



Purpose

[Name of] school district is committed to providing a safe, supportive, and inclusive learning environment for all students, including transgender students, and to ensuring that every student has equal educational opportunities and equal access to the District's educational programs and activities.

New Jersey and federal law (N.J.S.A. 2C:16-1, N.J.S.A. 10:1 *et seq*, N.J.S.A.18A:37-13 through 17, and Title IX, 20 U.S.C. § 1681) require schools to treat transgender students equally and fairly. State and federal law require school districts to provide equal educational opportunities to all pupils, regardless of the student's actual or perceived gender identity or expression. This mandate includes access to all programs, activities, and facilities. New Jersey further provides that public schools have an affirmative obligation to combat bias. The New Jersey Law Against Discrimination Gender Identity and Expression amendments of 2007 (N.J.S.A. 10:1 *et seq*) specify that transgender students have a right to facilities that match their gender identities (e.g., transgender girls have a right to use girls' rooms, transgender boys have a right to use boys' rooms; N.J.S.A. 10:5-12(11)(f)(1)). Additionally, federal law under Title IX of the Education Amendments of 1972 (Title IX) generally prohibits discrimination on the basis of sex in federally funded programs and activities (20 U.S.C. §1681(a) (2006)).

This policy establishes the Board's expectations for addressing the needs of transgender students in compliance with applicable anti-discrimination laws. This policy does not anticipate every situation that might occur with respect to transgender students, and the needs of each student must be addressed on a case-by-case basis. The school shall customize support to optimize each student's equal access to the District's educational programs and activities. In all cases, the goal of the district, the school and school personnel shall be to ensure the safety, comfort, privacy, and healthy development of all students, including transgender students.

Definitions

These definitions are included here to assist the application of this policy, and to provide functional descriptors. When applying this policy to individual students' situations, school personnel should bear in mind that students may or may not use these terms to describe themselves.

Gender Assigned at Birth: The gender that someone was thought to be at birth, typically recorded on their original birth certificate. The gender someone was assigned at birth may or may match their gender identity.

Gender Identity: A person's internal, deeply held knowledge of their own gender, regardless of the gender they were assigned at birth. All people have a gender identity, not just transgender people.

Gender Expression: A person's gender-related appearance and behavior "whether or not stereotypically associated with the person's assigned sex at birth" (N.J.S.A. 10:5-5(5)(rr)). It is the manner in which a person represents or expresses their gender to others, such as through their behavior, clothing, hairstyles, activities, voice or mannerisms.

Transgender: Transgender is a term used by many people whose gender identity is different from what is typically associated with their assigned sex at birth. A **transgender boy** is a boy who was thought to be female when he was born. A **transgender girl** is a girl who was thought to be male when she was born. Some transgender people do not identify as either male or female. "Transgender" should be used as an adjective, not as a noun (e.g. "transgender person," not "a transgender"). "Trans" is sometimes used as shorthand for transgender. Some people may use other terms other than "transgender" to describe their gender identity, such as transboy or transgirl, non-binary, or Two-Spirit. The protections in this document apply to all people whose gender identity differs from the gender they were assigned at birth, regardless of the terms they use to describe themselves.

Sexual Orientation: A person's romantic or sexual attraction to people of another and/or the same gender (N.J.S.A. 10:1 et seq). Common terms used to describe sexual orientation include, but are not limited to, straight, lesbian, gay, bisexual, and asexual. Sexual orientation and gender identity are different: gender identity refers to one's internal knowledge of their gender, while sexual orientation refers to whom one is attracted to. Transgender students may be gay, lesbian, bisexual, straight, or asexual, or have any other sexual orientation.

LGBTQ: An acronym that stands for "lesbian, gay, bisexual, transgender, and questioning." The "Q" may also stand for "queer."

Gender Nonconforming: Not conforming to gender stereotypes. For example, someone's clothes, hairstyle, speech patterns, or hobbies might be considered more "feminine" or "masculine" than what's stereotypically associated with their gender, or others' perceptions of their gender. Not conforming to gender stereotypes does not necessarily mean that someone is transgender.

