attending school), asks District staff and/or administrators to keep information related to their transgender or gender nonconforming status from their parent(s)/guardian(s), the District staff/administrator should not make any promises concerning confidentiality to the minor student. While the District recognizes that it is important to speak with the student prior to involving parents, guardians, or other family members to determine whether doing so would be safe and support the student's health and well-being, these determinations related to disclosure should be made on a case-by-case basis in conjunction with the Director of Student Services. Individual considerations will need to be made based on the age of the student and any other mitigating circumstances, including the safety and wellbeing of the student. In these cases, schools should develop a plan for information sharing which supports the student, while balancing the parents right to information under FERPA.

The District notes that studies show, in most cases, parental involvement is beneficial to children who are in transition. Therefore, wherever possible, provided no concerns for the student's safety or wellbeing would arise from the disclosure, the administrator should, with the student's consent, arrange a meeting with the family to discuss the student's transition. The planning for this meeting should involve the student to determine what role, if any, the student would like to play during the meeting. For example, in some instances a student may want to disclose their transgender status themselves, while in others the student may not want to be at the meeting at all. In either scenario, the administrator should be prepared to discuss how this issue is affecting the student in school and the importance of family acceptance to a student's short- and long-term well-being. Additionally, where appropriate, the school counselor may participate in this meeting with the student's consent.

Guidance on Specific Issues:

- 1.) Privacy: The student's Gender Support Plan should address how to deal with disclosures that the student is transgender or gender nonconforming. 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 should take care to follow the student's Gender Support Plan and not to inadvertently disclose information that is intended to be kept private or that is protected from disclosure. The breadth of disclosure of the Gender Support Plan should be consistent with the student privacy concerns.

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 should only be made with appropriate authorization from the Administration and/or parents/guardians in a manner consistent with FERPA.

- 2.) 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 (not to include adoption) or gender in official records should be referred to the Superintendent

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 should use the name and gender identified in the student's Gender Support Plan.

- 3.) Names/Pronouns: A student who has been identified as transgender or gender nonconforming under this procedure should be addressed by school staff and other students by the name and pronouns corresponding to their gender identity that is consistently asserted in school.
- 4.) Restrooms: As a general rule, all students, including students who have been identified as transgender or gender nonconforming under this procedure, should be permitted to use the restrooms consistent with the gender which the student consistently asserts at school. Any student who expresses a need for additional 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.
- 5.) Locker Rooms: As a general rule, all students, including transgender or gender nonconforming students, will be permitted to use the locker room assigned to the gender which the student consistently asserts at school. No student will be required to use the locker room that conflicts with the gender identity consistently asserted in 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.
- 6.) Other Gender-Segregated Facilities or Activities: As a general rule, in any other facilities or activities when students may be separated by gender, all students, including transgender, and gender nonconforming students, may participate in accordance with the gender identity consistently asserted in school. Any unique considerations that need to be expanded regarding overnight field trips should be brought to the attention of the Administration. Interscholastic athletic activities should be addressed through the NHIAA participation policy, Article II, Section 21.
- 7.) If there are no facilities (restrooms, locker rooms, or other gender-segregated facilities) that align with the gender which the student consistently asserts at school (ie. in the case

of a student who is gender non-binary), recommendations of the student, parent(s)/guardian(s) and medical or mental health professionals should be obtained by the school and considered into the Plan developed for the student.

- 8.) All students, including transgender and gender nonconforming students, may dress in accordance with their consistently asserted gender identity, consistent with any applicable requirements in the dress code or school rules.
- 9.) Safety and Support for Transgender, Gender Nonconforming Students and Transitioning Students: School staff are expected to comply with any Plan developed for a transgender, gender nonconforming, and/or transitioning 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, gender nonconforming and transitioning students may be at a higher risk for being bullied or harassed or self harm to include suicidality, and should immediately notify the appropriate administrator upon becoming aware of any related concerns.

Staff Training and Informational Materials This area will be expanded as we implement this guidance and evaluate what more is needed.

- 1.) The Superintendent or designee (such as building principal) may institute in-service training and/or distribute educational materials about transgender and/or gender nonconforming matters to school staff as deemed appropriate.
- 2.) Teachers and other staff who have responsibilities for a transgender and/or gender nonconforming student with a Gender Support Plan will receive support in implementing the Plan.
- 3.) A template of the Gender Support Plan will be provided as the process is rolled out.
- 4.) A Gender Support Plan, if developed, should be filed in a file separate from the student's other educational records, and should be kept in a manner that protects the student's privacy with respect to their transgender or gender nonconforming status.