

5756 Transgender Students

The Board of Education is committed to provide a safe, supportive, and inclusive learning environment for all students, **including transgender, gender nonconforming, and/or gender expansive students**. In furthering this goal, the Board adopts this Policy to ensure all students, including transgender students, **gender nonconforming, and/or gender expansive students** have equal educational opportunities and equal access to the school district's educational programs and activities. The Board of Education, administration, and all school staff members will comply with Federal and State laws and regulations regarding transgender students, **gender nonconforming, and/or gender expansive students** and no student shall be subjected to discrimination on the basis of gender identity or expression (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).

This policy establishes the Board's expectations for addressing the needs of transgender, gender nonconforming, and gender expansive students in compliance with applicable anti-discrimination laws. This policy does not anticipate every situation that might occur with respect to transgender, gender nonconforming and gender expansive 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, gender nonconforming, and/or gender expansive students.

For the purposes of this Policy:

1. "Gender expression" refers to 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 way a student represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
2. "Gender identity" means a student's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth.
3. "Gender identity or expression" also means having or being perceived as having a gender-related identity or expression



- whether or not stereotypically associated with a person's assigned sex at birth.
4. **"Gender nonconforming" refers to displaying gender traits that are not consistent with stereotypical characteristics associated with one's sex assigned at birth, one's gender assigned at birth, or others' perceptions of that sex or gender. This term can be used to describe people whose gender expression differs from stereotypical expectations about how boys and girls are "supposed to" look or act. It does not necessarily mean that a student is transgender.**
 5. **"Transgender" is a description, not an identity and therefore should be used as an adjective not a noun.** It describes students whose gender identity is different from their gender assigned at birth.
 6. **"Sex Assigned at Birth" refers to the sex designation recorded on an individual's birth certificate upon the initial issuance of that certificate, should such a record be provided at birth.**
 7. **"Transboy" refers to a student with a sex assigned at birth of female identifying as male.**
 8. **"Transgirl" refers to a student with a sex assigned at birth as male identifying as female.**
 9. **"Sexual Orientation" refers to 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 heterosexual, lesbian, gay, and bisexual. Sexual orientation and gender identity are different. Transgender students may identify as heterosexual, gay, lesbian, or bisexual.**
 10. **"LGBTQ" refers to an acronym that stands for "lesbian, gay, bisexual, transgender, and questioning." The "Q" may also stand for "queer," a term that is historically derogatory, but which is generally considered a positive term by LGBTQ youth.**
 11. **"Gender Expansive", "Gender Diverse", "Gender fluid", "Gender Nonbinary", "Gender queer" refer to terms that convey a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. These terms may be used by those who identify with**



neither, both, or a combination of genders. For example, students who identify as gender queer or gender fluid might not identify as boys or girls; for these students, the nonbinary gender identity functions as their gender identity.

12. "Transition" or "Gender Confirming Transition" refers to the process and experience in which a transgender person recognizes that their authentic gender identity is not the same as the gender they were assigned at birth, and develops a more affirming gender expression. Transition is a complex personal process that is different for each individual, may or may not involve social, legal, physical, and/or medical changes, and may take place rapidly or over a number of years.

*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.

Determining Gender Identity

The Board of Education believes the responsibility for determining a student's gender identity rests with the student; or, in the case of young students not yet able to advocate for themselves, with the parent. Therefore, the Board will accept a student's assertion of his or her gender identity when there is consistent and uniform assertion of the gender identity, or any other evidence that the gender identity is sincerely held as a part of the student's core identity. The Board of Education will not question or disregard the assertion of a student's gender identity. However, the Board authorizes the Superintendent or designee to question a student's asserted gender identity when there is a credible basis for believing the student's gender identity is being asserted for some improper purpose. In the event that this situation occurs, the Superintendent/designee shall provide the student an opportunity to present documentation or other information demonstrating the sincerity of his/her 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, the experience of gender transition involves no medical intervention and that many transgender youth will transition through a process



referred to as “social transition,” whereby they develop a gender expression that affirms their gender identity.

Similarly, a student is not required to have obtained a court-ordered name or gender change, or to provide other legal documentation of a sex or gender other than that assigned at birth, in order to have their requested name and gender identity recognized and respected by the district, any school, or by school personnel.

~~Related to the previous sentence, confirmation of a student's asserted gender identity must include a letter from a parent to the Superintendent of Schools indicating the student is gender non-conforming.~~ In the event ~~the~~ a parent does not consent to ~~the~~ a student's gender identity (student of minor age), the Superintendent or designee will meet with the parent and the student to determine how the student's gender identity shall be addressed by the school district.

Gender Identity Support Planning

The Board recognizes that some transgender students have not disclosed their transgender status to their parents. The Board further recognizes that gender transition is a process that may proceed in stages over a period of time. The Board respects the privacy of the family, encourages educators and administrators to support healthy communication within the family, and discourages educators and administrators from putting students at risk by interfering in the private communications that occur within a family.

Upon student and/or parent request, and with student permission, a support plan may be developed in collaboration between the student, parent, and school. This collaborative planning process, if applicable, will include the student, the principal/designee, the school counselor, and other school personnel with whom the student is comfortable. If the parent of the student is aware of the student's transgender status, the parent may participate in the planning with student permission. The support plan may include, but not necessarily be limited to, the following:

- Accommodations regarding the use of restroom facilities, as well as use of name and preferred pronouns;



- Whether the student's family is aware of the student's transgender status, and whether or not the student has concerns related to familial reactions;
- What information to share with faculty and staff with respect to 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 adults or peers who know, notice, or perceive that the student is transgender and/or is transitioning;
- How 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.