Non-binary or gender queer: Terms often used by people whose gender is not exclusively male or female, including those who identify with a gender other than male or female, with more than one gender, or with no gender at all. People whose gender is not male or female may use other terms to describe themselves, such as gender fluid, agender, bigender, or gender expansive.

Transition: Transitioning is a process during which a person begins to live according to their gender identity, rather than the gender they were thought to be at birth. Gender transition looks different for every person. Possible steps in a gender transition may or may not include changing one's clothing, appearance, and name, and in some cases, changing identification documents or undergoing medical treatments. The steps each person takes depends on their individual needs.

*The terminology and language used to describe transgender individuals may differ based on varied factors such as geographic location, race, ethnicity, age, country of origin, etc. and may

change over time. When discussing or interacting with a specific student, school personnel should employ the terminology the student uses to describe themselves.

Gender Identity Support Planning

School administrators may become aware of a student's transition or past transition in a number of ways: for example, a student, or in some cases, their parents, may inform school personnel that the student is transgender.

With student permission, a written support plan will be developed in collaboration with the student to address their needs. The collaborative transition planning process shall be conducted by a team that includes the student, as well as school personnel who are chosen by, or acceptable to, the student. The team may include, but is not required to include, one or more counselors, administrators, and/or teachers, and may also include other school personnel. The team may also include the student's parents or caregivers if the student requests or consents to their participation. This team will be known as the student's Support Planning Team.

The collaborative transition planning process should address the following basic topics and situations:

- The modifications or accommodations the student is seeking currently and, if applicable, the student's expectations or plans regarding future accommodations during the course of the student's transition (e.g., use of different name, pronouns and gender-separated facilities)
- Whether the student's family members know about the student's gender identity, transgender status, and/or intent to transition, and whether or not the student has any concerns related to the reactions of family members to this information.
- How to refer to the student when communicating with the student's parents/guardians or caregivers, both in writing and verbally.
- How to refer to the student when communicating with the student's siblings and other family members.
- What information to share with the student's teachers and other adults on campus, specifically including: the student's assigned sex at birth, the student's assigned gender at birth, the student's gender identity, and the student's transition status, plans, and expectations.
- What information to share with other students and, if information is to be shared, which information, how, and in what context.
- How to respond to questions from peers who know, notice, or perceive that the student is transgender and/or is transitioning.
- Services the school can provide to assist the student in addressing any safety concerns at home, and support the student in implementing their decisions regarding what and how to self-disclose to parents and other family members.

The result of this collaborative transition planning process shall be an individualized Student Support Plan. This Plan shall be communicated to school personnel as specified in the Plan itself. The Plan should be revised when requested by the student, or as needed to adapt to circumstances.

Understanding Students' Gender Identity

A school shall accept a student's asserted gender identity. There is no threshold medical or mental health diagnosis or treatment requirement that any student must meet in order to have their gender identity recognized and respected by the district, school, or school personnel. The Board recognizes that for many transgender students, medical intervention is not necessary or is not appropriate or available until a later age. Similarly, a student is not required to have obtained a court-ordered name or gender change or to provide other legal documentation in order to have their requested name and gender identity recognized and respected by the district, any school, or by school personnel.

If the school has a substantiated, credible, and non-discriminatory basis for believing that the student is not sincere in their assertion of their gender identity and is instead asserting it for an improper purpose, the school administrator may ask further questions to better understand the student's identity and needs and provide the student with a fair opportunity to present additional information. In the very rare case where school administrators continue to believe that the student is not sincere in their assertion of their gender identity, the administrator must provide the student a written letter detailing the reasons for this belief and the evidence they have to support that belief, and provide students with a further opportunity to respond to those concerns.

Substantiated, credible, and non-discriminatory bases for questioning a student's gender identity are rare. Such bases *cannot* include, for example: a school administrator's perception that the student does not conform to stereotypes associated with their gender identity; the fact that a student has not previously disclosed their transgender status or is not living according to their gender identity in all aspects of their life; lack of parental support; the fact that a student has not completed medical treatments or legal changes; or the fact that a student's gender identity is neither male nor female.

Prohibition of Discrimination

No person shall be subjected to discrimination on the basis of actual or perceived gender identity, gender expression, gender, or sexual orientation. (N.J.S.A. 10:1 et seq. 20 U.S.C. § 1681 (Title IX)).

Privacy

All persons, including students, have a right to privacy, including the right to decide when, with whom, and how much personal information one wants to share about oneself to others. In the case of transgender students, private information may include, but is not limited to, a student's gender identity, transgender status, gender assigned at birth, and name assigned at birth if the student is currently using a different name, as well as information about the student's transition status, including medical information.

Under the Family Education Rights Privacy Act (FERPA), only those school employees with a legitimate educational need should have access to a student's records or the information contained within those records. Disclosing confidential student information to other employees,

students, parents, or other third parties may violate privacy laws, including but not limited to, FERPA.

School personnel shall not disclose a student's transgender status to others, including, but not limited to, other students, parents, and/or other personnel, except (a) when legally required to do so by State or Federal law, or administrative regulations or policies, or (b) the student has authorized such disclosure, or (c) disclosure is deemed, by the Superintendent, Principal, or designated member of the student's Support Planning Team to be necessary to protect the transgender student's interests or safety, or (d) disclosure is in accordance with the student's Individualized Support Plan. The student's age shall be a factor to consider in making this determination.

In circumstances where disclosure is deemed to be necessary, before making any disclosure, school personnel should make reasonable efforts to inform the transgender student of the decision to disclose and provide the student with the opportunity and resources they may need to make the disclosure themselves. This includes providing the student with any support services that would help the student make the disclosure in a safe and supportive environment.

The Board recognizes that some transgender students have not disclosed their transgender status to their parents and may face rejection and other harms if that information is disclosed to their family. When applicable, school administrators should ask transgender students whether their family members or guardians are aware that the student is transgender, what involvement, if any, the parents or guardians should have in the student's Support Planning Team, and any concerns the student has related to disclosure to their family. In order to avoid inadvertent disclosure, school personnel should ask the students what name and gender pronouns should be used to refer to them when contacting their parents, as well as what other information should or should not be shared with their parents.

All students, including transgender students, have the right to openly discuss and express their gender identity or transgender status and to decide when, with whom, and how much to share that private information. In sharing this information, a student does not give up the right to privacy and at no time may a school or its employees use a student's self-disclosure as grounds for sharing information about the student's gender identity or transgender status without the student's express permission or under circumstances that are in accordance with the student's Individualized Support Plan.

Use of Names and Pronouns

The district, schools, and school personnel shall honor and fully comply with requests of a student or parent/legal guardian to have the student addressed by a name and pronoun different from those associated with the student's assigned sex at birth. Proof of a court-ordered name or gender change is not required. Districts and schools should also endeavor to proactively adapt student information systems to accommodate requested names and pronouns and prevent inadvertently revealing information that would violate the student's privacy.

Although inadvertent slips or honest mistakes in the use of names or pronouns may occur, staff or students intentionally and/or persistently refusing to respect a student's gender identity by using the wrong name and/or gender pronoun is discriminatory and is a violation of this policy, and may also be a violation of this Board's policies prohibiting discrimination (Policy 5750), and harassment, intimidation and bullying (Policy 5512).

School Records

_____ is required to maintain an official, permanent pupil record with name and gender marker that appear on government-issued ID or are reflected in a court order for name or gender change. This record shall be promptly modified upon receipt of an amended ID reflecting a different name or gender marker or of a court order for name or gender change.