Privacy

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 team to be necessary to protect the transgender student's interests or safety, or (d) disclosure is in accordance with the student's 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, and in cases in which standard school procedures might result in disclosure (including, for example, when a student must obtain parental permission or consent to participate in any school activity or athletics), 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. Generally, when contacting the parent or guardian of a transgender student, personnel should use the student's legal name and gender pronouns that corresponds to their legal sex, unless the student, parent, or guardian has specified otherwise.

Use of Names and Pronouns

The district, schools, and school personnel shall honor requests of 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 to prevent inadvertently revealing information that would violate the student's privacy. Although inadvertent use of the transgender student's name or pronoun may occur, staff or students intentionally 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

At the request of the adult student, or in the case of a minor student with the consent of the student's parent/legal guardian, schools shall use a transgender student's requested name, gender marker, and gender pronoun on physical records and documents, diplomas and other certificates of advancement (this is not inclusive of student transcripts), electronic records and documents, and school IDs. Efforts shall be made to update student records with the student's preferred name and gender marker, and not to circulate records with the student's assigned birth name or gender marker, when possible.

When a student or parent/legal guardian presents the school with documentation of a court-ordered legal name and/or gender change, or provides other official documentation of a sex or gender other than that assigned at birth, the district will



modify its official records to reflect the student's new legal name and gender, from the date of the legal change.

In the event that a transitioning student of minor age is unable to obtain consent from a parent or guardian to change school student records, or provide legal documentation of a gender other than that designated in the student's school record, a school administrator and/or school counselor shall meet with the student to discuss how the student would like to be addressed at school and implement a plan to ensure that the student's privacy is protected.

Transgender students who transition after having graduated may request their previous schools to amend specific school records such as 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.

Restroom Accessibility

Transgender students shall have access to the restroom that corresponds to their gender identity (N.J.S.A. 10:5-12(11)(f)(l)). Where available, a single stall, "gender neutral" or "gender inclusive" restroom (such as in the health office) may be used by any transgender student who desires increased privacy, regardless of the underlying reason. The use of such a "gender neutral" restroom shall be a matter of choice for a transgender student and no student shall be compelled to use such a restroom.

The availability of "gender neutral" restrooms does not override a school's legal obligation to permit transgender students to use restrooms and locker rooms consistent with their gender identity under the same conditions as other students.

Locker Room Accessibility

Transgender students shall have access to the locker room facility that corresponds to their gender identity. If transgender students have a need or desire for increased privacy, regardless of the underlying reason, they may be provided access to a reasonable alternative changing area or locker room such as:



- Use of a private area in the public area of the locker room facility (i.e., a nearby restroom stall with a door, an area separated by a curtain, or a P.E. instructor's office in the locker room).
- A separate changing schedule (either utilizing the locker room before or after other students).
- Use of a nearby private area (i.e., a nearby restroom or a health office restroom).

Use of such alternative changing space shall be a matter of choice for a transgender student and no transgender student shall be compelled to use such an alternative. Any such alternative arrangement shall be provided in a way that protects the student's ability to keep their transgender status confidential.

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 interscholastic sports eligibility for transgender student-athletes, the district shall maintain compliance with the New Jersey State Interscholastic Athletic Association (NJSIAA) governing body.

Nothing in this policy shall be construed to excuse any student from following necessary or customary protocols for obtaining parental consent for athletic participation, including permission slips, consent forms and waivers. School personnel will adhere to this policy, when advising transgender students about the process for obtaining such parental consent.

Gender Separation in Other Areas

As a general rule, in any other circumstances in which students are separated by gender in school activities (e.g., overnight field trips), students shall be permitted to participate in accordance with their gender identity.

The Board recognizes school-related issues regarding transgender students will vary on a case-by-case basis. Therefore, the Superintendent of Schools or designee will meet with the parent and student to discuss school-related issues such as the name and pronoun to be used by district staff in referring to the student, the gender identification to be used on the student's records, district staff



~~members that should be informed of the student's access and use of restrooms, locker rooms, changing facilities, physical education classes, intramural programs, interscholastic athletic programs, and other gender issues affecting the transgender student and his/her attendance at school and participation in school programs. The school district will take reasonable measures to accommodate the needs of transgender students in accordance with Federal and State laws and regulations.~~

In the event a student no longer identifies with a previously asserted gender other than their gender at birth, a parent of the student **(if the student is of minor age status)** must submit a letter to the Superintendent of Schools indicating the student is no longer gender nonconforming. The Superintendent or designee will meet with the parent and the student to discuss the transition of the student from gender nonconforming to gender conforming. In the event the parent does not consent to the student's assertion the student is no longer gender nonconforming, the Superintendent or designee will meet with the parent and the student to determine how the student's gender identity should be addressed by the school district.

~~The school district and school staff members will ensure the privacy of any student's transgender status and will not disclose or acknowledge a student's transgender status unless required to in accordance with any Federal law, State statute, administrative code, or if the parent and student have authorized such disclosure.~~

N.J.S.A. 10:5-1 et seq.

Title IX, 20 U.S.C. Section 1681

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