Irrespective of the name and gender listed in student's permanent pupil file, on all other school-related records or documents, at the request of the student, schools shall use a transgender student's requested name, gender marker, and gender pronoun. This includes physical records and documents, diplomas and other certificates of advancement, electronic records and documents, attendance rosters, and school IDs.

In order to protect the student's privacy, and to prevent accidental disclosure of a student's transgender status, the school shall maintain the official, permanent pupil record in a secure, confidential location, separate from the student's other records, and available only to school personnel who have a legitimate educational reason to access that information or in accordance with the student's Support Plan. If the official record is maintained electronically, similar security measures should be implemented to protect student privacy. An individualized procedure to maintain privacy will be included in the student's Support Plan. Schools should also identify routine areas where a transgender student's privacy could be violated by the improper usage of the legal name and gender marker and take the steps necessary to prevent disclosure of their legal name or transgender status. These include but are not limited to pre-printed labels, standardized tests, student IDs or library cards, lunch tickets, school photos, notices from the main office, attendance slips, grade books, posted lists of student names, lesson plans, seating charts and roll sheets used by substitute teachers, and any other places where students' names are commonly written.

Transgender students who transition after having graduated may ask their previous schools to amend school records or a diploma or transcript that include the student's birth name and gender. When requested, schools shall amend the student's record, including reissuing a high school diploma or transcript, to reflect the student's current name and gender.

Accessing Restrooms and Other Facilities

Schools may maintain gender-separated restroom and changing facilities. Students shall have access to the facilities that are consistent to their gender identity (N.J.S.A. 10:5-12(11)(f)(I)). All transgender students, including students whose gender is neither male nor female, should be allowed to determine which facilities are most appropriate for them.

Any student who is uncomfortable using a shared gender-segregated facility, regardless of the reason, shall, upon the student's request, be provided with a safe and non-stigmatizing alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office (such as a single-user restroom), or a separate changing schedule. Students may choose to make use of available alternatives if they so choose, but no student, including transgender students, shall be required to accept such alternatives or be restricted in their access to shared facilities.

Schools shall designate facilities designed for use by one person at a time as accessible to all students regardless of gender. However, under no circumstances may a student be required to use separate or single-user facilities because they are transgender.

Participation in Athletics and Physical Education Classes

Transgender students shall be permitted to participate in physical education classes, intramural sports, and competitive athletic activities in a manner consistent with their gender identity.

For rules and procedures governing sports eligibility for transgender student-athletes, please review the NJSIAA Handbook, available at www.njsiaa.org.

Gender Separation in Other Areas

As a general rule, schools should evaluate all gender-based activities, rules, policies, and practices—including classroom activities, school ceremonies, and school photos—and maintain only those that serve an important educational purpose. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

Dress Codes

All students have the right to dress in accordance with their gender identity and gender expression. School dress code policies and guidelines shall not be enforced based on gender or gender stereotypes, and students shall not be disciplined for or restricted from wearing clothing that otherwise complies with the dress codes based on the gender with which that clothing is typically associated. School staff shall not enforce a school's dress code more strictly against transgender and gender nonconforming students than other students.

Harassment, Intimidation and Bullying Prohibited

The Board recognizes its duty to provide all students, including transgender students, with a safe and supportive learning environment that is free of discrimination, harassment, intimidation and bullying. All of this Board's policies, including the Board's Policy on Harassment, Intimidation and Bullying) and any policy or district or school rule prohibiting discrimination, apply to the treatment of transgender and gender nonconforming students.

Administrators, faculty and staff are required to intervene when they witness discrimination, harassment, or bullying of any student if they can do so safely.

Complaints alleging discrimination, harassment, intimidation or bullying based on a student's gender identity, gender expression, or gender nonconformity, are to be handled with the same seriousness as all other such complaints. Any complaint alleging discrimination or harassment based on a student's gender identity, gender expression, or gender nonconformity shall be given immediate attention; shall be fully and appropriately investigated in a timely manner; and shall be resolved through appropriate corrective action.